Exhibit 2

1991 Section 5 Submission
27H. Authority and Process for Congressional Redistricting.

The authority of the North Carolina General Assembly to redistrict its Congressional Districts is contained in 2 USC §§2a and 2c and Article I, §§2 and 4 of the U.S. Constitution. There are no state statutory or constitutional provisions that apply.

The process for Congressional Redistricting in the Senate began on February 4, 1991 when the President Pro Tempore of the Senate, Senator Henson Barnes (w) appointed Dennis Winner (w) chair of the Redistricting Committee and Senator Russell Walker (w) chair of the Congressional Redistricting subcommittee of that committee. At the same time, Senator Barnes appointed the membership of the committee and subcommittee. The full committee consisted of 24 members in addition to the Chairman, three of whom are black. The subcommittee consisted of twelve members, one of whom is black.


On February 6, 1991, Senator Dennis J. Winner introduced Senate Bill 16 as a blank bill in the Senate. The Senate Committee then scheduled six regional public hearings which were conducted between March 1, 1991 and March 18, 1991 in Elizabeth City, Greensboro, Asheville, Charlotte, Wilmington, and Wilson. A copy of the notice for these public hearings can be found in C-28F of this submittal.

The House Congressional Redistricting Committee was appointed by Speaker Daniel T. Blue on March 7, 1991, consisting of 25 members in addition to the Chairmen, five of whom are black.

Between March 21 and April 6, 1991, the House Committee conducted Public hearings in Asheville, Gastonia, Statesville, Chapel Hill, Williamston, Fayetteville, Rocky Mount, Jacksonville and Winston-Salem. These locations were selected because they are geographically dispersed and are, except Asheville, different locations than the those used by the Senate. One of the Chairmen was at each public hearing, and Committee members were urged to attend the hearing closest to their home district. For documents relating to these public hearings see part C-28F.

On February 18, 1991, the General Assembly received the 1990 Census P.L. 94-171 tapes from the U.S. Department of Commerce and began the process of loading and cleaning the data and developing

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1 A blank bill is a bill that contains no substantive provisions and is intended only as a vehicle for a committee to report out a substitute at a later date.
precinct level data where feasible in counties in which the Census Bureau had not done so. For a list of these additional counties see Attachment 28A-2 the North Carolina state House submission (#91-3184). This process was completed on April 26, 1991.

On March 25, 1991, the Speaker of the House and President Pro Tem of the Senate signed a joint Redistricting Computer and Public Access Plan. See Attachment C-27H-1. The Computer access plan was later modified to (1) increase public access to the computer from 20 hours per week in one hour slots to 40 hours per week in 4 hour slots (Attachment C-27H-2) and (2) offer computer training to any member of the General Assembly instead of just to committee Chairmen and Vice Chairmen (Attachment C-27H-3). In addition, a protocol was developed to give Committee members access to the redistricting computers and to staff assistance. See Attachment C-27H-4.

On April 26-29, 1991 and May 3-6, 1991, training was conducted for staff, committee counsel, and interested committee chairmen and vice-chairmen to become authorized to use the redistricting computer system. On May 17-20, 1991 computer training was provided to all other legislators who wanted it.

On March 21, 1991, Senators Winner and Walker visited the members of the United States House of Representatives who represent North Carolina to discuss Congressional Redistricting. Thereafter, the House co-chairs, Senators Winner and Walker, and Senator Joe Johnson (w), chair of the Senate Legislative Redistricting Subcommittee, began periodic meetings to discuss substantive and procedural issues relating to Congressional redistricting.

On April 17, 1991, the Senate and House Redistricting committees met jointly and adopted criteria for Congressional redistricting. See Attachment C-27H-5. No amendments were proposed to the chair's proposed criteria.

Once the date was available the chairs jointly began to develop a base plan. During the same time period, the Senate Congressional redistricting subcommittee met twice but no plans were presented. On May 15, 1991, pursuant to a previous public notice, the Senate subcommittee and House committee held a joint public meeting to receive proposed congressional plans from the public. No member of the public asked to speak, and no plans were presented. Because of concerns raised that the public had not had adequate time to develop plans, it was announced at that meeting that the public would be allowed to present plans at any meeting of the committee prior to June 9, 1991. See Attachment C-27H-6. No request from a member of the public to present a plan at any committee meeting was ever denied.

On May 21, 1991, the Senate Congressional Redistricting Subcommittee met, but no plans were presented by the public or by any committee member. On May 29, 1991, the House and Senate chairs and co-chairs presented 1991 CONGRESSIONAL BASE PLAN #1 to a joint meeting of the Senate subcommittee and the House committee. That
plan is attached as C-27H-7A (maps) and C-27H-7B (statistics). On the same date, Representative David Balmer (w) held a press conference, and presented a partial plan which was not presented to the committee at that time. Later that day, the Senate congressional redistricting subcommittee voted to adopt 1991 CONGRESSIONAL BASE PLAN #1 for the purpose of presenting it to a June 13, 1991 public hearing.

On May 30, 1991 the House Congressional Redistricting Committee met to discuss the upcoming public hearing, but did not adopt a plan for the public hearing. Thereafter, the House committee co-chairs prepared 1991 CONGRESSIONAL BASE PLAN #2, which they presented to a meeting of the House Congressional Redistricting Committee on June 3, 1991. A copy appears as Attachment C-27H-8. At that meeting, Representative Balmer presented congressional Plan BALMER CONGRESS 6.2, attached as Attachment C-27R-4.

On June 4, 1991, the House Congressional Redistricting Committee adopted 1991 CONGRESSIONAL BASE PLAN #2 for consideration at the June 13, 1991 public hearing. Notices for this public hearing may be found in Part C-28F.

On June 13, 1991, the House and Senate redistricting committee held a joint public hearing on 1991 CONGRESSIONAL BASE PLANS #1 and #2. At that hearing, Representative Larry Justus (w) presented an alternative congressional plan. A copy of his plan as it was offered on the House floor is at Attachment C-27R-2. On June 18, 1991, the Senate chairs presented to the Senate Committee 1991 CONGRESSIONAL BASE PLAN #3, which adopted it as a Committee Substitute for Senate Bill 16. A copy of 1991 CONGRESSIONAL BASE PLAN #3 appears as Attachment C-27H-9. On June 20, 1991, the House co-chairs presented 1991 CONGRESSIONAL BASE PLAN #4 to the House committee, but no vote was taken. See Attachment C-27H-10. The same day, the Senate passed PLAN #3 on second and third readings, and it was then sent to the House and referred to the House Congressional Redistricting Committee. Roll call votes in the Senate on the plan that day may be found at Attachment C-27H-11.

On June 21, 1991, the House Congressional Redistricting Committee adopted 1991 CONGRESSIONAL BASE PLAN #4 as a committee substitute for Senate Bill 16. The committee rejected plan BALMER CONGRESS-BLOCK LEVEL, a refinement of BALMER CONGRESS 6.2, as well as Rep. Justus' plan. The roll call votes in committee that day are at Attachment C-27H-12. On June 25 and 26, 1991, the House passed PLAN #4 on second and third reading, and returned the bill to the Senate for concurrence, again rejecting amendments by Representatives Balmer and Justus. All racial minority representatives present voted against these amendments. The amendments and roll call votes on the House floor those days are at Attachment C-27H-13.
On June 27, 1991, the Senate failed to concur in the House Committee substitute for Senate Bill 16, and on June 28, 1991, the President Pro Tempore appointed as conferees Senators Winner, Walker, Johnson, Ballance (b), Cooper (w), and Cochrane(w). On July 2, 1991, the Speaker appointed House conferees, who were Reps. Fitch, Bowen, Hunt and Barnes (w) and Buchanan (w).

