SEN. HISE: Recognize Representative Lewis for an announcement.

REP. LEWIS: Ladies and gentlemen, good morning. It is my intent at this time to announce that the Democrats have requested, and have been granted, an opportunity to caucus in Room 423 of this building. So any Democrats that are in the room, the Democrats are going to caucus in Room 423. There will be a joint Republican caucus, House and Senate, in Room 415 immediately upon the recess. The recess will take place at the conclusion of my announcement and will be in effect until 10:35.

So with that, Mr. Chairman, may I be recognized for a motion?

SEN. HISE: You are so recognized.

REP. LEWIS: Mr. Chairman, for the purpose of caucusing, I move that this Committee stand in recess until 10:35 a.m.

SEN. HISE: The motion is that the Committee stand in recess until 10:35 a.m. Is there any objection?

REP. LEWIS: Mr. Chairman, if I could speak briefly?

SEN. HISE: Go ahead.
REP. LEWIS: I believe I did a poor job of trying to announce that the Democrats are going to caucus in Room 423, and the Republicans are going to caucus in Room 415.

SEN. SMITH-INGRAM: Point of clarification. During the recess, are we going to have the information on the criteria?

REP. LEWIS: Thank you for that question, Senator. A copy of the criterion the Chair is intending to present was given to the Democratic Leader of the House, and it's my belief he does intend to share that at this caucus.

SEN. HISE: Any objection? Hearing none, the Committee will stand in recess 'til 35.

(Proceedings went off the record.)

SEN. HISE: The committee will come to order. Thank you, members of the committee, members of the public. If you'd please come to order again. I will begin by announcing our Sergeant at Arms for today's meeting. If you could please identify yourself?

In the House we have Reggie Sills, Malachi McCullough, Jim Morgan and Young Bae. In the Senate we have Terry Barnhardt, Jim Hamilton, Frances Patterson, Hal Roach. And I will announce
for everyone, as well, our court reporter that is with us today, Robbie Worley. Thank you for being here today, and for your work on this Committee meeting.

Having gone through the requested caucuses this morning, and others, I will go ahead and open up. I think he's going to need just a second. Recognize Representative Lewis.

REP. LEWIS: Thank you, Mr. Chairman.

Good morning, ladies and gentlemen. I'm David Lewis, the Senior Redistricting Chairman for the House. At last week's meeting, I distributed to the Committee and to the public what I believe were the ideal county groupings. The maps were titled "County Groupings for 2017 Senate Plan" and "County Groupings for 2017 House Plans." As I mentioned then, it is our intent to use these county groupings. If there is anyone who knows of a different county grouping formula that is more optimal, I'm asking them to submit that map to the Committee as soon as possible. As of now, no map with more optimal groupings has been submitted.

The purpose of today's meeting is for the Committee to adopt criteria by which the maps will be drawn. After review of the public comment, the
online public input database, the committee meeting last week, and the proposed criterion submitted in writing by Senators Smith-Ingram, Blue and Clark, Chairman Hise, Chairman Dollar and I submit the following criteria for adoption.

Mr. Chairman, with your permission, I would like for the criteria labeled "Equal Population" to be distributed to the Committee and displayed for the public on the overhead screens.

(Pause.)

Mr. Chairman, I believe members have copies, and it's displayed on the screen. May I proceed?

SEN. HISE: You may.

REP. LEWIS: Thank you, Mr. Chairman. Mr. Chairman, the first criterion that I propose that the Committee adopt is titled "Equal Population." The Committee shall use the 2010 Federal Decennial Census Data as the sole basis of population for drawing legislative districts in the 2017 House and Senate plans. The number of persons in each legislative district shall comply with a plus or minus five percent population deviation standard established by Stephenson versus Bartlett.

That is the criterion. And to speak on it, this
The Chair has proposed that we use the
2010 Census data in drawing the
legislative district this time because that is the
standard that is required by law. We will also
comply with a plus or minus five percent population
development standard established by Stephenson I.
Mr. Chairman, this is my proposal for this
criterion. I'd be happy to answer any questions at
your direction.

SEN. HISE: Representatives, just for
notation for members of the Committee, I thought it
was important to realize that even those these may
be numbered or referred to as the first criterion,
this is a nominal designation and does not
necessarily list ordinal or order of importance of
the criteria listing. Any questions or comments
regarding the first proposed criterion?
Representative Dollar, yes?
REP. DOLLAR: Mr. Chairman, for a motion
to adopt the criterion by the Committee.

UNIDENTIFIED MEMBER: Mr. Chair,
division?
SEN. HISE: It is the intent of the Chair to call for a roll-call vote for all votes.

UNIDENTIFIED MEMBER: Thank you.

SEN. HISE: Thank you. So, Representative Dollar, and to make that a joint, I will say the Chairmen of the Committee have moved for adoption of the first criterion. We will begin with the House of Representatives, if there is no objection at this point, and allow the Clerk to call the roll. If you're in favor of the adoption, please signify by saying aye. If you're opposed to the adoption, please signify by saying no. Are we not ready?

CLERK: Yeah. Representative Bell?

Representative Jackson?

REP. JACKSON: Nay. I'm sorry, aye. Aye. Warming up.

CLERK: Okay. Jackson, aye.

Representative Stevens?

REP. STEVENS: Aye.

CLERK: Stevens, aye. Representative Szoka?

REP. SZOKA: Aye.

CLERK: Representative Szoka, aye.

Representative Brawley?
REP. BRAWLEY: Brawley, aye.

CLERK: Representative Brawley, aye.

Representative Brockman?

REP. BROCKMAN: Aye.

CLERK: Representative Brockman, aye.

Representative Burr?

REP. BURR: Aye.

CLERK: Representative Burr, aye.

Representative Davis? Representative Dixon?

REP. DIXON: Aye.

CLERK: Representative Dixon, aye.

Representative Dobson?

REP. DOBSON: Aye.

CLERK: Representative Dobson, aye.

Representative Dulin?

REP. DULIN: Aye.

CLERK: Representative Dulin, aye.

Representative Farmer-Butterfield?

REP. FARMER-BUTTERFIELD: Aye.

CLERK: Representative Farmer-Butterfield, aye.

Representative Floyd?


CLERK: Representative Garrison, aye.
Representative Gill?

REP. GILL: Aye.

CLERK: Representative Gill, aye.

Representative Grange?

REP. GRANGE: Aye.

CLERK: Representative Grange, aye.

Representative Hall? Representative Hall?

Representative Hanes?

REP. HANES: Aye.

CLERK: Representative Hanes, aye.

Representative Hardister?

REP. HARDISTER: Aye.

CLERK: Representative Hardister, aye.

Representative Harrison?

REP. HARRISON: Aye.

CLERK: Representative Harrison, aye.

Representative Hastings?

REP. HASTINGS: Aye.

CLERK: Representative Hastings, aye.

Representative Howard?

REP. HOWARD: Aye.

CLERK: Representative Howard, aye.

Representative Hunter?

REP. HUNTER: Aye.

CLERK: Representative Hunter, aye.
Representative Hurley?

REP. HURLEY: Aye.

CLERK: Representative Hurley, aye.

Representative Johnson?

REP. JOHNSON: Aye.

CLERK: Representative Johnson, aye.

Representative Jones?  Representative Jones?

Representative Jordan?

REP. JORDAN: Aye.

CLERK: Representative Jordan, aye.

Representative Malone?

REP. MALONE: Aye.

CLERK: Representative Malone, aye.

Representative Michaux?

REP. M CHAUX: Aye.

CLERK: Representative Michaux, aye.

Representative Moore?

REP. MOORE: Aye.

CLERK: Representative Moore, aye.

Representative Pierce?

REP. PIERCE: Aye.

CLERK: Representative Pierce, aye.

Representative Reives?

REP. REIVES: Aye.

CLERK: Representative Reives, aye.
Representative Willingham?

REP. WILLINGHAM: Aye.

CLERK: Representative Willingham, aye.

Representative Speciale?

REP. SPECIALE: Aye.

CLERK: Representative Speciale, aye.

Representative Rogers?

REP. ROGERS: Aye.

CLERK: Representative Rogers, aye.

Representative Saine?

REP. SAINÉ: Aye.

CLERK: Representative Saine, aye.

Representative Wray?

REP. WRAY: Aye.

CLERK: Representative Wray, aye.

Representative Yarborough?

REP. YARBOROUGH: Aye.

CLERK: Representative Yarborough, aye.

Representative Torbett?

REP. TORBETT: Aye.

CLERK: Representative Torbett, aye.

Representative Hall?

REP. HALL: Aye.

CLERK: Representative Hall, aye.

Representative Bell?
REP. BELL: Aye.

CLERK: Representative Bell, aye. Oh, Representative Lewis?

REP. LEWIS: Aye.

CLERK: Representative Lewis, aye.

Representative Dollar?

REP. DOLLAR: Aye.

CLERK: Representative Dollar, aye. I think that's it.

SEN. HISE: Are there any members of the Committee that are members of the House that were not recorded in the process? Hearing none before we get into roll call of the Senate.

CLERK: Senator Bishop?

SEN. BISHOP: Aye.

CLERK: Senator Bishop, aye. Senator Blue? Senator Blue? Senator Clark?

SEN. CLARK: Aye.

CLERK: Senator Clark, aye. Senator Daniel?

SEN. HARRINGTON: Aye.

CLERK: Senator Harrington, aye. Senator Jackson?

SEN. JACKSON: Aye.

CLERK: Senator Jackson, aye. Senator
Lee? Senator Lee, aye. Senator Lowe?

SEN. LOWE: Aye.

CLERK: Senator Lowe, aye. Senator Newton?

SEN. NEUTON: Aye.

CLERK: Senator Newton, aye. Senator Rabon? Senator Smith-Ingram?

SEN. SMITH-INGRAM: Aye.

CLERK: Senator Smith-Ingram, aye.

Senator Van Duyn?

SEN. VAN DUYN: Aye.

CLERK: Senator Van Duyn, aye. Senator Wade?

SEN. WADE: Aye.

CLERK: Senator Wade, aye. Senator Hise?

SEN. HISE: Aye.

CLERK: Senator Hise, aye. Senator Brown?

SEN. BROWN: Aye.

CLERK: Senator Brown, aye.

SEN. HISE: Any members of the Senate who were not recorded in the roll-call vote? Hearing none. By a vote of 38 to 0 in the House, 12 to 0 in the Senate, the first criterion is adopted by the Committee. Representative Lewis, you're
recognized to present the second criterion.

REP. LEWIS: Thank you, Mr. Chairman. If the Sergeant at Arms would distribute to the members of the Committee the criterion labeled "Contiguity." And I will display for the public on the screens this criterion. What I'll do is when they're doing the vote count, I'll pass out the next one. Okay?

Mr. Chairman, I believe members have copies. If I may be recognized to proceed?

SEN. HISE: You're recognized.

REP. LEWIS: Thank you, Mr. Chairman. Mr. Chairman, this criterion simply reads "Contiguity." Legislative districts shall be comprised of contiguous territory and contiguity by water is sufficient. This is another criterion that is similar to what was submitted to the Committees by Senator Clark and Senator Smith-Ingram. Legislative districts are required to be composed of contiguous territory, and this criterion would simply adhere to the legal requirements. Be glad to answer any questions.

SEN. HISE: Senator Clark?

SEN. CLARK: Thank you, Mr. Chairman.
Senator Clark. It does somewhat look like the criterion that Senator Smith-Ingram and I recommended. However, I do not believe it is complete enough. And it is my preference that the Chair would accept an amendment to use the complete contiguity definition as submitted to us -- as submitted by us to the Committee previously.

REP. LEWIS: Senator, with your indulgence and permission, we will ask staff to prepare an amendment that would accomplish those goals. I will ask the Chair to displace this until that can be done, and we'll move on to the -- to the next one. Would that be okay, sir?

SEN. CLARK: Thank you, sir.

SEN. HISE: Sergeant at Arms will begin to pass out the third criterion, if that's okay? Representative Lewis, you are recognized to present the Criterion Number 3.

REP. LEWIS: Thank you, Mr. Chairman. I believe members are getting copies. I'll be happy to hold if I need to. This criterion is entitled "County Groupings and Traversals." It reads, the Committee shall draw legislative districts within county groupings as required by Stephenson versus Bartlett. Within county groupings, county lines...
shall not be traversed except as authorized by Stephenson I, Stephenson II, Dickson I and Dickson II. And if I may speak on the criterion, Mr. Chairman?

SEN. HISE: So recognized.

REP. LEWIS: Thank you, Mr. Chairman. Mr. Chairman, this is another element of the criterion that was contained in Senator Smith-Ingram and Senator Clark's proposed criterion. Though the words may be different, I think the practical effect is the same. The rules for the county groupings and traversals were first established in -- were first established in Stephenson I and have been affirmed in later cases.

Last week, we released the county grouping plans that, I believe, are optimal for complying with Stephenson. I explained how they were constructed. We have not received any alternative county grouping plans. As I spoke to in my opening comments, it is our intent to use the maps of county -- of optimal county groupings that were passed out last week. And with that, Mr. Chairman, I'll be happy to yield to any questions.

SEN. HISE: Any questions or comments regarding the grouping, regarding this criterion?
SEN. SMITH-INGRAM:  Mr. Chair?

SEN. HISE:  Senator Smith-Ingram

SEN. SMITH-INGRAM:  Thank you, Mr. Chair.

I'd like clarification on what the requirements of Stephenson and Dickson are when they authorize traversing county lines, since that's not really clear from the criterion on its face.

REP. LEWIS:  Thank you for that question, Senator. And, you know, it's probably evident to you and everyone in this room that I'm not an attorney, but I will do my best to explain it. It is my understanding that the traversal rule means that if you are drawing districts in a multiple-group county and you essentially draw a district into a county, that you can't draw back out of the county and go back in. Sort of, weave back and forth. That's not a legal term, but I'm trying my best to answer your question.

SEN. HISE:  Follow up?

SEN. SMITH-INGRAM:  Thank you, Representative Lewis, because I'm not an attorney either. So thank you.

SEN. HISE:  Any other questions or comments regarding this criterion? Okay. Hearing none. Representative Dollar?
REP. DOLLAR: Motion for adoption.

SEN. HISE: Again, the Chairman moves for the adoption of Criterion Number 3 for consideration by the Committee. Seeing no other questions or comments, I will begin with the Senate this time and ask for the Clerk to call the roll.

CLERK: Senator Bishop?

SEN. BISHOP: Aye.

CLERK: Senator Bishop, aye. Senator Blue?

SEN. BLUE: Aye.

CLERK: Senator Brown, aye. Senator Clark?

SEN. CLARK: Aye.

CLERK: Senator Clark, aye. Senator Daniel?

SEN. DANIEL: Aye.

CLERK: Senator Harrington, aye. Senator Jackson?

SEN. JACKSON: Aye.

CLERK: Senator Jackson, aye. Senator Lee?

SEN. LEE: Aye.

CLERK: Senator Lee, aye. Senator Lowe?
CLERK: Senator Lowe, aye. Senator Newton?

SEN. NEWTON: Senator Newton, aye.

Senator Rabon? Senator Smith-Ingram?

SEN. SMITH-INGRAM: Aye.

CLERK: Senator Smith-Ingram, aye.

Senator Van Duyn?

SEN. VAN DUYN: Aye.

CLERK: Senator Van Duyn, aye. Senator Wade?

SEN. WADE: Aye.

CLERK: Senator Wade, aye. Senator Hise?

SEN. HISE: Aye.

CLERK: Senator Hise, aye.

SEN. HISE: Members, I do think it is different to what we have. The Sergeant at Arms are passing out the next criterion during this process. If the House Clerk will call the roll.

CLERK: Representative Jackson?

REP. JACKSON: Aye.

CLERK: Representative Jackson, aye.

Representative Szoka?

REP. SZOKA: Aye.

CLERK: Representative Szoka, aye.

Representative Bell?
REP. BELL: Aye.

CLERK: Representative Bell, aye.

Representative Stevens?

REP. STEVENS: Aye.

CLERK: Representative Stevens, aye.

Representative Brawley?

REP. BRAWLEY: Aye.

CLERK: Representative Brawley, aye.

Representative Brockman?

REP. BROCKMAN: Aye.

CLERK: Representative Brockman, aye.

Representative Burr?

REP. BURR: Aye.

CLERK: Representative Burr, aye.

Representative Davis?

REP. DIXON: Aye.

CLERK: Representative Dixon, aye.

Representative Dobson?

REP. DOBSON: Aye.

CLERK: Representative Dobson, aye.

Representative Dulin?

REP. DULIN: Aye.

CLERK: Representative Dulin, aye.

Representative Farmer-Butterfield?
REP. FARMER-BUTTERFIELD: Aye.

CLERK: Representative Farmer-Butterfield, aye. Representative Floyd?

Representative Floyd? Representative Garrison?

REP. GARRISON: Aye.

CLERK: Representative Garrison, aye. Representative Gill?

REP. GILL: Aye.

CLERK: Representative Gill, aye. Representative Grange?

REP. GRANGE: Aye.

CLERK: Representative Grange, aye. Representative Hall?

REP. HALL: Aye.

CLERK: Representative Hall, aye. Representative Hanes?

REP. HANES: Aye.

CLERK: Representative Hanes, aye. Representative Hardister?

REP. HARDISTER: Aye.

CLERK: Representative Hardister, aye. Representative Harrison?

REP. HARRISON: Aye.

CLERK: I'm sorry. Could you repeat that?
REP. HARRISON: Aye.

CLERK: Representative Harrison, aye.

Representative Hastings?

REP. HASTINGS: Aye.

CLERK: Representative Hastings, aye.

Representative Howard?

REP. HOWARD: Aye.

CLERK: Representative Howard, aye.

Representative Hunter?

REP. HUNTER: Aye.

CLERK: Representative Hunter, aye.

Representative Hurley?

REP. HURLEY: Aye.

CLERK: Representative Hurley, aye.

Representative Johnson?

REP. JOHNSON: Aye.

CLERK: Representative Johnson, aye.

Representative Jones? Representative Jones?

Representative Jordan?

REP. JORDAN: Aye.

CLERK: Representative Jordan, aye.

Representative Malone?

REP. MALONE: Aye.

CLERK: Representative Malone, aye.

Representative Michaux?
REP. MICHAUX: Aye.

CLERK: Representative Michaux, aye.

Representative Moore?

REP. MOORE: Aye.

CLERK: Representative Moore, aye.

Representative Pierce?

REP. PIERCE: Aye.

CLERK: Representative Pierce, aye.

Representative Reives?

REP. REIVES: Aye.

CLERK: Representative Reives, aye.

Representative Willingham?

REP. WILLINGHAM: Aye.

CLERK: Representative Willingham, aye.

Representative Speciale?

REP. SPECIALE: Aye.

CLERK: Representative Speciale, aye.

Representative Marsh -- Rogers?

REP. ROGERS: Aye.

CLERK: Representative Rogers, aye.

Representative Saine?

REP. SAINÉ: Aye.

CLERK: Representative Saine, aye.

Representative Torbett?

REP. TORBETT: Aye.
Representative Torbett, aye.

Representative Wray?

REP. WRAY: Aye.

CLERK: Representative Wray, aye.

Representative Yarborough?

REP. YARBOROUGH: Aye.

CLERK: Representative Yarborough, aye.

Representative Lewis?

REP. LEWIS: Aye.

CLERK: Representative Lewis, aye.

Representative Dollar?

REP. DOLLAR: Aye.

CLERK: Representative Dollar, aye.

SEN. HISE: How many? By a vote in the Senate of 12 to 0 and the House of 38 to 0, the third presented criterion is adopted by the Committee.

Members, you should have in front of you now the fourth presented criterion for the Senate, entitled "Compactness." Representative Lewis, you're recognized to explain.

REP. LEWIS: Thank you, Mr. Chairman.

Mr. Chairman, this criterion reads, "Compactness." The Committee shall make reasonable efforts to draw legislative districts in 2017 House and Senate
plans to improve the compactness of the current districts. In doing so, the committees may use a guide. The minimum Reock dispersion or Polsby-Popper perimeter scores identified by Richard H. Pildes and Richard G. Niemi in the article entitled "Expressive Harms, 'Bizarre Districts,' and Voting Rights: Evaluating Election-District Appearances After Shaw v. Reno." And to speak to that, Mr. Chairman --

SEN. HISE: You are so recognized.

