

GENERAL ASSEMBLY OF NORTH CAROLINA  
2022 LEGISLATIVE SESSION, SENATE FLOOR  
VOTE ON SB 744, SB 745 AND HB 980  
FEBRUARY 17, 2022

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1 THE PRESIDENT: The Senate will come to  
2 order. Sergeant-at-arms will close the doors.  
3 Members will go to their seats. Members and  
4 guests of the gallery will please silence all  
5 electronic devices.

6 Leading the Senate in prayer, Senator  
7 Paul Lowe, Forsyth county. All members and  
8 guests in the gallery will please stand.

9 SENATOR LOWE: Let us pray. Thou who  
10 art eternal, we thank you for this day, and we  
11 thank you for all of our lives. We ask that you  
12 would continue to help us as we do the work of  
13 the Old North State. We ask that you would  
14 encourage our hearts and our minds to do those  
15 things that you have called us to do. These  
16 things we pray in the Son in the Name of He that  
17 orders our steps and meets us with mercy in the  
18 Name of Jesus the Christ. Thank you, and all of  
19 the people said.

20 THE PRESIDENT: Senator Berger is  
21 recognized for a motion.

22 SENATOR BERGER: Thank you,  
23 Mr. President.

24 The journal for February 16, 2022, has  
25 been examined and has found to be correct. I

1           move that we dispense with the reading of the  
2           journal and that it stand approved as written.

3                   THE PRESIDENT: Without objection, the  
4           journal for February 16, 2022, stands approved  
5           as written.

6                   Leaves of absences are requested and  
7           without objection are granted for Senators Hise,  
8           Robinson, and Batch.

9                   And we are on to our calendar.

10                   First on our -- Senator Rabon, for what  
11           purpose do you rise?

12                   SENATOR RABON: A series of motions,  
13           please, Mr. President.

14                   THE PRESIDENT: You have the floor for  
15           your motions.

16                   SENATOR RABON: Thank you,  
17           Mr. President.

18                   I move that all bills voted out of the  
19           Senate today be sent to the House by special  
20           message. Senate Bill 745, Realign Congressional  
21           Districts 2022-CT -- CST 22-3 and  
22           House Bill 980, Realign NC House Districts 22/8  
23           TU 22-4 were heard in committee today and  
24           reported favorably. Move that those bills be  
25           added to today's floor calendar for

1 consideration, please.

2 THE PRESIDENT: Without objection, so  
3 ordered.

4 SENATOR RABON: The conference report  
5 for Senate Bill 173, Free Smiles Act, has been  
6 handed in to the principal clerk, move that the  
7 bill be added to today's calendar for  
8 consideration.

9 THE PRESIDENT: Without objection, so  
10 ordered.

11 SENATOR RABON: Thank you,  
12 Mr. President.

13 Senator Harrington was not present for  
14 the floor session January 19, 2022. I move that  
15 Senator Harrington receive an excused absence  
16 for that day.

17 THE PRESIDENT: Likewise, without  
18 objection, that is so ordered.

19 We are on to our calendar.

20 There are a number of amendments need  
21 to be added to the dashboard, so we will stand  
22 at ease while that's taking place, just stand at  
23 ease.

24 (At ease.)

25 THE PRESIDENT: The Senate is back in

1 order. Members will return to their seats.  
2 silence all electronic devices.

3 Before we go on to our calendar, I have  
4 one courtesy of the gallery upon the motion of  
5 Senator Ted Alexander of Cleveland, Lincoln, and  
6 Gaston counties. Courtesies are extended to  
7 Debbie and Mike Gates with Compassion to Act  
8 which is a nonprofit organization that combats  
9 human trafficking, something that is desperately  
10 needed in our time, sadly. So thank you very  
11 much for being here.

12 We are on to our calendar. First up on  
13 our calendar, we have public bill, second  
14 reading, Senate Bill 744. The clerk will read.

15 THE CLERK: Senate Bill 744, Realign NC  
16 Senate District 2022/SCH 22-4.

17 THE PRESIDENT: Senator Newton is  
18 recognized to explain the bill.

19 SENATOR NEWTON: Thank you,  
20 Mr. President.

21 Members, the proposed remedial senate  
22 plan was explained in detail yesterday in  
23 committee, so I will not repeat the depth of  
24 that discussion unless you have a question, and  
25 I'm happy to do so, but back in November 2021,

1 we drew and passed what we thought was a  
2 constitutional map. The majority of the  
3 North Carolina Supreme Court has told us  
4 otherwise and provided at least some guidance on  
5 what presumptively constitutional -- a  
6 presumptively constitutional map should be.

7 Specifically, the majority told us that  
8 we should apply the mean-median and efficiency  
9 gap tests against our remedial draw on a  
10 statewide basis, and that if we pass those  
11 tests, scoring sufficiently well, our remedial  
12 map would be presumptively constitutional.  
13 Although other possible tests were identified by  
14 the Court, these two tests are particularly  
15 appropriate because the formulas are not  
16 proprietary or unique to a single expert witness  
17 but are replicable. Democrats, plaintiffs, and  
18 plaintiffs' counsel can run the remedial map  
19 through these analyses and will get the exact  
20 same results.

