Exhibit 4
(1 of 2)

2001 Section 5 Submission
C-27H. Authority and Process for Congressional Redistricting.

The North Carolina General Assembly is authorized by 2 U.S.C. §2a and §2c and Article I, §§2 and 4 of the United States Constitution to redistrict its congressional districts. Attachment C-27H-1. The prior redistricting plan was enacted by the General Assembly on March 31, 1997, and was precleared under Section 5 of the Voting Rights Act on June 9, 1997. In 1998, the constitutionality of the 1997 plan was challenged in Cromartie v. Hunt. Although the State was required by the Cromartie district court to enact a new plan, (the 1998 plan), for use in the 1998 elections, the U.S. Supreme Court allowed the use of the 1997 plan in the 2000 elections. On April 18, 2001, the United States Supreme Court upheld the constitutionality of the 1997 plan by reversing the District Court’s finding that race was the predominant factor in drawing District 12.

The process for Congressional Redistricting began after the convening of the 2001 General Assembly. The following is a chronology of the events leading to the enactment of the plan.

January 2001. The President Pro Tempore of the Senate, Senator Marc Basnight (WD), appointed the Senate Redistricting Committee and named as Co-Chairs, Senators Frank Ballance (BD), Steve Metcalf (WD), and Brad Miller (WD). Senator Basnight designated Senator Miller the senior Co-Chair. The three Co-Chairs represent three different geographic areas of the State. Senator Ballance is from Warren County in eastern North Carolina, Senator Metcalf from Buncombe County in western North Carolina, Senator Miller from Wake County in the piedmont area. All black members of the Senate were appointed members of the Committee. See Attachment C-27H-2 for a list of Committee members.

The Speaker of the House of Representatives, Representative James Black (WD), appointed the House Congressional Redistricting Committee and named as Co-Chairs Representative Thomas Wright (BD) and Representative Ed McMahen (WR). The Committee consisted of 40 members with an equal number of Republicans and Democrats. Including Representative Wright, 6 of the 18 black members of the House were appointed to the Committee. See Attachment C-27H-3 for a list of Committee members.

March 20, 2001. The Speaker of the House and the President Pro Tempore of the Senate jointly authorized the Information Systems Division (ISD) of the Legislative Services Office of the General
Assembly to proceed with implementing a redistricting computer system and to institute procedures for its use. See the Senate Submission at Attachment S-27H-3. The computer system, named DistrictBuilder, included the installation of 26 staff and member terminals; the installation of 3 public terminals and the setting aside of work areas for members of the General Assembly, the public, and the press.

March 21, 2001. The General Assembly received the 2001 Census P.L. 94-171 tapes from the U.S. Department of Commerce. ISD began loading and cleaning the census data, adding political data, and updating the data in DistrictBuilder so that the information would be available for developing district plans. This process was completed on April 23, 2001. See the Senate Submission at Attachment S-27A-3 for a memorandum regarding the technical aspects.

March 21, 2001 and April 3, 2001. All of the redistricting committees of the Senate and House held joint informational meetings. The topics of discussion and presentations at these meetings included committee procedures, the technology and other resources available for redistricting, and the legal issues surrounding redistricting. A tentative schedule for joint House-Senate public hearings was also announced at those meetings. Transcripts of the meetings are in the Senate Submission at Attachments S-28F-6(e) and S-28F-6(f).

May 3 to May 17, 2001. The House and Senate redistricting committees jointly held a total of eight public hearings across the State. At each of the eight host sites additional cities were interactively connected with the host via teleconferencing technology, for a total of 26 sites. At each of the eight host sites, at least one of the Co-Chairs of the Senate or House redistricting committees attended and participated. At the public hearing held in Fayetteville, on May 10, 2001, Representative Wayne Goodwin (WD) offered a plan entitled "New 8th and 13th Plan B." Attachment C-27H-17. For a discussion of this plan, see Attachment C-27R-1. At the public hearing in Greenville, on May 12, 2001, Bill Cobey State Republican Party Chairman, offered a plan to redistrict the State, entitled "Cobey Congressional Plan." Attachment C-27H-18. For a discussion of this plan, see Attachment C-27R-2. For transcripts related to these public hearings, see the Senate Submission at Attachments S-28F-3(b) - (l). For copies of public notices, see the Senate Submission at Attachments S-28F-2(a)-(c).
May 23, 2001. The House Congressional Redistricting Committee held an organizational meeting. The Committee received an overview of the redistricting process and a review of the public hearings and the legal cases related to congressional redistricting. The Committee also heard a presentation on the availability of the DistrictBuilder system to members of the General Assembly, the press and the public. Transcripts of this meeting are in Attachment C-27F-6(a).

October 30, 2001. Representative Ed McMahan (WR), Co-Chair of the House Congressional Redistricting Committee, held a press conference to present a proposed congressional plan for consideration by the General Assembly. The plan was entitled "House Congressional Plan 13 (McMahan)". Attachment C-27H-4. For a discussion of this plan, see Attachment C-27R-3.

November 5, 2001. Representative McMahan introduced House Bill 1476, formally proposing the plan he presented the previous week. Simultaneously, Representative Thomas Wright (BD), Co-Chair of the House Congressional Redistricting Committee, introduced House Bill 1477, entitled House Congressional Plan (Wright). Attachment C-27H-5.

November 6, 2001. The House Congressional Redistricting Committee met to present the two bills introduced the previous day. The Co-Chairs indicated that no votes or amendments would be taken at the meeting. The Co-Chairs also reminded the members that a public hearing on the two plans had been scheduled for November 8, 2001, in Raleigh. In accordance with House Rule 29.1, the House Principal Clerk posted notice of the public hearing on November 2, 2001. In addition, notice was provided through various methods to others, as described in Attachment C-28F-2(a).

November 8, 2001. The public hearing was held as scheduled. Several residents of the western part of the State spoke in opposition to the changed configuration of District 11 in the plan proposed by Representative Wright. They urged the Committee to restore the district to its current shape. Representative Art Pope (WR) offered two partial plans that would create three black plurality districts, using the cores of current Districts 1 and 12 and by linking black populations in the new District 13. These plans were named "Cong 3 Black Dist and Cong 3 Black Plurality Dist" Attachment C-27H-19. For a discussion of these plans, see Attachment C-27R-4. A copy of the transcript of the hearing, together with the attendance sheets and materials submitted can be found in Attachments C-28F-3(a).
November 12, 2001. Representatives Wright and McMahan met to discuss proposed changes to the Wright plan. In response to the concerns raised at the public hearing, District 11 was changed to more closely resemble its current shape. This necessitated changes to Districts 8, 9, and 10, which changes did not affect minorities. Representative McMahan suggested that he would like to see further changes made to the Districts 8 and 9, so that all of Cabarrus, Stanley and Union counties could be included in District 8. However, these changes were not made at this time. The revised version of the Wright plan was named "Congressional Redistricting 2001 (Wright 2)". Attachment C-27H-6. The Co-Chairs agreed that the modified version of the Wright plan would be presented to the committee and that any amendments to that plan, which were offered by members of the committee, would be accepted, for discussion purposes.

November 13, 2001. The House Congressional Redistricting Committee met. Representative Art Pope (WR) offered a substitute plan (Congress 13 Pope) Attachment C-27H-7, which incorporated his three black plurality districts into a full state plan. For a discussion of this plan, see Attachment C-27R-5. The Co-Chairs indicated that no vote would be taken on the proposed amendment at that time. The Committee recessed until after the full House adjourned for the day. When the Committee reconvened, Representative Culpepper (WD) moved to adopt the Wright 2 plan for discussion. The motion failed by a vote of 21 to 19. For a copy of the meeting transcript and vote history, see Attachment C-28F-6(c).

November 14, 2001. The House Congressional Redistricting Committee met to consider a further revised version of the Wright plan, which included slight changes to District 11 in Rutherford County and some changes to Districts 8 and 9, which were designed to make the plan more acceptable to some Republican members and did not affect minorities. The new plan, "Congressional Redistricting 2001 (Wright 3)", Attachment C-27H-8, was presented to the committee. Three amendments were offered and voted on. The first amendment, ("Wright4McMahanAm1") was offered by Representative Monroe Buchanan (WR) on behalf of Representative McMahan, proposed further changes to Districts 8 and 9 and did not affect minorities. Attachment C-27H-9. This amendment was adopted by an affirmative voice vote. Representative Art Pope (WR) offered the second amendment entitled "PopeAmWright3v2." Attachment C-27H-10. It was a revised version of the amendment he presented
the previous day, which created a minority influence district in the District 13. The revision conformed the map as much as possible to the changes that were made to the Wright plan and made the new District 13 slightly more compact. The amendment failed by a vote of 23 to 17. For a discussion of this plan, see Attachment C-27-R-6. Representative Toby Fitch (BD) offered the final amendment. Attachment C-27H-11. This amendment also created a minority influence district in District 13. However, it did not reduce the black total population in the District 1 below fifty percent, as did Representative Pope’s amendment. This amendment also failed by a vote of 25 to 13. For a discussion of this plan, see Attachment C-27R-7. Finally, a motion to approve the plan as amended passed by a vote of 26 to 11. Three of the black members of the Committee, - Representatives Alma Adams, Toby Fitch and Mickey Michaux, - voted in favor of both the Pope and the Fitch amendments. The same three black members left the room before the vote to approve the plan was taken. The remaining three black members of the Committee voted in favor of the plan. For a copy of the meeting transcript and vote history, see Attachment C-28F-6(d).

November 14, 2001. The full House debated and voted on House Bill 1477, Congressional Redistricting 2001 (Wright 3A), Attachment C-27H-12, on second reading. No amendments were offered during this debate. Three members of the black caucus did not vote on the bill, - Representatives Toby Fitch, Howard Hunter, and Mickey Michaux. The remaining fifteen black members voted for the Wright 3A plan. For a copy of the transcript of the debate and the vote record, see Attachment C-28F-6(f).

November 15, 2001. House Bill 1477 was calendared for third reading. The full House again debated and voted on the bill. During the debate, Representative Toby Fitch offered the same amendment he had offered in the Committee. The amendment failed by a vote of 68 to 45. Three black members voted in favor of the amendment. House Bill 1477 then passed third reading by a vote of 69 to 44. Twelve black members voted for the plan. For a copy of the transcript and the vote record, see Attachment C-28F-6(f). House Bill 1477 was received by the Senate and referred to the Redistricting Committee.

November 19, 2001. The Senate Redistricting Committee met to hear an explanation of the bill by Representative McMahan. No vote was taken nor were amendments accepted. The transcript of this meeting is found at Attachment C-28F-6(e).
November 20, 2001. The Senate Redistricting Committee met. Co-Chair Senator Frank Ballance (BD) presented a new plan, named Ballance-Metcalf-Miller Congressional Plan. **Attachment C-27H-13.** This plan closely resembled the Wright 2 plan that was presented to the House committee on November 13, 2001. There were slight differences in Districts 2, 7, 8, 9, and 12. There also was a slight difference in the way Rutherford County was split between the Districts 10 and 11. No vote was taken on the plan. For a discussion of this plan, see **Attachment C-27R-10.** Senator Fletcher Hartsell, (WR) offered an entire state plan to amend HB 1477, named Odell 2. **Attachment C-27H-14.** This plan was developed by a group of school children in Senator Hartsell’s district. The plan focused almost exclusively on compactness and equal population. The plan did not consider the requirements of the Voting Rights Act or other traditional redistricting principles. Although a motion was made to adopt the plan, no vote was taken on the amendment. For a discussion of this plan, see **Attachment C-27R-9.** A copy of the transcript of the meeting is found at **Attachment C-28F-6(f).**

November 28, 2001. The Senate Redistricting Committee met to consider House Bill 1477. Three amendments were offered and voted on. First, Senator Hartsell again offered the Odell 2 plan, which he presented at the previous meeting. This amendment failed by a voice vote. Senator Kay Hagan (WD) offered the second amendment, named "NC Congressional Plan 1B." **Attachment C-27H-15.** This was an entire state plan which was developed primarily to avoid splitting Guilford County among three districts as was done in the Wright 3A plan. This amendment also failed by a voice vote. For a discussion of this plan, see **Attachment C-27R-8.** Senator Kenneth Moore (WR) offered the final amendment, which was titled "Wright3MooreAm." **Attachment C-27H-16.** This amendment proposed to change the way Rutherford County was divided between Districts 10 and 11. Rutherford County is not a Section 5 county and this amendment did not affect minorities. This amendment also failed by a voice vote. The committee then voted to give House Bill 1477 a favorable report. A copy of the transcript of the meeting is found at **Attachment C-28F-6(g).** The bill was sent to the Senate floor for immediate consideration. House Bill 1477 passed second reading in the Senate by a vote of 34 to 13. All black members of the Senate present voted for the bill. The bill passed third reading by a voice vote and was thereafter ratified by the President of the Senate and the Speaker of the House of Representatives. For a copy of the transcript of the Senate floor debate and vote record, see **Attachment C-28F-6(l).** The bill was chaptered as S.L. 2001-471.
The plan enacted on November 28, 2001, had a total range of deviation from population equality of minus 864 to positive 757, or 0.26%. The General Assembly had intended to generate a congressional plan with zero population deviation at the end of the redistricting process. When the Senate adopted the Wright 3A plan without any amendments, the zeroing out process was left undone. Some consideration was given to enacting Wright 3A and a zero deviation plan in the alternative, similar to what was done in 1997. In 1997, the General Assembly enacted two congressional plans stating that if a court invalidated the first plan on one person, one vote grounds, then the alternate zero deviation plan would automatically go into effect. In lieu of enacting the zero deviation plan as an alternative, a decision was made to repeal Wright 3A and enact only the zeroed out version. This was done via a separate bill, substituting the plan encompassing the technical changes to Wright 3A.

