IN THE CHANCERY COURT OF TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT

TELISE TURNER, *et al.*,

  Plaintiffs,

  v.

BILL LEE, Governor, *et al.*,

  Defendants.

Case No. 22-0287-IV

<u>Expert Report of Douglas Himes</u>

REDISTRICTING EXPERIENCE[1]

I graduated from Lambuth College in 1992 with a bachelor's degree in History. From 1992-1993 I attended the University of St. Andrews where I obtained a graduate diploma while studying legal medieval history. I graduated from the University of Notre Dame Law School in 1997 with my Doctor of Jurisprudence.

Immediately upon my graduation from law school, I began working as a legal assistant in the Office of the Tennessee Attorney General until I passed the Tennessee bar and became a licensed attorney in the fall of 1997. In December 1998, I was hired as a legislative attorney in the Office of Legislative Legal Services for the Tennessee General Assembly.

I currently serve as House Ethics Counsel for the Tennessee State House of Representatives, as well as Counsel to the House Select Committee on Redistricting.

I have been involved with the legislative redistricting process in Tennessee on a nonpartisan basis for approximately 30 years. My first involvement was with the 1992 redistricting that occurred after the 1990 Decennial Census. At that time, I was serving as a Legislative intern during my final semester in college. Then State Senator Steve Cohen directed me to work with the Office of Legislative Legal Services in drafting Senate districts within Shelby County.

When I joined the Office of Legislative Legal Services in 1998, I was assigned to assist in defending the redistricting plans that were being challenged in federal court. In *Rural West*

---

[1] My resume is attached as Appendix B.

Tennessee African-American Affairs Council, Inc. v. McWherter, 836 F.Supp. 447 (W.D. Tenn. 1993) ("*Rural West Tennessee I*"), the federal court held that the House redistricting plan adopted in 1992—which deviated 14% between districts and divided 30 county lines—violated the "one person, one vote" doctrine of the Equal Protection Clause.

In 1994, the General Assembly passed Chapter 536, which provided a three-part apportionment plan for the House, consisting of Plan A, and alternative Plans B and C. Plan A split 29 counties and created 12 majority-minority House districts, but none of these districts were located in the six-county area that Plaintiffs described as rural West Tennessee. Plan B split 30 counties but created 13 majority-minority House districts, including one in rural West Tennessee. Plan B only took effect if the federal court found that Plan A violated the Voting Rights Act. Plan C, which called for the reinstatement of the redistricting plan that was held unconstitutional in *Rural West Tennessee I,* was rendered moot as a result of the Supreme Court's affirmance of *Rural West Tennessee I. See Millsaps v. Langsdon*, 510 U.S. 1160 (1994).

On January 23, 1995, the federal court issued an order finding that Plan A complied with the Equal Protection Clause's one person, one vote requirement. That court further ordered that it would delay consideration of other challenges to the House Plan until the Supreme Court ruled on appeals regarding the Senate Plan. The challenges to the Senate Plan were resolved in January 1996, and the plaintiffs then filed a second amended complaint challenging Plan A only on the grounds that it violated § 2 of the Voting Rights Act by diluting the voting power of blacks in Tennessee, and in particular rural West Tennessee. See *Rural West Tennessee African-American Affairs Council, Inc. v. Sundquist*, 29 F.Supp.2d 448 (W.D. Tenn. 1998) ("*Rural West Tennessee II*").

The federal district court found that Plan A unlawfully diluted minority voting strength in rural West Tennessee in violation of §2 of the Voting Rights Act and enjoined Plan A. Id. This decision was affirmed by the Sixth Circuit on appeal, and thus, by operation of state law, Plan B—which split 30 counties and had 13 majority-minority districts—went into effect. *Rural West Tennessee African-American Affairs Council v. Sundquist*, 209 F.3d 835 (6th Cir. 2000). No challenges to the 30-county split in Plan B were brought in state court.

After the 2000 Decennial census, I was assigned as the lead staff attorney for the House Redistricting Committee. At that time, Representative Jimmy Naifeh was the Speaker of the House and Representative Randy Rinks was appointed chair of the House Redistricting Committee. The plan that was proposed by that Committee and ultimately enacted by the General Assembly on January 14, 2002, split 30 counties. *See* Acts of 2002, Pub. Ch. 468. No challenges to this plan, and in particular, to the 30-county split were brought in state or federal court.

In 2003, I was appointed as Counsel to the Speaker of the House of Representatives and served in that capacity for Speakers Jimmy Naifah, Kent Williams, and Beth Harwell. In 2012, I was again appointed to serve as counsel to the House Redistricting Committee. At that time, Representative Harwell was the Speaker of the House and Representative Steve McDaniel served as Chair of the House Redistricting Committee. The plan that was proposed by that Committee and ultimately enacted by the General Assembly on January 26, 2012, split 28 counties. *See* Acts of 2012, Pub. Ch. 511.

Most recently, with the 2020 Decennial census, I was again appointed by Speaker Cameron Sexton to serve as counsel to the House Select Committee on Redistricting (the "Committee"). My job as counsel is to assist the Committee in drawing a House redistricting map that complies with state and federal law and that ultimately will be adopted by the General Assembly.

Since 1998, I have actively participated in the National Conference of State Legislatures' section on redistricting and elections including serving as a staff co-chair for the then named Redistricting and Elections Task Force in 2014.

RELEVANT AUTHORITY

Redistricting is subject to a number of state and federal constitutional requirements. For ease of reference, the below provisions and cases interpreting these provisions are summarized:

U.S. Constitution—Equal Protection Clause of the Fourteenth Amendment:

The "overriding objective" of any legislatively adopted redistricting plan for a state legislature "must be substantial equality of population among the various [legislative] districts, so that the vote of any citizen is approximately equal in weight to that of any other citizen in the State." *Reynolds v. Sims*, 377 U.S. 533, 579 (1964). This principle, often referred to as the "one person, one vote" principle, is grounded in the Equal Protection Clause of the Fourteenth Amendment. In *Reynolds*, the Supreme Court held that states legislatures are required to "make an honest and good faith effort to construct districts . . . as nearly of equal population as is practicable." *Id*. at 577.

While the Supreme Court has held that absolute population equality is required for congressional districts, *Karcher v. Daggett*, 462 U.S. 725, 732-33 (1983), it requires only "substantial" population equality for state legislative seats. *See Gaffney v. Cummings*, 412 U.S. 735, 748 (1973). Thus, the Supreme Court has recognized that minor deviations from absolute population equality may be necessary to permit states to pursue other legitimate and rational state policies. *See Reynolds v. Sims*, 377 U.S. at 577-81; *see also Mahan v. Howell*, 410 U.S. 315, 321-22 (1973). State policies that have been recognized as justifying minor deviations from absolute population equality generally include "making districts compact, respecting municipal boundaries, preserving the cores of prior districts, and avoiding contests between incumbent Representatives." *Karcher v. Daggett*, 462 U.S. at 740; *see also Marylanders for Fair Representation, Inc. v. Schaefer*, 849 F.Supp. 1022, 1056 (D. Md. 1994) (recognizing traditional districting principles include: maintaining equality of population, preserving the "cores" of existing districts, preventing contests between incumbents, and complying with the requirements of the Voting Rights Act).

In *Gaffney v. Cummings*, the Supreme Court observed that "minor deviations from mathematical equality among state legislative districts are insufficient to make out a prima facie case of invidious discrimination under the Fourteenth Amendment so as to require justification by the State." 412 U.S. at 745. Subsequently, in *Brown v. Thomson*, the Court reiterated this point holding that "an apportionment plan with a maximum population deviation under 10% falls within this category of minor deviations. A plan with larger disparities in population, however, creates a *prima facie* case of discrimination and therefore must be justified by the State." 462 U.S. 835, 842-43 (1983).

Compliance with this "ten percent rule" does not end the inquiry, however, because *Reynolds* and its progeny also require a "good faith effort" by the state to achieve "as nearly of equal population as is practicable." *Reynolds v. Sims*, 377 U.S. at 577. *See also Corbett v. Sullivan*, 202 F.Supp.2d 972, 987 n.7 (E.D. Mo. 2002) (citing *Karcher*, 462 U.S. at 738-40) (holding that "[e]ven deviations smaller than the census margin of error must be the result of a good faith effort to achieve population equality"). A number of courts have recognized that the 10% *de minimis* threshold identified in *Brown* does not completely insulate a state's districting plan from attack of any type. *See e.g., Daly v. Hunt*, 93 F.3d 1212, 1220 (4th Cir. 1996) (quoting *Roman v. Sincock*, 377 U.S. 695, 710 (1964)); *Larios v. Perdue*, 306 F.Supp.2d 1190, 1202-03 (N.D. Ga. 2003); *Cecere v. County of Nassau*, 258 F.Supp.3d 184, 189-90 (E.D.N.Y. 2003); *Montiel v. Davis*, 215 F.Supp.2d 1279, 1286 (S.D. Ala. 2002); and *Hastert v. State Board of Elections*, 777 F. Supp. 634, 645 (N.D. Ill. 1991). Consequently, "if the plaintiff can present compelling evidence that the drafters of the plan ignored all the legitimate reasons for population disparities and created the deviations solely to benefit certain regions at the expense of others," a challenge to the plan will lie even with deviations below ten percent. *See Legislative Redistricting Cases*, 629 A.2d 646, 657 (1993). *See also Licht v. Quattrocchi*, 449 A.2d 887, 887 (R.I. 1982) (finding deviation of five percent to violate one-person, one-vote requirement because deviation "negate[d] the effects of reapportionment"); *Jackman v. Bodine*, 262 A.2d 389, 382-83, *cert. denied* 400 U.S. 849 (1970) (stressing that "there is no range of deviation 'within which a State may maneuver, with or without reason;' that 'the command is to achieve equality, and a limited deviation is permissible if there exists an acceptable reason for the deviation'; and the 'deviation may not exceed what the purpose inevitably requires . . . In short, there must be selected the best plan the constitutional thesis will permit, and the best plan is the one with the least population deviation").

Voting Rights Act, 42 U.S.C. § 1973:

Section 2 of the Voting Rights Act provides:

> (a) No voting qualification or prerequisite to voting or standard, practice or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 1973b(f)(2) of this title, as provided in subsection (b) of this section.

