Exhibit 5

2003 Section 5 Submission

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. See Attachment H-27H-1 of the 2001 House Submission.

On April 30, 2002 the North Carolina Supreme Court in Stephenson v. Bartlett, 355 N.C. 354, 562 S.E.2d 377 (2001) ("Stephenson I") declared unconstitutional the House plan enacted by the General Assembly in 2001, for failure to comply with the whole county provision of the North Carolina Constitution. On May 20, 2002, the General Assembly enacted House Plan Sutton 5 for the purpose of complying with Stephenson I. That plan also was declared in violation of the State Constitution by the trial court on May 31, 2002, and an Interim House Plan was drawn by the trial court for the 2002 election cycle. The trial court's Interim House Plan and Stephenson I were precleared on July 12, 2002.

On July 16, 2002, the North Carolina Supreme Court in Stephenson v. Bartlett, 357 N.C. 301, 582 S.E.2d 247 (2002) ("Stephenson II"), affirmed the trial court’s decision that the General Assembly's 2002 plan failed to comply with Stephenson I. Thus, the duty to enact a plan for the 2004 and subsequent elections devolved to the General Assembly.

On November 20, 2003, the House Legislative Redistricting Committee held a public hearing on redistricting, at which 16 individuals addressed the committee. See Attachment 3H-28F-2(a) (House Public Hearing Transcript and Sign-In Sheets).

On November 23, 2003, at the request of the President Pro Tempore of the Senate and the Co-Speakers of the House, the Governor issued a proclamation calling the General Assembly into an Extra Session to convene November 24, 2003, for the purpose of enacting a new plan. See Attachment 3H-27H-1 (Governor's Proclamation).

Prior to the special session, the co-chairs consulted with individual Representatives about their districts. All black Representatives were consulted about the effect of the Stephenson requirements and the redrawing of their districts. Each black Representative met separately with either Speaker Black or Representative Martha Alexander, the co-chair of the House Redistricting Committee, plus the technical staff to discuss that Representative’s district and negotiate the boundaries of the district. Black Representatives typically met numerous times with House leadership in a back-and-forth process until the Representative expressed satisfaction with the district as revised.

The House Legislative Redistricting Committee had previously been appointed by the Co-Speakers of the House James B. Black (WD) and Richard T. Morgan (WR) on February 25, 2003. The Committee was co-chaired by Representatives Martha
Alexander (WD) from Mecklenburg County and Rick L. Eddins (WR) from Wake County. Vice-Chairs were Representatives Pete Cunningham (BD) from Mecklenburg County and Ronnie N. Sutton (NAD) from Robeson County. The committee consisted of 22 other representatives, including Representative William L. Wainwright (BD) from Craven County. See Attachment 3H-27H-2 (List of House Legislative Redistricting Committee).

The General Assembly's website (www.ncleg.net) provided public access to the redistricting process through the internet.

On November 24, 2003, the General Assembly convened in extra session. Representatives Alexander and Eddins introduced House Bill 3 in the House of Representatives. House Bill 3 was a plan entitled "House Redistricting Plan." See Attachment 3H-27A-2 for a map and statistical package of this plan. House Bill 3 was calendared by Speaker Black for immediate consideration on the House floor. After debate, the bill passed on its second reading by a vote of 84-32. It also passed the third reading on that day in the House of Representatives by the same vote. See Attachment 3H-27H-3 (House Roll Call, 11/24/03) for a record of the votes on those readings. See Attachment 3H-28F-6(a) for a copy of the transcript of the floor debate.

Other House redistricting bills were introduced in the House of Representatives. All were referred to the House Rules Committee, which did not meet. The following were the introduced bills containing text for a plan districting the entire state:


On November 24, 2003, House Bill 3 crossed over to the Senate and was referred to the Senate Redistricting Committee.

