EXHIBIT B

“February 16, 2016 North Carolina General Assembly Joint Committee on Redistricting Transcript”
SEN. RUCHO: Let’s come to order for a few moments. Would everybody please take their seats? We’re going to have a 10- or 15-minute break to get some papers printed up and ready to go as a part of our agenda, but what we will do first is identify the Sergeant-at-Arms that are here today. We’ve got -- for the House side, we’ve got Reggie Sills, Marvin Lee, David Layden and Terry McCraw, and then we’ve got our Senate Sergeant-at-Arms Jim Hamilton, Ed Kesler and Hal Roach. These folks help us make this meeting organized and run efficiently, and we wouldn’t be able to do a good job without them.

I appreciate everybody yesterday coming out and helping us accomplish our public hearing. We had a lot of good thoughts and advice, and I hope that you’ve taken some time to read the public comments that came over the Internet so that we can be able to talk about the subject matter on an intelligent level.

Representative Lewis and I want to again remark about the fact that the staff has done a remarkable job for us in putting together yesterday’s public hearing and this meeting, and the IT folks were miracle workers in trying to coordinate six sites plus Raleigh to do a good job and allow us to be able to reach out across the state with this public hearing that is -- that was yesterday, and it was successful, and we’re thrilled that they could do such a good job for us.

All right, the first point -- and I’m going to have Mr. Verbiest, our clerk, do a roll call, and would you just, as your name is mentioned, please recognize it, or if we hear quiet, we know you’re not here.

CLERK: Senator Sanderson?

SEN. SANDERSON: Present.

CLERK: Senator Brown?

SEN. BROWN: Here.

CLERK: Senator Apodaca?

(No response.)

CLERK: Senator Clark?

SEN. CLARK: Present.

CLERK: Senator Harrington?

SEN. HARRINGTON: Here.

CLERK: Senator Hise?

SEN. HISE: Here.

CLERK: Senator Lee?

SEN. LEE: Here.

CLERK: Senator McKissick?

SEN. MCKISSICK: Here.

CLERK: Senator Smith?

SEN. SMITH: Here.

CLERK: Senator Smith-Ingram?

SEN. SMITH-INGRAM: Present.

CLERK: Senator Wells?

SEN. WELLS: Here.

CLERK: Senator Blue?

SEN. BLUE: Here.

CLERK: Senator Ford?

(No response.)

CLERK: Senator Ford?

(No response.)

CLERK: Senator Wade?

(No response.)

CLERK: Senator Barefoot?

SEN. BAREFOOT: Here.

CLERK: Senator Randleman?

SEN. RANDLEMAN: Here.

CLERK: Senator Jackson?

SEN. JACKSON: Here.

CLERK: Representative Lewis?

REP. LEWIS: Here.

CLERK: Representative Jones?

REP. JONES: Here.

CLERK: Representative Hager?

REP. HAGER: Here.

CLERK: Representative Stevens?

REP. STEVENS: Here.

CLERK: Representative Hurley?

REP. HURLEY: (No response.)

CLERK: Representative Stam?

REP. STAM: Here.

CLERK: Representative Jordan?

REP. JORDAN: Here.

CLERK: Representative Johnson?

REP. JOHNSON: Here.

CLERK: Representative Brawley?

REP. BRAWLEY: Present.

CLERK: Representative Hardister?

REP. HARDISTER: Here.

CLERK: Representative Davis?

REP. DAVIS: Here.

CLERK: Representative McGrady?

REP. MCGRADY: Here.

CLERK: Representative Michaux?

REP. MICHAUX: Here.

CLERK: Representative Cotham?

REP. COTHAM: Here.

CLERK: Representative Hanes?
so under the circumstances, we are taking a precaution, and we anticipate some reaction from the Supreme Court on the motion for stay which will allow the election to continue forward, and then allow the court case to continue on its normal course, which would be, in my judgment, a better way to go, since the election has already been started, and we don't want to disenfranchise the voters in any manner.

That being said, we are going to begin our agenda. Representative Lewis, would you have any comments at this time?

REP. LEWIS: No, sir.

SEN. RUCHO: No? Okay. Then we're going to go on to the second, which is discussion of the criteria of the 2016 Contingent Congressional Maps, and what these are, are criteria as to how these maps should be drawn to try to meet the requirements imposed by the Court and also remain within the legal limits of the law. Representative Lewis?

REP. LEWIS: Mr. Chairman, ladies and gentlemen of the Joint Select Committee on Congressional Redistricting and members of the public, I too would like to offer a brief historical perspective on what brings us here today.

In 2011, after the release of the Census, this General Assembly set out to create fair and legal Congressional districts. In doing so, the 2011 process included an unprecedented number of public hearings, 36 scheduled before the release of the maps, 7 after the release of our original proposed districts, 10 dedicated to receiving public comment on the release of the entire plan, and an additional 10 after the release of our respective proposals for the legislative districts.

Additionally, we provided easy public access for public comment via the North Carolina General Assembly Web site, and invited additional written comments through both e-mail and the US Postal Service. Senator Rucho and I thank the thousands of citizens who exercised their right to offer comments at that set of public hearings or submit written comments. All of those comments were reviewed by the chairs and preserved as a permanent record of citizen input on this important task.

We also took back then the unprecedented step of providing the leadership of the minority
70 speakers participating. There were also more than 80 comments submitted online. The chair thanks all the citizens who participated yesterday. The chair reminds the members that the written comments have been placed on the General Assembly's Web site, and a link e-mailed to each of your e-mail accounts.

Mr. Chairman, at your direction, I would like to submit to the committee a series of proposals to establish criteria for the drawing of the 2016 contingent Congressional map.

SEN. RUCHO: Yes, sir, Chairman Lewis.

You can begin and go through the rotation as -- as you planned.

REP. LEWIS: Mr. Chairman, I'd like staff to distribute the 2016 Congressional -- pardon me -- the 2016 contingent Congressional plan proposed criteria, beginning with "Equal Population," to the members.

SEN. RUCHO: Sergeant-at-Arms will be passing this out, and we're going to take our time, read it thoroughly, and then -- so Representative Lewis will explain it, and then we'll debate each of them as we move forward. (Pause.) Has everyone received a copy of the first

that more than 16,000 citizens have already requested to vote by mail. Unfortunately, the enacted plan was challenged again in what is known as the Harris versus McCrory case. In that decision, in which we respectfully disagree with the three-judge panel, it was found that the 1st Congressional District and the 12th Congressional District are racial gerrymanders, and they ordered new maps be drawn by February 19th, and that the election for US House not be held under the current maps. While, as Chairman Rucho said, we are confident that a stay of this decision, which interrupts an election already in progress, will be granted, and that the enacted map will ultimately be upheld on appeal, we are required to begin the process of drawing a 2016 contingent Congressional map. I reiterate that while the 2011 plan was dictated by the Cromartie and Strickland decisions of the US Supreme Court, we will move forward to establish a plan based on the Harris opinion. The process -- this process began with the appointment of this joint select committee, and continued yesterday with the public hearings held in six locations across the state, with more than one? They're not in any order as far as priorities or anything. They're just going to be set forward. VARIOUS COMMITTEE MEMBERS: No, no.

SEN. RUCHO: Okay. Hang on. This first one is called "Equal Population." (Pause.) All right, does everyone have a copy that -- now, let's be clear. Ladies and gentlemen in the audience, the members of the committee will be participating within this meeting. I know we have a number of members that have come here with interest, and we're delighted to have them, and recognize that every member that is here can submit a reimbursement form, but the people that are on the committee will be the ones participating in today's business activity of this committee meeting.

All right, Representative Lewis, first one.

REP. LEWIS: Mr. Chairman, as I explain this one, I would request that the Sergeant-at-Arms go ahead and distribute the second one, which is entitled "Contiguity."

Mr. Chairman, the first criteria that I would urge the committee to adopt is that each district should be of equal population. This is
pretty self-explanatory. This is in line with one person, one vote. It simply says, as members can read, that the number of persons in each Congressional district shall be as near equal as practicable, as determined under the most recent Census, which of course would be the 2010 Census. Mr. Chairman, I move adoption of this criteria.

REP. STEVENS: Are you waiting for a second?

SEN. RUCHO: I've got a motion from Representative Lewis to move forward with this adoption of this first equal -- equal population. Representative Stevens, thank you. We've got a second. Discussion, ladies and gentlemen?

(No response.)

SEN. RUCHO: All right, I see none. All in favor of the adoption of the equal population -- yes. I'll go back. We're going to go ahead and we're going to do roll-call vote on this. And so I'm saying we're going to have a roll call from the clerk on the equal population. Please identify -- or just say "Aye" or "Nay," please. Mr. Verbiest?

REP. LEWIS: Aye.

REP. JONES: Aye.

REP. BRAWLEY: Aye.

REP. COTHAM: Aye.

REP. DAVIS: Aye.

CLERK: Senator Rucho?

REP. FARMER-BUTTERFIELD: Aye.

REP. HAGER: Aye.

SEN. RUCHO: Please speak up, please. CLERK: Representative Hager?

REP. HANES: Aye.

CLERK: Representative Hardister?

REP. HARDISTER: Aye.

CLERK: Representative Hurley?

REP. HURLEY: Aye.

CLERK: Representative Jackson?

REP. JACKSON: Aye.

CLERK: Representative Johnson?

REP. JOHNSON: Aye.

REP. JORDAN: Aye.

REP. MCGRADY: Aye.

REP. MICHAU: No.

REP. MOORE: Aye.

REP. STEVENS: Aye.

REP. STAM: Aye.

REP. STEVENS: Aye.

REP. DAVIS: Aye.

REPRESENTATIVE DIXON: Aye.

(Senator Apodaca is here now?)

SEN. RUCHO: Yes, I do.

SEN. RUCHO: Okay.

SEN. APODACA: Aye.

SEN. BAREFOOT: Aye.

SEN. BLUE: Aye.

SEN. BROWN: Aye.

SEN. BROWN: Aye.

SEN. CLARK: Aye.

SEN. CLARK: Aye.

REP. FORD: Aye.

(Senator Apodaca is here now?)

SEN. HARRINGTON: Aye.

SEN. HARRINGTON: Aye.

SEN. HISE: Aye.

SEN. HISE: Aye.

REP. JORDAN: Aye.

SEN. JACKSON: Aye.

SEN. LEE: Aye.

REP. LEE: Aye.

SEN. MCKISSICK: Aye.

SEN. MCKISSICK: Aye.

SEN. RANDLEMAN: Aye.

SEN. RANDLEMAN: Aye.

SEN. SANDERSON: Aye.

SEN. SANDERSON: Aye.

SEN. SMITH: Aye.

SEN. SMITH: Aye.

REP. SMITH-INGRAM: Aye.

SEN. SMITH-INGRAM: Aye.

REP. WARE: (No response.)
CLERK: Senator Wells?

SEN. WELLS: Aye.

CLERK: Only one nay.

SEN. RUCHO: Okay. Ladies and gentlemen, we had the roll vote, and there was just one negative, so the first criteria establishing equal population has passed. All right. Representative Lewis?

REP. LEWIS: Thank you, Mr. Chairman. Mr. Chairman, the next criteria I propose the committee adopt -- adopt is "Contiguity." This simply says that --

REP. STEVENS: Mr. Chairman, we don't have copies of it yet.

SEN. RUCHO: I'm sorry? Please repeat that again. You don't have the second?

REP. STEVENS: I do not have a copy, and perhaps I'm sitting a little out of the way.

SEN. RUCHO: Sergeant-at-Arms, would someone please get the contiguity criteria?

REP. LEWIS: Members, this is a standard redistricting practice, and I would move the adoption of the criteria by the committee. If that could be distributed to the committee, perhaps to save a little time?

SEN. RUCHO: Okay, that's fine. Sergeant-at-Arms, would you please distribute the third criteria, which is "Political Data"?

Representative Lewis, would you want staff to read this, the specifics as they're presented, or do you prefer to do it yourself?

REP. LEWIS: Mr. Chairman, if it pleases the Chair, I would respectfully request that -- the next criteria I intend to offer is "Political Data." If that could be distributed to the committee, perhaps to save a little time?

SEN. RUCHO: Okay, Senator Blue, thank you for that question. Let me be clear that it does not, and I would be opposed to any form of single-point contiguity has been ruled as not a legal form of mapmaking in the past.

SEN. RUCHO: Follow-up?

SEN. BLUE: Does it contemplate any minimal distance on the water that is used to determine that geographically, areas are contiguous?

REP. LEWIS: Senator Blue, I don't believe it contemplates the Atlantic Ocean, but, I mean, as you know, sir, we have beautiful sounds in our state that that is a community, and so the water -- I can't give you an exact -- an exact definition of how much water is too much water.

SEN. BLUE: Last point.

SEN. RUCHO: Follow-up?

SEN. BLUE: Does it contemplate the point in the Cape Fear River in one of your counties that's currently used as a basis for connecting geographically parts of the 4th Congressional District?

REP. LEWIS: Senator Blue, I appreciate that inquiry. I would -- I would point out that there is an island there, so there is actually land in the middle of the Cape Fear, that exact point that you're referring to, but I would have to say that I do not believe that that is the intent of this.

SEN. RUCHO: Senator Smith, did you have a question?

SEN. SMITH: No.

SEN. RUCHO: Oh, okay. Any additional questions or comments on the contiguity criteria?

(No response.)

SEN. RUCHO: Seeing none, all right, Mr. Verbiest, would you do roll call again?
<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>22</td>
<td>REP. FARMER-BUTTERFIELD: Aye.</td>
<td>24</td>
<td>CLERK: Senator Sanderson?</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>REP. HAGER: Aye.</td>
<td></td>
<td>CLERK: Senator Smith?</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>REP. HANES: Aye.</td>
<td></td>
<td>CLERK: Senator Smith-Ingram?</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>REP. HARDISTER: Aye.</td>
<td></td>
<td>CLERK: Senator Waddell?</td>
<td>(No response.)</td>
</tr>
<tr>
<td></td>
<td>CLERK: Representative Hurley?</td>
<td></td>
<td>CLERK: Senator Wade?</td>
<td>(No response.)</td>
</tr>
<tr>
<td></td>
<td>REP. HURLEY: Aye.</td>
<td></td>
<td>CLERK: Senator Wells?</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>REP. JACKSON: Aye.</td>
<td></td>
<td>SEN. RUCHO: Any against?</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>REP. JOHNSON: Aye.</td>
<td></td>
<td>SEN. RUCHO: All right, members of the</td>
<td></td>
</tr>
<tr>
<td></td>
<td>CLERK: Representative Jordan?</td>
<td></td>
<td>committee, the criterion on contiguity passed</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>REP. JORDAN: Aye.</td>
<td></td>
<td>unanimously and was adopted unanimously. All</td>
<td></td>
</tr>
<tr>
<td></td>
<td>CLERK: Representative McGrady?</td>
<td></td>
<td>right.</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>REP. MCGRADY: Aye.</td>
<td></td>
<td>REP. LEWIS: Mr. Chairman, I'd like to --</td>
<td></td>
</tr>
<tr>
<td></td>
<td>CLERK: Representative Michaux?</td>
<td></td>
<td>SEN. RUCHO: Mr. Lewis, you've got</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>REP. MICHAUX: Aye.</td>
<td></td>
<td>&quot;Political Data&quot; before you, and you would like the</td>
<td></td>
</tr>
<tr>
<td></td>
<td>CLERK: Representative Moore?</td>
<td></td>
<td>next criteria sent out to the members?</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>REP. MOORE: Aye.</td>
<td></td>
<td>REP. LEWIS: Mr. Chairman, if we could,</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>CLERK: Representative Stam?</td>
<td></td>
<td>let's do &quot;Political Data,&quot; and then we'll move on</td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>REP. STAM: Aye.</td>
<td></td>
<td>to the next one. Let's not distribute --</td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>CLERK: Representative Stevens?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>REP. STEVENS: Aye.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>36</td>
<td>CLERK: Senator Rucho?</td>
<td>28</td>
<td>SEN. RUCHO: All right. So you want</td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>SEN. RUCHO: Aye.</td>
<td></td>
<td>just take care of that. Would -- Ms. Churchill,</td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>CLERK: Senator Apodaca?</td>
<td></td>
<td>would you read the one on political data, please?</td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>SEN. APODACA: Aye.</td>
<td></td>
<td>MS. CHURCHILL: &quot;Political Data: The</td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>CLERK: Senator Barefoot?</td>
<td></td>
<td>only data other than population data to be used to</td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>SEN. BAREFOOT: Aye.</td>
<td></td>
<td>construct Congressional districts shall be election</td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>CLERK: Senator Blue?</td>
<td></td>
<td>results in statewide contests since 2008, not</td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>SEN. BLUE: Aye.</td>
<td></td>
<td>including the last two Presidential contests. Data</td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>CLERK: Senator Brown?</td>
<td></td>
<td>identifying the race of individuals or voters shall</td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>SEN. BROWN: Aye.</td>
<td></td>
<td>not be used in the construction or consideration of</td>
<td></td>
</tr>
<tr>
<td>46</td>
<td>CLERK: Senator Clark?</td>
<td></td>
<td>districts in the 2016 contingent Congressional</td>
<td></td>
</tr>
<tr>
<td>47</td>
<td>SEN. CLARK: Aye.</td>
<td></td>
<td>plan. Voting districts, referred to as VTDs,</td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>CLERK: Senator Harrington?</td>
<td></td>
<td>should be split only when necessary to comply with</td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>SEN. HARRINGTON: Aye.</td>
<td></td>
<td>the zero deviation population requirements set</td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>CLERK: Senator Hise?</td>
<td></td>
<td>forth above in order to ensure the integrity of</td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>SEN. HISE: Aye.</td>
<td></td>
<td>political data.&quot;</td>
<td></td>
</tr>
<tr>
<td>52</td>
<td>CLERK: Senator Jackson?</td>
<td></td>
<td>SEN. RUCHO: All right. Representative</td>
<td></td>
</tr>
<tr>
<td>53</td>
<td>SEN. JACKSON: Aye.</td>
<td></td>
<td>Lewis, that is before the committee.</td>
<td></td>
</tr>
<tr>
<td>54</td>
<td>CLERK: Senator Lee?</td>
<td></td>
<td>REP. LEWIS: Mr. Chairman, I --</td>
<td></td>
</tr>
<tr>
<td>55</td>
<td>SEN. LEE: Aye.</td>
<td></td>
<td>SEN. RUCHO: Let him explain it, please.</td>
<td></td>
</tr>
<tr>
<td>56</td>
<td>CLERK: Senator McKissick?</td>
<td></td>
<td>REP. LEWIS: I believe it explains</td>
<td></td>
</tr>
<tr>
<td>57</td>
<td>SEN. MCKISSICK: Aye.</td>
<td></td>
<td>itself. I'll be happy to yield to --</td>
<td></td>
</tr>
<tr>
<td>58</td>
<td>CLERK: Senator Sandleman? Senator</td>
<td></td>
<td>SEN. RUCHO: All right. Question,</td>
<td></td>
</tr>
<tr>
<td>59</td>
<td>Randleman? I'm sorry.</td>
<td></td>
<td>Senator Blue?</td>
<td></td>
</tr>
<tr>
<td>60</td>
<td>SEN. RANDLEMAN: Aye.</td>
<td></td>
<td>SEN. BLUE: Yeah. This might be one for</td>
<td></td>
</tr>
</tbody>
</table>
the staff, Mr. Chairman.