December 4, 2001. The Senate Redistricting Committee met to consider a Senate committee substitute for House Bill 32, (Congress ZeroDeviation). Attachment C-27A-1. Senator Brad Miller (WD) presented the bill to the committee and explained that it was based on the Wright 3A plan with the population inequalities between districts "zeroed" out by splitting several precincts. The plan made negligible changes to the Wright 3A plan, which was repealed by this bill. The Senate committee substitute also amended the plan to maintain the residence of District 3's incumbent congressman in District 3. House Bill 32 was given a favorable report and sent to the Senate floor for immediate consideration. For a copy of the transcript of the meeting, see Attachment C-28F-6(l). House Bill 32 passed second reading by a vote of 30 to 13, and third reading by voice vote in the Senate and was sent to the House of Representatives for concurrence. All black members of the Senate present voted for the bill. For a copy of the transcript of the Senate floor debate and the vote record, see Attachment C-28F-6(m). House Bill 32 was received by the House and placed on the calendar.

December 5, 2001. On the House floor, Representative McMahan presented House Bill 32, Congress ZeroDeviation, and moved that the House concur in the Senate changes to the bill. By a vote of 64 to 43, the House voted in favor of the motion to concur. Of the black members present, four voted against the motion to concur. Thirteen black members voted in favor of concurring and one black member had an excused absence. For a copy of the transcript and vote record, see Attachment C-28F-6(k). House bill 32 was then
ratified as S.L. 2001-479. This act repealed and superceded the plan enacted on November 28, 2001.

A copy of the Senate procedural rules that apply to all legislation is included in the Senate Submission at Attachment S-27H-17. A copy of the House procedural rules that apply to all legislation is also included in the Senate Submission at Attachment S-27H-18.
C-27N. **Effect of Adoption of Congress ZeroDeviation on Minority Voters.**

The effect of the adoption of Congress ZeroDeviation on North Carolina's minority voters is to maintain, in the face of changed demographics and changed federal law, the position of racial minorities with respect to their effective exercise of the electoral franchise and their opportunity to elect Congress members of their choice.

Congress ZeroDeviation, like the benchmark 1997 Congressional Plan, contains one district that is majority black in total population, District 1, and one district that has more than 40% but less than 50% black total population, District 12. Both districts have some § 5 territory: District 1 comprises predominantly § 5 counties, while District 12 comprises predominantly non-§ 5 counties. See **Attachment C-28B-2**. Both districts have black incumbents who have consistently been re-elected since their initial election in 1992, despite elections under three different congressional plans – the 1992 plan in the 1992, 1994, and 1996 elections, the 1998 plan in the 1998 elections, and the 1997 plan in the 2000 elections.

Comparing Districts 1 and 12 in the benchmark 1997 plan with the same districts in Congress ZeroDeviation, one finds the following:

- The shapes of both districts in Congress ZeroDeviation are basically the same as in the 1997 plan.\(^1\)

- In both districts, the black population percentage in Congress ZeroDeviation is marginally higher.\(^2\) According to the 2000 Census, the black percentage of total population of District 1 in the 1997 plan was 50.46%; in Congress ZeroDeviation it is 50.71%. For District 12, the black percentage in District 12 was 44.56%; in Congress Zero Deviation it is 45.02%.

**The New Legal Landscape After Shaw.**

The delicate act of balancing the different aspects of federal redistricting law is nowhere more evident than in the task that faced

---

\(^1\) See map at **Attachment C-27N-1**, which shows Districts 1 and 12 of Congress ZeroDeviation with the boundaries of Districts 1 and 12 of the 1997 benchmark plan superimposed on them. Note that both Districts 1 and 12 in the 1997 plan had population variances that needed to be corrected. District 1 was minus 5.06% underpopulated; District 12 was plus 7.69% overpopulated.

\(^2\) See chart at **Attachment C-27C-3**, which compares the 1997 districts with Congress ZeroDeviation according to population deviation and several barometers of black voting strength.
the North Carolina General Assembly in the 2001 congressional redistricting. Sections 2 and 5 of the Voting Rights Act, one person, one vote, and the Shaw doctrine were all necessary, and sometimes contradictory, considerations. Satisfying all those legal mandates limited the General Assembly's discretion in its consideration of race in the drawing of a congressional plan. With Congress ZeroDeviation, the General Assembly has attempted to satisfy all known legal requirements.

One reality that looms over the 2001 redistricting of North Carolina congressional seats is the doctrine established by Shaw v. Reno and its progeny. North Carolina congressional redistricting was the arena in which the doctrine first arose. The U.S. Supreme Court in 1993 first enunciated the Equal Protection principles commonly known as the Shaw doctrine in a lawsuit challenging North Carolina's Congressional District 12. North Carolina's § 5 benchmark congressional plan in North Carolina dates from 1997 rather than from the beginning of the decade because District 12 in North Carolina's 1992 congressional plan was held to be an unconstitutional racial gerrymander which did not satisfy the dictates of strict scrutiny and narrow tailoring.

The Shaw doctrine prohibits a State from using race as a predominant factor in the drawing of representative districts unless that use of race is narrowly tailored to achieve a compelling State interest.

**Shaw and District 12**

As drawn in 1992, Congressional District 12 strained to reach a black majority in total population, stretching from Gastonia in the west to Durham in the east, with much of its length following the Piedmont urban crescent along Interstate 85. That district did not appear in the initial congressional plan drawn by the North Carolina General Assembly in 1991. It was drawn in response to an objection interposed by the U.S. Department of Justice reviewing the plan under § 2 and § 5 policies which have since been invalidated by the U.S. Supreme Court.

District 12 as drawn in the 1997 plan was 44.56% black in total population (measured by the 2000 Census), and also was challenged as a racial gerrymander under Shaw principles. In 1998 two members of the three-judge panel in Cromartie v. Hunt ruled the district was unconstitutional on Shaw grounds and required the State to enact another plan, the 1998 plan, which was used for the 1998 congressional elections. In 2001, the U.S. Supreme Court
reversed that decision, holding that the plaintiffs had not carried their burden of proving that race, rather than partisan politics, was the predominant factor in drawing District 12.

It is indicative of the General Assembly's lack of discriminatory intent that, with that legal background, the outlines of District 12 in Congress Zero Deviation remain substantially as they were in the 1997 plan, and its black percentage was not reduced or dispersed.

The chart at Attachment C-27C-3 shows that the black percentages of total population, of voting age population, and of voter registration all increase slightly in District 12 from the 1992 plan to Congress Zero Deviation. Black percentage of Democratic voter registration and the votes from two black Democratic statewide nominees in 2000 drop almost imperceptibly and without political consequence. The black voting strength in District 12 in Congress Zero Deviation remains at least as great as in the 1997 plan.

The election data at Attachment C-28D-1 shows the black incumbent, Congress Member Melvin Watt, has consistently been re-elected since 1992. This was true even as his district expanded and contracted through the progress of the Shaw and Cromartie litigation.

**Shaw and District 1.**

District 1 in the North Carolina 1992 plan and in the 1997 benchmark plan was also challenged in the Shaw and Cromartie litigation. No ruling on the merits resulted in the Shaw litigation over the 1992 plan, because the plaintiffs lacked standing to challenge District 1. However, in the Cromartie litigation over the 1997 plan, the three-judge court found that District 1, while drawn with race as the predominant consideration, met strict scrutiny because it was narrowly tailored to meet the requirements of § 2 of the Voting Rights Act.

The chart at Attachment C-27-C-3 shows that according to all the barometers of black voting strength on the chart — percentage of total population, of voting age population, of all registered voters, of Democratic registered voters, and of victory for the two black statewide Democratic nominees in 2000 — the new District 1 has higher numbers than the old.

The data at Attachments C-28D-1 and --2 show the experience of the incumbent, Congress Member Eva Clayton, in the elections
since 1992. Of particular interest are the precinct returns at
Attachment C-28D-2, which shows her 66.67% victory over a well-
known white Democratic primary opponent in 1998. The map at
Attachment C-27N-1 shows the degree to which Congress
ZeroDeviation preserves the core of the prior District 1.

Justice Department's Recognition of New Legal Landscape.

Recognizing the decisions of the courts in the 1990s, the
Department of Justice has stated in its guidelines concerning
redistricting and retrogression (Federal Register, Vol. 66, No. 12,
January 18, 2001), "Preventing retrogression under Section 5 does
not . . . require jurisdictions to violate Shaw v. Reno and related
cases." Those guidelines also address the scope of § 5 review by
saying, "The decision in the Bossier Parish School Board case
addressed the scope of Section 5 review. . . . The Department of
Justice may not deny Section 5 preclearance on the grounds that a
redistricting plan . . . violates Section 2 of the Voting Rights Act."

New District 13

The growth in its population relative to other States entitled North
Carolina in 2001 to an additional thirteenth congressional seat. Although not required by the Voting Rights Act, the configuration of
District 13 as drawn in Congress ZeroDeviation, which resulted in a
27.07% black total population, provides enhanced opportunities for
black voting influence. This black population is higher than any
districts in the 1997 plan, except for Districts 1 and 12.

The new District 13 contains all or parts of five § 5 counties
(Caswell, Granville, Guilford, Person, and Rockingham). In the
District 13 portion of those counties there reside 288,398 people, or
46.58% of the district's population. Of those people, 84,311, or
29.23% are black. The following is an analysis of the effect on
those black residents with the creation of District 13:

- District 5 in the 1997 plan was 14.32% black in total
population; by comparison, District 13 is 27.07% black in
total population.

---

3 The 1998 primary was held under the one-time 1998 plan, but its District 1 was the same as the
District 1 in the benchmark 1997 plan.
4 The apportionment of a thirteenth representative to the State of North Carolina is currently being
challenged by the State of Utah.
• District 4 in the 1997 plan was 19.91% black in total population; by comparison, District 13 is 27.07% in black total population.

• District 2 in the 1997 plan was 26.94% black in total population; District 13 has a comparable black population of 27.07%.

• District 6 in the 1997 plan was 10.93% black in total population, which is much lower than the black population in District 13.

It should be noted that, although both Districts 1 and 12, as shown on the map at Attachment C-27N-1, follow closely in Congress ZeroDeviation the footprint of their predecessors in the 1997 plan, nonetheless it was necessary to make some changes to those districts. Both districts had population deviations that needed to be corrected. District 12 was overpopulated and needed to be reduced by 47,622 people. The black incumbent, Congress Member Melvin Watt, is from Charlotte so that naturally his district is anchored in Mecklenburg County. This was a factor in the reassignment of some of the precincts in Guilford County from District 12 to District 13. Because the core of District 1 has always been in eastern North Carolina, it was logical to move District 1 out of the Piedmont counties of Person and Granville and pick up its needed population from counties in northeastern North Carolina, the heart of District 1.

The State as a Whole

The 2001 plan in its totality is indicative of the General Assembly's lack of discriminatory intent with regard to minority voters. The 1997 plan contained five districts with black populations of more than 20%. Each of these: five districts (Districts 1, 2, 7, 8, and 12) has a higher black percentage in Congress ZeroDeviation. At the same time, Congress ZeroDeviation adds a new district that is more than 20% black (District 13), and results in an increase in the black percentage of District 4 from below 20% to above 20%. Thus, Congress ZeroDeviation has seven districts with more than 20% black population, and in none of those districts was the black population reduced. The only districts where the black population percentages dropped were Districts 3, 5, 6, 9, and 11, which had black populations of less than 20% to begin with.

The maps at Attachment C-27C-2 show the districts in both the 1997 plan and Congress ZeroDeviation with the § 5 counties highlighted. The chart at Attachment C-27C-3 shows a comparison
of the 1997 plan and Congress ZeroDeviation using several barometers of black voting strength. That chart also shows population deviations.

This analysis shows that Congress ZeroDeviation does not, by any measure, lead to a retrogression in the position of racial minorities in North Carolina with respect their effective exercise of the electoral franchise.
C-27R. Other Information – Discussion of Alternative Plans.

