

North Carolina Legislator Profile

Rep. John Faircloth: (R-Guilford)
House District 62

“We’re going to be building on that. It’s a good foundation. And it will get much better.” – Faircloth on teacher pay that remains nearly \$10,000 below the national average (Greensboro News & Record, [10/15/14](#))

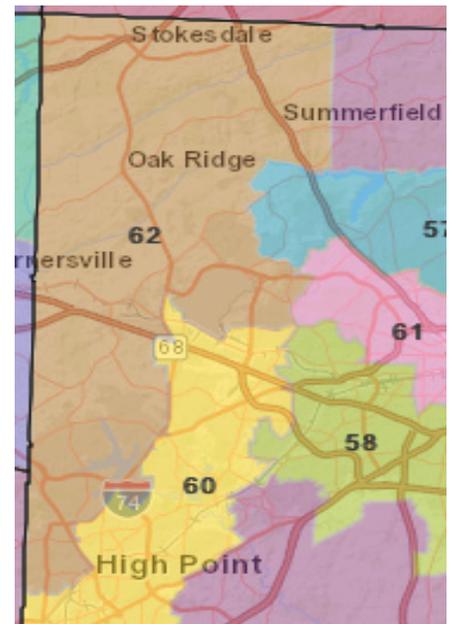
Faircloth is a four-term legislator currently serving House District 61. However, due to redistricting Faircloth will be running in House District 62 in the upcoming election.

Faircloth failed to look out for the best interests of North Carolina public school teachers and students. He repeatedly voted for policies that failed to increase teacher pay to the national average and underfunded public education classrooms, leaving per pupil spending 6.7 percent below pre-recession level. In the 2018 budget, Faircloth chose to preserve tax breaks for those making over \$200,000 rather than provide teachers with a larger pay increase. The policies Faircloth supports have left teachers worried about layoffs and wondering if the General Assembly has a “vendetta” against them.

Faircloth failed to stand up for North Carolina’s working families by twice voting to block Medicaid expansion. Faircloth’s refusal to expand Medicaid to 500,000 low-income North Carolinians cost 455 to 1,145 lives per year. Health care costs have since skyrocketed and North Carolina now has the third most expensive health care in the United States. Faircloth prioritized supporting tax cuts for the wealthy over expanding health care to the North Carolinians who need it most.

Faircloth repeatedly attacked the voting rights of North Carolinians by voting for discriminatory voter ID policies and unconstitutional voting maps. He supports voter ID and voted for the 2013 voter ID law that targeted African-Americans with “almost surgical precision” and the proposed constitutional amendment that could allow lawmakers to approve the same restrictive measures from the 2013 bill. Faircloth also voted for redistricting maps later ruled to be unconstitutional, including the 2011 maps in which his old district was found to be an illegal gerrymander. Despite overwhelming local opposition, Faircloth voted to overhaul the Greensboro City Council; these changes were later ruled unconstitutional because the districts were drawn to dilute the Democratic vote.

Read further to learn more about Faircloth’s voting record.



Summary

Faircloth continually voted for Republican budgets that fail to provide teachers with adequate raises.

- Faircloth voted for the 2018 budget, which prioritized tax cuts for the wealthy over meaningful teacher raises.
- Faircloth voted for the 2017 budget, which kept starting teacher pay at \$35,000 and provided veteran educators with a raise of only \$30 per month, the cost of a tank of gas.
- Faircloth voted for the 2015 budget, which provided a one-time \$750 bonus to teachers, but failed to increase their salaries.
- Faircloth voted for the 2013 budget, which kept North Carolina teacher pay near the bottom of national rankings and forced teachers into other jobs.

Faircloth voted for multiple policies that slashed education spending, including the 2013 budget that cut education spending by \$500 million, leaving public education classrooms sorely underfunded.

- The 2017 Republican budget spent 30 percent less on education than Governor Cooper's proposed budget and left per pupil spending 6.7 percent below pre-recession level.
- The 2013 Republican budget cut education spending by \$500 million, including a decrease in net spending for public schools.
- Faircloth voted for H13, which capped K-3 class sizes, but did not provide funding for the mandate, leaving teachers worried about layoffs.

Faircloth twice voted to block Medicaid expansion in North Carolina, leaving many low-income North Carolinians without access to health care.

- In 2018 Faircloth voted to block Medicaid expansion using a procedural vote.
- In 2013 Faircloth voted against expanding Medicaid to cover 500,000 low-income North Carolinians, costing 455 to 1,145 lives per year and resulting in higher costs for employers.
- According to a 2017 study, North Carolina has the third most expensive health care in the US, in part due to state government decisions.

Faircloth supported unconstitutional laws that restrict access to the ballot.

- Faircloth voted for the 2013 voter ID law, which was later struck down for targeting African-Americans with "almost surgical precision."
- Faircloth sponsored the proposed voter ID constitutional amendment, which could allow lawmakers to approve the same restrictive measures from the 2013 bill.
- Faircloth voted for the 2011 maps, which were thrown out for being unconstitutional racial gerrymanders; his old district was found to be an illegal gerrymander.
- Despite overwhelming local opposition, Faircloth voted for Greensboro City Council redistricting, which was later ruled unconstitutional.