REP. LEWIS: -- this criterion is also very similar to that as submitted by Senator Clark and Senator Smith-Ingram. The key difference is that the Chairs are recommending to the Committees that the Committees may use as a guide a minimum Reock and Polsby-Popper score for drawing the legislative district that appears in a law review article referenced before in my remarks.

The reason we are recommending these methods as scores as a guide is because they have been cited as relevant to judging compactness of districts. I would also point out that these were some of the criteria that have been submitted via the online portal. They were some of the criteria that were referenced in the hearings last week.
And they also are part of the criteria that outside groups have submitted to this Committee to be considered. Be happy to answer any questions.

SEN. HISE: Representative Jackson?

REP. JACKSON: Thank you, Mr. Chairman. Chairman Lewis, my understanding is that the Maptitude software will calculate about eight different types of compactness; is that correct?

REP. LEWIS: I don't know.

REP. JACKSON: Mr. Chairman, is there anybody on staff that can answer that question for me?

SEN. HISE: Do you know how many it can calculate? It appears we're going to have to get that response for you.

REP. LEWIS: Mr. Chairman, while we're getting that, may I speak to why I think the gentleman is --

SEN. HISE: Sure.

REP. LEWIS: -- asking me.

SEN. HISE: You may respond to the question.

REP. LEWIS: Representative, the reason that these two were picked is that these are the two that the Courts have -- have referred to.
Obviously, members of the Committee would be able to use any other criterion or any other compactness gauge that they saw fit in doing their own personal evaluations. But to the best of our knowledge, these are the two that the Courts have referred to.

SEN. HISE: Representative Jackson, for a follow up?

REP. JACKSON: Thank you, Mr. Chairman. So just to follow up on that, so we would not be precluded from using the other scores available in Maptitude?

REP. LEWIS: You would not; no, sir.

SEN. HISE: Any other questions, comments? Senator Clark?

SEN. CLARK: Mr. Chair, is it possible for you to give us the Reader's Digest version of what these -- what these actually do?

REP. LEWIS: Thank you for the question, Senator. I will certainly -- I will certainly try. The perimeter compactness is commonly associated with the Polsby-Popper score. This is the area of the district compared to the area of a circle within the same perimeter of the district. Again, there's a scale established of 1.0 to 0.0. And districts that are drawn with borders that wander
in irregular ways will produce a lower compactness score when compared with a circle of the same perimeter.

The other test, the Reock, is a measure of the ratio of the district area to area. In other words, the area inside of the district itself. Also, using a circumscribing circle. I realize that is perhaps not as clear as I would like to be. I would just reiterate that these are two compactness tests that the courts have used. They are two of the ones that you have mentioned in the past. They are two of the ones that several of the independent groups that have contacted our office have encouraged us to use. And, therefore, we would recommend -- or I recommend to the Committee that we attempt to use them in drawing our districts.

SEN. HISE: Representative Michaux?

REP. MCHAUX: Yeah, Mr. Lewis, I have a semantic problem with this. It says the Committee shall make reasonable efforts to draw. And then you say in doing so the Committee may use as a guide. And my information is that there are at least eight other guides out there that can be used. And I guess my question borders on the same
thing Representative Jackson asked. Why would you limit yourself if you’re going to make it may, and if you’ve got at least six other reasonable guidelines that you can use? In spite of the fact that it may have -- that others may have mentioned it.

REP. LEWIS: Thank you for the question, Representative. My response is simply these are the two best-known, if you will, measures of compactness. And to my understanding, these are the two that the courts have referred to. I think these are the two that are best understood. And again, this would not preclude you as a member or anyone else who chose to use other grades of compactness. We’re just trying to signal, to be candid with you, that we want to try to draw more compact seats. And there has to be some measure of that. These may not be the ideal two, but these are the two that, I think, are best known. And again, these are the two that the courts have referenced.

REP. M CHAUX: May I follow up, Mr. Chair?

SEN. HISE: Follow up.

REP. M CHAUX: Well, in the final
analysis, will your maps, or whatever you draw, make reference to which one of these -- or which -- any of those criteria were used be -- be specifically pointed out when you do it?

REP. LEWIS: Yes, sir.

SEN. HISE: Representative Dollar?

REP. DOLLAR: For a motion --

SEN. HISE: Hold on just a minute.

Representative Moore would like to speak.

REP. DOLLAR: Well, then let me ask a question, because -- Chairman Lewis, isn't it the case that this is the most precise guidelines that the -- to your knowledge, that the General Assembly's ever adopted with respect to compactness?

REP. LEWIS: Thank you for the question, and the answer is yes.

REP. DOLLAR: Thank you.

SEN. HISE: Representative Moore.

REP. MOORE: Thank you, Mr. Chair.

Representative Lewis, a quick -- something that came to mind. Are these two methods that you're talking about -- were they used in the map-drawing process in 2011? Or was there another -- there was a -- there was another methodology used other than
these two that you're referencing now?

REP. LEWIS: Thank you for the question, Representative. To the -- to the best of my knowledge, they were not used in 2011. To be completely transparent and to express my total understanding of this, I was not even aware that these tests were there in 2011. But I am now.

SEN. HISE: Any other questions or comments? None. Representative Dollar is recognized for a motion.

REP. DOLLAR: Mr. Chairman, I move the adoption of the criterion.

SEN. HISE: Okay. I have to hold that again. Apparently, Representative Farmer-Butterfield now has a question.

REP. FARMER-BUTTERFIELD: I had my hand up. I don't think you saw that beforehand.

SEN. HISE: I can't see through people.  

REP. FARMER-BUTTERFIELD: I know that. I understand.

I just wanted to make sure I'm clear. Staff were going to give us the other -- whether or not there were eight other different ways? And I had not heard that information from staff.

SEN. HISE: At the point the question was
asked, the staff was unaware. And I said we'd have to get that question.

REP. FARMER-BUTTERFIELD: All right.

ERIKA CHURCHILL (STAFF): Representative Farmer-Butterfield. Available in Maptitude is the Reock test, the Schwartzberg test, the Perimeter test, the Polsby-Popper test, the Length-Width test, the Population Polygon test, the Minimum Convex Polygon test, the Population Circle test and the Ehrenburg test.

REP. FARMER-BUTTERFIELD: Thank you. Follow-up?

SEN. HISE: Follow-up.

REP. FARMER-BUTTERFIELD: I think that I heard earlier that if this passes with just these two, it will not preclude using the other six, or the others? Is that the case or not?

REP. LEWIS: Thank you for that question. The answer is yes, the other ones could be used. Again, we're trying to respond to requests from the public, from members who've said try to make the districts a little more compact. And so this is saying that these two may be used. But yes, you may use all of them if you want to.

SEN. HISE: Okay. Someone else?
Somebody was pointing to someone? Senator Lowe?

SEN. LOWE: Yes, I may have missed it.

But one of the things that I noticed or heard was, I know we're using two approaches. There's eight possible approaches. Why is it that we're just looking at these two? I want real clarity on that.

SEN. HISE: Maybe I'm going to explain a little bit of this. Each one of these methods will yield a score. And a score of any particular district will be between, generally, zero and one. I don't think there's any, as I understand it, concave in the designs. Zero to one will be the ratio of some two numbers that are coming in. That will give you a measure of compactness. There are eight measures. There are infinite numbers of ways anyone can come up to determine what they mean when they say something is compact.

There are only two that have been used in court rulings by the Supreme Court in regards to redistricting. These are these two. We both set those as the standard we will use to measure compactness of districts. But that calculation can be done for any number of the other standards that might be in the pack or the infinite number of standards that someone else could come up with and
make an argument. Senator Smith-Ingram?

SEN. SMITH-INGRAM: Thank you, Mr. Chair.

I believe, for clarification, I need to find out. Staff, Erika Churchill, just listed out -- was it about ten of those tools that are available on Maptitude?

SEN. HISE: Nine? She says the number is nine.

SEN. SMITH-INGRAM: Also included, is there an explanation in Maptitude that will give us the reliability of each of those tools and the performance as well as the range?

SEN. HISE: Reliability is probably not a factor that would apply to these in a manner. But it will give you an explanation of the calculation.

SEN. SMITH-INGRAM: Just for clarity, because there are nine different measurements. It would be nice to have the data on the reliability of each tool so you can look at each tool and their performance to be able to determine which is the better tool in terms of a higher percentage of reliability.

SEN. HISE: I think I'll take the comment. But again, I would say that reliability is not necessarily a factor that is -- this is
talking about how compact is the district? And the
test will determine how compact the district is.
So, Representative Jackson?

REP. JACKSON: Thank you, Mr. Chairman.
It appears that we are looking at dispersion and
perimeter, but we are leaving out population
measures in these tests. And I was wondering, from
staff, if any of the seven other tests include
population measures in their scoring?

SEN. HISE: I'll let you answer the
question.

MS. CHURCHILL (STAFF): Representative
Jackson, we are reading from the Maptitude
documentation. And it does appear that there's at
least two tests, the Population Polygon test and
the Population Circle test, that take into
consideration district population to the
approximate population of the area that is being
used. We're happy to print this for the Committee
if you all would like.

REP. JACKSON Follow-up, Mr. Chairman?

SEN. HISE: Follow-up.

REP. JACKSON Then I guess the question
for Chairman Lewis would be, wouldn't we want to
consider population as well? And why that test
would not be one of the ones that we use a score for?

REP. LEWIS: Well, thank you for that question, Representative. To be candid, I'm not familiar with the particular test that you have asked about. I realize that you're asking about a specific test that the computer program is capable of running. I would just point out that, in my mind, the population issue is the one-person-one-vote plus or minus five percent that we adopted as a criterion earlier today. And as I've said before, you would certainly have every access to run the reports or get whatever scores that you want to -- want to review.

But again, I would just point out to the members, the reason that these two are specified in here is these are the ones the Courts have written about in recent redistricting court rulings.

SEN. HISE: Follow-up?

REP. HARDISTER: Follow-up, Mr. Chairman. So is it -- is it -- is it your understanding that the Court has not written about some of these other test scores that Maptitude can also provide?

REP. LEWIS: Well, thank you for the question. And to be clear, Representative, I don't
know that they have or they have not. I'm simply stating in the cases that I reviewed, these were the two that were used.

SEN. HISE: Any other questions or comments? Hearing none, upon Representative Dollar's motion and the motion of the Chairs, we move to add the fourth criterion, Compactness, to those. Any other questions or comments? Hearing none, we'll have the Clerk call the roll of the House.

CLERK: Representative Jackson?
REP. JACKSON: No.
CLERK: Representative Szoka?
REP. SZOKA: Aye.
CLERK: Representative Stevens?
REP. STEVENS: Aye.
CLERK: Representative Bell?
REP. BELL: Aye.
CLERK: Representative Brawley?
REP. BRAWLEY: Aye.
CLERK: Representative Brockman?
REP. BROCKMAN: No.
CLERK: Representative Brockman, no.

Representative Burr?
REP. BURR: Aye.
CLERK: Representative Burr, aye.
Representative Davis? Representative Davis?
Representative Dixon?
REP. DIXON: Aye.
CLERK: Representative Dixon, aye.
Representative Dobson?
REP. DOBSON: Aye.
CLERK: Representative Dobson, aye.
Representative Dulin?
REP. DULIN: Aye.
CLERK: Representative Dulin, aye.
Representative Farmer-Butterfield?
REP. FARMER-BUTTERFIELD: No.
CLERK: Representative Farmer-Butterfield, no.
Representative Floyd?
Representative Floyd? Representative Garrison?
REP. GARRISON: No.
CLERK: Representative Garrison, no.
Representative Gill?
REP. GILL: No.
CLERK: Representative Gill, no.
Representative Grange?
REP. GRANGE: Aye.
CLERK: Representative Grange, aye.
Representative Hall?
REP. HALL: Aye.

CLERK: Representative Hall, aye.

Representative Hanes?

REP. HANES: No.

CLERK: Representative Hanes, no.

Representative Hardister?

REP. HARDISTER: Aye.

CLERK: Representative Hardister, aye.

Representative Harrison?

REP. HARRISON: No.

CLERK: Representative Harrison, no.

Representative Hastings?

REP. HASTINGS: Aye.

CLERK: Representative Hastings, aye.

Representative Howard?

REP. HOWARD: Aye.

CLERK: Representative Howard, aye.

Representative Hunter?

REP. HUNTER: No.

CLERK: Representative Hunter, no.

Representative Johnson?

REP. JOHNSON: Aye.

CLERK: Representative Johnson, aye.

Representative Hurley?

REP. HURLEY: Aye.
CLERK:  Representative Hurley, aye.
Representative Jones?  Representative Jones?
Representative Jordan?
  REP. JORDAN:  Aye.
  CLERK:  Representative Jordan, aye.
Representative Malone?
  REP. MALONE:  Aye.
  CLERK:  Representative Malone, aye.
Representative Michaux?
  REP. M CHAUX:  No.
  CLERK:  Representative Michaux, no.
Representative Moore?
  REP. MOORE:  No.
  CLERK:  Representative Moore, no.
Representative Pierce?
  REP. PIERCE:  No.
  CLERK:  Representative Pierce, no.
Representative Reives?
  REP. REIVES:  No.
  CLERK:  Representative Reives, no.
Representative Willingham?
  REP. WILLINGHAM:  No.
  CLERK:  Representative Willingham, no.
Representative Speciale?
  REP. SPECIALE:  Aye.
Representative Speciale, aye.

Representative Rogers?

REP. ROGERS: Aye.

Representative Rogers, aye.

Representative Saine?

REP. SAINES: Aye.

Representative Saine, aye.

Representative Torbett?

REP. TORBETT: Aye.

Representative Torbett, aye.

Representative Wray?

REP. WRAY: No.

Representative Wray, no.

Representative Yarborough?

REP. YARBOROUGH: Aye.

Representative Yarborough, aye.

Representative Lewis?

REP. LEWIS: Aye.

Representative Lewis, aye.

Representative Dollar?

REP. DOLLAR: Aye.

Representative Dollar, aye.

SEN. HIS: Senate Clerk will call the roll.

CLERK: Senator Bishop?
SEN. BISHOP: Aye.

CLERK: Senator Bishop, aye. Senator Brown?

SEN. BROWN: Aye.

CLERK: Senator Brown, aye. Senator Clark?

SEN. CLARK: Aye.

CLERK: Senator Clark, aye. Senator Daniel? Senator Harrington?

SEN. HARRINGTON: Aye.

CLERK: Senator Harrington, aye. Senator Jackson?

SEN. JACKSON: Aye.

CLERK: Senator Jackson, aye. Senator Lee?

SEN. LEE: Aye.

CLERK: Senator Lee, aye. Senator Lowe?

SEN. LOWE: No.

CLERK: Senator Lowe, no. Senator Newton?

SEN. NEWTON: Aye.

CLERK: Senator Newton, aye. Senator Rabon?

SEN. SMITH-INGRAM: No.

CLERK: Senator Smith-Ingram, no.
Senator Van Duyn?

SEN. VAN DUYN: No.

CLERK: Senator Van Duyn, no. Senator Wade?

SEN. WADE: Aye.

CLERK: Senator Wade, aye. Senator Hise?

SEN. HISE: Aye.

CLERK: Senator Hise, aye.

SEN. HISE: Thank you, members of the Committee. By a vote of 24 to 14 in the House and 9 to 3 in the Senate, the criterion is adopted -- fourth criterion presented, Compactness, is adopted by the Committee.

I believe, members, now it is the intent to return to the second introduced criterion, Contiguity. And the members should have -- Senator Clark has passed out an amendment or, probably more accurately, a rewrite of the criterion. Senator Clark will be recognized to explain his amendments.

SEN. CLARK: Thank you, Mr. Chair. What you have before you is essentially an expansion of the initial criterion disseminated by the Committee chairs. But the problem with the explanation submitted by the Committee chairs is that it does not -- it's not expansive enough. For instance,
let me give you an example. You can be in a particular district, and although it may be connected by a land-mass, that land-mass is not navigable by car, boat -- by car or any other form of transportation for the purpose of conducting commerce. So instead of saying something is contiguous, just because there's a little strip, what this particular definition would say is that it's not considered contiguous unless you can actually conduct commerce from one part of the district to another part of the district without first having to go outside of your district through another district.

REP. LEWIS: Mr. Chairman?

SEN. HISE: Representative Lewis?

REP. LEWIS: Thank you, Mr. Chairman.

First of all, I want thank Senator Clark. He has been extremely helpful in providing information for us to review. I did review the language that he proposed for quite a long time. I'm not in support of the amendment for the following reasons.

One, I'm not familiar with the commercial patterns and the layout of highways and roads all across the state. And I assume that most members on this Committee would say the same. Also, there
are elements of contiguity that can change, while geographic features themselves do not. That's why I feel it's wise to stick to contiguity as a legal requirement for adopting in this criterion. I also don't know in the amount of time that the Committee has to draw the districts, that we could develop a legal definition to match what the gentleman is attempting to do. And with that, I would ask members to vote down the amendment.

SEN. HISE: Representative Stevens?

REP. STEVENS: Thank you, Mr. Chair. Representative Lewis, in looking at some of these maps, particularly with our rocky, rocky coast, has anybody submitted an alternative map that would allow us to accomplish what he's hoping to accomplish? I mean, wouldn't we break up our optimum groups to try to do that?

REP. LEWIS: Thank you for the question. The first answer is no. To my knowledge, nobody has submitted any additional county grouping that is more optimal than the one that we passed out. I think what the gentleman's trying to do actually deals with districts within the groupings. And I just don't know that it is possible to do that, either. There are precincts that overlap and
things like that. I just don't know how to develop a legal -- I don't know how to define what the gentleman is trying to do. And therefore, I don't think we can adopt it as a criterion.

SEN. HISE: Senator Clark?

SEN. CLARK: Thank you, Mr. Chairman.

You're right. I'm speaking to the areas within the clusters; not between clusters. Now, you're correct that I don't know how to solve the problem for every single district. But that's why we have a committee. Members here, they do know how to do that collectively. And there is a phrase up here. I say that we want to do this to the extent practicable. There may be circumstances in which it is not practicable. But there are many in which there are practicable solutions. I can certainly tell you how to do it within my district as it currently exists today.

And with regard to legal definition, that's why we have staff here to support us. There are a lot of things I cannot come up with the legal definition for. But with the systems of our able staff, we are more than able to accomplish that.

REP. LEWIS: Mr. Chairman?

SEN. HISE: Representative Lewis.
REP. LEWIS: Thank you, Mr. Chairman.

Just to speak to Senator Clark's last point. To be clear, it's the intent of adopting the criterion that this Committee is adopting today to produce a draft map. And the draft map will be produced and distributed. Members of the Committee will be able to offer the kind of insight that Senator Clark has proposed. We also intend to hold public hearings across the state to receive feedback. And members of the public may be able to offer input and advice that gets closer to what the Senator is trying to accomplish here. I want to point out that I've spent a lot of time trying to figure out how to incorporate this language. And I simply don't know how to do it. And so, again, I would ask members to vote against the amendment.

SEN. HISE: Senator Smith-Ingram?

SEN. SMITH-INGRAM: Thank you, Mr. Chair.

I guess I have a question, Representative Lewis, but first, a statement. In looking at the geographical compactness in the example based on the submitted one, it is a challenge when you're connecting counties by a body of water. For example, Pasquotank and Hyde are connected, but there's no means to traverse between them. You
would have to drive an hour around the district, going through another district, to get to your district. When you connect with a river, such as my district, you end up with counties from one point -- from the western point to the eastern point. That's a two hour and 41 minute drive out to the coast. And that makes it very problematic when you're covering that type of territory.

So my question is, in light of those examples, would you consider this to be commensurate with geographical compactness? The language of the amendment certainly promotes that for me, and I'm wondering, do you see that?

REP. LEWIS: Thank you for the question, and the short answer is, I don't see that. I do understand the lady's point about the -- the size of some of the districts that have to be drawn, but I would point out, that oftentimes, that's directly related to the physical size of the counties themselves.