> (b) A violation of subsection (a) of this section is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) of this section in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: Provided, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.

Section 2 is a "flexible, fact-intensive" doctrine, the "essence" of which is triggered when "a certain electoral law, practice, or structure interacts with social and historical conditions to cause an inequality in the opportunities enjoyed by [minority] and [majority] voters to elect their preferred representatives." *Thornburg v. Gingles*, 478 U.S. 30, 46 (1986).

TN Constitution, Article II, Section 4:

Art. II, § 4 contains general provisions and provides as follows:

> The apportionment of Senators and Representatives shall be substantially according to population. After each decennial census

made by the Bureau of Census of the United States is available the General Assembly shall establish senatorial and representative districts. Nothing in this Section nor in this Article II shall deny to the General Assembly the right at any time to apportion one House of the General Assembly using geography, political subdivisions, substantially equal population and other criteria as factors; provided such apportionment when effective shall comply with the Constitution of the United States as then amended or authoritatively interpreted. If the Constitution of the United States shall required that Legislative apportionment not based entirely on population be approved by vote of the electorate, the General Assembly shall provide for such vote in the apportionment Act.

TN Constitution, Article II, Section 5:

Art. II, § 5 contains the more specific provisions governing the apportionment of state representatives and provides as follows:

> The number of Representatives shall be ninety-nine and shall be apported by the General Assembly among the several counties or districts as shall be provided by law. Counties having two or more Representatives shall be divided into separate districts. In a district composed of two or more counties, each county shall adjoin at least one other county of such district; and no county shall be divided in forming such a district.

Rural West Tennessee I and II:

Rural West Tennessee African-American Affairs Council, Inc. v. McWherter, 836 F.Supp. 447 (W.D. Tenn. 1993) ("*Rural West Tennessee I*")

Rural West Tennessee African-American Affairs Council, Inc. v. Sundquist, 29 F.Supp.2d 448 (W.D. Tenn. 1998) ("*Rural West Tennessee II*").

In *Rural West Tennessee I*, the federal court held that the House redistricting plan adopted in 1992—which deviated 14% between districts and divided 30 county lines—violated the "one person, one vote" doctrine of the Equal Protection Clause.

In 1994, the General Assembly passed Chapter 536 of the Public Acts, which provided a three-part apportionment plan for the House, consisting of Plan A, and alternative Plans B and C. Plan A split 29 counties and created 12 majority-minority House districts, but none of these districts were located in the six-county area that plaintiffs described as rural West Tennessee. Plan B split 30 counties but created 13 majority-minority House districts, including one in rural West Tennessee. Plan B only took effect if the federal court found that Plan A violated the Voting Rights Act. Plan C, which called for the reinstatement of the redistricting plan that was held unconstitutional in *Rural West Tennessee I,* was rendered moot as a result of the Supreme Court's affirmance of *Rural West Tennessee I. See Millsaps v. Langsdon*, 510 U.S. 1160 (1994).

On January 23, 1995, the federal court issued an order finding that Plan A complied with the Equal Protection Clause's one person, one vote requirement. That court further ordered that it would delay consideration of other challenges to the House Plan until the Supreme Court ruled on appeals regarding the Senate Plan. The challenges to the Senate Plan were resolved in January 1996, and the plaintiffs then filed a second amended complaint challenging Plan A only on the grounds that it violated § 2 of the Voting Rights Act by diluting the voting power of blacks in Tennessee, and in particular rural West Tennessee. See *Rural West Tennessee II*.

The federal district court found that Plan A unlawfully diluted minority voting strength in rural West Tennessee in violation of §2 of the Voting Rights Act and enjoined Plan A. *Id.* This decision was affirmed by the Sixth Circuit on appeal, and thus, by operation of state law, Plan B—which split 30 counties and had 13 majority-minority districts—went into effect. *Rural West Tennessee African-American Affairs Council v. Sundquist*, 209 F.3d 835 (6th Cir. 2000).

Lockert I:

State ex rel. Lockert v. Crowell, 631 S.W.2d 702 (Tenn. 1982) ("*Lockert I*")

In *Lockert I*, plaintiffs challenged the Senate Reapportionment Act of 1981 under several provisions of the Tennessee Constitution, but primarily arguing that the plan split counties in violation of Article II, Section 6. The Tennessee Supreme Court held that in adopting a reapportionment plan, both the Fourteenth Amendment to the United States Constitution and Art. II, §§ 4 and 6, of the Tennessee Constitution mandate that the Legislature must consider "[f]irst and foremost. . . the requirement of equality of population among districts, insofar is practicable." The Court further held that "a State's policy urged in justification of disparity in district population, however, rational, cannot constitutionally be permitted to emasculate the goal of substantial equality." The Supreme Court then articulated several principles to guide the General Assembly in reapportioning districts:

- The variance should be as low as possible because equality of population is still the principal consideration.
- Primary consideration must also be given to preserving minority strength to the extent required by the United States Supreme Court.

11

- The provisions of the Tennessee Constitution, although of secondary import to equal protection requirements, are nonetheless valid and must be enforced insofar as is possible.

<u>*Lockert II:*</u>

State ex rel. Lockert v. Crowell, 656 S.W.2d 836 (Tenn. 1983) ("*Lockert II*")

Lockert II first involved a challenge to the Senate Reapportionment Act of 1982 for dividing Washington, Knox, Davidson and Shelby Counties in violation of Article II, Section 6 of the Tennessee Constitution. The Supreme Court held that elimination of the Washington County division would not increase the variance and that any attempt to split Washington County would therefore be unconstitutional. With regard to Knox and Davidson Counties, the Court held that leaving the counties intact would approach tolerable limits of federal variance requirements and that the Tennessee Constitution must therefore yield. With regard to Shelby County, the Court explained that where "near or near exact population districts [could] be established in the urban counties" it would not justify "breaching the State or Federal Constitutions." Accordingly, since splitting urban Shelby County was not demonstrated as necessary to comply with the federal requirements regarding variance or dilution of minority voting strength, the Court did not permit Shelby County to be split.

Lockert II also concerned a challenge to the House Reapportionment Plan of 1982 for crossing the lines of 57 counties and making 19 additional divisions of those counties. The Supreme Court held that "none of the four urban counties can be split even once unless justified by either (1) the necessity to reduce a variance in an adjoining district or (2) to prevent the dilution of minority

voting strength." The Court placed an "upper limit of diving 30 counties in the multi-county category [was] appropriate, with the caveat that none of the thirty can be divided more than once. In addition, with respect to the four urban counties [the Court] left open the possibility of a small split per county only if justified by the necessity of reducing a variance in an adjoining district or to prevent the dilution of minority voting strength."

Lockert III:

State ex rel. Lockert v. Crowell, 729 S.W.2d 88 (Tenn. 1987) ("*Lockert III*")

Lockert III involved a challenge to the 1984 Senate Reapportionment Act based upon a detachment of Shelby County joined with Tipton and Lauderdale Counties to form Senate District 32. The Tennessee Supreme Court, considering Article II, Section 6 of the Tennessee Constitution and the Voting Rights Act, held that the split of Shelby County—which was otherwise impermissible under *Lockert II*'s reasoning—was justified to avoid diluting minority voting strength and colliding with federal requirements. The Court expressly affirmed the principles of law in *Lockert I* and *Lockert II*. The Court also found that "the Legislature had acted in good faith in its efforts to comply with both federal and state constitutions in enacting" the Senate map.

Lincoln County v. Crowell:

Lincoln County v. Crowell, 701 S.W.2d 602 (Tenn. 1985)

This case concerned a challenge to the 1984 House Reapportionment Act for dividing Lincoln County and Marshall County in forming the 62nd and 65th districts. The chancery court held that

Lincoln County was divided to a greater extent than necessary and declared those respective

portions of the Act void for violating Article II, Section 5 of the Tennessee Constitution. The

Tennessee Supreme Court reversed, citing *Lockert I* for the proposition that "exact mathematical

equality was not possible . . . and that it would be necessary to cross some county lines in order to

achieve acceptable levels of population . . . in accordance with federal requirements." The Court

noted that *Lockert* permitted "considerable tolerance to the General Assembly" in making those

determinations as to which counties should be split. Finally, the Court held that "it would be

improper to set aside individual district lines on the ground that they theoretically might have been

drawn more perfectly, in the absence of any proof whatever of bad faith or improper motives."

Moore v. State

Moore v. State, 436 S.W.3d 775 (Tenn. Ct. App. 2014), *perm. app. denied*.

In *Moore*, plaintiffs challenged the 2012 Senate Reapportionment Act asserting that the number of

county divisions violated Article II, Section 6 of the Tennessee Constitution. The Court of Appeals

held that equal protection and compliance with the Voting Rights Act are of paramount concern.

The Court also noted that there was no "'safe harbor' for plans achieving population variances of

less than 10%." The Court concluded:

> [T]he General Assembly has principal responsibility and . . . primary
> authority' for legislative redistricting, and in the absences of equal
> protection violations, bad faith or improper motives, the courts will
> not 'set aside individual district lines on the ground that they
> theoretically might have been drawn more perfectly.' A
> redistricting plan will not be set aside on constitutional grounds
> merely because a slight 'better' plan can be devised when the plan
> devised by the General Assembly yields to equal protection

principles and makes an honest effort to balance legitimate state objectives against those principles.

TENNESSEE HOUSE REDISTRICTING

Redistricting the Tennessee House of Representatives is always a complex endeavor. Growing and shifting populations, changing demographics, and an evolving legislature present a once-a-decade puzzle of drawing 99 districts into 95 counties. The Tennessee House of Representatives has consistently followed long-standing Tennessee redistricting criteria while making an honest and good faith effort to enact fair and constitutional redistricting plans. Chapter 598 of the Public Acts of 2022 (Chapter 598) is symbolic of those efforts. For reasons stated in this report, Chapter 598 remains the only redistricting plan presented to the House Select Committee on Redistricting, the House Public Service and Employees Subcommittee, the House State Government Committee, the House of Representatives, the Senate, the Governor of Tennessee, and this Court that complies with all state and Federal constitutional and statutory requirements as well as long-standing Tennessee redistricting criteria.