On July 3, 1991, the House and Senate chairs jointly presented 1991 CONGRESSIONAL BASE PLAN #5 to the conference committee, and after making adjustments involving only Stokes and Rockingham counties, the conferees approved 1991 CONGRESSIONAL BASE PLAN #6. Copies of 1991 CONGRESSIONAL BASE PLAN #5 and #6 are Attachments C-27H-14 and C-27A-2A and 2B respectively.

On July 4, 1991, the Senate approved the conference report on Senate Bill 16 with all black senators present voting in favor of it. On July 8, 1991, Rep. Balmer filed HB 1310, BALMER CONGRESS 7.8 and moved to suspend the rules to allow it to be read and assigned to committee that day. A copy of Balmer Congress 7.8 is Attachment C-27R-6. That motion was defeated, with no racial minority members voting in favor of it. A copy of that roll call on Representative Balmer's motion is at Attachment C-27H-15. On that same day, the House approved the conference report on Senate Bill 16, with no racial minority members voting against it. On July 9, 1991, HB1310 was referred to the House Congressional Redistricting Committee, which did not thereafter meet. A copy of all House and Senate votes on concurrence and conference reports is at Attachment C-27H-16.

On July 9, 1991, Senate Bill 16 was ratified as Chapter 601 of the 1991 Session Laws.

On July 16, 1991, the General Assembly adjourned.

A summary of the chronology of redistricting is Attachment 27H-15 to the previous state House submission (#91-3184).

A copy of the House and Senate procedural rules that apply to all legislation were included in the House submission as Attachment 27H-16.

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2 Balmer Congress 7.4 and 7.8 are identical.
Congressional Plan

C-2) N. Effect of Change on Minority Voters

The effect of the adoption of Chapter 601 of the Session Laws of 1991 (Senate Bill #16) on North Carolina's minority voters is to improve their opportunity to elect a congressman of their choice while at the same time preserving their influence over a significant number of other congressmen.

For the first time, North Carolina will have a congressional district that is majority black in voter registration. This district, #1, is 55.7% black in population and 51.34% black in voter registration.

In addition, 8 of the other 11 districts (numbers 2-9) are over 15% black in voter registration, 6 of these being over 20% black in voter registration, thus allowing black voters to exert a significant influence over the choice of candidates in those areas.

The final version of Senate Bill #16 was adopted in the House with the support of the Speaker, Rep. Blue and all 11 black and Native American representatives who were present and voting. It was adopted in the Senate with the affirmative votes of all 4 black Senators who were present and voting and the support of Senator Ballance (b) who was absent.
The purpose of the Committee chairmen in supporting the conference committee report for S.B. 16, which was then enacted and ratified as Chapter 601, was to enact legislation that redistricted North Carolina's congressional seats, including its new 12th seat, in a manner that was fair and legal and in compliance with the criteria that had been adopted by the committees.

Among other goals, the Chairman tried to keep precincts whole, to avoid dividing counties into more than two districts, and to give black voters a fair amount of influence by creating at least one district that was majority black in voter registration and by creating a substantial number of other districts in which black voters would exercise a significant influence over the choice of congressmen.

Only three plans were offered as alternatives to the six presented by the chairmen. Representative Justus' plan, see Attachment C-27R-1 and C-27R-2, presented first at the June 13, 1991 public hearing created only one black district, and it did not have a higher black percentage of registered voters than did the adopted plan (51.12% and 51.34% VR). It was never presented in the Senate for a vote. It was not proposed in the House to improve minority representation, and it would not have been an improvement over the adopted plan.

Representative Balmer's first plan, Balmer 6.2 (and the block level refinement of it), Attachments C-27R-3 & C-27R-4, was presented first in the House Congressional Redistricting Committee on June 3, 1991 and was not presented at any time to the Senate. No black constituents or General Assembly members expressed support of it. Although it purported to have two minority districts, the second one started urban Charlotte and meandered over 200 miles, mostly through rural farming areas, to Wilmington. This district was only 45.32% black in voting age population. Its label as a "minority district" depended on the cohesion of black and Native American voters, and no such pattern was evident. See part C-28D below. Further, this plan dramatically decreased black influence in the 4th, 7th, 8th and 9th districts. Finally, the second "minority" district was so sprawling that it was most often described as "ludicrous" or "absurd". No black or Native American legislator supported it.

Representative Balmer's second plan (Balmer 7.8), Attachments C-27R-5 and C-27R-6, was never even seen by the Senate chairmen before they voted on the Conference Committee Report on S.B. 16. Rep. Balmer did not attempt to introduce it in the House until July 8, 1991, the day that the House voted to adopt the Conference Committee Report on S.B. 16. It was never presented to any Committee nor discussed with the House Chairmen, and it is doubtful that any plan, no matter what its content, would have been seriously considered under those circumstances.
Although one of Balmer's black districts in this plan (#3) was reasonably compact, the second (#2) sprawled all over eastern North Carolina and looked like a river with many tributaries running from Virginia in the north to Wilmington in the south. It would be exceedingly hard to campaign effectively in this area, or to represent it well, since in many areas it is only one precinct wide.

In addition, this plan creates only four districts in which more than 15% of registered voters are black, as opposed to eight in Chapter 601, and only two of those have above 20% of registered voters black as opposed to six. Thus this plan seriously diminishes black influence in the remaining districts, for example districts 4, 5 and 8 in Chapter 601.

No minority member of the House voted in favor of suspending the rules to allow first reading of HB1310 on July 8, 1991 and none expressed support for this plan.

It is apparent that it is only possible to create one majority black district that is reasonably compact, and that is what Chapter 601 does.
27H. Authority and Process for House Redistricting.

The authority for the North Carolina General Assembly to redistrict House of Representatives election districts after the decennial census is contained in Article II, § 5 of the North Carolina Constitution, a copy of which is Attachment 27H-1. Note: Paragraph (3) of Article II, § 5 was not followed as it had been the subject of a previous objection pursuant to § 5 of the Voting Rights Act.

The process for House Redistricting began in February 1991 when the Speaker of the House, Rep. Daniel T. Blue (b), hired counsel to the House Redistricting Committee and named the three co-chairmen, Reps. Ed Bowen (w), Rep. Milton ("Toby") Fitch (b), and Rep. Sam Hunt (w). From the onset it was agreed by the Speaker and the Chairmen to try to develop a process that was open as was consistent with resource limitations and with completing the process by June 30, 1991.

On March 7, 1991, the membership of the Committee on Legislative and Local Redistricting was officially named. In addition to the three chairmen, one of whom was black, it had 31 members, 5 of whom were black and one of whom was Native American. During the March 13 and March 20, 1991 meetings of the House Redistricting Committee, the chairmen presented a Committee Procedure and Timetable (see Attachment 27H-2), established an initial public hearing schedule, and provided the committee members with an overview of pertinent legal requirements, including the requirements of the Voting Rights Act, and of population data.

Between March 21 and April 6, 1991, the House Committee conducted Public hearings in Asheville, Gastonia, Statesville, Chapel Hill, Williamston, Fayetteville, Rocky Mount, Jacksonville and Winston-Salem. These locations were selected because they are geographically dispersed and are, except Asheville, different locations than those used by the Senate. One of the Chairmen was at each public hearing, and Committee members were urged to attend the hearing closest to their home district. For documents relating to these public hearings see Attachments 28F-2 and 28F-3.

On February 18, 1991, the General Assembly received the 1990 Census P.L. 94-171 tapes from the U.S. Department of Commerce and began the process of loading and cleaning the data and developing precinct level data where feasible in counties in which the Census Bureau had not done so. For a list of these additional counties see Attachment 28A-2 below. This process was completed on April 25, 1991.
On March 25, 1991, the Speaker of the House and President Pro Tem of the Senate signed a joint Redistricting Computer and Public Access Plan. See Attachment 27H-3. The Computer access plan was later modified to (1) increase public access to the computer from 20 hours per week in one hour slots to 40 hours per week in 4 hour slots (Attachment 27H-4) and (2) offer computer training to any member of the General Assembly instead of just to committee Chairmen and Vice Chairmen (Attachment 27H-5). In addition, a protocol was developed to give Committee members access to the redistricting computers and to staff assistance (Attachment 27H-6).

