

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

COMMON CAUSE, et al.,)
)
Plaintiffs,)
vs.) Civil Action No.
) 1:16-CV-2016-WO-JEP
ROBERT A. RUCHO, in his)
official capacity as Chairman)
of the North Carolina Senate)
Redistricting Committee for the)
2016 Extra Session and)
Co-Chairman of the Joint Select)
Committee on Congressional)
Redistricting, et al.,)
)
Defendants.)
)
LEAGUE OF WOMEN VOTERS OF NORTH)
CAROLINA, et al.,)
)
Plaintiffs,)
vs.) Civil Action No.
) 1:16-CV-1164
ROBERT A. RUCHO, in his)
official capacity as Chairman)
of the North Carolina Senate)
Redistricting Committee for the)
2016 Extra Session and)
Co-Chairman of the 2016 Joint)
Select Committee on)
Congressional Redistricting,)
et al.,)
)
Defendants.)
)

DEPOSITION OF REPRESENTATIVE DAVID LEWIS
VOLUME II

4:02 P.M.

FRIDAY, APRIL 28, 2017

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301 FAYETTEVILLE STREET, SUITE 1900
RALEIGH, NORTH CAROLINA

1 want to review it.

2 Q. And in the next paragraph you state:

3 "ONLY the data and criteria approved
4 by the Committee should be loaded on the
5 computer and made accessible to the
6 consultant."

7 What do you mean by that paragraph?

8 A. Maptitude, which is the software the General
9 Assembly uses, sort of the industry standard on
10 drawing maps, if you will, offers additional
11 criteria that a person can choose to use, but we
12 wanted to make sure that only the criteria that
13 was adopted by the committee was accessible on
14 that computer.

15 Q. Including, for example, the political data
16 referenced in the adopted criteria?

17 MR. McKNIGHT: Object to form.

18 THE WITNESS: Yes, sir.

19 BY MR. THORPE:

20 Q. In the next sentence you state:

21 "Please make sure ONLY the fields
22 approved by the Committee are accessible."

23 Is that correct?

24 A. Yes, sir.

25 Q. And in writing that sentence, what do you

1 verify that that was the only data that was --
2 that was accessible on that computer.

3 Q. To your knowledge, have they conducted an audit
4 as described here?

5 A. I don't know.

6 Q. And the purpose for which you've written these
7 couple of paragraphs about what data should be
8 allowed on the computer is what?

9 A. The Harris decision, as I understood it, dealt
10 largely with the use of race in drawing
11 districts, so we wanted to reemphasize that race
12 would not be considered in the drawing of the
13 new districts.

14 Q. Understood. A couple paragraphs down you state:
15 "Please restrict the access to the
16 room in which Dr. Hofeller will work is
17 accessible only by Dr. Hofeller, Senator
18 Bob Rucho, Brent Woodcox, whomever on
19 your staff is necessary to comply with
20 this request and me."

21 Did I read that correctly?

22 A. Yes, sir.

23 Q. So those are the only persons allowed to enter
24 that secure, lockable workspace during that
25 period?

1 A. Yes, sir.

2 Q. And the General Assembly police are in fact
3 copied on this e-mail from you to others?

4 A. Yes, sir.

5 Q. So to your knowledge, that workspace was
6 entirely secure during that period?

7 A. Yes, sir.

8 Q. Now, the e-mail from Brent Woodcox that is at
9 the top of this was sent -- indicates that it
10 was sent at 3:12 p.m. that day, so just a few
11 minutes after your e-mail; is that correct?

12 A. Yes, sir.

13 Q. And there were no changes to the criteria from
14 this point forward; is that correct?

15 A. Yes, sir.

16 Q. So can you outline from the time this e-mail was
17 sent and this workspace was set up how the
18 General Assembly actually received and
19 circulated copies of the map that had been drawn
20 by Dr. Hofeller?

21 A. I'm not certain of how the General Assembly
22 received the map from Dr. Hofeller. Once it was
23 on the General Assembly's computer, it then
24 became accessible to the members of the
25 committee and the general public. The maps were

1 know what was happening?

2 A. Yes, ma'am.

3 Q. And did he -- this was before the map was passed
4 by the General Assembly?

5 A. It was before it was passed, but it was public
6 by that point.

7 Q. And during that call did he ask you to change
8 anything about the districts?

9 A. No, ma'am.

10 Q. Again, at any point from the time that the Court
11 issued its ruling in the Harris case to when the
12 maps were -- the district plan was enacted, did
13 you have any racially polarized voting analysis
14 done in connection with the 2016 congressional
15 districts?

16 A. No, ma'am.

17 Q. And did you review or see any racially polarized
18 voting analysis?

19 A. No, ma'am.

20 Q. And why was that not something you were
21 interested in doing?

22 A. It was my understanding that the Harris Court
23 had said that racially polarized voting was not
24 something that should be considered in drawing
25 the plan.