On November 25, 2003, Senator Clodfelter (WD), Co-Chair of the Senate Redistricting Committee, offered an amendment to House Bill 3 adding the Senate Redistricting Plan, as well as other amendments to the General Statutes related to elections and redistricting litigation, in the form of a proposed committee substitute. Note: Changes to the election statutes have been submitted separately for administrative preclearance. The motion to approve the proposed committee
substitute was approved by the Committee by voice vote. See Attachment 3S-27H-16 (Senate Meeting Minutes, November 25th) of the 2003 Senate Initial Disclosures.

The full Senate passed amended House Bill 3 by a vote of 25-23. See Attachment 3S-27H-17 (Senate Roll Call) of the 2003 Senate Initial Disclosures for a copy of the roll call vote on the bill. No roll call vote was taken on third reading. See 2003 Senate Initial Disclosure at Attachment 3S-28F-6(f) (Senate Floor Transcript, November 25th) for a copy of the transcript of the Senate floor debate.

The House concurred with the Senate changes to House Bill 3 by a vote of 72-44. See Attachment 3H-27H-8 (House Roll Call, 11/25/03). See also Attachment 3H-28F-6(b) (House Floor Transcript, 11/25/03).


A copy of the House procedural rules that apply to the special session is included at Attachment 3H-27H-9 (House Rules).
3H-27N. Effect of Enactment of 2003 House Redistricting Plan on Minority Voters

As documented by the data provided to the United States Department of Justice in this initial disclosure, the effect of the enactment of the 2003 House Redistricting Plan on North Carolina's minority voters will be to maintain or enhance, despite changes in demographics and new federal and State court rulings, the position of racial minorities in North Carolina with respect to their effective exercise of the electoral franchise. The House plan was designed to maintain the opportunity of black voters to elect representatives of their choice in all existing districts with minority concentrations. That this goal was successfully achieved is illustrated by focusing on the factor most important to the success of black candidates in primary elections in North Carolina — the percentage of registered black Democrat voters — and the factor most important in the success of black candidates in North Carolina General Elections — the electoral success of Democrat candidates, especially black candidates, in past elections. All black Representatives were consulted regarding the design of their own districts and the concerns of the Black Caucus were taken into consideration in the design of the 2003 House Redistricting Plan as a whole. The plan had the overwhelming support of black Representatives. This is evidenced by their vote; 16 of 18 black Representatives voted in favor of the plan, including the leader of the House Black Caucus.

For ease of analysis and comparison of districts, a chart has been prepared which shows the 1992 districts (using 1990 and 2000 Census data) alongside the equivalent 2001 Sutton 3 House plan districts, the 2002 Interim House plan districts and the 2003 House Redistricting Plan districts. See Attachment 3H-27C-3(d). Other comparison charts and explanatory memoranda are also located at Attachment 3H-27C-3(a-g). The statistical package for the 2003 plan, which includes population and election data, is included at Attachment 3H-27A-2. Additional election data is included at Attachment 3H-28D.

Benchmark Retgression Analysis

The last constitutional and precleared House districts used for elections from 1992 through 2000 are the 1992 districts. However, for a variety of reasons it is difficult to apply the 1992 House plan districts as the benchmark for a regression analysis. Based on the 2000 Census data, all of the majority-black and over-40% black districts in § 5 counties reflected significant population deficits of more than minus 5% deviation from the ideal district population. The district with the greatest population deficit was District 17, with a minus 27.12% deviation from the ideal. See H-27N in the 2001 House Submission for more detailed information regarding the relative dispersal of North Carolina's black population and the slower-than-average overall population growth of the House districts in the 1992 plan with the highest black populations. In addition, the Shaw opinion and its progeny require drawing more regularly shaped districts that do not unnecessarily segregate voters on the basis of race, which affects the drawing of minority districts. Similarly, the whole
county, grouping and other requirements of *Stephenson I* must be followed to the maximum extent practicable in drawing minority districts.