On April 26-29, 1991 and May 3-6, 1991, training was conducted for staff, committee counsel, and interested committee chairmen and vice-chairmen to become authorized to use the redistricting computer system. On May 17-20, 1991 computer training was provided to all other legislators who wanted it.

On May 1, 1991 and May 16, 1991, the House Redistricting Committee met to consider and adopt criteria. The adopted criteria are Attachment 27H-7. For criteria proposed but not adopted see the minutes of the May 1 and 16 meetings of the House Redistricting Committee, Attachments 28F-6(d) and (e).

Thereafter, the process of devising districts began. The Committee Chairmen, with the assistance of staff and in consultation with interested House members and members of the public, began devising a statewide plan of redistricting. Members devised various plans and amendments as did members of the public.

On May 22, 1991, the House Redistricting Committee held a public meeting, a notice for which is Attachment 28F-2(a), for the purpose of receiving plans from the public. In addition, because of concerns raised that the public had not had adequate time to develop plans, it was announced at that meeting that the public would be allowed to present plans at any meeting of the committee prior to June 9, 1991. See Attachment 27H-8. No request from a member of the public to present a plan at any committee meeting was ever denied.

On June 13, 1991, the Committee Chairmen presented House Base Plan #1 at a meeting of the Committee. Attachment 27H-9(a) is a copy of the map package and Attachment 27H-9(b) is a copy of the statistical package for House Base Plan #1. A large scale map of this plan is Attachment 27H-9(c). As no one presented an alternative plan or asked to have an alternative plan disseminated for the public hearing, the Committee voted to disseminate House Base Plan #1 for public review and comment at the previously scheduled June 21, 1991 public hearing. Copies of the notices for and
a transcript of this public hearing are attached to 28F-2(a) and 28F-3(k) below.

On June 17, 1991, House Bill Plan #1 was introduced as House Bill #1303 and was assigned to the House Legislative and Local Redistricting Committee.

Based on comments received from members of the General Assembly and members of the public, both at and outside of the public hearing, the Chairmen of the Committee modified their proposed plan, and on July 3, 1991, the Chairman presented House Base Plan #2 and #2A to the Legislative and Local Redistricting Committee. Attachments 27H-10(a) and 10(b) are copies of the maps and statistics packages for House Base Plan 2. A large scale map of this plan is Attachment 27H-10(c). Attachment 27H-11 is a copy of the map and statistics package for House Base Plan 2A. No vote was taken at that meeting so that Committee members would have adequate opportunity to prepare amendments. House Base Plan 2A is an addendum/correction to House Base Plan 2, and they were presented together.

On July 9, 1991, the Chairmen presented House Base Plan #3 (which contained only minor revisions from House Base Plan #2A). See Attachment 27A-2 above. The Committee considered and rejected several proposed amendments or committee substitutes presented and voted to give the chairmen's proposed committee substitute (House Base Plan #3) a favorable report. Attachment 27H-12 is a copy of the roll call votes taken in the Committee with regard to H.B. 1303. For a discussion of the proposed amendments that were rejected see Part 27R below.

The Committee Substitute for House Bill #1303 was adopted in the House on 2d reading on July 10, 1991, on 3d reading on July 11, 1991 and was sent to the Senate. No black legislator voted against the bill. A copy of the roll call votes on House Bill 1303, and all proposed amendments thereto, is Attachment 27H-13. For a discussion of proposed amendments that were rejected see part 27R below.

Rep. Hege introduced House Bill 1311, which also provided for House Redistricting on July 10, 1991 and it was assigned to the House Legislative and Local Redistricting Committee, but the Committee did not meet thereafter to consider it.

House Bill 1303 was considered by the Senate Redistricting Committee on July 12, 1991 which rejected one amendment and

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1 Representative Dial, a native American, voted "no" on second reading but later announced that he had intended to vote "yes" and had hit the wrong button. He voted "yes" on third reading.
gave it a favorable report. For a discussion of this amendment, see Part 27R below. The Senate adopted House Bill #1303 on 2d and 3d reading on July 12, 1991. Every black Senator voted in favor of it. Attachment 27H-14 is a copy of the roll call vote on 2d reading in the Senate. The Senate's 3d reading vote was by voice vote on the same day. H.B. 1303 was ratified on July 13, 1991 as Chapter 675 of the Session Laws of 1991.

A summary of the chronology that was followed in adopting H.B. 1303 is Attachment 27H-15.

A copy of the House and Senate procedural rules which apply to all legislation are included as Attachment 27H-16.
N. Effect of Change on Minority Voters

The effect of the adoption of Chapter 645 (H.B. 1303) on North Carolina's minority voters is to improve their opportunity to elect representatives of their choice. Chapter 645 preserves all of the districts that were majority black in voter registration under the previous districting act except one.¹ These districts are as follows:

#5--Gates and Northampton Counties and parts of Bertie and Hertford Counties
#7--Parts of Edgecombe, Halifax, Martin and Nash Counties
#17--Part of Cumberland County²
#21--Part of Wake County [not covered by §5]
#26--Part of Guilford County
#s 59 & 60--Parts of Mecklenburg County [not covered by §5]
#66--Part of Forsyth County [not covered by §5]
#70--Parts of Wilson, Edgecombe, and Nash Counties

In addition, Chapter 645 creates four new districts in which a majority of voters are black and, for the first time, creates a district that is majority Native American in voter registration. These districts are as follows:

#8--Parts of Edgecombe, Greene, martin and Pitt Counties
#78--Parts of Granville, Vance, and Warren Counties
#79--Parts of Craven, Jones, Lenoir and Pamlico Counties
#85--Parts of Hoke and Robeson Counties (majority Native American)
#87--Parts of Hoke, Robeson and Scotland Counties

¹ In Forsyth County, which is not covered by §5, it was demographically impossible to create two districts that were majority black in voter registration. Therefore, one seat was created (#66) that is 53.58% black in voter registration and another (#67) that is 45.61% black in voter registration. This later district is believed to have enough history of racial crossover voting that the candidate of choice of the black community is likely to be able to win.

² Although this district is only 47.09% black in population, as in the 1982 redistricting, it is majority black in voter registration (61.58%). This is because of the large number of military personnel who reside in the district but are not registered to vote.
Two of the districts (#s 8 and 87) have white incumbents and were adopted over the protest of those incumbents. In addition, #78 was formerly part of a three member district and it was divided over the protest of the two incumbent white legislators in that district.

House Bill #1303 passed the House with no racial minority representatives voting against it.\(^3\) It also had the support of the Speaker of the House, Rep. Blue, who did not vote. H.B. 1303 passed the Senate with the support of all five black Senators.

\(^3\) Although the roll call vote shows Representative Dial voting against the bill on second reading, the transcript of the proceeding show that he announced that he had pressed the "no" button instead of the "yes" button erroneously.
In order for the Attorney General to be able to determine the purpose and effect of Chapter 625, he will need to review those proposed amendments or alternative plans that were presented to the North Carolina General Assembly and that were not adopted. Those plans, insofar as the proposed to create or eliminate districts, in counties that are covered by §5, in which racial minority voters were an effective voting majority are discussed herein.