Faircloth continually voted for Republican budgets that failed to provide teachers with adequate raises.

The 2018 budget allowed tax cuts to go into effect for those making over \$200,000 rather than provide for a larger salary increase for teachers.

- **NOTE:** Faircloth voted for the conference report and the veto override for S99. (S99, Senate veto override [6/7/18](#), House veto override [6/12/18](#))

The 2018 budget includes a 6.5 percent teacher pay raise on average. “The full plan was released Monday night. It includes 6.5 percent teacher pay raises on average, \$15 million for prison security upgrades and previously announced initiatives to lure large companies to the state and study little-known contaminants in state rivers.” (Associated Press, [5/28/18](#); S99, Senate adopted conference report, [5/31/18](#))

Democrats laid out plans for an 8 percent teacher pay raise on average. “However, Cooper and his fellow Democrats had laid out plans for an even higher teacher pay raise of 8 percent, on average. Cooper's plan is slightly more generous to teachers in their first five years on the job, and then both he and the legislature have the same figures for raises in the next 10 years of a teacher's career. But once teachers hit their 15th year on the job, Cooper's plan would again become more generous.” (News & Observer, [5/28/18](#))

Cooper's pay plan is more generous for veteran teachers with 15 years on the job. “However, Cooper and his fellow Democrats had laid out plans for an even higher teacher pay raise of 8 percent, on average. Cooper's plan is slightly more generous to teachers in their first five years on the job, and then both he and the legislature have the same figures for raises in the next 10 years of a teacher's career. But once teachers hit their 15th year on the job, Cooper's plan would again become more generous.” (News & Observer, [5/28/18](#))

Cooper suggested paying for his larger teacher raises by allowing tax cuts to go into effect for every income level below \$200,000. “There do not appear to be any major changes to the tax laws in the making this year. Republicans had previously passed laws that lowered the income tax rate for individuals and corporations starting next year. Cooper had suggested paying for his larger teacher raises by letting those income tax cuts go into effect for every, but not for all income levels. Any income that people earned above \$200,000 would remain taxed at this year's rate, according to Cooper's plan, which would also similarly freeze the corporate tax rate.” (News & Observer, [5/28/18](#))

The 2018 budget does not appear to include any major changes to the tax laws. “There do not appear to be any major changes to the tax laws in the making this year. Republicans had previously passed laws that lowered the income tax rate for individuals and corporations starting next year. Cooper had suggested paying for his larger teacher raises by letting those income tax cuts go into effect for every, but not for all income levels. Any income that people earned above \$200,000 would remain taxed at this year's rate, according to Cooper's plan, which would also similarly freeze the corporate tax rate.” (News & Observer, [5/28/18](#); Senate adopted conference report, [5/31/18](#))

The 2017 budget kept starting teacher pay at \$35,000 and provided many veteran educators with a raise of only \$30 per month.

- **NOTE:** Faircloth voted for S257, the conference report and the veto override. (S257, Senate veto override [6/27/17](#), House veto override [6/28/17](#))

Under the 2017 Republican budget, starting teachers will receive little to no raise. “Most public school teachers will receive a pay hike of 9.6 percent over the next two years, which is a significant

jump. However, starting teachers and our most experienced teachers receive little or no raises. Total education spending came in about 30% less than Gov. Cooper's proposed spending. (\$755m to \$520m) and per pupil spending is still 6.7% below pre-Recession level. In the spring of 2016, Senator Phil Berger unveiled a plan to bring average teacher pay to \$54,224 in the 17-18 school year. This budget fails to meet Senator Berger's promise." (Stronger NC, [6/26/17](#))

Many educators, including veterans of 25 years, will only see an increase of \$30 a month, merely a tank of gas. "The newly unveiled North Carolina state budget does include increases in teacher pay, but they are neither big nor dramatic. Many educators – including veterans who have devoted 25 years or more to our state's children – will see an increase of \$30 a month. That amounts to little more than a tank of gas, which will hardly be enough to allow teachers to quit their second or third jobs." (Charlotte Observer, Op-Ed, [6/21/17](#))

Starting teacher pay remains at \$35,000 under the 2017 Republican budget. "Under the teacher pay plan, teachers with 17 to 24 years of experience would see some of the biggest raises. Starting teacher pay would remain at \$35,000, but teachers at most experience levels would get a raise." (News & Observer, [7/1/17](#))

Republican lawmakers did not include Gov. Cooper's recommendation of a stipend to aid teachers with out-of-pocket expenses in the final budget proposal. "He also criticized lawmakers' decision to omit his proposed stipend for teachers to help buy classroom supplies, a lack of funding for teaching assistants, school nurses and school counselors and shifting more money into the Opportunity Scholarships private school voucher program. "Teachers see through dishonest budget gimmicks," Cooper said as he was surrounded by a group of teachers at the Executive Mansion." (WRAL, [6/26/17](#))

- **Teachers across the country spent \$500 to \$1000 out-of-pocket for classroom supplies and job-related expenses last year.** "According to a recent report from "Time," the Education Market Association says most teachers across the country spent \$500 to \$1,000 annually out of their own pockets for classroom supplies and job-related expenses last year. The report said that \$1.6 billion in school supply costs are shifted from parents or cash-strapped school districts onto teachers themselves." (Gaston Gazette, [5/6/17](#))

