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HOUSE OF DELEGATES  
PRIVILEGES AND ELECTIONS COMMITTEE  
PUBLIC HEARING IN RE: REDISTRICTING

University of Mary Washington  
Stafford Campus - University Hall  
Fredericksburg, Virginia

December 6, 2010  
7:00 p.m.

CAPITOL REPORTING, INC.  
P.O. Box 959  
Mechanicsville, Virginia 23111  
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1 APPEARANCES:

2

3 COMMITTEE MEMBERS:

4 Mark L. Cole - Chairman

5 Robert B. Bell

6 Johnny S. Joannou

7 S. Chris Jones

8 A.T. Howell

9 J. H. Miller

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S P E A K E R S :

Olga Hernandez	10
Lester Gabriel	15
Horace McCaskill	16
David Hill	18
John Lampmann	19
Keith Sheets	23

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DELEGATE COLE: I want to call the public hearing to order. We are expecting at least one more delegate to make it to this. He called and is delayed on I-95, surprise, surprise, so anyways, we'll go ahead and get started and I'm sure that he'll be joining us.

I want to welcome everyone to the hearing tonight. Thank you all for coming out on this cold winter evening.

I want to take this opportunity to introduce, have everybody, all the delegates at least, introduce themselves, starting with Delegate Howell, if you would just briefly introduce yourself for the folks here.

DELEGATE HOWELL: My name is Delegate Howell and I'm the delegate for the 90th District which covers part of Norfolk, part of Chesapeake, and part of Virginia Beach.

DELEGATE JOANNOU: My name is Johnny Joannou. I'm in the House of Delegates for the 79th District, and my district covers a piece of Norfolk, the majority of Portsmouth, a piece of Suffolk, and a piece of Chesapeake.

DELEGATE JONES: My name is Chris Jones and I'm in the 76th District which is part of Suffolk

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1 and Chesapeake.

2 DELEGATE BELL: My name is Rob Bell. I  
3 represent the Charlottesville area, Albemarle County,  
4 Greene, Fluvanna, and Orange.

5 DELEGATE COLE: And I'm Mark Cole. I  
6 represent this part of Stafford County right here and  
7 also represent part of Spotsylvania and Fauquier  
8 Counties, and I'm chairman of this committee that  
9 redistricting will be coming through.

10 This is one of several opportunities the  
11 subcommittee has had this year to gather inputs from  
12 experts, advocacy groups, and most importantly the  
13 people of Virginia on the once every 10 year process of  
14 drawing new boundaries for the state legislative and  
15 congressional districts.

16 The General Assembly and Governor as  
17 officials who submit to the voters at election and  
18 therefore are directly accountable to the public are  
19 responsible for drawing the legislative boundaries.  
20 That mandate is clearly spelled out in the Virginia  
21 Constitution. This time tested and inclusive process  
22 insures that every Virginian has a voice in  
23 redistricting since every Virginian is represented in  
24 the General Assembly by a delegate and a state senator.

25 After the census by the Federal

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1 Government, the Virginia General Assembly and Governor

2 like every other state must draw lines for the U.S.  
3 House, the Senate of Virginia, and the Virginia House  
4 of Delegates districts. Likewise, localities must also  
5 draw lines for their county boards, city council, and  
6 school board districts. That much everyone knows from  
7 our civic classes, so why are we here in the current  
8 redistricting process? The key task of the 2010  
9 census, that April 1 enumeration is now complete;  
10 however, the U.S. Census Bureau continues its work  
11 towards releasing statewide population counts for  
12 Virginia and the other states. Then the data used for  
13 actually drawing the lines, the so called Public Law  
14 94-171 data comes later. That's the detailed data that  
15 we use to actually draw the lines. It will most likely  
16 come, be available to us in February or March of next  
17 year, and when it's made available to us it will be  
18 made available to the public at large.