The aim of the Chairmen in proposing House Bill #1303 was to propose a redistricting plan that was legal and fair and which met the criteria established by the Redistricting Committee. This included creating or maintaining a substantial number of districts in which racial minorities had an effective voting majority and maintaining a significant number of districts in which black voters would have a significant influence. In addition, in order to enable efficient election administration, to avoid voter confusion, and to enable effective representation, the Chairmen sought to keep voting precincts whole (or to keep townships whole for those counties in which precinct data was not available). They made only three exceptions to this criterion. In Cumberland County, they maintained the same precinct division that was done in 1982 to create District #17 as a majority black district then. In addition, they divided precincts in Robeson County and Craven and Pamlico Counties in order to enable them to create districts that had effective black voting majorities.

The House rejected every attempt that would have eliminated a minority district that was contained in H.B. 1303.
A4 (Hasty) would have combined districts 16, 85 and 87, eliminating both a majority black district and a majority Native American district. It was defeated 25-75.

In addition, requests by Representatives Church and Crawford to recombine districts 78 and 22 in House Base Plan #3 were rejected by the Chairmen.

There were several plans proposed that would have created additional, or different, minority districts. Except for one, each of these was proposed by a white Representative, not from the effected district, and, as far as the Chairmen knew, these had no significant black support either inside or outside the General Assembly. These proposals are attached and discussed in more detail in attachments 27R-1 through 27R-10 as follows:

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27R-1 Proposed Minority Districts

House/Senate/Cong: House

Author: Art Pope
Computer Name: House 119 Districts V2

Where and When Proposed: Distributed to House Committee on Legislative Redistricting on July 3, 1991

Action taken: (1) Motion to adopt committee substitute defeated 7/9/91 (vote 8-23; all racial minority member of the Committee who were present voted in against). (2) Floor amendment offered (7-10-91; amendment A1) defeated 33-71. No minority member voted in favor.

Geographic Area involved: (a) Forsyth: #s 67/105 [not §5]
(b) Mecklenburg: #58 [not §5]
(c) Bladen, Columbus, New Hanover, Pender #94
(d) Duplin, Sampson, Wayne #97
(e) Durham #102 [not §5]
(f) Guilford #117
(g) Rockingham, Caswell, Alamance, Orange, Granville, Person #25

Note: despite the offers of the Chairmen to meet with him, Representative Pope never discussed this plan with the Chairmen or communicated his ideas concerning additional minority districts with them prior to presenting it to the Committee on July 3, 1991. This was very late in the process. Because Pope made no effort to build a consensus or to meet with members concerning changes in their districts, this plan had little chance of passing.

Attachment
27 R-1
(a) Forsyth #s 67/105 [not §5]
Includes area covered by §5: no
Percent Black VAP: 46.35%; 48.64%
Percent Black VR (whole precincts used): 48.67%/ 47.7%
Percent Am. Ind. VAP: <1%
Percent Am. Ind. VR (whole pcts used): <1%

Black Legislators Who Supported: none

Reasons why not adopted: The Chairmen determined that it was not possible to create two Forsyth districts that were both majority black in voter registration so instead of two marginal districts, they created one safer district and one in which a black candidate would be expected to win because of levels of cross over voting.
(b) Mecklenburg #58 (not §5)
Includes area covered by §5: no
Percent Black VAP: 54.12%
Percent Black VR (whole precincts used): 54.96%
Percent Am. Ind. VAP: <1%
Percent Am. Ind. VR (whole pcts used): <1%
Black Legislators Who Supported: none

Notes: Districts 59 and 60 are also majority black in the Pope plan as they are in the adopted plan. They are 58% and 59% black in voter registration in the Pope plan, unnecessarily packing black voters.

This was the first time anyone had proposed three black districts in Mecklenburg Co. to the Committee.

Reasons why not adopted: (1) No one from Mecklenburg and no one black requested that a third black district be created in Mecklenburg County; and (2) The Chairmen felt that black voters had more influence overall with two black districts and four more with significant black influence that they did by packing all blacks into three districts.
(c) Parts of Bladen, Columbus, New Hanover, Pender #94

Includes area covered by §5: yes

Percent Black VAP: 55.67%

Percent Black VR (if whole precincts used): whole pcts not used; computer lists 46.44%

Percent Am. Ind. VAP: 1.79%

Percent Am. Ind. VR (if whole pcts used): non

Black Legislators Who Supported: non

Reasons why not adopted: In addition to the reasons stated above for not supporting the whole plan, (1) There was very little black constituent support for creating a black district in this area. Although Jerome Shipman appeared at the initial round of public hearings supporting the idea in general, no black constituent approached any of the chairmen after that requesting a black district in southeast North Carolina. Pauline Keith (black), the Democratic Party Chair for Pender County, asked Representative Bowen to keep Pender County whole. Co-chairman Bowen was in contact with the three black commissioners from Bladen County and the two black commissioners from Sampson County, none of which asked him to create a black district in these counties. (2) The criteria adopted by the House Redistricting Committee included avoiding dividing precincts. In this area, the staff was not able to create a minority black district without dividing precincts. The Committee followed this criterion except in Robeson, Cumberland, and Craven Counties in which it decided to divide a few precincts to create majority black districts. There was no sentiment among the Chairmen to divide precincts in this area. (3) The boundaries of this district are very irregular and it would be very difficult to campaign in or to represent.
(d) Duplin, Sampson, Wayne #97

Includes area covered by §5: yes--Wayne only

Percent Black VAP: 56.67%

Percent Black VR (if whole precincts used): Whole precincts not used; computer VR at 50.4%

Percent Am. Ind. VAP: <1%

Percent Am. Ind. VR (if whole pcts used):

Black Legislators Who Supported: none

Reasons why not adopted: Same as reasons for not adopting #94. In addition, no one was aware that a black district could be created in this area until Pope presented this plan on July 3 by which tim the process was almost over. The representatives from this area wanted to keep their counties whole, and there was no significant voice not to do so.
(e) Durham #102 [not §5]
Includes area covered by §5: no
Percent Black VAP: 51.75
Percent Black VR (if whole precincts used): 45.22%
Percent Am. Ind. VAP:
Percent Am. Ind. VR (if whole pcts used): 2.12 "other"
Black Legislators Who Supported: none

Notes: This district is not majority black in voter registration. Ted Stone (white) of Durham wanted a conservative political ideology district to be created because blacks and liberal whites shut them out in a multimember arrangement.

Reasons why not adopted: None of the three incumbents from Durham, including Michaux, supported dividing Durham. Also, per Gingles and two decades of electoral success, majority black districts are not necessary in Durham County to enable black voters to elect candidates of their choice. In fact, the H.B. 1303 Durham district has a higher % black than did the 1982 plan because in lowering population deviation in Durham County, white precincts were removed.
(f) Guilford #117
Includes area covered by §5: yes
Percent Black VAP: 53.03%
Percent Black VR (if whole precincts used): 56.44%
Percent Am. Ind. VAP: n/a
Percent Am. Ind. VR (if whole pcts used): n/a

Black Legislators Who Supported: None; Rep. Gist(B) of Guilford voted against this plan in Committee and was listed as absent when it was voted on on the floor.

Notes: This is a second black district in Guilford; District #26 in Pope's plan, as in the adopted plan, is majority black. Pope's is 58.49% black in VR, as opposed to 64.06% black in the adopted plan.