North Carolina’s 2002 legislative elections were held under the 2002 Interim plans drawn by the trial court in *Stephenson*. Those districts reflect, in part, the revitalization of the whole county provisions of Article II, §§ 3 and 5 of the North Carolina Constitution by the North Carolina Supreme Court in *Stephenson I*. The *Stephenson I* opinion and the court-drawn interim plans were precleared by the United States Attorney General. However, the trial court, which had based the vast majority of its 2002 Interim House plan (including minority districts) on the Sutton 5 plan enacted by the General Assembly, concluded that the Interim House plan used for the 2002 elections was unconstitutional as a matter of State law. A chart of all the districts in the Sutton 5, and hence in the Interim plan, that the trial court deemed unconstitutional is attached as *Attachment 3H-27N-1*.

**Minority Voting Strength in § 5 Counties**

The 1992 House plan, based on 2000 Census data included 10 majority-black (single-race total black population "BPOP") House districts in § 5 counties: Districts 5, 7, 8, 26, 28, 70, 78, 79, 87, and 97. The 1992 plan also contained one majority-Native American (total population "TPOP") district in a § 5 county: District 85. In addition, the 1992 plan included a two-member House district with over-40% BPOP in the § 5 county of Cumberland that consistently elected two black Democrats: District 17 (48.07% BPOP). These 13 seats have consistently elected 10 black Democrats and one Native-American Democrat. In two districts, white Democrats consistently were elected as the candidates of choice of the minority voters: District 8 (58.03% BPOP, 55.30% BVAP) and District 78 (54.95% BPOP, 52.63% BVAP). A summary chart comparing § 5 and minority concentration districts in the 1992, 2002 Interim, and 2003 House plans is included as *Attachment 3H-27N-2*.

The 2002 Interim House plan also included 10 majority-black (BPOP) House districts in § 5 counties: Districts 5, 7, 8, 43, 58, 60, 27, 12, 21, and 70. The plan contained one majority-Native American (TPOP) district in a § 5 county: District 47. In addition, the Interim plan included two House districts in § 5 counties with over-40% BPOP which elected two black Democrats: Districts 17 [formerly a two-member district] (45.01% BPOP) and District 48 [formerly District 87] (48.9% BPOP). These 13 districts elected 10 black Democrats and one Native-American Democrat. In essentially the same two districts as the 1992 plan, white Democrats were elected under the Interim plan as the candidates of choice of the minority voters: District 8 (55.16% BPOP, 52.03% BVAP) and District 27 [formerly District 78] (53.44% BPOP, 51.15% BVAP).

The 2003 House Redistricting Plan, while harmonizing the requirements of *Stephenson I* and the Voting Rights Act by dividing fewer counties than the 2002 Interim House plan. The 2003 House Redistricting Plan keeps 53 counties whole, which is 5 more than the number of counties kept whole in the court-drawn 2002
Interim plan. In addition, the 2003 House Redistricting Plan forms a total of 36 groupings of counties, which is 7 more than the number of groupings in the 2002 Interim plan. There are 12 two-county groupings in the 2003 plan, which is 9 more than in the court-drawn 2002 plan. The districts in the 2003 plan also are more compact and attempt to accommodate local communities of interest to the extent possible. The 2003 Plan also includes 10 majority-black (BPOP) House districts in § 5 counties: Districts 5, 7, 8, 43, 58, 60, 27, 12, 21 and 24. There is one majority-Native American (TPOP) House district in a § 5 county: District 47. There are also two House districts with over-40% BPOP in § 5 counties that are almost identical to the same districts in the Interim plan which elected two black Democrats: District 17 (45.17% BPOP) and District 48 (47.68% BPOP). One majority-black district in the 2003 plan, in an area which previously has elected a white Democrat, District 27, has been reconfigured as compared to the Interim plan so that its BPOP has been increased from 53.44% to 55.54% and it is now an open district with no incumbent running for election in the 2004 election. Based on the minority populations and past election results, these 13 minority districts can be expected to elect at least 11 black Democrats and one Native-American. The thirteenth minority district, District 8, remains a majority black district and the black voters in that district will continue to have the opportunity to elect their candidate of choice regardless of race or national origin.