19 Speaker Howell and I decided to schedule  
20 and convene these public hearings to encourage greater  
21 civic awareness and to facilitate more active  
22 participation by the public in Virginia's latest  
23 redistricting process. At these public hearings this  
24 subcommittee wants to gather input from the public on  
25 what principles the General Assembly and Governor

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1 should consider using the detailed data once it becomes  
2 available next year to redraw district lines. of

3 course redistricting is an endeavor presenting many  
4 challenges. It can also be a contentious process. In  
5 fact litigation over districts drawn in 2001 after the  
6 last federal census continued through most of the last  
7 decade in some states, but in Virginia not a single  
8 court case challenging the current House of Delegates,  
9 State Senate, or congressional maps successfully passed  
10 legal muster. Nevertheless, the decisions produced by  
11 all that litigation whether Virginia or across the  
12 nation as well as the complicated body of law and many  
13 players involving redistricting make it vital that my  
14 colleagues and I learn what is most important to  
15 Virginians before the lines are redrawn and legislation  
16 is ultimately passed.

17                   The General Assembly, the Governor, the  
18 Attorney General, the U.S. Department of Justice, and  
19 perhaps state and federal judges will all have an  
20 opportunity to impact this process, but again before we  
21 get involved in the work of drawing or seeking legal  
22 opinions or whatever else, the speaker and I along with  
23 our house colleagues, we want to hear from you about  
24 your priorities and your suggestions for redistricting.

25                   As we get underway I believe it is

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1 incumbent upon me to articulate, and I hope my  
2 colleagues will agree with my touchstones on this very

3 important public policy issue, first the redirecting  
4 process must be fair. It must include opportunity for  
5 input from all and serious deliberation about a fair  
6 outcome. The redistricting process must create  
7 districts as nearly as possible that are equal in  
8 population giving the effect of one person, one vote.

9                   The final district maps must also comply  
10 with the law, whether the U.S. Constitution, the  
11 Virginia Constitution, the Federal Voting Rights Act,  
12 or any other court decisions that apply. Within those  
13 critical constraints I look forward to learning from  
14 everyone giving testimony here tonight and at  
15 subsequent hearings. Beyond those constraints no  
16 decisions have been made. We are here to hear from you  
17 about what you believe is important in redistricting.  
18 We have not prejudged the outcome, we have not made any  
19 decisions, we have no answers to specific questions  
20 about what districts will look like or how plans will  
21 be drafted. We want to hear from you about what we as  
22 your elected representatives should consider in this  
23 process.

24                   Now here are several requests I want to  
25 make to insure we have a smooth and efficient process

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1 for public input. Staff from legislative services has  
2 prepared a handout to answer some of your questions  
3 that are available at the table here. If you haven't

4 already picked one up I'd encourage you to do so. The  
5 handout includes the web site where additional  
6 information can be found both now and as the  
7 redistricting process continues. That web site will be  
8 updated.

9                   In order to respect the time of everyone  
10 that has come tonight to provide input, we will rely on  
11 that handout to answer many questions. My colleagues  
12 and I will refrain from our sometimes longwinded  
13 commentary other than my opening comments. We won't  
14 engage in debate with each other or with you. We  
15 won't, you know, like I said, give longwinded speeches  
16 or anything like that. We want to maximize  
17 participation by the citizens who are here. Our  
18 objective tonight is to hear from you, not to give  
19 political speeches.

20                   I would ask that each of you who speak  
21 try to keep your remarks brief, and as a courtesy to  
22 others, please try not to repeat what others have said  
23 before so that we can try to accommodate as many people  
24 as want to speak tonight as we can.

25                   I also invite everyone to submit written

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1 comments for the record. You can either do that by  
2 giving the clerk a hard copy or you can, statements can  
3 be e-mailed or faxed or sent by regular mail to the

4 Deputy Clerk for Committee Operations at the Virginia  
5 House of Delegates. His contact information is at the  
6 table near the entrance here along with the complete  
7 list of all public hearings that the subcommittee will  
8 be holding.

9                   Finally please be sure to identify  
10 yourself when you give your remarks. We do have a  
11 court reporter here who is recording all of the  
12 statements that are made, so to help her out I would  
13 encourage you to speak clearly and give your name and  
14 at least your locality of residence for the record.