<p>The 2015 budget failed to provide a salary increase for teachers and instead provided a one-time \$750 bonus.</p>

- **NOTE:** Faircloth voted for H97 and the conference report. (H97, signed by Gov. [9/18/15](#))

The 2015 budget failed to provide salary increases for teachers and offered a one-time \$750 bonus instead. "All state employees, including teachers, will get a one-time \$750 bonus to be paid 'somewhere around the end of the year,' according to Senate Budget Chairman Harry Brown, R-Onslow, and a summary document released by negotiators. Speaking on WRAL News, Senate President Pro Tem Phil Berger likened it to a 'Christmas bonus.'" (WRAL, [8/27/15](#))

In 2014-15 NC teacher pay ranked in the bottom 10, only beating Mississippi and West Virginia in the Southeast. According to WRAL, "Despite an effort to raise starting salaries, North Carolina is expected to remain in the bottom 10 states nationally in average teacher pay, according to a report released Wednesday. The National Education Association estimates the average salary for a North Carolina public school teacher in the 2014-15 school year at \$47,783, which ranks 42nd nationally." (WRAL, [3/18/15](#))

The 2013 budget kept North Carolina teacher pay near the bottom of national rankings.

➤ **NOTE:** Faircloth voted for S402. (S402, signed by Gov. [7/26/13](#))

The 2013 Republican budget kept NC teacher pay near the bottom of nation. “Here’s what the Senate and House budget plan, set for a vote this week, does to N.C. schools: It cuts education spending by almost \$500 million in the next two years, including a decrease in net spending for K-12 public schools. It invites bigger and more chaotic classrooms by removing the cap on some classroom sizes and cutting funding for elementary school teacher assistants. School systems can offset those cuts if they somehow find money in their shrinking budgets, but if they don’t, more than 3,850 second- and third-grade teaching assistants will be gone. It phases out extra pay for teachers who earn a master’s degree, removing at least some incentive for teachers to improve themselves and their classrooms. Most critically, it continues to pay N.C. public school teachers abysmally. The budget doesn’t give teachers raises next year, which guarantees that N.C. will continue to rank near the bottom of national rankings in teacher pay.” (Charlotte Observer, Editorial, 7/23/13)

Poor pay for NC teachers meant they were forced into other jobs and relied on Medicaid if they stayed. “Lindsay Kosmala Furst loves teaching, but leaving the profession may be a matter of survival for her family. A North Carolina teacher since 2007, Furst’s income is so low that her two young daughters, ages 1 and 3, qualify for Medicaid. The Buncombe County high school English teacher sent legislators a letter Monday about her job and her family after learning that the state budget has no raises for teachers. “We never wanted to live in luxury,” she wrote. “We did, however, hope to be able to take our little girls out for an ice cream or not wonder where we will find the gas money to visit their grandparents.” Teachers on Monday said cuts in the state budget released Sunday amount to the legislators forsaking public education. Teacher pay will remain near the bottom of national rankings. More than 3,850 teacher assistant positions will be gone. The extra pay for teachers who earn master’s degrees will be phased out.” (News & Observer, 7/22/13)

➤ **“It is genuinely scary. I get the feeling that our legislators have a vendetta against teachers.”** “Dov Rosenberg, a teacher at Rogers-Herr Middle School in Durham, said he isn’t concerned about losing his job but worries for the teaching profession and the future of public education in the state. “It feels like a slap in the face when they talk about how they want to attract high quality teachers, and this budget seems to do nothing but discourage people from entering the teaching profession,’ he said. ‘It is genuinely scary. I get the feeling that our legislators have a vendetta against teachers.’” (News & Observer, 7/22/13)

Faircloth voted for multiple policies that slashed education spending, including the 2013 budget that cut education spending by \$500 million, leaving public education classrooms sorely underfunded.

The 2017 Republican budget left per pupil spending 6.7 percent below pre-recession level.

- **NOTE:** Faircloth voted for S257, the conference report and the veto override. (S257, Senate veto override [6/27/17](#), House veto override [6/28/17](#))

Gov. Cooper's proposed budget would have increased education spending by \$755 million. "Cooper increased education spending in the coming year by \$755 million; the House and Senate weakly approved half that much." (News & Observer, Editorial, [6/3/17](#))

The 2017 Republican budget spent 30 percent less on education than the Governor's proposed budget. "Most public school teachers will receive a pay hike of 9.6 percent over the next two years, which is a significant jump. However, starting teachers and our most experienced teachers receive little or no raises. Total education spending came in about 30% less than Gov. Cooper's proposed spending. (\$755m to \$520m) and per pupil spending is still 6.7% below pre-Recession level. In the spring of 2016, Senator Phil Berger unveiled a plan to bring average teacher pay to \$54,224 in the 17-18 school year. This budget fails to meet Senator Berger's promise." (Stronger NC, [6/26/17](#))

Under the 2017 Republican budget, per pupil spending is 6.7 percent below pre-recession level. "Most public school teachers will receive a pay hike of 9.6 percent over the next two years, which is a significant jump. However, starting teachers and our most experienced teachers receive little or no raises. Total education spending came in about 30% less than Gov. Cooper's proposed spending. (\$755m to \$520m) and per pupil spending is still 6.7% below pre-Recession level. In the spring of 2016, Senator Phil Berger unveiled a plan to bring average teacher pay to \$54,224 in the 17-18 school year. This budget fails to meet Senator Berger's promise." (Stronger NC, [6/26/17](#))