21 Now, you and I may have other preferred  
22 methods, but in drawing maps -- in drawing maps  
23 that pass both the mean-median and efficiency  
24 gap test, we've done exactly what the majority  
25 of the North Carolina Supreme Court told us to

1 do. This remedial map scored a negative  
2 0.65 percent on the mean-median test and  
3 therefore scores better than the required plus  
4 or minus 1 percent.

5 This remedial map scored a negative  
6 3.97 percent on the efficiency gap measure,  
7 scoring better than the required plus or minus  
8 7 percent. Nonpartisan central staff ran the  
9 analysis, and their results were statistically  
10 identical, with efficiency gap found to be  
11 negative 3.98 percent which is statistically a  
12 statistical insignificant difference. Thus the  
13 remedial map is presumptively constitutional.

14 And you know, I think it's important to  
15 know that early in the process, middle of last  
16 week, the Senate GOP offered the Senate  
17 Democrats to come join the Senate redistricting  
18 chairs to draft the new map on a pod-by-pod  
19 basis, and the Senate Democrats never took us up  
20 on that offer. That's not to say that they  
21 haven't acted in good faith with us; they have  
22 acted in good faith. Both Republicans and  
23 Democrats I believe did the very best they could  
24 in the time that this Court gave us, but I just  
25 want the record to reflect that we did offer to

1 sit down pod by pod, district by district, with  
2 the Democrats and that was -- was not -- was not  
3 accepted, that offer was not accepted.

4 One housekeeping matter that I would  
5 like to clarify is that yesterday, in committee,  
6 I was asked about whether we scored and perhaps  
7 started our draw with the enacted map. The  
8 enacted map was November 2021.

9 I want to be precise on that point. We  
10 started with the enacted map. In terms of the  
11 remedial map, we started with the enacted map,  
12 but because it was already declared  
13 unconstitutional, there was no need to score it.  
14 We did not begin scoring until we had made  
15 significant changes across the map resulting in  
16 a presumptively constitutional map that we have  
17 before us today.

18 In response to Senator Blue's questions  
19 in committee, we ran the data on the enacted  
20 map, and it performed very poorly. No surprise.  
21 The efficiency gap was negative 8.1 percent, and  
22 a negative number means it skews Republican.  
23 That's outside the bounds of the 7 percent  
24 prescribed by the Supreme Court majority.

25 The mean-median was negative

1           3.79 percent, outside the bounds of the plus or  
2           minus 1 percent.

3                   This new remedial map improves on both  
4           those measures and falls within the range  
5           prescribed by the Court.

6                   Also, I want to clarify a point that  
7           Senator Blue raised in committee yesterday. His  
8           point seemed to be that in his view we had not  
9           addressed the allegedly gerrymandered districts  
10          challenged by the plaintiffs.

11                   I want to say unequivocally that that  
12          is not the case. We did address every single  
13          district cited in the trial court's opinion.  
14          Many of these districts were changed  
15          substantially, some were changed slightly, but  
16          all were changed. And every single district  
17          that was changed was moved in the Democrats  
18          favor. Let me repeat that point: Every single  
19          district cited in the trial court's opinion was  
20          changed and every single change favored  
21          Democrats. Some competitive districts became  
22          safe for Democrats. Some competitive seats  
23          remained competitive but more -- but more in the  
24          Democrats favor. Some safe Republican seats  
25          became less safe. Some became competitive or

1 even leaning.

2 Changes to the proposed remedial plan  
3 sorted out like this. The Daniel's seat in the  
4 remedial plan, 2.4 points more Democratic. The  
5 Krawiec seat, 6.6 points more Democratic. The  
6 Berger seat, 5.1 points more Democratic. The  
7 Jeff Jackson seat, 3.6 points more Democratic.  
8 The Batch seat .8 points more Democratic. The  
9 Crawford seat, 2.3 points more Democratic. The  
10 Lee seat became 1.2 points more Republican.  
11 That was not one of the disputed districts, but  
12 it is slightly more Republican after the redraw,  
13 and I wanted to point that out. And I'll  
14 explain a little more here about that.

15 So Senator Blue and our colleagues on  
16 the other side of the aisle clearly do not like  
17 all of our changes and would prefer even more  
18 seats to be moved into their column or changed  
19 in a different way, perhaps, but it is not the  
20 case that we didn't address all of the  
21 challenged districts in the trial court's  
22 opinion. The Democrats have seemed to simply  
23 disagree with our reading of the Supreme Court's  
24 ruling that the map as a whole was  
25 unconstitutional, not a specific district.