Attachment 3H-27N-3 provides a profile for each of these 13 districts confirming the continuing black electoral strength of these districts. The profiles include data regarding total population, voting age population; 2002 Democrat and Republican voter registration; and 2002 black Democrat voter registration. The profiles use the 2000 Democratic Primary election for State Auditor and the 2000 General Election for State Auditor, which involved a successful black Democrat candidate in a statewide race, as reference elections to analyze voting patterns in each of the particular districts. These thirteen districts, consistent with the General Assembly's goal, preserve the opportunity of minority voters to elect their candidates of choice for the remainder of the decade. In addition, the 2003 plan preserves other concentration of Native Americans in the State, which is the Eastern Band of the Cherokees whose reservation is divided between Swain and Jackson Counties. (Jackson County is a § 5 county). The legislature chose, as it has in past plans, to continue to keep the Cherokee reservation together in District 119, which maintains the Native American population at 11.36%. If Swain and Haywood counties are used as a two-county group, the reservation is split into two districts and the Native American population would be reduced to 6.02%. The Cherokee informed the House leadership of their desire to keep the reservation together in the same district.
Minority Voting Strength Statewide

The 2003 House Redistricting Plan’s lack of discriminatory or retrogressive intent is further demonstrated by the plan’s attention to minority voters throughout the State in non-§ 5 counties as well as areas covered by § 5. Statewide, the 2003 House Redistricting Plan maintains or increases the overall electoral strength and effectiveness of minority voters based on the number of districts with black populations of over-50%, over-40%, and over-30% as follows:

<table>
<thead>
<tr>
<th>% Black Population</th>
<th>Court 2002 Interim Plan</th>
<th>The 2003 House Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>50% or above</td>
<td>14</td>
<td>15</td>
</tr>
<tr>
<td>40% to 49%</td>
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<td>6</td>
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<tr>
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<td>8</td>
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<tr>
<td>Total</td>
<td>23</td>
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<table>
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<tr>
<th>% Voting Age Black Population</th>
<th>Court 2002 Interim Plan</th>
<th>The 2003 House Plan</th>
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<tr>
<td>50% or above</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>40% to 49%</td>
<td>13</td>
<td>11</td>
</tr>
<tr>
<td>30% to 39%</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>Total</td>
<td>24</td>
<td>27</td>
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</table>

<table>
<thead>
<tr>
<th>% Total Black Population (combined with “Mixed Race”)</th>
<th>Court 2002 Interim Plan</th>
<th>The 2003 House Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>50% or above</td>
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<td>15</td>
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<tr>
<td>40% to 49%</td>
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<td>9</td>
</tr>
<tr>
<td>Total</td>
<td>26</td>
<td>30</td>
</tr>
</tbody>
</table>

Statewide, in areas not covered by § 5, the 1992 House plan contained four majority-black districts (BPOP) which consistently elected black Democrats: Districts 21, 59, 66, and 98. There were five over-40% (BPOP) seats which in 2000 elected four black Democrats and one white Democrat: Districts 58 (WD), 60, 67 and 23 (two-member district). These eight districts together elected seven black Representatives.

The 2002 Interim Plan, in areas not covered by § 5, included four majority-black (BPOP) districts which elected three black Democrats and one white Democrat: Districts 102 (WD), 107, 101, and 71. There were six over-40% black (BPOP) districts which elected five black Democrats and one white Democrat: Districts 33, 38 (WD), 72, 18, 29, and 31. These districts together elected eight black Representatives.

The 2003 House Redistricting Plan, in areas not covered by § 5, includes five majority-black (BPOP) districts: Districts 33; 58, 59, 60 and 66. There are four over-40% black (BPOP) districts: Districts 72, 18, 29 and 31. Based on the minority populations and past election results, these nine districts can be expected to
continue to elect at least eight black Representatives. Attachment 3H-27N-4 provides a profile for each of these nine districts.