15                   Okay, I have a signup list here of people  
16 who wanted to speak, and I'll start going down it, and  
17 forgive me if I mispronounce any names. Olga  
18 Hernandez, please come forward.

19                   MS. HERNANDEZ: Good evening, Chairman,  
20 members of the committee. My name is Olga Hernandez  
21 and I'm president of the League of Women Voters of  
22 Virginia. Thank you for scheduling the hearings early  
23 in the process. By hearing citizen input as to the  
24 fairness of the process prior to the lines being drawn  
25 we hope will encourage you to consider what you hear

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1 before a final plan is drawn.

2                   The league, a non partisan political  
3 organization, has had a position for redistricting for  
4 decades. We are not new to the venture. We come to

5 the positions after careful study and with member  
6 input. Our most recent study on the subject can be  
7 found on our web site, and we have also testified  
8 before the Senate P & E Committee in these hearings  
9 around the state.

10 We consider redistricting and  
11 reapportionment a basic constitutional right to fair  
12 and equal representation guaranteed to all citizens by  
13 the Constitution. It is a core principle. The Leagues  
14 have worked vigorously in the Commonwealth and across  
15 the country to secure representative redistricting  
16 plans in their states after each census and are seeking  
17 reforms to assure the redistricting process is  
18 nonpartisan, equitable, and open, and I'm glad your  
19 comments that you are taking that into consideration.

20 The League believes that the voters  
21 should choose their representatives and not the other  
22 way around. Thus the practice of incumbent protection  
23 should be done at the ballot box and not by drawing  
24 boundaries so safe that it favors one party or another.  
25 Commitment to the rules of the state Constitution of

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1 contiguous boundaries, compactness of the district, and  
2 representation in proportion to the population should  
3 be adhered to and considerations of communities of  
4 interest need to be carefully observed. Incumbent

5 protection should not.

6 We support a bipartisan commission to  
7 draw the lines, but absent that possibility we ask you  
8 to do your best to have a more equitable process.

9 We understand that the current sharing of  
10 political power in the General Assembly provides the  
11 best opportunity for enactment of redistricting reform  
12 that we have had in recent decades, but it troubles us  
13 to hear that an agreement may have been reached between  
14 the chambers to accept each other's plans, thus  
15 protecting incumbents of each party and perpetrating  
16 more polarization in our government. During his  
17 campaign in 2009 the Governor also voiced support for a  
18 more equitable process but he has not fulfilled his  
19 pledge yet.

20 The current system in Virginia encourages  
21 partisan gerrymandering which creates seats so  
22 politically skewed that opposition has little chance of  
23 unseating the incumbent. This subverts the democratic  
24 system because it allows politicians to choose their  
25 voters rather than vice versa. It limits the vetting

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1 of new people with new ideas and solutions to public  
2 policy issues that work with the people and not -- that  
3 work for the people and not themselves. That was the  
4 idea of having a citizen legislature.

5 The lack of contested and competitive

6 districts have contributed to a decreasing voter  
7 turnout in Virginia. The voter turnout for statewide  
8 House of Delegates elections in '97 was 49.5 percent.  
9 In 2009 it was 40.4 percent according to the SBE web  
10 site. We see a disturbing pattern of turnout decline.

11 One of the most significant effects of  
12 partisan gerrymandering in Virginia as elsewhere in the  
13 country is the contribution to increasing polarization  
14 of our legislative bodies. As quoted in the Virginia  
15 League of Women Voters study, Does Your Vote Really  
16 Count: "With little reason to fear voters,  
17 representatives increasingly cater to party insiders  
18 and donors rather than to the political center.  
19 Bipartisan compromise around common sense solutions has  
20 taken a backseat to party loyalty resulting in historic  
21 levels of polarization." This is certainly true of the  
22 Virginia General Assembly in recent years. The  
23 primaries have in fact become the election that matters  
24 in many districts.

25 The gerrymandered districts established

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1 in 2001 redistricting have resulted in the election of  
2 candidates who are unwilling to negotiate solutions on  
3 the budget and, especially important for this region,  
4 transportation issues and funding.