North Carolina failed to improve in per pupil spending between 2017 and 2018, remaining 39th in the nation and over \$2,400 below the national average. (NEA Rankings & Estimates, 2016-2017; 2017-18)

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Charlotte Observer: "Yet somewhere on the way from the campaign trail to their seats in the General Assembly, N.C. Republicans have decided it's OK to weaken the classrooms so many of our children walk into each day." "It's near impossible, especially during election season, to

find public officeholders who don't think that education is critical to the future of North Carolina. Yet somewhere on the way from the campaign trail to their seats in the General Assembly, N.C. Republicans have decided it's OK to weaken the classrooms so many of our children walk into each day." (Charlotte Observer, Editorial, 7/23/13)

Republicans cut public schools and created a voucher program as part of a long-term effort to privatize schools. "How could legislators possibly think this is a good idea? Here's a clue: The budget also includes a \$10 million program that allows low-income families to use up to \$4,200 for private school tuition. It's the first step in a Republican move toward bigger voucher programs, which will inevitably shift education money from public schools to private schools. And the worse those underfunded public schools get, the easier it is for Republicans to declare them failed instead of fixable." (Charlotte Observer, Editorial, 7/23/13)

Faircloth voted for H13, which capped K-3 class sizes at 22 to 24 students but did not provide funding for the class size mandate.

➤ **NOTE:** Faircloth voted for H13. (H13, signed by Gov. Cooper [4/27/17](#))

H13 would cap individual K-3 class sizes at 22 to 24 students. "House Bill 13, sponsored by Republican Rep. Chuck McGrady of Hendersonville, would cap individual K-3 class sizes at 22 to 24 students, depending on grade level. Maximum average class sizes would range from 19 to 21 students." (News & Observer, 1/25/17)

The mandate for smaller class sizes will cost North Carolina school districts as much as \$388 million more per year. "New state-mandated smaller class sizes in elementary schools will cost North Carolina school districts as much as \$388 million more per year in operating costs as well as significant capital costs, according to a new report. Districts will need to find between 3,000 and 5,400 teachers to comply with smaller kindergarten through third-grade class sizes, which the liberal N.C. Justice Center's Education & Law Project says is the equivalent of an unfunded mandate of between \$188 million to \$388 million." (News & Observer, 4/17/17)

The General Assembly reduced class size but did not provide additional funding. "The General Assembly is planning to reduce class sizes for kindergarten through third grade this fall but to do so means teachers are needed for those classes. With no added funding, some districts might need to cut art, music, or physical education teachers to be able to make the class size requirements." (WNCN, 2/16/17)

Teachers are fearful they might be laid off. "The changes are also fueling fears among some teachers that they may be laid off. 'Our teachers are scared to death about their jobs and their livelihood,' said James Daugherty, president of the N.C. Music Educators Association. 'It's unnerving.'" (News & Observer, 1/18/17)

The reduction in maximum class size limits the flexibility that districts have to spend on special classes. "North Carolina doesn't separately fund specialists such as arts and PE teachers so school districts pay for them out of state dollars for regular classroom teachers. The reduction in maximum class size limits the flexibility that districts have to spread money around for special classes." (News & Observer, 1/25/17)

Faircloth twice voted to block Medicaid expansion in North Carolina, leaving many low-income North Carolinians without access to health care.

In 2018 Faircloth and the Republicans voted to block Medicaid expansion using a procedural vote.

➤ **NOTE:** Faircloth voted against A4. (H998 A4, motion to appeal ruling of the chair [6/11/18](#))

Republicans voted to block Medicaid expansion using a procedural vote. “Rep. Bobbie Richardson, a Franklin County Democrat, argued that expanding Medicaid would improve health care in rural communities. But Moore ruled the amendment out of order because it would be “appropriating funds out of compliance with our rules,” and after Richardson appealed the ruling, the House sided with Moore in a 70-42 vote. The vote was largely along party lines with Rep. Ken Goodman, a Richmond County Democrat, joining all Republicans to block further action on the amendment.” (News & Observer, [6/12/18](#); H998 A4, motion to appeal ruling of the chair [6/11/18](#))

Rep. Bobbie Richardson proposed an amendment that would expand Medicaid under the ACA to H998, a bill meant to improve health care for rural North Carolinians. “Rep. Bobbie Richardson, a Franklin County Democrat, argued that expanding Medicaid would improve health care in rural communities. But Moore ruled the amendment out of order because it would be “appropriating funds out of compliance with our rules,” and after Richardson appealed the ruling, the House sided with Moore in a 70-42 vote. The vote was largely along party lines with Rep. Ken Goodman, a Richmond County Democrat, joining all Republicans to block further action on the amendment.” (News & Observer, [6/12/18](#); H998 A4, motion to appeal ruling of the chair [6/11/18](#))

House Speaker Tim Moore ruled the amendment out of order; Democrats attempted to appeal his ruling, but Republicans helped him sustain it, blocking Medicaid expansion. “Rep. Bobbie Richardson, a Franklin County Democrat, argued that expanding Medicaid would improve health care in rural communities. But Moore ruled the amendment out of order because it would be “appropriating funds out of compliance with our rules,” and after Richardson appealed the ruling, the House sided with Moore in a 70-42 vote. The vote was largely along party lines with Rep. Ken Goodman, a Richmond County Democrat, joining all Republicans to block further action on the amendment.” (News & Observer, [6/12/18](#); H998 A4, motion to appeal ruling of the chair [6/11/18](#))

In 2013 Faircloth voted against expanding Medicaid to cover 500,000 low-income North Carolinians.