As discussed in C-27N above, the Congress ZeroDeviation Plan navigates the treacherous path between the competing interests of the Voting Rights Act and the Equal Protection Clause as interpreted by Shaw and its progeny. After 10 years of litigation, North Carolina’s 2001 plan essentially maintains, with minimal changes mostly due to demographic shifts, what have been the most controversial districts, Districts 1 and 12.

Each of the alternative plans that were proposed was deficient in one way or another. Each of the alternatives is discussed below. Overall, Congress ZeroDeviation is equal or superior to any of the alternatives in maintaining the position of racial minorities with respect to their effective exercise of the electoral franchise and their opportunity to elect Congressional members of their choice.

1. C-27R-1. New 8th and 13th Plan B
2. C-27R-2. Cobey Congressional Plan
3. C-27R-3. House Congressional Plan 13 (McMahan)
5. C-27R-5. Pope Congress 13
6. C-27R-6. PopeAmWright3v2
7. C-27R-7. CongRedistrictingFitchAm1
8. C-27R-8. NC Congressional Plan B
**C-27R-1 ALTERNATIVE PLANS**

<table>
<thead>
<tr>
<th>Map Name:</th>
<th>New 8th and 13th Plan B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Name:</td>
<td>N/A</td>
</tr>
<tr>
<td>Computer Name:</td>
<td>New 8th and 13th Plan B</td>
</tr>
<tr>
<td>Location of Map/Statistics in this Submission:</td>
<td>Attachment C-27H-17</td>
</tr>
<tr>
<td>Author:</td>
<td>Rep. Wayne Goodwin (WD)</td>
</tr>
<tr>
<td>When and Where Proposed:</td>
<td>May 10, 2001</td>
</tr>
<tr>
<td></td>
<td>Fayetteville Public Hearing</td>
</tr>
<tr>
<td>Geographic Area(s) Involved:</td>
<td>District 8: Stanley, Montgomery, Anson (§ 5), Richmond, Scotland (§ 5), Hoke (§ 5), Lee (§ 5), parts of Union (§ 5), Moore, Cumberland (§ 5) and Robeson (§ 5). District 13: Cabarrus, parts of Union (§5), Mecklenburg, Rowan, Davidson, Randolph and Guilford (§5).</td>
</tr>
<tr>
<td>Explanation:</td>
<td>Representative Goodwin offered this proposal at a joint public hearing, prior to the beginning of the legislative redistricting process. At that time, he urged the creation of a separate Republican District 13, which would include the home county of incumbent Republican Congressman Robin Hayes. He also proposed the creation of a new District 8, using the core of the current District 8 that would be an open seat. Although, Rep. Goodwin was a member of the House Congressional Redistricting Committee, he did not offer this proposal as an amendment to HB 1477 when the bill was before the committee or at any other time during the congressional redistricting process.</td>
</tr>
<tr>
<td>Black Legislators Who Supported:</td>
<td>N/A</td>
</tr>
<tr>
<td>Analysis:</td>
<td>Inasmuch as this proposal was never offered in a legislative format it was not discussed. The House leadership, through the Democratic Co-Chair, Rep. Thomas Wright, indicated an interest in creating a Democratic majority in the delegation, without regard to considerations of race. However, this proposal makes District 13 clearly Republican, while making District 8 only</td>
</tr>
<tr>
<td>slightly more Democratic. This configuration was projected to result in an 8 to 5 Republican delegation. By contrast, the Congress ZeroDeviation plan creates a clearly Democratic District 13 and Democratic leaning District 8. This proposal would not have improved the voting interests of black voters. The new District 13 in Representative Goodwin's proposal would have had a total black population of only 12.73%. Whereas, District 13 in the enacted Congress ZeroDeviation plan has a total black population of 27.07%. Although District 8 in this proposal contains a slightly higher total black population than in the Congress ZeroDeviation plan, (29.58% versus 26.91%), this marginal difference would not result in enhanced opportunities for minority voters. In fact, this proposal is similar to District 8 in the 1997 plan, which had a total black population of 27.73%.</td>
<td></td>
</tr>
</tbody>
</table>
### C-27R-2 ALTERNATIVE PLANS

<table>
<thead>
<tr>
<th>Map Name:</th>
<th>Cobey Congressional Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Name:</td>
<td>N/A</td>
</tr>
<tr>
<td>Computer Name:</td>
<td>CobeyCongressionalPlan</td>
</tr>
<tr>
<td>Location of Map/Statistics in this Submission:</td>
<td>Attachment C-27H-18</td>
</tr>
<tr>
<td>Author:</td>
<td>Bill Cobey, Chairman, State Republican Party</td>
</tr>
<tr>
<td>When and Where Proposed:</td>
<td>May 12, 2001</td>
</tr>
<tr>
<td></td>
<td>Public Hearing, Greenville, NC</td>
</tr>
<tr>
<td>Geographic Area(s) Involved:</td>
<td>Entire State</td>
</tr>
</tbody>
</table>
| Explanation:           | At the public hearing held in Wilmington, NC, on May 11, 2001, former State Senator Henry McKoy (BR), presented District 7 from this plan. He stated that the district would have a 48.27% non-Hispanic white population and by combining the black, native American, and Hispanic populations, the district would have a minority population of greater than 50%.
|                        | At the public hearing in Greenville, NC, on May 12, 2001, Bill Cobey presented the entire state plan, which included District 7 proposed by Henry McKoy. He stated that the plan preserved the core districts of the 1997 plan and created a politically competitive District 13. He also urged the consideration a multi-racial, multi-ethnic "minority" district in the southeastern section of the state (District 7). |
| Black Legislators Who Supported: | N/A                      |
| Analysis:              | This plan was never offered in a legislative format. Contrary to the assertions made at the public hearings, this plan does not create a new minority district. The total black population of District 7 under this proposal is 33.99%. The Native American population is 9.87% and the total white population is 50.30%. The plan proponents apparently combined blacks, native Americans, and non-white Hispanics to reach a minority population in excess of 50%. However, no evidence of voting cohesion among these groups |
was presented or is known to exist.
In addition, this plan does not improve the opportunities for minorities to exercise their voting rights. Districts 1 and 12 in this plan are comparable to the same districts in the enacted plan. Further, District 13 in the Congress ZeroDeviation plan has a total black population of 27.07%, whereas, the District 13 in this plan has a total black population of only 13.68%.
<table>
<thead>
<tr>
<th><strong>Map Name:</strong></th>
<th>House Congressional Plan 13 (McMahan)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legislative Name:</strong></td>
<td>House Bill 1476</td>
</tr>
<tr>
<td><strong>Computer Name:</strong></td>
<td>House Congress 13</td>
</tr>
<tr>
<td><strong>Location of Map/Statistics in this Submission:</strong></td>
<td>Attachment C-27H-4</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Representative Ed McMahan (WR)</td>
</tr>
<tr>
<td><strong>When and Where Proposed:</strong></td>
<td>November 5, 2001, introduced on the House floor.</td>
</tr>
<tr>
<td><strong>Geographic Area(s) Involved:</strong></td>
<td>Entire State</td>
</tr>
</tbody>
</table>

**Explanation:**
Representative McMahan developed this plan as the Republican congressional proposal. The plan maintains much of the western part of the State, including Districts 5, 6, 9, 10, 11, and 12, from the plan proposed by the Republican Party Chairman (Cobey Congressional Plan); See, discussion in C-27R-2. Districts 1 and 3 essentially were taken from the 1997 plan. District 13 included much of Wake County, all of Chatham and Lee Counties, part of Harnett County and the northern part of Cumberland County. The goal was to make District 13 Democratic leaning, and to make Districts 2 and 8 more competitive politically.

Representative McMahan introduced a bill to create the plan and presented it before the House Congressional Redistricting Committee, on November 6, 2001.

**Black Legislators Who Supported:**
N/A

**Analysis:**
This plan was never voted on in the House.

Representatives McMahan and Wright agreed that Representative Wright's plan would be the one used in committee as a basis for developing a plan.

Representative McMahan used data from this plan to negotiate changes in Districts 8 and 9.

The House leadership did not consider the configurations of Districts 2 and 13 contained in this plan for partisan reasons.

District 1 in this plan has a total black population.
of only 49.51%. The total black population in the Congress ZeroDeviation plan is 50.71%.
Inasmuch as this is the only minority district in the State, it covers an area comprised of primarily Section 5 counties, and has received approval by the federal courts in *Cromartie*, maintaining the black total population above fifty percent was a major consideration.

District 12 in the McMahan plan has a total black population of 47.66%, which is slightly higher than the 45.02% black population in the Congress ZeroDeviation plan. However, neither Section 2 nor Section 5 requires increasing the black percentage, and the enacted plan maintains the position of racial minorities in District 12 with respect to their effective exercise of the electoral franchise.
## C-27R-4 ALTERNATIVE PLANS

| Map Name:                      | Cong 3 Black Dist Alt (Version 1)  
<table>
<thead>
<tr>
<th></th>
<th>Cong 3 Black Plurality Dist (Version 2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Name:</td>
<td>N/A</td>
</tr>
<tr>
<td>Computer Name:</td>
<td>Cong 3 Black Dist Alt</td>
</tr>
<tr>
<td></td>
<td>Cong 3 Black Plurality Dist</td>
</tr>
<tr>
<td>Location of Map/Statistics in</td>
<td>Attachment C-27H-19</td>
</tr>
<tr>
<td>this Submission:</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Representative Art Pope (WR)</td>
</tr>
<tr>
<td>When and Where Proposed:</td>
<td>November 8, 2001</td>
</tr>
<tr>
<td></td>
<td>House Congressional Redistricting</td>
</tr>
<tr>
<td></td>
<td>Committee Public Hearing</td>
</tr>
<tr>
<td>Geographic Area(s) involved:</td>
<td>Version 1</td>
</tr>
<tr>
<td>District 1:</td>
<td></td>
</tr>
<tr>
<td>§ 5 counties:</td>
<td>Halifax, Northampton, Hertford, Gates,</td>
</tr>
<tr>
<td></td>
<td>Pasquotank, Perquimans, Chowan,</td>
</tr>
<tr>
<td></td>
<td>Bertie, Martin, Edgecombe, Greene, and</td>
</tr>
<tr>
<td></td>
<td>parts of Beaufort, Craven, Wayne,</td>
</tr>
<tr>
<td></td>
<td>Lenoir, Pitt, Wilson, and Nash.</td>
</tr>
<tr>
<td>Non-§ 5 counties:</td>
<td>Tyrrell and parts of Hyde, Jones, and</td>
</tr>
<tr>
<td></td>
<td>Pamlico.</td>
</tr>
<tr>
<td>District 12:</td>
<td>§ 5 county: Part of Guilford.</td>
</tr>
<tr>
<td>Non-§ 5 counties:</td>
<td>Parts of Mecklenburg,</td>
</tr>
<tr>
<td></td>
<td>Cabarrus, Rowan, Davidson, and Forsyth</td>
</tr>
<tr>
<td>District 13:</td>
<td>§ 5 counties: Vance and parts of Caswell,</td>
</tr>
<tr>
<td></td>
<td>Person, Granville, Franklin, Nash,</td>
</tr>
<tr>
<td></td>
<td>Harnett, and Cumberland.</td>
</tr>
<tr>
<td>Non-§ 5 counties:</td>
<td>Warren and parts of Alamance, Durham,</td>
</tr>
<tr>
<td></td>
<td>and Wake.</td>
</tr>
<tr>
<td>Version 2</td>
<td></td>
</tr>
<tr>
<td>District 1:</td>
<td></td>
</tr>
<tr>
<td>§ 5 counties:</td>
<td>Halifax, Northampton, Hertford,</td>
</tr>
<tr>
<td></td>
<td>Gates, Pasquotank, Perquimans, Chowan,</td>
</tr>
<tr>
<td></td>
<td>Bertie, Martin, Edgecombe, Greene, and</td>
</tr>
<tr>
<td></td>
<td>parts of Beaufort, Craven, Wayne,</td>
</tr>
<tr>
<td></td>
<td>Lenoir, Pitt, Wilson, and Nash.</td>
</tr>
<tr>
<td>C-27R-4 ALTERNATIVE PLANS</td>
<td></td>
</tr>
<tr>
<td>---------------------------</td>
<td></td>
</tr>
<tr>
<td>Wilson, Vance, and Granville.</td>
<td></td>
</tr>
<tr>
<td>Non-§ 5 counties: Tyrrell, Warren, and parts of Hyde, Jones, and Pamlico.</td>
<td></td>
</tr>
</tbody>
</table>

**District 12:**

§ 5 county: Part of Guilford.

Non-§ 5 counties: Parts of Cabarrus, Davidson, Forsyth, Mecklenburg, and Rowan.

**District 13:**

§ 5 counties: Parts of Caswell, Person, Granville, Vance, Franklin, Nash, Wilson, Harnett, and Cumberland.

Non-§ 5 counties: Parts of Alamance, Durham, and Wake.