5 We are encouraged that you are listening

6 early before you get the revealing census numbers. We  
7 ask that you work with the House and the Senate in good  
8 faith and a transparent way as you work through the  
9 process. Input should and can be taken via the web  
10 site, and maps should be posted so the public can see  
11 and participate in the process. More hearings should  
12 be held once the legislation is drafted and maps are  
13 proposed.

14 Virginia is the cradle of democracy in  
15 the United States. Let's again be the beacon of good  
16 governance and show the nation that with having a  
17 better system we can have better government for the  
18 people when they truly have a voice.

19 Thank you for listening. I want to say  
20 one more thing that wasn't part of my written comments  
21 which you all have. The Redistricting Coalition has  
22 been working with the universities around the state and  
23 there will be a contest. 13 universities have already  
24 signed up to do parallel maps and they will be posted,  
25 they will be posted in an event at the Library of

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1 Virginia later in the spring around the same time that  
2 the legislation will be coming out, and we look forward  
3 to seeing the differences of when you work with  
4 protecting incumbent seats and versus not, but they  
5 will be using the same numbers you will be.

6 I wish you godspeed and thank you very

7 much for having this hearing.

8 DELEGATE COLE: All right, thank you very  
9 much.

10 Lester Gabriel.

11 MR. GABRIEL: I'm Lester Gabriel. I live  
12 in Stafford County about 3, 4 miles from here.

13 I would echo almost everything that we  
14 just heard. The purpose of redistricting is, I believe  
15 our founding fathers meant it to be a tool of the  
16 people to make sure that they have control over their  
17 elected officials, and therefore I also do not believe  
18 that incumbents' protection or creating safe districts  
19 for a party is any legitimate business of the  
20 legislature in redistricting. We should be concerned  
21 about the simple things of creating equal population  
22 and contiguous compact districts, and that should be  
23 about it. It should be a fairly simple process if you  
24 take all the politics out of it.

25 So that's all I have to say.

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1 DELEGATE COLE: All right, thank you.  
2 Horace McCaskill.

3 MR. MCCASKILL: Good evening. I'm Horace  
4 McCaskill and I live in Spotsylvania County.

5 I want to also echo some of the previous  
6 comments, and I won't revisit them because you have

7 heard them already. One of -- and I represent an  
8 organization called the Spotsylvania Citizen Round  
9 Table for Political Action, and one of our concerns is  
10 compactness. I live in a district or a supervisory  
11 district for example in Spotsylvania County with 3  
12 precincts. 2 of the precincts are in one senatorial  
13 district and one in another. I'm in the one that's in  
14 another. Very seldom if ever do we see the Senator  
15 from that area. I probably have gotten a piece of  
16 correspondence. It's obvious that the district is very  
17 safe because he probably doesn't have to worry much  
18 about even coming and campaigning among us. To me  
19 that's an example of a political leader picking his  
20 voters. I would like to obviously see that practice  
21 discontinued.

22 I live in a house district, a House of  
23 Representative, that is, a U.S. House of  
24 Representatives district that snakes from the Tidewater  
25 area to Prince William County, I believe, and it is

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1 very creatively drawn. Is that compactness? It may  
2 very well be, but it seems that you could almost draw a  
3 snake and you could call it compactness. Again, it  
4 seems to me that this district, obviously the drawing  
5 of it resulted in voters being selected and being quite  
6 safe.

7 I think elections ought to be

8 competitive. I think the people ought to be able to  
9 make the choices and vote on the best candidate and  
10 offer solutions and not necessarily all of the creative  
11 drawing of districts that we see. I think what ought  
12 to drive the process is compliance, which you gentlemen  
13 have outlined, with state and federal law, and we need  
14 to look at the traditional redistricting factors. I  
15 couldn't discount them but I certainly wouldn't make  
16 any of them paramount. And again, incumbent protection  
17 ought not to be the driving force. It ought to be the  
18 will of the people and what the people want so they can  
19 make choices, and we can have a democracy to me that  
20 envisioned compromise, that envisioned the best  
21 solution for all people. Sometime it gets lost, very  
22 much lost in the partisan wrangling that we see in our  
23 electoral process whether it's local, state, or  
24 national.