SEN. RUCHO: All right. Staff?

SEN. BLUE: The second -- the second full paragraph, can you restrict -- and I think I know where you're trying to go to, but can you restrict the use of race in drawing the two districts in question and be in conformity with the Voting Rights Act as the Court enunciated in its decision several weeks ago?

SEN. RUCHO: Representative Lewis, do you want to respond to that?

REP. LEWIS: Mr. Chairman, thank you.

Senator Blue, I appreciate that inquiry. It is my understanding and reading of the opinion that race is not to be a factor in drawing the districts. Adoption of this criteria would mean that the ISD staff of the General Assembly would be instructed to establish computers, and I believe the software is called Maptitude, and the staff would be instructed not to include race as a field that could be used to draw districts.

I'll go one step further and say respectfully that race was not considered when the General Assembly passed the 12th District of the enacted plan, but the Court still questioned its use. This would contemplate that that data would not be available to mapmakers who make maps to comply with the Harris order.

SEN. RUCHO: Follow-up?

SEN. BLUE: You're saying that notwithstanding all of the jurisprudence in this area, at least that I've seen over the last 25, 30 years, that you're going to draw minority districts without taking into account whether minorities are in the minority district?

REP. LEWIS: Senator Blue, I believe the Harris opinion found that there was not racially polarized voting in the state, and therefore, the race of the voters should not be considered. My proposal would be that we use political data only, and do not use race to draw Congressional districts.

SEN. BLUE: One last --

SEN. RUCHO: Follow-up?

SEN. BLUE: I long for the day, just like you do, Representative Lewis, when we can do that, and I hope it's sooner rather than later, but I don't think it's wise to spit in the eyes of three federal judges who control the fate of where we're going to go with redistricting, and I understand what you're trying to do here, but I think it's an insult to their intelligence to take this approach, and I think that they will show you the ultimate power of the federal judiciary that's existed since 1802 in Marbury versus Madison if you do this.

REP. LEWIS: Respectfully, sir, it would never be my intent to offend or to question the dignity of the office of a federal judge. If anything I said hitherunto has done that, I apologize; however, it is my understanding that when we drew the enacted plan, we applied the Cromartie and Strickland decisions as best we knew how to do in drawing the 1st. We did not use race when we drew the 12th.

The Court has found those both to be racial gerrymanders. It would be my -- they also found, based on my reading of the opinion -- I'm certainly not splitting in their face; I'm trying to read what they said -- that there's not racially polarized voting. If that is indeed the case, then race should not be a factor.

SEN. RUCHO: Smith-Ingram?

Representative Smith-Ingram? I'm sorry. Before I do that, I -- Senator McKissick got me first.

Please, Senator McKissick.

SEN. MCKISSICK: Sure. The thing that I'm deeply concerned about is that the Voting Rights Act and the courts have historically indicated that it's appropriate to use race in drawing Congressional districts, and I don't understand why we would abandon it as a criteria.

From what I understand from reading the most recent decision, Harris versus McCrory, what they were concerned about was the fact that it was a predominant consideration, so there was an overconcentration of African-American voters because majority-minority districts were created, and I think that was what I understood to be the finding, the conclusion of these majority-minority districts, when historically the 1st and 12th districts could elect a candidate choice without being a majority-minority district. I think it would be a misreading of the case to say that race could not be used as a consideration.

REP. LEWIS: Senator McKissick, as always, I appreciate your counsel. I would reiterate that in drawing of the 12th, race was not con-- race was not a considered factor. In the drawing of the 1st, we attempted to comply with the Cromartie and Strickland cases, which we believed...
called for, and still believe called for the -- if a district is drawn under the Voting Rights Act to be a majority-minority district, that it contain a majority of minorities. The Court has found that racially polarized voting does not exist to the extent to do that.

During the trial, which I know Senator Blue attended -- I don't remember who-all else was there -- there was various testimony offered from the stand of how much minority population is enough. The judges were well aware that that conversation had gone on from the stand. They offered no guidance into how much minority population should be used; therefore, I simply say we draw the maps without using minority -- without using any race considerations. That way, they cannot -- the federal court will be clear that in the construction of districts that we did not use racial consideration if it's not even a factor that can be selected on the computer.

SEN. MCKISSICK: Follow-up, Mr. Chair?
SEN. RUFO: Follow-up.
SEN. MCKISSICK: So how would you propose that you comply with the requirements, say, of the Voting Rights Act, which basically indicates that you should create districts that allow minorities to elect a candidate of choice if race is not an appropriate consideration? I don't know how you accomplish that objective without having it, certainly not as the predominant consideration. I would agree that cannot be done, and should not be done, but I'm trying to understand how you do that otherwise if you completely eliminate race as a criteria that you look at in drafting the maps, and then secondly -- and this shifts gears a little bit -- why would we not want to consider the --
SEN. RUFO: Which question? Is this your --
SEN. MCKISSICK: Okay, yeah.
SEN. RUFO: -- first question?
SEN. MCKISSICK: Yeah, first question.
SEN. RUFO: Okay.
SEN. MCKISSICK: Go ahead, Representative Lewis. Thank you, sir.
REP. LEWIS: Senator, I believe that my earlier answer that -- and I have a great deal of respect for you. I understand that you are an attorney, and I am not an attorney. It's my reading of the case that the Court has found that there was not racially polarized voting, which is the trigger point to draw a VRA -- VRA district. Therefore, if that is not the case, then we believe the enacted maps should stand as they are. If we're going to redraw the maps with the Harris order, which says there's not racially polarized voting, then we believe that race should not be a consideration in drawing the maps.
SEN. MCKISSICK: Follow-up, Mr. Chairman.
SEN. RUFO: Follow-up.
SEN. MCKISSICK: Why would we not here want to consider the election results of the 2008 and 2000 -- I guess '12 presidential elections? Is there a specific reason why we want to exclude those specific election results and include other potential election results within that same general time frame?
REP. LEWIS: Yes, sir.
SEN. MCKISSICK: Because, I mean, the thing that's obvious to anybody is we had an African-American running for President in those two election cycles.
REP. LEWIS: Yes, sir, and I don't recall which pages it's on, but in the Harris opinion, one of the judges wrote that using the 2008 Obama/McCain data was really a code for trying to
we need to go in there and split these precincts. I think splitting the precincts would probably be a code word for understanding that you could segregate voters out based upon race as well, so I mean, I have no problems not -- not going in there and splitting out these precincts, and I think keeping the voter tabulation districts as whole as possible is a good component, but I would be opposed to the elimination of consideration of the 2008 and 2012 presidential data as well as other -- any other racial data that would be provided in the normal data packages that for many, many years have always been used by this General Assembly in drawing these Congressional districts. Thank you, sir.

REP. LEWIS: Mr. Chairman, respectfully, I --

SEN. RUCHO: Yes, sir?

REP. LEWIS: -- believe that was a statement, to which I'll just respond I respectfully disagree with the gentleman from Durham.

SEN. RUCHO: All right. Thank you. Senator Smith-Ingram?

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

In regards to the proposed criteria as it relates to the voting districts and the split, one of the concerns that resonated across the state, as shown in the hearings, and as we talked to constituents, particularly in the finger counties in Congressional District 1, there is some concern about precincts being split, and a lot of voter confusion because of split counties and split precincts. Do you think the language in the last sentence goes far enough to help us alleviate that problem, and not have that issue as we move toward drawing new maps?

REP. LEWIS: Senator, I thank you for that question. I would say that, as I've maintained all along, I believe that voters are sophisticated enough that split political districts do not cause confusion, but to the extent that we can not split them, we shouldn't, so I do think this sentence goes far enough in saying the only reason you would want to split a VTD, or a voting district, is to help with the zero population requirement that this committee has already adopted.

SEN. SMITH-INGRAM: Follow-up.

SEN. RUCHO: Follow-up.

SEN. SMITH-INGRAM: So I can assume from what you are saying that the only reason we had split counties and split precincts in the previous plan is because we were trying to meet the mandate of the zero deviation?

REP. LEWIS: No, ma'am, that's not at all what I said. What this says is that -- what this says is in drawing the map, this contingent plan that we are -- that we are talking about is that the VTDs should be split only when necessary to comply with the zero deviation requirements. I was not at all speaking about the enacted map, in which I'm certain that some precincts and voting districts were split for political purposes.

SEN. SMITH-INGRAM: Last follow-up, Mr. Chair.

SEN. RUCHO: Last follow-up.

SEN. SMITH-INGRAM: Just a statement. I understand that our voters across the state are very sophisticated; however, there was a lot of confusion created with the split counties and the split precincts, and so I just -- as we're moving forward, we need to be careful that they are not disenfranchised by that confusion. Thank you, Representative Lewis.

SEN. SMITH-INGRAM: Follow-up.

SEN. RUCHO: All right. Thank you.

SEN. RUCHO: Thank you. I've got Representative Stam.

REP. STAM: Yes. I like this criteria. It's very principled, and it's principles that I've heard, for example, the Senate Minority Leader state publicly many times. Let's not -- let's not consider race anymore. We're past that.

SEN. RUCHO: Okay. Representative Michaux?

REP. MICHAUX: Mr. Chairman, I'm having a problem not identifying race, and if I recall, Mr. Lewis -- and I'm reading from the opinion. It says here that "This does not mean that race can never play a role in redistricting. Legislatures are almost always cognizant of race when drawing district lines, and simply being aware of race poses no Constitutional violation."

What they're saying to you is that you still can use race in the matter, but you cannot make it the predominant factor. That's the way I read it, and I think that this --

SEN. RUCHO: Representative Lewis?

REP. LEWIS: Representative Michaux, thank you for that. My response to that would be that not being aware of race means that you
<table>
<thead>
<tr>
<th>Page</th>
<th>Column</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>38</td>
<td>1</td>
<td>couldn't have been motivated by race.</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>REP. MICHAUX: May I follow up?</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>SEN. RUCHO: Follow-up, Representative</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>Michaux?</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>REP. MICHAUX: What did you say just now?</td>
</tr>
<tr>
<td></td>
<td>6</td>
<td>REP. LEWIS: Sir, I believe you read from the opinion, which I don't have before me, that -- in which the judges said being aware of race does not necessarily mean that race was a predominant factor, but it doesn't require it. And if that's not what you read, understand that you have the opinion in front of you, and I don't.</td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>REP. MICHAUX: What they're saying is it cannot be a predominant factor, Mr. Lewis, but you can use race.</td>
</tr>
<tr>
<td></td>
<td>8</td>
<td>SEN. RUCHO: Representative Michaux, I think what Senator -- Representative Lewis is saying is you can use race, but it doesn't require you to use race.</td>
</tr>
<tr>
<td></td>
<td>9</td>
<td>REP. MICHAUX: It says you can use race, but it must not be the predominant factor.</td>
</tr>
<tr>
<td></td>
<td>10</td>
<td>REP. LEWIS: Mr. Chairman, I would say &quot;can use&quot; does not say &quot;must use.&quot; Therefore, I would move the adoption of this criterion.</td>
</tr>
<tr>
<td></td>
<td>11</td>
<td>SEN. RUCHO: Representative Hager, please?</td>
</tr>
<tr>
<td></td>
<td>12</td>
<td>REP. HAGER: Thank you, Mr. Chairman. Representative Lewis, I want to commend you on the -- when you said only when necessary when you split districts and precincts. I come from a district and precinct prior to these maps. My precinct was split, and we worked it out, like I said, and I appreciate what you said about the sophistication of the voters. It was there, but this criteria does help that situation, and prior to these maps, we see -- we saw that with the previous maps in Rutherford County, so thank you very much.</td>
</tr>
<tr>
<td></td>
<td>13</td>
<td>SEN. RUCHO: I'm sorry. I've got Senator Blue. Excuse me.</td>
</tr>
<tr>
<td></td>
<td>14</td>
<td>SEN. BLUE: Just a comment, since the motion to adopt it has been made. Mr. Chairman, I agree totally with Representative Stam. As I told Representative Lewis, there are places in this state where considering race in redrawing districts is inappropriate under the Voting Rights Act, under the 14th Amendment. There are places in this state where the Voting Rights Act requires that race be considered to some degree to ensure that, based on history, that minorities can elect people of their choice.</td>
</tr>
<tr>
<td></td>
<td>15</td>
<td>We know that this three-judge panel has the power of its own to draw districts, and we can play these games with them. I thought that as a body from the standpoint of letting the Legislature, the reason that we ordered -- or at least required that the Court, if reversing these districts, sent it back to the Legislature to have an opportunity or a shot at fixing it is because it was felt that the Legislature could fix it, but I can assure you that if you go about doing this, then those three gentlemen are going to draw districts for you.</td>
</tr>
<tr>
<td></td>
<td>16</td>
<td>Maybe that's what you want, and if that's what you want, I will vote with you on this amendment, but I think that you -- that it's transparent the game that you're trying to play. Some of us do strongly believe that we should move away from using race in making any decision in American life, but we also believe that you comply with the law until we get to that point, and I think that you're aware of the fact, just as I am, that if you take this blind approach, you're in direct violation of Section 2 of the Voting Rights Act. And so I'm just -- I just say that to you.</td>
</tr>
<tr>
<td>39</td>
<td>1</td>
<td>I'm going to vote against this proposal.</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>You'll probably withdraw it, given the debate, but I'm going to vote against it because I think that it's showing disrespect for the law as it exists and disrespect for this three-judge federal district court.</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>REP. LEWIS: Well, Senator --</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>SEN. RUCHO: Representative Lewis?</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>REP. LEWIS: Thank you, Mr. Chairman. I'm going to reiterate my earlier comments to you, sir, that in no way has anything that I have said had the intent, and I hope not the effect, of causing any offense to any member of the federal judiciary. I would reiterate the only way to make sure that race is not the predominant factor is to make sure it's not a factor when the maps are being considered. This Court -- I'll go one step further. With the utmost respect to the Court, this Court was shown that race was not a factor that was considered in drawing of the 12th, but they still found that it was a factor. This is -- this way we make sure that in fact, it is not.</td>
</tr>
<tr>
<td></td>
<td>6</td>
<td>SEN. RUCHO: Members of the committee? Senator McKissick?</td>
</tr>
</tbody>
</table>
SEN. MCKISSICK: Representative Lewis, are you aware of any racially polarized voting studies which have been conducted since the 2010 Census occurred?

REP. LEWIS: Senator McKissick, respectfully, I would direct you to the redistricting tab of the General Assembly Web site. I believe there are some studies that are listed there. Certainly there are numerous studies that are referenced in the various lawsuits. I know the General Assembly did commission a study on racially polarized voting. I do not believe the Harris court admitted or considered it.

SEN. MCKISSICK: Follow-up, Mr. Chair.

SEN. RUCHO: Follow-up.

SEN. MCKISSICK: Is it not possible to go back and find that data, which is reasonably current, since it was done since 2010, to examine the racially polarized voting patterns throughout the state, because different parts of the state are different? Our urban areas have different characteristics, and there's more coalition politics. Other parts of our state, racially polarized voting patterns are present, and continue to exist.

I would suggest that we go back and look at those studies, analyze them, and use those studies as part of the database that would be used to move forward in drawing these districts. Any reason why we cannot do that?

REP. LEWIS: Respectfully, sir, I may -- I may agree with you, but the Court does not.

SEN. MCKISSICK: And I'd have to respectfully disagree on that.

REP. LEWIS: Noted.

SEN. RUCHO: Senator Clark?

SEN. CLARK: Thank you, Mr. Chairman.