➤ **NOTE:** Faircloth voted for S4 and the conference report. (S4, signed by Gov. [3/6/13](#))

Republicans blocked Medicaid expansion that covered 500,000 low-income North Carolinians and was fully funded by federal tax money for 3 years, and 90 percent of costs thereafter. “The Medicaid expansion would cover about 500,000 low-income adults in North Carolina, providing them the insurance coverage required when the Affordable Care Act is fully implemented next year. The federal government would pick up the full cost of the expansion for the first three years and the bulk of the costs for several years after that.” (WRAL, [2/14/13](#); S4, ratified, [3/6/13](#))

Medicaid expansion would mean \$15 billion in new economic activity and 25,000 jobs for North Carolina by 2016. “The cost would be fully funded by the federal government for the first three years. For five years following that, the federal government would pay 90 percent of the cost, and the state would pay 10 percent. That’s a much more favorable cost share than regular Medicaid, for which the state pays one-third of the cost. If lawmakers approve the expansion, it would bring a projected \$15

billion into the state's economy, creating an estimated 25,000 jobs in health care and related sectors by 2016." (WRAL, [2/11/13](#); S4, ratified, [3/6/13](#))

Blocking Medicaid expansion cost 455 to 1,145 lives per year and resulted in higher costs for employers. "Two studies out this month say turning down the federal Medicaid expansion could cost North Carolina the lives of hundreds of low-income uninsured people per year and leave businesses on the hook for tens of millions of dollars annually in tax penalties, beginning in 2015. [An analysis released by tax preparation firm Jackson Hewitt](#) urges policymakers debating Medicaid expansion to include "the very real costs of the shared responsibility tax penalties to employers" in calculating the net costs of expansion to the state... [Another new analysis by health policy experts from Harvard University and City University of New York](#) finds that opting out of Medicaid expansion will cost between 455 and 1,145 lives a year in North Carolina." (WRAL, [1/31/14](#); S4, ratified, [3/6/13](#))

- **Jackson Hewitt study found failure to expand Medicaid resulted in higher penalties for employers.** "In the 25 states that have opted out of Medicaid expansion, low-income workers between 100 and 138 percent of the poverty level who would have been eligible for free coverage will now have to buy their own insurance. Each of those workers can also claim the tax credit to offset his or her premium, triggering an additional \$2,000 penalty for his or her employer. Those employers would not have owed a tax penalty if the workers had enrolled in Medicaid." (WRAL, [1/31/14](#); S4, ratified, [3/6/13](#))
- **Harvard and CUNY study found NC failure to expand Medicaid meant between 455 and 1,145 lives would be lost per year due to preventable causes.** "[Another new analysis by health policy experts from Harvard University and City University of New York](#) finds that opting out of Medicaid expansion will cost between 455 and 1,145 lives a year in North Carolina. The study's authors looked primarily at preventive screenings and chronic disease management in states across the country. Medicaid expansion would extend those services to currently uninsured low-income workers making between 100 and 138 percent of the poverty level a year. The difference in North Carolina, the authors say, is somewhere between 455 and 1,145 preventable deaths per year that might have been avoided by expanding coverage." (WRAL, [1/31/14](#); S4, ratified, [3/6/13](#))

Faircloth voted against an amendment to accept Medicaid expansion so long as it was fully funded by the federal government. (S4, ratified, [3/6/13](#); [Amendment 2](#), [2/13/13](#))

According to a 2017 study, North Carolina has the third most expensive health care in the US, in part due to state government decisions.

North Carolina ranked 47th across metrics of cost, accessibility, and outcomes in a Wallethub study. (Wallethub, 8/6/18)

Blue Cross Blue Shield referenced the study and blamed state government decisions as one reason for the high cost. "In the last few years, North Carolina's lawmakers made two crucial decisions that caused healthcare costs to rise. First, the state decided not to expand Medicaid coverage. So there are a lot of people in North Carolina's individual insurance market who might have been covered under Medicaid, but instead, have to purchase insurance through the ACA's federal marketplace. These folks tend to have more expensive chronic health problems, and the cost of their medical care has caused insurance premiums for ACA customers in our state to rise." (Blue Cross Blue Shield, 8/1/17)

Faircloth supported unconstitutional laws, including unconstitutional maps and bills that blocked access to the ballot for many North Carolinians.

Faircloth voted for H589, the 2013 law that established ID requirements for voting in North Carolina and was struck down for targeting African-Americans with “almost surgical precision.”