We, this General Assembly -- this is getting off redistricting a bit, but this General Assembly will continue to have to address the fact that our rural areas, especially in the northeastern part of the state, are large in land
mass and smaller in population than our urban centers are. And there's just no way to get around that.

SEN. SMITH-INGRAM: Okay. For clarification follow up --

SEN. HISE: Follow up.

SEN. SMITH-INGRAM: So do you consider contiguity and geographic compactness commensurate with one another?

REP. LEWIS: Well, thank you for the question. I understand contiguity which, by the way, Representative Torbett gave me a breakdown on how to say the word. I really do -- I really do appreciate that. Apparently, I'm not doing a very good job. But I understand that to mean that the borders join, if you will. Compactness means that you want to draw districts that are compact. I don't know that those -- everything that we do, all of the criteria that we're going to discuss today, has got to be harmonized and used together. I don't know that these are the exact same thing, so I don't know that I would agree with that premise.

SEN. HISE: Thank you. And, Senator Smith-Ingram we would like -- several of us would like to see the drive across our district reduced
to two and a half hours, so thanks for the comment.

Representative Brawley?

REP. BRAWLEY: Thank you, Mr. Chairman.

Bill Brawley, Mecklenburg County. When I read Senator Clark's amendment, and he talked about accessible for commerce, the first thought that came to mind was roads. And I'm sitting next to Chairman Torbett of Transportation who, along with myself, were two of the co-sponsors for strategic transportation investments law. And we were thinking of the number of cases where you would drive out of a House district on a road and then back into the same district, just because of the way our road network is set up and the incredible need for more roads for commerce that we have.

I had concerns of it for that reason. I would think that this might be a reasonable discussion we have when we've finished our $70 billion backlog of construction. But right now, the shortage of roads would make this much more difficult than it appears on the surface. And I would agree that I would tend to have concerns about this. I believe the compactness and contiguity are being addressed and the roads -- we're not going to be able to solve that today.
Thank you, Mr. Chairman.

SEN. HISE: Thank you. Senator Clark and Senator Brown.

SEN. CLARK: Again, I would like to emphasize my definition, as written, says to the extent practicable. If it’s not practicable, of course we’re not going to do it. However, there are many circumstances in which it is practicable.

SEN. HISE: Senator Brown.

SEN. BROWN: Thank you, Mr. Chairman. I think the county groupings piece is the concern -- or has created concern, I think, that Senator Clark’s bringing up. But that’s a court ruling that I don’t think there’s any flexibility on, on how the groupings can be drawn. Is that correct, Representative Lewis?

REP. LEWIS: Well, certainly, sir. Thank you for the question. The county groupings are -- are required by the court, yes.

SEN. HISE: Senator Clark again.

SEN. CLARK: I need to clarify again. My statement has nothing to do with county groupings. We’re talking about internal to the groupings, the actual districts themselves within a grouping.

SEN. HISE: Any other questions or
comments? Hearing none, we will take into consideration of amending the proposed criteria plan as presented by Senator Clark. We will begin with the Senate this time. The Senate Clerk will call the roll.

CLERK: Senator Bishop?

SEN. BISHOP: No.

CLERK: No. Senator Blue? Senator Brown?

SEN. BROWN: No.

CLERK: Senator Brown, no. Senator Clark?

SEN. CLARK: Aye.

CLERK: Senator Clark, aye. Senator Daniel?

SEN. DANIEL: No.

CLERK: Senator Daniel, no. Senator Harrington?

SEN. HARRINGTON: No.

CLERK: Senator Harrington, no. Senator Jackson?

SEN. JACKSON: No.

CLERK: Senator Jackson, no. Senator Lee?

SEN. LEE: No.

CLERK: Senator Lee, no. Senator Lowe?

SEN. LOWE: Aye.

CLERK: Senator Lowe, aye. Senator
SEN. NEWTON: No.

CLERK: Senator Newton, no. Senator Rabon? Senator Smith-Ingram?

SEN. SMITH-INGRAM: Aye.

CLERK: Senator Smith-Ingram, aye.

Senator Van Duyn?

SEN. VAN DUYN: Aye.

CLERK: Senator Van Duyn, aye. Senator Wade?

SEN. WADE: No.

CLERK: Senator Wade, no. Senator Hise?

SEN. HISE: No.

CLERK: Senator Hise, no. Senator Van Duyn?

SEN. VAN DUYN: Aye.

CLERK: Senator Van Duyn, aye. Senator Wade?

SEN. WADE: No.

CLERK: Senator Wade, no. Senator Hise?

SEN. HISE: No.

CLERK: Senator Hise, no. Senator Wade?

SEN. WADE: No.

CLERK: Senator Wade, no. Senator Hise?

SEN. HISE: No.

CLERK: Senator Hise, no. The Clerk of the House will please call the roll.

CLERK: Representative Jackson?

REP. JACKSON: Yes.

CLERK: Representative Jackson, aye.

Representative Szoka?

REP. SZOKA: No.

CLERK: Representative Szoka, no.

Representative Stevens?

REP. STEVENS: No.

CLERK: Representative Stevens, no.
Representative Bell?

REP. BELL: No.

CLERK: Representative Bell, no.

Representative Brawley?

REP. BRAWLEY: Brawley, no.

CLERK: Representative Brawley, no.

Representative Brockman?

REP. BROCKMAN: Aye.

CLERK: Representative Brockman, aye.

Representative Burr?

REP. BURR: No.

CLERK: Representative Burr, no.

Representative Davis? Representative Davis?

Representative Dixon?

REP. DIXON: No.

CLERK: Representative Dixon, no.

Representative Dobson?

REP. DOBSON: No.

CLERK: Representative Dobson, no.

Representative Dulin?

REP. DULIN: No.

CLERK: Representative Dulin, no.

Representative Farmer-Butterfield?

REP. FARMER-BUTTERFIELD: Aye.

CLERK: Representative
Farmer-Butterfield, aye. Representative Floyd? Representative Floyd? Representative Garrison?

REP. GARRISON: Aye.

CLERK: Representative Garrison, aye.

Representative Gill?

REP. GILL: Aye.

CLERK: Representative Gill, aye.

Representative Grange?

REP. GRANGE: No.

CLERK: Representative Grange, no.

Representative Hall?

REP. HALL: No.

CLERK: Representative Hall, no.

Representative Hanes?

REP. HANES: Yes.

CLERK: Representative Hanes, aye.

Representative Hardister?

REP. HARDISTER: No.

CLERK: Representative Hardister, no.

Representative Harrison?

REP. HARRISON: Aye.

CLERK: Representative Harrison, aye.

Representative Hastings?

REP. HASTINGS: No.

CLERK: Representative Hastings, no.
Representative Howard?

REP. HOWARD: No.

CLERK: Representative Howard, no.

Representative Hunter?

REP. HUNTER: Aye.

CLERK: Representative Hunter, aye.

Representative Johnson?

REP. JOHNSON: No.

CLERK: Representative Johnson, no.

Representative Hurley?

REP. HURLEY: No.

CLERK: Representative Hurley, no.

Representative Jones?

Representative Jones?

Representative Jordan?

REP. JORDAN: No.

CLERK: Representative Jordan, no.

Representative Malone?

REP. MALONE: No.

CLERK: Representative Malone, no.

Representative Michaux?

REP. M CHAUX: Aye.

CLERK: Representative Michaux, aye.

Representative Moore?

REP. MOORE: Aye.

CLERK: Representative Moore, aye.
Representative Pierce?

REP. PIERCE: Aye.

CLERK: Representative Pierce, aye.

Representative Reives?

REP. REIVES: Aye.

CLERK: Representative Reives, aye.

Representative Willingham?

REP. WILLINGHAM: Aye.

CLERK: Representative Willingham, aye.

Representative Speciale?

REP. SPECIALE: No.

CLERK: Representative Speciale, no.

Representative Rogers?

REP. ROGERS: No.

CLERK: Representative Rogers, no.

Representative Saine?

REP. SAIN: No.

CLERK: Representative Saine, no.

Representative Wray?

REP. WRAY: Aye.

CLERK: Representative Wray, aye.

Representative Yarborough?

REP. YARBOROUGH: No.

CLERK: Representative Yarborough, no.

Representative Torbett?
REP. TORBETT: No.

CLERK: Representative Torbett, no.

Representative Lewis?

REP. LEWIS: No.

CLERK: Representative Lewis, no.

Representative Dollar?

REP. DOLLAR: No.

CLERK: Representative Dollar, no.

SEN. HISE: By a vote of 4 in favor, 8 against in the Senate, and I believe I saw that it's 14 in favor, 24 against -- 28 against? 14 in favor, 24 against in the House. The motion to amend the second submitted criterion fails. Criterion Number 2, Contingency, is now back before the Committee.

REP. DOLLAR: Mr. Chairman?

SEN. HISE: Representative Dollar.

REP. DOLLAR: I would move the adoption of Criterion Number 2.

SEN. HISE: Motion by the Chairs for the adoption of Criterion Number 2. Is there any other questions or comments regarding the criteria? Seeing none, we will move into a vote on this process, and we will ask the Clerk of the House to call the roll.
CLERK: Representative Jackson?
REP. JACKSON: No.
CLERK: Representative Jackson, no.

Representative Szoka?
REP. SZOKA: Aye.
CLERK: Representative Szoka, aye.

Representative Stevens?
REP. STEVENS: Aye.
CLERK: Representative Stevens, aye.

Representative Bell?
REP. BELL: Aye.
CLERK: Representative Bell, aye.

Representative Brawley?
REP. BRAWLEY: Brawley, aye.
CLERK: Representative Brawley, aye.

Representative Brockman?
REP. BROCKMAN: No.
CLERK: Representative Brockman, no.

Representative Burr?
REP. BURR: Aye.
CLERK: Representative Burr, aye.

Representative Davis?
REP. DIXON: Aye.
CLERK: Representative Dixon, aye.
Representative Dobson?
REP. DOBSON: Aye.
CLERK: Representative Dobson, aye.

Representative Dulin?
REP. DULIN: Aye.
CLERK: Representative Dulin, aye.

Representative Farmer-Butterfield?
REP. FARMER-BUTTERFIELD: No.
CLERK: Representative Farmer-Butterfield, no. Representative Floyd?

Representative Floyd? Representative Garrison?
REP. GARRISON: No.
CLERK: Representative Garrison, no.

Representative Gill?
REP. GILL: No.
CLERK: Representative Gill, no.

Representative Grange?
REP. GRANGE: Aye.
CLERK: Representative Grange, aye.

Representative Hall?
REP. HALL: Aye.
CLERK: Representative Hall, aye.

Representative Hanes?
REP. HANES: No.
CLERK: Representative Hanes, no.
Representative Hardister?

REP. HARDISTER: Aye.

CLERK: Representative Hardister, aye.

Representative Harrison?

REP. HARRISON: No.

CLERK: Representative Harrison, no.

Representative Hastings?

REP. HASTINGS: Aye.

CLERK: Representative Hastings, aye.

Representative Howard?

REP. HOWARD: Aye.

CLERK: Representative Howard, aye.

Representative Hunter?

REP. HUNTER: No.

CLERK: Representative Hunter, no.

Representative Johnson?

REP. JOHNSON: Aye.

CLERK: Representative Johnson, aye.

Representative Hurley?

REP. HURLEY: Aye.

CLERK: Representative Hurley, aye.

Representative Jones? Representative Jones?

Representative Jordan?

REP. JORDAN: Aye.

CLERK: Representative Jordan, aye.
Representative Malone?

REP. MALONE: Aye.

CLERK: Representative Malone, aye.

Representative Michaux?

REP. MCHAUX: No.

CLERK: Representative Michaux, no.

Representative Moore?

REP. MOORE: No.

CLERK: Representative Moore, no.

Representative Pierce?

REP. PIERCE: No.

CLERK: Representative Pierce, no.

Representative Pierce? Representative Reives, excuse me.

REP. REIVES: No.

CLERK: Representative Reives, no.

Representative Willingham?

REP. WILLINGHAM: No.

CLERK: Representative Willingham, no.

Representative Speciale?

REP. SPECIALE: Aye.

CLERK: Representative Speciale, aye.

Representative Rogers?

REP. ROGERS: Aye.

CLERK: Representative Rogers, aye.
Representative Saine?


CLERK: Representative Saine, aye.

Representative Wray?

REP. Wray: No.

CLERK: Representative Wray, no.

Representative Yarborough?

REP. Yarborough: Yes.

CLERK: Representative Yarborough, aye.

Yarborough, aye. Representative Torbett?

REP. Torbett: Aye.

CLERK: Representative Torbett, aye.

Representative Lewis?

REP. Lewis: Aye.

CLERK: Representative Lewis, aye.

Representative Dollar?

REP. Dollar: Aye.

CLERK: Representative Dollar, aye.

SEN. His: Okay. Clerk of the Senate will call out the roll.

CLERK: Senator Bishop?

SEN. Bishop: Aye.

SEN. Bishop: Aye.

SEN. Blue? Senator Brown?

SEN. Brown: Aye.
CLERK: Senator Brown, aye. Senator Clark?

SEN. CLARK: No.

CLERK: Senator Clark, no. Senator Daniel?

SEN. DANI EL: Aye.

CLERK: Senator Daniel, aye. Senator Harrington?

SEN. HARRINGTON: Aye.

CLERK: Senator Harrington, aye. Senator Jackson?

SEN. JACKSON: Aye.

CLERK: Senator Jackson, aye. Senator Lee?

SEN. LEE: Aye.

CLERK: Senator Lee, aye. Senator Lowe?

SEN. L OWE: No.

CLERK: Senator Lowe, no. Senator Newton?

SEN. NE WTON: Aye.

CLERK: Senator Newton, aye. Senator Rabon?

SEN. R A BON: Aye.

CLERK: Senator Rabon, aye. Senator Smith-Ingram?

SEN. SM ITH-INGRAM: No.

CLERK: Senator Smith-Ingram, no. Senator Van Duyn?

SEN. VAN DUYN: No.

CLERK: Senator Van Duyn, no. Senator Wade?
SEN. WADE: Aye.

CLERK: Senator Wade, aye. Senator Hise?

SEN. HISE: Aye.

CLERK: Senator Hise, aye.

SEN. HISE: By a vote of 24-14 in the House and a vote of 8 to 4 in the Senate, the second submitted criteria, Contiguity, is passed and is adopted by the committee. The committee will stand at ease for just a few minutes.

(Proceedings went off the record.)

SEN. HISE: Thank you, members of the committee. The next item we will consider is labeled as Number 6 in the process. As soon as I get to it.

REP. LEWIS: Mr. Chairman, may I speak briefly on 5 for just a moment?

SEN. HISE: Go ahead.

REP. LEWIS: Members, the reason that I asked the Chair to skip what is labeled Number 5 -- by the way, these numbers are so that I would not forget to get through one of them. The reason that I ask that Number 5 be split -- be not discussed at the moment and displaced, staff is trying to get a firm definition of precinct versus voting tabulation district. The Court, in its opinion,
wrote about precincts, which is why this criteria says the word "precinct," but we're trying to get a -- just get a staff understanding on if it's precinct or voting tabulation district, which is -- I know some of you are wondering why we moved past that. We're just trying to get a technical clarification, which is why I asked the chair to take up Number -- what is labeled Number 6, municipal boundaries, next. So with that, Mr. Chair, if I can speak on that.

SEN. HISE: Do all members have a copy of Number 6, municipal boundaries? Okay.
Representative Lewis, you're recognized to explain.

REP. LEWIS: Thank you, Mr. Chairman.
Mr. Chairman, this says that the committees may consider municipal boundaries when drawing legislative districts in the 2017 House and Senate plan. This -- and if I may speak on it, this is another criteria that comes in response to public inquiry.

At last week's committee hearing, Dianna Wynn of Wake County asked the committee to consider not dividing municipalities where possible. The chairs are proposing that consideration be made when drawing these new district lines. Would like
to state for the record that, as this is based on the 2010 census, that the municipality boundaries that would be looked at would be the 2010 boundaries as well. And with that, Mr. Chairman, I'd like to move the -- the adoption of this criteria.

SEN. HISE: Okay. Any questions or comments? Representative Jackson?

REP. JACKSON: Thank you, Mr. Chairman. Chairman Lewis, since we are bound by law to consider communities of interest, I'm wondering why the 'may' instead of the 'shall' is used in this criteria. That's my first question.

REP. LEWIS: Thank you for the question, Representative Jackson. The 'may' is empowering language that says that the map drawer 'may' and rightfully should consider municipality boundaries when they can. As you know, not all municipalities are laid out in neat design, so sometimes it may not be possible to do that. As to communities of interest, and I know you are an attorney; I am not, but, to be clear, we couldn't find a concise definition of what a community of interest is, which is why it's not one of the criteria that we have proposed as of yet.
SEN. HISE: Follow-up?

REP. JACKSON: Chairman Lewis, well, one thing, under the law, the words "may" or "should" actually have different meanings and you used "may" and "should." And so I guess the first question would be, would you consider changing "may" to "should"?

REP. LEWIS: Thank you for the question. The -- and as always, you're -- you're right. The reason -- and we talked a lot about how to present these criteria to where they made the most sense to everyone, and the word "should" is used in what I would consider to be criteria that absolutely positively must be followed, like the one-person-one-vote rule.

There are other criteria, in fact, in the letter that Senator Blue wrote to us, he called them actually secondary criteria. There are other criteria that may be considered. One of those is the municipal boundaries. So I would say that I would prefer the word "may" to stay in this, and that when the maps are drawn, that we may very well consider municipal boundaries.

REP. JACKSON: Follow-up --

SEN. HISE: Follow-up?
REP. JACKSON: If -- if I could. I'll just stay on the communities of interest. I don't think it's addressed in any of the other proposed criteria. And so I do have a question about that. I understand from -- from your previous announcement at committee and from reading the newspaper that we're going to be using the same map drawer as last time, Mr. Hofeller. And I would ask, you know, who will be helping Mr. Hofeller draw the maps to make sure that communities of interest are protected?

REP. LEWIS: Thank you for the question. Dr. Hofeller was hired at the direction of myself and Senator Hise. For the House, I will be working with him to help produce the map that will be presented to the committee and to the public. At that time, all the members of the committee certainly have access to amend the map. The members of the public who wish to comment on the map -- if you or any other member or a citizen who takes time to engage in this process thinks that certain communities should be recombined in certain ways, we will certainly be open to reviewing that at that time.

REP. JACKSON: Okay.
SEN. HISE: Any other questions, comments? Representative Michaux?

REP. M CHAUX: Yeah, Mr. Chair -- Chairman Lewis, going back to the matter of communities of interest, are there not communities of -- you say there's no legal definition that you have found, but are there not communities of interest identified in each community in this state? For instance, there's a community -- communities of interest, rural, urban, educational, whatever. There are various communities of interest throughout the state. Well, why should they not be identified in here and used?

REP. LEWIS: Thank you for the question, Representative. I don't disagree with you at all. I would simply point out that because a community of interest can be defined in any number of ways, exactly as you just did, and some of those communities of interest actually overlap, some contradict each other, perhaps, I don't know that there is a definitive way to define that. But I would point out to the committee that the criteria that I'm asking to adopt is that the committee may consider municipal boundaries when drawing the lines.
SEN. HISE: Follow-up?

REP. MICHAUX: But -- but have you not had -- even in your last drawing, did you not consider communities of interest and have they not been considered in pervious redistricting matters that were drawn up in the past?

REP. LEWIS: Thank you for the question, Representative. I know that the concept of communities of interest were discussed. I don't know to what degree that they were considered in the map drawing.

SEN. HISE: Representative Reives?

REP. REIVES: Thank you, Chair. And, Chairman Lewis, again with the committees of interest, I understand that there are -- that you haven't found concise, clear definitions, but as Representative Michaux was just stating, I think they've been referred to, even by the Supreme Court, as early as Bush v. Vera, when George Bush was governor, when they had a redistricting case based on race and unconstitutionality where they discussed that and gave several examples of things that were considered communities of interest. If we use that as part of the criteria, I mean, wouldn't we be able to refer to that and then kind
of know it when we see it when we're discussing it?