Reasons why not adopted: In addition to the reasons stated above that the Committee Chairmen did not support the Pope plan as a whole, they believed that creating a second black district in Guilford county would have the effect of decreasing black influence in that area. For a further discussion of Guilford County, see Gist Amendment.
(g) Rockingham, Caswell, Alamance, Orange, Granville, Person #25

Includes area covered by §5: yes

Percent Black VAP: 61.24% population

Percent Black VR (if whole precincts used): whole precincts not used—41.89% in computer

Percent Am. Ind. VAP:

Percent Am. Ind. VR (if whole precincts used): whole precincts not used

Black Legislators Who Supported: none

Reasons why not adopted: (1) No one had suggested that a minority district could be created in this area before July 3, and Pope did not discuss it specifically in his presentation; (2) there was no black support for a majority black district in this area, either constituent support or legislative support; (3) this district is extremely sprawling, uncompact and irregular (see map) including parts of six counties for a single seat; it would be practically impossible to campaign in or to represent; (4) this district does not comply with the desired criterion of using whole precincts; (5) this proposal packs into one district all the blacks who currently have influence over the election of seven representatives; (6) black influence in district 25 under H.B.1303 is increased (to 23.8% of registration) by changing that district from a four member district to a three member district. The fourth seat, #73, is only 13.3% black in registration.
27R-3 Proposed Minority Districts

House/Senate/Cong: House
Author: Pope
Computer Name: Anson\Union Minority

Where and When Proposed: Amendment #6--Floor, 2d Reading (7/10/91)
Action taken: Defeated 36-72

Geographic Area involved: Parts of Anson, Stanly, Union, Montgomery and Richmond counties

Includes area covered by §5: Yes, Anson and Union
Percent Black VAP: 51.60%
Percent Black VR (if whole precincts used): whole pcts not used
Percent Am. Ind. VAP: n/a
Percent Am. Ind. VR (if whole pcts used): n/a

Black Legislators Who Supported: no racial minority legislator voted for this amendment

Reasons why not adopted: No one suggested a minority district in this area until July 10, 1991 when the plan was on the floor on second reading; it had not previously been shown to either the Chairmen or the Committee. Legislators had to vote before anyone had a chance to analyze it or carefully consider it. This late in the process, the chairmen would not have recommended the adoption or any completely new district. In addition, there was no black constituent support to adopt it, and no black citizen had suggested the creation of a majority black district in that area. Given the low black voting age population of the district, in an area this rural and spread out, it is doubtful that the creation of this district would provide black voters a realistic opportunity to control the outcome of the election.
27R-5 Proposed Minority Districts

House/Senate/Cong: House
Author: Rep. Gist/ Sen. Shaw
Computer Name: H1303-ARR-1

Where and When Proposed: House Committee (7/9/91)
Floor, 2d Reading (7/10/91)
Senate Committee (7/12/91)

Action taken: House Committee defeated amendment 4-24
House defeated amendment on floor 16-84
Senate Committee defeated amendment on voice vote

Geographic Area involved: Guilford

Includes area covered by §5: yes

Percent Black VAP:  
#26 57.34%
#28 53.94%

Percent Black VR (if whole precincts used):  
#26 64.13%
#27 55.90%

Percent Am. Ind. VAP: n/a
Percent Am. Ind. VR (if whole pcts used): n/a

Black Legislators Who Supported: Gist; no other black legislator voted in favor of it; Sen. Ballance spoke against it in the Senate Committee meeting.

Reasons why not adopted: The primary reason that the Chairmen and the Speaker did not support this amendment was that they believed it would diminish the influence of black voters in the Guilford delegation as a whole.

Under H.B.1303, as adopted, Guilford County had six representatives (#s 26, 27, 28, 29, 89(2)). Of these there is one seat in which a majority of registered voters are black (#26) and three in which black voters can be expected to have significant influence (#s 28 and 89).

In district #28, as single member district in High Point, black voters are 33.2% of the registered voters and 49.8% of the registered Democrats. Whites are 49.9% of the registered Democrats with the other 0.3% "others". Thus, black voters have a significant opportunity to control who the Democratic candidate is in this district, and the district is Democratic enough that the
Democratic candidate can be expected to win. Given the voting history of this district, black voters will have a significant influence over the choice of candidate and will have a moderate chance to have a black candidate elected. For example, Harvey Gantt won 53% of the votes in this district in the 1990 U.S. Senate race. See also attachment 28D-1.

In addition, blacks are over 20% of the registered voters in District #89, a two member district located in Greensboro (a district in which Gantt also carried over 53% of the vote in 1990). Thus, black voters would have a clear voice in the district #26 representative and would have influence over a majority of the delegation.

In contrast, under Gist's proposed plan, there would be two black representatives but they would have no allies because none of the other districts had a significant number of black voters (approximately 10% each). As Senator Ballance pointed out in the Senate Committee, it does not do any good to elect black representatives if there is no one with whom they can form coalitions or who will vote for their bills.

The Senate Chairman felt that it was the House's responsibility to redistrict the House, and the House and Senate Committee chairmen and leadership had an informal agreement to oppose any amendment to each other's plan. The Senate honored this agreement in the hope that the House would also honor it.

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1 In all three elections that the General Assembly analyzed, the Democratic candidate won in this district although in two of the elections the Democratic candidate lost statewide. In addition to Gantt, Democratic candidate for Lt. Gov., Rand, won 53.7% of the vote and Court of Appeals candidate, Lewis, won 52.4% of the vote.
27R-7 Proposed Minority Districts

House/Senate/Cong: House
Author: Rep. Rhyne
Computer Name: Southeastern House-9

Where and When Proposed: House Floor, 3d Reading (7/11/91)
Action taken: Motion to table carried (70/32)

Geographic Area involved:
#12 (parts of Bladen, Columbus, New Hanover, Pender & Brunswick)
#97 (parts of Duplin, Sampson, Wayne)

Includes area covered by §5: yes

Percent Black VAP: 
#12 54.90%
#97 57.0%

Percent Black VR (if whole precincts used): whole pcts not used
Percent Am. Ind. VAP: n/a
Percent Am. Ind. VR (if whole pcts used): n/a

Black Legislators Who Supported: none (all black legislators who were present voted in favor of the motion to table)

Notes: This plan was not shown to the Committee or the Chairmen prior to 3d reading.
Reasons why not adopted: The primary reason that the Chairmen did not support this is that they had not seen it prior to the motion to amend HB1303 on the floor on 3d reading. Thus the Committee had no opportunity to consider it and the Chairmen had no time to analyze it. In addition it did not use whole precincts, and their boundaries were very sprawling and irregular. There was considerable sentiment to leave these counties whole to the extent feasible, and not enough black constituent support for creating a black district in this area to do otherwise. See discussion of why Pope Plan District #94 was not adopted.
27R-9 Proposed Minority Districts

House/Senate/Cong: House
Author: Hege
Computer Name: HEGE STATEWIDE C

Where and When Proposed: Introduced as H.B. 1311 on 7/10/91
Action taken: Referred to House Committee on Legislative Redistricting which only met once thereafter (to consider Senate redistricting).

Geographic Area involved: #28 Mecklenburg [59]
#29 Mecklenburg [60]
#40 Forsyth [66]
#54 Guilford [26]
#65 Hoke Robeson (Native Am) [85]
#69 Cumberland (2) [17]
#84 Wake [21]
#87 Durham
#90 Granville, Vance, Warren [78]
#98 Bertie, Halifax [7]
#100 Edgecombe, Greene, Nash, Wilson [70]
#101 Edgecombe, Pitt, Martin [8]

Includes area covered by §5: yes
Percent Black VAP: see chart
Percent Black VR (if whole precincts used):
Percent Am. Ind. VAP:
Percent Am. Ind. VR (if whole pcts used):
Black Legislators Who Supported: no vote was taken but none expressed support

Notes: The only minority district this plan creates is in Durham Co. which is not covered by §5; this plan does not create the Craven district or the Robeson/Scotland black district which H.B.1303 creates.

See table attached. For the districts covered by §5 his districts do not have any more effective black majority than ours do; for the non-§5 urban counties, Hege tended to unnecessarily pack blacks (e.g. Mecklenburg and Wake County districts).

Reasons why not adopted: This plan was introduced too late to be considered. the Chairmen had never seen it before it was introduced until after H.B. 1303 had been reported out of the House Committee and was before the House on 2d reading.
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The authority for the North Carolina General Assembly to revise Senate districts after the decennial census is contained in Article II, §3 of the North Carolina Constitution, a copy of which is Attachment S-27H-1. Note: Paragraph (3) of Article II, §3 was not followed as it had been the subject of a previous objection pursuant to §5 of the Voting Rights Act.