Past election results in North Carolina demonstrate that districts with a black voting age population (BVAP) of 37.81% and above can provide an effective opportunity for the election of black candidates. See Attachment 3H-27N-5, which ranks the House districts in the 1992 plan and the Interim Plan by BVAP percentage and highlights those districts in which black candidates won elections from 1992-2000 (1992 plan) and in 2002 (Interim Plan). In North Carolina, a more important indicator of effective black voting strength is the percentage of registered Democrats who are black. The profiles of districts in the court-drawn 2002 Interim Plans which have elected black Representatives, see Attachment 3H-27N-6, run from a low of 52.58% in District 18 to a high of 78.87% in District 60. The profiles of the two districts in § 5 counties with majority-black BVAP and black Democrat registrations of 61.20% and 60.03%, which consistently have elected white Democrats, Districts 8 and 27, demonstrate that these candidates were the choice of the black voters. See Attachment 3H-27N-7.

The ability of North Carolina's black voters to elect black candidates in electoral districts with less than a 50% BVAP has also been demonstrated in congressional elections. In 1992, 1994, and 1996, black candidates won elections in congressional District 1 (57.26% BPOP, 53.40% BVAP) and District 12 (56.63% BPOP, 53.34% BVAP). These districts, however, were found to be based on impermissible considerations of race, in large part because of their irregular shapes.

In the 1998 congressional election, under a plan drawn to satisfy the three-judge federal court in Cromartie and which necessarily reduced the percentage of black voters, District 1 (50.27% BPOP, 43.54% BVAP) and District 12 (35.58% BPOP, 32.56% BVAP) continued to re-elect black congresspersons.

In the 2000 congressional election, held under the legislature's 1997 Congressional Plan, two black candidates again were re-elected in District 1 (50.27% BPOP, 46.54% BVAP) and District 12 (46.67% BPOP, 43.36% BVAP).

In 2001, congressional districts were redrawn based on the 2000 Census and black candidates continued to run successfully in the 2002 election in District 1 (50.71% BPOP, 47.82% BVAP) and District 12 (45.02% BPOP, 45.56% BVAP). Congressional District 1 encompasses many of the State's § 5 counties in eastern North Carolina, while District 12 encompasses concentrations of black voters in the Piedmont area.

Based on all the available data and past history of elections, the 2003 House Redistricting Plan in every respect preserves the opportunity of minority voters to continue to elect their candidates of choice to the North Carolina House of Representatives for the remainder of the decade.
FIRST SUPPLEMENT TO INITIAL DISCLOSURES FOR NORTH CAROLINA'S 2003 HOUSE REDISTRICTING PLAN (Section 3H-27N):

<table>
<thead>
<tr>
<th>Attachment</th>
<th>Description</th>
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<tr>
<td>3H-27N-8</td>
<td>Black Democratic Candidate Vote Share Analysis Report (explanation of profiles at Attachments 3H-27N-3, 4, 6, and 7)</td>
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<tr>
<td>3H-27N-9</td>
<td>2003 House Redistricting Plan- Ranking BVAP Percentages (shows opportunities for the election of black candidates; compare with Attachment 3H-27N-5)</td>
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January 13, 2003
SECOND SUPPLEMENT TO INITIAL DISCLOSURES FOR NORTH CAROLINA'S 2003 HOUSE REDISTRICTING PLAN:

<table>
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<th>Attachment</th>
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<tbody>
<tr>
<td>3H-27N-10</td>
<td>November 25, 2003 Memo from Sabra J. Faires to Speaker Morgan concerning Ferrell Blount's memo to Republican members of the General Assembly about the 2003 House Plan.</td>
</tr>
<tr>
<td>3H-27N-11</td>
<td>Talking Points Regarding the Legislation Redistricting the House of Representatives</td>
</tr>
</tbody>
</table>
3S-27H. Authority and Process for Senate Redistricting.

The authority for the North Carolina General Assembly to redistrict Senate election districts after the decennial census is contained in Article II, § 3 of the North Carolina Constitution. See Attachment S-27H-1 of the 2001 Senate Submission.