REP. LEWIS: Thank you for the question, Representative. Respectfully, I don't think communities of interest is in contradiction to this proposed criteria of municipal boundaries. If we -- if the committee wishes to try to come up with a definition and offer additional criteria, we can certainly consider that at that time, but I don't think any desire to define or include the words "communities of interest" is in opposition to the criteria that I've proposed, and I would appreciate the committee's support on.

SEN. HISE: Follow up?

REP. REIVES: Thank you. So in light of that, and I -- I would agree with you that not -- not -- they're not necessarily in opposition to each other, would you be opposed to an amendment that includes the term "communities of interest," just in case we have a situation where the municipal lines don't necessarily recognize a community of interest?

REP. LEWIS: Representative, thank you for the question. In short, I proposed the criteria before us -- before you that I believe the committee may consider when drawing the lines. I
do not believe that there is a concise definition that everyone can agree to that defines what a community of interest is.

In the examples that Representative Michaux gave earlier in his comments, he referred -- you may have an educational community, if you will. And I'm not trying to focus on Durham but you may be talking about Duke University or North Carolina Central. That's an educational community of interest. It may be directly next to a very blue-collar type area. Those two aren't necessarily communities of interest when you're drawing the lines.

So, again, I think we're getting a little bit far from what I had hoped would be a pretty simple criteria. At this time, I would not support an amendment to this criteria for communities of interest because municipalities are defined and understood. Communities of interest aren't even agreed to in this room.

SEN. HISE: I have Representative Jordan and Representative Michaux.

REP. JORDAN: Thank you, Mr. Chairman. There was an earlier colloquy between Representative Jackson and Representative Lewis.
discussing "may" and "should." Just to clarify, shouldn't that have been "may" and "shall"?

REP. LEWIS: It may should have.

REP. JORDAN: Thanks.

SEN. HISSE: Representative Michaux.

REP. M CHAUX: Yeah. Mr. Lewis, to -- to the -- you have here the committees may consider municipal boundaries. You're giving them an option as to whether or not they want to consider municipal boundaries. Why not give them the option of whether or not they would want to consider communities of interest? We know what communities of interest are. We can identify communities of interest. Why can't you go ahead on -- if you going to give them a choice, what other choice do they have other than municipal boundaries, when you say they may consider municipal boundaries?

REP. LEWIS: Well, thank you for that question, Representative. Let me try to be a little clearer. One of the criteria and one of the recurring themes of public input that we've got is to try not to split municipalities. As you know, there are numerous examples throughout the state where municipalities have actually annexed into other counties. They start in one county and
continue into another county. That is not compatible with the Stephenson requirement for how counties are grouped.

So the reason it says "may" is that I, personally, believe that is important, and I think that everyone on this committee will have the chance -- if we do not consider municipal boundaries in such a way that is acceptable to the committee, they'll have a chance to weigh in and amend and attempt to change the way that is done. But, again, this is just simply trying to respond to input that we got. Will we always consider municipal boundaries? Probably not, because we won't be able to. But this is -- this is an aspirational goal.

SEN. HISE: And I think it's also important to point out that municipal boundaries, when municipalities expand or others are not bound to limit themselves to complete Census tracts. And a Census tract is the smallest layer of data we have in order which to divide districts on.

REP. M CHAUX: I understand --

SEN. HISE: Follow-up.

REP. M CHAUX: And I understand that, Mr. Chairman, but what I'm getting at is that there are
communities of interest that sometimes overshadow municipal boundaries and could be used and should be used in terms of criteria for redistricting. I mean, there's no doubt in my mind that you got within an -- within a municipal area, you've got an urban community and you've got a suburban community and you've got maybe an agrarian community all combined in one. Why -- and -- and, if it's large enough, you could have representation from all three. I mean, I'm trying to get communities of interest in there because they seem to be the salient factor in all of redistricting.

SEN. HISE: I'll just follow up. I think that was more of a comment, but I will say that, is there a specific community of interest that you are submitting?

REP. MICHAUX: I hadn't thought about it right now. All I know is that there's a difference -- there's a suburban community -- a suburban community and an agrarian community. And they are both communities of interest. One involves agrarian and the other involves suburban-type things. All these communities of interest where people have like -- with similarities are alike. Particularly in those
SEN. HISE: Representative Lewis?

REP. LEWIS: Thank you, Mr. Chairman.

Mr. Chairman and specifically Representative Michaux and other members, the -- it is my understanding that the communities of interest, as defined by the courts, are largely covered in what we call the Stephenson county groupings. Many of what we are talking about, what is a community of interest and what is not, is an objective and not a subjective tone or goal. It's not a definable thing. Counties, municipality, precinct lines are things that are all community-of-interest-type things that we're going to seek to preserve.

But what may be a community of interest for me, when I draw the map that I present, you may correct and say you did not recognize that this community and this community should be joined. And I'm -- I'm communicating to you that I'll work with you at -- at that point.

At this point, I don't know how we can -- a municipality is a defined thing. All I'm saying is that the committee may consider the defined, understood, legally-recognized thing, as opposed to the abstract, objective community of interest. And
I would urge the committee to adopt this criteria.

SEN. HISE: Senator Clark?

SEN. CLARK: Thank you, Mr. Chairman.

Would you allow staff to prepare an amendment to this particular item stating to the effect that members of this General Assembly can submit definitive community of interests, if you will, so that the amendment right read something to the effect that the committees may consider municipal boundaries and committees -- communities of interest, as defined by a member of this body when drawing legislative districts?

REP. LEWIS: Well, thank you for the question, Senator Clark. And to be clear, certainly, I have no control over what amendments are sent forth.

SEN. CLARK: I would like to send forth an amendment to that effect.

REP. LEWIS: Acknowledged. With that, Mr. Chairman, perhaps we could displace this and come back to it once it can be prepared to what Senator Clark has asked for.

SEN. HISE: We will displace this to consider another Senator Clark amendment.

REP. LEWIS: And, Mr. Chairman, we can --
Mr. Chairman, perhaps now we can return to 5. I think we've got -- got that cleared up.

SEN. HISE: Okay. All members have Criteria Number 5, fewer split precincts?

Representative Lewis, you're -- you're recognized to explain and debate.

REP. LEWIS: Thank you, Mr. Chairman. This -- this criteria says that the committee shall make reasonable efforts to draw legislative districts in the 2017 House and Senate plans to split fewer precincts than the current legislative redistricting plans. To elaborate, the Chair should receive input from the public, including input from William Smith of Raleigh at last week's committee meeting, urging the committees to split fewer precincts in new legislative redistricting plans. We are proposing this criteria in response to that public input.

SEN. HISE: Representative Torbett?

REP. TORBETT: Thank you, Mr. Chairman. I think this is a very good, common-sense amendment and would move for adoption of the proposed criteria.

SEN. HISE: Okay. Representative Jackson.
REP. JACKSON: Mr. Chairman, I submitted some alternative language the staff has and I believe is ready to be passed out at your direction.

SEN. HISE: Okay. I'm assuming, then, Senator Jackson has moved to amend the criteria. That's what's coming in. I think we'll have staff go ahead and pass that out. Okay. I will take this brief moment for a little personal privilege and we'll recognize the Speaker of the House.

SPEAKER MOORE: Yes. Good afternoon. I just wanted you all to join me in welcoming a special guest. Thank you. Thank you. I just wanted you all to join me in welcoming a special guest we have today. This is Cliff Rosenberger. He's the Speaker of the House in Ohio. And he's here visiting in North Carolina today on some economic development initiatives. And so I would hope you all would join me in welcoming the Speaker of Ohio with us here today.

MR. ROSENBERGER (VISITOR): Hi. Thank you. Thank you very much. I appreciate it.

SPEAKER MOORE: I told him this was the only -- we weren't in session, this is the only official meeting today. So we're doing some things
economic development related, but I wanted you all to know that he was here. And so he knows we're all here hard at work. I think they're going back into session here --

MR. ROSENBERGER (VISITOR): September.

We go in, in September. So -- and about to do the very same thing you're all doing, so keep up the hard work.

So thank you all very much.

SPEAKER MOORE: Thanks.

SEN. HISE: Representative Jackson, you've sent forward your amendment; you're recognized to explain it.

REP. JACKSON: Thank you, Mr. Chairman.

So my alternate language just adds a sentence to Chairman Lewis's --

REP. JORDAN: Mr. Chairman. Mr. Chairman. Over here, Jordan. Can I see a copy before we begin discussion?

SEN. HISE: You can. We're actually apparently waiting on a row to receive them. They can have mine. Does everybody got one? Everyone seen the amendment? Okay. Representative Jackson, go ahead.

REP. JACKSON: So by my reading of the
way Number 5 as -- as proposed, you know, if we just split one fewer precinct, we've accomplished that goal, and clearly we want to do more than that. We want to severely limit the number of split precincts. And so my amendment would propose that we only split precincts to achieve population balance in compliance with the equal protection criteria, so that's the plus or minus five percent, and that we explicitly state we shall not split precincts to achieve partisan advantage.

SEN. HISE: Representative Lewis?

REP. LEWIS: Thank you, Mr. Chairman. Members, I've reviewed Senator -- Senator Jackson, I apologize, the Chairman's getting to me. I've reviewed Representative Jackson's amendment, and I do not disagree with it in spirit. However, I would ask you not to support the amendment because, once the maps are drawn, the committee will have the ability to review them and to offer whatever explanation they may choose as to why a precinct was split or not split. I think this is a noble criteria, but it's a largely unworkable one, in terms of trying to define why was this -- this precinct split where it was. So, with that, I would -- I don't think it's a workable criteria to
use, and I would ask members to vote down this amendment.

SEN. HISE: Senator Van Duyn?

SEN. VAN DUYN: Thank you, Mr. Chair.

I'd just like to respond to that, because you started your presentation by saying that this was in response to public comment. And clearly what we heard from nearly everyone who made public comment -- I think there was one exception. What people were asking for was districts that represent the voters, not districts that represent political parties. And I think what Representative Jackson's amendment does is get to the heart of what they were requesting.

And so, with all due respect, I think it is the most important part of what they were asking for, is that we not split precincts for political advantage. And I think it's important that we acknowledge -- if we're going to do public comment, I think we have to acknowledge it. That doesn't mean we need to go along with it necessarily, but we need to address what they ask for and either say why we will or will not follow what they said.

And clearly they want us to move away from political -- using redistricting for political
advantage. And one of the most disruptive ways of redistricting for political advantage is slicing and dicing individual precincts. I worked as a precinct judge before I was an elected official and when you have multiple ballots within a precinct, it is extraordinarily challenging. And -- and just not fair to our voters.

REP. LEWIS: Mr. Chairman.

SEN. HISE: Representative Lewis?

REP. LEWIS: I -- I want to thank the lady for her comments. I would say that I think the public comment is important and, as elected representatives, we must take it into account and must do our best to honor what is shared with us. Let me take another stab at this. Every line that is drawn on the map that is not mandated by the Stephenson criteria or whatnot is -- in one way or the other, will have political ramifications. So if we adopt the Jackson amendment, what will happen is, with respect, some of you in here will say, "Look, you split this precinct to gain a partisan advantage." And I'll say, no, "I split it to comply with the equal population requirement." And you'll say, "No, you split it to" -- because wherever we split it, it will have political
consequences one way or the other. So it's not a realistic goal to adopt a criteria that you cannot achieve.

SEN. HISE: Representative Jackson?

REP. JACKSON: Thank you, Mr. Chairman. Just for the record, I'll note I'm covering Speaker Blue as well, so that's why I'm doing twice as much today. Chairman Lewis, I wonder, other than population balance, what other reasons would you have to split a precinct?

REP. LEWIS: Thank you for that question, Representative Jackson. We just went through or -- and are going to go back through a long conversation about municipal -- municipal boundaries. Cities don't annex along precinct lines, so that is a reason that you may split a precinct. It may be more important to keep the city as whole as you can than to worry about, per se, how the precincts fall. If I had a precinct map in here, almost literally of any county in this state, I could show you how municipalities don't follow precinct lines.

SEN. HISE: Any other questions or comments? Senator Clark?

SEN. CLARK: Thank you, Mr. Chair.
just have a comment. I don't see a problem with us explicitly stating that we should not split precincts other than for population balance. Case in point, I belong to a two-county cluster, and on the Cumberland County side of my district, I have about -- people from about 41 precincts vote in District 21. Of those 41, 33 are split, and for the life of me, I can't understand why 33 out of 41 precincts should be split.

SEN. HISE: Any other questions or comments? Okay. None. I believe Representative Torbett had made the motion when we began -- Jackson, sorry, for the amendment. So Representative Jackson has moved to amend the submitted criteria.

UNIDENTIFIED MEMBER: Second, Mr. Chair.

SEN. HISE: Motion doesn't require a second, but as we will see no more discussion or debate, we will move into a vote. And I believe we will begin with the House as the order.

CLERK: Representative Jackson?

REP. JACKSON: Yes.

CLERK: Representative Jackson, yes.

Representative Szoka?

REP. SZOKA: No.
CLERK: Representative Szoka, no.
Representative Stevens?
REP. STEVENS: No.
CLERK: Representative Stevens, no.
Representative Bell?
REP. BELL: No.
CLERK: Representative Bell, no.
Representative Brawley?
REP. BRAWLEY: No.
CLERK: Representative Brawley, no.
Representative Brockman?
REP. BROCKMAN: Yes.
CLERK: Representative Brockman, aye.
Representative Burr?
REP. BURR: No.
CLERK: Representative Burr, no.
Representative Davis?
Representative Davis?
Representative Dixon?
REP. DIXON: No.
CLERK: Representative Dixon, no.
Representative Dobson?
REP. DOBSON: No.
CLERK: Representative Dobson, no.
Representative Dulin.
REP. DULIN: No.
CLERK: Representative Dulin, no.
Representative Farmer-Butterfield?
REP. FARMER-BUTTERFIELD: Yes.
CLERK: Representative Farmer-Butterfield, aye. Representative Floyd?
Representative Floyd? Representative Garrison?
REP. GARRISON: Yes. Aye.
CLERK: Representative Garrison, aye.
Representative Gill?
REP. GILL: Aye.
CLERK: Representative Gill, aye.
Representative Grange?
REP. GRANGE: No.
CLERK: Representative Grange, no.
Representative Hall?
REP. HALL: No.
CLERK: Representative Hall, no.
Representative Hanes?
REP. HANES: Yes.
CLERK: Representative Hanes, aye.
Representative Hardister?
REP. HARDISTER: No.
CLERK: Representative Hardister, no.
Representative Harrison? Representative Harrison?
Representative Hastings?
REP. HASTINGS: No.

CLERK: Representative Hastings, no.

Representative Howard?

REP. HOWARD: No.

CLERK: Representative Howard, no.

Representative Hunter?

REP. HUNTER: Aye.

CLERK: Representative Hunter, aye.

Representative Johnson?

REP. JOHNSON: No.

CLERK: Representative Johnson, no.

Representative Jones? Representative Jones?

Representative Jordan?

REP. JORDAN: No.

CLERK: Representative Jordan, no.

Representative Malone?

REP. MALONE: No.

CLERK: Representative Malone, no.

Representative M chaotic?

REP. M CHAUX: Aye.

CLERK: Representative M chaotic, aye.

Representative Moore?

REP. MOORE: Yes.

CLERK: Representative Moore, aye.

Representative Pierce?
REP. PIERCE: Yes.

CLERK: Representative Pierce, aye.

Representative Reives?

REP. REIVES: Aye.

CLERK: Representative Reives, aye.

Representative Willingham?

REP. WILLINGHAM: Aye.

CLERK: Representative Willingham, aye.

Representative Speciale?

REP. SPECIALE: No.

CLERK: Representative Speciale, no.

Representative Rogers?

REP. ROGERS: No.

CLERK: Representative Rogers, no.

Representative Saine?

REP. SAINE: No.

CLERK: Representative Saine, no.

Representative Wray?

REP. WRAY: Aye.

CLERK: Representative Wray, aye.

Representative Yarborough?

REP. YARBOROUGH: No.

CLERK: Representative Yarborough, could you repeat that?

REP. YARBOROUGH: No.
CLERK: Representative Yarborough, no. Representative Harrison? Representative Lewis?
REP. LEWIS: No.
CLERK: No. Representative Dollar?
REP. DOLLAR: No.
CLERK: Representative Dollar, no.
REP. HURLEY: Mr. Chair, I was skipped. CLERK: Oh, I'm sorry. Representative Hurley?
REP. HURLEY: No.
CLERK: No. Representative Torbett?
REP. TORBETT: No.
CLERK: Representative Torbett, no.
SEN. HISE: The Clerk will call the roll for the Senate?
CLERK: Senator Bishop?
SEN. BISHOP: No.
CLERK: Senator Bishop, no. Senator Blue?
SEN. BLUE: No.
CLERK: Senator Brown, no. Senator Clark?
SEN. CLARK: Aye.
CLERK: Senator Clark, aye. Senator Daniel?
SEN. DANIEL: Aye.
SEN. HARRINGTON: No.
CLERK: Senator Harrington, no. Senator Jackson?
SEN. JACKSON: No.
CLERK: Senator Jackson, no. Senator Lee?
SEN. LEE: No.
CLERK: Senator Lee, no. Senator Lowe?
SEN. LOWE: Aye.
CLERK: Senator Lowe, aye. Senator Newton?
SEN. NEWTON: No.
CLERK: Senator Newton, no. Senator Rabon?
SEN. SMITH-INGRAM: Aye.
CLERK: Senator Smith-Ingram, aye.
Senators Van Duyn?
SEN. VAN DUYN: Aye.
CLERK: Senator Van Duyn, aye. Senator Wade?
SEN. WADE: No.
CLERK: Senator Wade, no. Senator Hise?
SEN. HISE: No.
CLERK: Senator Hise, no.
REP. HARRISON: Mr. Chair?
SEN. HISE: Who's speaking?

REP. HARRISON: It's Representative Harrison on the back row.

SEN. HISE: Ah, affirmative. Thank you very much.

REP. HARRISON: May I be recorded as an aye, please, on the amendment?

SEN. HISE: By a vote of 13 in favor, 24 against in the House. Four in favor, eight against in the Senate, the amendment fails. The criteria estimated is back before the committee. Any other questions or comments? Senator Van Duyn?

SEN. VAN DUYN: I also have an amendment to Number 5.

SEN. HISE: Okay.

SEN. VAN DUYN: And I believe it's been prepared. Representative Lewis, I -- I think your point about --

UNIDENTIFIED MEMBER: Mr. Chair, can we hold until we get a copy of the amendment. Because I don't see it up on the screen or --

SEN. HISE: Chairs will pass out -- the Sergeant in Arms will pass out the amendments. Senator Van Duyn, it's -- the opinion of the Chair is that this is the same amendment that
was just submitted, but it's some wording changes, but I will give you an opportunity to explain how this is different from what we just decided.

SEN. VAN DUYN: Thank you very much, Mr. Chair. Representative Lewis, I take your point that two people might disagree about whether or not a particular line is drawn for political advantage, but I -- I do think we can agree about whether a line needs to be moved in terms to meet the requirements of population distribution. And all I'm saying is that we agree that we will only split a precinct if it is necessary for -- to achieve the population requirements that we've already agreed to.

SEN. LEE: Point of order, Mr. Chairman. If I may --

SEN. HISE: Senator Lee?

SEN. LEE: It sounds like we're going in and debating the substance of what we just debated. I -- I thought the comment was, how is this different than -- than what we just voted on, as opposed to reliving the substance of what we just debated.

SEN. HISE: That is what I gave her the opportunity to explain, and Representative Lewis
wouldn't speak. So we kind of have a joint -- two committees going here, so I'm going to make sure to let him

(Pause.)

SEN. HISE: Okay. Thank you, Senator Van Duyn. The opinion of the chair is the amendment is functionally equivalent to the previous amendment submitted and would be out of order as already considered by the committee.

SEN. SMITH-INGRAM: Mr. Chair?

SEN. HISE: Senator Smith-Ingram?

SEN. SMITH-INGRAM: I'd like to state my objection to the ruling of the Chairs. This amendment is clearly differential in that it does not expressly recite the achievement of partisan advantage.

SEN. HISE: Thank you, Senator Van Duyn. I'd -- probably would need to question under the rules if that's an appeal to the decision of the Chair.

SEN. SMITH-INGRAM: Yes.