Tennessee Constitution Article II, Section 4, states:

The apportionment of senators and representatives shall be substantially according to population. After each decennial census made by the Bureau of Census of the United States is available the General Assembly shall establish senatorial and representative districts. *Nothing in this Section nor in this Article II shall deny to the General Assembly the right at any time to apportion one House of the General Assembly using geography, political subdivisions, substantially equal population and other criteria as factors*; *provided such apportionment when effective shall comply with the Constitution of the United States as*

then amended or authoritatively interpreted. If the Constitution of the United States shall require that legislative apportionment not based entirely on population be approved by vote of the electorate, the General Assembly shall provide for such vote in the apportionment act. (emphasis supplied)

The Tennessee House of Representatives balances the requirements of six guidelines and two practices as criteria in redistricting. Specifically, they are:

- Each district must be represented by a single member;

- Districts shall comply with the Constitutional requirements for "one person, one vote", as judicially interpreted to apply to state legislative districts;

- Geographic features, boundaries and population figures shall be based on the 2020 decennial census;

- Districts must be contiguous and contiguity by water is sufficient;

- No more than 30 counties may be split to attach to other counties or parts of counties to form multi-county districts;

- The redistricting plan will comply with the Voting Rights Act and the Constitutions of Tennessee and the United States;

- Preserve cores of prior districts;

- Minimize incumbent pairing.

TENNESSEE HOUSE REDISTRICTING PROCESS

During a typical decennial census cycle, apportionment data is received from the US Census Bureau by January 1 of the year ending in "1".[2] This data contains Tennessee's resident population and is used to determine the number of seats Tennessee is entitled to in the U.S. House of Representatives as well as the ideal populations for both congressional and state legislative districts. In February or March of the year ending in "1", state level redistricting data is received from the US Census Bureau. This data contains the population and demographic data used in redistricting. Upon receipt, non-partisan legislative staff reviews the data to examine general population growth and decline, malapportionment of current districts, demographic changes, and county preservation within a presumptive allowable range. At the same time, a software vendor processes the data for use with their redistricting mapping program. In the summer of the year ending in "1", a committee is formed to address redistricting, a redistricting website is established, and a redistricting concept is developed. During the summer and fall of that year, public hearings are held. During the summer and fall of that year, member meetings are conducted. The redistricting concept is refined. In early January of the year ending in "2",[3] the committee meets to hear redistricting concepts and to approve a redistricting plan for the House of Representatives. The redistricting plan is drafted into an amendment to be attached to a bill. The bill proceeds through the committee process and is subject to amendment, i.e. the concept is refined. The bill passes both house and is signed by the governor. By late January or early February in that year, the bill becomes a law.

---

[2] E.g., 2021.
[3] E.g., 2022.

Due to the delay of the delivery of 2020 Census data, the typical process described above was adjusted in the following manner. On January 14, 2021, the House of Representatives established a dedicated webpage as a repository for redistricting information and as a point-of-contact for citizens during the census delay. On April 26, 2021, the apportionment data was received. On August 12, 2021, the state level redistricting data was received. On August 25, 2021, a bipartisan House Select Committee on Redistricting was appointed. On September 8, 2021, the Committee held its first public hearing. And, at the Committee's December 17, 2021 public hearing, a redistricting plan for the Tennessee House of Representatives was adopted which became a law on February 6, 2022.

ALTERNATIVE PLANS

The Report of the Plaintiffs' Expert Regarding Tennessee State House Reapportionment (Cervas Report) purports to offer five fully compliant alternative plans (alternative plans) to this Court. I have reviewed the alternative plans supplied in the Cervas Report. Each alternative plan contains multiple deficiencies that make them poor candidates for consideration as feasible alternatives to Chapter 598. The following table illustrates the deficiencies of the alternative plans as compared to Chapter 598:

Alt. Plan	Higher Overall Deviation	Fewer Majority-Minority Districts	Non-contiguous	Splits County without preserving whole district	Splits Urban County	Diminishes Prior Cores	Increased incumbent pairing
13a	X	X	X			X	X
13b	X		X	X		X	X
14a	X		X	X		X	X
13.5a	X	X	X	X	X	X	X
13.5b			X	X	X	X	X

The primary and targeted result of these deficiencies is the artificial decrease of county splits. The alternative plans exhibit a singular focus—county splitting—at the expense of other criteria including population equality, the Voting Rights Act, and county splitting itself. Indeed, four of the five alternative plans ignore the principles of county splitting by splitting one or more of the following counties: Madison, Montgomery and Shelby.

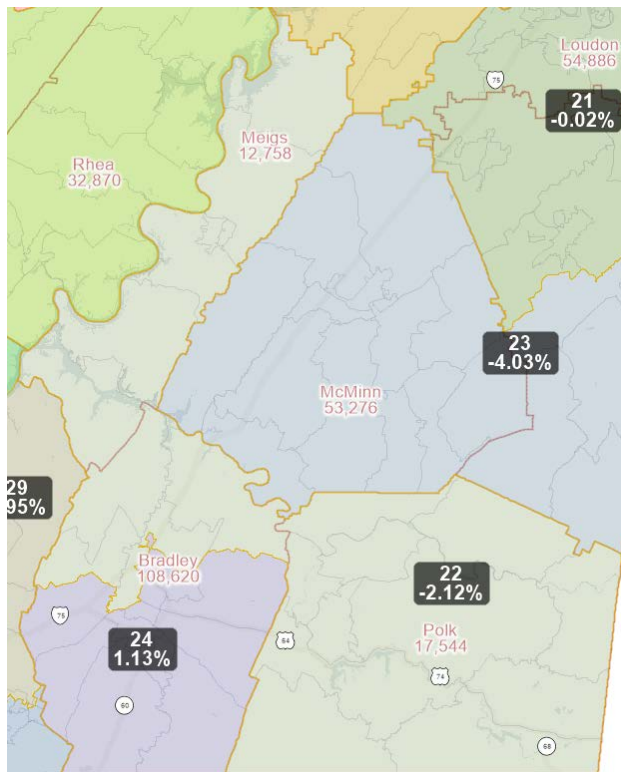The following is an examination of each of the five alternative plans[4]:

CERVAS PLAN 13a.

Plan 13a has a higher overall deviation than Chapter 598 – it increases the overall population deviation from 9.90% to 9.96%.
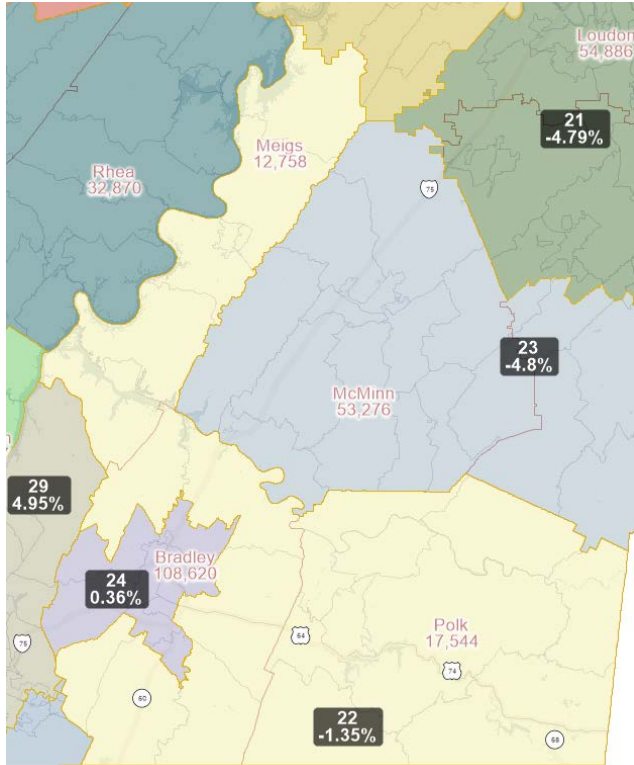
Plan 13a decreases the number of minority-majority districts from 13 to 12.

Plan 13a is non-contiguous. Contiguity is a constitutional requirement of Tennessee redistricting plans. Plan 13a contains multiple non-contiguous census blocks. For example, one unpopulated census block is assigned to District 49 but is located between Districts 13 in Rutherford County and 63 in Williamson County:

---

[4] In addition to the examination of each alternative plan included in this report, a single page evaluation for each alternative plan is attached as Appendix A. These evaluations are similar in concept to the evaluations prepared on plans for the House Select Committee on Redistricting. However, each alternate plan uses the multi-race category (18+ AP Blk) as a metric for African-American voting age population. The House of Representatives has used a single-race category (18+ Blk) as a metric for African-American voting age population. For the limited purposes of this report, the multi-race category is used to determine the number of majority-minority districts. Consistent with the process used during the redistricting cycle, the single page evaluations attached to this report use the single-race category but note the multi-race category majority-minority districts.

Plan 13a diminishes the cores of prior districts. For example, Districts 22 and 24 in Bradley, Meigs, and Bradley County can be maintained within their 2012 boundaries without modification. Plan 13a revises these districts, pairs the incumbents in District 24, and increases the population deviation of both districts from -1.35% and +.36% respectively under Chapter 598 to +1.13% and -2.12% respectively under Plan 13a. For reference, Districts 22 and 24 under Plan 13a:

And, Districts 22 and 24 under Chapter 598 remain the same as Districts 22 and 24 under Chapter

511 of the Public Acts of 2012:

Finally, Plan 13a unnecessarily pairs 30 incumbents in 14 House districts – Chapter 598 pairs 12 incumbents in 6 House districts.

CERVAS PLAN 13b.

Plan 13b has a higher overall deviation than Chapter 598 – it increases the overall population deviation from 9.90% to 9.96%.