With regard to the language on the voting districts in here, would it not be more appropriate to separate that and have it stand alone as its own criteria? I don't understand the rationale for including it in the criteria about political data.

REP. LEWIS: Senator, I appreciate that question. Frankly, we could have had an additional criteria. I prefer just to let it stay as it is.

SEN. RUCHO: Excuse me. Representative Lewis, do you make the motion to adopt the political data criteria?

REP. LEWIS: I do, Mr. Chairman.

SEN. RUCHO: All right. Seeing none, we can -- Mr. Clerk, would you begin the roll call?

CLERK: Lewis?

REP. LEWIS: Aye.

REP. JONES: Aye.

REP. HAGER: Aye.

REP. HANES: No.

REP. PHAM: Aye.

REP. HURLEY: Aye.

REP. JORDAN: Aye.

REP. MCGRADY: Aye.

REP. Michaux? No.

REP. JOHNSON: No.

REP. MOORE: No.

REP. Stam?

REP. STAM: Aye.

REP. STEVENS: Aye.

REP. RUCHO: Aye.

REP. Apodaca?

SEN. APODACA: Aye.

REP. Barefoot?

SEN. BAREFOOT: Aye.

REP. Blue?

SEN. BLUE: No.
CLERK: Brown?
SEN. BROWN: Aye.
CLERK: Clark?
SEN. CLARK: No.
CLERK: Harrington?
SEN. HARRINGTON: Aye.
CLERK: Hise?
SEN. HISE: Aye.
CLERK: Jackson?
SEN. JACKSON: Aye.
CLERK: Lee?
SEN. LEE: Aye.
CLERK: McKissick?
SEN. MCKISSICK: No.
CLERK: Randleman?
SEN. RANDLEMAN: Aye.
CLERK: Sanderson?
SEN. SANDERSON: Aye.
CLERK: Smith?
SEN. SMITH: No.
CLERK: Smith-Ingram?
SEN. SMITH-INGRAM: Nay.
CLERK: Wells?
SEN. WELLS: Aye.
SEN. RUCHO: What have we got?

CLERK: Nine nays. Nine nays. (Pause.)
There's 11. 11 out of 34.
SEN. RUCHO: 11 out of 34 nays. Okay.
The result of that is 23 ayes, 11 nos, and two were not present. Okay. Representative Lewis?
REP. LEWIS: Mr. Chairman, I would ask --
with your permission, I've asked the Sergeants-at-Arms to distribute the criteria labeled "Partisan Advantage." If you could direct the staff to read that, I'd be happy to speak on it.
SEN. RUCHO: Ms. Churchill, would you read the one on partisan advantage?
MS. CHURCHILL: "Partisan Advantage: The partisan makeup of the Congressional delegation under the enacted plan is 10 Republicans and 3 Democrats. The committee shall make reasonable efforts to construct districts in the 2016 contingent Congressional plan to maintain the current partisan makeup of North Carolina's Congressional delegation."
SEN. RUCHO: Representative Lewis, explain.
REP. LEWIS: Mr. Chairman, the explanation of this is reasonably simple. As we are allowed to consider political data in the drawing of the maps, I would propose that to the extent possible, the map drawers create a map which is perhaps likely to elect 10 Republicans and 3 Democrats. I acknowledge freely that this would be a political gerrymander, which is not against the law.
SEN. RUCHO: All right. Members of the committee, any questions? Senator Blue?
SEN. BLUE: Just one, Mr. Chairman, and this is a point of order since you've got my friend the rules committee chairman up there. What are the rules under which this committee is operating, House or Senate? If it's the House -- and if it's neither, where do they come from, but if it's the Senate, aren't ayes and nays prohibited in committee votes?
SEN. APODACA: The chairs agreed we'd operate under the House rules, and I can tell you I wasn't here for that, but they did.
(Laughter.)
SEN. RUCHO: All right. Senator Blue?
SEN. BLUE: One follow-up.
SEN. RUCHO: Let me have your attention.
SEN. BLUE: Since I'm not familiar with the House rules anymore, there is a permitted abstention in the ayes and nos under the House rules; is there not?
SEN. APODACA: Mr. Chairman?
SEN. RUCHO: Representative Stam, if you can respond to that question?
REP. STAM: I could. There is no such rule under House rules now or when Senator Blue was the Speaker of the House.
SEN. RUCHO: Senator Blue, did you get your answer?
SEN. BLUE: I got an answer.
(Laughter.)
SEN. RUCHO: Good. Thank you. Okay.
Members of the committee, let's pay close attention to this. Senator McKissick?
SEN. MCKISSICK: In looking at this particular criteria, I mean, certainly partisan advantage is a legitimate consideration, but I don't know why, based upon the number of Democratic registered voters, Republican registered voters and unaffiliated voters in this state we would want to ever sit and ingrain as a criteria for redistricting that we would only allow one party 3 seats in Congress, and the other one, 10 in Congress, when not very long ago, before 2010, we...
had 7 Democrats and 5 Republicans, so I’m trying to understand why you feel this would be fair, reasonable, and balanced in terms of voter registrations in this state as it is currently divided.

REP. LEWIS: Thank you for your question, Senator. I propose that we draw the maps to give a partisan advantage to 10 Republicans and 3 Democrats because I do not believe it’s possible to draw a map with 11 Republicans and 2 Democrats.

(Smiling.)

SEN. MCKISSICK: Follow-up, if I could.

SEN. RUCHO: Follow-up.

SEN. MCKISSICK: Were you aware of the fact that in the 2012 election cycle, if you total the total number of votes received by Democrats running for Congress versus the total number of votes cast for Republicans running for Congress, that Democratic candidates had a higher number of total votes, but ended up with fewer seats? Were you aware of that factor in drawing up this criteria?

REP. LEWIS: I am aware, Senator -- first of all, thank you for your question. I am aware that there are numerous examples, especially through the 2000s, when the majority of seats went to a party that had the fewer votes. We elect our representatives based on a system of drawing districts and the people in those districts being able to vote. We do not elect at large. I know you’re very much aware of that, and we will -- this will maintain that system.

SEN. MCKISSICK: Last follow-up, Mr. Chairman.

SEN. RUCHO: Follow-up. Last follow-up.

SEN. MCKISSICK: I would simply say this: If we were looking at a fair and reasonable division as a criteria moving forward, it wouldn’t necessarily have to be an even division. It could -- obviously, since majority -- Republicans are a majority now, give Republicans a slight edge, but to come up with such an imbalance in a split I think is highly inappropriate. It’s unfair. It does not recognize the way votes have been cast in this state as recently as 2012. It doesn’t recognize the division of registered voters in this state between Democrats, Republicans, and Independents, and it’s really a matter of political gerrymandering in the worst sense in which we can do so.

Come up with something different. It could be 5 Democratic seats, and there’s no reason why that couldn’t be accomplished. It could be 6 Democratic seats and still give the Republicans an edge, but to say you’re going to marginalize with only 3 seats as a criteria, let the voters decide.

REP. LEWIS: Well, sir, I definitely -- I thank you for that comment. Certainly we look forward to receiving -- what I’m asking this committee to adopt is the maps that this -- that the chairs will present to this committee absent a stay arriving from the Court. Certainly the members of this committee that don’t feel this balance is appropriate can certainly offer their own maps for consideration.

SEN. RUCHO: Representative Lewis, in the case Senator McKissick brought forth, if you see some districts that tend to have a larger voter turnout than others, that could easily explain what Senator McKissick described. Am I not correct?

REP. LEWIS: Yes, sir. I think that’s a constant variable in this. If you have an area that has a lot of contested races, those areas tend to produce more folks to the polls. If you have -- you know, we don’t want to get into the Electoral College, but I can remember this debate’s been going on since 2000 because of the use -- you know, there are times -- do you maximize or, for lack of a more polite term, do you pump up or boost up votes in certain areas to try and create the larger cumulative total, or do you file, run, and win in the districts in which you live? Our system has historically been the latter.

SEN. RUCHO: I have a follow-up here.

Senator McKissick, go ahead.

SEN. MCKISSICK: Yeah. Simply this: I think what voters want are more competitive districts, more competitive districts where they have a clear choice between a Democrat, a Republican, and perhaps an unaffiliated candidate that’s running, but not ones that are gerrymanded to give one party or the other just a clear partisan advantage. More competitive districts, I support completely, but that means drawing the maps in a way where you’re not from the outset establishing criteria that gives one party an unfair advantage.

SEN. RUCHO: Representative Lewis?

REP. LEWIS: Mr. Chairman, the only thing that I could add is that we want to make clear that
we to the extent are going to use political data in
drawing this map, it is to gain partisan advantage
on the map. I want that criteria to be clearly
stated and understood. I have the utmost respect
for those that do not agree with this particular
balance.

I will say -- and the gentleman from
Durham did not say this, but I will say that during
the public comment yesterday, more than one speaker
referred to, "Can we just draw them where there's
5 this way or 6 that way?" That is partisan
gerrymandering if you're drawing 5 and 7 or 6
and -- whatever it is. I'm making clear that our
intent is to use -- is to use the political data we
have to our partisan advantage.

SEN. RUCHO: Representative Michaux?
REP. MICHAUX: Yeah. Mr. Chairman, you
know if we were where you are today and we came up
with this idea, you-all would be jumping all over
the place, trying to dissuade us from that. First
you want to -- you really want to dissuade race
from being put in here. Now you want to make sure
that you keep your 10 to 3 advantage, the same
situation that got you in trouble before, and now
you're going to -- what you're telling us is, "We
want you to do this, and you vote for it, and this
is the way it's going to be," period, end of
report.

SEN. RUCHO: Okay. There was no
question, I don't think, so -- unless you want to
respond to his comment.
REP. LEWIS: No.
SEN. RUCHO: Okay, I've got
Representative Stam first.
REP. STAM: Yes. I'd like to share a
statistic that I haven't used in about 10 years,
but I'll tell you why. During the last
redistricting by the other party in 2004, I did
jump up and down because I saw what was coming. In
the election of 2004 for the House -- write these
statistics down -- 52 percent of the voters chose
the Republican candidate, 44 percent, the
Democratic candidate, and 4 percent, Libertarian.
Well, that should be a landslide for Republicans,
but it ended up that we were in the minority, 57 to
63.

The reason I stopped using those type of
statistics is I realized that it can be totally
skewed by whoever happens to not have a candidate
opposing that person. That shows a huge advantage.

For example, near a military base, they have much
fewer voters than the population -- in other words,
it's a bogus statistic, so I don't use it anymore.

SEN. RUCHO: Thank you. I've got
Representative Hager.
REP. HAGER: Thank you, Mr. Chairman.
You know I haven't been here long, but I guess in
the House, I've become one of the more senior
members with my colleagues that came in in 2011,
but, you know, I got to thinking -- and I have the
utmost respect for Senator McKissick and
Representative Michaux, but, you know, if I beat my
dog every day for 4 or 5 years and then I quit
doing it and I told David to quit beating his dog,
you'd consider me a little bit hypocritical,
wouldn't you, David?

If you look at that map on the wall and
look at the 1992 map and look at District 10 and
District 1, District 10 is my district now. Look
at where we've come with District 10 since then. I
mean, it's just -- it's amazing to me that we can
argue that we shouldn't -- that the folks that have
been here for a long time can argue that we
shouldn't gerrymander these on political reasons,
and they're some of the same people that developed
that map of District 1 and District 10 in 1992.

SEN. RUCHO: Thank you. Any additional
questions? Senator Smith-Ingram?
SEN. SMITH-INGRAM: Thank you, Mr. Chair.
Can you be specific as to what constitutes partisan
advantage? Do we have to tie it to a number?
REP. LEWIS: No, ma'am, but I will --
first of all, thank you for the question. To
perhaps expound on it a bit, this would -- this
would contemplate looking at the political data,
which was an earlier criteria adopted by this
committee, and as you draw the lines, if you're
trying to give a partisan advantage, you would want
to draw the lines so that more of the whole VTDs
voted for the Republican on the ballot than they
did the Democrat, if that answers your question.
SEN. SMITH-INGRAM: I think that --
SEN. RUCHO: Follow-up?
SEN. SMITH-INGRAM: Thank you. Follow-
up. It answers about 50 percent of my question.
If I could ask you another one, maybe a different
way? You threw out some numbers. Would there not
be partisan advantage with 8/5?
REP. LEWIS: Thank you for that question,
Senator. I would point out that indeed, you could
<table>
<thead>
<tr>
<th>Page</th>
<th>58</th>
<th>60</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-2</td>
<td>use political numbers to draw a partisan -- to draw districts in which 8 Republicans would win or 5 Democrats. I'm saying to the extent that you can, make it 10/3.</td>
<td>hearing them come from today. We never heard those comments for decades and decades and decades in North Carolina, whether it was the media, whether it was the majority party, whomever, and so I guess the process is what it is.</td>
</tr>
<tr>
<td>3-5</td>
<td>SEN. SMITH-INGRAM: Last follow-up. SEN. RUCHO: Last follow-up. SEN. SMITH-INGRAM: Just a statement. I am concerned that we are trying to mimic the outcome of the previous election that never existed for a very long time in North Carolina until this district was redrawn in 2011. The challenge here is we are balancing where we are with where we have been historically, but at the end of the day, we are elected to come together, to work together, to serve the constituents and citizens of North Carolina. This is one of the concerns resonated yesterday, and many of us have it here. We are drawing these lines so that we get to pick our voters as opposed to them choosing us. It is unfair. It should not be perpetuated in this process, and I will not be supporting it.</td>
<td>I'm glad that we have had some court decisions that have led to what I think is a lot less gerrymandering than what we had in prior decades, where we -- now we do have single-member districts. Now we do have where we don't just split counties in any possible way, and we have the pod system and things like that, so I really take offense when I hear those that say that somehow the political gerrymandering of today is greater than somehow it was in prior years, when anybody that goes back and studies the history knows that that's simply not the case.</td>
</tr>
<tr>
<td>6-8</td>
<td>SEN. RUCHO: Thank you, Representative Jones? REP. JONES: Thank you, Mr. Chair. I appreciate it. I want to say how much I have enjoyed this discussion about -- about gerrymandering. You know, that's a word that seems to me, as someone who has lived in North Carolina for all my life and has really kind of studied the political process particularly over the last few decades, a word that was never really used until somehow the Republicans came to a majority in 2010. Just as we're taking this little trip down memory lane for just a moment, I -- I remember things like multi-member districts in North Carolina when we were drawing the legislature. I thought what an extreme opportunity that was to gerrymander. I saw it happen in my own area where, you know, we couldn't do single-member districts. We couldn't even do double-member districts. Sometimes it had to be three- or four-member districts in order for the political party in charge at the time, which was the Democratic Party, to gain a political advantage, so Representative Lewis, I appreciate your honesty as you come forward today, and we -- and we explain that political gerrymandering I guess is what it is, but I just find it very interesting to hear some of the comments coming from some of the avenues that we're going forward with the process.</td>
<td>That's my comment, and I will ask I guess a question for you, Representative Lewis. Is it possible that people might choose to vote for a candidate that is of a different political party than what their political affiliation is?</td>
</tr>
<tr>
<td>9-12</td>
<td>SEN. CLARK: Thank you, Mr. Chairman. REP. LEWIS: Well, thank you for that question, Representative Jones. Of course it is. I mean, we all offer ourselves, and the voters in our districts decide that we best represent what we believe the direction of the government should be and that's how they cast their votes, so certainly a person is free to vote ever how they choose to vote.</td>
<td>REP. LEWIS: Well, that's what I think, and I think regardless how you draw these districts -- you know, I come from an area where I can remember a time where voting for the Democratic party was extremely -- extremely high, and that time has changed, and those votes have changed. A lot of people that I can tell don't necessarily vote for the same party that they're registered, and so I -- you know, I think we ought to respect the voters as individuals, and whether they're registered Democrat, Republican, Libertarian, unaffiliated, whatever, recognize that they do have an opportunity to vote for any candidate that is on the ballot before them. I appreciate your answer, and I appreciate your honesty and integrity and going forward with the process.</td>
</tr>
<tr>
<td>13-15</td>
<td>I'm having difficulty understanding why I should</td>
<td>SEN. CLARK: Thank you, Mr. Chairman.</td>
</tr>
</tbody>
</table>

Worley Reporting
agree to vote for maps to bake in partisan advantage that was achieved through the use of unconstitutional maps. Could you explain that to me?

REP. LEWIS: Well, to be clear, sir, we are proposing that the maps that are drawn now under this criteria which we have passed a plank of, and continue to move forward, one of the goals in drawing the map will be to preserve the 10/3. With all due respect, I’ve listened to this, and we can of course continue to discuss this as long as the committee wants to. It’s always sort of amazed me that if the map elects one side, the other side considers — considers it a gerrymander, and something bad. If it elects their side, they consider it a work of art, and good government, so this is saying that one of the goals will be to elect — to speak directly to your point, the goal is to elect 10 Republicans and 3 Democrats.

SEN. RUCHO: Thank you. Representative Lewis, there was a comment earlier about the districts, the 13 districts that exist, 10 presently Republican, and 3 Democrat, and under the circumstances, could you explain a little bit about the makeup of the Republican districts and who

they’re composed of, and what is necessary for that Republican to win an election?