SEN. HISE: Okay. The clerk will call the roll for the Senate.

UNIDENTIFIED MEMBER: Mr. Chairman. Mr. Chairman, would you please explain how one needs to
vote to uphold the ruling of the chair so we do not inadvertently vote the wrong way?

REP. MICHAUX: Mr. Chairman, they've been voting the wrong way already, so why not let them keep on doing it?

SEN. HISE: Thank you, members of the committee. As it was a member of the Senate to make the motion to overrule the Chair, it would be a vote of the Senate to overrule the Chair. It was specific to the Senate. Members of the Senate would vote aye to overrule the Chair, no to not overrule the Chair. Clerk will call the roll.

CLERK: Senator Bishop?

SEN. BISHOP: No.

CLERK: Senator Bishop, no. Senator Blue? Senator Brown?

SEN. BROWN: No.

CLERK: Senator Brown, no. Senator Clark?

SEN. CLARK: Aye.

CLERK: Senator Clark, aye. Senator Daniel? Senator Harrington?

SEN. HARRINGTON: No.

CLERK: Senator Harrington, no. Senator Jackson?

J an kson?
SEN. JACKSON: No.

CLERK: Senator Jackson, no. Senator Lee?

SEN. LEE: No.

CLERK: Senator Lee, no. Senator Lowe?

SEN. LOWE: Aye.

CLERK: Senator Lowe, aye. Senator Newton?

SEN. NEWTON: No.

CLERK: Senator Newton, no. Senator Rabon?

SEN. SMITH-INGRAM: Aye.

CLERK: Senator Smith-Ingram, aye.

Senator Van Duyn?

SEN. VAN DUYN: Aye.

CLERK: Senator Van Duyn, aye. Senator Wade?

SEN. WADE: No.

CLERK: Senator Wade, no. Senator Hise?

SEN. HISE: No.

CLERK: Senator Hise, no.

SEN. HISE: By a vote of 4 to 8, the motion to overrule the Chair -- by a vote of 4 to 8, the motion to overrule the Chair fails. The motion will be back before us to adopt criteria,
fewer split precincts. Representative Lewis, any other comments?

REP. LEWIS: No, sir. I move the adoption of the amendment -- the adoption of the criteria as presented.

SEN. HISE: Representative Torbett and the Chairs will move for the adoption of the amendment. We will enter into a roll call vote seeing no other questions or comments. We will --

UNIDENTIFIED MEMBER: Mr. Chairman, I don't think it's the amendment, I think it's the adoption.

SEN. HISE: You are correct. It is the adoption of the criteria, fewer precincts split. And I think this one was 5. It doesn't have a number on the screen. So we will begin with a call of the roll of the House. Thank you.

CLERK: Representative Jackson?

REP. JACKSON: No.

CLERK: Representative Jackson, no. Representative Szoka?

REP. SZOKA: Aye.

CLERK: Representative Szoka, aye. Representative Stevens?

REP. STEVENS: Aye.
CLERK: Representative Stevens, aye.

Representative Bell?

REP. BELL: Aye.

CLERK: Representative Bell, aye.

Representative Brawley?

REP. BRAWLEY: Aye.

CLERK: Representative Brawley, aye.

Representative Brockman?

REP. BROCKMAN: No.

CLERK: Representative Brockman, no.

Representative Burr?

REP. BURR: Aye.

CLERK: Representative Burr, aye.

Representative Davis? Representative Davis?

Representative Dixon?

REP. DIXON: Aye.

CLERK: Representative Dixon, aye.

Representative Dobson?

REP. DOBSON: Aye.

CLERK: Representative Dobson, aye.

Representative Dulin?

REP. DULIN: Aye.

CLERK: Representative Dulin, aye.

Representative Farmer-Butterfield?

REP. FARMER-BUTTERFIELD: No.
Representative Farmer-Butterfield, no. Representative Floyd?

Representative Floyd? Representative Garrison?

Representative Gill?

Representative Grange?

Representative Hall?

Representative Hanes?

Representative Hardister?

Representative Harrison?

Representative Hastings?
Representative Hastings, aye.

Representative Howard?

Representative Howard, aye.

Representative Hunter?

Representative Hunter, no.

Representative Hurley?

Representative Hurley, aye.

Representative Johnson?

Representative Johnson, aye.

Representative Jones? Representative Jones?

Representative Jordan?

Representative Jordan, aye.

Representative Malone?

Representative Malone, aye.

Representative Michaux?

Representative Michaux, no.

Representative Moore? Representative Moore?

Representative Moore, Nay.
CLERK: Representative Moore, no.

Representative Pierce?

REP. PIERCE: No.

CLERK: Representative Pierce, no.

Representative Reives?

REP. REIVES: No.

CLERK: Representative Reives, no.

Representative Willingham?

REP. WILLINGHAM: No.

CLERK: Representative Willingham, no.

Representative Speciale?

REP. SPECIALE: Aye.

CLERK: Representative Speciale, aye.

Representative Rogers?

REP. ROGERS: Aye.

CLERK: Representative Rogers, aye.

Representative Saine?

REP. SAINIE: Aye.

CLERK: Representative Saine, aye.

Representative Wray?

REP. WRAY: No.

CLERK: Representative Wray, no.

Representative Yarborough?

REP. YARBOROUGH: Aye.

CLERK: Representative Yarborough, aye.
Representative Torbett?

REP. TORBETT: Aye.

CLERK: Representative Torbett, aye.

Representative Lewis?

REP. LEWIS: Aye.

CLERK: Aye. Representative Dollar?

REP. DOLLAR: Aye.

CLERK: Aye. Representative Dollar, aye.

SEN. HISSE: Clerk will call the roll for the Senate.

CLERK: Senator Bishop?

SEN. BISHOP: Aye.

CLERK: Senator Bishop, aye. Senator Blue?

SEN. BLUE: Aye.

CLERK: Senator Blue, aye. Senator Clark?

SEN. CLARK: No.

CLERK: Senator Clark, no. Senator Daniel?

SEN. DANIEL: Aye.

CLERK: Senator Daniel, aye. Senator Harrington?

SEN. HARRINGTON: Aye.

CLERK: Senator Harrington, aye. Senator Jackson?

SEN. JACKSON: Aye.

CLERK: Senator Jackson, aye. Senator
SEN. LEE: Aye.

CLERK: Senator Lee, aye. Senator Lowe?

SEN. LOWE: No.

CLERK: Senator Lowe, no. Senator Newton?

SEN. NEWTON: Aye.

CLERK: Senator Newton, aye. Senator Rabon?

SEN. SMITH-INGRAM: No.

CLERK: Senator Smith-Ingram, no.

SEN. VAN DUYN: No.

CLERK: Senator Van Duyn, no. Senator Wade?

SEN. WADE: Aye.

CLERK: Senator Wade, aye. Senator Hise?

SEN. HISE: Aye.

CLERK: Senator Hise, aye.

SEN. HISE: By a vote in the House of 24 to 14 and a vote in the Senate of 8 to 4, Criteria 5, as submitted, is adopted, fewer split precincts by the committee.

Members, we will now go to -- back to proposed criteria number 6, municipal boundaries.
I will have an amendment. Before we get into it, I want to quickly state that if you have a proposed amendment for any of the criteria -- they have been submitted to everyone this morning -- I would ask that you get with staff now and have that drafted in this process so that, as we go forward in the future, we don't have to displace a criteria and can go ahead move through the time-cumbersome process. So, that being said, it was submitted by, I can't read that signature. So who submitted? Senator Clark, you're recognized to explain your amendment.

SEN. CLARK: Thank you, Mr. Chair. Committee members, what this does is exactly what Representative Lewis indicated that he'd be willing to do. It just puts it in writing. He indicated that if we came to him with concerns about communities of interest, that the committee may consider those. And that's what this particular amendment says, it says that if a member of this body comes forward with a community of interest that they can specifically categorize, that the committee may consider them.

SEN. HISE: Representative Lewis?

REP. LEWIS: Thank you, Mr. Chairman, and
thank you, Senator Clark, for sending forward the amendment. I don't believe that I can have a hard-and-fast definition of what a community of interest is. I think your -- the way you've drafted the amendment is artful and points out that what I may consider a community of interest, you may not, which means it is appropriate, once the map is drawn, to discuss amendments to the map in which you can discuss specific communities of interest. I don't believe it belongs in this criteria and would ask members to vote it down.

SEN. HISE: Other questions or comments? Seeing none, we will move into a vote on the -- Senator Clark has moved to amend the criteria, as identified. We will begin with a call of the roll of the Senate.

CLERK: Senator Bishop?
SEN. BISHOP: No.
CLERK: Senator Bishop, no. Senator Blue?
SEN. BLUE: No.
CLERK: Senator Brown, no. Senator Clark?
SEN. CLARK: Aye.
CLERK: Senator Clark, aye. Senator
Daniel? Senator Harrington?

SEN. HARRINGTON: No.

CLERK: Senator Harrington, no. Senator Jackson?

SEN. JACKSON: No.

CLERK: Senator Jackson, no. Senator Lee?

SEN. LEE: No.

CLERK: Senator Lee, no. Senator Lowe?

SEN. LOWE: Aye.

CLERK: Senator Lowe, aye. Senator Newton?

SEN. NEWTON: No.

CLERK: Senator Newton, no. Senator Rabon? Senator Smith-Ingram?

SEN. SMITH-INGRAM: Aye.

CLERK: Senator Smith-Ingram, aye. Senator Van Duyn?

SEN. VAN DUYN: Aye.

CLERK: Senator Van Duyn, aye. Senator Wade?

SEN. WADE: No.

CLERK: Senator Wade, no. Senator Hise?

SEN. HISE: No.

CLERK: Senator Hise, no.
SEN. HISE: Call the roll of the House.

CLERK: Representative Jackson?

REP. JACKSON: Yes.

CLERK: Jackson, aye. Representative Szoka?

REP. SZOKA: No.

CLERK: Szoka, no. Representative Stevens?

REP. STEVENS: No.

CLERK: Stevens, no. Representative Bell?

REP. BRAWLEY: No.

CLERK: Brawley, no. Representative Brockman?

REP. BROCKMAN: Yes.

CLERK: Brockman, aye. Representative Burr?

REP. BURR: No.

CLERK: Burr, no. Representative Davis?

REP. DIXON: No.

CLERK: Dixon, no. Representative Dobson?

REP. DOBSON: No.
CLERK: Dobson, no. Representative Dulin?

REP. DULIN: No.

CLERK: Dulin, no. Representative Farmer-Butterfield?

REP. FARMER-BUTTERFIELD: Aye.

CLERK: Farmer-Butterfield, aye. Representative Floyd? Representative Floyd?

Representative Garrison?

REP. GARRISON: Aye.

CLERK: Garrison, aye. Representative Gill?

REP. GILL: Aye.

CLERK: Gill, aye. Representative Grange?

REP. GRANGE: No.

CLERK: Grange, no. Representative Hall?

REP. HALL: No.

CLERK: Hall, no. Representative Hanes?

REP. HANES: Yes.

CLERK: Hanes, aye. Representative Hardister?

REP. HARDISTER: No.

CLERK: Hardister, no. Representative Harrison?
REP. HARRISON: Aye.

CLERK: Harrison, aye. Representative Hastings?

REP. HASTINGS: No.

CLERK: Hastings, no. Representative Howard?

REP. HOWARD: No.

CLERK: Howard, no. Representative Hunter?

REP. HUNTER: Aye.

CLERK: Hunter, aye. Representative Johnson?

REP. JOHNSON: No.

CLERK: Johnson, no. Representative Jones? Representative Jordan?

REP. JORDAN: No.

CLERK: Jordan, no. Representative Malone?

REP. MALONE: No.

CLERK: Malone, no. Representative Mchaux?

REP. MCHAUX: Aye.

CLERK: Mchaux, aye. Representative More?

REP. MOORE: Yes.
CLERK: Moore, aye. Representative Pierce?

REP. PIERCE: Aye.

CLERK: Pierce, aye. Representative Reives?

REP. REIVES: Aye.

CLERK: Reives, aye. Representative Willingham?

REP. WILLI NGHAM: Aye.

CLERK: Willingham, aye. Representative Speciale?

REP. SPECIALE: No.

CLERK: Speciale, no. Representative Rogers?

REP. ROGERS: No.

CLERK: Rogers, no. Representative Saine?

REP. SAIN E: No.

CLERK: Saine, no. Representative Wray?

REP. W RAY: Aye.

CLERK: Wray, aye. Representative Yarborough?

REP. YARBOROUGH: No.

CLERK: Yarborough, no. Representative Torbett?
REP. TORBETT: No.

CLERK: Torbett, no. Representative Hurley?

REP. HURLEY: No.

CLERK: Hurley, no. Representative Bell?

REP. BELL: No.

CLERK: Bell, no. Representative Lewis?

REP. LEWIS: No.

CLERK: Lewis, no. Representative Dollar?

REP. DOLLAR: No.

CLERK: Dollar, no.

SEN. HISE: By a vote of 4 to 8 in the Senate and by a vote of 14 to 24 in the House, the motion fails. The Criteria Number 6, municipal boundaries, is back before the committee. Representative Dollar?

REP. DOLLAR: Motion to approve the criteria.

SEN. HISE: The chairmen have moved for the approval of the criteria. Any other comments or discussions? Seeing none. Clerk will begin with the call of the roll of the House.

CLERK: Representative Jackson?

REP. JACKSON: No.
CLERK: Representative Jackson, no.
Representative Szoka?

REP. SZOKA: Aye.

CLERK: Representative Szoka, aye.

Representative Stevens?

REP. STEVENS: Aye.

CLERK: Representative Stevens, aye.

Representative Bell?

REP. BELL: Aye.

CLERK: Representative Bell, aye.

Representative Brawley?

REP. BRAWLEY: Brawley, aye.

CLERK: Representative Brawley, aye.

Representative Brockman?

REP. BROCKMAN: No.

CLERK: Representative Brockman, no.

Representative Burr?

REP. BURR: Aye.

CLERK: Representative Burr, aye.

Representative Davis?

Representative Davis?

Representative Dixon?

REP. DIXON: Aye.

CLERK: Representative Dixon, aye.

Representative Dobson?

REP. DOBSON: Aye.
Representative Dobson, aye.

Representative Dulin?

REP. DULIN: Aye.

CLERK: Representative Dulin, aye.

Representative Farmer-Butterfield?

REP. FARMER-BUTTERFIELD: No.

CLERK: Representative Farmer-Butterfield, no.

Representative Floyd?

Representative Floyd? Representative Garrison?

REP. GARRISON: No.

CLERK: Representative Garrison, no.

Representative Gill?

REP. GILL: No.

CLERK: Representative Gill, no.

Representative Grange?

REP. GRANGE: Aye.

CLERK: Representative Grange, aye.

Representative Hall?

REP. HALL: Aye.

CLERK: Representative Hall, aye.

Representative Hanes?

REP. HANES: No.

CLERK: Representative Hanes, no.

Representative Hardister?

REP. HARDISTER: Aye.
Representative Hardister, aye.

Representative Harrison?

REP. HARRISON: No.

CLERK: Representative Harrison, no.

Representative Hastings?

REP. HASTINGS: Aye.

CLERK: Representative Hastings, aye.

Representative Howard?

REP. HOWARD: Aye.

CLERK: Representative Howard, aye.

Representative Hunter?

REP. HUNTER: No.

CLERK: Representative Hunter, no.

Representative Hurley?

REP. HURLEY: Aye.

CLERK: Representative Hurley, aye.

Representative Johnson?

REP. JOHNSON: Aye.

CLERK: Representative Johnson, aye.

Representative Jones? Representative Jones?

Representative Jordan?

REP. JORDAN: Aye.

CLERK: Representative Jordan, aye.

Representative Malone?

REP. MALONE: Aye.
Representative Malone, aye.

Representative Michaux?

REP. M CHAUX: No.

Representative Moore?

REP. MOORE: No.

Representative Pierce?

REP. PIERCE: No.

Representative Reives?

REP. REIVES: No.

Representative Willingham?

REP. W LLINGHAM: No.

Representative Speciale?

REP. SPECIALE: Aye.

Representative Rogers?

REP. ROGERS: Aye.

Representative Saine?

REP. SAINE: Aye.
Representative Wray?

REP. WRAY: No.

CLERK: Representative Wray, no.

Representative Yarborough?

REP. YARBOROUGH: Aye.

CLERK: Representative Yarborough, aye.

Representative Torbett?

REP. TORBETT: Aye.

CLERK: Representative Torbett, aye.

Representative Lewis?

REP. LEWIS: Aye.

CLERK: Representative Lewis, aye.

Representative Dollar?

REP. DOLLAR: Aye.

CLERK: Representative Dollar, aye.

SEN. HISE: Clerk, call the roll of the Senate.

CLERK: Senator Bishop?

SEN. BISHOP: Aye.

CLERK: Senator Bishop, aye. Senator Blue?

SEN. BLUE: Aye.

CLERK: Senator Blue, aye. Senator Brown?

SEN. BROWN: Aye.

CLERK: Senator Brown, aye. Senator Clark?

SEN. CLARK: No.
CLERK: Senator Clark, no. Senator Daniel?

SEN. HARRINGTON: Aye.

CLERK: Senator Harrington, aye. Senator Jackson?

SEN. JACKSON: Aye.

CLERK: Senator Jackson, aye. Senator Lee?

SEN. LEE: Aye.

CLERK: Senator Lee, aye. Senator Lowe?

SEN. LOWE: No.

CLERK: Senator Lowe, no. Senator Newton?

SEN. NEWTON: Aye.

CLERK: Senator Newton, aye. Senator Rabon?

SEN. SMITH-INGRAM: No.

CLERK: Senator Smith-Ingram, no.

Senator Van Duyn?

SEN. VAN DUYN: No.

CLERK: Senator Van Duyn, no. Senator Wade?

SEN. WADE: Aye.

CLERK: Senator Wade, aye. Senator Hise?

SEN. HISE: Aye.
CLERK:  Senator Hise, aye.

SEN. HISE:  By a vote of 24-14 in the
House and a vote of 8 to 4 in the Senate, the
proposed criteria on municipal boundaries is
considered adopted by the Committee. Members
should now have Criterion Number 7, incumbency
protection. Representative Lewis.

REP. LEWIS:  Thank you, Mr. Chairman.
This criteria reads, reasonable efforts and
political considerations may be used to avoid
pairing incumbent members of the House or Senate
with another incumbent in legislative districts
drawn in 2017 House and Senate plans. The
Committee may make reasonable efforts to ensure
voters have a reasonable opportunity to elect
non-paired incumbents of either party to a district
in the 2017 House and Senate plans.

To speak on it briefly, since last week's
Committee meeting, Senator Blue has written the
Chairs on the subject of criteria. In his letter,
he writes, "incumbency protection is not legally
required in redistricting, but it may be considered
as a secondary criterion after first ensurence" --
after first "ensuring", pardon me -- "compliance
with federal and state law."
The Chairs do not agree with all of Senator Blue's letter, but we do agree with this statement. I'll further add that the courts have ruled that incumbency is a traditional redistricting criteria, and I will urge members to adopt this criteria. Happy to answer any questions.

SEN. HISE: Representative Jackson.

REP. JACKSON: Thank you, Mr. Chairman. I -- I don't have a question. I just have a statement, if that's okay. I -- you -- you know, this is -- the thing about redistricting that really bothers me is that the court has now ruled that the maps from 2011 were unconstitutional. At the -- at the time, the partisan divide between -- in the House was 68-52, and by the use of unconstitutional maps, the majority is now 74 to 46. So it seems just ridiculous to me that you would get to now say we get to protect the members that we were able to elect by using unconstitutional maps.

What's more is that, you know, you -- you've addressed other criteria such as municipalities and splitting precincts, but then we're going to say that in order to protect the
incumbents, we can violate these other things that we’ve done or -- other criteria that we’ve adopted. And I just don’t think incumbency protection has any role in this, especially in this term. I think it’s unfair that we’re -- that a majority obtained by unconstitutional districts is now going to try to be protected by using criteria like redistricting, and so I would ask you to vote against this.

SEN. HISE: Mr. Chairman.