1           Let me quote the Supreme Court's  
2           opinion again for the record.

3           Quote: The partisan gerrymandering  
4           violation is based on the redistricting plan as  
5           a whole, not a finding with regard to any  
6           individual district. Certainly, it is possible,  
7           as the plaintiffs and the trial court  
8           demonstrated, to identify which individual  
9           districts in the state legislative maps ignore  
10          traditional redistricting principles to achieve  
11          a partisan outcome that otherwise would not  
12          occur. It is possible to identify the most  
13          gerrymandered individual districts, but here the  
14          violation is statewide because of the evidence  
15          that on the whole the districts have been drawn  
16          such that voters supporting one political party  
17          have their votes systematically devalued by  
18          having less opportunity to elect representatives  
19          to seats compared with an equal number of voters  
20          of the favored party -- in the favored party.

21          I also want to address a point  
22          Senator Blue made yesterday about  
23          Senate District 7 -- I alluded to it earlier --  
24          in New Hanover county.

25          It is true that the plaintiffs did not

1 challenge this district and the trial court did  
2 not weigh in on the merits of the draw here in  
3 the enacted map. In creating this new remedial  
4 district, in the process of refining it and  
5 getting it scored in compliance with the court  
6 ruling, we swapped out three precincts that were  
7 in District 8 in New Hanover county for four  
8 different ones. The net effect of this change  
9 was to make the district approximately  
10 1.2 points more Republican, closer to a 50/50  
11 competitive district. Biden still won the  
12 proposed Senate District 7 49.2 percent to  
13 49 percent.

14 And as I stated yesterday in committee,  
15 we changed this district, as well as a few  
16 others elsewhere in the map, to produce an  
17 overall product, a statewide map that scored  
18 well on the mean-median and efficiency gap tests  
19 as directed by the majority on the  
20 North Carolina Supreme Court.

21 Senate District 7 could have been drawn  
22 to be slightly more Republican, but we crafted  
23 it to be a 50/50 competitive district, and this  
24 configuration scored exceptionally well in the  
25 context of the statewide plan that treats

1           Republicans and Democrats fairly.

2                       Members, this map -- this remedial map  
3 allows both parties, Democrats and Republicans,  
4 an opportunity to compete for the majority.  
5 That's what the Court said it wanted, that's  
6 what the people asked for, and that's what we  
7 have delivered. With good candidates and good  
8 messages, either party can win the majority  
9 under this remedial map.

10                      And with that, Members, I do ask for  
11 your support. Thank you.

12                      THE PRESIDENT: Senator Chaudhuri, for  
13 what purpose do you rise?

14                      SENATOR CHAUDHURI: To speak on the  
15 bill.

16                      THE PRESIDENT: You have the floor.

17                      SENATOR CHAUDHURI: Thank you,  
18 Mr. President.

19                      Mr. President, we believe that the  
20 state Senate maps drawn by the governing  
21 majority fails to meet the state's highest court  
22 opinion and order, and we believe that the  
23 governing majority failed to do so because the  
24 process to draw such maps were never bipartisan  
25 and collaborative, that such maps reflect the

1 governing majority's belief that its legislative  
2 powers rise above our constitution and that the  
3 remedial maps before us still remain  
4 gerrymandered.

5 First, let me start with the  
6 map-drawing process itself. Certainly, Senate  
7 Democrats on our side remained hopeful that we  
8 could craft a bipartisan set of maps. As  
9 Senator Blue said in a joint release statement  
10 with Senator Berger last week, it was his desire  
11 that both sides would work together in hopes of  
12 reaching a negotiated end product. However,  
13 unlike our House colleagues, where a true  
14 collaborative process took place, we were not  
15 able to do so. And unfortunately, our hope  
16 became hopeless because we continued to observe  
17 major problems with the Senate maps that don't  
18 comport with the finding of facts from the  
19 bipartisan three-judge panel. Let me cite just  
20 one example.

21 In the Harper opinion, the three-judge  
22 panel makes clear, this governing majority's  
23 decision to group Buncombe county with Burke and  
24 McDowell counties to the east allowed more  
25 Republicans to, quote, neutralize the Democratic

1           stronghold in and around Asheville.

2           The trial court also cites Dr. Duchin's  
3           study, an expert in the case, who observed that  
4           this Buncombe-Burke-McDowell cluster never  
5           elected a Democrat in any of the 52 elections in  
6           his study. And I should point out that in the  
7           Court opinion that word never was italicized and  
8           bolded. Not surprisingly, the trial court said  
9           that this county cluster was the result of  
10          intentional pro Republican partisan  
11          redistricting, a phrase that is found 59 times  
12          in the trial court's opinion.

13          The trial court also suggests that the  
14          Buncombe county-Henderson county cluster seems  
15          to be a better alternative. It states that  
16          Henderson county has become a bedroom community  
17          of Asheville, and the trial court said that the  
18          alternative cluster would result in neutralizing  
19          Democrats in Asheville to a lesser extent.

20          In the maps before us, the governing  
21          majority refused to adopt the alternative  
22          Buncombe-Henderson cluster.