Plan 13b is non-contiguous. Contiguity is a constitutional requirement of Tennessee redistricting plans. Plan 13b contains multiple non-contiguous census blocks. For example, one unpopulated census block is assigned to District 12 but is located within District 11 in Sevier County:
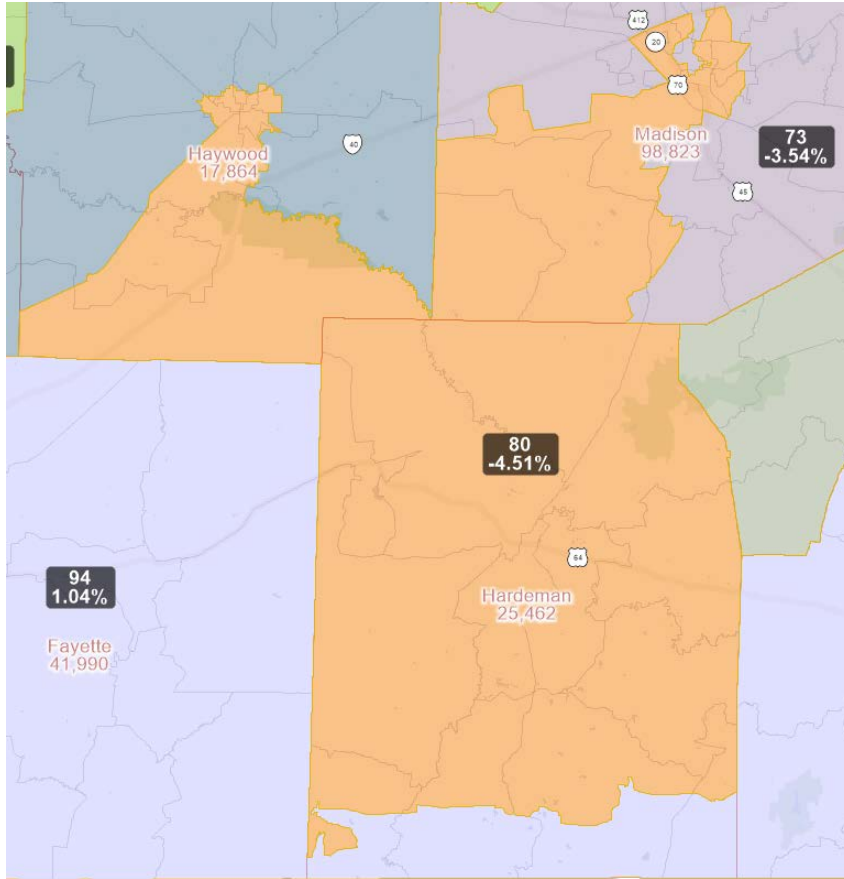
Plan 13b splits Madison County without preserving a whole district within the county. Madison County has a 2020 population of 98,823 – or 29,017 in excess of one ideal district (69,806). Instead of preserving a full district in Madison County, Plan 13b splits Madison County's population 40,878 to District 73 and 57,945 to District 80. This split is reflected as follows:
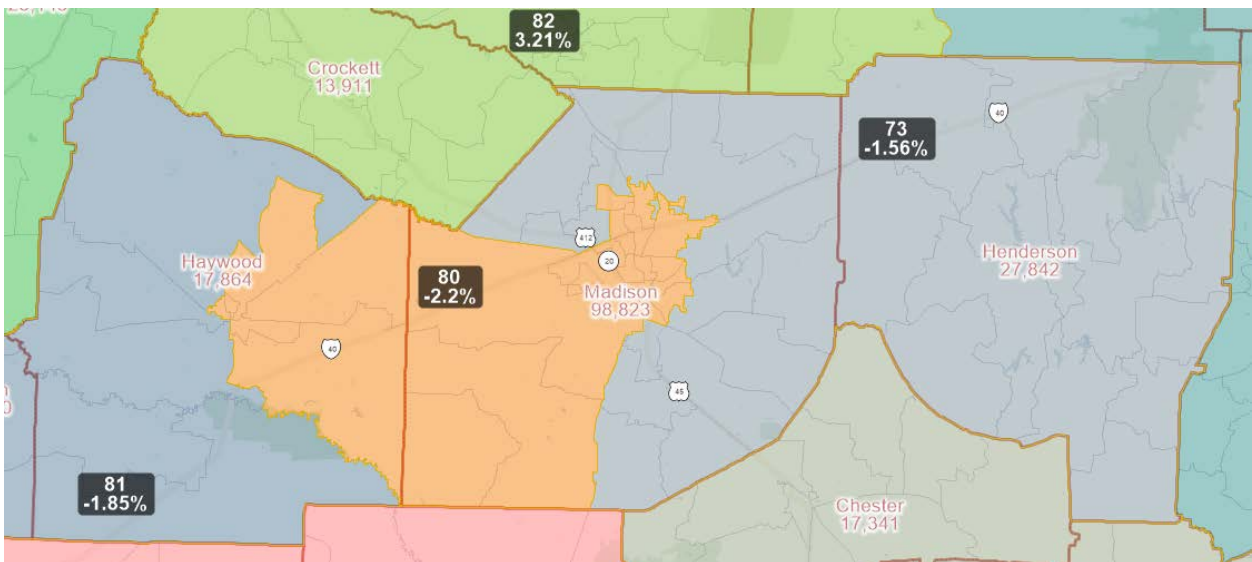
Tennessee redistricting plans have long maintained that if a county can support one or more full districts with remaining population, then those full districts are drawn with any remaining/excess population attached in a single segment to a contiguous county. This split is without justification.[5] Failure to establish a full district in Madison County is in direct opposition to the proposition of maintaining county subdivisions. If Madison County can be split in this way, then any county could be split and the justification for any overall population deviation for Tennessee legislative districts under the "one person, one vote" standard is abrogated.

Plan 13b diminishes the cores of prior districts. For example, Plan 13b creates District 80 in Haywood and Madison counties. District 80 has been a majority-minority district in rural west Tennessee since inclusion within Plan B of Chapter 536 of the Public Acts of 1994. Part of Hardeman County has consistently been included in each new reiteration of District 80. Plan 13b excludes Hardeman County from District 80. Under Chapter 598, Hardeman County is included in District 80 using the same boundary to divide the county as used under the 2012 redistricting plan. For reference, District 80 under Chapter 598:

---

[5] A majority-minority district can be created in rural West Tennessee while preserving the integrity of Madison County. See, District 80, Chapter 598 of the Public Acts of 2022.

Finally, Plan 13b unnecessarily pairs 30 incumbents in 14 House districts – Chapter 598 pairs 12 incumbents in 6 House districts.

CERVAS PLAN 14a.

 Plan 14a has a higher overall deviation than Chapter 598 – it increases the overall population deviation from 9.90% to 9.98%.

Plan 14a is non-contiguous. Contiguity is a constitutional requirement of Tennessee redistricting plans. Plan 14a contains multiple non-contiguous census blocks. For example, one unpopulated census block is assigned to District 13 but is located within District 49 in Rutherford County:
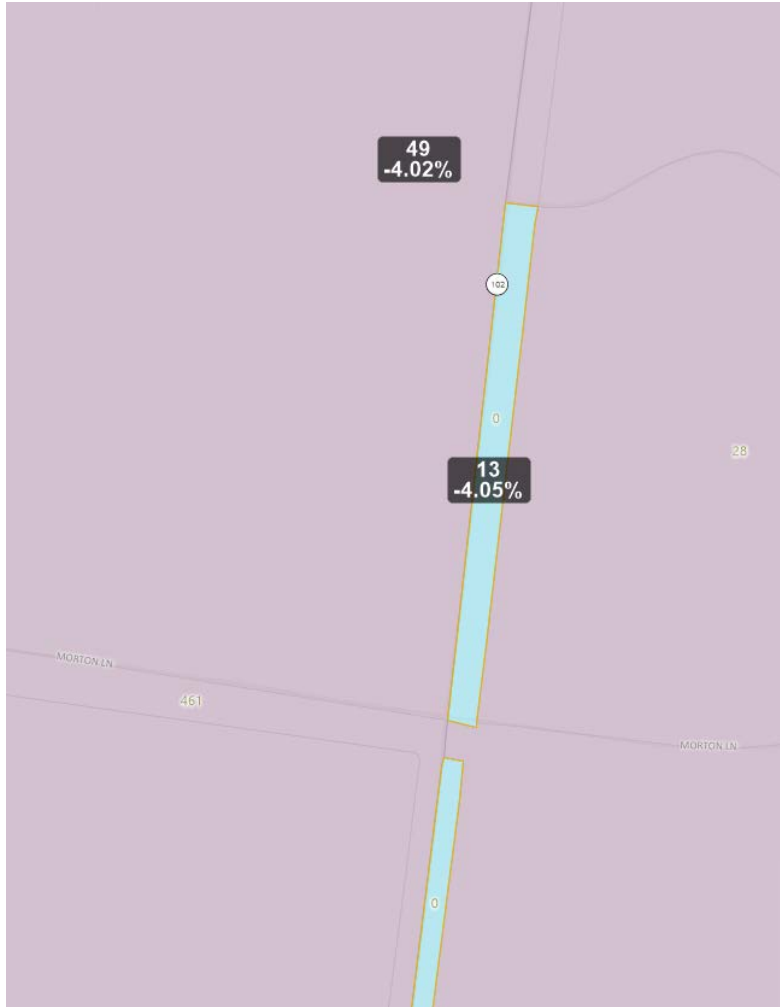
Plan 14a splits Madison County without preserving a whole district within the county. Madison County has a 2020 population of 98,823 – or 29,017 in excess of one ideal district (69,806). Instead of preserving a full district in Madison County, Plan 14a splits Madison County's population 44,103 to District 73 and 54,720 to District 80. This split is reflected as follows:
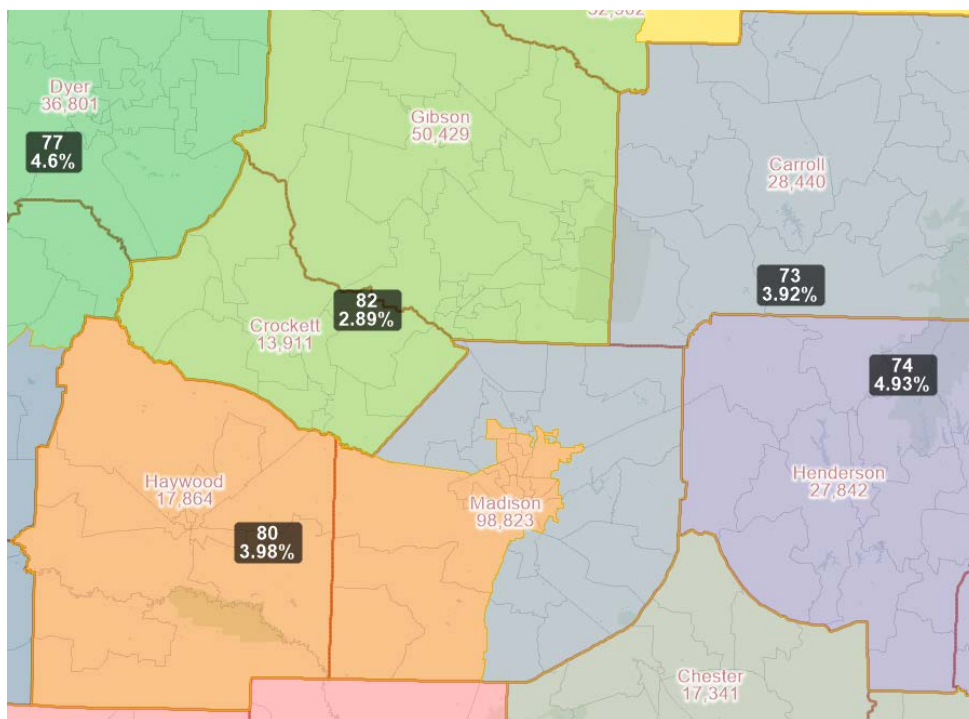
As noted under Plan 13b, this split is without justification.[6] Failure to establish a full district in Madison County is in direct opposition to the proposition of maintaining county subdivisions and abrogates Tennessee's justification for an overall population deviation under the "one person, one vote" standard.