REP. LEWIS: Thank you. I would like to point out to the members that the Republican majority was earned in 2010 when the voters elected us in districts drawn by the Democrats. And that is where the balance of legislative seats shifted in those seats.

I would point out again that recognizing the residencies of incumbents is an -- is a traditional principle. What does this mean? This means that there may be two senators who live in Durham less than a mile apart from each other. We can certainly disregard their residencies, if that’s what this Committee wishes to do. But I think we are selling ourselves short if we don’t acknowledge, at least, that the residencies of
people who have been elected in districts is a relevant criteria to consider. I would urge members to vote for this criteria.

SEN. SMITH-INGRAM Thank you, Mr. Chair. Representative Lewis, could you provide clarification on the second sentence in this rule. More specifically, what -- what is "a reasonable opportunity to elect non-paired incumbents for either party." What does that entail?

REP. LEWIS: Thank you very much for the question, Senator. I can interpret it the way that I interpret it, if that's okay. There will be -- and, in fact, I think the press has written about, there will be pairings of incumbents that will not be able to be avoided in the drawing of this map because of other criteria. This is simply saying that the map makers may take reasonable efforts to not pair incumbents unduly.

SEN. SMITH-INGRAM Follow up.

SEN. HISE: Follow up?

SEN. SMITH-INGRAM Can you give me an example of what that looks like with the non-paired incumbents?

REP. LEWIS: Yes, ma’am. When I release the map.
SEN. HISE: Senator Van Duyn.

SEN. VAN DUYN: I'd just like to make a comment. And that is, whatever districts we draw, they should represent the voters and not elected officials. I just fundamentally believe that incumbency should not be a criteria. Traditionally, it may have been done that way, but I think we're hearing clearly from the people of North Carolina that they want that to change.

SEN. HISE: Any other questions or comments? Senator Brown.

SEN. BROWN: Thank you, Mr. Chairman. Representative Lewis, it's -- the -- the other criteria that mostly has already been adopted will address this issue pretty much anyway. Because the grouping of the counties -- that criteria alone will group existing members against each other, and there's no way around that. I think what you're talking about -- I think you used an example in Durham County, you know, where maybe there's a way that you might -- can work though that situation. But again, I think the criteria is going to group certain members against certain members, and that will be pretty much the way it is. I think the way that it's worded -- that it's when practicable.
And so --

SEN. HISE: Thanks. Representative Jackson.

REP. JACKSON: I had a question for Chairman Lewis.

SEN. HISE: Thank you.

REP. JACKSON: Chairman Lewis, so I -- the way I see it, you have -- you have traditional redistricting criteria like federal constitutional law that is the first criteria you use, and then state constitutional law. And then you have things like this, and I -- I wonder, when you have something like incumbency protection and then you also have protecting municipal lines, how will the map drawer decide which one of those to give priority to?

REP. LEWIS: Thank you for the question, Representative Jackson. The answer is that we are here today to adopt criteria that I can use in working with the map drawer to bring a map back to this Committee and back to the public for their input; that we don't need to get into a may or shall discussion again, but you simply do the best that you can with the information that -- that you have.
SEN. HISE: Representative Dollar.

REP. DOLLAR: For a motion, but Mr. Chair, I would also observe it sounds like some people are volunteering to be not -- not -- not to be considered in that. Now, maybe that should be noted. Mr. Chairman, I would make a motion to adopt the incumbency protection criteria.

REP. LEWIS: Mr. Chairman, before we vote, may I make one point for the record?

SEN. HISE: Go ahead.

REP. LEWIS: I also want to add to my initial remarks on this criteria. Another member in here declared that -- said that our districts were declared illegal and that's what had produced the majority. I would point out that the court has ruled that 28 of the 170 districts are illegal, not all of them.

SEN. HISE: Any other questions or comments? Hearing none, Representative Dollar and the Chairman move for the adoption of the proposed criteria listed as Number 7, incumbency protection. We'll begin with a call of the roll of the Senate.

CLERK: Senator Bishop.

SEN. BISHOP: Aye.

CLERK: Senator Bishop, aye. Senator
Blue. Senator Brown.

SEN. BROWN: Aye.


SEN. CLARK: No.

CLERK: Senator Clark, no. Senator Daniel.

SEN. HARRINGTON: Aye.


SEN. JACKSON: Aye.


SEN. LEE: Lee: Aye.


SEN. LOWE: No.


SEN. NEWTON: Aye.


SEN. SMITH-INGRAM: No.

CLERK: Senator Smith-Ingram, no.

Senator Van Duyn.

SEN. VAN DUYN: No.
CLERK:  Senator Van Duyn, no. Senator Wade.

SEN. WADE:  Aye.


SEN. HISE:  Aye.

CLERK:  Senator Hise, aye.

SEN. HISE:  Call the roll of the House.

CLERK:  Representative Jackson.

SEN. JACKSON:  No.

CLERK:  Representative Jackson, no.

Representative Szoka.

REP. SZOKA:  Aye.

CLERK:  Representative Zoka, aye.

Representative Stevens.

REP. STEVENS:  Aye.

CLERK:  Representative Stevens, aye.

Representative Bell.

REP. BELL:  Aye.

CLERK:  Representative Bell, aye.

Representative Brawley.

REP. BRAWLEY:  Aye.

CLERK:  Representative Brawley, aye.

Representative Brockman.

REP. BROCKMAN:  No.

CLERK:  Representative Brockman, no.
Representative Burr.

REP. BURR: Aye.

CLERK: Representative Burr, aye.

Representative Davis. Representative Davis.

Representative Dixon.

REP. DIXON: Aye.

CLERK: Representative Dixon, aye.

Representative Dobson.

REP. DOBSON: Aye.

CLERK: Representative Dobson, aye.

Representative Dulin.

REP. DULIN: Aye.

CLERK: Representative Dulin, aye.

Representative Farmer-Butterfield. Representative Farmer-Butterfield.

REP. FARMER-BUTTERFIELD: No.

CLERK: Representative Farmer-Butterfield, no. Representative Floyd.

Representative Floyd. Representative Garrison.

REP. GARRESON: No.

CLERK: Representative Garrison, no.

Representative Gill.

REP. GILL: No.

CLERK: Representative Gill, no.

Representative Grange.
REP. GRANGE: Aye.

CLERK: Representative Grange, aye.

Representative Hall.

REP. HALL: Aye.

CLERK: Representative Hall, aye.

Representative Hanes.

REP. HANES: No.

CLERK: Representative Hanes, no.

Representative Hardister.

REP. HARDISTER: Aye.

CLERK: Representative Hardister, aye.

Representative Harrison.

REP. HARRISON: No.

CLERK: Representative Harrison, no.

Representative Hastings.

REP. HASTINGS: Aye.

CLERK: Representative Hastings, aye.

Representative Howard.

REP. HOWARD: Aye.

CLERK: Representative Howard, aye.

Representative Hunter.

REP. HUNTER: No.

CLERK: Representative Hunter, no.

Representative Johnson.

REP. JOHNSON: Aye.
CLERK: Represent ative Johnson, aye.
Represent ative Jones. Represent ative Jones.
Represent ative Jordan. Represent ative Jordan.
REPRESENTATIVE JORDAN: Aye.
CLERK: Represent ative Jordan, aye.
Represent ative Malone.
REPRESENTATIVE MALONE: Aye.
CLERK: Represent ative Malone, aye.
Represent ative Michaux.
REPRESENTATIVE MCHAUX: No.
CLERK: Represent ative Mchaux, no.
Represent ative Moore.
REPRESENTATIVE MOORE: No.
CLERK: Represent ative Moore, no.
Represent ative Pierce.
REPRESENTATIVE PIERCE: No.
CLERK: Represent ative Pierce, no.
Represent ative Reives.
REPRESENTATIVE REIVES: No.
CLERK: Represent ative Reives, no.
Represent ative Willingham
REPRESENTATIVE WILLINGHAM: No.
CLERK: Represent ative Willingham, no.
Represent ative Speciale.
REPRESENTATIVE SPECIALE: Aye.
Representative Speciale, aye.
Representative Rogers.
REP. ROGERS: Aye.
CLERK: Representative Rogers, aye.
Representative Saine.
REP. SAIN: Aye.
CLERK: Representative Saine, aye.
Representative Wray.
REP. WRAY: No.
CLERK: Representative Wray, no.
Representative Yarborough.
REP. YARBOROUGH: Aye.
CLERK: Representative Yarborough, aye.
Representative Torbett.
REP. TORBETT: Aye.
CLERK: Representative Torbett, aye.
Representative Hurley.
REP. HURLEY: Aye.
CLERK: Representative Hurley, aye.
Representative Lewis.
REP. LEWIS: Aye.
CLERK: Representative Lewis, aye.
Representative Dollar.
REP. DOLLAR: Aye.
CLERK: Representative Dollar, aye.
SEN. HISE: 8 having voted in favor in the Senate, 4 against. 24 in favor in the House and 14 against. Criteria listed as Number 7, incumbency protection, is adopted by the Committee.

Next in front of me, ladies and gentlemen, we have criteria listed as Number 8, election data.

REP. LEWIS: Mr. Chairman.

SEN. HISE: Representative Lewis.

REP. LEWIS: Thank you. Mr. Chairman, this criteria reads, election data. Political consideration and election results data may be used in drawing up legislative districts in 2017 House and Senate plans. I believe this is pretty self-explanatory, and I would urge members to adopt the criteria.

SEN. CLARK: Thank you, Mr. Chair. In our previous Committee meeting, I asked that for each map that was brought forward for consideration that an efficiency gap analysis be conducted. Are we going to be able to do that?

SEN. HISE: Representative Lewis?

REP. LEWIS: Thank you for that question, Senator Clark. Let me make a few points on the efficiency gap, if I can. First of all, the article that talks about the efficiency gap, which
is entitled, I believe, "Partisan Gerrymandering and Efficiency Gap" by Stephanopoulos and McGhee, proposes the use of an efficiency gap concept that is yet to be peer-reviewed by any other legal or academic scholars. Further, I think it's important to point out that the efficiency gap itself is designed to measure election results, and it is based on past election results. It's very hard, and -- and I did read your letter closely -- I would think it would be disingenuous to try to create proxy election results in order to try to measure an efficiency gap.

Further, I think it's important to understand that if you buy into, if you will, the efficiency gap criteria, we would actually be moving away from our current system of government to a -- a European-style parliamentary system. I further believe that the use of this criteria would require the legislature to severely gerrymander in order to dictate a predetermined outcome and that drawing would require the legislature to reject Constitutionally-required redistricting criteria, such as the county-grouping formula.

I say all that to say that I do not believe that the efficiency gap; one, can be
applied prospectively as it has been written about; two, I reject the argument that an efficiency gap test is a necessary or needed thing. I do not believe that anyone's vote is wasted, which is the premise that the efficiency gap operates on.

So with that said, you could certainly request, once the maps were drawn, any type of report that you wanted to do, but it would not -- it is not contemplated by me that an efficiency gap would be run on the map that is initially presented to this Committee.

SEN. HISE: Senator Clark?

SEN. CLARK: Thank you, Mr. Chair. First of all, efficiency gaps can be calculated prospectively. There are a lot of articles out there regarding the efficiency gap. And secondly, the capability to do so does exist. And then also, with regard to the notion of the wasted votes, that's not -- it's not implying that an individual's vote is wasted. What is being indicated is that the distribution of those votes through gerrymandering devalues the votes of the citizens, and that is something we should not be doing. So if we're not going to use methods such as the efficiency gap, what method are we going to
use to ensure partisan symmetry? And then what would we do with this political -- political data that you plan on collecting?

REP. LEWIS: Thank you for the question. The criteria says that election results may be used in drawing. We are not going to ensure the outcome of anything one way or the other.

SEN. CLARK: Mr. Chair?

SEN. HISE: A follow-up, I'm assuming?

SEN. CLARK: I'm still not clear on that response. You're going to collect the political data. What specifically would the Committee do with it?

REP. LEWIS: The -- thank you for the question. The answer is, the Committee could look at the political data as evidence to how, perhaps, votes have been cast in the past. It is important though, Senator -- you and I have severe disagreements on very few things, but the efficiency gap is one of them. I would encourage anyone who is listening to this who is interested in it to review it and to review the 2016 election for the General Assembly for the House, and you will find out that, based on the article that is written, there is no efficiency gap under the plans...
that have been struck down. So I have a real
cconcern and I'm not sure -- again, a test which
purely analyzes past election results to determine
if there are wasted votes or if there is an
efficiency issue, can be done prospectively.

SEN. HISE: Senator Clark.

SEN. CLARK: I guess I disagree with you
on the results of using the efficiency gap analysis
as any member should desire. I can provide you
with my calculations that I have done myself using
Microsoft Excel and -- and their -- they tell a
different story, and, as a matter of fact, I had
the process vetted by the UNC School of Government,
and I'd be more than happy to distribute that and
discuss it with anyone that's willing to review
that with me.

And also, back to the wasted votes
analysis, like I said, that's not an indication
that an individual has wasted their vote by
exercising their constitutional right. That speaks
of the fact that the votes are being distributed in
a way that benefit the majority party and if you --
I'm sure you read, when you read Stephanopoulos'
material, that you saw that, for the most part, any
particular plan that had an efficiency gap
exceeding 8 percent, they fell about 1.5 percent outside of the mean and that was a rarity. As a matter of fact, I think only about 12 percent of the legislative plans over the last 50 years had efficiency gaps that high.

SEN. HISE: Senator Smith-Ingram

SEN. SMITH-INGRAM: Thank you, Mr. Chair. Chair Lewis, would you be able to provide a representative list of three to four items entailed with political considerations and election results data?

REP. LEWIS: Mr. Chairman, I apologize, and Senator, I didn't understand your question.

SEN. SMITH-INGRAM: Okay. So I'm asking for examples. What would be some examples of the political considerations that are going to utilized, as well as, can you give me a list of three to four items or considerations that will fall under using elections results data?

REP. LEWIS: May I give you ten?

SEN. SMITH-INGRAM: Sure.

REP. LEWIS: Thank you. The 2010 US Senate race, the 2012 race for President, the 2012 race for Governor, the 2012 race for Lieutenant Governor, the 2016 race for US Senate, 2016 race

SEN. SMITH-INGRAM Thank you. Follow up. Thank you, Mr. Chair. That answers my questions as it relates to the election results data. Can you provide a representative list of what is considered under political considerations? Can you define that or give me the parameters of what those items could include?

REP. LEWIS: Well, ma'am, political considerations simply are historical representations of past voting performance.

SEN. HISE: Follow up?

SEN. SMITH-INGRAM Does the leadership have a goal of maintaining the current partisan advantage in the House and the Senate? Is that considered political consideration?

REP. LEWIS: Representative [sic], thank you for the question. The -- the leadership has no such goal.

SEN. SMITH-INGRAM Last follow up.

SEN. HISE: Final follow up.

SEN. SMITH-INGRAM So for clarification on what you just said, Chair Lewis, partisan
advantage is not going to fall under the category of political considerations.

REP. LEWIS: Well, ma'am, I'm-- again, I'm trying to think about how to answer your question differently than I did before. Again, the entire process of where lines are drawn, every result from where a line is drawn will be an inherently political thing. I am saying that redistricting in itself is an inherently political process. It is right and relevant to review past performance in drawing districts, so I -- I'm sorry if I'm not answering your question. I'm trying to understand it as best I can.

SEN. HISE: Senator Clark.

SEN. CLARK: Thank you, Mr. Chair. You indicated part of the political data that would be evaluated would be the past elections, for the most part; you identify quite a few. Now, you said previously that they could provide no indication of what might happen in the future. Otherwise, they couldn't be used prospectively as we would do with the efficiency gap calculations. So if you're not going to use those results prospectively, and you -- for what reason, you just want to take a look at them and see what happened in the past, I
don't see how that can add value to anything if you don't anticipate that they can inform you about what might happen in the future.

REP. LEWIS: Senator, thank you for the question. Again, I think the efficiency gap is -- seeks to somehow create some kind of proportional -- proportionate representation thing, and unless we're going to get to the point where we have Prime Minister Moore and Lord Berger, I don't see what -- that's relevant at this point.

SEN. HISE: Follow up.

SEN. CLARK: First of all, efficiency gaps deals with single-member districts, which is what do have in the United States of America. So back to my other point, if we can't use --

REP. LEWIS: Excuse me, sir. I believe the efficiency gap is a cumulative thing. That's what the article says, which is how you apply it to a state plan, which is how you and I both just agreed that most state plans in the US fall underneath it, including the 2016 plan in which the House of Representatives of this state was elected.

SEN. CLARK: Okay. So clearly we're not going to agree on the efficiency gap, so back to the other point.
SEN. HISE: Follow-up.

SEN. CLARK: Sorry, Mr. Chair. Follow up. Okay. You indicated that you were going to look at election data, so that -- still these other questions that I have. If you're not going to look at the election data for the purpose of determining prospectively what might happen and just want to see what happened in the past, what good does looking to see what happened in the past do us, if we're not going to use it for what might happen in the future?

REP. LEWIS: I believe that the consideration of political data in terms of election results is an established districting criteria, and it's one that I propose that this committee use in drawing the map.

SEN. HISE: Representative Dollar.

REP. DOLLAR: Mr. Chairman, I move the adoption of the election data criteria.

SEN. HISE: Any other questions or comments? Seeing none, Clerk will begin with the call of the roll of the House.

CLERK: Representative Jackson.

REP. JACKSON: No.

CLERK: Representative Jackson, no.
Representative Szoka.

REP. SZOKA: Aye.

CLERK: Representative Szoka, aye.

Representative Stevens.

REP. STEVENS: Aye.

CLERK: Representative Stevens, aye.

Representative Bell.

REP. BELL: Aye.

CLERK: Representative Bell, aye.

Representative Brawley.

REP. BRAWLEY: Aye.

CLERK: Representative Brawley, aye.

Representative Brockman.

REP. BROCKMAN: No.

CLERK: Representative Brockman, no.

Representative Burr.

REP. BURR: Aye.

CLERK: Representative Burr, aye.

Representative Davis. Representative Davis.

Representative Dixon.

REP. DIXON: Aye.

CLERK: Representative Dixon, aye.

Representative Dobson.

REP. DOBSON: Aye.

CLERK: Representative Dobson, aye.
Representative Dulin.

REP. DULIN: Aye.

CLERK: Representative Dulin, aye.

Representative Farmer-Butterfield.

REP. FARMER-BUTTERFIELD: No.

CLERK: Representative Farmer-Butterfield, no. Representative Floyd.

Representative Floyd. Representative Garrison.

REP. GARRISON: No.

CLERK: Representative Garrison, no. Representative Gill.

REP. GILL: No.

CLERK: Representative Gill, no. Representative Grange.

REP. GRANGE: Aye.

CLERK: Representative Grange, aye. Representative Hall.

REP. HALL: Aye.

CLERK: Representative Hall, aye. Representative Hanes.

REP. HANES: No.

CLERK: Representative Hanes, could you please repeat that?

REP. HANES: No.

CLERK: Representative Hanes, no.
Representative Hardister.

REP. HARDISTER: Yes.

CLERK: Representative Hardister, aye.

Representative Harrison.

REP. HARRISON: No.

CLERK: Representative Harrison, no.

Representative Hastings.

REP. HASTINGS: Aye.

CLERK: Representative Hastings, aye.

Representative Howard.

REP. HOWARD: Aye.

CLERK: Representative Howard, aye.

Representative Hunter.

REP. HUNTER: No.

CLERK: Representative Hunter, no.

Representative Hurley.

REP. HURLEY: Aye.

CLERK: Representative Hurley, aye.

Representative Johnson.

REP. JOHNSON: Aye.

CLERK: Representative Johnson, aye.

Representative Jones.

Representative Jordan.

REP. JORDAN: Aye.

CLERK: Representative Jordan, aye.
Representative Malone.

REP. MALONE: Aye.

CLERK: Representative Malone, aye.

Representative Michaux.

REP. MCHAUX: No.

CLERK: Representative Michaux, no.

Representative Moore.

Representative Pierce.

REP. PIERCE: No.

CLERK: Representative Pierce, no.

Representative Reives.

REP. REIVES: No.

CLERK: Representative Reives, no.

Representative Reives, no. Representative Willingham

REP. WILLINGHAM: No.