23          Second, the governing majority has  
24          publicly stated that our highest court has  
25          become a policymaking body where it advances its

1 political ideals, something that should be left  
2 to the legislature, yet it is important to make  
3 two comments.

4 First, even though our country's  
5 highest court refused to reject partisan  
6 gerrymandering, Chief Justice John Roberts did  
7 state that, quote, provision in state statutes  
8 and state constitutions can provide standards  
9 and guidance for state courts to apply.

10 And second, our state's highest court  
11 did not engage in policymaking. Instead it  
12 carried out its most important duty: protecting  
13 the constitutional right of our people from  
14 legislative overreach.

15 If we combine the governing majority's  
16 approach with the three-judge panel's findings,  
17 we would essentially live in a state where it's  
18 legally valid to gerrymander 16 state Senate  
19 districts; in other words, one out of three  
20 state Senate districts would be legally  
21 gerrymandered. We would live in a state where  
22 partisan gerrymander trumps our citizen's state  
23 constitutional rights.

24 And finally, as I've mentioned before,  
25 we believe that these maps remain gerrymandered.

1           These state Senate maps are designed to lock in  
2           Republicans as the governing majority for the  
3           remainder of the decade that does not ultimately  
4           reflect the will of the people.

5                     The governing majority did not use the  
6           ensembles of thousands of maps. As  
7           Senator Clark inquired during yesterday's  
8           committee meetings, they did not use the close  
9           vote, close seat analysis as a part of its  
10          analysis either. And in the end we still see  
11          evidence of gerrymandering.

12                    In one instance, contrary to what  
13          Senator Newton has pointed out, we might argue  
14          we've seen the governing majority carry out  
15          almost the same gerrymander from almost three  
16          years ago that a three-judge panel said was  
17          gerrymandering. In 2019, in the Common Cause v  
18          Lewis case, the panel pointed out that the  
19          General Assembly cracked Democratic voters in  
20          the two voting districts that's been called the  
21          wilmington notch. The Common Cause Court  
22          pointed out that an expert's analysis, quote,  
23          demonstrates that the moving of Democratic  
24          voters in the wilmington notch into  
25          Senate District 8 made Senate District 9 as

1 favorable for Republicans as possible. And now  
2 in 2022 the General Assembly has drawn yet  
3 another senate district in which the wilmington  
4 voting district's moved into the Senate  
5 District 7 from Senate District 8, a concern  
6 raised by Senator Blue in yesterday's committee  
7 hearings. Three years later we see the return  
8 of the wilmington notch, and that appears to be  
9 partisan gerrymandering.

10 We recognize and acknowledge that the  
11 governing majority has put its best efforts, but  
12 best efforts don't necessarily address the trial  
13 court's findings of facts and our state's  
14 highest court's opinion.

15 We are drawing maps for this year's  
16 coming election day and for future election days  
17 to come. The voters that go cast their ballots  
18 do so because they want to feel like their votes  
19 are meaningful. Unfortunately, the maps before  
20 us still diminishes the will of our people.

21 And, Mr. President, if the opportunity  
22 presents itself, I would also like to offer a  
23 few amendments.

24 THE PRESIDENT: Are you sending forward  
25 an amendment now?

1                   SENATOR CHAUDHURI: Yes, Mr. President.

2                   THE PRESIDENT: Send forward your  
3 amendment.

4                   SENATOR CHAUDHURI: Okay. So I want to  
5 make sure that this is coordinated with the  
6 amendments that we have on the dashboard,  
7 Mr. President. I believe the first amendment  
8 that I would like to offer is ABA 59 which is an  
9 amendment that deals the New Hanover county  
10 cluster.

11                  THE PRESIDENT: Amendment Number 1 to  
12 Senate Bill 744, the clerk will read.

13                  THE CLERK: Senator Chaudhuri moves to  
14 amend the bill.

15                  THE PRESIDENT: You have the floor.  
16 Explain your amendment.

17                  SENATOR CHAUDHURI: Thank you,  
18 Mr. President.

19                  Mr. President, this amendment addresses  
20 an issue that I just discussed, and that is the  
21 fact that the governing majority had created  
22 partisan gerrymandering that was similar to what  
23 the Common Cause trial court pointed out in  
24 which they had cracked Democratic voters in two  
25 Democratic districts that's been called the

1           wilmington notch.

2                   The amendment that you see before you  
3           now creates a more compact Senate district where  
4           the Reock and Polsby-Popper scores are higher.  
5           It also does away with the partisan  
6           gerrymandering identified from the Common Cause  
7           trial court. I encourage my colleagues to  
8           support this amendment.

9                   THE PRESIDENT: Senator Daniel, for  
10          what purpose do you rise?

11                   SENATOR DANIEL: Mr. President, to  
12          Amendment 1 do lie upon the table.

13                   SENATOR NEWTON: Second.

14                   THE PRESIDENT: Senator Daniel has  
15          offered a motion to table Amendment Number 1 to  
16          Senate Bill 744 that was seconded by Senator  
17          Newton.