REP. LEWIS: Thank you for the question, Mr. Chairman. First of all, it would be necessary to go back and review the stat packs and whatnot from the 2011 districts, which are online if anybody would like to do that, but to the best of my knowledge, Republicans hold no majority as far as voter registration in any of those districts. It’s also — well, and it is firmly my belief that it’s the responsibility of each of the political parties to nominate quality candidates who can appeal to the entire political spectrum. It was pointed out yesterday during the public hearing that the unaffiliated ranks in our state continue to grow. If you don’t get them — if you don’t get a large percentage of the unaffiliated vote in most of our districts, you’re not going to win, and so I would say that you are required to have a good-quality candidate that appeals to the political expectations of the majority of the folks in that district.

I can go back, and we can go through some of the points. I do still — I actually maintain that the districts that we have now are largely competitive. I pointed out before that in the race for attorney general that Attorney General Cooper won nearly all of these. We can go back through this 2011 debate if we’d like to, but I would again maintain that you’ve got to put forward a good candidate that appeals to the majority of folks, and that the majority of folks in these districts in the enacted plan are not registered Republicans.

SEN. RUCHO: Thank you. Okay, Representative Jackson?

REP. JACKSON: Thank you, Mr. Chairman. Senator Clark took one of my points that I was going to make, but part of my uneasiness with this is that it refers to the current Congressional plan. I think you could make reference just saying that you want to do it to a partisan advantage and maximize Republican members, and I could agree with that, I guess, but you have that opportunity.

I would point out that your maps originally had a 9/4 split, and that any reference to 10/3 is not what your maps were; your maps were a 9/4 split. What you’ve done is taken out the 2012 election, but that’s not my question. My question is, are we going to rank these criteria in any order, because you’ve used words in this criteria like “reasonable efforts.” Well, if — are the — how will the mapmakers know what a reasonable effort is? In trying to come up with 10 Republican districts, will they be able to make a reasonable effort that means they can now consider race? Will they be able to make a reasonable effort that means that now they can consider the 2008, 2012 elections? Will they be able to split precincts as part of making a reasonable effort to make a 10/3 split?

REP. LEWIS: Representative Jackson, thank you for that series of questions. The answer to your question, the first part was — I’m sorry. Mr. Chairman, I’m sorry.

SEN. RUCHO: Go ahead, please.

REP. JACKSON: Will there be any type of ranking of these criteria anywhere?

REP. LEWIS: No. No is the answer. That’s why these criteria are being presented individually and discussed and debated individually. Map — drawing maps is largely a balancing act. We are trying to specify certain
things that you cannot use. You asked about race.
You cannot use that, and I apologize; I don’t
remember what else you asked about, Representative
Jackson.
REP. JACKSON: Follow-up, Mr. Chairman?
SEN. RUCHO: Follow-up.
REP. JACKSON: Okay. So it would be your
contention, then, that making reasonable efforts
would not include violating any of the other
criteria that we have passed?
REP. LEWIS: Absolutely. Mr. Chairman?
SEN. RUCHO: Yes?
REP. LEWIS: If there aren’t further
questions, I move adoption of the 2016 contingent
Congressional plan proposed criteria labeled
"Partisan Advantage."
SEN. RUCHO: All right.
REP. JONES: Second.
SEN. RUCHO: Representative Jones has
seconded. All right, members of the committee,
there has been considerable discussion, and if
there’s any additional thoughts, this is your
opportunity.
(No response.)
SEN. RUCHO: Seeing none, Mr. Clerk,
please go through the roll.
CLERK: Lewis?
REP. LEWIS: Aye.
CLERK: Jones?
REP. JONES: Aye.
CLERK: Brawley?
REP. BRAWLEY: Aye.
CLERK: Cotham?
REP. COTHAM: No.
CLERK: Davis?
REP. DAVIS: Aye.
CLERK: Farmer-Butterfield?
REP. FARMER-BUTTERFIELD: No.
CLERK: Hager?
REP. HAGER: Aye.
CLERK: Hanes?
REP. HANES: No.
CLERK: Hardister?
REP. HARDISTER: Aye.
CLERK: Hurley?
REP. HURLEY: Aye.
CLERK: Jackson?
REP. JACKSON: No.
CLERK: Johnson?
REP. JOHNSON: Aye.

Case 1:13-cv-00949-WO-JEP Document 159-9 Filed 03/07/16 Page 18 of 45
Case 1:16-cv-01164-WO-JEP Document 41-2 Filed 02/10/17 Page 19 of 46

Worley Reporting
District. Would you, Ms. Churchill, read out -- read this criteria, please?

MS. CHURCHILL: "12th District: The current General Assembly inherited the configuration of the 12th District from past General Assemblies. This configuration was retained because of the -- because the district had already been heavily litigated over the past two decades, and ultimately approved by the courts.

The Harris court has criticized the shape of the 12th District, citing its serpentine nature. In light of this, the committee shall construct districts in the 2015 contingent Congressional plan that eliminate the current configuration of the 12th District."

SEN. RUCHO: And, Representative Lewis, would you explain the criteria under the "12th District" heading?

REP. LEWIS: Thank you, Mr. Chairman.

This largely goes -- I'll try to use my friend from Wake, Representative Jackson's, words. As these criteria stand on their own and have to be considered together, what this is saying is that the mapmakers will make an effort to draw the 12th Congressional District in a shape that the judges would not consider serpentine.

SEN. RUCHO: Does that conclude your explanation?

REP. LEWIS: Yes, sir.

SEN. RUCHO: Okay. Members of the committee.

SEN. BLUE: Mr. Chairman?

SEN. RUCHO: Senator Blue?

SEN. BLUE: I want to commend Representative Lewis. I agree that the 12th District ought to be contiguous, it ought to be compact, as all of the other districts in the state, and I think a good starting point for drawing constitutional maps would be to start with the 12th District and make it compact, and let it impact the other districts.

I think differently about the 1st, because I think that the law requires it. I have no particular love for the shape of any of these strange districts, but if you're serious about creating a district that's compact, that's contiguous, and that covers as few counties as possible by not unreasonably splitting county lines, by not splitting county lines except where necessary to comply with population, I think it's a good idea.

SEN. RUCHO: Members of the -- oh, I'm sorry. Go ahead, Chairman Lewis.

REP. LEWIS: Mr. Chairman, I just -- I just wanted to thank Senator Blue for his words.

I'm glad that after two decades of drawing maps, we've found something we can agree on.

SEN. RUCHO: All right, members of the committee. Senator McKissick?

SEN. MCKISSICK: While I appreciate the fact that the 12th District has an unusual shaped appearance, I'm also aware of the fact that it's gone up before the Supreme Court previously, and when I think of the fact that one of the things we have to consider is communities of interest, and communities of interest is certainly something that's a very valid consideration in drawing Congressional districts, and I've heard it stated on numerous occasions that communities of interest test here is met and satisfied with the shape being what it is today.

Now, while it may appear a bit serpentine, a little bit unusual, I think it's possible to reconfigure the district, perhaps to make it somewhat more compact, but it links together significant cores of the urban parts of our state along the main street of the state, which is now Interstate 85. Interstate 85 is the main corridor.

Those urban areas are linked from Charlotte going through Greensboro and back up into the Piedmont area of our state, so I would not want to abandon it. I'd want to perhaps reconfigure it, but keeping in mind the communities of interest that it ties together, major urban cores with populations that have similar interests and concerns, along with major banking centers.

One of the -- I've heard before that that particular district had more banking headquarters than any Congressional district in our country, and I rely upon that based upon the sources of that data, so I would not abandon it; I would simply try to reconfigure it, perhaps make it more compact, but to respect the communities of interest that it does unify.

SEN. RUCHO: Thank you. Any additional questions? Well, let me first say, Representative Lewis, do you want to make a comment to that?

REP. LEWIS: (Shakes head.)

SEN. RUCHO: Representative Hanes?
REP. HANES: Thank you, Mr. Chairman. I think both the senators have excellent points. I agree especially with Senator Blue and his statements with regard to what we need to be looking at as a whole as we consider what these districts look like. Certainly when it comes to Democrats — and I know we're trying to avoid the word "race" here, but when it comes to folks who look like me, we want our voices heard everywhere, and so in that regard, part of the way we do that is to put our communities together within our counties. I think while we certainly don't have to abandon what the 12th is right now, certainly we need to be looking at very strongly doing what Senator Blue suggests, and so I will be supporting it. Thank you.

SEN. RUCHO: Thank you, Members of the committee, any additional questions or comments? (No response.)

SEN. RUCHO: Representative Lewis, do you have a motion?

REP. LEWIS: Mr. Chairman, I move that the 2016 contingent Congressional plan proposed criteria labeled "12th District" be adopted.

SEN. APODACA: Second.

SEN. RUCHO: Second by Senator Apodaca. Members of the committee, you have this motion before you. Any questions or comments prior to a roll call vote? (No response.)

SEN. RUCHO: Seeing none, Mr. Clerk, would you go through the roll call, please?

CLERK: Lewis?

REP. LEWIS: Aye.

CLERK: Jones?

REP. JONES: Aye.

CLERK: Brawley?

REP. BRAWLEY: Aye.

CLERK: Cotham?

REP. COTHAM: Yes.

CLERK: Davis?

REP. DAVIS: Aye.

CLERK: Farmer-Butterfield?

REP. FARMER-BUTTERFIELD: Yes.

CLERK: Hager?

REP. HAGER: Aye.

CLERK: Hanes?

REP. HANES: Yes.

CLERK: Hardister?

REP. HARDISTER: Aye.

SEN. BLUE: Aye.

SEN. BROWN: Aye.

CLERK: Clark?

SEN. CLARK: Aye.

CLERK: Harrington?

SEN. HARRINGTON: Aye.

CLERK: Hise?

SEN. HISE: Aye.

CLERK: Jackson?

SEN. JACKSON: Aye.

CLERK: Lee?

SEN. LEE: Aye.

CLERK: McKissick?

SEN. MCKISSICK: No.

CLERK: Randleman?

SEN. RANDLEMAN: Aye.

CLERK: Sanderson?

SEN. SANDERSON: Aye.

CLERK: Smith?

SEN. SMITH: Aye.

CLERK: Smith-Ingram?

SEN. SMITH-INGRAM: Aye.

CLERK: Wells?

SEN. WELLS: Aye.
Mecklenburg. There’s only 1 in Wake, I believe. There’s only 1 in Wake, and so 2 counties. There may be 2 in Guilford. Is there any other county with more than 1 incumbent? 

REP. LEWIS: Senator Blue, thank you for that question, and candidly, I don’t believe so, but I don’t know that, either.

SEN. RUCHO: Follow-up?

SEN. BLUE: So if the only place that you would worry about splitting the county to protect the incumbency would be Mecklenburg County based on the current layout – I know that there are some of us counties that are split 3 and 4 different ways, but I know in Wake County, there’s only 1 resident Congressman, although we have 4 districts here, and I think that the same is true of every other county except Mecklenburg, with the exception of Guilford. There may be 2 from Guilford. I’m not sure, but nevertheless, why should we split counties if you don’t have to, to protect the incumbents? Why shouldn’t we leave counties whole all over the state except where you have to split them because of population?

SEN. RUCHO: Senator Blue?

SEN. BLUE: And I agree with that, but I’m saying under the current scenario – and in fact, I think Mecklenburg is the only county that has two Congresspeople, so you could split Mecklenburg anyhow because you’ve got to split it because it’s got over 750,000, or whatever the number is, people. You’ve got to split Wake; you’ve got to split Mecklenburg. The others could be made whole except for population purposes, so why would you adopt criteria saying that you’re not
SEN. BLUE: If there is no incumbency, then incumbents won’t be considered in splitting districts, and that can’t be the reason for splitting it. I’m simply saying that when you say “political impact,” you take away everything else you put in that phrase, and if we believe in keeping counties whole to the extent possible, especially small counties, if we believe in that, then all we’ve got to do is say we’re only going to split counties to equalize population, and I’m wondering why it’s so critical that you say “political impact,” since that phrase is loaded with all kinds of subjective determinations, with the ability to totally disregard this earlier portion saying that you’re not going to split counties, or you’re only going to split counties to put them into two districts, because you don’t say you won’t split them; you say you’ll make reasonable efforts not to. I’m saying why don’t we have an absolute prohibition on splitting counties except when it's necessary to comply with one person, one vote? 

REP. LEWIS: Thank you for that question, Senator Blue. My response to that would be that we will look forward to reviewing maps that you may submit that follow that criteria. I feel very comfortable that we’ve made clear through this process of what our -- what our intents are, and I would prefer that this criteria remain as it's written.

SEN. RUCHO: Thank you. Representative Jones?

REP. JONES: Thank you, Mr. Chairman. I just wanted to clarify the record that there are two Congressmen that live in Guilford County, Mark Walker of the 6th District, and Alma Adams of the 12th District.

SEN. RUCHO: Okay. I’ve got -- I’ve got Senator Smith.

SEN. SMITH: Thank you, Mr. Chairman. I certainly appreciate the idea of compactness. I very much want to see precincts and counties left whole. I would respectfully tell you that in 2011, there was a district drawn where an incumbent was drawn out. It was the district that I lived in, and so the 7th Congressional District drew -- was changed to the 8th Congressional District, and the Congressman McIntyre, who was the incumbent, was drawn out essentially of his own district, and my concern is what Senator Blue has said. The idea of
<table>
<thead>
<tr>
<th>Page</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>86</td>
<td>compactness is great, but when we leave in this other phrase about incumbency, we have taken away the other reason, the only reason that really should be the case, and that is population. REP. LEWIS: Senator, I appreciate that. Again, I would state that equalizing population is definitely the required reason that a county may have to be split. This simply allows for consideration of incumbency and consideration of political impact. I don’t -- I don’t see that that would interfere with us being able to use compactness in drawing the maps. SEN. SMITH: Follow-up, Mr. Chair? SEN. RUCHO: Follow-up. SEN. SMITH: I just would point out that population was not the case in 2011, and my concern is that if we agree to this and keep this as incumbency and political impact, that that will end up trumping population, and splitting counties and precincts. SEN. RUCHO: Thank you. Representative Lewis, do you want to comment? REP. LEWIS: No. SEN. RUCHO: You’re all set? Just a quick -- is it -- a question for the Chair, Representative Lewis: The way this is drafted now, what I’m seeing is a statement of an aspirational goal, but not a strict requirement. Is that correct, or is that a misreading? It’s one thing to aspire to accomplish these things, which I support. It’s another thing if you make it a litmus test, so can you clarify that? REP. LEWIS: Thank you for that question, Senator McKissick. Let me say that this is an aspirational goal. SEN. MCKISSICK: In which case, I embrace it. SEN. RUCHO: Okay. From the Chair, Senator McKissick [sic], a question that Representative Jackson asked earlier, and when you talk about the criteria, is it accurate to say that all of them are weighted at the same level, and it’s a matter of harmonizing to try to get to a map that meets those criteria? (No response.) SEN. RUCHO: David? REP. LEWIS: I’m sorry, Mr. Chairman. SEN. RUCHO: Oh, I’m sorry. From the Chair, a question for you. REP. LEWIS: Yes, sir?</td>
</tr>
<tr>
<td>87</td>
<td>Representative Lewis: Is it a requirement for a Congressional candidate to live in the district they’re running in? REP. LEWIS: No. A candidate for Congress is not required to reside in the district in which they run. SEN. RUCHO: Okay, thank you. I’ve got Representative Hager. REP. HAGER: Thank you, Mr. Chairman, and thank you, Representative Lewis, for -- for this particularly, because as I said earlier, Rutherford County, prior to the Rucho-Lewis maps that we’re under today, split Rutherford County between the 10th and the 11th. Now, I find it -- and I have a question for you. I find it very ironic that that split for the 11th included -- came down Main Street in Rutherfordton to include Walter Dalton’s house, so the question I have for you is we won’t split districts depending on who we think may run for that Congressional district; would that be correct? REP. LEWIS: Yes, sir, that’s correct. SEN. RUCHO: Okay. All right. I’ve got Senator McKissick. SEN. MCKISSICK: Let me ask you this,</td>
</tr>
<tr>
<td>88</td>
<td>Representative Lewis: Based on what Representative Jackson asked earlier, all of these criteria listed that’s being submitted and voted upon, is it fair to say that the criteria established are not ranked as far as priorities, but are a matter of harmonizing until you can get a map that meets those criteria? REP. LEWIS: That’s correct, sir. We are seeking aspirational harmony. (Laughter.) SEN. RUCHO: Okay. Do you have a motion? REP. LEWIS: Mr. Chairman, I would move that the 2016 contingent Congressional plan proposed criteria labeled “Compactness” be adopted by the committee. SEN. RUCHO: All right. I’ve got -- Representative Davis has seconded that motion. Members of the committee, any questions, comments prior to a roll call vote? Representative Farmer-Butterfield? REP. FARMER-BUTTERFIELD: Thank you. I want to ask about the hearings yesterday and how much impact they had on the criteria, if any, based on what you’re presenting today. SEN. RUCHO: Representative Lewis?</td>
</tr>
</tbody>
</table>
REP. LEWIS: Thank you for that -- thank you for that inquiry, Representative. I will tell you that many things that stand out in my mind are do away with the 12th, keep counties whole, all of which we've addressed in this, so I would say that they had a great deal of impact on the criteria that you have before you.

SEN. RUCHO: All set? Okay. Yes, Representative Stevens?

REP. STEVENS: Thank you, Mr. Chair, and I just wanted to commend Representative Lewis and perhaps answer some of the things that some of the people are talking about, and I'd like to read -- I guess it's about one and a half paragraphs of one of the most recent redistricting cases in March of 2015.