CLERK: Representative Willingham, no.

Representative Speciale.

REP. SPECIALE: Aye.

CLERK: Representative Speciale, aye.

Representative Rogers.

REP. ROGERS: Aye.

CLERK: Representative Rogers, aye.

Representative Saine.

REP. SAINIE: Aye.
CLERK: Representative Saine, aye.
Representative Wray.

REP. WRAY: No.

CLERK: Representative Saine, no. Wray, no. Representative Yarborough.

REP. YARBOROUGH: Aye.

CLERK: Representative Yarborough, aye.

Representative Torbett.

REP. TORBETT: Aye.

CLERK: Representative Torbett, aye.

Representative Lewis.

REP. LEWIS: Aye.

CLERK: Representative Lewis, aye.

Representative Dollar.

REP. DOLLAR: Aye.

CLERK: Representative Dollar, aye.

SEN. HISE: Committee clerk, call the roll of the Senate members.

CLERK: Senator Bishop.

SEN. BISHOP: Aye.


SEN. BROWN: Aye.

SEN. CLARK: No.


SEN. HARRINGTON: Aye.


SEN. JACKSON: Aye.


SEN. LEE: Aye.


SEN. LOWE: No.


SEN. NEWTON: Aye.


SEN. SMITH-INGRAM: No.

CLERK: Senator Smith-Ingram, no.

SEN. VAN DUYN: No.

CLERK: Senator Van Duyn, no. Senator Wade.

SEN. WADE: Aye.

SEN. HISE: Aye.

CLERK: Senator Hise, aye.

SEN. HISE: By a vote of 24 to 13 in the House and 8 to 4 in the Senate, Criteria Number 8, election data is adopted by the criteria [sic]. Members, you will have in front of you now Criteria Number 9. This is Number 9, no consideration of racial data.

REP. LEWIS: Mr. Chairman?

SEN. HISE: Representative Lewis.

REP. LEWIS: I propose the following criteria that is No Consideration of Racial Data. Data identifying the race of individuals or voters shall not be used in drawing of legislative districts in 2017 House and Senate plans. In 2011, 40 counties in this state were under the preclearance standard, under Section 5 of the Voting Rights Act. In the intervening time, that preclearance from the Justice Department has been lifted by the U.S. Supreme Court. It will not be incumbent upon this General Assembly to seek preclearance for these plans.

In drawing the current legislative districts, the General Assembly conducted an unprecedented effort to reach out to interested
parties, receive public input, receive expert testimony and hear from members of this body about evidence relevant for drawing districts under the Voting Rights Act. Despite the voluminous record that was established by the General Assembly during the 2011 redistricting process, the three-judge panel in the Covington case said that this did not constitute substantial evidence that would justify using race to draw districts in compliance with the requirements of the VRA.

Therefore, we do not believe it is appropriate, given the Court's order, in this case for these committees to consider race when drawing districts. Be happy to answer any questions.

SEN. HISE: Representative Michaux.

REP. MCHAUX: Yeah. Mr. Chairman, you indicated that the Section 4 of the Voting Rights Act was stricken down. It was in effect when this -- when this redistricting was done initially. It is not now. But the redistricting that you did when it was in effect, the decision of the Court came out that it was racial gerrymandering, after the provision was stricken down. Is that correct? After the provision in the -- in the Voting Rights Act had been stricken, the decision that the -- you
did racial gerrymandering in 2011. Is that correct?

REP. LEWIS: If I understood your question, then chronologically, I believe Section 5 of the Voting Rights Act was stricken down --

REP. M CHAUX: No, no, no. It was Section 4, but go ahead. 4 was stricken, which made 5 ineffective. Now, go ahead.

REP. LEWIS: And the decision that this Committee is here to react to was issued after that time, yes.

REP. M CHAUX: Further question.

SEN. HISE: Follow up.

REP. M CHAUX: So the decision of the three-panel court in the Covington case indicated that it was racial gerrymandering involved that caused them to declare the districts unconstitutional. Is that correct?

REP. LEWIS: It's my understanding the wording they used was "improper use of race." I don't believe they used the words racial gerrymandering.

REP. M CHAUX: Well, they -- did they use the words "racial demographic"?

REP. LEWIS: I don't recall, sir. I
don't have it before me.

REP. MCHAUX: Well, I have it before me right here, and what I --

REP. LEWIS: Then you should have just stated that. It would have saved a little time.

REP. MCHAUX: Do you understand that by not using race, you're defeating your own purpose? Because if the districts were declared unconstitutional because of race, if you don't use race to correct it, how are you going to show the Court that they still are not unconstitutional?

REP. LEWIS: We believe that the court order illustrates that we did not have sufficient evidence to consider race in the drawing of districts. I'm not aware of any additional information that has been submitted by any member of this Committee or anyone else since this decision has come out. Therefore, it is my recommendation that race not be a consideration in drawing of these districts.

REP. MCHAUX: Another question.

SEN. HISE: Follow up.

REP. MCHAUX: Would you agree that the decision that came down in the Covington case indicated that race was the predominant factor as
their reason for calling the districts unconstitutional because of racial demographics? If you want to put it that way.

REP. LEWIS: Sir, I've explained to you my understanding of what the court order is. And I am here today advocating that no race be considered in drawing the districts. That is my understanding of the court order. There's no other way I can answer your question.

REP. MCHAUX: Another question.

REP. LEWIS: Probably the same answer.

REP. MCHAUX: How are you going to prove to the Court that you did not violate their order in terms of racial gerrymandering?

REP. LEWIS: It's my understanding that the order speaks for itself in that the evidence did not justify the use of race in drawing districts. Therefore, I'm recommending to this Committee that race not be a criteria in drawing the 2017 House and Senate plans.

REP. MCHAUX: Mr. Chairman, I just have a statement I want to make.

SEN. HISE: Comment.

REP. MCHAUX: Racial demographic -- demographic data can also be useful, because it can
signify whether race was a predominant factor motivating the legislature’s decision. That comes directly from the Covington case.

You have been charged. What the Court told you was that racial disparity, racial demographics played a major role in the redistricting that you did. You were ordered. You are now ordered to correct that. In order to show that you have corrected that, you cannot escape the fact that race has to be in there somewhere. There’s no way you can do it, Mr. Lewis. I don’t care how you cut it.

REP. LEWIS: Race --

REP. M CHAUX: You’ve got -- you’ve got to tell the Court, we came in and we went back and used racial demographics from one place or another place to correct the mistakes that we made in the past.

REP. LEWIS: Sir, what I will tell the Court is that the Committee adopted a criteria I hope that excluded the consideration of race in drawing the maps.

REP. M CHAUX: But may I follow -- I just -- I’m -- I’m -- the -- you excluded race. You are still saying you excluded race. You are
still using race as a factor, even by saying you
excluded race. So you've got to consider it
somewhere down the line in order to make the fact
that you excluded it relevant.

To you, it may be a play on words. But
there's a distinction there that you ought to
understand. That -- in other words, the Court says
if we go back to the way it was, where race was not
a predominant factor, then race still has to play.
Because there are people out there who are the --
are of a racial composure that have to be
considered in doing this. If not, you're still
short-changing race. You're still short-changing a
group of people by not considering them. And
that's where your big problem is. If you don't
consider us -- if you don't consider me, whether
you say it or not, you are still considering race.

REP. LEWIS: Mr. Chairman, I think the
gentleman is making a series of statements I
certainly don't intend to respond to, a series of
statements that I don't agree with.

SEN. HISE: Representative
Farmer-Butterfield.

REP. FARMER-BUTTERFIELD: Thank you, Mr.
Chair. I wanted to ask staff to tell us how this
criteria relates to the obligation to comply with Section 2 of the Voting Rights Act?

SEN. HISE: Questions are directed to the Chairman of the Committee. Representative Lewis, would you like to respond, or would you like to have staff -- staff tends not to respond to intent, further-going. But I will let them see what statements they may want to make.

REP. FARMER-BUTTERFIELD: I think I need a legal opinion, that's all. Thank you.

MS. CHURCHILL (STAFF): Representative Farmer-Butterfield, I think we would need some time to reflect upon that. But generally, I think what you are trying to ask about is Section 2 of the Voting Rights Act of 1965. And, generally, that burden is placed on the voter or the person bringing the suit. It would not be placed on the legislature enacting the plan.

SEN. HISE: Representative Jackson.

REP. JACKSON: Thank you, Mr. Chairman. I'll just -- I'm going to just read from the conclusion of the Court. Because that's not the way the Court wrote it in the Covington opinion. Court said that Section 2 of the Voting Rights Act continues to play an important role in
redistricting. And legislatures must undertake a specific -- specific -- a district-specific analysis to identify and cure potential Section 2 violations. So the Court, at least, has put that requirement on us.

Further, the Court said, our decision today should in no way be read to imply that majority-black districts are no longer needed in the state of North Carolina. And I just -- I don't -- don't see this criteria as matching up with what the Court concluded in the Covington case. And so I would encourage members to vote against this criteria.

SEN. HISE: Yeah. Senator Smith-Ingram

SEN. SMITH-INGRAM Thank you, Mr. Chair. Chair Lewis, if this particular criterion passes, then what metric is going to be used to ensure that the new districts to not abridge or deny voters of color?

REP. LEWIS: Ma'am what I can tell you is, I believe, in 2011, this General Assembly sought out and received input from every source that was willing to work with us in expert testimony and did its best, at that time, to comply with the instructions and advice that we received.
That being said, the Covington court, it's my understanding, has said that we did not have a sufficient amount of data in order to draw the districts as they were drawn. No one, to my knowledge, has submitted additional data for this Committee to review. Therefore, this criteria would propose that race would not be a consideration in the drawing of the maps.

SEN. SMITH-INGRAM: Follow up.

SEN. HISE: Follow up.

SEN. SMITH-INGRAM: Is there a metric that can be used to ensure that voters of color are not disenfranchised or that their rights are not abridged?

REP. LEWIS: Ma'am thank you for the question. Again, I would refocus this conversation on the criteria that the Chairs will take back and execute the undertaking of the first map. If there is additional data that you or other members of the Committee would like to see reviewed, if there are additional maps, if there are other things that you would like us to consider, once it's done, then we will certainly be glad to do that. Again, we will not be using race in the drawing of the additional.

SEN. HISE: Representative Dollar.
REP. DOLLAR: Mr. Chairman, I move the adoption of the criteria.

SEN. HISE: Representative Dollar has moved the adoption of the proposed Criteria Number 9, No Consideration of Racial Data. Any other comments or questions?

REP. LEWIS: Mr. Chairman, there is one additional comment, please?

SEN. HISE: You are so recognized.

REP. LEWIS: Just wanted to respond to my friend from Wake, Representative Jackson. We do not believe, in light of the Covington opinion, that there is substantial evidence in the record to justify the use of race in drawing districts. Given the Court's order in this case, we believe the only way to comply with the legal requirements regarding the drawing of districts is not to consider race in that process.


SEN. LOWE: Yes, I do have a statement.

SEN. HISE: Recognized for a comment.

SEN. LOWE: Thank you, sir. And that is, we live in the South. When in the South has race not been a factor? Because what I'm hearing
doesn't really add up.

REP. LEWIS: Mr. Chairman, I'd point out that the gentleman said that was a statement. And I certainly took him at his word that that was a statement.

SEN. HISE: Any other comments or questions? Seeing none, we will begin, then, for consideration of this, the roll call of the Senate members.

CLERK: Senator Bishop?

SEN. BISHOP: Aye.

CLERK: Senator Bishop, aye. Senator Blue?

SEN. BROWN: Aye.

CLERK: Senator Brown, aye. Senator Clark?

SEN. CLARK: No.

CLERK: Senator Clark, no. Senator Daniel?

SEN. HARRINGTON: Aye.

CLERK: Senator Harrington, aye. Senator Jackson?

SEN. JACKSON: Aye.

CLERK: Senator Jackson, aye. Senator Lee?
SEN. LEE: Aye.


SEN. LOWE: No.

CLERK: Senator Lowe, no. Senator Newton?

SEN. NEWTON: Aye.

CLERK: Senator Newton, aye. Senator Rabon?

SEN. SMITH-INGRAM: No.

CLERK: Senator Smith-Ingram, no.

Senator Van Duyn?

SEN. VAN DUYN: No.

CLERK: Senator Van Duyn, no. Senator Wade?

SEN. WADE: Aye.

CLERK: Senator Wade, aye. Senator Hise?

SEN. HISE: Aye.

CLERK: Senator Hise, aye.

SEN. HISE: Committee Clerk, call the members of the House.

CLERK: Representative Jackson?

REP. JACKSON: No.

CLERK: Representative Jackson, no.

Representative Szoka?

REP. SZOKA: Aye.
CLERK:  Representative Szoka, aye.
Representative Stevens?
REP. STEVENS:  Aye.
CLERK:  Representative Stevens, aye.

Representative Bell?
REP. BELL:  Aye.
CLERK:  Representative Bell, aye.

Representative Brawley?
REP. BRAWLEY:  Aye.
CLERK:  Representative Brawley, aye.

Representative Brockman?
REP. BROCKMAN:  No.
CLERK:  Representative Brockman, no.

Representative Burr?
REP. BURR:  Aye.
CLERK:  Representative Burr, aye.

Representative Davis?  Representative Dixon?
Representative Dixon?
REP. DIXON:  Aye.
CLERK:  Representative Dixon, aye.

Representative Dobson?
REP. DOBSON:  Aye.
CLERK:  Representative Dobson, aye.

Representative Dulin?
REP. DULIN:  Aye.
CLERK: Representative Dulin, aye.

Representative Farmer-Butterfield?

REP. FARMER-BUTTERFIELD: No.

CLERK: Representative Farmer-Butterfield, no.

Representative Floyd?

REP. FLOYD: No.

CLERK: Representative Floyd, no.

Representative Garrison?

REP. GARRISON: No.

CLERK: Representative Garrison, no.

Representative Gill?

REP. GILL: No.

CLERK: Representative Gill, no.

Representative Grange?

REP. GRANGE: Aye.

CLERK: Representative Grange, aye.

Representative Hall?

REP. HALL: Aye.

CLERK: Representative Hall, aye.

Representative Hanes?

REP. HANES: No.

CLERK: Representative Hanes, no.

Representative Hardister?

REP. HARDISTER: Aye.

CLERK: Representative Hardister, aye.

Representative Harrison?

REP. HARRISON: No.
CLERK: Representative Harrison, no.
Representative Hastings?
REP. HASTINGS: Aye.
CLERK: Representative Hastings, aye.
Representative Howard?
REP. HOWARD: Aye.
CLERK: Representative Howard, aye.
Representative Hunter?
REP. HUNTER: No.
CLERK: Representative Hunter, no.
Representative Hurley?
REP. HURLEY: Aye.
CLERK: Representative Hurley, aye.
Representative Johnson?
REP. JOHNSON: Aye.
CLERK: Representative Johnson, aye.
Representative Jones? Representative Jones?
Representative Jordan?
REP. JORDAN: Aye.
CLERK: Representative Jordan, aye.
Representative Malone?
REP. MALONE: Aye.
CLERK: Representative Malone, aye.
Representative Mchaux?
REP. M CHAUX: No.
CLERK: Representative Michaux, no.  Representative Moore?  Representative Moore?
Representative Pierce?
REP. PIERCE: No.
CLERK: Representative Pierce, no.
Representative Reives?
REP. REIVES: No.
CLERK: Representative Reives, no.
Representative Willingham?
REP. WILLINGHAM: No.
CLERK: Representative Reives, no.
Representative Speciale?
REP. SPECIALE: Aye.
CLERK: Representative Speciale, aye.
Representative Rogers?
REP. ROGERS: Aye.
CLERK: Representative Rogers, aye.
Representative Saine?
REP. SAINE: Aye.
CLERK: Representative Saine, aye.
Representative Wray?
REP. WRAY: No.
CLERK: Representative Wray, no.
Representative Yarborough?
REP. YARBOROUGH: Aye.
CLERK: Representative Yarborough, aye.

Representative Torbett?

REP. TORBETT: Aye.

CLERK: Representative Torbett, aye.

Representative Lewis?

REP. LEWIS: Aye.

CLERK: Representative Lewis, aye.

Representative Dollar?

REP. DOLLAR: Aye.

CLERK: Representative Dollar, aye.

SEN. HISE: By a vote of 8 in favor, 4 against and 24 in -- in the Senate and 24 in favor and 13 against in the House, Criteria Number 9, No Consideration of Racial Data is adopted by the Committee.

Members, this exhausts the recommendations of criteria put forward by the Chairmen in this process. We'll now open up if members of the Committee have a specific criteria they would like to introduce. Senator Clark?

SEN. CLARK: Thank you, Mr. Chairman. I'd like to send forth an amendment for consideration.

SEN. HISE: Suspend while the members of -- while it's passed out.
SEN. HISE: Do all members of the Committee have a copy? If we do, I recognize Senator Clark.

SEN. CLARK: Thank you, Mr. Chairman. Representative Lewis, when we were doing the redistricting for the congressional seats in 2016 --

SEN. HISE: Yeah, let me --

SEN. CLARK: Okay. When we were doing the 2016 congressional redistricting process, it was stated by Mr. Lewis here that one of the express purposes was to maintain the partisan advantage. I guess you could say this is a renunciation criteria, if you will. And it states that maintaining or establishing a partisan advantage.

SEN. HISE: Yeah, let me --

SEN. CLARK: Title is Partisan Advantage.

SEN. HISE: A -- Senator Clark called number 10, Partisan Advantage.

SEN. CLARK: Title is Partisan Advantage.
advantage for any party shall not, emphasize not, be a criterion for the construction or approval of House and Senate district plans.

SEN. HISE: We'll start with Representative Lewis, then I'll get back.

REP. LEWIS: Thank you, Mr. Chairman. Mr. Chairman, I would say that the nine criteria that have been extensively debated by the Committee are the criteria that the Chairs recommend. And I would not advocate for passage of this tenth one.

SEN. HISE: Representative Speciale.

REP. SPECIALE: Isn't this what we essentially already discussed and already decided not to approve? I mean --

SEN. HISE: It is [inaudible] that this is a substantial difference, but it is a similar topic. So any other questions or comments? Senator Van Duyn?

SEN. VAN DUYN: I'd just like to be on record in saying I think this is the most important criteria, given what we heard in public comment.

SEN. HISE: Any other questions or comments? Hearing none, Senator Clark has moved for the adoption of the criteria listed as Number
10, Partisan Advantage. The -- I believe we were at the House. Clerk of the House Committee will call the roll.

CLERK: Representative Jackson?
REP. JACKSON: Yes.

CLERK: Representative Jackson, yes.

Representative Szoka?
REP. SZOKA: No.

CLERK: Representative Szoka, no.

Representative Stevens?
REP. STEVENS: No.

CLERK: Representative Stevens, no.

Representative Bell?
REP. BELL: No.

CLERK: Representative Bell, no.

Representative Brawley?
REP. BRAWLEY: No.

CLERK: Representative Brawley, no.

Representative Brockman?
REP. BROCKMAN: Yes.

CLERK: Representative Brockman, yes.

Representative Burr?
REP. BURR: No.

CLERK: Representative Burr, no.

Representative Davis? Representative Davis?
Representative Davis?  Representative Dixon?

REP. DIXON: No.

CLERK: Representative Dixon, no.

Representative Dobson?

REP. DOBSON: Representative Dobson, no.

Representative Dulin?

REP. DULIN: No.

CLERK: Representative Dulin, no.

Representative Farmer-Butterfield?  Representative Farmer-Butterfield, yes.  Representative Floyd?

Representative Floyd?  Representative Garrison?

REP. GARRISON: Yes.

CLERK: Representative Garrison, yes.

Representative Gill?

REP. GILL: Yes.

CLERK: Representative Gill, yes.

Representative Grange?

REP. GRANGE: No.

CLERK: Representative Grange, no.

Representative Hall?

REP. HALL: No.

CLERK: Representative Hall, no.

Representative Hanes?

REP. HANES: Yes.

CLERK: Representative Hanes, yes.
Representative Hardister?

REP. HARDISTER: No.

CLERK: Representative Hardister, no.

Representative Harrison?

REP. HARRISON: Yes.