On April 30, 2002, the North Carolina Supreme Court in Stephenson v. Bartlett, 355 N.C. 354, 562 S.E.2d 377 (2001) ("Stephenson I") declared unconstitutional the Senate plan enacted by the General Assembly in 2001, for failure to comply with the whole county provision of the North Carolina Constitution. On May 20, 2002, the General Assembly enacted the Fewer Divided Counties Senate plan attempting to comply with Stephenson I. That plan was declared in violation of the State Constitution by the trial court on May 31, 2002, and the trial court drew an Interim Senate Plan for the 2002 election cycle. The trial court's Interim Senate Plan and Stephenson I were precleared on July 12, 2002.

On July 16, 2003, the North Carolina Supreme Court in Stephenson v. Bartlett, 357 N.C. 301, 582 S.E.2d 247 (2003) ("Stephenson II"), affirmed the trial court's decision that the General Assembly's 2002 plan failed to comply with Stephenson I. Thus, the duty to enact a plan for the 2004 and subsequent elections devolved to the General Assembly.

On November 4, 2003, the Senate conducted an informational meeting on redistricting. See Attachment 3S-27H-1.

On November 19, 2003, Senate President Pro Tempore Marc Basnight (WD) appointed a Select Committee on Redistricting, co-chaired by Senators Daniel Clodfelter (WD), Charles Dannelly (BD), and Jeanne Lucas (BD). The committee consisted of 25 other Senators, including all six black Senators. See Attachment 3S-27H-2 (List of Senate Redistricting Committee).

On November 20, 2003, the Senate Select Committee on Redistricting held a public hearing on redistricting, at which twenty individuals addressed the Committee. See Attachment 3S-28F-2(a) (Senate Public Hearing Transcript and Sign-In Sheets).

On November 23, 2003, at the request of the President Pro Tempore of the Senate and the Speakers of the House, the Governor issued a proclamation calling the General Assembly into an Extra Session to convene November 24, 2003, for the purpose of enacting a new plan. See Attachment 3S-27H-3 (Governor's Proclamation).

The General Assembly's website (www.ncleg.net) provided public access to the redistricting process through the Internet.

On November 24, 2003, The General Assembly convened in Extra Session. Senate President Pro Tempore, Marc Basnight, reappointed the co-chairs and membership
of the Select Committee on Redistricting as the Senate Redistricting Committee pursuant to the Rules of the Senate. Senators Cledfelter, Dannelly and Lucas introduced Senate Bill 2. The bill contained an incomplete plan entitled "2003 Senate Redistricting Plan". The plan excluded Districts 36 and 41-43 in Gaston, Lincoln, Catawba, Iredell and Cabarrus counties. See Attachment 3S-27H-4 (Senate Bill 2).

The Senate Redistricting Committee met to consider Senate Bill 2. Senator Dannelly chaired the meeting. Senator Cledfelter presented the Plan to the Committee and offered an amendment to complete the Plan. The amendment was adopted. See Attachment 3S-27H-5 (S2-AST-39 [v.2]).

Senator Tony Rand (WD) offered an amendment to include the Presidential Primary in the State Board of Elections' authority to postpone primaries if redistricting plans failed to receive approval by the beginning of the candidate filing period on February 9, 2003. The amendment was adopted. See Attachment 3S-27H-6 (S2-ARR-66 [v.1]).

The Committee considered eight additional amendments:

- Senator Patrick Ballantine (WR) offered an amendment to substitute the Interim Plan drawn by Judge Jenkins that had been used in the 2002 elections. The amendment failed by voice vote. See Attachment 3S-27H-7 (S2-ALB-132 [v.1]).
- Senator Ballantine also offered an amendment to enact a whole state plan called "Ballantine 2". The amendment failed by voice vote. See Attachment 3S-27H-8 (S2-ALB-131 [v.2]).
- Senator Phil Berger (WR) offered an amendment to substitute the Rockingham/Guilford/Davidson cluster of the Interim Plan for that of 2003 Senate Redistricting Plan. The amendment failed by voice vote. See Attachment 3S-27H-9 (S2-ALB-138 [v.1]).
- Senator Berger offered an amendment to substitute the Mecklenburg/Union cluster from the Interim Plan for that of the 2003 Senate Redistricting Plan. The amendment failed by voice vote. See Attachment 3S-27H-10 (S2-ALB-137 [v.1]).
- Senator Berger offered an amendment to substitute the Wake County cluster from the Interim Plan for the 2003 Senate Redistricting Plan. The amendment failed by voice vote. See Attachment 3S-27H-11 (S2-ALB-136 [v.1]).
- Senator Berger offered an amendment to substitute the Bladen/Cumberland cluster from the Interim Plan for the 2003 Senate Redistricting Plan. The amendment failed by voice vote. See Attachment 3S-27H-12(S2-ALB-139 [v.1]).
- Senator Hamilton Horton (WR) offered an amendment to amend the Constitution to make redistricting the duty of an Independent Redistricting Commission. The amendment failed by voice vote. See Attachment 3S-27H-13 (S2-ARR-65 [v.3]).
- Senator Ballantine offered an amendment to create a plan using the clusters from the 2003 Senate Redistricting Plan, but he redrew the minority and other
districts within the clusters. The amendment failed by voice vote. See Attachment 3S-27H-14 (S2-ALB-140 [v.1]).

Three African-Americans citizens and public officials addressed the committee: Wake County Commissioner Harold Webb, Mr. Matthew J. Watts of Cumberland County, and Ms. Octavia Rainey of Wake County. All spoke in favor of the proposed Senate Plan. Senator Clodfelter informed the committee that it would not report Senate Bill 2 as amended, but would add the provisions of SB2 to the provisions of House Bill 3, the House Redistricting Plan, when it was received from the House. He also announced that there would be a change in the five-county cluster (Iredell, Gaston, Lincoln, Catawba, Cabarrus) that would result in one fewer split counties. See Attachment 3S-27H-15 (Senate Meeting Minutes, November 24th); Attachment 3S-28F-6 (c) (Senate Committee transcript, November 24th).

On November 24, 2003, House Bill 3, the House Redistricting Plan crossed over to the Senate and was referred to the Senate Redistricting Committee.

On November 25, 2003, The Senate Redistricting Committee met again. Senator Clodfelter offered an amendment to add the Senate Redistricting Plan to House Bill 3, along with changes related to redistricting affecting the General Statutes in the form of a proposed committee substitute. Note: Changes to the election statutes have been submitted separately for administrative preclearance. The motion to approve the proposed committee substitute was approved by the Committee by voice vote. See Attachment 3S-27H-16 (Senate Meeting Minutes, November 25th).

On the Senate floor, the full Senate passed House Bill 3 by a vote of 25-23. See Attachment 3S-27H-17 (Senate Roll Call) for a copy of the roll call vote on the bill. Senator Lucas was not able to attend the special session due to illness, but expressed her support for the plan by letter. See Attachment 3S-28F-6(f) at pp. 23-25. No roll call vote was taken on third reading. See Attachment 3S-28F-6(f) (Senate Floor Transcript, November 25th) for a copy of the transcript of the floor debate. The House concurred with the Senate changes to House Bill 3. See 3S-28F-6 (b) (House Floor Transcript, November 25th).


A copy of the Senate procedural rules that apply to the special session is included at Attachment 3S-27H-18 (Senate Rules).
3S-27N. Effect of Adoption of 2003 Senate Redistricting Plan on Minority Voters.