➤ **NOTE:** Faircloth voted for H589 and the committee substitute. (H589, signed by Gov. [8/12/13](#))

NC’s 2013 voter ID law was struck down as unconstitutional in a ruling upheld by the Supreme Court. “The Supreme Court on Monday refused to revive a restrictive North Carolina voting law that a federal appeals court had struck down as an unconstitutional effort to “target African-Americans with almost surgical precision.” The court’s decision not to hear an appeal in the case effectively overturned one of the most far-reaching attempts by Republicans to counter what they contended, without evidence, was widespread voter fraud in North Carolina. The law rejected the forms of identification used disproportionately by blacks, including IDs issued to government employees, students and people receiving public assistance.” (NY Times, [5/15/17](#); H589, signed [8/12/13](#))

The 2013 voter ID law was struck down for targeting African-Americans with “almost surgical precision.” “The Supreme Court on Monday refused to revive a restrictive North Carolina voting law that a federal appeals court had struck down as an unconstitutional effort to “target African-Americans with almost surgical precision.” The court’s decision not to hear an appeal in the case effectively overturned one of the most far-reaching attempts by Republicans to counter what they contended, without evidence, was widespread voter fraud in North Carolina. The law rejected the forms of identification used disproportionately by blacks, including IDs issued to government employees, students and people receiving public assistance.” (NY Times, [5/15/17](#); H589, signed [8/12/13](#))

The law also shortened the early vote period and ended Sunday voting and same-day registration.

Republicans shortened early voting period, prohibited extending early voting if lines are long, and ended Sunday voting and same-day registration. “The bill cuts the early voting period from 17 to 10 days, although counties would still be required to provide the same number of hours for early voting. It also prohibits counties from extending early voting hours on the Saturday before Election Day to accommodate crowds and eliminates same-day voter registration during early voting.” (WRAL, [7/25/13](#); H589, signed [8/12/13](#))

More than one-third of NC counties reduced early voting hours. “When early voting begins Thursday, voters in Durham, Johnston and Orange counties will have more hours to cast ballots ahead of the May 6 primary than they have in the past. But in more than a third of North Carolina’s 100 counties, people will have less time to vote.” (News & Observer, [4/23/13](#); Associated Press, [2/27/14](#))

Faircloth sponsored H1092, a constitutional amendment that would enshrine the requirement of a photo ID for in-person voting in the state’s constitution but does not specify what kinds of ID would be acceptable.

➤ **NOTE:** Faircloth sponsored H1092 and voted for the bill. (H1092, ratified [6/29/18](#))

The amendment would enshrine the requirement of a photo ID to vote in the state’s constitution. “(4) Photo identification for voting in person. Voters offering to vote in person shall present photographic identification before voting. The General Assembly shall enact general laws governing the requirements

of such photographic identification, which may include exceptions." (H1092, passed House [6/26/18](#), passed Senate [6/29/18](#))

Language on the ballot question leaves questions unanswered about what kinds of ID would be accepted and leaves the amendment "a blank check." "The ballot question says, "Every person offering to vote in person shall present photo identification before voting in the manner prescribed by law." This language appears to not allow exceptions for those without ID or those who have lost them, as the 2013 law did. Will it be a "hard ID" like that struck down in federal court, or a "soft ID" like the 2013 House version that allowed student ID, public assistance ID or employer ID? Will there be a tedious provisional ballot process? The referendum voter won't know the actual proposal. Senate staffer Brent Woodcox tweeted, "Very few would read the details of the bill to make their decision on the amendment. Unless it passes, there will be no need for implementing language." How cynical. Is the amendment just a blank check, as well as a sound bite to trap candidates? Is the actual reason to amend the constitution to end review on state constitutional grounds? Republicans control the legislature; the N.C. Supreme Court is now 4-3 Democratic and will remain Democratic next year." (News & Observer, [6/11/18](#); H1092, passed House [6/26/18](#), passed Senate [6/29/18](#))

Lawmakers could go back and approve the same restrictive measures from the 2013 bill after voters approve the amendment on the ballot.

Voters will not know the specifics of photo ID requirements before they vote on the amendment. "Voters offering to vote in person shall present photographic identification before voting. The General Assembly shall enact general laws governing the requirements of such photographic identification, which may include exceptions." (H1092, passed House [6/26/18](#), passed Senate [6/29/18](#))

The requirement deals only with in-person voting not absentee voting and voters wouldn't necessarily see details about what kind of ID would qualify before voting on the amendment. "The bill would ask voters to decide this November whether to add this paragraph to the constitution: "Photo identification for voting in person. Every person offering to vote in person shall present photo identification before voting in the manner prescribed by law." The requirement deals only with in-person voting, not absentee voting. Voters wouldn't necessarily see more details, including what sorts of ID would qualify, before voting. That would be laid out later by the General Assembly in a separate bill. Moore, R-Cleveland, said North Carolinians can look to other states with voter ID is already in place examples of what the legislature would approve." (WRAL, [6/7/18](#); H1092, passed House [6/26/18](#), passed Senate [6/29/18](#))

Civil Rights and Civil Liberties advocates condemned the bill as an effort to suppress voter turnout among groups that typically vote Democratic, calling the bill a "Jim Crow-style restriction."