Plan 14a diminishes the cores of prior districts. For example, Plan 14a creates District 94 in Fayette and Hardeman counties. Part of Hardeman County has been included in District 80 since Plan B of Chapter 536 of the Public Acts of 1994. The remaining portion of Hardeman County has been included in District 94 since the 2000 redistricting cycle. Chapter 598 includes part of Hardeman County within District 80 and maintains District 94 within its 2012 boundaries without modification. For reference, District 94 under Plan 14a:

---

[6] A majority-minority district can be created in rural West Tennessee while preserving the integrity of Madison County. See, District 80, Chapter 598 of the Public Acts of 2022.

And, District 94 under Chapter 598 remain the same as District 94 under Chapter 511 of the Public Acts of 2012:
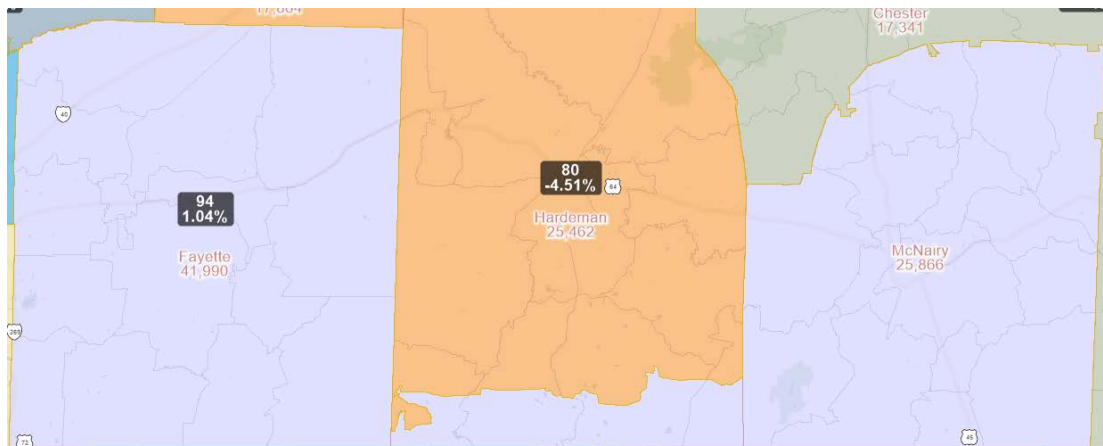
Finally, Plan 14a unnecessarily pairs 41 incumbents in 17 House districts – Chapter 598 pairs 12 incumbents in 6 House districts.
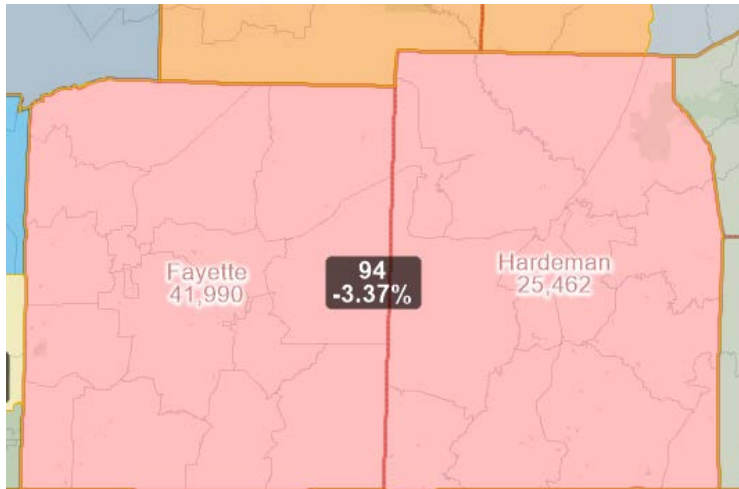
CERVAS PLAN 13.5a.

Plan 13.5a has a higher overall deviation than Chapter 598 – it increases the overall population deviation from 9.90% to 9.98%.

Plan 13.5a substantially decreases the number of minority-majority districts from 13 to 11.

Plan 13.5a is non-contiguous. Contiguity is a constitutional requirement of Tennessee redistricting plans. Plan 13.5a contains multiple non-contiguous census blocks. For example, one unpopulated census block is assigned to District 99 but is located between Districts 86, 88 and 95 in Shelby County:

Plan 13.5a splits Madison County without preserving a whole district within the county. Madison County has a 2020 population of 98,823 – or 29,017 in excess of one ideal district (69,806). Instead of preserving a full district in Madison County, Plan 13.5a splits Madison County's population 44,103 to District 73 and 54,720 to District 80. This split is reflected as follows:

As noted under Plan 13b and 14a, this split is without justification.[7] Failure to establish a full district in Madison County is in direct opposition to the proposition of maintaining county subdivisions and abrogates Tennessee's justification for an overall population deviation under the "one person, one vote" standard.

Plan 13.5a splits an urban county. It is well settled that urban counties must not be split in redistricting plans for the Tennessee House of Representatives "unless justified by either (1) the necessity to reduce a variance in an adjoining district or (2) to prevent the dilution of minority voting strength." *Lockert II*. Nevertheless, Plan 13.5a splits Shelby County without advancing either *Lockert II* justification.[8] By preserving Shelby County as a multi-district county, 13 House districts would have an average population deviation of +2.45% and 14 House districts would have an average population deviation of -4.86% – both are within the thresholds for overall population

---

[7] A majority-minority district can be created in rural West Tennessee while preserving the integrity of Madison County. See, District 80, Chapter 598 of the Public Acts of 2022.

[8] Under Chapter 598, Shelby County has two adjoining districts – District 81 composed of Tipton County and part of Haywood County with a population deviation of -4.81% and District 94 composed of Fayette County, part of Hardeman County, and McNairy County with a population deviation of +1.04%. Both districts are within the thresholds for overall population deviation – there exists no "necessity" to reduce a variance in either. Likewise, under either a 13 House district or 14 House district Shelby County plan, there is no suggestion or evidence of minority vote dilution.

deviation.[9] Splitting Shelby County is contrary to the proposition of maintaining urban county subdivisions. If Shelby County can be split in the manner suggested by Plan 13.5a, then any urban county could be split and the justification for any overall population deviation for Tennessee legislative districts under the "one person, one vote" standard is further abrogated.

Plan 13.5a diminishes the cores of prior districts. For example, District 73 has been a district located entirely within the boundaries of Madison County since at least Chapter 161 of the Public Acts of 1973. Under Plan 13.5a, a portion of Madison County is detached and included with Henderson County to form District 73. Under Chapter 598, District 73 is entirely within Madison County and modified only slightly from its 2012 boundary. For reference, District 73 under Plan 13.5a:
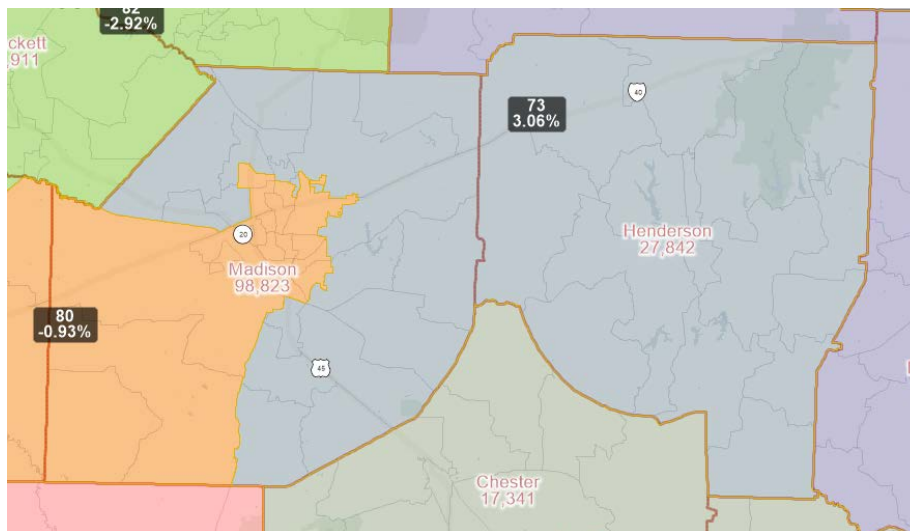
And, District 73 under Chapter 598:

---

[9] Under Chapter 598, Shelby County is composed of 13 House districts with an average population deviation of +2.45%.
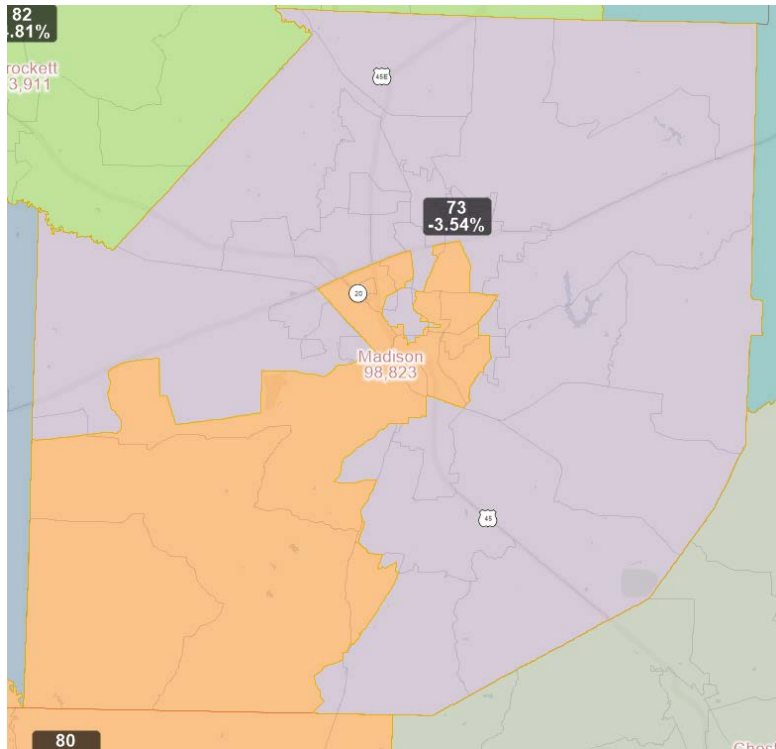
Finally, Plan 13.5a unnecessarily pairs 35 incumbents in 15 House districts – Chapter 598 pairs 12 incumbents in 6 House districts.