The process of Senate Redistricting began February 4, 1991, when the President Pro Tem of the Senate, Senator Henson P. Barnes, appointed the Senate Redistricting Committee. Senator Barnes named Senator Dennis J. Winner chair of the Redistricting Committee and Senator Joseph E. Johnson chair of the Legislative Redistricting subcommittee of that committee. At the same time, Senator Barnes appointed the membership of the full committee and the subcommittee. The full committee consisted of 26 members, three of whom are black. The subcommittee consisted of 12 members, two of whom are black; one of the black members of the subcommittee was also a vice chair.

On February 6, 1991, Senator Winner introduced as a blank bill Senate Bill 17, A BILL TO BE ENTITLED AN ACT TO ESTABLISH SENATORIAL DISTRICTS AND TO APPORTION SEATS IN THE SENATE AMONG DISTRICTS. A blank bill is a bill that contains no substantive provisions and is intended only as a vehicle for a committee to report out a substitute at a later date. A copy of that blank bill appears as Attachment S-28P-6(h).

At the first meeting of the full Senate Redistricting Committee, February 14, 1991, Senator Winner stated the intent of the Senate leadership to have an open and fair process and to complete that process by the end of the regular 1991 session of the General Assembly early in the summer. He called for six regional public hearings to be completed within 30 days. At the second meeting of the full Senate Redistricting Committee, February 26, 1991, Senator Winner stated the intent of the Senate leadership to have an open and fair process.

Between March 1 and March 18, 1991, the Committee conducted six regional public hearings. The cities selected were Elizabeth City, Greensboro, Asheville, Charlotte, Wilmington, and Wilson. Those cities were chosen because they are geographically dispersed. Each hearing was chaired by a member of the committee who represented a district in the region near the hearing site. For documents relating to these public hearings see part S-28P below.

On February 18, 1991, the General Assembly received the 1990 Census P.L. 94-171 tapes from the U.S. Department of Commerce and began the process of loading and cleaning the data and developing precinct level data where feasible in counties in which the
Census Bureau had not done so. For a list of these additional counties, see Attachment 28A-2 in the House submission, 91-3184. The process of making the General Assembly's database ready for the redistricting process was completed in April and the computer software was released for use April 26, 1991.

On March 25, 1991, the Speaker of the House and the President Pro Tem of the Senate signed the joint Redistricting Computer and Public Access Plan. See Attachment S-27H-2. The Computer Access Plan was modified on May 4, 1991 to do the following:

1. increase public access to the computer from 20 hours per week in one-hour slots to 40 hours per week in four-hour slots; and (Attachment S-27H-3)

2. offer computer training to any member of the General Assembly instead of just to committee Chairs and Vice Chairs (Attachment S-27H-4).

In addition, a protocol was developed to give Committee members access to the redistricting computers and to staff assistance. (Attachment S-27H-5).

On April 26-29, 1991, and on May 3-6, 1991, training was conducted for staff, committee counsels, and interested committee Chairs and Vice-Chairs to become authorized to use the redistricting computer system. Pursuant to the modification of the access policy, training for other legislators was conducted May 17-20.

Thereafter, the process of devising districts began. The Committee leadership, with the assistance of staff and in consultation with interested Senate members and members of the public, began devising a statewide plan of redistricting. Members devised various plans and amendments as did members of the public.

At a meeting on April 3, the full Senate Committee was presented with a schedule of meetings (See Attachment S-27H-6) and adopted a Redistricting Committee procedure. (See Attachment S-27H-7, which includes June 5, 1991 amendment to procedure).

At a meeting on April 9, the full Senate Committee adopted Criteria for Senate Redistricting. (See Attachment S-27H-8).

On April 30, the Senate Legislative Redistricting Subcommittee held an organizational meeting. The subcommittee met again briefly on May 7, May 21, and May 28; at those meetings members were asked if they had any plans to present, and no plans were offered.

On May 14, 1991, the subcommittee held a meeting to receive plans from the public. At the meeting, three plans were presented.
On June 4, 1991, Senator Winner presented 1991 Senate Base #1 to the subcommittee. (See Attachment S-27H-9). After defeating one amendment which would have eliminated the majority Black Senate District in Cumberland County that 1991 Senate Base #1 proposed to create, the subcommittee voted to adopt the plan for dissemination at a public hearing June 19. For a discussion of the defeated amendment, see Attachment S-28F-6(g).

On June 18, Senator Leo Daughtry (white) introduced Senate Bill 959, which contained "DAUGTHRY SENATE PLAN 6/17/91" (This is discussed under Section 27R).

The public hearing on 1991 Senate Base #1 was held as scheduled on June 19, 1991. Copies of the notices for the hearing were included in the Congressional submission as Attachment C-28F-2(a) and a transcript of this public hearing is Attachment S-28F-3.

On June 26, 1991, Senator Winner presented 1991 Senate Base #2 to the full Senate Redistricting Committee, which is attached as Attachment S-27H-10. The Committee defeated two amendments, and adopted one amendment, which is attached as Attachment S-27H-11, (the amendment switched two precincts between predominantly white districts in Cumberland County) then gave a favorable report to a committee substitute for Senate Bill 17, which embodied the contents of 1991 Senate Base #2 as modified by the one amendment. The committee substitute thus approved was 1991 Senate Base #3, which is Attachment S-27A-2. A transcript of that meeting appears at S-28F-6(a), some discussion of the amendments in Section S-27R.

On July 2, 1991, the full Senate passed the committee substitute for Senate Bill 17 on second reading after defeating four amendments. On July 3, 1991, the Senate defeated a fifth amendment and passed the committee substitute on third reading. Copies of all the Senate floor amendments and Senate roll call votes on July 2 and July 3, 1991, are Attachment S-27H-12.

On July 11, 1991, the House Committee on Legislative and Local Redistricting adopted one technical amendment to Senate Bill 17 (included as Attachment S-27H-13) and gave Senate Bill 17 a favorable report.

On July 12, 1991, the full House approved the Committee's technical amendment and passed Senate Bill 17 on both second and third readings. Roll call votes on the House floor are Attachment S-27H-14. On the same day the Senate voted to concur in the House technical amendment, thus taking the final action necessary for ratification. There was no recorded vote in the Senate on concurrence in the House technical amendment.

On July 13, 1991, Senate Bill 17 was ratified as Chapter 676 of the 1991 Session Laws. This is Attachment S-27A-1.
A chronology of the Senate action was included in the House submission as Attachment 27H-15. House and Senate procedural rules were included in the House submission as Attachment 27H-16.
S 27 N. Effect of plan on racial minorities

S.B. 17, as enacted into Chapter 675 of the Session Laws of 1991, creates five districts which are majority black in voter registration, four of those in areas that include all or parts of counties covered by §5 of the Voting Rights Act. Its effect is to improve the opportunity of racial minorities to elect senators of their choice.

Chapter 675 maintains as majority black all of the districts which were majority black under the 1984 redistricting. These districts are as follows:

#2—Bertie, Gates, Hertford, Northampton and Warren Counties and parts of Halifax and Vance Counties
#31—Part of Guilford County
#41—Part of Mecklenburg Co. [not covered by §5]

In addition, Chapter 675 creates two new districts in which a majority of registered voters are black:

#6—Parts of Edgecombe, Martin, Pitt, Washington and Wilson Counties
#41—Part of Cumberland County

These two new districts are in areas that had white incumbents, and each was adopted over the protest of those white senators living in the area.

Senate Bill 17 passed the Senate 30-18 (on second reading) with the votes of four of the five black senators, and it passed

---

1 Although this district is only 43.31% black in population, it is 55.40% black in voter registration. This is because of the large number of military personnel who live in the district but are not registered to vote. See also house district #17 in the previously submitted state House redistricting.