18                   This is a non-debatable motion and will  
19          go straight to a vote. The question before the  
20          body is the motion to table Amendment Number 1,  
21          the Senate Bill 744. All in favor will vote  
22          aye, all opposed will vote no. Five seconds  
23          will be allowed for voting. The clerk will  
24          record the vote.

25                   27 having voted in the affirmative, 20

1 in the negative, Amendment Number 1 to  
2 Senate Bill 744 will lie upon the table, and we  
3 are back to the bill.

4 Is there further discussion or debate  
5 on Senate Bill 744?

6 SENATOR CHAUDHURI: Yes, Mr. President.  
7 I would like offer a second amendment.

8 THE PRESIDENT: Send forward your  
9 amendment.

10 SENATOR CHAUDHURI: I believe this  
11 amendment number is ATU 49.

12 THE PRESIDENT: Amendment Number 2 to  
13 Senate Bill 744, the clerk will read.

14 THE CLERK: Senator Chaudhuri moves to  
15 amend the bill.

16 THE PRESIDENT: You have the floor,  
17 sir.

18 SENATOR CHAUDHURI: Okay. Thank you,  
19 Mr. President.

20 Given the Senate's decision to vote  
21 down my first amendment, I now offer an  
22 amendment to do away with the wilmington notch  
23 entirely. I view this amendment as  
24 slightly -- certainly the worst of the two  
25 amendments that were offered for this cluster.

1           However, this amendment does restore  
2           Senate District 7 and 8 back to the originally  
3           enacted set of maps proposed or passed by this  
4           body. I would encourage you to support it.

5           THE PRESIDENT: Senator Daniel, for  
6           what purpose do you rise?

7           SENATOR DANIEL: Mr. President, I move  
8           that Amendment 2 do lie upon the table.

9           SENATOR NEWTON: Second.

10          THE PRESIDENT: Senator Daniel moves  
11          Amendment Number 2 to Senate Bill 744 do lie  
12          upon the table. That was seconded by Senator  
13          Newton.

14          This is a non-debatable motion and  
15          we'll go straight to a vote. The question  
16          before the body is the motion to table Amendment  
17          Number 2 to Senate Bill 744. All in favor will  
18          vote aye, all opposed will vote no. Five  
19          seconds will be allowed for voting, and the  
20          clerk will record the vote.

21          27 having voted in the affirmative, 20  
22          in the negative, Amendment Number 2 to  
23          Senate Bill 744 will lie upon the table, and we  
24          are once again back to the bill.

25          Is there further discussion or debate?

1                   SENATOR CHAUDHURI: Mr. President, I  
2 would like to offer my final amendment.

3                   THE PRESIDENT: Senator Chaudhuri, send  
4 forward your amendment. Excuse me.

5                   SENATOR CHAUDHURI: Thank you,  
6 Mr. President.

7                   I believe the amendment for this title  
8 is ABW 32.

9                   THE PRESIDENT: Amendment Number 3 to  
10 Senate Bill 744, the clerk will read.

11                  THE CLERK: Senator Chaudhuri moves to  
12 amend the bill.

13                  THE PRESIDENT: You have the floor.

14                  SENATOR CHAUDHURI: This is -- this is  
15 the Granville-wake amendment, correct? Is that  
16 what's appearing on the dashboard? Okay. Thank  
17 you. Given that I'm 0 for 2 on amendments  
18 today.

19                  As I've mentioned, many of the clusters  
20 remain partisan gerrymandered. Specifically  
21 with regard to this amendment, it's important to  
22 point out that the trial court's findings of  
23 facts clearly lays out where partisan  
24 gerrymandering takes place. The trial court  
25 stated that the simulations of Dr. Mattingly and

1 Pegden confirm that Dr. Cooper's analysis, who  
2 was another expert, had independently  
3 established that the Wake-Granville groups is an  
4 intentional pro Republican partisan  
5 redistricting.

6 Furthermore, the trial court found that  
7 the Democrats were cracked out of the two most  
8 Republican Senate districts, including  
9 Senate District 13 that's before us and packed  
10 them into the most Democratic Districts 14, 15,  
11 16, and 18. And not surprisingly, Dr. Pegden,  
12 an expert in the case, found that the  
13 Granville-Wake Senate county is more favorable  
14 to Republicans than 99.99 percent of the maps  
15 that his algorithm encountered.

16 And, Mr. President, I offer this  
17 amendment as an alternative.

18 THE PRESIDENT: Senator Daniel, for  
19 what purpose do you rise?

20 SENATOR DANIEL: Mr. President, I move  
21 that Amendment 3 do lie upon the table.

22 SENATOR NEWTON: Second.

23 THE PRESIDENT: Senator Daniel moves  
24 that Amendment Number 3 to Senate Bill 744 do  
25 lie upon the table, seconded by Senator Newton.