**Explanation:**

At the November 8, 2001, public hearing, Representative Pope offered two slightly different versions of a plan to create three minority influence districts. In both versions, District 1 includes the core of the current District 1, but in both cases the total black population is reduced below 50%. In both versions, District 12 is virtually identical to the current District 12. In both versions, District 13 runs through several central eastern North Carolina counties linking together areas of black population.

In Version 1, District 1 has a total black population of 49.29%, District 12 has a black population of 44.91% and District 13 has a total black population of 47.39%.

In Version 2, District 1 has a total black population of 49.45%, District 12 has a black population of 44.91% and District 13 has a total black population of 47.24%.

**Black Legislators Who Supported:**

N/A

**Analysis:**

In both of these plans the total black population in District 1 is reduced below 50%, albeit only slightly. This would leave the State with no majority-minority district. In view of the fact that District 1 comprises primarily § 5 counties and has been approved by the federal court in *Cromartie*, maintaining the black population at the
same level as the 1997 plan was a major consideration. Similar to the 1997 plan, there remains a politically cohesive and reasonably compact black community in this area where the district can still be drawn.

In both cases the total black population in District 13 is slightly more than 47%. This is obviously higher than the 27.02% total black population in the enacted 2001 plan. However, neither § 2 nor § 5 requires that this new district be drawn to maximize the black percentage.

More importantly, each of these plans creates a District 13 that strains to reach black populations to increase the minority percentage, raising serious questions under Shaw.
### C-27R-5 ALTERNATIVE PLANS

<table>
<thead>
<tr>
<th>Map Name:</th>
<th>Congress 13 Pope</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Name:</td>
<td>H1477-CSST-76 [v.2]</td>
</tr>
<tr>
<td>Computer Name:</td>
<td>Congress 13 Pope</td>
</tr>
<tr>
<td>Location of Map/Statistics in this Submission:</td>
<td>Attachment C-27H-7</td>
</tr>
<tr>
<td>Author:</td>
<td>Representative Art Pope (WR)</td>
</tr>
<tr>
<td>When and Where Proposed:</td>
<td>November 13, 2001</td>
</tr>
<tr>
<td></td>
<td>House Congressional Redistricting Committee</td>
</tr>
<tr>
<td>Geographic Area(s) Involved:</td>
<td>Entire State</td>
</tr>
<tr>
<td>Explanation:</td>
<td>Representative Pope offered this amendment as a full State plan which incorporated Version 1 (Cong 3 Black Dist Alt) to create three minority influence districts, which had previously been proposed at the public hearing. See Attachment C-27R-4. In this plan, just as in Version 1, District 1 has a total black population of 49.29%, District 12 has a black population of 44.91% and District 13 has a total black population of 47.39%.</td>
</tr>
<tr>
<td>Black Legislators Who Supported:</td>
<td>N/A</td>
</tr>
<tr>
<td>Analysis:</td>
<td>This plan was presented but never voted on by the House Congressional Redistricting Committee. District 1 in the Congress 13 Pope plan has a total black population of only 49.29%. District 1 in the Congress ZeroDeviation plan has a total black population of 50.71%. Maintaining the total black population in District 1 at the same level as the 1997 plan was a major consideration, inasmuch as it is the only majority-minority district in the State, comprises primarily § 5 counties, and was approved by the federal court in <em>Cromartie</em>. District 12 in the Congress 13 Pope plan is very similar to the same district in the Congress ZeroDeviation plan. The total black population in District 12 in the Pope plan is 44.91%. The total black population in the enacted plan is 45.02%.</td>
</tr>
</tbody>
</table>
District 13 in the Congress 13 Pope plan has a total black population of 47.39%, which is higher than the 27.07% total black population in the enacted plan. However, neither § 2 nor § 5 of the Voting Rights Act requires that this new district be drawn so as to maximize the black population percentage. In addition, on its face, District 13 in the Pope plan strains to reach black populations in order to increase the minority percentage, raising serious questions under Shaw.

Finally, since this plan as a whole would likely have resulted in a reversal of the partisan balance of the congressional delegation, the decision to go in a different direction than this Republican plan was grounded in partisan politics, not an intent to discriminate.
<table>
<thead>
<tr>
<th>Map Name:</th>
<th>PopeAmWright3V2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Name:</td>
<td>H1477-AST-90 [v.1]</td>
</tr>
<tr>
<td>Computer Name:</td>
<td>PopeAmWright3V2</td>
</tr>
<tr>
<td>Location of Map/Statistics in this Submission:</td>
<td>Attachment C-27H-10</td>
</tr>
<tr>
<td>Author:</td>
<td>Representative Art Pope (WR)</td>
</tr>
<tr>
<td>When and Where Proposed:</td>
<td>November 14, 2001</td>
</tr>
<tr>
<td></td>
<td>House Congressional Redistricting Committee</td>
</tr>
<tr>
<td>Geographic Area(s) Involved:</td>
<td>Entire State</td>
</tr>
</tbody>
</table>
| Explanation:           | Representative Pope offered this amendment as a further revision of the Congress 13 Pope plan, which he had presented at the previous meeting of the committee. See Attachment C-27R-5. In this plan, Representative Pope attempted to conform districts other than the minority influence districts, which he had created in the Congress 13 Pope plan (Districts 1, 12 and 13) to the Wright 3 plan. See Attachment C-27H-8. Like the Congress 13 Pope plan, this plan creates three minority influence districts. District 1 in this plan has a total black population of 49.21%. District 12 has a total black population of 45.02%, and District 13 has a black population of 42.38%.

| Black Legislators Who Supported: | Representatives Alma Adams (BD), Toby Fitch (BD) and Mickey Michaux (BD) |
| Analysis:                       | This amendment failed in committee by a vote of 23 to 17. Although three black members of the committee voted in favor of the amendment, three others – Co-Chair Wright (BD) as well as Representatives Boyd-McIntyre (BD) and Cunningham (BD) – voted against it. This plan is a revision of the Congress 13 Pope plan and has the same shortcomings found in that plan. See Attachment C-27R-5. The total black population in District 1 is reduced below 50%, eliminating the only majority-minority district in the State, and District 12 in this plan was changed to match exactly the District 12 in the |
### C-27R-6 ALTERNATIVE PLANS

<table>
<thead>
<tr>
<th>Wright plan. District 13 in this version of the Pope plan has been changed from the previous version so that it no longer trails down through several counties to reach black populations in Fayetteville. However, the district was drawn with the expressed purpose of maximizing the minority percentage in order to create a minority influence district. Again, neither § 2 nor § 5 require that the new district be drawn for this purpose. District 13 as revised in this plan continues to raise serious questions under <em>Shaw</em>.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Map Name:</th>
<th>CongRedistrictingFitchAm1A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Name:</td>
<td>H1477-ARO-49 [v.1]</td>
</tr>
<tr>
<td>Computer Name:</td>
<td>CongRedistrictingFitchAm1A</td>
</tr>
<tr>
<td>Location of Map/Statistics in this Submission:</td>
<td>Attachment C-27H-11</td>
</tr>
<tr>
<td>Author:</td>
<td>Representative Toby Fitch (BD)</td>
</tr>
<tr>
<td>Geographic Area(s) Involved:</td>
<td>Entire State</td>
</tr>
<tr>
<td>Explanation:</td>
<td>Representative Fitch stated that he initially endeavored to create a plan in which 8 Democrats and 5 Republicans would be elected to Congress, but respecting the partisan compromises made in connection with Districts 11 and 8 reduced his plan to a 7 to 6 Democratic performing plan. In the process of developing his plan, Representative Fitch indicated that he found it was possible to create a minority influence district in District 13. District 13, in the Fitch plan, spreads from Greensboro to Wilson along the northern border of the State with fingers into the counties of Alamance, Durham, and Wake. The total black population in his District 13 is 40.02%.</td>
</tr>
<tr>
<td>Black Legislators Who Supported:</td>
<td>Representatives Adams (BD), Fitch (BD), Michaux (BD), Hunter (BD), McAllister (BD), Womble (BD).</td>
</tr>
<tr>
<td>Analysis:</td>
<td>In Committee, the plan failed by a vote of 25 to 13. Representatives Adams, Fitch and Michaux voted to adopt the amendment. Three other black members – Co-Chair Wright and Representatives Boyd-McIntyre and Cunningham – voted against it. On the House floor, the amendment failed by a vote of 68 to 45. Six black legislators voted in favor of the amendment on the House floor, including the three who voted for it in Committee. Eleven black members, however, voted on the House floor against the amendment. District 1 in this plan is comparable to the same</td>
</tr>
</tbody>
</table>
district in the Congress ZeroDeviation plan. Both plans draw the district using the core of the current District 1 and maintain the total black population at above 50%. The total black population in District 1 in the Fitch plan is 50.08%. The total black population in the Congress ZeroDeviation plan is 50.71%. Thus, the Fitch plan does not improve the position of racial minorities in District 1 with respect to their effective exercise of the electoral franchise. Similarly, District 12 in the Fitch plan is almost identical to District 12 in the enacted plan.

The Fitch plan creates a new District 13 with a total black population of 40.02%. While this is a higher percentage than the 27.02% total black population in the Congress ZeroDeviation plan, neither § 2 nor § 5 of the Voting Rights Act requires that this district be drawn to maximize the black percentage.

More importantly, the configuration of District 13 in the enacted 2001 plan is more compact and does not give rise to the type of Shaw concern that a district stretching from Guilford County to Wilson County would.

Finally, the House leadership's concerns that this plan would weaken the partisan balance in Democratic Districts 2 and 4 were grounded in partisan politics, not an intent to discriminate.
### C-27R-8 ALTERNATIVE PLANS

<table>
<thead>
<tr>
<th>Map Name:</th>
<th>North Carolina Congressional Plan B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Name:</td>
<td>N/A</td>
</tr>
<tr>
<td>Computer Name:</td>
<td>NCCongressionalPlanB</td>
</tr>
<tr>
<td>Location of Map/Statistics In this Submission:</td>
<td>Attachment C-27H-15</td>
</tr>
<tr>
<td>Author:</td>
<td>Senator Kay Hagan (WD)</td>
</tr>
<tr>
<td>When and Where Proposed:</td>
<td>November 28, 2001</td>
</tr>
<tr>
<td></td>
<td>Senate Redistricting Committee</td>
</tr>
<tr>
<td>Geographic Area(s) Involved:</td>
<td>Entire State</td>
</tr>
<tr>
<td>Explanation:</td>
<td>Senator Hagan offered this amendment on behalf of constituents in Guilford County who objected to the county being divided among three districts. The primary purpose of this amendment was to remove District 13 from Guilford County. Accomplishing this required making changes to several other districts throughout the State in order to maintain population equality. The amendment failed by a voice vote.</td>
</tr>
<tr>
<td>Black Legislators Who Supported:</td>
<td>N/A</td>
</tr>
<tr>
<td>Analysis:</td>
<td>This plan does not improve the voting interests of minorities. Districts 1 and 12 are almost identical to the same districts in the Congress ZeroDeviation plan. District 13 is configured very differently from the enacted plan, but the total black population is not appreciably better. The total black population in District 13 in the Hagan plan is 28.27%. While in the Congress ZeroDeviation plan it is 27.07%. In addition, the Hagan plan makes considerable changes to District 8. In the Hagan plan District 8 has a total black population of 13.25%, and the Congress ZeroDeviation plan has a total black population of 26.91% in District 8. This plan would have little or no effect on minorities; its impact would be to reverse the partisan natures of Districts 8 and 9.</td>
</tr>
<tr>
<td>Map Name:</td>
<td>Congressional 2001 Odell2</td>
</tr>
<tr>
<td>----------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Legislative Name:</td>
<td>H1477-CSST-77 [v.1]</td>
</tr>
<tr>
<td>Computer Name:</td>
<td>Odell2</td>
</tr>
<tr>
<td>Location of Map/Statistics in this Submission:</td>
<td>Attachment C-27H-14</td>
</tr>
<tr>
<td>Author:</td>
<td>Senator Fletcher Hartsell (WR)</td>
</tr>
<tr>
<td>Geographic Area(s) Involved:</td>
<td>Entire State</td>
</tr>
<tr>
<td>Explanation:</td>
<td>The plan was developed by a group of school children in Senator Hartsell's district as a mathematics problem.</td>
</tr>
<tr>
<td>Black Legislators Who Supported:</td>
<td>N/A</td>
</tr>
<tr>
<td>Analysis:</td>
<td>This plan was done by an 8 year old, a 10 year old, and a 12 year old, as a math problem. The criteria were to divide the State into 13 equally populated districts and use counties to compute the shortest distances between district boundaries. The plan does not consider traditional redistricting principles, other than compactness, and lacks any necessary consideration of the Voting Rights Act.</td>
</tr>
<tr>
<td>Map Name:</td>
<td>Ballance-Metcalf-Miller Congressional Plan</td>
</tr>
<tr>
<td>-----------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td>Legislative Name:</td>
<td>BallanceMetcalfMiller Cong</td>
</tr>
<tr>
<td>Computer Name:</td>
<td>BallanceMetcalfMiller Cong</td>
</tr>
<tr>
<td>Location of Map/Statistics in this Submission:</td>
<td>Attachment C-27H-13</td>
</tr>
<tr>
<td>Author:</td>
<td>Senator Frank Ballance (BD)</td>
</tr>
<tr>
<td>Geographic Area(s) Involved:</td>
<td>Entire State</td>
</tr>
<tr>
<td>Explanation:</td>
<td>This plan was presented in the Senate as a possible alternative to the Wright 3A plan, which had been passed by the House.</td>
</tr>
<tr>
<td>Black Legislators Who Supported:</td>
<td>N/A</td>
</tr>
<tr>
<td>Analysis:</td>
<td>This plan was never voted on in the Senate. This plan is very similar to the Wright 2 plan that was presented in the House on November 13, 2001, with minor changes in several districts. The changes were designed to enhance Democratic performance. Some Senate Democrats wanted to undo the compromises that had been made in the House in drawing the plan. Ultimately, the Senate decided that at this late date it did not want to reopen debate in the House over the plan by making any amendments. The biggest difference between this plan and Congress ZeroDeviation is that this plan splits Cabarrus, Stanley and Union counties between Districts 8 and 9. The enacted plan only splits Union county and includes less of it in District 9. This was the compromise that allowed the House leadership to gain sufficient votes to enact the plan. The result is that District 8 is politically more competitive. Although Union is a covered county, the changes were clearly motivated by politics and the effect on minority voting strength is not of any consequence. The total black population in</td>
</tr>
<tr>
<td>District 8 under this plan is 31.25%. While, the total black population in District 8 in the Congress ZeroDeviation plan is 26.91%.</td>
<td></td>
</tr>
</tbody>
</table>
Authority and Process for House Redistricting.