CERVAS PLAN 13.5b.

Plan 13.5b is non-contiguous. Contiguity is a constitutional requirement of Tennessee redistricting plans. Plan 13.5b contains multiple non-contiguous census blocks. For example, five unpopulated census blocks are assigned to District 75 but are located within District 74 in Montgomery County – one of which is reflected as follows:
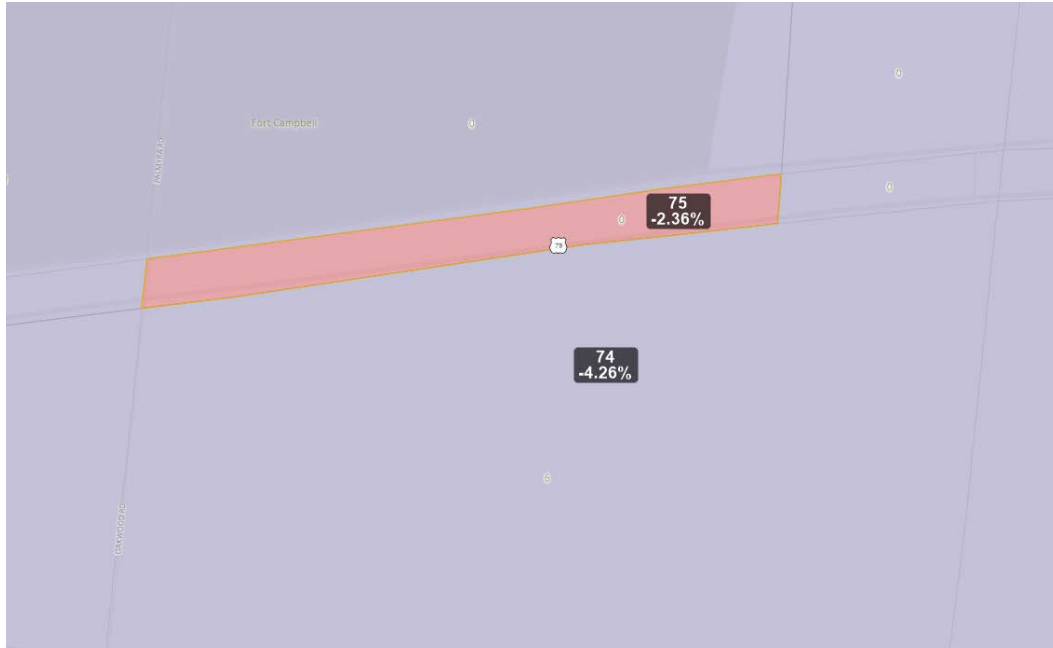
Plan 13.5b splits Madison County without preserving a whole district within the county. Madison County has a 2020 population of 98,823 – or 29,017 in excess of one ideal district (69,806). Instead of preserving a full district in Madison County, Plan 13.5b splits Madison County's population 54,720 to District 80 and 44,103 to District 82. This split is reflected as follows:
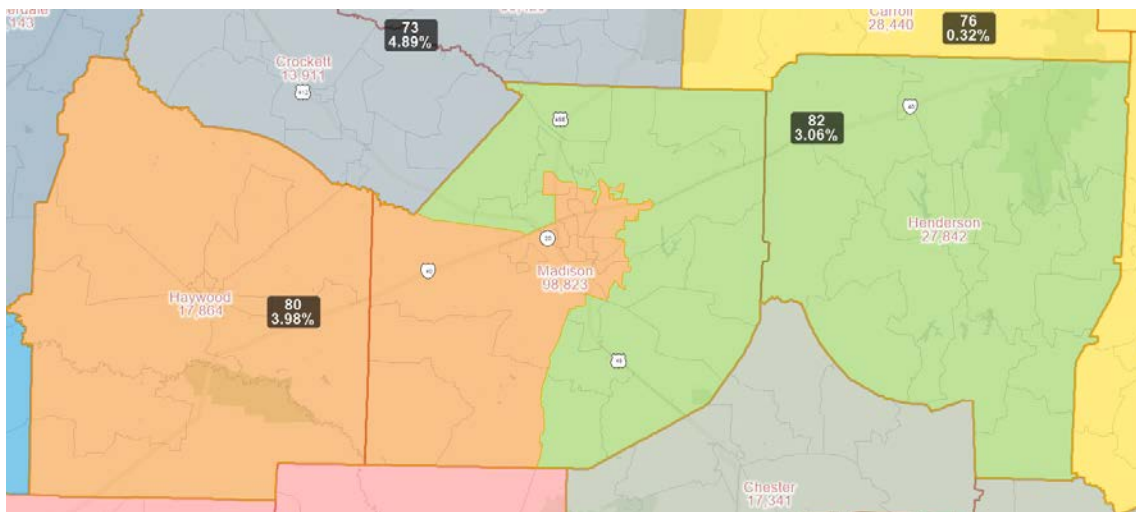
As noted under Plan 13b, 14a, and 13.5a, this split is without justification.[10] Failure to establish a full district in Madison County is in direct opposition to the proposition of maintaining county subdivisions and abrogates Tennessee's justification for an overall population deviation under the "one person, one vote" standard.

Similarly, Plan 13.5b splits Montgomery County. Montgomery County has a 2020 population of 220,069. This population supports 3 full House districts within the county boundary with an average population deviation of +5.09%. This deviation is within the thresholds for overall population deviation established in Chapter 598. The Tennessee House of Representatives has a long-standing history of preserving county boundaries by adjusting the overall range of redistricting plans. During the 2000 redistricting cycle, Robertson County was preserved as a single county district with a population variance of -5.28%.[11] However, instead of preserving the county boundary, Plan 13.5b splits Montgomery County. This split is reflected as follows:

---

[10] A majority-minority district can be created in rural West Tennessee while preserving the integrity of Madison County. See, District 80, Chapter 598 of the Public Acts of 2022.

[11] The Tennessee House of Representatives has a long-standing practice of preserving county boundaries where reasonable by adjusting the overall range of redistricting plans. During the 2000 redistricting cycle, Robertson County was preserved as a single district county with a population variance of -5.28%.
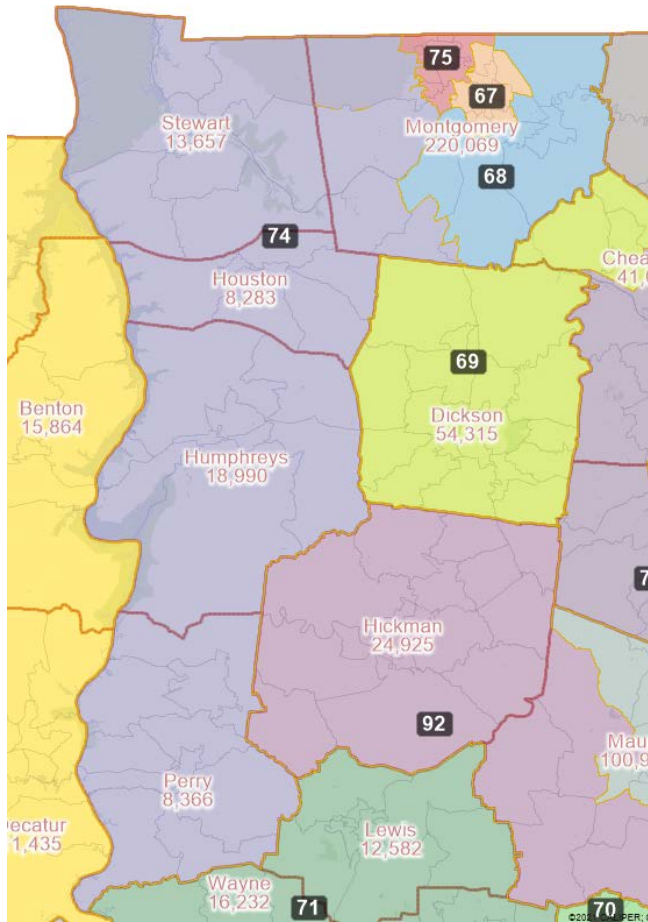
Failure to preserve 3 full House districts in Montgomery County is in direct opposition to the proposition of maintaining county subdivisions. Such a split erodes the justification for an overall population deviation in Tennessee legislative districts under the "one person, one vote" standard.

Plan 13.5b splits an urban county. As with Plan 13.5a, Plan 13.5b splits Shelby County. For the reasons discussed above, this split is made without justification and is contrary to the proposition of maintaining urban county subdivisions. If Shelby County can be split in the manner suggested by Plan 13.5b, then any urban county could be split and the justification for any overall population deviation for Tennessee legislative districts under the "one person, one vote" standard is further abrogated.