2 In district 6, Sen. Martin (w) remained in the majority black district; District 41 has no incumbent but resulted in two white incumbents living in a single member district.
the House 74-35 with the affirmative votes of all black legislators present and voting.
S-27R. Other material concerning the purpose of Chapter 675

In order for the Attorney General to be able to determine the purpose and effect of Chapter 675, he will need to review those proposed amendments or alternative plans that were presented to the North Carolina General Assembly and that were not adopted. Those plans, insofar as the proposed to create or eliminate districts, in counties that are covered by §5, in which racial minority voters were an effective voting majority are discussed herein.

The aim of the Committee and Subcommittee Chairmen in proposing Senate Bill #17 was to propose a districting plan that was legal and fair and which met the criteria established by the Redistricting Committee. This included creating or maintaining a substantial number of districts in which racial minorities had an effective voting majority. In addition, in order to enable efficient election administration, to avoid voter confusion, and to enable effective representation, the Chairmen sought to keep voting precincts whole (or to keep townships whole for those counties in which precinct data was not available). They made only two exceptions to this criterion.¹ In Macon County, a precinct was divided to allow a Republican incumbent to reside in a Republican leaning district. In Beaufort County, Washington Township had a non-contiguous satellite with fewer than 10 people which was separated from the rest of the Township.

The Senate rejected every attempt that would have eliminated

¹ In addition, in Carteret County block data was used to create whole precincts. In Onslow County, the Census Bureau put Hoffman Forest (with five people) and the ocean (with zero people) into a single, non-contiguous, precinct, and S.B. 17 separates these two areas.
a minority district that was contained in S.B. 17. On June 4, 1991, the Senate Redistricting Subcommittee defeated an amendment made by Senator Richardson (b) on behalf of Senator Tally (w) to merge districts 24 and 41. This would have eliminated the majority black district in Cumberland County.\(^2\) Districts 24 and 41 resulted in putting two white incumbents in district 24 and leaving district 41, the majority black district, with no incumbent.

On July 2, 1991, the full Senate defeated a floor amendment proposed by Senator R. L. Martin (w) which would have decreased the percentage of registered voters that is black from 53% to 47% in District #6. This proposed amendment, Floor Amendment #3, was defeated 28-17.

There were three plans proposed that would have created additional, or different, minority districts in counties covered by §5. Two of these were proposed by a white Senator, not from the effected district, and, as far as the Chairmen knew, these had no significant black support either inside or outside the General Assembly. These proposals are attached and discussed in more detail in attachments S-27R-1 through S-27R-6 as follows:

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\(^2\) No roll call votes are taken in Senate Committees and no one called for a division so the voted is recorded only as defeated.
S-27R-1 Proposed Minority Districts

House/Senate/Cong: Senate
Author: Sen Daughtry
Computer Name: Daughtry Senate Plan 6/17/91

Where and When Proposed: Senate Public Hearing 6/19/91
SB 959 Referred to Committee 6/19/91

Action taken: Motion to Adopt Committee Substitute failed in Committee (7-13) 6/26/91

Geographic Area involved: (a) Northampton, Edgecombe, Washington, Chowan, etc. #1
(b) Warren, Halifax, Nash, Franklin, Vance #2
(c) Wilson, Pitt, Martin, Greene, Jones, etc. #3
(d) Parts of Person, Granville, Vance, Durham #4
(e) Pts of Wake, Harnett, Cumberland #5
(f) Pts of Wayne, Duplin, Sampson, Pender, Onslow, Bladen, Columbus, etc #6
(g) Hoke, Robeson, Pts. of Scotland #7
(h) Parts of Forsyth, Guilford #8
(i) Part of Mecklenburg #9

Note: Dolphus Pearson (black) of Wake Co., who spoke in favor of this plan at the public hearing, was the only black person known to the Chairmen who supported this plan.

Geographic Area Involved: #1-#3 Northeast

Includes area covered by §5: yes

Percent Black VAP: #1-52.96%
   #2-51.92%
   #3-54.19%

Percent Black VR (if whole precincts used):
   #1-52.33%
   #2-50.88%
   #3-52.61%

Percent Am. Ind. VAP: n/a

Percent Am. Ind. VR (if whole pcts used): n/a

Black Legislators Who Supported: None.

Notes: The two black districts in the adopted plan in this area of

3

ATTACHMENT
S-27R-1
the state are 54.95% (#2) and 53.31% (#6) black in voter registration. This is an increase of one black seat from the 1984 plan and places a white incumbent into a majority black district.

Reasons why not adopted: It was felt that in this part of the state these voter registration numbers were too low to give black voters a reasonable assurance of electing representatives of their choice, especially in #2. This is particularly true considering the low level of white cross over voting in this part of the state and the difficulty of voter turnout efforts in these rural areas.

Senator Ballance, who represents Senate District #2, opposed this plan at the Senate public hearing. He was adament that with voter registration as low as 50.88% neither he nor any other black candidate could be elected.
Geographic Area involved: Forsyth/Guilford #8

Includes area covered by §5: yes (Guilford)

Percent Black VAP: 56.85%

Percent Black VR (if whole precincts used): 62.90%

Percent Am. Ind. VAP: n/a

Percent Am. Ind. VR (if whole pcts used): n/a

Black Legislators Who Supported: none

Reasons why not adopted: Senate District 31 in the adopted plan, which is solely in Guilford County, is 55.29% black, an number sufficient to allow black electoral success without unnecessarily packing black voters. Senator W. Martin (b; Guilford) stated at the Senate public hearing that the black % in Senate Base Plan #1 was sufficient to all black voters to control the election in the Guilford district. The black percentage of registered voters was increased from 54.62% in Senate Base Plan #1 to 55.29% in S.B. 17 as adopted as an extra precautionary measure. The Chairmen believed that the only reason to include Forsyth County precincts in this district was intentionally to pack black voters. The result would have been to remove black influence from the Forsyth Senate District (#20).
Geographic Area involved: Part of Mecklenburg #9
Includes area covered by §5: no
Percent Black VAP: 61.33%
Percent Black VR (if whole precincts used): 62.93%
Percent Am. Ind. VAP:
Percent Am. Ind. VR (if whole pcts used):
Black Legislators Who Supported: none
Reasons why not adopted: This would have resulted in unnecessary packing of black voters; Senate Bill #17 has a black district in Mecklenburg that is 53% black in VR; election returns suggest this is high enough to allow black voters to control the outcome of this election.
Geographic Area involved: Pts of Wayne, Duplin, Sampson, Pender, Onslow, Bladen, Columbus, Brunswick, and New Hanover #6

Includes area covered by §5: yes

Percent Black VAP: 48.7%

Percent Black VR: N/A

Percent Am. Ind. VAP: <1%

Percent Am. Ind. VR: other = .4%

Black Legislators Who Supported: none

Notes: (1) This is not a district with an effective black voting majority; (2) Jerome Shipman appeared at Senate Public hearing and asked that a black district be created in this area if possible.

Reasons why not adopted: (1) It sprawls all over Southeast North Carolina and is very uncompact. (2) It does not have an effective black voting majority, and it was not believed that the creation of this district would afford black voters a reasonable opportunity to control the outcome of the election for this district.
Geographic Area involved: Hoke, Robeson, Part of Scotland #7
Includes area covered by §5: yes
Percent Black VAP: 26.80%
Percent Black VR (if whole precincts used): 27.96%
Percent Am. Ind. VAP: 30.76%
Percent Am. Ind. VR (if whole pcts used): 29.43% "other"
Black Legislators Who Supported: none

Notes: Senate Bill #17 in district 30 has 27.81% black and 29.59% "other" voter registration in a similar though not identical area of the state.