1                   This is a non-debatable motion and will  
2 go straight to a vote. The question before the  
3 body is the motion to table Amendment Number 3  
4 to Senate Bill 744. All in favor will vote aye,  
5 all opposed will vote no. Five seconds will be  
6 allowed for voting, and the clerk will record  
7 the vote.

8                   27 having voted in the affirmative, 20  
9 in the negative, Amendment Number 3 to  
10 Senate Bill 744 will lie upon the table, and we  
11 are once again back to the bill.

12                   Is there further discussion or debate?  
13                   Senator Marcus, for what purpose do you  
14 rise?

15                   SENATOR MARCUS: To bring forward an  
16 amendment.

17                   THE PRESIDENT: Send forward your  
18 amendment.

19                   SENATOR MARCUS: I believe it's on the  
20 dashboard, and I hope I have the letters right.  
21 It should be ATU 50 dealing with the  
22 Cumberland-Moore county clusters.

23                   THE PRESIDENT: Amendment Number 4 to  
24 Senate Bill 744, the clerk will read.

25                   THE CLERK: Senator Marcus moves to

1 amend the bill.

2 THE PRESIDENT: You have the floor.

3 SENATOR MARCUS: Thank you,  
4 Mr. President.

5 Keeping with the theme here of  
6 attempting to improve this map to comply better  
7 with the court order and to better reflect the  
8 will of North Carolina voters, I'd like to draw  
9 your attention to the Cumberland-Moore county  
10 cluster dealing with Senate District 19 and 21.

11 The trial court found here, and the  
12 Supreme Court affirmed, that this cluster in the  
13 enacted map packs more Democrats in and around  
14 Fayetteville and into Senate District 19,  
15 leaving Senate District 21 decidedly more  
16 Republican than it should be. And the map also  
17 separates Fayetteville State University from its  
18 namesake city.

19 So our amendment that I'm offering to  
20 you today is the fair way to remedy the partisan  
21 gerrymander that was identified by the Court by  
22 putting Fayetteville State back with  
23 Fayetteville, where it belongs, respecting other  
24 communities of interest and making both  
25 districts more competitive.

1                   This amendment would make the map more  
2                   fair, more competitive and compliant with the  
3                   court order, and I ask for your support.

4                   THE PRESIDENT:   Senator Daniel, for  
5                   what purpose do you rise?

6                   SENATOR DANIEL:   Mr. President, I move  
7                   that Amendment Four do lie upon the table.

8                   SENATOR NEWTON:   Second.

9                   THE PRESIDENT:   Senator Daniel moves  
10                  that Amendment Number 4 to Senate Bill 744 do  
11                  lie upon the table, seconded by Senator Newton.

12                  This is a non-debatable motion, and  
13                  we'll go straight to a vote.  The question  
14                  before the body is the motion to table Amendment  
15                  Number 4 to Senate Bill 744.  All in favor will  
16                  vote aye, opposed will vote no.  Five seconds  
17                  will be allowed for voting, and the clerk will  
18                  record the vote.

19                  Senator Britt is no.  Or Senator Britt  
20                  is aye.  Excuse me.  Sorry.  I don't want to do  
21                  that.  Senator Britt is aye.  I got bad eyes.

22                  Senator Corbett.  Senator Corbett is  
23                  aye.

24                  27 having voted in the affirmative, 20  
25                  in the negative, Amendment Number 4 to

1 Senate Bill 744 will lie upon the table, and  
2 we're once again back to the bill.

3 Is there further discussion or debate?

4 Senator Garrett, for what purpose do  
5 you rise?

6 SENATOR GARRETT: To send forward an  
7 amendment.

8 THE PRESIDENT: Send forward your  
9 amendment.

10 SENATOR GARRETT: And it is  
11 S744-ABW-35.

12 THE PRESIDENT: Amendment Number 5 to  
13 Senate Bill 744. The clerk will read.

14 SENATOR CLARK: Senator Garrett moves  
15 to amend the bill.

16 THE PRESIDENT: You have the floor.

17 SENATOR GARRETT: Thank you,  
18 Mr. President.

19 The aim of the amendment before you is  
20 fairly straightforward. The revision to the  
21 Guilford county -- Guilford-Rockingham county  
22 grouping creates three commonsense compact  
23 districts which abide by the requirements set  
24 forth by the Court. The map before you contains  
25 no split VTDS, minimal splitting of

1 municipalities, and preserves historic  
2 communities of interest. The first of these is  
3 District 28 which would span the southern third  
4 of Guilford county, including all of High Point,  
5 Jamestown, Pleasant Garden and parts of  
6 Greensboro. No incumbent senator resides in  
7 this proposed district.

8 Second is District 27 which would cover  
9 the northwest quadrant of Guilford county,  
10 including Summerfield, Oakridge, Stokes, Dale,  
11 and most of west Greensboro. Both I and Senator  
12 Robinson reside in this proposed district.

13 Third, District 26 which would cover  
14 all of Rockingham county and adjacent northeast  
15 Guilford county and east Greensboro, virtually  
16 following Church Street, a major road in  
17 Guilford county, as a dividing line between  
18 Districts 27 and 26. Senator Berger would  
19 reside in this district.