25 So I present those comments to you and

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1 just say to you I would have preferred to see a citizen  
2 type advisory group involved in this process, but  
3 absent that, I would ask you to hear the state and  
4 federal requirements and draw the lines where the lines  
5 ought to be drawn and not necessarily where politicians  
6 may want them to be drawn. Thank you.

7 DELEGATE COLE: Thank you very much.

8 Daniel Hill. David Hill? Mr. Hill?

9 MR. HILL: Thank you. Horace and I share  
10 the honor of being co-captains of the precinct in  
11 Spotsylvania County, and it is I think the second  
12 largest precinct in the county. I come from a long  
13 background, some involving public service, some  
14 involving the practice of law, spent half of my life in  
15 Youngstown, Ohio, and I know about local politics.  
16 There I spent 6 years as the local urban renewal  
17 director and presided over a lot of public hearings.  
18 we designed the university, we rebuilt a downtown, we  
19 did industrial parks. I also had the pleasure of  
20 serving as a senior staff consultant to the new  
21 communities administration at HUD, and I served as vice  
22 president and counsel of the Reston, Virginia Community  
23 Association appearing many times before the Board of  
24 Supervisors.

25 I'm now retired. I have turned in my

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1 license to practice. However, I'm told I have a pretty  
2 good sense of humor, and when I look at the existence  
3 of the first congressional districts, it kind of makes  
4 me laugh, because if this is a contiguous district, I  
5 don't know something about geography, and I would hope  
6 that you people having a lot of responsibility will  
7 draw lines that are contiguous, that are meaningful,  
8 that can be drawn not with a political view but with a

9 view towards developing a voting district that is  
10 representative of the people.

11 You have got a difficult job. From my  
12 point of view, even though I don't practice law, I'd be  
13 happy to be joined with any group of lawyers that would  
14 challenge you should you not honestly live up to the  
15 positions taken by the League of Women Voters, which I  
16 think make great, great sense, and I would support them  
17 and I would ask all of our community to. Thank you.

18 DELEGATE COLE: Thank you very much.

19 MS. SPAIN: John Lampmann signed. John  
20 Lampmann.

21 DELEGATE COLE: John Lampmann.

22 MR. LAMPMANN: Mr. Chairman, members of  
23 the committee, my name is John Lampmann, and I'm  
24 testifying tonight as a citizen and as a resident of  
25 the house district, 99th house district.

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1 Virginians mostly, but many Americans as  
2 well, know the 99th District simply is the Northern  
3 Neck. The 99th is the birthplace of the father of our  
4 country, George Washington, President James Monroe,  
5 James Madison, and General Robert E. Lee to name just  
6 some of the prominent civic leaders of the 99th. It  
7 would be an understatement to say that citizens of the  
8 99th District share an extraordinarily unique

9 historical, cultural, social, economic, and political  
10 heritage, all this, and the Northern Neck also is  
11 stunningly beautiful and a very tranquil place to call  
12 home.

13 My purpose tonight is to urge the members  
14 of the committee charged with overseeing redistricting  
15 and in turn of course the members of the Virginia House  
16 of Delegates to preserve that historical, cultural,  
17 social, economic, and political Northern Neck  
18 community, preserve it intact within the House's 99th  
19 District. Any attempt by the legislature to carve the  
20 Northern Neck into multiple districts would mute the  
21 Northern Neck voice before the General Assembly. One  
22 voice that represents primarily the common interests of  
23 the Northern Neck should be heard in Richmond. Split,  
24 scattered among the competing interests of neighboring  
25 districts, that voice would be effectively silenced.

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1 There are those who would tell you that  
2 distributing parts of the 99th District among its  
3 neighboring districts would give the Northern Neck 2  
4 delegates in the state capitol, giving it more, not  
5 less representation. In fact here, more is less, and  
6 splitting representation of the Northern Neck would do  
7 just the opposite, as it may well in other areas around  
8 the state.