The authority for the North Carolina General Assembly to redistrict House election districts after the decennial census is contained in Article II, § 5 of the North Carolina Constitution. **Attachment H-27H-1.** Note: Paragraph (3) of Article II, § 5, the provision prohibiting the splitting of counties, was not followed, as it had been the subject of an objection pursuant to § 5 of the Voting Rights Act and without preclearance is deemed ineffective.

The process for House Redistricting began in January 2001 when the Speaker of the House of Representatives, Representative Jim Black (WD), appointed the House Legislative Redistricting Committee and named its two Co-Chairs, Representative Larry Justus (WR) and Representative Ronnie Sutton (Native American D). The Speaker also appointed four sets of bipartisan regional vice chairs: Western – Representatives Andy Dedmon (WD) and Wilma Sherrill (WR); Western Piedmont – Representatives Beverly Earle (BD) and Jim Gulley (WR); Eastern Piedmont – Representatives Joe Hackney (WD) and Richard Morgan (WR); and Eastern – Representatives Phil Baddour (WD) and Danny McComas (Hispanic WR). The Speaker also appointed a ninth vice-chair, Representative Pete Cunningham (BD). Four additional black Democrat representatives were appointed to the Committee (Representatives Dan Blue, Donald Bonner, Warren Oldham, and William Wainwright). There was a total of six black members on the 42-member Committee. See **Attachment H-27H-2** for a list of the Committee members. Note that the House also had a Congressional Redistricting Committee and it had a total of six black members (Representative Cunningham (BD) was the only black Representative on both committees). There are 18 black members in the House.

On March 20, 2001, the Speaker of the House and the President Pro Tempore of the Senate jointly signed authorization for the Information Systems Division of the Legislative Services Office to proceed with a plan for the redistricting computer system that included the installation of 35 to 40 terminals, general work areas for Members of the General Assembly, the public, and the press, and policies for ISD personnel with regard to redistricting. See the Senate Submission at **Attachment S-27H-3.** Compared to the 1991 redistricting cycle, accessibility to the redistricting computer system was increased significantly: In 1991, legislators, staff, and the public shared seven terminals.

The Legislative Services Office provided training and assistance in the use of the system (called "DistrictBuilder"). Scheduling was available on the General Assembly's Internet website at the following address. [http://info.ncleg.net/scripts/Redistricting/RoomSchedules/ViewSchedule.pl](http://info.ncleg.net/scripts/Redistricting/RoomSchedules/ViewSchedule.pl)

On March 21, 2001, the General Assembly received the 2001 Census P.L. 94-171 tapes from the U.S. Department of Commerce and began the process of
loading and cleaning the census data, adding political data, and making the DistrictBuilder software system available for redistricting. This process was completed on April 23, 2001. See the Senate Submission at Attachment S-27A-3 for a memorandum regarding the technical aspects of the process described in this paragraph.

Thereafter, the process of devising districts began. The Committee Co-Chairs, in consultation with interested Representatives and members of the public, began drawing a statewide plan of redistricting. Members created various plans and amendments as did members of the public.

On March 21 and April 3, all the redistricting committees of the Senate and House held informational meetings regarding the procedure, the technology, and the legal issues that would be involved in establishing the Senate, House, and Congressional redistricting plans. A tentative schedule for joint House-Senate public hearings was also announced at those meetings. See minutes of those meetings in the Senate Submission at Attachments S-28F-6(a) and (b).

Between May 3 and May 12, the House and Senate redistricting committees held joint public hearings in eight cities across the State. In addition, each hearing site was connected by video-conference with two or three other sites, so that 18 additional cities were interactively linked to a live public hearing. In total, citizens could participate in public hearings in 26 cities or towns in North Carolina. The locations were selected because they were geographically dispersed. One of the Co-Chairs of the Senate or House redistricting committees was at each of the eight central hearings, and Committee members were encouraged to attend the hearing at the site nearest their home district. For documents related to these public hearings, see the Senate Submission at Attachments S-28F-2 and S-28F-3.

The General Assembly’s website (www.ncleg.net) provided public access to the redistricting process through e-mail.

In all phases of the initial House Redistricting plan development, Representative Sutton involved all Democratic House members in the process. He arranged for each Regional Chair to meet individually with each incumbent to discuss their present and proposed/desired districts. Additionally, many suggestions from Republican members were accepted and included in the Sutton plan.

In addition, Representative Sutton met with all minority members and/or members serving in majority-minority districts or districts with a 40%-50% minority population to discuss their present and proposed districts. Each member was also asked to provide details about their current district not reflected by raw empirical data and such details were considered when creating the new district. For example, if a member wanted to include a precinct in which their church or business was located, an effort was made to meet such requests.
On September 25, 2001, the Co-Chairs of the Legislative Redistricting Committee authorized the release of their House redistricting plans. Each Co-Chair had his own plan and the two plans were placed on the desks' of the members of the House of Representatives prior to session on the 25th. The plans were named Sutton House Plan 1 and Justus SGMM1. See Attachment H-27H-3(a) and Attachment H-27H-3(b) for copies of the maps and statistical packages for both plans. The Co-Chairs stated on the floor during session that they would be accepting suggestions for changes to their maps for the next few days. The Co-Chairs also gave notice of a Committee meeting and a public hearing in Raleigh for October 3, 2001. The Committee meeting was later cancelled but the public hearing was held as planned. The public hearing was held only on Sutton House Plan 1, although Representatives and members of the public were welcome to present other plans at the hearing. See Attachment H-28F-3(a) for a copy of the public hearing transcript. Additional notice was also given for the hearing, both on the General Assembly’s website and by mail. Both forms of notice included information about “Sutton House Plan 1”. See Attachment H-28F-2(a) for a copy of the notice.

Once a plan was developed and passed from the Legislative Redistricting Committee, Co-Chair Sutton repeatedly gave all House members the opportunity to submit proposals for revising their districts or regions. Each and every one was received, reviewed and considered in amending the plan. Some were accepted and implemented and others were not.

Sutton House Plan 1 eventually evolved into what became the enacted plan. Sutton House Plan 1 contained 11 majority-minority districts (districts over 50% black population) and eight "influence" districts (districts over 40% black population). For a discussion of Justus SGMM1, see § 27R.

Based on comments received from House members and members of the public, Representative Sutton modified Sutton House Plan 1, and, on October 9, 2001, Sutton Plan 2 and Justus SGMM1 were presented at a 10:00 a.m. Committee meeting. No motions or votes were taken and these were the only two plans presented and discussed. Attachment H-27H-4 is a copy of the map and statistical package for Sutton Plan 2. With respect to minorities, Sutton House Plan 2 contained 12 majority-minority districts and eight influence districts. See Attachment H-28F-6(a) for a copy of the committee transcript.

During the House negotiation of the plan, extensive discussions were had with members, especially some minority members who were interested in modifying the initial plan for the purpose of limiting any reduction in the number of majority-minority districts and influence districts. In each case, the discussion included the voting history of the district, the voting patterns, the statistics of each district and a forecast as to future minority member election opportunities. Some minority incumbents were satisfied with their districts and minority numbers and did not
want any changes. However, in order to garner support from the entire minority caucus, small changes were made in some districts to increase the minority percentages.

After session on October 9, 2001, a second Committee meeting took place where a proposed committee substitute for Sutton Plan 2 was adopted for purposes of discussion by motion and vote of the Committee. There were then five amendments to the committee substitute offered by members of the Committee (all were defeated or displaced). They are as follows:

- Representative George Holmes (WR) offered Sutton2HolmesAM1A affecting Alexander, Alleghany, Ashe, Iredell, Wilkes, and Yadkin counties. This amendment did not affect a § 5 county. It failed by a vote of 22-20. See Attachment H-27H-5(a) for a copy of the map and roll call vote.

- Representative Harold Brubaker (WR) offered Sutton2JohnsonAm1 affecting Cabarrus and Mecklenburg counties for Representative Linda Johnson (WR) (Representative Johnson was not a member of the Committee). This amendment did not affect a § 5 county. The sponsor of the amendment asked that the amendment be removed from consideration for an indefinite time. See Attachment H-27H-5(b) for a copy of the map and statistics.

- Representative Joe Kiser (WR) offered SuttonHP2SextonAmend1 affecting Caswell, Orange, Rockingham, Stokes, and Surry counties for Representative Wayne Sexton (WR) (Representative Sexton was not a member of the committee). It failed 22-19. See Attachment H-27H-5(c) for a copy of the map, statistics, and roll call vote. Because this amendment affected § 5 counties, see § 27R for a discussion of the amendment.

- Representative Bill Hihat (WR) offered Sutton2BakerHihatAm1A affecting Alleghany, Ashe, Cherokee, Clay, Graham, Jackson, Rockingham, Stokes, Surry, and Transylvania counties for both Representative Rex Baker (WR) and himself (Representative Baker was not a member of the Committee). It failed 22-20. See Attachment H-27H-5(d) for a copy of the map, statistics, and roll call vote. Because this amendment affected § 5 counties, see § 27R for a discussion of the amendment.

- Co-Chair Representative Justus (WR) offered Justus SGMM1, which is a whole State plan. This is the same plan he distributed to members on September 25, 2001. It failed 22-20. See Attachment H-27H-5(e) for a copy of the map, statistics, and roll call vote. Because this amendment affected § 5 counties, see § 27R for a discussion of the amendment.
The Committee then gave the proposed committee substitute (Sutton Plan 2) a favorable report. **Attachment H-27H-6** is a copy of the roll call vote taken in the Committee for the proposed committee substitute for House Bill 1025 (Sutton Plan 2). See **Attachment H-28F-6(b)** for a copy of the committee transcript.

On October 10, 2001, the first floor debate on HB 1025 (Sutton Plan 2) took place. The debate on the House redistricting plan extended over numerous days. Throughout the debate, Speaker Black (WD) accepted a total of five amendments for consideration, but an additional 15 amendments were also offered on the floor and the Speaker of the House declined to accept them for consideration. Of the 15 amendments, white Republicans offered 14 and a white Democrat offered one. **Attachments H-27H-7(a)-(h)**. See the end of this section for a list of the 15 amendments and see § 27R for a discussion of those amendments that involved § 5 counties.

During the October 10, 2001, floor debate, three of the five amendments accepted by the Speaker for consideration were debated and voted on. They are as follows:

- **Amendment #1** - Representative Jeff Barnhart (WR) offered Sutton2JohnsonAm1. This amendment was identical to the amendment offered by Representative Harold Brubaker (WR) in Committee. The amendment affected Cabarrus and Mecklenburg counties only. This amendment did not affect a § 5 county. It failed 59-60. **Attachment H-27H-8(a)** includes vote, amendment map, and statistics. This amendment was prepared for Representative Jeff Barnhart (WR) and Representative Linda Johnson (WR) because they were undecided as to who would run the amendment.

- **Amendment #2** - Co-Chair Sutton (Native American D) offered Sutton2PeeDee4. The amendment affected Anson, Cabarrus, Davidson, Montgomery, Rowan, Stanly, and Union counties. It was adopted 62-54. **Attachment H-27H-8(b)** includes vote, amendment map, and statistics. Although offered by Representative Sutton, the House leadership supported this amendment, which affected the district of Representative Fern Shubert (WR). Although this amendment involved the § 5 counties of Anson and Union, it did not increase or decrease the number of minority-majority districts or the number of influence districts or have any appreciable effect on the racial composition of the districts. This amendment was also prepared as Sutton2PeeDee1, Sutton2PeeDee2, and Sutton2PeeDee3. PeeDee's 1, 2, and 3 were works-in-progress of PeeDee4.