It says, "Now consider the nature of those offsetting 'traditional race-neutral districting principles.' We have listed several, including 'compactness, contiguity, respect for political subdivisions or communities defined by actual shared interests,' incumbency protection, and political affiliation," those things that we've done.

The next paragraph says, "But we have not listed equal population objectives. And there is a reason for that omission. The reason that equal population objectives do not appear on this list of 'traditional' criteria is that equal population objectives play a major -- different role in a State's redistricting process. That role is not a minor one. Indeed, in light of the Constitution's demands, that role may often prove 'predominant' in the ordinary sense of that word," because the equal population, it goes on to talk about in the voting rights districts we really have to take a different focus on that, so I commend you for all of the criteria you've set forward. It seems to comply with the most recent case law.

SEN. RUCHO: Representative Lewis?

REP. LEWIS: Yes, sir, Mr. Chairman?

SEN. RUCHO: All set? We've got a motion before us that we approve of the criteria that was listed and debated on the compactness. We've had a second from Representative Davis. Mr. Clerk, would you call the roll?

CLERK: Lewis?

REP. LEWIS: Aye.

CLERK: Jones?

REP. JONES: Aye.

CLERK: Brawley?

REP. BRAWLEY: Aye.

CLERK: Cotham?

REP. COTHAM: No.

CLERK: Davis?

REP. DAVIS: Aye.

CLERK: Farmer-Butterfield?

REP. FARMER-BUTTERFIELD: No.

CLERK: Hager?

REP. HAGER: Aye.

CLERK: Hanes?

REP. HANES: Yes.

CLERK: Hardister?

REP. HARDISTER: Aye.

CLERK: Hurley?

REP. HURLEY: Aye.

CLERK: Jackson?

REP. JACKSON: No.

CLERK: Johnson?

REP. JOHNSON: Aye.

CLERK: Jordan?

REP. JORDAN: Aye.

CLERK: McGrady?

REP. MCGRADY: Aye.

CLERK: Michaux?

REP. MICHAUX: No.

REP. MOORE: Yes.

CLERK: Stam?

REP. STAM: Yes.

CLERK: Stevens?

REP. STEVENS: Yes.

SEN. RUCHO: Aye.

CLERK: Apodaca?

SEN. APODACA: Aye.

CLERK: Barefoot?

SEN. BAREFOOT: Aye.

CLERK: Blue?

SEN. BLUE: No.

CLERK: Brown?

SEN. BROWN: Aye.

CLERK: Clark?

SEN. CLARK: No.

CLERK: Harrington?

SEN. HARRINGTON: Aye.

CLERK: Hise?

SEN. HISE: Aye.

CLERK: Jackson?

SEN. JACKSON: Aye.
Joint Redistricting Committee 2_16_16
N.C. General Assembly Extra Session on Redistricting 2016

Pages 94 to 97

<table>
<thead>
<tr>
<th>94</th>
<th>96</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>REP. JONES: Aye.</td>
</tr>
<tr>
<td>2</td>
<td>CLERK: Brawley?</td>
</tr>
<tr>
<td>3</td>
<td>REP. BRAWLEY: Aye.</td>
</tr>
<tr>
<td>4</td>
<td>CLERK: Gotham?</td>
</tr>
<tr>
<td>5</td>
<td>(No response.)</td>
</tr>
<tr>
<td>6</td>
<td>CLERK: Davis?</td>
</tr>
<tr>
<td>7</td>
<td>(No response.)</td>
</tr>
<tr>
<td>8</td>
<td>CLERK: Farmer-Butterfield?</td>
</tr>
<tr>
<td>9</td>
<td>REP. FARMER-BUTTERFIELD: Yes.</td>
</tr>
<tr>
<td>10</td>
<td>CLERK: Hager?</td>
</tr>
<tr>
<td>11</td>
<td>REP. HAGER: Aye.</td>
</tr>
<tr>
<td>12</td>
<td>CLERK: Hanes?</td>
</tr>
<tr>
<td>13</td>
<td>REP. HANES: Aye.</td>
</tr>
<tr>
<td>14</td>
<td>CLERK: Hardister?</td>
</tr>
<tr>
<td>15</td>
<td>REP. HARDISTER: Aye.</td>
</tr>
<tr>
<td>16</td>
<td>CLERK: Hurley?</td>
</tr>
<tr>
<td>17</td>
<td>REP. HURLEY: Aye.</td>
</tr>
<tr>
<td>18</td>
<td>CLERK: Jackson?</td>
</tr>
<tr>
<td>19</td>
<td>REP. JACKSON: Aye.</td>
</tr>
<tr>
<td>20</td>
<td>CLERK: Johnson?</td>
</tr>
<tr>
<td>21</td>
<td>REP. JOHNSON: Aye.</td>
</tr>
<tr>
<td>22</td>
<td>CLERK: Jordan?</td>
</tr>
<tr>
<td>23</td>
<td>REP. JORDAN: Aye.</td>
</tr>
<tr>
<td>24</td>
<td>CLERK: McGrady?</td>
</tr>
<tr>
<td>25</td>
<td>REP. MCGRADY: Aye.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>95</th>
<th>97</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>CLERK: Lee?</td>
</tr>
<tr>
<td>2</td>
<td>SEN. LEE: Aye.</td>
</tr>
<tr>
<td>3</td>
<td>CLERK: McKissick?</td>
</tr>
<tr>
<td>4</td>
<td>SEN. MCKISSICK: Aye.</td>
</tr>
<tr>
<td>5</td>
<td>CLERK: Randleman?</td>
</tr>
<tr>
<td>6</td>
<td>SEN. RANDLEMAN: Aye.</td>
</tr>
<tr>
<td>7</td>
<td>CLERK: Sanderson?</td>
</tr>
<tr>
<td>8</td>
<td>SEN. SANDERSON: Aye.</td>
</tr>
<tr>
<td>9</td>
<td>CLERK: Smith?</td>
</tr>
<tr>
<td>10</td>
<td>SEN. SMITH: No.</td>
</tr>
<tr>
<td>11</td>
<td>CLERK: Smith-Ingram?</td>
</tr>
<tr>
<td>12</td>
<td>SEN. SMITH-INGRAM: Aye.</td>
</tr>
<tr>
<td>13</td>
<td>CLERK: Wells?</td>
</tr>
<tr>
<td>14</td>
<td>SEN. WELLS: Aye.</td>
</tr>
<tr>
<td>15</td>
<td>SEN. RUCHO: Members of the committee,</td>
</tr>
<tr>
<td>16</td>
<td>the roll was taken. We have the ayes, 27, the</td>
</tr>
<tr>
<td>17</td>
<td>noes, 7. That was adopted. Okay, everyone, pay</td>
</tr>
<tr>
<td>18</td>
<td>close attention here. We have before us another</td>
</tr>
<tr>
<td>19</td>
<td>criteria entitled &quot;Incumbency.&quot; Ms. Churchill?</td>
</tr>
<tr>
<td>20</td>
<td>MS. CHURCHILL: &quot;Incumbency: Candidates</td>
</tr>
<tr>
<td>21</td>
<td>for Congress are not required by law to reside in a</td>
</tr>
<tr>
<td>22</td>
<td>district they seek to represent; however,</td>
</tr>
<tr>
<td>23</td>
<td>reasonable efforts shall be made to ensure that</td>
</tr>
<tr>
<td>24</td>
<td>incumbent members of Congress are not paired with</td>
</tr>
<tr>
<td>25</td>
<td>another incumbent in one of the new districts</td>
</tr>
</tbody>
</table>

constructed in the 2016 contingent Congressional plan."

REP. LEWIS: Mr. Chairman, I'd call this the Senator Smith criteria, and I'd move its adoption.

SEN. RUCHO: All right. That was the explanation?

REP. LEWIS: Well, this is also aspirational, and attempting to harmonize the other criteria.

SEN. RUCHO: All right. Members of the committee, any questions or comments on the criteria before you dealing with incumbency?

(No response.)

SEN. RUCHO: Seeing none, Representative Lewis has a motion that we -- that we approve -- adopt the incumbency criteria. Representative Brawley seconded. We have before us -- any additional thoughts or questions?

(No response.)

SEN. RUCHO: If not, we'll take a roll.

Mr. Clerk?

CLERK: Lewis?

REP. LEWIS: Aye.

CLERK: Jones?
SEN. JACKSON: Aye.
CLERK: Lee?
SEN. LEE: Aye.
CLERK: McKissick?
SEN. MCKISSICK: Aye.
CLERK: Randleman?
SEN. RANDLEMAN: Aye.
CLERK: Sanderson?
SEN. SANDERSON: Aye.
CLERK: Smith?
SEN. SMITH: Aye.
CLERK: Smith-Ingram?
SEN. SMITH-INGRAM: Aye.
CLERK: Wells?
SEN. WELLS: Aye.
SEN. RUCHO: All right.
REP. MICHAUX: Mr. Chairman?
SEN. RUCHO: One second. Let me call the vote, please. We had aye, 31, no, 1. That criteria for incumbency has been adopted. All right. Question, Senator -- Representative McKissick -- I mean, excuse me -- sorry. Mr. Michaux, did you have a question?
REP. MICHAUX: Yes.
SEN. RUCHO: All right. The amendment that you've having strikes out -- or it just says "Amendment to Political Data," and then you're striking out -- excuse me -- "Political Data Criteria." You're striking out #3?
REP. STAM: We're striking out #3.
SEN. RUCHO: Just #3. Members of the committee, is that clear?
REP. LEWIS: Mr. Chairman?
SEN. RUCHO: Who's calling me? Oh, Representative Lewis?
SEN. RUCHO: All right. So therefore, the amendment that you've having strikes out -- or it just says "Amendment to Political Data," and then you're striking out -- excuse me -- "Political Data Criteria." You're striking out #3?
REP. STAM: We're striking out #3.
SEN. RUCHO: Just #3. Members of the committee, is that clear?
REP. LEWIS: Mr. Chairman?
SEN. RUCHO: All right. Representative Lewis?
SEN. RUCHO: Who's calling me? Oh, Representative Lewis?
SEN. RUCHO: All right. Gentleman's amendment.
SEN. RUCHO: All right. Representative Stam has submitted an amendment before you, and it's open for discussion. Members of the committee?
(No response.)
SEN. RUCHO: Seeing none, would you have a roll call, Mr. Clerk?
CLERK: Lewis?
REP. LEWIS: Aye.
CLERK: Lewis, aye. Jones?
REP. JONES: Aye.
Joint Redistricting Committee 2_16_16
N.C. General Assembly Extra Session on Redistricting 2016

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

CLERK: Brawley, aye. Cotham?
REP. COTHAM: Aye.

CLERK: Cotham, aye. Davis?
REP. DAVIS: Aye.

CLERK: Davis, aye. Farmer-Butterfield?
REP. FARMER-BUTTERFIELD: Aye.

CLERK: Farmer-Butterfield, aye. Hager?
REP. HAGER: Aye.

CLERK: Hager, aye. Hanes?
REP. HANES: Aye.

CLERK: Hanes, aye. Hardister?
REP. HARDISTER: Aye.

CLERK: Hardister, aye. Hurley?
REP. HURLEY: Aye.

CLERK: Hurley, aye. Jackson?
REP. JACKSON: Aye.

CLERK: Jackson, aye. Johnson?
REP. JOHNSON: Aye.

CLERK: Johnson, aye. Jordan?
REP. JORDAN: Aye.

CLERK: Jordan, aye. McGrady?
REP. MCGRADY: Aye.

CLERK: McGrady, aye. Michaux?

REP. MICHAUX: Aye.

REP. MOORE: Aye.

CLERK: Moore, aye. Stam?
REP. STAM: Aye.

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

CLERK: Stevens, aye. Rucho?
SEN. RUCHO: Aye.

CLERK: Rucho, aye. Apodaca?
SEN. APODACA: Aye.

CLERK: Apodaca, aye. Barefoot?
SEN. BAREFOOT: Aye.

CLERK: Barefoot, aye. Blue?
SEN. BLUE: No.

CLERK: Blue, no. Brown?
SEN. BROWN: Aye.

CLERK: Brown, aye. Clark?
SEN. CLARK: No.

CLERK: Clark, no. Harrington?
SEN. HARRINGTON: Aye.

CLERK: Harrington, aye. Hise?
SEN. HISE: Aye.

CLERK: Hise, aye. Jackson?
SEN. JACKSON: Aye.

an amendment coming out toward you, and it is

"Amendment, Compactness Criteria." It's -- all right.
REP. LEWIS: Mr. Chairman?
SEN. RUCHO: Yes, sir, Representative

Lewis? Excuse me, Representative Lewis. I've
got -- we need to have Senator Blue explain his amendment. Go ahead.

REP. LEWIS: I was wondering if Senator

Blue would agree to a -- to a technical fix to

strike the number sign and the 6.
SEN. BLUE: I would.

SEN. RUCHO: Okay. Members of the

committee, on Senator Blue's amendment, the title

will be, "Amendment, Compactness Criteria." You

will scratch "6." That will not be in there.
All right, Senator Blue, everyone has a
copy of the amendment. Would you like to explain
your amendment?
SEN. BLUE: I would. Thank you, Mr.
Chairman. Mr. Chairman and ladies and gentlemen of
the committee and Senators and House members
present, what I tried to do in this amendment is
simply recognize that the county is the most
important governmental unit following the state,

because they're extensions of the state, and to set forth clearly that we are -- we're only going to divide counties when you're equalizing population, although that's a federal requirement, too, and when you're complying with federal law.

It's something you've got to do. You might as well admit that we have to comply with federal law. Federal law is supreme, and so this says that we will split counties only when you're trying to get down to zero deviation in population, which we're going to try to do, I take it, and only when you're complying with a federal law regarding redistricting. All of the other reasons that have been given would not be justification for splitting counties, and I move the adoption of the amendment.

SEN. RUCHO: Representative Lewis?

REP. LEWIS: Thank you, Mr. Chairman, and thank you, Senator Blue, for that explanation. Let me be clear, ladies and gentlemen. We of course are going to comply with federal law. We would not be here were we not attempting to comply with the federal decision issued by the courts. I would submit that this amendment is not necessary, and should not be adopted because we of course are going -- as Senator Blue said, of course we're going to comply with the federal law.

As we've already had a pretty lengthy discussion, that consideration, the word "consideration" of incumbency and political impact may be considered. It's not required to be considered, and I've already stated for the record that equalizing population is the most important reason that a county would be divided. I would respectfully ask the members to vote against this amendment.

SEN. RUCHO: I've got Representative Stam.

REP. STAM: I would oppose the amendment, and point out what may be obvious. Senator Blue as the Minority Leader is going to be perfectly entitled to submit his own plan, and nothing in what we've written would prohibit him from striking those two criteria from his maps. He doesn't need this amendment to do what he wants to do.

SEN. RUCHO: Yes, Senator Blue?

SEN. BLUE: Just a comment. My cape disappeared, and I'm not Superman anymore, so I can't do a map in a day that takes into account all of the stuff that we have as criteria. I was thinking we were narrowing the things that we were looking at. I can't really look at all that I want to.

SEN. RUCHO: Okay. You all set? Members of the committee -- oh, excuse me. Senator Hise?

SEN. HISE: Thank you, Mr. Chairman, and this may be for -- just trying to get clarity on what this amendment would actually do. One of the outcomes of the last maps is that all of the major urban areas in the state were represented by two Congressmen that was coming in, and something we saw at least that was coming in. Would this amendment prohibit that type of decision for those districts so that -- as that would be a political impact that was coming in that we could not make sure that urban areas were represented by two Congressmen?

SEN. RUCHO: Senator Blue, would you please answer that question?

SEN. BLUE: I'll be happy to answer that. Certainly not. As I said, the only two counties that absolutely would be guaranteed to be represented by two Congresspeople would be Mecklenburg and Wake, since each of them has a population in excess of the 700-plus thousand.

We of course are going to comply with the federal law. If you started drawing a district toward an urban area, then you could split that urban area when you got to it so that it's in two separate districts. This would in no way prohibit having two Congresspeople from whichever other urban areas other than Wake and Mecklenburg, where you'd be guaranteed at least two, where you could bring them into one of the urban counties, but you couldn't split it but one time, so you get -- you could get two from Guilford, two from Cumberland, two from Forsyth, two from any of the counties, including the smallest, if you paired it with a much bigger population.

SEN. RUCHO: Representative Lewis, comment?

REP. LEWIS: No, sir. I would say I'm sure that the answer Senator Blue gave is correct to Senator Hise's question. I just again would not support the amendment as it's drafted for the reasons that I've already stated.

SEN. RUCHO: All right. Members of the committee, you have an amendment before you from Senator Blue, and the amendment is entitled "Amendment, Compactness Criteria." Any additional
questions, comments?

(NO response.)

SEN. RUCHO: Seeing none, the roll call, Mr. Clerk?

CLERK: Lewis?

REP. LEWIS: No.

CLERK: Lewis, no. Jones?

REP. JONES: No.

CLERK: Jones, no. Brawley?

REP. BRAWLEY: No.

CLERK: Brawley, no. Cotham?

REP. COTHAM: Yes.

CLERK: Cotham, yes. Davis?

REP. DAVIS: No.

CLERK: Davis, no. Farmer-Butterfield?

REP. FARMER-BUTTERFIELD: Yes.

CLERK: Farmer-Butterfield, yes. Hager?

REP. HAGER: No.