9 Consider a scenario where a district is

10 predominantly pro life. Districts that are  
11 predominantly pro choice surround that hypothetical  
12 district. If that pro life district is carved up and  
13 loses half its pro life citizens, clearly that  
14 district's pro life voice has been diluted. The pro  
15 life voice of those citizens loses its ability to be  
16 heard in Richmond. It loses its representation in  
17 Richmond.

18                   The current 99th District, the Virginia's  
19 Northern Neck district, is made up of clearly  
20 identifiable unique sets of community interests. Those  
21 community interests are not in most instances directly  
22 opposed to those of other Virginians, rather those  
23 interests are best described as a unique blend of  
24 competing interests; but make no mistake, splitting the  
25 Northern Neck community of interests will have I

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1 believe similar devastating effects on the voice of the  
2 Northern Neck in Richmond. If the integrity of our  
3 representative government is to be protected and  
4 preserved, the shared interests of communities such as  
5 those in the Northern Neck must be nurtured and  
6 protected on the political battlefields of  
7 redistricting. Redistricting is necessarily a  
8 political process of the fiercest kind.

9                   As this committee leads the process next

10 year, I urge you in the midst of the most brutal  
11 political end fighting to stay above the fray and hold  
12 in mind that your work will directly impact the  
13 integrity and thus the effectiveness of representative  
14 government in Virginia for all the years ahead.

15                   You have this citizen's support in that  
16 effort. Thank you.

17                   DELEGATE COLE: Thank you very much. I'd  
18 like to introduce, we had one delegate that got hung up  
19 in traffic come in late, Jackson Miller from Manassas  
20 has made it down finally, made the trek down I-95,  
21 so --

22                   DELEGATE MILLER: Pardon my tardiness,  
23 Mr. Chairman. 95 was more of a parking lot than usual.

24                   DELEGATE COLE: Yeah. Okay, now would  
25 anyone else like to address the subcommittee? Nobody

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1 else? Go ahead.

2                   MR. SHEETS: My name is Keith Sheets and  
3 I live in Spotsylvania County in your district.

4                   I'm going to say some things, and I could  
5 be ignorant because I not familiar with the population  
6 requirements for each district, but I believe that the  
7 fair way to redistrict is if you can do it  
8 electronically like a google map, start at the  
9 southwest corner, do a due line northwest until a  
10 geographical area is big enough to obtain that

11 population. I realize that you would want a natural  
12 border if possible, a road or something of that nature,  
13 but to me that would totally do away with the  
14 gerrymandering like the first district is a snake up,  
15 coming up from the Tidewater area, so that's just a  
16 consideration, and if it's possible, I would like you  
17 to consider it.

18 DELEGATE COLE: All right, thank you very  
19 much. Would anybody else like to speak?

20 All right, I want to thank everyone for  
21 coming out tonight, and again I would encourage you if  
22 you have other thoughts and ideas to feel free to  
23 submit them to the committee. Also visit the web page  
24 that's been set up. It will be, additions and changes  
25 will be made to it. We are going to try to keep the

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1 process updated on the web page, keep the public  
2 informed, and I would also encourage you to contact  
3 your representatives, your delegate and your state  
4 senator and let them know what your concerns are about  
5 the redistricting process.

6 Again thank you very much for coming out,  
7 and this -- just a minute.

8 AUDIENCE MEMBER: I got here kind of  
9 late, I would just like to pass on a mile and a half  
10 backup to go on 95 southbound is stopped. You might

11 want to chitchat a little while before you leave.

12 DELEGATE COLE: All right, well, thank  
13 you very much, and this subcommittee meeting is  
14 adjourned.

15

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17 ---Conclusion---

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3 CERTIFICATE OF COURT REPORTER

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5 I, Lynn Aligood, hereby certify that I was the  
6 Court Reporter for the public hearing conducted by  
7 the House Privileges and Elections Redistricting  
8 Committee.

9 I further certify that the foregoing transcript  
10 is a true and accurate record of the hearing to  
11 the best of my ability.

12           Given under my hand this 27th day of December  
13 2010.

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Lynn Aligood, Court Reporter

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