- **Amendment #3** - Representative George Holmes (WR) offered Sutton2HolmesAM1A. This amendment was identical to the amendment offered by Representative Holmes in Committee. The amendment affected
Alexander, Alleghany, Ashe, Iredell, Wilkes, and Yadkin counties. This amendment did not affect a § 5 county. It was adopted 62-55. Attachment H-27H-8(c) includes vote, map, and statistics.

The passage of the Republican-sponsored Amendment #3 resulted in the Speaker of the House immediately adjourning the session. There were many other Republican members who wanted to offer amendments. See Attachment H-28F-6(d) for a copy of the transcript of the floor debate.

The House again took up the House redistricting bill on October 23, 2001. Co-Chair Sutton offered Amendment #4, the only amendment the Speaker would accept for consideration. Representative Sutton’s amendment contained what is shown on the map called "Sutton House Plan 2 Amendment." It affected numerous parts of the State and incorporated the two floor amendments previously adopted. Amendment #4 was adopted 62-57. Attachment H-27H-8(d) includes vote, amendment map, and statistics. The amendment had the support of the House leadership. The amendment made seven changes to areas around the State. Although the amendment did not change the number of majority-minority districts or the number of influence districts, it did increase the black percentage of total population in four § 5 minority districts, as follows:

- District 48 in Hoke, Scotland, and Robeson counties was increased from 47.73% black to 48.90% black. (It is noteworthy that the white population in the district became 30.27%, so that the black population maintained a wide plurality.)

- Districts 7 (from 56.37% to 62.71%), District 8 (from 53.53% to 55.30%), and District 24 (from 60.52% to 60.62%). These changes were part of a reconfiguration of districts in northeastern North Carolina centering in Nash and Edgecombe counties. The increase in the black percentages had the side-effect of making District 25, the home of Rep. Gene Arnold (WR), significantly more Republican.

Changes in the southeastern coastal districts resulted in an increase from 43.27% to 44.00% in the black population of District 18, a non-§ 5 district that is home to Rep. Thomas Wright (BD).

On this same day, after Amendment #4 was passed, there was a second reading on HB1025 as amended and the bill passed second reading by a vote of 62-57. (At this point, the map name of the amended bill became "Sutton House Plan 2 Amended"). Representative Toby Fitch (BD) was the only black member who was present but did not vote aye or no. No black member voted against the bill. See Attachment H-28F-6(g) for a copy of the transcript of the floor debate. See Attachment H-27H-9 for a copy of the roll call vote on second reading.
The next day, October 24, 2001, HB 1025 (Sutton House Plan 2 Amended) was taken up for third reading (the final vote needed before the bill crossed to the Senate). Again, the Speaker declined to accept any amendments for consideration. Numerous members spoke during the debate. Specifically, Representatives Alma Adams (BD) and Mary McAllister (BD) spoke about their dissatisfaction with the number of majority-minority districts in the plan. The Speaker adjourned the session without holding a vote on third reading. See Attachment H-28F-6(h) for a copy of the transcript of the floor debate.

The final House floor debate on HB 1025 (Sutton House Plan 2 Amended) took place on November 1, 2001. Co-Chair Sutton offered Amendment #5, the only amendment the Speaker would accept for consideration. Amendment #5 affected numerous counties, as follows:

- Adjusted Districts 20 and 21 in Sampson County.
- Adjusted Districts 40, 41, 42, and 43 in Cumberland and Harnett counties.
- Adjusted Districts 82, 85, and 86 in Mecklenburg County.
- Adjusted several non-§ 5 districts in Northwest North Carolina, none of them minority districts.

Amendment #5 was adopted 117-3. Attachment H-27H-8(e) (includes vote, amendment map, and statistics). The amendment had the support of the House leadership. The amendment increased the number of majority-minority districts from 12 to 15 and decreased the number of influence districts from eight to five. These changes incorporated input from the House Black Caucus and the North Carolina NAACP leadership and had their support. House Republicans voted for this amendment also because part of the amendment preserved a district for Representative Edgar Starnes (WR).

On the same day, after Amendment #5 was passed, the House approved HB 1025 on third reading by a vote of 63-57. All black legislators voted for the bill. The map name of the bill was changed to Sutton House Plan 3 and the bill name remained Sutton House Plan 2. Hereinafter, the plan will be referred to as "HB 1025 (Sutton House Plan 3)". See Attachment H-28F-6(k) for a copy of the transcript of the floor debate. See Attachment H-27H-10 for a copy of the roll call vote on third reading.

On November 13, 2001, the Senate Redistricting Committee approved HB 1025 (Sutton House Plan 3). No amendments were offered in Committee and a motion to give the bill a favorable report passed by a voice vote. See

---

1 (The text of Amendment #5 reflects the following maps: Sutton Amendment 3A, Sutton Amend Harnett Cumb, Sutton N West, and Sutton Amend Meck.)
Attachment H-28F-6(c) for a copy of the committee transcript. The full Senate approved HB 1025 (Sutton House Plan 3) on the same day, November 12, 2001. No amendments were offered on the floor. HB 1025 (Sutton House Plan 3) passed second reading by a vote of 28-13 (no black members voted against the bill) and on third reading by a voice vote. HB 1025 (Sutton House Plan 3) received formal ratification on November 13, 2001. See Attachment H-28F-6(l) for a copy of the transcript of the floor debate. See Attachment H-27H-11 for a copy of the roll call vote on second reading.

Finally, a number of House redistricting bills were introduced in the House of Representatives. Many were blank bills (i.e. contained no text). The following are the introduced bills containing text that were not considered by a committee. They are discussed in § 27R as they affect § 5 counties.

- House Bill 1467 (map name: Pope Less Retrogression Plan Adjusted) was filed for introduction on October 9, 2001 by Representative Art Pope (WR). The plan involved the entire State. Upon introduction, the bill was referred to the Committee on Rules, Calendar, and Operations of the House. See Attachment H-27H-12(a)

- House Bill 1469 (map name: Sutton House Plan 2 Pope EQ) was filed for introduction on October 25, 2001 by Representative Art Pope (WR). The plan involved the entire State. (A modified version of this bill was also offered as a floor amendment, but the Speaker declined to accept it for consideration (H1025-AST-73[v.2])). Upon introduction, the bill was referred to the Committee on Rules, Calendar, and Operations of the House. See Attachment H-27H-12(b)

- House Bill 1475 (map name: Daughtry Genesis 3A Plan) was filed for introduction on November 6, 2001 by Representative Leo Daughtry (WR). The plan involved the entire State. Upon introduction, the bill was referred to the Committee on Legislative Redistricting. See Attachment H-27H-12(c)

- House Bill 1452 (map name: Wake County House Plan 1) was filed for introduction on May 17, 2001 by Representative Art Pope (WR). The plan affected the following counties: Durham, Franklin, Harnett, Johnston, Lee, Nash, and Wake. Upon introduction, the bill was referred to the Committee on Rules, Calendar, and Operations of the House. See Attachment H-27H-12(d)

- House Bill 1453 (map name: Wake County House Plan 2) was filed for introduction on May 17, 2001 by Representative Art Pope (WR). The plan affected the following counties: Durham, Franklin, Harnett, Johnston, Lee, Nash, and Wake. Upon introduction, the bill was referred to the
Committee on Rules, Calendar, and Operations of the House. See Attachment H-27H-12(e)

- House Bill 1473 (map name: Union County Plan) was filed for introduction on November 5, 2001 by Representative Fern Shubert (WR). The plan affected Mecklenburg and Union counties. Upon introduction, the bill was referred to the Committee on Legislative Redistricting. See Attachment H-27H-12(f)

- House Bill 1474 (map name: Union County Plan 2) was filed for introduction on November 5, 2001 by Representative Fern Shubert (WR). The plan affected Mecklenburg and Union counties. Upon introduction, the bill was referred to the Committee on Legislative Redistricting. See Attachment H-27H-12(g)

Copies of the House and Senate procedural rules, which apply to all legislation, are included in the Senate Submission at Attachment S-27H-17 (Senate Rules) and Attachment S-27H-18 (House Rules).
Amendments Offered on the Floor of the House of Representatives But Not Accepted by the Speaker of the House for Consideration.

1. Representative Bobby Barbee (WR) offered Sutton2AmendStanley (map and computer name). Representative Barbee first offered H1025-AST-76[v.1] (the legislative name for Sutton2AmendStanley), then he withdrew H1025-AST-76[v.1] and offered H1025-ALB-148[v.1]. The amendments are identical as to district descriptions and only differ in a technical aspect. See Attachment H-27H-7(a) for a map and statistics. Because this amendment affected § 5 counties, see § 27R for a discussion of the amendment.

2. Representative Marge Carpenter (WR) offered Sutton2CarpenterAm4 (map and computer name). The amendment's legislative name is H1025-ARO-46[v.2]. This amendment affected no § 5 counties. See Attachment H-27H-7(b) for a map and statistics.

3. Representative Bill Hiatt (WR) offered H1025-ALB-135[v.1] and then submitted a corrected version, H1025-ALB-135[v.2]. This amendment is identical to the amendment Representative Hiatt offered in Committee. See Attachment H-27H-5(d) for a map and statistics. Because this amendment affected § 5 counties, see § 27R for a discussion of the amendment.

4. Representative Linda Johnson (WR) offered H1025-AST-54[v.3]. This amendment is identical to the amendment offered by Representative Harold Brubaker (WR) in Committee for Representative Johnson. This amendment affected no § 5 counties. See Attachment H-27H-5(b) for a map and statistics.

5. Co-Chair Larry Justus (WR) offered Justus SGMM1Amend1 (map name) (AST-72[v.1], legislative name). See Attachment H-27H-7(c) for a map and statistics. This amendment is a variation of Justus SGMM1 (See Attachment H-27H-3(b)). Because the Justus SGMM series affected § 5 counties, see § 27R for a discussion of the amendment.

6. Representative Art Pope (WR) offered House Plan 115 (map name) (H1025-ALB-139[v.2], legislative name). See Attachment H-27H-7(d) for a map and statistics. This amendment is a variation of House Plan 112 and House Plan 113, which were plans that Representative Pope requested as amendments to H1025 but never offered. Because the House Plan 115 series affected § 5 counties, see § 27R for a discussion of the amendment.
7. Representative Art Pope (WR) offered Sutton2PopeEQAm (map name) (legislative name, H1025- AST- 73[v.2]). A variation of this amendment was filed as a bill. See Attachment H-27H-12(b) for a map and statistics. Because this amendment affected § 5 counties, see § 27R for a discussion of the amendment.

8. Representative Wayne Sexton (WR) offered H1025-ALB-140[v.1], H1025-ALB-57[v.3] (later withdrawn), and H1025-ALB-156. These amendments are all substantially similar. H1025-ALB-140[v.1] and H1025-ALB-57[v.3] are identical to each other and to Representative Joe Kiser's Committee amendment. See Attachment H-27H-5(c) for a map and statistics. Because this amendment affected § 5 counties, see § 27R for a discussion of the amendment.

9. Representative Alice Underhill (WD) offered SuttonHP2UnderhillAmend1 (map name) (H1025-ASK-27[v.1], legislative name). See Attachment H-27H-7(e) for a map and statistics. Because this amendment affected § 5 counties, see § 27R for a discussion of the amendment.

10. Representative Connie Wilson (WR) offered CWAMENDMENT (map name) (H1025-ALB-143[v.1], legislative name). See Attachment H-27H-7(f) for a map and statistics. Because this amendment affected § 5 counties, see § 27R for a discussion of the amendment.

11. Representative John Weatherly (WR) offered Sutton2WeatherlyAm1 (map name) (legislative name, H1025-AST-56 [v.5]). See Attachment H-27H-7(g) for a map and statistics. Because this amendment affected § 5 counties, see § 27R for a discussion of the amendment.

12. Representative Fern Shubert (WR) offered ShubertCountyLinePlan (map name) (H1025-AST-85 [v.1], legislative name). Representative Shubert also offered this plan as a bill. See Attachment H-27H-12(f) for a map and statistics. Because this amendment affected § 5 counties, see § 27R for a discussion of the amendment.

13. Representative Fern Shubert (WR) offered ShubertCountyLinePlan2 (map name) (H1025-AST-84 [v.1], legislative name). Representative Shubert also offered this plan as a bill. See Attachment H-27H-12(g) for a map and statistics. Because this amendment affected § 5 counties, see § 27R for a discussion of the amendment.