CLERK: Hager, no. Hanes?

REP. HANES: Yes.

CLERK: Hanes, yes. Hardister?

REP. HARDISTER: No.

CLERK: Hardister, no. Hurley?

REP. HURLEY: No.

CLERK: Hurley, no. Jackson?

REP. JACKSON: Yes.

CLERK: Jackson, yes. Johnson?

REP. JOHNSON: No.

CLERK: Johnson, no. Jordan?

REP. JORDAN: No.

CLERK: Jordan, no. McGrady?

REP. MCGRADY: No.

CLERK: McGrady, no. Michaux?

REP. MICHAX: Aye.

CLERK: Michaux, aye. Moore?

REP. MOORE: Aye.

CLERK: Moore, aye. Stam?

REP. STAM: No.

CLERK: Stam, no. Stevens?

REP. STEVENS: No.

CLERK: Stevens, no. Rucho?

SEN. RUCHO: No.

CLERK: Rucho, no. Apodaca?

SEN. APODACA: No.

CLERK: Apodaca, no. Barefoot?

SEN. BAREFOOT: No.

CLERK: Barefoot, no. Blue?

SEN. BLUE: Aye.

CLERK: Blue, aye. Brown?

SEN. BROWN: No.

REP. LEWIS: Mr. Chairman?

SEN. RUCHO: Yes, Representative Lewis?

REP. LEWIS: Would Senator Smith-Ingram agree to a small technical amendment to strike the number and “6”?

SEN. SMITH-INGRAM: Yes.

REP. LEWIS: Thank you, ma’am.

SEN. RUCHO: Members of the committee, Senator Smith-Ingram has agreed to a technical amendment that will strike the title, and the title will read “Amendment to Compactness Criteria,” and that’ll be all it’ll say there.

Okay, I have Senator Smith-Ingram to present her amendment.

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

In light of our previous discussions and our effort to promote harmony, you can have one-part harmony, two-part, three-part. In this case, this will add the four-part harmony, and I would ask staff if there is needed discussion about the actual language, it came from the federal case.
REP. LEWIS: Mr. Chairman?
SEN. RUCHO: Representative Lewis, comment?
REP. LEWIS: Yes, sir. I appreciate the amendment and the sentiment expressed by the Senator. I would offer that it appears to me that the language that's attempting to be added is somewhat vague and nebulous, as I don't know that we have a defined -- or an actionable definition of what "community of interest" is, or "community of shared interest," so respectfully, I would ask the committee to defeat this amendment.

SEN. RUCHO: Members of the committee, any questions or comments?
(NO RESPONSE.)

SEN. RUCHO: We have a motion before us dealing with "Amendment to Compact Criteria" submitted by Senator Erica Smith-Ingram. You have that before you. Seeing no comments or questions, Mr. Clerk, roll call, please?

CLERK: Lewis?
REP. LEWIS: No.
CLERK: Lewis, no. Jones?
REP. JONES: No.
CLERK: Jones, no. Brawley?
REP. BRAWLEY: No.
CLERK: Brawley, no. Cotham?
REP. COTHAM: Yes.
CLERK: Cotham, yes. Davis?
REP. DAVIS: No.
CLERK: Davis, no. Farmer-Butterfield?
REP. FARMER-BUTTERFIELD: Yes.
CLERK: Farmer-Butterfield, yes. Hager?
REP. HAGER: No.
CLERK: Hager, no. Hanes?
REP. HANES: Yes.
CLERK: Hanes, yes. Hardister?
REP. HARDISTER: No.
CLERK: Hardister, no. Hurley?
REP. HURLEY: No.
CLERK: Hurley, no. Jackson?
REP. JACKSON: Yes.
CLERK: Jackson, yes. Johnson?
REP. JOHNSON: No.
CLERK: Johnson, no. Jordan?
REP. JORDAN: No.
CLERK: Jordan, no. McGrady?
REP. MCGRAFY: No.
CLERK: McGrady, no. Michaux?
REP. MICHAUX: Yes.

SEN. RUCHO: Members of the committee, on "Amendment to Compactness Criteria" from Senator Erica Smith-Ingram, the ayes, 11; the noes, 23. That amendment was not adopted.

Worley Reporting
Floyd McKissick. Senator McKissick, would you like to explain your amendment?

SEN. MCKISSICK: Sure, and it’s very straightforward. It’s not seeking to amend any other criteria. This would just be a criteria that is aspirational, as many of the others. It does follow case law in terms of what is stated, and what this says is that the committee will make reasonable efforts to respect political subdivisions, cities, towns, what have you, as well as communities as defined by actual interest. What I would like to do is recognize Kara as well as Erica, perhaps, to provide further clarification in terms of existing case law.

I think we are -- we would be remiss if we did not include this as one of the benchmarks that we would seek to use in drawing the plans as we move forward. I can’t imagine why we would want to ignore communities of shared interest or not respect political subdivisions other than counties. This is talking about other political subdivisions or towns that might be within these Congressional districts, which should also be respected to the extent it’s possible and feasible to do so, not just counties.

Kara, Erika, if you could comment, please?

SEN. RUCHO: Please identify yourself and respond to Senator McKissick’s request if you can.

MS. MCCRAW: I’m Kara McCraw, staff attorney with the Legislative Analysis Division.

Senator McKissick is referring to the last part of this amendment. The term -- the language “respect political subdivisions and communities defined by actual shared interests” is language that was used by the Supreme Court in the Miller v. Johnson case from 1995 as part of the list of traditional race-neutral districting principles.

SEN. RUCHO: All right. Representative Lewis?

REP. LEWIS: Thank you, Mr. Chairman, and thank you, Senator, for offering this additional criteria. As best I can understand it, to the extent it’s required by federal law, of course we’re going to be mindful of that, but as you and I had an aside conversation earlier, I don’t believe we have defined in this state at least what a community of interest is. I don’t understand, actually, what “actual shared interests” means, so therefore, I would have to ask the committee, based on the vagueness of these terms, to reject this additional criteria.

SEN. MCKISSICK: Follow-up, Mr. Chair?

SEN. RUCHO: Senator McKissick?

SEN. MCKISSICK: Let me ask you this, Representative Lewis: I see you have some problems with that terminology that was used by the US Supreme Court, which I think is pretty clear in terms of a directive, but what is the objection to respecting political subdivisions, because I would think that we would all want to do so for the cities and towns and communities --

SEN. RUCHO: Representative Lewis?

SEN. MCKISSICK: -- represent, and they are used collectively by the Supreme Court, but I mean, if you have problems with that, I think you’ve got still to follow it, or you end up in litigation. I don’t think any of us want to end up in litigation any more than we already are in this state. I don’t know why -- what’s the objection to respecting political subdivisions?

REP. LEWIS: Well, sir, to be clear, as I pointed out when we adopted the compactness criteria, it’s not our intent to split -- we’re going to do the best we can to keep as many counties and as many VTDs whole. I’ll give you a direct example of why I think this is vague.

We’ve already heard from the gentleman from Wake, Senator Blue, as he I think correctly stated that a county is the most important political subdivision. I actually -- I actually agree with that. Your city, Durham, has annexed into Wake County, so when I say it’s vague and nebulous, how do you know which -- which interest you’re going to follow? I think we’ve done a good job in this committee of saying we’re going to keep as many counties and as many VTDs whole as we can.

SEN. RUCHO: Okay, I’ve got Representative Stam.

REP. STAM: Yes, I was about to make the same point. Cary has annexed into Chatham, so under this, it would give mapmakers an excuse to break the Wake/Chatham line so they could keep Cary together. Angier, if you can believe it, has annexed into Wake County. I don’t know how David Lewis let them do that. With this amendment, mapmakers could despoil Wake County just to get a few more Republicans into the Harnett County district.

REP. LEWIS: Mr. Chairman?
SEN. RUCHO: Representative Lewis?
REP. LEWIS: For the record, while I do not support Senator McKissick’s amendment, I think anywhere Angier can be shared is a positive thing.

(Laughter.)
SEN. RUCHO: Senator McKissick?
SEN. MCKISSICK: I would simply say that we ought to try to respect these political subdivisions. I don’t think with the current mood of this General Assembly, we have to worry about too many more annexations occurring for a while, so, you know, respecting political subdivisions is a valid criteria regardless of what those political subdivisions might look like, so obviously I support it, but I can certainly put my finger in the air and see the way these winds are blowing.
SEN. RUCHO: Members of the committee, any additional questions? Senator?
SEN. SMITH-INGRAM: Yes. Representative Lewis, I’m a little bit confused about your objection to the use of this language inasmuch as it relates to not having a definitive definition. Is it possible for staff to be able to comment on what is the definition used in North Carolina of “communities of interest” as we have applied it in the past?
SEN. RUCHO: The chair will allow that.
Which staff member would like to define “communities of interest”?
MS. MCCRAW: I’m Kara McCraw, staff attorney with the Legislative Analysis Division. North Carolina has not adopted a definition of “communities of interest.”
SEN. RUCHO: Follow-up?
SEN. SMITH-INGRAM: Follow-up. As I recall, Representative Stevens just read from — I believe she was citing case law, but it just seems that all the other elements that you have already in the criteria are there, with the exception of communities of interest, and so I’m just concerned about why you have adopted the other three, and why you feel comfortable with that, but not with the communities of interest.
SEN. RUCHO: Representative Lewis?
REP. LEWIS: Well, again, thank you for that inquiry, Senator. I would just say again that as we’ve never defined what a community of interest is — and the example I tried to use with Senator McKissick, how do you define is — is the City of Durham a more important community of interest than the citizens of Wake County? I don’t think we’ve ever defined it. I certainly think that to the extent that it’s not restricted from being used as the maps are prepared that, you know, I think that’s something that the map drawers may wish to try and use, but I don’t know that it — I don’t understand — I don’t understand it enough, and I do want to take this opportunity to respectfully let my friend from Durham know that, as I reminded him, I’m not an attorney, and in no way have I tried to disrespect or disregard any ruling from the US Supreme Court, nor from this federal trial court, but I’m not prepared to stand before this committee today and say that I understand what this is trying to do; therefore, I continue to oppose this new criteria.
SEN. RUCHO: Members of the committee?
(No response.)
SEN. RUCHO: From the Chair, Representative Lewis, I recognize, and I think the committee recognizes the full effort to keep counties whole. I think the counties are relatively stable in their — in their borders, but yet a municipality and a town and the like, with annexation, deannexation and the like, is more variable. Do you think that that may be one of the reasons for what could be adding confusion? I think that’s a good indication of why I say this is vague, and not really defined. We got a request from a member for the central staff to explain how communities of interest are defined in the state, and they’re not, so since there’s not a definition, they shouldn’t be in the criteria.
SEN. RUCHO: Members of the committee, we’ve had discussion on this issue. We have an amendment before us, submitted by Senator Floyd McKissick dealing with communities of interest. Any additional questions, comments?
(No response.)
SEN. RUCHO: Seeing none, Mr. Clerk, a roll call, please?
CLERK: Lewis?
REP. LEWIS: No.
CLERK: Lewis, no. Jones?
REP. JONES: No.
CLERK: Jones, no. Brawley?
REP. BRAWLEY: No.
CLERK: Brawley, no. Cotham?
REP. COTHAM: Yes.
<table>
<thead>
<tr>
<th>Page 126</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>5</td>
</tr>
<tr>
<td>6</td>
</tr>
<tr>
<td>7</td>
</tr>
<tr>
<td>8</td>
</tr>
<tr>
<td>9</td>
</tr>
<tr>
<td>10</td>
</tr>
<tr>
<td>11</td>
</tr>
<tr>
<td>12</td>
</tr>
<tr>
<td>13</td>
</tr>
<tr>
<td>14</td>
</tr>
<tr>
<td>15</td>
</tr>
<tr>
<td>16</td>
</tr>
<tr>
<td>17</td>
</tr>
<tr>
<td>18</td>
</tr>
<tr>
<td>19</td>
</tr>
<tr>
<td>20</td>
</tr>
<tr>
<td>21</td>
</tr>
<tr>
<td>22</td>
</tr>
<tr>
<td>23</td>
</tr>
<tr>
<td>24</td>
</tr>
<tr>
<td>25</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Page 127</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>5</td>
</tr>
<tr>
<td>6</td>
</tr>
<tr>
<td>7</td>
</tr>
<tr>
<td>8</td>
</tr>
<tr>
<td>9</td>
</tr>
<tr>
<td>10</td>
</tr>
<tr>
<td>11</td>
</tr>
<tr>
<td>12</td>
</tr>
<tr>
<td>13</td>
</tr>
<tr>
<td>14</td>
</tr>
<tr>
<td>15</td>
</tr>
<tr>
<td>16</td>
</tr>
<tr>
<td>17</td>
</tr>
<tr>
<td>18</td>
</tr>
<tr>
<td>19</td>
</tr>
<tr>
<td>20</td>
</tr>
<tr>
<td>21</td>
</tr>
<tr>
<td>22</td>
</tr>
<tr>
<td>23</td>
</tr>
<tr>
<td>24</td>
</tr>
<tr>
<td>25</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Page 128</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>5</td>
</tr>
<tr>
<td>6</td>
</tr>
<tr>
<td>7</td>
</tr>
<tr>
<td>8</td>
</tr>
<tr>
<td>9</td>
</tr>
<tr>
<td>10</td>
</tr>
<tr>
<td>11</td>
</tr>
<tr>
<td>12</td>
</tr>
<tr>
<td>13</td>
</tr>
<tr>
<td>14</td>
</tr>
<tr>
<td>15</td>
</tr>
<tr>
<td>16</td>
</tr>
<tr>
<td>17</td>
</tr>
<tr>
<td>18</td>
</tr>
<tr>
<td>19</td>
</tr>
<tr>
<td>20</td>
</tr>
<tr>
<td>21</td>
</tr>
<tr>
<td>22</td>
</tr>
<tr>
<td>23</td>
</tr>
<tr>
<td>24</td>
</tr>
<tr>
<td>25</td>
</tr>
</tbody>
</table>
All right, everybody has it. Senator Hise, would you like to explain that motion, and then we'll open it up for discussion?

SEN. HISE: Thank you, Mr. Chairman. Basically what this does is it consolidates the criteria we've already adopted and voted on into one piece, and then directs the co-chairs to go through the process of developing the maps on the basis of those criteria, and provides the sum of $25,000 under the way we need to appropriate it, with approval of the speaker, and those type of things in the interim that are coming in, and then allows the minority party to have access to the same funds, and to draw maps under those criteria or any other criteria that they would establish.

It also rescinds that provided that the Supreme Court issues a stay.

SEN. RUCHO: Representative Lewis, comment?

REP. LEWIS: Thank you, Mr. Chairman and members. Just to be clear where I hope we're going with this, as you know, we are still optimistic that we'll receive a stay from the Supreme Court. If we do not receive a stay, it would be the chairs' intent to bring a map before this committee for recommendation for introduction to a special session that would be held later this week.

The chairs would encourage in the issue -- for the goal of increased transparency that should other people have maps that they'd like this committee to consider, that they get them prepared and submitted as well, but to be clear, once the General Assembly convenes, there would also be an opportunity for maps to be presented to either the House or the Senate redistricting committees when they meet.

However, the House rules, and I believe the Senate rules -- I won't speak for the Senate rules, but I know the House rules will require that any amendments that are offered to the plans that are submitted in fact be complete plans. In other words, you would have to have all 13 districts drawn to -- you would -- instead of trying to amend whatever plan that this committee will release, you would have to in essence prepare and release a plan to compete with this plan.

SEN. RUCHO: All right. Members of the committee? Senator Blue? Oh, excuse me. Let me do this: Representative Jackson asked a question earlier. Go ahead, please.

REP. JACKSON: My question, I guess, was directed to you as chairman, or either Senator Hise. I was just wondering if we could change the first sentence of Paragraph 3. The way you've got it written is that the co-chairs, Lewis and Ruccho, can pick their mapmakers, but our entire caucus would have to do it, the members of this committee, which means we'd have to stay together and vote and do things like that, and I would just ask that you consider substituting that, and as Minority Leader of the Senate, let Senator Blue make that choice for us, and our entire caucus not be involved and have to make that decision.

SEN. RUCHO: Senator Hise, do you have a thought or a comment, or would you like to ponder that one a little bit?

SEN. HISE: I don't see what's written as requiring that type of vote or operation from the minority caucus. This coming in would allow them to decide if they want to allow their leader to make that decision all on his own. I think that's within the way it's written here, so I don't necessarily see that issue in the way it's written, but however the minority -- the members of the minority part of this committee choose to select who the mapmaker is their concern.

SEN. RUCHO: Okay. Senator Blue?

SEN. BLUE: Two questions, basically, practical questions. I assume that the co-chairs have consulted with somebody who's available to be the consultant to draw a map. We haven't, but I can assure you that anybody that you consult with normally isn't going to do it, at least not for us, on a contingent fee basis, and we don't know when there may be an order one way or the other on this stay if the plaintiffs have until midafternoon to submit their papers. I don't know what the Chief Justice is going to do or when he's going to do it, but practically speaking, first, we haven't consulted with anybody, but secondly, if you consult with somebody, you've got to promise them you're going to pay them, and this says that you won't pay them even if they work two or three days if a stay is granted.

SEN. RUCHO: All right. Representative Lewis?

REP. LEWIS: Mr. Chairman and Senator Blue, if we need to have the attorney review this, we certainly can, and correct any offending language. I just wanted to state for the record.
SEN. RUCHO: I'm sorry. Say that again?