Plan 13.5b diminishes the cores of prior districts. For example, District 38 has stretched across the Upper Cumberland Plateau from Scott County to Macon County in some form since Chapter 536 of the Public Acts of 1994. Under Chapter 598, District 38 is maintained within its 2012 boundaries without modification. Under Plan 13.5b, District 38 is reconfigured into Clay, Fentress, Overton, Pickett and Putnam (part) counties with only 20,946 residents of the 2012 district represented in a new district with a population of 66,479. And, Plan 13.5b increases the deviation of the district from -2.34% under Chapter 598 to -4.77% under Plan 13.5b. For reference, District 38 under Plan 13.5b:
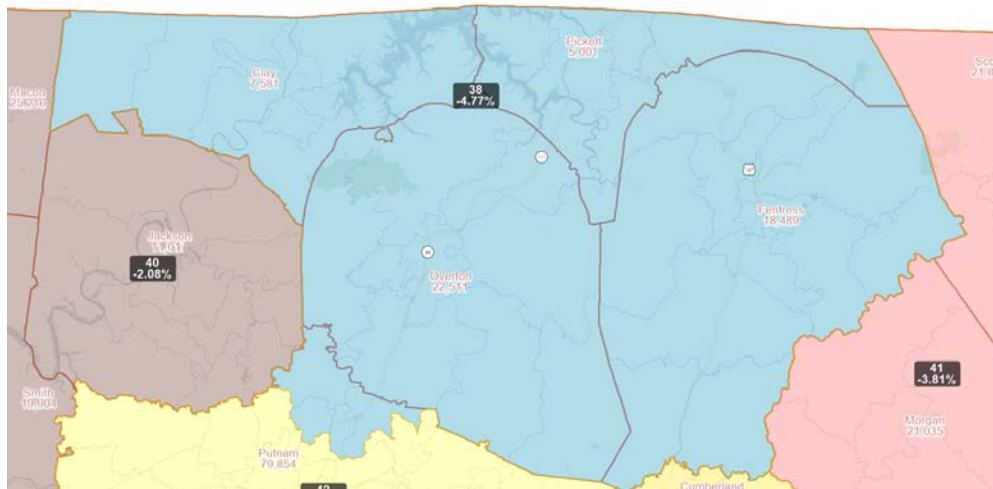
And, District 38 under Chapter 598 remains the same as District 38 under Chapter 511 of the Public Acts of 2012:
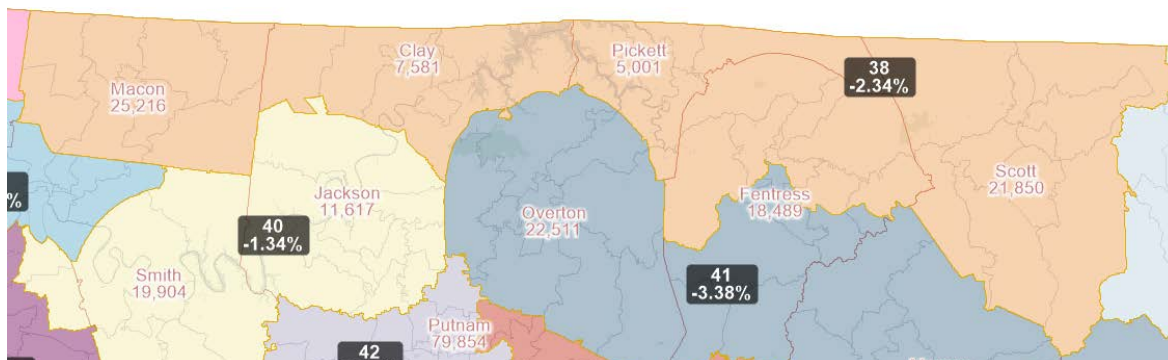
Finally, Plan 13.5b unnecessarily pairs 39 incumbents in 18 House districts – Chapter 598 pairs 12 incumbents in 6 House districts.

ENACTED PLAN--CHAPTER 598

Unlike the alternative plans, Chapter 598 reflects a well-reasoned, holistic approach toward creation of a constitutional redistricting plan.

Chapter 598 creates 99 single member districts based on 2020 census data and geography.

Chapter 598 has an overall deviation of 9.90%. This is lower than four of the five alternative plans presented in the Cervas Report. An overall deviation of 9.90% is consistent with past redistricting cycles – 9.96% (Plan A, Chapter 536 of the Public Acts of 1994), 9.96% (Plan B, Chapter 536 of the Public Acts of 1994), 9.99% (Chapter 468 of the Public Acts of 2002), and 9.74% (Chapter 511 of the Public Acts of 2012).

Chapter 598 maintains the current number of 13 majority-minority districts. Majority-minority districts are located in Hamilton County (1), Davidson County (2), Shelby County (9) and rural West Tennessee (1). Importantly, the rural West Tennessee district includes portions of Hardeman, Haywood and Madison counties. Portions of Hardeman and Madison counties have been included within District 80 since its inception in Plan B of Chapter 536 of the Public Acts of 1994. And, a portion of Haywood County was part of the original configuration of District 80 in Plan B. Chapter 598 reunites these counties in District 80.

Chapter 598 is contiguous. Contiguity is a constitutional requirement of Tennessee redistricting plans. While an over-reliance on computers can be detrimental to the redistricting process,

computer programs can be useful tools to find non-contiguous areas within plans. Chapter 598 contains no non-contiguous areas.

Chapter 598 protects the sanctity of counties. Chapter 598 creates whole districts in each county with a population sufficient to support a whole district. Chapter 598 preserves single county districts in those counties which constitute a single district. And, Chapter 598 preserves multi-district counties in those counties which divide evenly into multiple districts. Chapter 598 splits 30 counties. Each split is justified by a legitimate redistricting objective such as population, the Voting Rights Act, or other criteria utilized by the Tennessee House of Representatives for state House redistricting.[12] The number of county splits included within Chapter 598 is consistent with past redistricting cycles – 29 (Plan A, Chapter 536 of the Public Acts of 1994), 30 (Plan B, Chapter 536 of the Public Acts of 1994), 30 (Chapter 468 of the Public Acts of 2002), and 28 (Chapter 511 of the Public Acts of 2012).

Chapter 598 preserves the cores of prior districts. 6 districts maintain their 2012 boundaries – Districts 19, 22, 24, 38, 66, and 95. An additional 13 districts required limited modifications – Districts 6, 7, 8, 12, 14, 16, 17, 20, 21, 23, 42, 48, 73. And, when greater modifications were required, many districts preserved traditional shapes and/or county pairings to the extent possible.

---

[12] Chapter 598's split counties and justifications: Anderson – population; Bradley – population/core preservation; Carroll – core preservation; Carter – population shift/core preservation/county splitting; Claiborne – population shift/district contraction/county splitting; Dickson – core preservation/incumbents; Fentress – core preservation; Gibson – population shift/core preservation; Hamblen – population shift/district contraction; Hardeman – VRA/core preservation; Hardin – core preservation; Hawkins – population shift/county splitting; Haywood – VRA/population shift/core preservation; Henderson –population shift; Henry – population shift/district contraction; Jefferson – population shift/core preservation; Lawrence – population shift/core preservation; Lincoln – population shift/core preservation; Loudon – core preservation; Madison – population/VRA/core preservation; Maury – population; Monroe – core preservation; Obion – population shift; Putnam – population/core preservation; Roane – core preservation; Sevier – population/core preservation; Sullivan – population/county splitting; Sumner – population; Wilson – population; Williamson – population.

Chapter 598 minimizes incumbent pairing. Only 12 incumbents are paired in 6 House districts. No plan submitted, presented, or proposed paired fewer incumbents. Of the 12 incumbents, 6 republicans are paired in 3 House districts and 6 democrats are paired in 3 House districts. And, the 6 pairings are essentially balanced across Tennessee's three Grand Divisions – 2 in the Eastern Grand Division, 2 in the Middle Grand Division, 1 between the Western Grand Division and the Middle Grand Division, and 1 in the Western Grand Division. [13]

CONCLUSION

Based on my knowledge, experience, and expertise in Tennessee redistricting, Chapter 598 remains the only plan presented to the General Assembly or this Court that complies with all Federal and state redistricting requirements and criteria. The deficiencies included in the alternative plans impugn their value as suitable substitutes. Specifically, the singular focus on one criterion—county splitting—over other legitimate criteria and the subsequent failure to adhere to that criterion by failing to preserve districts and/or county lines in Madison, Montgomery and Shelby counties greatly distorts the number of county splits advanced in the alternative plans. In contrast, the Tennessee House of Representatives made an honest and good faith effort to balance all Federal and state objectives. The result, Chapter 598, is a fair and constitutional redistricting plan.

---

[13] In contrast, the 3 "new" districts necessitated by population growth/shift and included in Chapter 598 are all located in the Middle Grand Division.

APPENDIX A

Jonathan Cervas House Concept – 13a

Statewide plan; 99 districts; 12 majority-minority districts

Overall Range =   9.96%

High   =   +5.09% (+3,552)

Low   =   -4.87% (-3,400)

County Splits: 24

Contiguity: No[14]

Unassigned Areas: No

Paired Incumbents: 30[15]

---

[14] One unpopulated census block assigned to District 12 within District 11; one unpopulated census block assigned to District 13 within District 49; one unpopulated census block assigned to District 49 between Districts 13 and 63.

[15] District 2 – Crawford and Hulsey; District 3 – Holsclaw and Campbell; District 11 – Faison, Carr and Farmer; District 15 – McKenzie and Johnson; District 24 – Hall and Howell; District 38 – Keisling and Windle; District 55 – Potts and Clemmons; District 61 – Casada, Whitson and Ogles; District 69 – Curcio and Littleton; District 74 – Reedy and Haston; District 77 – Hurt and Grills; District 91 – Harris and Lamar; District 92 – Warner and Cepicky; District 94 – Shaw and Gant.

Jonathan Cervas House Concept – 13b

Statewide plan; 99 districts; 12 majority-minority districts[16]

Overall Range =   9.96%

High   =   +5.09% (+3,552)

Low   =   -4.87% (-3,400)

County Splits: 25[17]

Contiguity: No[18]

Unassigned Areas: No

Paired Incumbents: 30[19]

---

[16] District 80 is 49.54% 18+ Blk and 50.94% 18+ AP Blk. Evaluations reflect the single race category. Using the multi-race category, 13b contains 13 majority-minority districts.