14. Representative Cary Allred (WR) offered Sutton2AllredAm2 (map name) (H1025-ARO-44 [v.1], legislative name). This amendment affected no § 5 counties. See Attachment H-27H-7(h) for a map and statistics.
AMENDMENTS REQUESTED, BUT NEVER OFFERED

The following is a list of amendments that members of the House of Representatives requested that staff prepare, but the members never offered the amendments either in Committee or on the floor of the House. Attached are those amendments that involve § 5 counties. See § 27R for a discussion of the amendments involving § 5 counties. The remainder are not attached but can be produced upon request.

1. SUTTON2BAKERHIATTAM2 (H1025-ARO-38[v.2]) Representative Rex Baker (WR). See Attachment H-27H-13(a)
2. SUTTON2CARPENTERAM1 (H1025-ARO-40[v.1]) Representative Marge Carpenter (WR)
3. SUTTON2BARNHARTAM1 (H1025-AST-55[v.2]) Representative Jeffrey Barnhart (WR)
4. POPE WAKE COUNTY AMENDMENT (H1025-AST-64[v.1]) Representative Art Pope (WR)
5. POPE WAKE GINGLES AMENDMENT (H1025-AST-59[v.2]) Representative Art Pope (WR)
6. SUTTON HOUSE PLAN 2 ARNOLD (H1025-ARR-94[v.2]) Representative Gene Arnold (WR). See Attachment H-27H-13(b)
7. SUTTON2CARPENTERAM2 (H1025-ARO-41[v.1]) Representative Marge Carpenter (WR)
8. SUTTON2CLARYAM1 (H1025-AST-62[v.1]) Representative Debbie Clary (WR). See Attachment H-27H-13 (c)
9. SUTTON2CLARYAM2 (H1025-AST-63[v.1]) Representative Debbie Clary (WR). See Attachment H-27H-13(d)
10. OPTIMUM SINGLE-MEMBER DISTRICT PLAN (H1025-AST-66[v.1]) Representative Larry Justus (WR). See Attachment H-27H-13(e) (This plan was posted on the North Carolina General Assembly web page at the request of Co-Chair Justus.)
11. SUTTON HOUSE PLAN 2 STARNES (H1025-ARR-95[v.2]) Representative Edgar Starnes (WR)
12. SUTTON2AMJOHNSON2 (H1025-AST-55 [v.3]) Representative Linda Johnson (WR)
13. SUTTON HOUSE PLAN 2 DAUGHT (H1025-ARR-99[v.2]) Representative Leo Daughtrey (WR)
14. SUTTON2SUTTON2STARNESAM1 (H1025-AST-74[v.1]) Representative Ronnie Sutton (WD)
15. Mary 8 Representative Toby Fitch (BD). See Attachment H-27H-13(f)
H-27N. Effect of Adoption of Sutton 3 on Minority Voters.

The effect of the adoption of Sutton 3 on North Carolina’s minority voters is to maintain, in the face of changed demographics and changed federal law, the opportunity of minority voters to elect representatives of their choice.

For ease of analysis and comparison of districts, a chart has been prepared which shows the old 1992 district numbers with 1990 and 2000 Census data alongside the equivalent new 2001 district numbers with 2000 Census data. That chart is at Attachment H-27C-3. It also includes a comparison of voter registration and election data.

The 1992 plan, based on 2000 Census data, contained 14 majority-black House districts, 10 of which (Districts 5, 7, 8, 26, 28, 70, 78, 79, 87, and 97) included § 5 counties. Three other majority-black districts (Districts 21 in Wake, 59 in Mecklenburg, and 66 in Forsyth) were in non-§ 5 counties but counties that were the subject of § 2 litigation in *Gingles*, which required the drawing of single-member black districts. Another majority-black district, District 98, is located in four non-§ 5 counties in southeastern North Carolina and was drawn as a result of objections by the U.S. Department of Justice during § 5 preclearance review in 1991. (At that time, preclearance review also included review under § 2 principles.)

In addition, the 1992 plan, based on 2000 Census data, contained six districts with more than 40% but less than 50% black share of total population. Since one of those is a two-member and one is a three-member district, these 40%-to-50% districts elect a total of nine representatives. Two of the districts (District 6 and the two-member District 17) are in § 5 counties, and four of the districts (the three-member District 23 in Durham, Districts 58 and 60 in Mecklenburg, and District 87 in Forsyth), are in non-§ 5 counties that have been the subject of § 2 litigation.¹

Of those twenty 1992 districts with substantial black concentrations, 14 were seriously underpopulated based on the 2000 Census:

- District 5 (§ 5) – minus 15.15%.
- District 7 (§ 5) – minus 16.80%.

¹ Two of the 40%-to-50% districts (Districts 60 and 67) were majority black according to the 1990 Census, but their black percentages fell to below 50% during the decade. Two other 40% districts (Districts 6 and 58) were well below 40% according to the 1990 Census, but their black percentages rose above 40% during the decade.
• District 8 (§ 5) – minus 17.50%.
• District 17 (§ 5) – minus 27.12%.
• District 26 (§ 5) – minus 13.40%.
• District 28 (§ 5) – minus 11.81%.
• District 59 – minus 15.47%.
• District 66 – minus 13.97%.
• District 67 – minus 15.52%.
• District 70 (§ 5) – minus 16.87%.
• District 78 (§ 5) – minus 11.55%.
• District 79 (§ 5) – minus 15.88%.
• District 87 (§ 5) – minus 15.60%.
• District 97 (§ 5) – minus 21.78%.

Of the over-40%-black districts, only two were above the ideal number in deviation. Those were Districts 21 and 60, in the high-growth metropolitan counties of Wake and Mecklenburg (both outside § 5). (One consequence of that metropolitan growth in District 60 was that it went from 56.06% black in the 1990 Census to 41.00% black in 2000.)

Of all the 98 House districts, the districts with large black concentrations were the almost always the most underpopulated, with only seven other districts having a minus deviation of more than 10%: See Attachment H-27C-3.

Realizing that the changed demographics would make it difficult to maintain the same percentages of black population in every minority district, the House leadership sought to preserve black voting strength in § 5 areas by paying close attention to two things: the black percentage of the Democratic primary electorate and the success of Democratic nominees in general elections regardless of race. Where adding white population was unavoidable to achieve population equality in a district, the leadership sought to add precincts with large numbers of white registered Republicans over precincts with large numbers of white registered Democrats. Under North Carolina law registered Republicans cannot vote in Democratic primaries. Thus, a white Republican precinct would do less damage to black voting strength in a Democratic primary than would a white Democratic precinct. The leadership therefore used a strategy of adding white Republican precincts to black districts, to the extent that doing so did not jeopardize the chances of black Democratic nominees in the general election. See chart at Attachment H-27C-3, which contains black percentages of Democratic voter registration, the success of Democratic nominees.

---

2 Four districts, Districts 6, 23, 58, and 98, were underpopulated but by less than 10%.
regardless of race, and an explanation of voting in North Carolina party primaries. See also the thematic map at Attachment H-28B-3, showing the precincts of North Carolina according to which party, Democratic or Republican, has the plurality of registered voters.

Also, recognizing that black voting strength is a function of black cohesion, the House leaders sought as they built districts to maintain the integrity of black communities.

Effect on Minority Districts

Sutton 3 establishes 10 districts in § 5 counties that are majority black in total population. That is the same number of majority-black § 5 districts as in the previous plan. In doing this, Sutton 3 preserves black majorities of total population in nine of the same 10 § 5 districts and maintains a strong black plurality, albeit under 50%, in the tenth one. However, Sutton 3 adds a new majority-black § 5 district, bringing the number back up to 10. The 10 majority-black § 5 districts in Sutton 3 are as follows:

- District 5 – Hertford, Northampton, and parts of Bertie and Gates counties. Black percentage in old district in 1990 Census: 60.43%. Deviation of old district from ideal: minus 15.15%. Black percentage in old district in 2000 Census: 58.88%. Black percentage in new district in 2000 Census: 58.51%.


- District 8 – Parts of Edgecombe, Greene, Martin, and Pitt counties. Black percentage in old district in 1990 Census: 61.73%. Deviation of old district from ideal: minus 17.50%. Black percentage in old district in 2000 Census: 58.03%. Black percentage in new district in 2000 Census: 55.30%.

- District 12 (equivalent to District 79 in the previous plan) – Parts of Craven, Jones (non-§ 5), Lenoir, and Pamlico (non-§ 5) counties. Black percentage in old district in 1990 Census:

---

3 An eleventh district, District 47 in Hoke and Robeson counties (District 85 in the previous plan), is preserved as majority Native American. Native American percentage in old district in 1990 Census: 58.56%. Deviation of old district from ideal: minus 3.66%. Native American percentage in old district in 2000 Census: 55.42%. Native American percentage in new district in 2000 Census: 56.63%. The Native American incumbent in the district, Rep. Ron Sutton, is Co-Chair of the House Legislative Redistricting Committee, the legislator after whom the Sutton 3 plan is named.
56.20%. Deviation of old district from ideal: minus 15.88%. Black percentage in old district in 2000 Census: 50.82%. Black percentage in new district in 2000 Census: 50.20%.

- District 21 (equivalent to District 97 in the previous plan) — Parts of Duplin (non-§ 5), Sampson (non-§ 5), and Wayne counties. Black percentage in old district in 1990 Census: 51.68%. Deviation of old district from ideal: minus 21.78%. Black percentage in old district in 2000 Census: 52.71%. Black percentage in new district in 2000 Census: 50.04%.


- District 27 (equivalent to District 78 in the previous plan) — Parts of Granville, Vance, and Warren (non-§ 5) counties. Black percentage in old district in 1990 Census: 54.55%. Deviation of old district from ideal: minus 11.65%. Black percentage in old district in 2000 Census: 54.95%. Black percentage in new district in 2000 Census: 53.44%.

- District 58 (equivalent to District 26 in the previous plan) — Part of Guilford County. Black percentage in old district in 1990 Census: 57.20%. Deviation of old district from ideal: minus 13.40%. Black percentage in old district in 2000 Census: 58.41%. Black percentage in new district in 2000 Census: 57.57%.

- District 60 (equivalent to District 28 in the previous plan) — Part of Guilford County. Black percentage in old district in 1990 Census: 58.23%. Deviation of old district from ideal: minus 11.81%. Black percentage in old district in 2000 Census: 60.43%. Black percentage in new district in 2000 Census: 57.45%.

- District 43 (a single-member district that is part of what was a two-member District 17 in the previous plan) — Part of Cumberland County. Black percentage in old district in 1990 Census: 47.09%. Deviation of old district from ideal: minus 27.21%. Black percentage in old district in 2000 Census: 48.07%. Black percentage in new district in 2000 Census: 50.01%. (This 10th majority-black § 5 district was added in Sutton 3. See discussion below.)

Only one § 5 district that was majority black in the previous plan was not kept above 50% in Sutton 3. That is District 48 in parts of Hoke, Robeson, and Scotland counties (equivalent to District 87 in the previous plan). Black percentage in old district in 1990 Census: 51.52%.
Deviation of old district from ideal: minus 15.60%. Black percentage in old district in 2000 Census: 50.60%. Black percentage in new district in 2000 Census: 48.90%.

However, several things about District 48 are worthy of note. Although the black percentage of total population in District 48 is 48.90%, the black percentage of voter registration, normally lower than that of total population, is actually higher: 49.87%. Since precincts were split in drawing the district, the voter registration figure is approximate in that the racial breakdown in a partial precinct is apportioned according to the equivalent breakdown in the entire precinct. Because the precincts were split putting more heavily black Census blocks in District 48, it is likely that the 49.87% voter registration statistic is deceptively low and that the majority of registered voters in the district are black. Moreover, in the tripartite racial environment of the Sandhills, their 48.90% share constitutes a wide plurality of black citizens in District 48. The white percentage is a distant 30.27% and the Native American share is 17.42%. The Native American and white population combined, then, is 47.69%, less than the black share.

It was possible to create a new compact majority-black district, District 43, in part of Cumberland County. In the previous plan, what is proposed as the single-member District 43 was part of a two-member district, 17. District 17 was less than 50% black in total population according to both 1990 and 2000 Censuses. It has in the past been an effective black-majority district, electing two black representatives at least in part because of the presence of the mostly nonvoting military population at Ft. Bragg Army Base. The loss of population in the district posed the largest problem in drawing new districts in this area. Of all the 98 House districts in the previous plan, District 17 was the most deficient in population: Its deviation from the ideal number was minus 27.12%. This was chiefly because of a drop in the military population since 1990 at Ft. Bragg. It was the non-voting military population that enabled the General Assembly in 1992 to create a two-member district with an effective black voting majority. One of the two black incumbents in District 17 expressed a strong desire for a single-member district with a black majority. The leadership was concerned that the creation of one black majority single member district could only be drawn at the expense of the black voting strength in the other district. By rearranging districts in neighboring Harnett County, the leadership was able to draw two single-member districts with black voter registration majorities. One of them, District 43, has a black majority in total population of 50.01%. The other, District 42, has a black percentage in total population of 45.01% (a plurality, since the white population is 42.66%), and black voter registration of more
than 50%. Both districts have black percentages of Democratic voters of more than 70%, and both gave more than 68% victories in two statewide general elections to Democratic nominees who are black.