SEN. BLUE: Is there capability within the staff to do mapmaking?

SEN. RUCHO: Ms. Churchill? Okay. Is there capability within the staff of being able to draw maps as requested by the minority party?

SEN. BLUE: Is there capability within the staff of being able to provide the statistics and data packs that are -- provide the statistics and data that we would have used in 2011 were we working on the language, so --

SEN. MCKISSICK: Sure. I understand.

This is a question to Erika to get further clarification. In terms of the state packs of data that would be available, would we have the same type of data that was available in 2011 as a basis for drawing -- drawing plans? I mean, I know there was some discussion today about not considering race as a factor and, you know, things of that sort, but would we still have available data packs that are --

SEN. RUCHO: Okay. Still working, so just -- oh, excuse me. Senator McKissick? We're working on the language, so --

SEN. MCKISSICK: Sure. I understand.

This is a question to Erika to get further clarification. In terms of the state packs of data that would be available, would we have the same type of data that was available in 2011 as a basis for drawing -- drawing plans? I mean, I know there was some discussion today about not considering race as a factor and, you know, things of that sort, but would we still have available data packs that are --

SEN. RUCHO: MS. CHURCHILL: If there is a member of the General Assembly that would like a map drawn, we will do so at their direction; however, we will need instruction from that member how to assign all the geography of the state.

SEN. RUCHO: Does that answer your question?

SEN. BLUE: No, how to assign.

MS. CHURCHILL: How to assign the geography of the state.

SEN. RUCHO: How do you want the --

 SEN. MCKISSICK: Senator Hise?

SEN. RUCHO: I think they may be -- I just wanted to say I think they may be working on some clarification, but the intent as drafted is that work done while it's authorized to be done would be paid for, but once the stay came out or a ruling came out that we would stop work at that point, and wouldn't be paid for work done after that point that was coming in, but while the authorization exists, we would pay for those funds, thinking we'd get the check cut within 24 hours.

SEN. RUCHO: We'll stand at ease a moment while we're studying some language, if we may.

SEN. MCKISSICK: I see.

SEN. BLUE: I did, as a matter of fact.

Do you have some experts hanging around who can do this mapmaking that we might could talk to? We haven't engaged anybody.

SEN. RUCHO: I think we're probably going to use the one that you're presently using now.

SEN. BLUE: Which one is that one?

SEN. RUCHO: Whichever one that is.

SEN. BLUE: Is there capability within the staff to do it, Mr. Chair?

SEN. RUCHO: I'm sorry. Say that again?

SEN. BLUE: Is there capability within the staff to do mapmaking?

SEN. RUCHO: Ms. Churchill? Okay. Is there capability within the staff of being able to draw maps as requested by the minority party?

come out that we wouldn't stop work at that point, and wouldn't be paid for work done after that point that was coming in, but while the authorization exists, we would pay for those funds, thinking we'd get the check cut within 24 hours.

SEN. RUCHO: We'll stand at ease a moment while we're studying some language, if we may.

While that's being looked at, Senator Blue, did you have a second point that you were making?

SEN. BLUE: I did, as a matter of fact.

Do you have some experts hanging around who can do this mapmaking that we might could talk to? We haven't engaged anybody.

SEN. RUCHO: I think we're probably going to use the one that you're presently using now.

SEN. BLUE: Which one is that one?

SEN. RUCHO: Whichever one that is.

SEN. BLUE: Is there capability within the staff to do it, Mr. Chair?

SEN. RUCHO: I'm sorry. Say that again?

SEN. BLUE: Is there capability within the staff to do mapmaking?

SEN. RUCHO: Ms. Churchill? Okay. Is there capability within the staff of being able to draw maps as requested by the minority party?
me, because he maintains our databases, but there
have been no changes to the 2011 database. It
still has the 2010 Census data in it. It still has
the voter registration data in it. It still has
the election data in it. We still have the
capability of running exactly the same reports off
of that database.

SEN. MCKISSICK: Last follow-up.
SEN. RUCHO: Follow-up.
SEN. MCKISSICK: Yeah. Erika, I mean --
and I know this is not a fair question, perhaps,
but to what extent can we get reasonably quick
turnaround, considering the time frame that we're
in? I think our challenge is obviously we relied
upon consultants and experts before, Mr. David
Harris and Mr. Bill Gilkeson, but they are both
attorneys engaged in private practice, handling
clients, and to think that we can displace them
this quickly to get them reengaged on less than 24
hours notice is not a -- perhaps a reasonable
expectation.

I'm trying to see if we want to get these
maps drawn, I think Senator Blue is on the right
track. We're going to need to rely upon in-house
resources, perhaps supplemented by consultants, but

are we going to be able to get quick turnaround?

MS. CHURCHILL: Mr. Chair, if I might, we
will do our best. We do have a limited number of
people who have the capa- -- the knowledge to
actually use the mapping software, but amongst
ourselves, once we know what the requests are, we
will try to efficiently meet all of the needs.

SEN. MCKISSICK: Thank you.
SEN. RUCHO: All right. Senator
McKissick, any specifics? I mean, you were talking
about the stat packs and all that. Do you have any
specific criteria that you want included in the
stat pack?

SEN. MCKISSICK: I mean, as long as we
have the same type of stat pack that we had
previously, the demographic data and the political
data that's available, I think we'll probably be
okay. I cannot think of any additional data that
we would need. As long as that's readily
accessible and we can get pretty quick
turnaround -- I am deeply concerned that since we
did not learn about the availability of the funds
for consultants before today that trying to engage
people who are deeply familiar with being challenging
at this late point in time.

minority caucus, so if we want to use other
criteria that might be consistent with the ruling
in Harris versus McCrory -- and we would contend
that race can be used; it just cannot be the
predominant factor. I just want to know that that
data will be available if we need to use and rely
upon it in drafting constitutionally correct
districts, because that was not included in your
criteria, but this language in this particular
motion does give us as the minority caucus the
right to use other criteria.

SEN. RUCHO: Hold on. I'll try to get
you an answer. (Pause.) Our understanding -- the
Chairs' understanding is that, you know, in drawing
maps, you can request any data you feel that needs
to be there to help you achieve what you believe is
a -- a map trying to resolve the issue dealing with
the court decision.

SEN. MCKISSICK: Thank you.
SEN. RUCHO: Okay. Senator Blue?
SEN. BLUE: Yes. So that I can follow
that point up, it's my understanding, and correct
me, that the -- that the database will have
information about the 2012, 2014 elections in
addition to the data that was available at the time.
the original maps were drawn. That is, they will
be current in the information that they have. Is
that right?
SEN. RUCHO: Let's ask Mr. Frye if he'll
be kind enough to explain what is in the database,
and of course, it's based on the 2010 Census, but
election results you're asking about.
MR. FRYE: Yes. So -- so what I've got
worked up for this round is there's -- you know, of
course, you know, like we were talking about, all
of the old data is totally in place if it makes
sense to use that for whoever wants it, and for the
2016 database, I've got total population, voting
age population, because that's the only thing
that's not -- just election data, right, and that
is just election data. There's the 2008 general
election, basically all the Council of State
contests. There's the 2010 general election, US
Senate, the 2012 general election, you know,
basically governor and Council of State contests,
and -- and then the 2014 US Senate.
SEN. RUCHO: Does that help you?
SEN. BLUE: You said 2014 US Senate.
2014 Congressional data, elections data?
SEN. RUCHO: Mr. Frye?

MR. FRYE: Well, for the -- no, for the
2014 database, it has just the US Senate.
SEN. BLUE: I can't hear him.
SEN. RUCHO: Could you repeat that again?
We missed you with that.
MR. FRYE: For the 2014 general election,
I've just got US Senate. There are other --
because there's sort -- there's a difference
between like what data is -- has been generally
processed and what data is sort of ready to go in
our redistricting database. There's kind of a fair
gap between those two things, so we do have some
other information relating to other contests from
2014, but --
SEN. BLUE: So the database will not have
the location of current incumbents or anything like
that?
SEN. RUCHO: Mr. Frye?
MR. FRYE: What we have is locations of
current incumbents that -- a lot of them were
updated as of the 2011 cycle, so we may want to
double-check. There are a few of them I was
looking at that we may want to double-check on
their addresses and see if they've moved.
SEN. RUCHO: Senator Blue?

redistricting. Speaker Hackney was the speaker.
If I had been offered a deal like this, I would go
give Representative Lewis and Senator Rucho a big
bear hug and "Thank you."
SEN. RUCHO: Don't hug us.
SEN. BLUE: Certainly no kiss associated
with it.
(Laughter.)
SEN. RUCHO: Representative -- or Senator
Blue?
SEN. BLUE: Yeah. I have a question of
the Chair, but I guess you've got a motion pending,
so I'll wait --
SEN. RUCHO: We've got a motion.
SEN. BLUE: -- until after the motion.
SEN. RUCHO: Yeah, we've got a motion
first. Senator Hise?
SEN. HISE: Question, probably directed
for staff. If -- and under this motion where it
currently is, if the minority caucus is going to
load additional information, including things like
race and others, onto the stat pack for the
operations, do we have a sufficient wall of
separation, say separate computers, separate
databases, separate operating, that the co-chairs
do not have access to that information, or the
other committees cannot have access to that
information, because it’s inconsistent with the
criteria that’s established, so can we make sure
that once those are loaded, they are not available
if they are not part of the criteria for the co-
chairs’ drawing?
SEN. RUCHO: Mr. Frye?
MR. FRYE: Yes. I believe for -- if the
co-chairs are working on a plan, they can work on
it and follow the criteria separately, and for any
reports they produce, would just use that
information.
SEN. RUCHO: To follow up on what his
question is, is there a clear wall that we have to
actually request that information before it’s
eligible -- eligible for us to use? Am I correct?
I mean, you’re talking a firewall?
SEN. HISE: Yeah, making sure that no
one -- once it’s loaded in, anyone could draw --
could pull it up. I want to make sure that you
don’t have access to that information.
MR. FRYE: Right. No, there is a
firewall.
SEN. RUCHO: Okay.

MR. FRYE: It is not a central server
that would be --
SEN. RUCHO: Are you okay, Senator Hise?
Ms. Churchill, you okay?
REP. LEWIS: Mr. Chairman?
SEN. RUCHO: Where am I?
REP. LEWIS: Mr. Chairman?
SEN. RUCHO: Oh, excuse me.
REP. LEWIS: I think perhaps we can --
can summarize this by saying that all people will
have access to all of the data. This committee has
directed the chairs not to use some of it, so the
computer on which this committee’s map is drawn
will only contain the criteria that was adopted by
the committee, so to kind of get the gist of what
Senator Blue was trying to ask, he can have access
to more stuff than we can, not less.
SEN. RUCHO: Okay. Representative --
REP. MICHAUX: Yeah, I just wanted to be
clear on this. It says that you all must do your
maps according to the criteria that this body has
passed. It also says that our group can use any --
this criteria or any other criteria we deem
necessary. Is that correct?
SEN. RUCHO: That’s correct.

Second. Representative Michaux?
REP. MICHAUX: I was trying to get the
gist of what he -- what his motion is.
REP. LEWIS: May I speak on my motion?
SEN. RUCHO: Yes, sir.
REP. LEWIS: Members, the motion would
direct ISD to establish a computer with the
Maptitude software that has only the criteria as
defined and authorized by this committee to use,
and it is on that computer that the chairs would
work, along with any consultant they would hire, to
produce a map to return back to this committee for
review.
What it’s doing in essence is limiting
the chairs to only the criteria that this committee
has adopted, while making sure that it does not
limit the minority party to have access to whatever
they deem important to be able to fully participate
in this process.
SEN. RUCHO: Follow-up?
SEN. MICHAUX: Follow-up. What about the
firewall separating the two on that?
REP. LEWIS: Thank you for that -- that
question, Representative Michaux. I was trying to
use the same language that Mr. Frye. What I’m --
to be absolutely clear, the only data the map drawers on behalf of this committee can have is the data that the criteria adopted by this committee allows. There -- the firewall means that you won't be able -- the map drawer won't have access to flip a switch and say, "Well, I really do want to see what the 2008 presidential race was." That will not be loaded on the computer that he has access to.

SEN. RUCHO: Okay. Senator McKissick?

SEN. MCKISICK: Representative Lewis, just to get some clarification here, if we as the minority caucus want to look at the 2008 race, or we want to look at other variables other than those that were approved today, in the past, we had our own computer available that also had Maptitude, or whatever the appropriate program was at that time, which we could utilize for crafting maps that were -- met our criteria, so I'm just wanting to determine if we will have a separate computer available to us that we can use that will give us the additional data that we might seek to use in preparing maps.

REP. LEWIS: Senator --

SEN. RUCHO: Representative Lewis?

REP. LEWIS: Thank you, Mr. Chairman. Senator McKissick and Mr. Chairman, if my motion is adopted, I will offer the identical motion for the minority party, except that they are able to populate the data with whatever they want to populate it with.

SEN. MCKISICK: With that being said, I could support this, but I want to make sure that the minority party does have their own computer populated with their own data, separate and apart from the fields or subcategories which have been identified as appropriate criteria today.

REP. LEWIS: Yes, sir, we're on the exact same page on that point.

SEN. MCKISICK: Thank you.

REP. LEWIS: Okay. You -- any additional questions on --

REP. MICHAX: Yeah. Can we get that in writing?

(Laughter.)

REP. LEWIS: Mr. Chairman?

SEN. RUCHO: Yes, sir?

REP. LEWIS: We do have a court reporter, so perhaps we could forward that to Representative Michaux, and he could read it.
Joint Redistricting Committee 2_16_16
N.C. General Assembly Extra Session on Redistricting 2016

Pages 154 to 157

154

1  CLERK: Barefoot, aye.  Blue?
2  SEN. BLUE:  No.
3  CLERK: Blue, no.  Brown?
4  SEN. BROWN:  Aye.
5  CLERK: Brown, aye.  Clark?
6  SEN. CLARK:  No.
7  CLERK: Clark, no.  Harrington?
8  SEN. HARRINGTON:  Aye.
9  CLERK: Harrington, aye.  Hise?
10 SEN. HISE:  Aye.
11 CLERK: Hise, aye.  Jackson?
12 SEN. JACKSON:  Aye.
13 CLERK: Jackson, aye.  Lee?
14 SEN. LEE:  Aye.
15 CLERK: Lee, aye.  McKissick?
16 SEN. MCKISSICK:  No.
17 CLERK: McKissick, no.  Randleman?
18 SEN. RANDLEMAN:  Aye.
19 CLERK: Randleman, aye.  Sanderson?
20 SEN. SANDERSON:  Aye.
21 CLERK: Sanderson, aye.  Smith?
22 SEN. SMITH:  No.
23 CLERK: Smith, no.  Smith-Ingram?
24 SEN. SMITH-INGRAM:  Nay.
25 CLERK: Smith-Ingram, nay.  Wells?

155

1  SEN. WELLS:  Aye.
2  CLERK: Wells, aye.
3  SEN. RUCHO:  All right, members of the committee, a motion by Representative Lewis requiring and asking that the computer that will be used by the majority party will only contain the criteria that's been established and voted upon today, and that vote was aye, 21, no, 11, so that passed.
4  REP. LEWIS:  Mr. Chairman?
5  SEN. RUCHO:  Representative Lewis?
6  REP. LEWIS:  For motion.
7  SEN. RUCHO:  Motion.
8  REP. LEWIS:  Mr. Chairman, I move that the minority party be given access to a computer and whatever information they deem necessary to populate that computer in order to fully participate in this process -- in this process. Further, I move that the minority party members of this committee may caucus and designate that responsibility to one or more members, and if they are not able to do that, that the responsibility would fall to Senator Blue.
9  SEN. MCKISSICK:  I'll second that.
10 SEN. RUCHO:  All right. The motion by

156

1  Representative Lewis, seconded by Senator
2  McKissick, was that -- for the minority party to have access to the computer and have all the information they deem necessary for them to participate in trying to see what was requested as a remedy for the three-judge panel's decision. Any questions or comments?
3  REP. MICHAUX:  Yeah. I want to know what the last part of that motion was that he made. It was sort of sub rosa.
4  SEN. RUCHO:  Is that a question to Representative Lewis?
5  REP. MICHAUX:  Representative Lewis.
6  REP. LEWIS:  Representative Michaux, what I said was that the minority members -- the members of the minority party on this committee may caucus and elect a member or members to direct the drawing of these maps on their behalf, and if they're unable to do so, that the responsibility would be vested in Senator Blue.
7  SEN. RUCHO:  Do you have a follow-up question?
8  REP. MICHAUX:  We -- what I -- you are vesting -- you're telling us what to do? Is that what I'm hearing?