As documented by the data provided to the United States Department of Justice in this initial disclosure, the 2003 Senate Redistricting Plan was designed to maintain the opportunity of black voters to elect their candidates of choice in all existing minority opportunity districts and to provide black voters with the opportunity to elect their candidates of choice in two additional districts. This goal was achieved through two principal means. First, the plan focuses on the factor most important in the success of black candidates in primary elections – the percentage of registered black Democrat voters – and the factor most important in the success of black candidates in the general election – the electoral success of Democrat candidates, especially black Democrat candidates, in past elections. Second, the plan was crafted under the guidance of the Senate’s black members, both with regard to the design of their own districts and also with regard to the design of the plan as a whole. To provide further assurance that the plan is valid under the Voting Rights Act, the Senate leadership consulted with local leaders of the NAACP and reviewed the plan with two prominent advocates for minority voting rights, Julius Chambers and Adam Stein, all of whom are of the opinion that the 2003 Senate Redistricting Plan complies with § 5.

The Interim Plan drawn by the trial court for the 2002 election and precleared by the United States Department of Justice resulted in the election of six (6) black Senators in 2002: Senator Holloman in District 4, Senator Malone in District 14, Senator Lucas in District 20, Senator Shaw in District 21, Senator Dorsett in District 28 and Senator Dannely in District 38. Districts 4, 21 and 28 include all or portions of counties covered by § 5. That interim, precleared plan also resulted in the election of Senators Jenkins and Weinstein respectively from District 3, a district with a significant black voter presence which has historically elected a white representative, and District 13, a district with a significant black and Native American voter presence with has historically also elected a white representative. Both of these districts encompass counties covered by § 5. Consistent with the General Assembly’s goal, the 2003 Plan preserves the opportunity of minority voters to elect their candidate of choice in each of these districts for the remainder of the decade.

The 2003 Plan also includes two districts not included in the 2002 precleared plan whose characteristics strongly favor the election of additional candidates of choice of black voters for the remainder of this decade. District 7 is a newly configured district encompassing four counties in the northeastern part of the State, including three § 5 counties. There is no incumbent in this district. The percentage of registered voters in this district who are black Democrats in 49.70% and the voters in that district have strongly supported Democrat candidates in past general elections, especially black candidates. District 40 is also a newly configured district without an incumbent. It is located entirely within an area of Mecklenburg county where the percentage of registered voters who are black Democrats is 58.88% and where voters have strongly supported Democrat candidates in past elections.
Data and other information specifically documenting the design, purpose and effect of the 2003 Senate Redistricting Plan can be found in the following attachments to this initial disclosure:

- **Attachments 3S-27C-3(d)** (Charts comparing districts from the 1992 Senate precleared plan, the 2001 Senate precleared by not implemented plan, the 2002 court-drawn, interim plan and the 2003 Senate Plan).
- **Attachment 3S-27H-2** (Membership of the 2003 Senate Redistricting Committee by race and party affiliation).
- **Attachment 3S-27H-15** (Opinion of Messrs. Chambers and Stein that the Plan is not retrogressive).
- **Attachments 3S-28F-6(c), pp. 18-37, 42-63 and 3S-28F-6(f) pp. 5-16, 23-25 and 38-41** (Explanation of the Plan by Senator Clodfelter).
- **Attachment 3S-28F-6(c), pp. 68-70, 77-78** (Comments of Senator Dorsett, a black Democrat, supporting the Plan).
- **Attachment 3S-28F-6(c), pp. 81-82 and 3S-28F-6(f), pp. 52-53** (Comments of Senator Dannelly, a black Democrat supporting the Plan).
- **Attachment 3S-28F-6(c), pp. 92-95 and 3S-28F-6(f), pp. 41-44** (Comments of Senator Malone, a black Democrat supporting the Plan).
- **Attachment 3S-28F-6(f), pp. 29-32** (Comments of Senator Holloman, a black Democrat supporting the Plan).
- **Attachment 3S-28F-6(f), pp. 34-37 and 44-46** (Comments of Senator Dorsett, a black Democrat supporting the Plan).
- **Attachment 3S-28F-6(c), pp. 101-106** (Comments of prominent minority citizens supporting the Plan).
- **Attachment 3S-28F-6(f), pp. 4-50** (Comments of Senator Jenkins supporting the Plan).
- **Attachment 3S-28D-1** (Election results of Primary and General Elections from 1992 through 2002 for Senate minority districts).