Critics deemed the law an attempt to disenfranchise voters that typically vote Democratic. "Second, putting a voter ID law on the ballot supposes that this is the will of the people. We know this is not true. The vast majority of North Carolinians are satisfied with voting the way it is now. Why spend tax dollars trying to fix something that is not broken? The only plausible answer is that the Republican legislative leaders, desperate to remain in power, are willing to suppress and disenfranchise minority groups that typically vote Democratic. Anyone who is willing to suppress the votes of an entire population, whose slave ancestors labored from sun up to sundown for nearly 300 years to make America great, must be extremely power hungry. To deny one's fellow citizens full participation in the voting process without a reasonable explanation – and no explanation is reasonable in this effort – can only be seen as a way to rig the system for political gain. It is my belief that such a scheme will not be supported by fair-minded voters." (News & Observer, Editorial, [7/11/18](#))

The ACLU of North Carolina decried the measure as a "Jim-Crow-style restriction." "This is the latest in a long line of measures North Carolina legislators have pushed with one clear goal: to

suppress voter turnout by making it harder for some of our state's most marginalized voters, particularly people of color and those with low income, to participate in the democratic process. Once again, North Carolina lawmakers are trying to rig elections through shameful partisan tricks, rather than taking steps to ensure that every eligible voter is able to cast a ballot that counts. North Carolinians are tired of these blatant and discriminatory power grabs from politicians who keep trying to rig the system and turn back the clock on voting rights. We have come too far to allow Jim Crow-style restrictions to seep back into North Carolina elections, and we will stand with North Carolinians across the state to fight back and ensure that the right to vote is protected for all." (Progressive Pulse, [6/7/18](#))

Civil rights groups, voting rights groups, and the AARP oppose putting the question on the ballot saying requiring photo ID will keep African Americans, elderly people, and low-income people from voting; the NAACP has threatened to sue. "Civil rights groups, voting rights groups, and the state AARP oppose putting the question on the ballot, saying photo ID requirements will keep African-Americans, elderly people, and people with low incomes from voting. "It will forever harm eligible North Carolina voters," said the Rev. T. Anthony Spearman, president of the state NAACP. The NAACP has threatened to sue. The civil rights advocacy group Color of Change is running a "reject racism" campaign to pressure Apple and Amazon to disqualify North Carolina as a candidate for new campuses if the legislature decides to put the photo ID question to voters." (News & Observer, [6/21/18](#))

Faircloth voted for the 2011 legislative maps, which were thrown out for being unconstitutional racial gerrymanders.

➤ **NOTE:** Faircloth voted for H937. (H937, ratified [7/28/11](#))

A federal court found that 28 legislative districts were racial gerrymanders. "The plaintiffs had argued the state's plans packed African-Americans in districts already with a high percentage of black voters, thus diluting their presence in neighboring districts. In August 2016, the US District Court for the Middle District of North Carolina found that that 28 legislative districts 'are racial gerrymanders in violation of the Equal Protection Clause.'" (CNN, 8/1/17)

The U.S. Supreme Court affirmed the decision by the lower court that the 2011 maps were unconstitutional. "Several lawsuits focused on the maps that included 28 districts found unconstitutional after they were used to elect state House and Senate members. A panel of federal judges will review new lines approved by state lawmakers on Aug. 30 for those districts. The judges struck down the 2011 maps more than a year ago in a ruling that was unanimously affirmed by the U.S. Supreme Court." (Charlotte Observer, 9/15/17)

The 2011 maps packed black voters into certain districts, diluting their voting strength in others. "The plaintiffs had argued the state's plans packed African-Americans in districts already with a high percentage of black voters, thus diluting their presence in neighboring districts. In August 2016, the US District Court for the Middle District of North Carolina found that that 28 legislative districts 'are racial gerrymanders in violation of the Equal Protection Clause.'" (CNN, 8/1/17)

Faircloth supported redistricting the Greensboro City Council, which was later ruled to be unconstitutional.

➤ **NOTE:** Faircloth voted for H263, the committee substitute, and the conference reports. (H263, ratified [7/2/15](#))

H263 overhauled Greensboro's City Council despite "overwhelming local opposition." "Earlier in this session, Blust stood fast in his defiance of House Bill 263, which would overhaul Greensboro's City Council despite overwhelming local opposition. The council has gone to court to challenge the bill, which would change the makeup of the council and strip the mayor of her vote. Among local

Republicans, High Point's John Faircloth supported the bill, even though he had demanded a referendum for earlier changes to the High Point City Council. Hardister staunchly opposed the bill before wearily giving in. But Blust never budged.” (Greensboro News & Record, 10/4/15)

H263 changed the makeup of the Greensboro City Council and would have stripped the mayor of her vote. “Earlier in this session, Blust stood fast in his defiance of House Bill 263, which would overhaul Greensboro's City Council despite overwhelming local opposition. The council has gone to court to challenge the bill, which would change the makeup of the council and strip the mayor of her vote. Among local Republicans, High Point's John Faircloth supported the bill, even though he had demanded a referendum for earlier changes to the High Point City Council. Hardister staunchly opposed the bill before wearily giving in. But Blust never budged.” (Greensboro News & Record, 10/4/15)