Viewed in its totality Sutton 3 is indicative of the General Assembly’s lack of discriminatory intent with regard to minority voters. Sutton 3 contains five districts with black majorities of total population in counties which, though not covered by § 5, have been subject to § 2 litigation. This is an increase from four to five districts. The majority-black non-§ 5 districts in Sutton 3 are as follows:

- **District 33 (the equivalent of District 21 in the previous plan)**
  - Part of Wake County. *Black percentage in old district in 1990 Census: 56.55%. Deviation of old district from ideal: plus 4.84%. Black percentage in old district in 2000 Census: 57.02%. Black percentage in new district in 2000 Census: 52.79%.*

- **District 71 (the equivalent of District 66 in the previous plan)**
  - Part of Forsyth County. *Black percentage in old district in 1990 Census: 55.23%. Deviation of old district from ideal: minus 13.97%. Black percentage in old district in 2000 Census: 55.02%. Black percentage in new district in 2000 Census: 53.00%.*

- **District 86 (the equivalent of District 58 in the previous plan)**
  - Part of Mecklenburg County. This district was not majority black in the previous plan. *Black percentage in old district in 1990 Census: 30.63%. Deviation of old district from ideal: minus 9.20%. Black percentage in old district in 2000 Census: 40.22%. Black percentage in new district in 2000 Census: 50.12%.*

- **District 88 (the equivalent of District 60 in the previous plan)**
  - Part of Mecklenburg County. *Black percentage in old district in 1990 Census: 56.06%. Deviation of old district from ideal: plus 23.09%. Black percentage in old district in 2000 Census: 41.00%. Black percentage in new district in 2000 Census: 50.25%.*

- **District 89 (the equivalent of District 59 in the previous plan)**
  - Part of Mecklenburg County. *Black percentage in old district in 1990 Census: 55.57%. Deviation of old district from ideal: minus 15.47%. Black percentage in old district in 2000 Census: 61.84%. Black percentage in new district in 2000 Census: 53.91%.*

All those districts are reasonably compact and are drawn in counties that in the past have been required to draw minority districts to comply with § 2.

In addition, Sutton 3 resulted in three non-§ 5 districts which, though less than 50% black in total population, nonetheless have at
least 40% black total population and afford black voters a strong likelihood of being a dominant political force able to elect representatives of their choice. Those districts are as follows:

- District 18 (the equivalent of District 98 in the previous plan) – Parts of Brunswick, Columbus, New Hanover, and Pender counties (all non-§ 5). Black percentage in old district in 1990 Census: 59.26%. Deviation of old district from ideal: minus 7.07%. Black percentage in old district in 2000 Census: 50.17%. Black percentage in new district in 2000 Census: 44.00%. This district was drawn as a majority black district in 1992 in non-§ 5 counties in response to an objection interposed during § 5 preclearance that said minority voting strength was not being recognized sufficiently in southeastern North Carolina. The preclearance policies which resulted in those objections subsequently led to the U.S. Supreme Court’s decision in Shaw v. Reno and related cases. After Shaw, former District 98’s non-compact configuration raised questions regarding the predominance of race in the district’s design and narrow tailoring. The proposed District 18 is a more compact district with a black percentage of 44%. The black percentage of Democratic voter registration is 53.04% in the new district and the chart at Attachment H-27C-3 shows statewide Democratic nominees in the district winning victories of more than 65% without regard to race. Rep. Thomas Wright, black legislator who has represented District 98 since 1992 (also a Co-Chair of the House Congressional Redistricting Committee) agreed to the new district and voted for Sutton 3.

- District 29 (the equivalent of District 23 in the previous plan) – Part of Durham County (non-§ 5). Black percentage in old district in 1990 Census: 40.11%. Deviation of old district from ideal: minus 1.00%. Black percentage in old district in 2000 Census: 40.90%. Black percentage in new district in 2000 Census: 40.22%. This three-member district has consistently elected at least one black representative and in 2000 elected two out of three. The black percentage remains at just over 40%. The black percentage of Democratic voter registration also remain at just over 50%.

- District 72 (the equivalent of District 67 in the previous plan) – Part of Forsyth County (non-§ 5). Black percentage in old district in 1990 Census: 50.46%. Deviation of old district from ideal: minus 15.52%. Black percentage in old district in 2000 Census: 49.56%. Black percentage in new district in 2000 Census: 45.16%. This district

---

4 This is essentially the same multi-member district upheld by the U.S. Supreme Court in Gingles in 1986.
was barely over 50% black in total population in the 1990 Census, dropped to under 50% in the 2000 Census, and deviated minus 15.52% from the ideal population. The new district has a black percentage of total population of 45.16%, on a par with the white percentage of 45.95%. The black percentage of Democratic voter registration is 56.40% and Democratic nominees have won about 70% of the vote regardless of race. It was determined that attempting to draw this district with a higher black percentage would jeopardize the black voting majority of the adjoining District 71. Rep. Pete Oldham (BD), who has represented District 67 since 1992 and is Co-Chair of the House Appropriations Committee, approved new District 72 and voted for Sutton 3.

One additional non-§ 5 district is worthy of note: District 87 in Mecklenburg County is less than 40% black in total population and has never elected a black representative, but it is one of the 21 districts (the others are all mentioned above) that has a black majority of the voters who are registered Democrats. In practice, that means that black voters have the potential to control the Democratic primary. (See discussion of Democratic primary voting at Attachment 27C-3.) In the old district, the black percentage of Democratic voter registration was 51.96%; in the new district it jumps to 57.86%. The district has a strong record of voting for the Democratic nominee regardless of race. Black percentage in old district in 1990 Census: 29.34%. Deviation of old district from ideal: plus 62.35%. Black percentage in old district in 2000 Census: 26.95%. Black percentage in new district in 2000 Census: 29.86%.

Effect on Minority Incumbents

The effect of Sutton 3 on minority incumbents is also indicative of the General Assembly's non-discriminatory intent. North Carolina currently has 18 black House members. Twelve are elected from majority-black districts, and six from districts with less than a black majority but with a black population of more than 40%. Sutton 3 takes the district configurations that have resulted in those elections and improves them slightly for black voters. It does so as follows:

- The plan preserves a black majority in 10 of the 12 majority-black districts that have consistently elected black representatives: Districts 5, 7, 21 (33), 26 (58), 28 (60), 59 (89), 66 (71), 70 (24), 79 (12), and 97 (21). With the resulting black majorities in total population and black

---

[5] District 7 has elected black representatives except in 1994, when it elected a white representative, L.W. Locke, for one term.
percentage of Democratic registered voters, these districts remain strong black voting districts.

- The plan maintains the black percentage in two other formerly majority-black districts at more than 40%. Those districts, 87 (48) and 98 (18), are discussed above.

- With regard to the two other majority-black districts among the 14 in the 1992 plan, Districts 8 and 78 have more often than not elected white representatives. Both districts contain § 5 counties. Both have comfortable black majorities in population, voting age population, voter registration, and Democratic voter registration – majorities higher than those of some districts that have always elected black representatives. See chart at Attachment H-27C-3. From the precinct-by-precinct election returns at Attachment 28D-2, one can conclude that the white representatives in Districts 8 and 78 have received a substantial amount of black support. Sutton 3 retains strong black majorities in those districts and does not reduce the position of racial minorities with respect to their effective exercise of the electoral franchise. Especially noteworthy in the chart at Attachment H-27C-3 are the high black percentage of registered Democrats and the high victory margins of Democratic nominees regardless of race. (District 8 is not renumbered in the new plan; District 78 becomes District 27.)

- The plan preserves at more than 40% the black percentage of total population in all the over-40% non-majority districts that have elected black representatives in the former plan: District 17 (a 2-member district divided into 42 and 43), District 23 (a 3-member district now called 29), District 60 (88), and District 67 (72). Out of those four over-40% non-majority former districts, Sutton 3 resulted in an additional two majority-black districts: District 43 arose out of two-member District 17 and District 88’s black percentage rose from 41% to 50.25%. Again, all those districts are reasonably compact and are either in § 5 counties or in counties where a court has ordered minority districts under § 2. These districts can be expected to continue as effective black voting districts.

---

6 District 8 has elected white Democrats exclusively since its first election in 1992, Rep. Linwood Mercer and then Rep. Edith Warren. District 78 elected a black Democrat, Rep. James P. Green, Sr., in 1992, but he was defeated in a 1994 Democratic primary by Stan Fox, a white Democrat who has been re-elected ever since.
Case 1:15-cv-00399-TDS-JEP   Document 33-4   Filed 11/10/15   Page 57 of 59

- The plan also resulted in an additional majority-black district, District 86 (formerly District 58) in Mecklenburg County, a county previously subject to §2 litigation. The white Democratic incumbent who lives in the district has announced she will not run for re-election. This provides another opportunity for black voters to elect a candidate of their choice.

One additional district should be mentioned: District 6 (parts of Bertie, Martin, Pitt, and Washington; same district number in both old and new plans). Black percentage in old district in 1990 Census: 37.21%. Deviation of old district from ideal: minus 7.10%. Black percentage in old district in 2000 Census: 40.18%. Black percentage in new district in 2000 Census: 35.32%. Several factors were at work which resulted in this district of §5 counties not achieving over 40% black population. Under the former plan, the district did not have a black majority of registered Democrats and has never elected a black representative — indeed no black candidate has filed to run in the district since it was drawn in 1992. See Attachment H-28D-1. Old District 6 also is adjacent to three majority-black districts (5, 7, and 8), all of which were substantially underpopulated and needed to acquire thousands of voters. A decision was made to move a few majority-black precincts from District 6 to District 5, making it possible also to readjust Districts 7 and 8. Thus the black political control of Districts 5, 7, and 8 were preserved, while the black percentage of registered Democrats in District 6 was reduced minimally from 46.56% to 43.62%.

Statewide, Sutton 3 results in a set of districts that reasonably maintains the position of racial minorities with respect to their effective exercise of the electoral franchise. Those districts enable racial minorities to elect their candidates of choice to 21 House seats, perhaps even increasing the number to 22.7

The Black Caucus had opportunities throughout the redistricting process to provide their input into the drawing of Sutton 3. The set of charts at Attachment H-27N-1 shows the evolution of Sutton 3 through four versions in the legislative process, measured by eight indicators of minority voting strength. Because of their pivotal swing vote, several black legislators played critical roles in amending

7 This analysis does not count District 6 under the previous plan, which though it was just over 40% black total population, did not have a black majority of Democrats and had never elected a black representative. The increase to 22 in Sutton 3 would count District 87 in Mecklenburg, with its 57.86% black majority of registered Democrats, up from 51.96% in the old plan. The Durham three-member District 29 is counted for two seats, the number of black representatives the district elected in 2000.
earlier versions of the plan to insure black voting interests were protected. When Sutton 3 received its final approval in the House of Representatives on November 1, 2001, every minority member of the House of Representatives voted "Yes." See Attachment H-27H-10. When it received final approval in the Senate November 13, all the minority Senators who were present voted "Yes." See Attachment H-27H-11.

Demographic Context: The Dispersal of Black Population

The preservation of black voting strength reflected in Sutton 3 was accomplished even though the 2000 Census indicates a dispersal of the black population since 1990.

All but two of the majority-black districts⁸ and all of the 40% non-majority black districts in the previous plan were shown by the 2000 Census to be significantly lower than the acceptable 5% minus deviation from the ideal district population. The district with the greatest deficit was District 17, with a minus 27.12% deviation from the ideal number.

The Legislative Services Office examined the racial composition of Census block groups, which are roughly the size of a neighborhood, in the 2000 Census as compared with the 1990 Census. In 1990, 18.08% of North Carolina's black population lived in block groups where the population was 90% or more black. In 2000, the percentage of the State's black population living in block groups that were 90% or more black was down to 10.62%. See Attachment H-27N-2.

Another indication of dispersal of black population comes from a look at where the rate of growth in black population took place. It did not take place in the 1990 minority districts. The 1990 and 2000 Censuses showed the black percentage of total population in North Carolina to be almost unchanged during the decade. In 1990, North Carolina's population was 21.97% black. In 2000, it was 21.59%. Yet the 20 House districts that had the highest black population in 1990 almost all had slower-than-average overall population growth, and accounted for only 18.07% of the growth in black population during the decade. See Attachment H-27N-3. That attachment shows that a different set of 20 districts, those with the highest raw number increase in black population, accounted for 60.44% of the statewide increase in black population. Only three districts were on both lists of Top 20 House districts.

⁸ Those two, District 21 (33) and District 60 (88), are in non-§ 5 counties.
The demographics of black dispersal contributed to difficulties in maintaining the level of minority voting strength in the 1992 districts. That difficulty, plus the limitations of the Shaw line of federal decisions, has made some reduction in minority percentages unavoidable. Overall, however, Sutton 3 contains a plan for redistricting the North Carolina House of Representatives that is free from retrogressive effects of political consequence.