CLERK: Representative Harrison, yes.

Representative Hastings?

REP. HASTINGS: No.

CLERK: Representative Hastings, no.

Representative Howard?

REP. HOWARD: No.

CLERK: Representative Howard, no.

Representative Hunter?

REP. HUNTER: Yes.

CLERK: Representative Hunter, yes.

Representative Hurley? Representative Hurley, no.

Representative Johnson?

REP. JOHNSON: No.

CLERK: Representative Johnson, no.

Representative Jones? Representative Jones?

Representative Jordan?

REP. JORDAN: No.

CLERK: Representative Jordan, no.

Representative Malone?

REP. MALONE: No.
CLERK: Representative Malone, no. Representative Michaux?
REP. M CHAUX: Yes. CLERK: Representative Michaux, yes. Representative Moore? Representative Moore?
REP. PIERCE: Yes. CLERK: Representative Pierce, yes. Representative Reives?
REP. REIVES: Yes. CLERK: Representative Reives, yes. Representative Willingham? Representative Willingham? Representative Willingham?
REP. SPECIALE: No. CLERK: Representative Speciale, no. Representative Rogers?
REP. ROGERS: No. CLERK: Representative Rogers, no. Representative Saine?
REP. SAINE: No. CLERK: Representative Saine, no. Representative Wray?
REP. WRAY: Aye. CLERK: Representative Wray, yes.
Representative Yarborough?

REP. YARBOROUGH: No.

CLERK: Representative Yarborough, no.

Representative Torbett?

REP. TORBETT: No.

CLERK: Representative Torbett, no.

Representative Lewis?

REP. LEWIS: No.

CLERK: Representative Lewis, no.

Representative Dollar?

REP. DOLLAR: No.

CLERK: Representative Dollar, no.

SEN. HISE: Committee Clerk for the Senate will call the roll of the Senate members.

CLERK: Senator Bishop?

SEN. BISHOP: No.

CLERK: Senator Bishop, no. Senator Blue?

SEN. BROWN: No.

CLERK: Senator Brown, no. Senator Clark?

SEN. CLARK: Aye.

CLERK: Senator Clark, aye. Senator Daniel?

SEN. HARRINGTON: No.
CLERK: Senator Harrington, no. Senator Jackson?

SEN. JACKSON: No.

CLERK: Senator Jackson, no. Senator Lee?

SEN. LEE: No.

CLERK: Senator Lee, no. Senator Lowe?

SEN. LOWE: Yes.

CLERK: Senator Lowe, yes. Senator Newton?

SEN. NEWTON: No.

CLERK: Senator Newton, no. Senator Rabon?

SEN. SMITH-INGRAM: Aye.

CLERK: Senator Smith-Ingram, aye.

Senator Van Duyn?

SEN. VAN DUYN: Aye.

CLERK: Senator Van Duyn, aye. Senator Wade?

SEN. WADE: No.

CLERK: Senator Wade, no. Senator Hise?

SEN. HISE: No.

CLERK: Senator Hise, no.

SEN. HISE: By a vote of 13 in favor, 24 opposed in the House, and a vote of 4 in favor, 8
opposed in the Senate, the proposed criteria fails.

Any other criteria? Senator Smith-Ingram?

SEN. SMITH-INGRAM: Yes, Mr. Chairman. I wish to send forward an additional criterion.

SEN. HISE: Okay. This is criteria titled, Total Black Voting Age Population.

SEN. SMITH-INGRAM: Yes, it is, thank you, Mr. Chair.

SEN. HISE: Sergeant-at-Arms will disperse. And make sure we get that second row back there, Representative Jordan.

(Proceedings went off the record.)

SEN. HISE: Members, before moving into that, I will say we've actually had some comments from those listening online that it is, at times, hard to hear members. So we'll ask you to please speak directly into your microphones. I also have been somewhat remiss in reminding members to please identify yourself and your district when speaking. That would have helped the court reporter if I'd have said that a lot earlier in this process. But I can correct it now. And hopefully we'll be able to deal with those issues.

If everyone has a copy now of the proposed criteria which, for record-keeping
purposes right now, I'll identify as 10-A, Total Black Voting Age Population. Senator Smith-Ingram will be recognized to explain.

SEN. SMITH-INGRAM: Thank you, Mr. Chair. The proposed criteria sets forth the explanation and the reason why we're here today. In the Covington case, the U.S. Supreme Court deemed that the 28 districts that were found unconstitutional were packed with African-Americans. So in order to obviate that and reduce the cost, because we're now at $5.4 million that the North Carolina General Assembly has spent in redistricting, that to add this portion to the criteria would prevent us having to come back here again for the same reason at an additional cost to our taxpayers.

So in order to promote fiduciary responsibility and commitment, the 28 districts that were deemed unconstitutional shall not have a total black voting age population higher than that which existed in those enacted legislative districts, in effect, in 2010, except for when it is naturally occurring, which may be the case in some of our demographic areas across the state.

SEN. HISE: Senator Smith-Ingram just let me ask a question for clarification before we
begin. When you read your amendment, you said the Covington case shall not have a total black population. As I have the amendment in front of me and signed, it says shall have.

SEN. SMITH-INGRAM: It should be shall not. I'm sorry. So it goes with none. It starts out with none, and then there's shall.

SEN. HISE: Okay. I was just confused, because it was written -- read different than what I have. So it should be that none of the nine districts shall have a voting age population higher than that which existed in those enacted districts that were, in effect, in 2010.

SEN. SMITH-INGRAM: Yes. For clarification, Mr. Chair, it's none of the nine Senate and 19 House districts deemed as unconstitutional. So it's the 28 districts that were deemed unconstitutional. Okay. Representative Lewis?

REP. LEWIS: Thank you, Mr. Chairman. I want to speak briefly to the comment that was made. I understand that through the use of Twitter, the NC Senate Democrats have been tweeting out a graphic entitled NC General Assembly Redistricting Litigation Costs. I want to point out that that's
in error. It's inaccurate. And certainly the tweet should stop and the figure that was quoted is wrong.

I also would point out, regarding Amendment 10A, that we have established that we will not use race in the drawing of these lines. This amendment, 10A, would, in effect, establish a mechanical criteria for the drawing of districts that uses race. It's in conflict with criteria that says we will not use race. I would urge members to vote it down.

SEN. HISE: Senator Clark.

SEN. CLARK: Thank you, Mr. Chair.

Senator Clark, Senate District 21. The court order which essentially brought us back here said that we should justify any black voter age population in excess of 50 percent. How are we going to know whether or not we met that requirement by not exceeding 50 percent?

SEN. HISE: Representative Dollar.

REP. DOLLAR: Thank you, Mr. Chair.

Members of the Committee, based on the comments Senator Smith-Ingram mentioned, I would just read to you verbatim Page 3, Footnote 1 of the Covington decision as written by the Court, states
as follows, "In reaching this conclusion, we make
no finding that the General Assembly acted in bad
faith or with the discriminatory intent in drawing
the challenged districts which were precleared by
the Justice Department pursuant to Section 5 of the
VRA, nor do we consider the challenged districts
involved any impermissible packing of minority
voters. As plaintiffs acknowledged, they bring no
such claim."

SEN. HISE: Any other questions or
comments? Senator Clark?

SEN. CLARK: I don't think I -- excuse me. Senator Clark, Senate District 21. I don't
think I've had my question answered. In the
three-judge panel, they indicated that we should
have no districts with a black-voting-age --
black-voting-age population in excess of 50
percent. How do we make sure we achieve that
objective?

SEN. HISE: I assumed the question was
rhetorical. But I think the response given is that
was not what they said. Representative Michaux.

REP. MCHAUX: He should've little bit
further into that footnote -- in the footnote.

SEN. HISE: Recognized for a comment.
REP. MICHAUX: Yes, I'm sorry. Representative Michaux. The footnote of the comment Representative Dollar made, it said -- it certainly said that. But it also says, nor do we consider whether the challenged districts -- whether the challenged districts involved any impermissible packing. They didn't rule out any impermissible packing. It just says they didn't consider it in this decision. And that was not a -- that was a footnote in the decision. And --

SEN. HISE: Representative Dollar.

REP. DOLLAR: That's not what the footnote reads here. And I would also point out to the gentleman that what is -- is noted here, in the record, is as plaintiffs acknowledge, they bring no such claim. No such claim was brought in the case to start with.

SEN. HISE: Senator Brown.

SEN. BROWN: Thank you, Mr. Chairman.

Harry Brown, District 6. Senator Smith-Ingram's provision, or criteria, mentions that it's the nine Senate districts and 19 House districts. But those districts, in the new maps, no longer exist. So I don't know how they are relevant in this particular case. Because the new maps, those districts are no
longer relevant any longer.

SEN. HISE: Any other questions, comments?

SEN. SMITH-INGRAM: Mr. Chair, clarification.

SEN. HISE: Yeah.

SEN. SMITH-INGRAM: I am not aware that there are any maps. Are there maps that Senator Brown that we don't? Because how can you draw maps without the criteria being voted on?

SEN. BROWN: I'll follow. I should have been more specific. With the new county groupings, that is impossible.

SEN. HISE: And I'm assuming we can get a copy of the 2010 map, as well the 2011 maps, if the Senator needs those. Senator Smith-Ingram has moved for the adoption of the criteria that I am labeling as 10A for here, Total Black Voting Age Population. Seeing no other comments or questions, we will begin with a roll call of the Senate.

CLERK: Senator Bishop?

SEN. BISHOP: No.

CLERK: Senator Bishop, no. Senator Blue? Senator Brown?

SEN. BROWN: No.
Worley Reporting

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SEN. HISE: Committee Clerk will call the members of the House.

CLERK: Representative Jackson?
REP. JACKSON: Yes.

CLERK: Representative Jackson, yes.

Representative Szoka?
REP. SZOKA: No.

CLERK: Representative Szoka, no.

Representative Stevens?
REP. STEVENS: No.

CLERK: Representative Stevens, no.

Representative Bell?
REP. BELL: No.

CLERK: Representative Bell, no.

Representative Brawley?
REP. BRAWLEY: No.

CLERK: Representative Brawley, no.

Representative Brockman?
REP. BROCKMAN: Yes.

CLERK: Representative Brockman, yes.

Representative Burr?
REP. BURR: No.

CLERK: Representative Burr, no.

Representative Davis? Representative Dixon?
REP. DIXON: No.
CLERK: Representative Dixon, no.

Representative Dobson?

REP. DIXON: No.

CLERK: Representative Dobson, no.

Representative Dulin?

REP. DOBSON: No.

CLERK: Representative Dulin, no.

Representative Farmer-Butterfield? Representative Farmer-Butterfield, yes. Representative Floyd?

Representative Garrison?

REP. DULIN: Yes.

CLERK: Representative Garrison, yes.

Representative Gill?

REP. GILL: Yes.

CLERK: Representative Gill, yes.

Representative Grange?

REP. GRANGE: No.

CLERK: Representative Grange, no.

Representative Hall?

REP. HALL: No.

CLERK: Representative Hall, no.

Representative Hanes?

REP. HANES: Yes.

CLERK: Representative Hanes, yes.

Representative Hardister?
REP. HARDISTER: No.

CLERK: Representative Hardister, no.

Representative Harrison?

REP. HARRISON: Yes.

CLERK: Representative Harrison, yes.

Representative Hastings?

REP. HASTINGS: No.

CLERK: Representative Hastings, no.

Representative Howard?

REP. HOWARD: No.

CLERK: Representative Howard, no.

Representative Hunter?

REP. HUNTER: Yes.

CLERK: Representative Hunter, yes.

Representative Hurley?

REP. HURLEY: No.

CLERK: Representative Hurley, no.

Representative Johnson?

REP. JOHNSON: No.

CLERK: Representative Johnson, no.

Representative Jones? Representative Jordan?

Representative Jordan, no.  Representative Malone?

REP. MALONE: No.

CLERK: Representative Malone, no.

Representative Michaux?
REP. MCHAUX: Aye.

CLERK: Representative Mchaux, aye.

Representative Moore? Representative Pierce?

REP. PIERCE: Aye.

CLERK: Representative Pierce, aye.

Representative Reives?

REP. REIVES: Aye.

CLERK: Representative Reives, aye.

Representative Willingham?

REP. WILLI NGHAM: Aye.

CLERK: Representative Willingham, aye.

Representative Speciale?

REP. SPECIALE: No.

CLERK: Representative Speciale, no.

Representative Rogers?

REP. ROGERS: No.

CLERK: Representative Rogers, no.

Representative Saine?

REP. SAI NE: No.

CLERK: Representative Saine, no.

Representative Wray?

REP. WRAY: Aye.

CLERK: Representative Wray, aye.

Representative Yarborough?

REP. YARBOROUGH: No.
CLERK: Representative Yarborough, no.
Representative Torbett?
REP. TORBETT: No.
CLERK: Representative Torbett, no.
Representative Lewis?
REP. LEWIS: No.
CLERK: Representative Lewis, no.
Representative Dollar?
REP. DOLLAR: No.
CLERK: Representative Dollar, no.
SEN. HISE: By a vote of 4 in favor, 8 opposed in the Senate, and a vote of 13 in favor, 24 opposed in the House, the proposed criteria fails. Members, I have no other proposed criteria in front of --
SEN. SMITH-INGRAM: Mr. Chair?
SEN. HISE: Yes?
SEN. SMITH-INGRAM: Just to clarify the record, thank you, I would like to make a statement. I was in error. I was off by $600,000. It is not 5.4 million that has been spent. Since 2011, it's actually 4.8 million. But to our hard-working North Carolinians who send us here for good governance, that's still a heck of a lot of money.
SEN. HISE: Any other business to come before the Committee? Representative Jackson.

REP. JACKSON: I handed out some criteria as well, Mr. Chairman. That has been -- it has been handed out to all the members.

SEN. HISE: Okay.

(Proceedings went off the record.)

REP. JACKSON: It did, Mr. Chairman. And I understand that some of these may have been considered in part of the other ones. And I'd be happy to take the time to divide these up into six individual things and then have the Chair rule and appeal. But it just seems like, to me, it might be more time efficient if we just voted on these six together. And so I'd move adoption without further comment.

SEN. HISE: Okay. We have adoption request without comment. I will give the opportunity. Seeing none, we will begin the process of adopting the six criteria listed here. We will begin with a those in favor vote. Those opposed to adoption vote no. We will begin with a roll call of the House. Committee Clerk, call the roll.

CLERK: Representative Jackson?
REP. JACKSON: Yes.

CLERK: Representative Jackson, yes.

Representative Szoka?

REP. SZOKA: No.

CLERK: Representative Szoka, no.

Representative Stevens?

REP. STEVENS: No.

CLERK: Representative Stevens, no.

Representative Bell?

REP. HALL: No.

CLERK: Representative Bell, no.

Representative Brawley?

REP. BRAWLEY: No.

CLERK: Representative Brawley, no.

Representative Brockman?

REP. BROCKMAN: Yes.

CLERK: Representative Brockman, yes.

Representative Burr?

REP. BURR: No.

CLERK: Representative Davis?

Representative Dixon?

REP. DIXON: No.

CLERK: Representative Dixon, no.

Representative Dobson?

REP. DOBSON: No.
CLERK: Representative Dobson, no. Representative Dulin?

REP. DULIN: No.

CLERK: Representative Dulin, no. Representative Farmer-Butterfield?

REP. FARMER-BUTTERFIELD: Aye.

CLERK: Representative Farmer-Butterfield, yes. Representative Floyd?

Representative Garrison?

REP. GARRISON: Yes.

CLERK: Representative Garrison, yes. Representative Gill?

Representative Gill, yes. Representative Grange?

REP. GRANGE: No.

CLERK: Representative Grange, no. Representative Hall?

REP. HALL: No.

CLERK: Representative Hall, no. Representative Hanes?

REP. HANES: Yes.

CLERK: Representative Hanes, yes. Representative Hardister?

REP. HARDISTER: No.

CLERK: Representative Hardister, no. Representative Harrison?
REP. HARRISON: Aye.

CLERK: Representative Harrison, yes.

Representative Hastings?

REP. HASTINGS: No.

CLERK: Representative Hastings, no.

Representative Howard? Representative Howard, no.

Representative Hunter? Representative Hunter, yes.

Representative Hurley? Representative Hurley, no.

Representative Johnson? Representative Johnson, no.

Representative Jones? Representative Jordan?

Representative Jordan, no. Representative Malone?

REP. MALONE: No.

CLERK: Representative Malone, no.

Representative Michaux.

REP. MCHAUX: Yes.

CLERK: Representative Mchaux, yes.

Representative Moree? Representative Pierce?

REP. PIERCE: Yes.

CLERK: Representative Pierce, yes.

Representative Reives?

REP. REIVES: Yes.

CLERK: Representative Reives, yes.

Representative Willingham?

REP. WILLINGHAM: Yes.

CLERK: Representative Willingham, yes.
Representative Speciale?

REP. SPECIALE: No.

CLERK: Representative Speciale, no.

Representative Rogers?

REP. ROGERS: No.

CLERK: Representative Rogers, no.

Representative Saine?

REP. SAINE: No.

CLERK: Representative Saine, no.

Representative Wray?

REP. WRAY: Aye.

CLERK: Representative Wray, yes.

Representative Yarborough?

REP. YARBOROUGH: No.

CLERK: Representative Yarborough, no.

Representative Torbett?

REP. TORBETT: No.

CLERK: Representative Torbett, no.

Representative Lewis?

REP. LEWIS: No.

CLERK: Representative Lewis, no.

Representative Dollar?

REP. DOLLAR: No.

CLERK: Representative Dollar, no.

SEN. HISE: Committee Clerk, call the
roll of the Senate members.

CLERK: Senator Bishop?
SEN. BISHOP: No.

CLERK: Senator Bishop, no. Senator Blue?
SEN. BROWN: No.

CLERK: Senator Brown, no. Senator Clark?
SEN. CLARK: Aye.

CLERK: Senator Clark, aye. Senator Daniel?
SEN. HARRINGTON: No.

CLERK: Senator Harrington, no. Senator Jackson?
SEN. JACKSON: No.

CLERK: Senator Jackson, no. Senator Lee?
SEN. LEE: Yes.

CLERK: Senator Lowe, yes. Senator Newton?
SEN. SMITH-INGRAM: Aye.

CLERK: Senator Smith-Ingram, aye.

SEN. VAN DUYN: Aye.
CLERK: Senator Van Duyn, aye. Senator Wade?

SEN. WADE: No.

CLERK: Senator Wade, no. Senator Hise?

SEN. HISE: No.

CLERK: Senator Hise, no.

SEN. HISE: By a vote of 13 in favor, 24 opposed in the House, 4 in favor, 8 opposed in the Senate, the six proposed criteria are rejected by the Committee. Senator Clark?

SEN. CLARK: Thank you. Senator Clark, Senate District 21. I just wanted to make one comment before we depart here. I did submit to the Committee a list of about 14 criteria. I'm not asking that we go over those one by one. Most of them have been covered during the course of this debate. I just wanted to let it know -- be known for the record that they have been submitted.

SEN. HISE: Those are clearly part of the record so -- any other matters to come before the Committee? I will announce, then, for members that -- first, just to recap, the Committee adopted nine criteria for redistricting. Those will be compiled, and we will put that list available on the website. And that will be given to the drawer
of the map to make sure those designs for the Committee follow these criteria.

(Proceedings went off the record.)

SEN. HISE: Members of the press, just to let you know, if you're doing interviews, they will be up here, where we will have the Court Reporter available for that process. Thanks for coming in. Representative Torbett.

REP. TORBETT: Is there any information or intelligence you can give us on further activity of this Committee at this time?

SEN. HISE: We were talking about that we will obviously be in session on the 18th. We anticipate the meetings to be on the 21st, 22nd, 23rd time frame. So members have that, but I would also say keep watch on the website, as well as your e-mails. There may be things released from the Committee in that interim. Seeing no other items come before the Committee, having exhausted our business, this Committee will stand adjourned.

(End of proceedings.)
STATE OF NORTH CAROLINA
COUNTY OF GRANVILLE

CERTIFICATION OF TRANSCRIPT

This is to certify that the foregoing transcript of proceedings held on August 10, 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 26th day of August, 2017.

[Signature]