“The city and six local residents soon filed a lawsuit in U.S. District Court in Greensboro, saying that the redistricting plan ‘substantially impairs the city of Greensboro and its citizens’ rights to self-governance.” “The matter stems from something that happened in mid-2015 in Raleigh. The state legislature passed a law that drew eight new voting districts for the Greensboro City Council. It eliminated the council's three at-large members, those elected by all city voters. This new-look council would have eight members elected from those newly drawn districts and a mayor, elected by all city voters but unable to vote on proceedings except in the case of a tie. The city and six local residents soon filed a lawsuit in U.S. District Court in Greensboro, saying that the redistricting plan ‘substantially impairs the city of Greensboro and its citizens’ rights to self-governance’... In other news related to the lawsuit, a judge also on Wednesday scolded state legislators for not complying with his order to give him a detailed description of documents they say are too privileged for even him to see. U.S. Magistrate Judge Joe Webster said the descriptions, called privilege logs, are ‘woefully inadequate for the court to properly assess whether the privileges asserted are applicable.’ The legislators, all Republicans, include members of the Guilford County delegation: state Reps. John Faircloth and Jon Hardister, and state Sen. Trudy Wade. The plaintiffs had demanded to see the documents that Wade, Faircloth, Hardister and other legislators used to redraw the lines, including drafts of the bill, the rationale for filing it, information on voting patterns, maps and emails.” (News & Record, 11/26/16)

- **The city council went to court to challenge the bill.** “Earlier in this session, Blust stood fast in his defiance of House Bill 263, which would overhaul Greensboro's City Council despite overwhelming local opposition. The council has gone to court to challenge the bill, which would change the makeup of the council and strip the mayor of her vote. Among local Republicans, High Point's John Faircloth supported the bill, even though he had demanded a referendum for earlier changes to the High Point City Council. Hardister staunchly opposed the bill before wearily giving in. But Blust never budged.” (Greensboro News & Record, 10/4/15)
- **Faircloth added an amendment to H263, which “was intended to undercut the city’s legal challenge of the bill.”** “And Rep. John Faircloth (R-Guilford) sneaked a provision into SB 119, the “technical corrections” bill, that changes House Bill 263, which dictates Greensboro City Council redistricting. It amends the part of the bill that Judge Catherine Eagles cited in granting the city's request for an injunction. This amendment clearly was intended to undercut the city's legal challenge of the bill, which is expected to be heard early next year.” (Greensboro News & Record, Editorial, 10/2/15)

A judge scolded legislators, including Faircloth, “for not complying with his order to give him a detailed description of documents they say are too privileged for even him to see.” “The matter stems from something that happened in mid-2015 in Raleigh. The state legislature passed a law that drew eight new voting districts for the Greensboro City Council. It eliminated the council's three at-large members, those elected by all city voters. This new-look council would have eight members elected from those newly drawn districts and a mayor, elected by all city voters but unable to vote on proceedings except in the case of a tie. The city and six local residents soon filed a lawsuit in U.S.

District Court in Greensboro, saying that the redistricting plan 'substantially impairs the city of Greensboro and its citizens' rights to self-governance'... In other news related to the lawsuit, a judge also on Wednesday scolded state legislators for not complying with his order to give him a detailed description of documents they say are too privileged for even him to see. U.S. Magistrate Judge Joe Webster said the descriptions, called privilege logs, are 'woefully inadequate for the court to properly assess whether the privileges asserted are applicable.' The legislators, all Republicans, include members of the Guilford County delegation: state Reps. John Faircloth and Jon Hardister, and state Sen. Trudy Wade. The plaintiffs had demanded to see the documents that Wade, Faircloth, Hardister and other legislators used to redraw the lines, including drafts of the bill, the rationale for filing it, information on voting patterns, maps and emails." (News & Record, 11/26/16)

Faircloth was among legislators who fought subpoenas from a group of residents suing to stop the redistricting because they said it was unfair to Black voters. "The court picked that date earlier this year. But part of the pretrial process ground to a halt as the two sides argued about documents members of the N.C. General Assembly used to draw the new district lines. The legislators fought subpoenas from a group of local residents suing to stop the redistricting because they say it's unfair to black voters. The legislators, all Republicans, include members of the Guilford County delegation: state Reps. John Faircloth and Jon Hardister and state Sen. Trudy Wade. U.S. Magistrate Judge Joe Webster ordered the legislators to provide a 'privilege log' - a list of documents they want to keep private and to describe the documents and explain why they should be withheld. Webster received that log this week." (News & Record, 11/19/16)

H263 was struck down by a federal district court judge in 2017. "When voters in Greensboro consider City Council candidates this fall, they will do so with the same district makeup they used in 2015. U.S. Middle District Judge Catherine Eagles ruled Monday that the N.C. General Assembly unconstitutionally redistricted the council in 2015 and that all future elections would be held with the same district map — unless there's a public referendum to change it. Lawmakers in a bill introduced by state Sen. Trudy Wade (R-Greensboro) had changed the council from five districts and three at-large seats to eight newly drawn districts and limited the mayor to a vote only in the event of a tie. But Eagles ruled that lawmakers had redrawn those districts to dilute the Democratic vote and give Republican candidates an advantage. 'The appropriate remedy for a law that violates the one-person, one-vote principle is an injunction against elections conducted under the Act's unconstitutional redistricting,' Eagles wrote in her order." (Greensboro News & Record, [4/3/17](#); H263, ratified [7/2/15](#))

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