20 I offer this to the proposed 2022  
21 Senate map not because I believe it would  
22 benefit me but because I believe it is the most  
23 reasonable court-ordered compliant map that I  
24 have seen for this county grouping to date. If  
25 adopted, I know would break many of yours hearts

1           because it would mean the end of my Senate  
2           career as I would never run against my seat mate  
3           Senator Robinson. If we are truly here to do  
4           the work in the interest of the people we  
5           represent, rather than our own political  
6           careers, this is the way it must go sometimes.

7                     Frankly, I see none of this sentiment  
8           in the 2022 remedial map before us today which  
9           was conjured in secret, using the same old bag  
10          of tricks last fall, and this amendment will  
11          right the wrong in my home county grouping, and  
12          I urge your support.

13                    THE PRESIDENT: Senator Daniel, for  
14          what purpose do you rise?

15                    SENATOR DANIEL: Mr. President, I move  
16          that Amendment 5 do lie on the table.

17                    SENATOR NEWTON: Second.

18                    THE PRESIDENT: Senator Daniel moves  
19          that Amendment Number 5 to Senate Bill 744 do  
20          lie upon the table, seconded by Senator Newton.

21                    This is a non-debatable motion, and  
22          we'll go straight to a vote. The question  
23          before the body is the motion to table Amendment  
24          Number 5 to Senate Bill 744. All in favor will  
25          vote aye, all opposed will vote no. Five

1 seconds will be allowed for voting, and the  
2 clerk will record the vote.

3 28 having voted in the affirmative --  
4 Senator Woodard, for what purpose do  
5 you rise?

6 SENATOR WOODWARD: Mr. President, I'm  
7 sorry. I want to change my vote from an aye to  
8 no.

9 THE PRESIDENT: Senator Woodard changes  
10 to no. I wondered about that.

11 So we have 27 having voted in the  
12 affirmative, 20 in the negative. Amendment  
13 Number 5 to Senate Bill 744 will lie upon the  
14 table, and we are once again back to the bill.

15 Further discussion or debate?

16 Senator Garrett, for what purpose do  
17 you rise?

18 SENATOR GARRETT: To send forward a  
19 second amendment, Mr. President.

20 THE PRESIDENT: Send forward your  
21 amendment.

22 SENATOR GARRETT: It's S744-ABA-55.

23 THE PRESIDENT: Amendment Number 6 to  
24 Senate Bill 744, the clerk will read.

25 THE CLERK: Senator Garrett moves to

1 amend the bill.

2 THE PRESIDENT: You have the floor,  
3 sir.

4 SENATOR GARRETT: This second amendment  
5 does a lot of what my first amendment does.  
6 However, I know you all tabled it because you  
7 don't want to see me go home, so I'm providing a  
8 different version that doesn't double-bunk  
9 incumbents.

10 It creates three districts:  
11 District 26, which would be all of Rockingham  
12 county and most of eastern and southeastern  
13 Guilford county; District 27, which would be  
14 High Point, Jamestown, and unincorporated  
15 Guilford county on the west; and a northern  
16 Greensboro and northwest district which would be  
17 Number 28. Again, I believe this rights some of  
18 the wrongs done to my home county grouping, and  
19 I would respectfully urge your support. Thank  
20 you.

21 THE PRESIDENT: Senator Daniel, for  
22 what purpose do you rise?

23 SENATOR DANIEL: Mr. President, I move  
24 that Amendment 6 do lie upon the table.

25 SENATOR NEWTON: Second.

1                   THE PRESIDENT:  Senator Daniel moves  
2                   that Amendment Number 6 to Senate Bill 744 do  
3                   lie upon the table, seconded by Senator Newton.

4                   This is a non-debatable motion and will  
5                   go straight to a vote.  The question before the  
6                   body is the motion to table Amendment Number 6  
7                   to Senate Bill 744.  All in favor will vote aye,  
8                   all opposed will vote no.  Five seconds will be  
9                   allowed for voting, and the clerk will record  
10                  the vote.

11                  27 having voted in the affirmative, 20  
12                  in the negative, Amendment Number 6 to  
13                  Senate Bill 744 will lie upon the table, and we  
14                  are once again back to the bill.

15                  Further discussion or debate?

16                  Senator Blue, for what purpose do you  
17                  rise, sir?

18                  SENATOR BLUE:  To send forward an  
19                  amendment.

20                  THE PRESIDENT:  Send forward your  
21                  amendment.

22                  SENATOR BLUE:  Several amendments.  But  
23                  the first one, Mr. President, is ATU 51.

24                  THE PRESIDENT:  Senator Blue, they  
25                  don't have that amendment.

1                   SENATOR BLUE: It disappeared in the  
2 ether, then. Let me ask staff because that's  
3 the number I see on it. It involves the  
4 Forsyth, Yadkin, Stokes, Wilkes, Alexander  
5 split.