[17] The split of Madison County appears to violate Article II, Section 5 of the Constitution of Tennessee.

[18] One unpopulated census block assigned to District 12 within District 11; one unpopulated census block assigned to District 13 within District 49; one unpopulated census block assigned to District 49 between Districts 13 and 63.

[19] District 2 – Crawford and Hulsey; District 3 – Holsclaw and Campbell; District 11 – Faison, Carr and Farmer; District 15 – McKenzie and Johnson; District 24 – Hall and Howell; District 38 – Keisling and Windle; District 55 – Potts and Clemmons; District 61 – Casada, Whitson and Ogles; District 69 – Curcio and Littleton; District 74 – Reedy and Haston; District 77 – Hurt and Grills; District 91 – Harris and Lamar; District 92 – Warner and Cepicky; District 94 – Shaw and Gant.

Jonathan Cervas House Concept – 14a

Statewide plan; 99 districts; 12 majority-minority districts[20]

Overall Range =   9.98%

High   =   +5.09% (+3,552)

Low   =   -4.89% (-3,416)

County Splits: 24[21]

Contiguity: No[22]

Unassigned Areas: No

Paired Incumbents: 41[23]

---

[20] District 79 is 49.26% 18+ Blk and 50.76% 18+ AP Blk; District 80 is 49.71% 18+ Blk and 51.04% 18+ AP Blk; District 96 is 48.91% 18+ Blk and 50.17% 18+ AP Blk. Evaluations reflect the single race category. Using the multi-race category, 14a contains 15 majority-minority districts.

[21] The split of Madison County appears to violate Article II, Section 5 of the Constitution of Tennessee.

[22] One unpopulated census block assigned to District 12 within District 11; one unpopulated census block assigned to District 13 within District 49; one unpopulated census block assigned to District 49 between Districts 13 and 63.

[23] District 2 – Crawford and Hulsey; District 3 – Holsclaw and Campbell; District 11 – Faison, Carr and Farmer; District 15 – McKenzie and Johnson; District 24 – Hall and Howell; District 38 – Keisling and Windle; District 55 – Potts and Clemmons; District 61 – Casada, Whitson and Ogles; District 62 – Warner and Marsh; District 69 – Curcio, Littleton and Reedy; District 77 – Hurt and Grills; District 82 – Darby and Halford; District 84 – Chism, Cooper, Towns, Camper and Lamar; District 92 – Haston and Cepicky; District 93 – Harris, Hardaway and Miller; District 94 – Shaw and Gant; District 97 – Gillespie and White.

Jonathan Cervas House Concept – 13.5a

Statewide plan; 99 districts; 10 majority-minority districts[24]

Overall Range =   9.98%

High   =   +5.09% (+3,552)

Low   =   -4.89% (-3,416)

County Splits: 22[25]

Contiguity: No[26]

Unassigned Areas: No

Paired Incumbents: 35[27]

---

[24] District 96 is 48.91% 18+ Blk and 50.17% 18+ AP Blk. Evaluations reflect the single race category. Using the multi-race category, 13.5a contains 11 majority-minority districts.

[25] The splits of Shelby and Madison counties appear to violate Article II, Section 5 of the Constitution of Tennessee.

[26] One unpopulated census block assigned to District 12 within District 11; one unpopulated census block assigned to District 13 within District 49; one unpopulated census block assigned to District 49 between Districts 13 and 63; one unpopulated census block assigned to District 91 within District 86; one unpopulated census block assigned to District 99 between Districts 86, 88 and 95.

[27] District 2 – Crawford and Hulsey; District 3 – Holsclaw and Campbell; District 11 – Faison, Carr and Farmer; District 15 – McKenzie and Johnson; District 24 – Hall and Howell; District 55 – Potts and Clemmons; District 61 – Casada, Whitson and Ogles; District 62 – Warner and Marsh; District 69 – Curcio and Littleton; District 77 – Hurt and Grills; District 81 – Reedy and Griffey; District 84 – Towns, Camper and Lamar; District 86 – Chism and Cooper; District 93 – Harris, Hardaway, Miller and Gillespie; District 94 – Shaw and Gant.

Jonathan Cervas House Concept – 13.5b

Statewide plan; 99 districts; 11 majority-minority districts[28]

Overall Range =   9.82%

High   =   +4.98% (+3,475)

Low   =   -4.84% (-3,378)

County Splits: 24[29]

Contiguity: No[30]

Unassigned Areas: No

Paired Incumbents: 39[31]

---

[28] District 80 is 49.71% 18+ Blk and 51.04% 18+ AP Blk; District 87 is 49.67% 18+ Blk and 50.7% 18+ AP Blk. Evaluations reflect the single race category. Using the multi-race category, 13.5b contains 13 majority-minority districts.

[29] The splits of Shelby and Madison counties appear to violate Article II, Section 5 of the Constitution of Tennessee.

[30] One unpopulated census block assigned to District 12 within District 11; one unpopulated census block assigned to District 13 within District 49; one unpopulated census block assigned to District 49 between Districts 13 and 63; two unpopulated census blocks assigned to District 68 within District 67; five unpopulated census blocks assigned to District 75 with District 74.

[31] District 2 – Crawford and Hulsey; District 3 – Holsclaw and Campbell; District 11 – Faison, Carr and Farmer; District 15 – McKenzie and Johnson; District 24 – Hall and Howell; District 38 – Keisling and Windle; District 55 – Potts and Clemmons; District 61 – Casada, Whitson and Ogles; District 69 – Curcio and Littleton; District 74 – Reedy and Haston; District 77 – Darby and Griffey; District 81 – Hurt and Grills; District 92 – Warner and Cepicky; District 94 – Shaw and Gant; District 96 – Hardaway and Miller; District 97 – Towns and Camper; District 98 – Chism, Cooper and Lamar; District 99 – Leatherwood and Moody.

APPENDIX B

638 Cordell Hull Building
Nashville,
TN 37243
615-741-1195
doug.himes@capitol.tn.gov

Douglas David Himes

Experience:

Tennessee General Assembly, House of Representatives

Ethics Counsel   *June 2019 – Present*

Non-partisan counsel to the House Ethics Committee and the House Select Committee on Redistricting. Serve as a resource for Representatives, legislative staff, and citizens concerning ethical standards, compliance, and campaign finance. Support the Chief Clerk of the House of Representatives on laws, rules and procedural matters.

Tennessee Bureau of Ethics and Campaign Finance

Assistant Director   *July 2018 – June 2019*

General Counsel to the Tennessee Registry of Election Finance and the Tennessee Ethics Commission. Work extensively with citizens, candidates, public officials, employers of lobbyists, and lobbyists. Presented annual ethics training to the General Assembly. Revised ethics manuals and ethics questions for executive branch officials, legislative branch officials, employers of lobbyists, and lobbyists. Represented the Registry of Election Finance in contested case proceedings.

Tennessee General Assembly, Office of Legal Services

Joint Director   *June 2015 – July 2018*
Legislative Attorney   *December 1998 – June 2015*
Legislative Researcher   *December 1993 – April 1994*

Responsible for day-to-day operations of 30 full-time and 10 part-time employees for the non-partisan legal office of the Tennessee General Assembly. Work extensively with elected and appointed officials throughout state and local government on legislative initiatives, ethics, rules, and policy matters.

- Special Counsel to Tennessee House Speaker
  - Beth Harwell   2011 – 2018
  - Kent Williams   2009 – 2010
  - Jimmy Naifeh   2003 – 2009
- Legislative Committee Counsel
  - House Ethics   2003 – 2018
  - House Rules   2003 – 2018
  - House Finance, Ways & Means   2003 – 2018
  - Article II, Section 12 Ad Hoc Select Committee (member conduct)   2016
  - House Agriculture   2007 – 2010
  - Select Committee on the Tennessee Education Lottery Corporation   2003 – 2010
  - District 34 Ad Hoc Committee (election contest)   2009
  - House Redistricting   2000, 2010
  - House Transportation   1998 – 2003

o Senate Transportation	1998 – 2003
• Legislative service	
o Member, Tennessee Code Commission	2017 – 2018
o Member, Sexual Harassment Policy Review Committee	2016
o Co-Executive Secretary, Tennessee Code Commission	2015

Tennessee Attorney General and Reporter

Assistant Attorney General   *May 1997 – December 1998*

Represented State of Tennessee on appeals from state criminal convictions and *habeas corpus* actions for the Criminal Justice Division. Oral arguments before the Tennessee Court of Criminal Appeals and the Tennessee Supreme Court. Authored opinion letters and supervised summer law clerks.

Education:

University Notre Dame Law School   Notre Dame, IN
Juris Doctorate   *May 1997*

University of St. Andrews   St. Andrews, Scotland
Diploma in Arts (Mediaeval History)   *July 1993*

Lambuth University   Jackson, TN
Bachelor of Arts, Summa Cum Laude   *May 1992*

Training:

Legislative Staff Management Institute   Sacramento, CA
Certificate of Completion   *July 2006*

The Borthwick Institute   York, England
Advanced Studies in Palaeography   *January 1993*

Awards & Activities:

- Climbed 29 of 282 Munros (Scottish Peaks over 3,000 feet), Scotland, 1993 – Present
- Member, Legislative Staff Coordinating Committee, National Conference of State Legislatures, 2008 – 2010 and 2022
- Legislative Staff Achievement Award, National Conference of State Legislatures, 2014
- Staff Co-Chair, National Conference of State Legislatures Redistricting & Elections Task Force, 2014
- Delegate, American Council of Young Political Leaders, Vietnam, 2010
- Chair, Legal Services Staff Section, National Conference of State Legislatures, 2009 – 2010
- Notre Dame Legal Aid Clinic, Indiana, 1995 – 1996
- Rotary Foundation Ambassadorial Scholar, St. Andrews, Scotland, 1992 – 1993
- Sigma Kappa Scholarship Award (1st in Class), Lambuth University, 1992

- Tennessee Legislative Internship Program, Senate State & Local Government Committee, 1992
- Youth Advisory Committee, U.S. Senator Orrin Hatch, Utah, 1987 – 1988
- Male Athlete of the Year, Salt Lake Lutheran High School, Utah, 1988