Reasons why not adopted: Senate District #30 in the adopted plan has a higher minority voter registration. Also, the Senate did not perceive the black and Native American populations to be cohesive, thus they did not perceive this to be a "minority" district. See discussion of Balmer Plan 6.2 in the previous Congressional submission at part C-27R and discussion of Robeson county election returns at C-28D.
Geographic Area involved: #4 Person, Granville, Vance, Durham

Includes area covered by §5: yes

Percent Black VAP: 53.40

Percent Black VR (if whole precincts used): 50.82

Percent Am. Ind. VAP: n/a

Percent Am. Ind. VR (if whole pcts used): n/a

Black Legislators Who Supported: none

Notes: Robert Wells of the North Carolina Black Leadership Caucus spoke at the public hearing endorsing a majority black single member district in Durham, but no one spoke in favor of this particular plan.

Reasons why not adopted: (1) Neither the white nor the black Senator from the area supported dividing the current two member district which leaves Durham County whole. Senator Hunt (R; Durham) told Senators Johnson and Winner that he preferred to have the two member district left together. The Chairmen, at Senator Hunt's request, modified the boundaries of District #13 to increase its black population. Thereafter, Senator Hunt supported the configuration of District #13 as it was enacted. (2) The Chairmen felt that, given the decade long history of black electoral success in the two member district, the ruling of the Supreme Court in Gingles with regard to Durham County, and the low level of racially polarized voting in Durham County, it was not necessary to create a minority black district in this area in order to enable black voters to elect a Senator of their choice in this area.
Geographic Area involved: #5 Pts of Wake, Harnett, and Cumberland
Includes area covered by §5: yes—Cumberland and Harnett

Percent Black VAP: 53.7%
Percent Black VR (if whole precincts used): 58.92%
Percent Am. Ind. VAP: n/a
Percent Am. Ind. VR (if whole pcts used): n/a

Black Legislators Who Supported: none

Notes: The majority black district in the adopted plan in Cumberland County is 55.40% black in voter registration.

Reasons why not adopted: A district minority black in voter registration was created solely in Cumberland County instead of this. S.B. 17, as enacted, allows for the election of a black legislator in District 41 and allows the black voters of Johnston, Wake and Harnett Counties to have significant influence over the election of the 3 Senators from Districts 14 (24.12% black in VR)(2 members) and 15 (16.03% black in VR)(1 member). Indeed, given the history of black electoral success in Wake County, and the fact that District 14 has a higher black percentage than does the county as a whole, it is realistic that a black candidate could win in District 14 as well as in District 41. See discussion of Wake County election returns in part S-28D below.
S-27R-3 Proposed Minority Districts

House/Senate/Cong: Senate
Author: ACLU/NAACP/SRC
Computer Name: ACLU/NAACP/SRC SENATE MIN PLAN

Where and When Proposed: Senate Redistricting Subcommittee 5/14/91

Action taken: none

Geographic Area involved:

#1 Warren, Halifax Vance Edgecombe, Nash, Wilson

#2 Northampton, Hertford, Bertie, Parts of Gates, Martin, Pitt, Edgecombe

#3 Scotland, Anson, Richmond Hoke, Robeson

#4 Pts of Cumberland, Sampson, Wayne, Robeson and Pender

#5 Pts of Durham, Granville, Person and Franklin

#1--Vance, Warren, Halifax, Wilson Edgecombe, Nash  
#2--Northampton, Hertford, Bertie, Parts of Gates, Martin, Pitt, Edgecombe

Includes area covered by §5: yes

Percent Black VAP: 
#1 57.69%
#2 54.08%

Percent Black VR (if whole precincts used): n/a

Percent Am. Ind. VAP: <1%

Percent Am. Ind. VR (if whole pcts used): n/a

Black Legislators Who Supported: none

Notes: #1 The district as submitted was non-contiguous; to make it contiguous the population deviation would have been too high.
#2 This district had a population deviation of -13.4%

Reasons why not adopted: See notes; also #1 results in unnecessary packing; Senate Districts #s 2 (54.95% Bl VR) & 6 (53.31% Bl VR) in the same area of the state were adopted instead.
#3 Scotland, Anson, Richmond, Hoke, Robeson

Includes area covered by §5: yes

Percent Black Total Pop: 30.54%

Percent Black VR (if whole precincts used): n/a

Percent Am. Ind. Total Pop: 28.57%

Percent Am. Ind. VR (if whole pcts used): n/a

Black Who Legislators Supported: none

Notes: District 30 in S.B. 17 has 27.81% black and 29.59% other voter registration in a similar though not identical area of the state. Also, the Chairmen did not consider this to be a minority district since they did not think that there was a history of cohesiveness between Native American and black voters in Robeson County.

Reasons why not adopted: Senate District #30 has a similar total minority population without dividing precincts. Also, the Senate did not perceive the black and native american populations to be cohesive, thus they did not perceive this to be a "minority" district. See discussion of Balmer Plan 6.2 in the previous Congressional submission at part C-27R and discussion of Robeson county election returns at C-28D.
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#4 Cumberland, Sampson, Wayne, Robeson, Pender

Includes area covered by §5: yes

Percent Black Total Pop: 51.91%

Percent Black VR: 51.16% (pcts divided)

Percent Am. Ind. Total Pop: 5.60%

Percent Am. Ind. VR: 5.19% (pcts divided)

Black Who Legislators Supported: none

Notes: This district as submitted consisted of 6 non-contiguous pieces.

Reasons why not adopted: See notes; also majority black district in the adopted plan in Cumberland County is 55.40% black in voter registration allowing black voters to elect a senator of their choice in this area of the state.
#5 Durham, Granville, Person and Franklin Counties

Includes area covered by §5: yes

Percent Black Pop: reported by ACLU to be 57.28% black in Tpop

Percent Black VR (if whole precincts used): ??

Percent Am. Ind. VAP: n/a

Percent Am. Ind. VR (if whole pcts used): n/a

Black Legislators Who Supported: none

Notes: This district was not analyzed by the staff and was not prepared on the Gen. Ass. Computer.

Reasons why not adopted: (1) Neither the white nor the black Senator from the area supported dividing the current two member district which leaves Durham County whole. Senator Hunt (b; Durham) told Senators Johnson and Winner that he preferred to have the two member district left together. The Chairmen, at Senator Hunt's request, modified the boundaries of District #13 to increase its black population. Thereafter, Senator Hunt supported the configuration of District #13 as it was enacted. (2) The Chairmen felt that, given the decade long history of black electoral success in the two member district, the ruling of the Supreme Court in Gingles with regard to Durham County, and the low level of racially polarized voting in Durham County, it was not necessary to create a minority black district in this area in order to enable black voters to elect a Senator of their choice in this area.
S-27R-5 Proposed Minority Districts

House/Senate/Cong: Senate
Author: Sen. Daughtry
Computer Name: DAUGHTRY SENATE PLAN 7/1/91

Where and When Proposed: Senate Floor Amendment #1 (7/2/91)

Action taken: Failed 13-33

Geographic Area involved: Parts of Wayne, Duplin, Sampson, Pender, Onslow, New Hanover

Includes area covered by §5: yes, Wayne and Onslow

Percent Black VAP: 40.53%
Percent Black VR: 51.86% (but pts divided)
Percent Am. Ind. VAP: <1%
Percent Am. Ind. VR (not whole pts): 0.30% other

Black Legislators Who Supported: Sen. Ballance spoke against this amendment; all black Senators voted "no".

Notes: Given how spread out and rural this district is and the relatively low black Voter Registration, and high levels of polarized voting in this area, it is questionable whether this district has an effective black voting majority.

Reasons why not adopted: Too spread out and dispersed. This plan divides numerous precincts contrary to the adopted criteria. It was undesirable to create a district so terribly uncompact, especially since the black majority is so shaky.