157

1  REP. LEWIS:  To repeat for the third time, Representative Michaux, the minority party members of this committee would caucus and designate members or members to act on their behalf, and if they are unable to do so, that that responsibility would fall to Senator Blue.
2  REP. MICHAUX:  Mr. Chairman?
3  SEN. RUCHO:  Yes, sir?
4  REP. MICHAUX:  Why don't you --
5  SEN. RUCHO:  Follow-up?
6  REP. MICHAUX:  Yes. Why don't you let us make that decision as to who it should fall -- fall to?
7  REP. LEWIS:  Mr. Chairman?
8  SEN. RUCHO:  Yes, sir?
9  REP. LEWIS:  Could we have maybe staff clarify what it means that the minority party can caucus and designate members or members, if that's not allowing them to make a decision? Could somebody explain exactly what language I'm not communicating?
10 SEN. RUCHO:  Okay. Senator Apodaca, you had a comment?
11 SEN. APODACA:  Mr. Chairman, inquiry of the Chair.
<table>
<thead>
<tr>
<th>Page 158</th>
<th>Page 160</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEN. RUCHO: Yes, sir?</td>
<td>CLERK: Moore, aye. Stam?</td>
</tr>
<tr>
<td>SEN. APODACA: I'm somewhat confused. I thought Representative Jackson asked this question about how they could nominate somebody. I thought this is what we were trying to fix.</td>
<td>REP. STAM: Aye.</td>
</tr>
<tr>
<td>SEN. RUCHO: All right. Then you're the one that's going to explain to -- to Senator -- Representative Michaux. Okay? All right. A motion is before us. It's been seconded. Any additional questions or comments on Representative Lewis' motion?</td>
<td>CLERK: Ruch?</td>
</tr>
<tr>
<td>(No response.)</td>
<td>SEN. RUCHO: Aye.</td>
</tr>
<tr>
<td>SEN. RUCHO: Seeing none -- CLERK: Lewis?</td>
<td>CLERK: Ruch, aye. Apodaca?</td>
</tr>
<tr>
<td>SEN. RUCHO: -- Mr. Clerk, roll call, please?</td>
<td>SEN. APODACA: Aye.</td>
</tr>
<tr>
<td>CLERK: Lewis?</td>
<td>CLERK: Apodaca, aye. Barefoot?</td>
</tr>
<tr>
<td>REP. BRAWLEY: Aye.</td>
<td>SEN. BROWN: Aye.</td>
</tr>
<tr>
<td>CLERK: Cotham, aye. Davis?</td>
<td>SEN. RUCHO: Clark, aye. Harrington?</td>
</tr>
<tr>
<td>SEN. RUCHO: Please speak loudly, folks.</td>
<td>SEN. JACKSON: Aye.</td>
</tr>
<tr>
<td>REP. HAGER: Aye.</td>
<td>CLERK: Jackson, aye. Lee?</td>
</tr>
<tr>
<td>REP. HANES: Aye</td>
<td>SEN. RUCHO: Lee. mckissick?</td>
</tr>
<tr>
<td>REP. HARDISTER: Aye.</td>
<td>CLERK: mckissick, aye. Randleman?</td>
</tr>
<tr>
<td>REP. HURLEY: Aye.</td>
<td>CLERK: Randleman, aye. Sanderson?</td>
</tr>
<tr>
<td>REP. JACKSON: Aye.</td>
<td>CLERK: sanderson, aye. Smith?</td>
</tr>
<tr>
<td>REP. JOHNSON: Aye.</td>
<td>CLERK: Smith, aye. Smith-Ingarm?</td>
</tr>
<tr>
<td>REP. JORDAN: Aye.</td>
<td>CLERK: Smith-ingram, aye. Wells?</td>
</tr>
<tr>
<td>CLERK: McGrady, aye. Michaux?</td>
<td>SEN. RUCHO: Members of the committee, after a roll-call vote, 32 aye and 1 no, so therefore, that has been settled. Senator Hise, do we have language?</td>
</tr>
<tr>
<td>REP. MICHAUX: No.</td>
<td>SEN. HISE: I think we have two amendments.</td>
</tr>
<tr>
<td>CLERK: Michaux, no. Moore?</td>
<td>SEN. RUCHO: Two amendments?</td>
</tr>
<tr>
<td>REP. MOORE: Aye.</td>
<td>SEN. HISE: Yeah.</td>
</tr>
<tr>
<td>SEN. RUCHO: All right. Are you going to present it, or staff?</td>
<td>SEN. RUCHO: All right. Are you going to present it, or staff?</td>
</tr>
<tr>
<td>SEN. HISE: I can present them. I think staff's going to read them. The first one is to clarify the payments made for work performed.</td>
<td>SEN. HISE: I can present them. I think staff's going to read them. The first one is to clarify the payments made for work performed.</td>
</tr>
</tbody>
</table>
SEN. RUCHO:  Let’s pay attention, here.
I know we’re moving forward.  Go ahead, please.
SEN. HISE:  The first is to add some
clarification for the -- to allow payments for work
performed prior to the stay.
SEN. RUCHO:  All right.  First -- the
first amendment, Ms. Churchill, would you explain
what that amendment says and what it does?
MS. CHURCHILL:  Yes, Mr. Chair.  The
amendment would be to the end, to the last sentence
of Paragraph 2 and Paragraph 3 of Senator Hise’s
motion.  It would remove the period at the end of
that sentence, inset a semicolon, and all of the
following at the end of each sentence:  “Provided,
however, this authorization shall permit
compensation to be paid for any work performed
prior to the issuance of such stay.”
SEN. RUCHO:  Members of the committee,
you have that before you.  Is there any questions
on that first amendment that has been put forward
by Senator Hise on trying to provide some clarity
in what was brought up by Senator Blue?
Representative Jackson?
REP. JACKSON:  Thank you, Mr. Chairman.
The amendment has several problems in it,
the first one is that Senator Hise’s amendment
would essentially allow payments to be made
for services provided prior to the approval of
this?
SEN. RUCHO:  No, sir, I don’t believe so.
REP. JACKSON:  Thank you.
SEN. RUCHO:  Yeah.  Questions? Any
additional?
(No response.)
SEN. RUCHO:  All right, we have an
amendment before us that was read by staff, and we
will ask the Clerk to have a roll-call vote on
that, please.
CLERK:  Lewis?
REP. LEWIS:  Aye.
CLERK:  Lewis, aye.  Jones?
REP. JONES:  Aye.
CLERK:  Jones, aye.  Brawley?
REP. BRAWLEY:  Aye.
CLERK:  Brawley, aye.  Cotham?
REP. COTHAM:  Aye.
CLERK:  Cotham, aye.  Davis?
REP. DAVIS:  Yes.
CLERK:  Davis, yes.  Farmer-Butterfield?
REP. FARMER-BUTTERFIELD:  Yes.
CLERK:  Farmer-Butterfield, yes.  Hager?
REP. HAGER:  Yes.
Joint Redistricting Committee 2_16_16
N.C. General Assembly Extra Session on Redistricting 2016

Pages 166 to 169

1. CLERK: Smith, aye. Smith-Ingram?
2. SEN. SMITH-INGRAM: Aye.
3. CLERK: Smith-Ingram, aye. Wells?
4. SEN. WELLS: Aye.
5. CLERK: Wells, aye.
6. SEN. RUCHO: Members of the committee, we -- okay. Members of the committee, Amendment 1, which was read by staff, was agreed upon unanimously, 33 to zero.
7. SENATOR HISE, Amendment Number 2?
8. SEN. HISE: Thank you, Mr. Chairman.
9. This was with some further consultation with Senator Blue, and clarifies for a legislative confidentiality amendment when that applies, and applies to once it's submitted to this committee, and she has specific language they can read.
10. SEN. RUCHO: Ms. Churchill, can you read the clarifying language there, please?
11. MS. CHURCHILL: Yes, sir. In Paragraph 2, this new sentence would be inserted at the -- following the first sentence. "The co-chairs shall control legislative confidentiality of any drafting requests or maps produced from this authority unless and until presented to the committee in the co-chairs' discretion."
12. For Paragraph 3, this sentence would be inserted after -- following the first sentence: "The minority caucus' designee, Senator Blue, shall control legislative confidentiality of any drafting requests or maps produced from this authority unless and until presented to the committee in Senator Blue's discretion."
13. SEN. RUCHO: Members of the committee, you have that before you. Any questions or comments?
14. (No response.)
15. SEN. RUCHO: Seeing -- seeing none, Mr. Clerk, would you do the roll call?
16. CLERK: Lewis?
17. REP. LEWIS: Aye.
18. CLERK: Lewis, aye. Jones?
20. CLERK: Jones, aye. Brawley?
22. CLERK: Brawley, aye. Cotham?
23. REP. COTHAM: Aye.
24. CLERK: Cotham, aye. Davis?
26. CLERK: Davis, yes. Farmer-Butterfield?
27. REP. FARMER-BUTTERFIELD: Yes.
28. CLERK: Farmer-Butterfield, aye. Hager?
29. REP. HAGER: Yes.
30. CLERK: Hager, yes. Hanes?
31. REP. HANES: Yes.
32. CLERK: Hanes, yes. Hardister?
33. REP. HARDISTER: Aye.
34. CLERK: Hardister, aye. Hurley?
35. REP. HURLEY: Aye.
36. CLERK: Hurley, aye. Jackson?
37. REP. JACKSON: Yes.
38. CLERK: Jackson, yes. Johnson?
40. CLERK: Johnson, aye. Jordan?
41. REP. JORDAN: Aye.
42. CLERK: Jordan, aye. McGrady?
43. REP. MCGRADY: Aye.
44. CLERK: McGrady, aye. Michaux?
45. REP. MICHAUX: Yes.
46. CLERK: Michaux, yes. Moore?
47. REP. MOORE: Aye.
48. CLERK: Moore, aye. Stam?
49. REP. STAM: Aye.
50. CLERK: Stam, aye. Rucho?
51. SEN. RUCHO: Aye.
52. CLERK: Rucho, aye. Apodaca?
<table>
<thead>
<tr>
<th>Page</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>170</td>
<td>CLERK: Smith, aye. Smith-Ingram?</td>
</tr>
<tr>
<td></td>
<td>SEN. SMITH-INGRAM: Aye.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Smith-Ingram, aye. Wells?</td>
</tr>
<tr>
<td></td>
<td>SEN. WELLS: Aye.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Wells, aye.</td>
</tr>
<tr>
<td></td>
<td>SEN. RUCHO: Members of the committee, the roll-call vote was 33 aye, zero nay.</td>
</tr>
<tr>
<td></td>
<td>Now, what you have before you is a motion set forth by Senator Hise which has been amended, and now it's before you for any further discussion or questions, and if there are none, then we will take a vote to adopt Senator Hise's motion.</td>
</tr>
<tr>
<td></td>
<td>Thoughts, questions?</td>
</tr>
<tr>
<td></td>
<td>(No response.)</td>
</tr>
<tr>
<td></td>
<td>SEN. RUCHO: Seeing none, Mr. Clerk, a vote, please?</td>
</tr>
<tr>
<td></td>
<td>CLERK: Lewis?</td>
</tr>
<tr>
<td></td>
<td>REP. LEWIS: Aye.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Lewis, aye. Jones?</td>
</tr>
<tr>
<td></td>
<td>REP. JONES: Aye.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Jones, aye. Brawley?</td>
</tr>
<tr>
<td></td>
<td>REP. BRAWLEY: Aye.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Brawley, aye. Cotham?</td>
</tr>
<tr>
<td></td>
<td>REP. COTHAM: No.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Cotham, no. Davis?</td>
</tr>
<tr>
<td></td>
<td>REP. DAVIS: Yes.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Davis, yes. Farmer-Butterfield?</td>
</tr>
<tr>
<td></td>
<td>REP. FARMER-BUTTERFIELD: No.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Farmer-Butterfield, no. Hager?</td>
</tr>
<tr>
<td></td>
<td>REP. HAGER: Aye.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Hager, aye. Hanes?</td>
</tr>
<tr>
<td></td>
<td>REP. HANES: No.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Hanes, no. Hardister?</td>
</tr>
<tr>
<td></td>
<td>REP. HARDISTER: Aye.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Hardister, aye. Hurley?</td>
</tr>
<tr>
<td></td>
<td>REP. HURLEY: Aye.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Hurley, aye. Jackson?</td>
</tr>
<tr>
<td></td>
<td>REP. JACKSON: No.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Jackson, no. Johnson?</td>
</tr>
<tr>
<td></td>
<td>REP. JOHNSON: Aye.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Johnson, aye. Jordan?</td>
</tr>
<tr>
<td></td>
<td>REP. JORDAN: Aye.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Jordan, aye. McGrady?</td>
</tr>
<tr>
<td></td>
<td>REP. MCGRADY: Aye.</td>
</tr>
<tr>
<td></td>
<td>CLERK: McGrady, aye. Michaux?</td>
</tr>
<tr>
<td></td>
<td>REP. MICHAUX: No.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Michaux, no. Moore?</td>
</tr>
<tr>
<td></td>
<td>REP. MOORE: Nay.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Moore, nay. Stam?</td>
</tr>
<tr>
<td></td>
<td>REP. STAM: Aye.</td>
</tr>
<tr>
<td>172</td>
<td>CLERK: Stam, aye. Rucho?</td>
</tr>
<tr>
<td></td>
<td>SEN. RUCHO: Aye.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Rucho, aye. Apodaca?</td>
</tr>
<tr>
<td></td>
<td>SEN. APODACA: Aye.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Apodaca, aye. Barefoot?</td>
</tr>
<tr>
<td></td>
<td>SEN. BAREFOOT: Aye.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Barefoot, aye. Blue?</td>
</tr>
<tr>
<td></td>
<td>SEN. BLUE: No.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Blue, no. Brown?</td>
</tr>
<tr>
<td></td>
<td>SEN. BROWN: Aye.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Brown, aye. Clark?</td>
</tr>
<tr>
<td></td>
<td>SEN. CLARK: No.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Clark, no. Harrington?</td>
</tr>
<tr>
<td></td>
<td>SEN. HARRINGTON: Aye.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Harrington, aye. Hise?</td>
</tr>
<tr>
<td></td>
<td>SEN. HISE: Aye.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Hise, aye. Jackson?</td>
</tr>
<tr>
<td></td>
<td>SEN. JACKSON: Aye.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Jackson, aye. Lee?</td>
</tr>
<tr>
<td></td>
<td>SEN. LEE: Aye.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Lee, aye. McKissick?</td>
</tr>
<tr>
<td></td>
<td>SEN. MCKISSICK: No.</td>
</tr>
<tr>
<td></td>
<td>CLERK: McKissick, no. Randleman?</td>
</tr>
<tr>
<td></td>
<td>SEN. RANDLEMAN: Aye.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Randleman, aye. Sanderson?</td>
</tr>
<tr>
<td>173</td>
<td>SEN. SANDERSON: Aye.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Sanderson, aye. Smith?</td>
</tr>
<tr>
<td></td>
<td>SEN. SMITH: No.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Smith, no. Smith-Ingram?</td>
</tr>
<tr>
<td></td>
<td>SEN. SMITH-INGRAM: No.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Smith-Ingram, no. Wells?</td>
</tr>
<tr>
<td></td>
<td>SEN. WELLS: Aye.</td>
</tr>
<tr>
<td></td>
<td>CLERK: Wells, aye.</td>
</tr>
<tr>
<td></td>
<td>SEN. RUCHO: Okay, members of the committee, when that motion was up for adoption as amended, we have 22 aye and 11 no. I believe that we have concluded our business for today.</td>
</tr>
<tr>
<td></td>
<td>SEN. BLUE: Just a request, Mr. Chair.</td>
</tr>
<tr>
<td></td>
<td>SEN. RUCHO: Senator Blue?</td>
</tr>
<tr>
<td></td>
<td>SEN. BLUE: As I prepare to do this, could you have the Clerk make available to me his roll-call votes on these items, since it’s all official now?</td>
</tr>
<tr>
<td></td>
<td>SEN. RUCHO: That can be done.</td>
</tr>
<tr>
<td></td>
<td>SEN. BLUE: Thank you.</td>
</tr>
<tr>
<td></td>
<td>SEN. RUCHO: Okay. Senator Blue requests that he gets a copy of the roll-call votes. Thank you.</td>
</tr>
</tbody>
</table>
|      | Before we finish up, let me just make it clear. Now that we have criteria established, and
understanding that there is access to computers and
the necessary resources to accomplish that, I'm
sure that the map drawers will do their job, come
forward with a map. We will possibly have a
meeting tomorrow. The chairs will allow you
notice. We're going to need to give the map
writers -- or drawers a chance to do their work.
We are also waiting for a decision by the Supreme
Court on the motion for stay to allow that election
to take place in an orderly manner, without any
voter dysfunction, so we will let you know at what
time tomorrow, or whether we will be meeting
tomorrow.

REP. STAM: Mr. Chair?
SEN. RUCHO: Sir?
REP. STAM: What is the earliest we would
be -- I mean, can we block out the morning for real
work, other work?
SEN. RUCHO: I think to give sufficient
time for map drawers to work, I think we would be
looking at -- the earliest would be 1:00. Okay?
Members of the committee, any questions on what was
discussed?
(No response.)
SEN. RUCHO: You all know what we've got,

so stay tuned, and thank you for your quick
response. Meeting adjourned.
(WHEREUPON, THE MEETING WAS CONCLUDED AT 1:43 P.M.)

STATE OF NORTH CAROLINA
COUNTY OF WAKE
CERTIFICATE
I, Carol M. Smith, a duly commissioned Notary
Public in and for the State of North Carolina, do hereby
certify that on February 16, 2016, this proceeding was held
before me, this proceeding being reported by me verbatim
and then reduced to typewritten form under my direct
supervision; that the foregoing is a true and correct
transcript of said proceedings to the best of my ability
and understanding; that I am not related to any of the
parties to this action; that I am not interested in the
outcome of this case; that I am not of counsel nor in the
employ of any of the parties to this action.

IN WITNESS WHEREOF, I have hereto set my hand, this
the 29th day of February, 2016.

___________________________
Notary Public
Carol M. Smith
Notary Number
1994320153