6                   Mr. President, I'm informed by staff  
7 that that one has not been sent forth, but they  
8 will send it forward.

9                   And while that is happening, then I  
10 would ask for recognition to send forth  
11 Amendment Number ABW 33.

12                   THE PRESIDENT: Amendment Number 7 to  
13 Senate Bill 744, the clerk will read.

14                   THE CLERK: Senator Blue moves to amend  
15 the bill.

16                   THE PRESIDENT: You have the floor,  
17 sir.

18                   SENATOR BLUE: Thank you very much,  
19 Mr. President.

20                   Let me first begin by saying that  
21 Senator Berger and I have talked and we issued a  
22 joint statement that we plan to and hope to work  
23 together to redraw these districts. And we had  
24 several conversations, I thought very cordial,  
25 and we laid out where we thought we would go.

1           On Friday -- I think it was Friday,  
2           Thursday or Friday, after we had discussions, I  
3           assembled some of my members to look at various  
4           maps and to read the order as best we could at  
5           the time trying to figure out where we ought to  
6           go with these maps.

7           As you recall, the Court last week  
8           issued an order, I think four or five pages or  
9           20 pages or something, but didn't have an  
10          opinion expressing some of the reasoning for the  
11          order. And so by the end of the week, some folk  
12          were still doing their day jobs, we had examined  
13          most of the clusters that the Court had  
14          questioned -- first the trial court in its  
15          200-and-some-page order, I believe, it was a  
16          very long order, and we read through all of  
17          those, many of what you've heard about here on  
18          the floor.

19          But in the Senate map, in the Senate  
20          plan that the Court struck down, the trial court  
21          found gerrymanders in and the Supreme Court  
22          struck down, there was seven clusters and eight  
23          districts. And the Court made specific findings  
24          about each of those districts and the clusters,  
25          and it found that because of decisions that were

1           made in putting together certain clusters that  
2           the legislature had gerrymandered those  
3           districts, and it made suggestions as to why  
4           they found that these districts had been  
5           gerrymandered. Seven clusters, eight districts.

6                        We weren't changing any of the clusters  
7           that Stephenson spat through the computer last  
8           year, and what we found in each of those was a  
9           roadmap for fixing them, at least a way to start  
10          to fix them. And so Senator Berger and I had  
11          talked about the obvious changes that clearly  
12          you would have to make.

13                       The cluster up in the northeastern part  
14          of North Carolina, the Court said that that  
15          cluster was purposefully chosen and was made a  
16          partisan gerrymander. So the map that's before  
17          you, that district was flipped. Senator Berger  
18          agreed to flip that district without any further  
19          discussion because the Court said that was a  
20          gerrymander. I think it was District 1 or 2.

21                       Also said that -- Senator Chaudhuri  
22          pointed out what the findings were in Wake  
23          county. This is a county that has six districts  
24          now that it's paired with -- now that it's  
25          paired with Granville county, and it said that

1 the district that was before the Court which  
2 does not vary a whole lot with respect to the  
3 wake county cluster than the district before you  
4 now. It said that that district had basically  
5 packed all the Democrats in the four districts  
6 in the core of the city and in the core of the  
7 county. My district, Senator Chaudhuri's  
8 district, and the other two districts here in  
9 wake county.

10 And it said that in the northern part  
11 of wake county they had chosen selectively  
12 Republican districts to pair with Granville  
13 county in order to get a district that was most  
14 Republican. And the most Republican that you  
15 could draw that district and had any criteria  
16 was roughly a 50, 51 -- 50 percent Republican  
17 district, 50, 51 percent.

18 And in the bottom of the county,  
19 represented by Senator Batch, it said that all  
20 of the Republicans in the southern part of wake  
21 county had been grouped together, and again the  
22 districts bleached of Democrats and they were  
23 pumped into the districts above them, making  
24 these four Democratic districts, for the most  
25 part, 60 plus, 70 percent, and some of them even

1 greater than that, performance Democratic  
2 districts.

3 Now, they did all of the scientific  
4 stuff, all of the technical discussion about how  
5 you got there with histograms and all of those  
6 other things that these expert witnesses, these  
7 mathematicians used to show that they were  
8 gerrymanders. And the percentage in those two  
9 Republican districts in the map before you now  
10 is pretty much the same as they were in the  
11 districts that the Courts struck down.

12 So we said, okay, we'll change those  
13 districts subject to certain rules. And so as  
14 we moved along -- these are my conversations,  
15 very open conversations -- we then looked at the  
16 other districts. And the amendment that I'm  
17 sending forth addresses one of them, and I'll  
18 send another one that addresses the second one,  
19 which led to the breakdown of any further  
20 discussions about the districts.

21 Now, let me say this much: Senator  
22 Newton said that every district was changed in  
23 favor of Democrats. You studied the Wake county  
24 districts. I don't need to tell you how to  
25 interpret what the Court said, but you studied

1 the districts, and if they changed in  
2 composition by a point, a half a point, I don't  
3 think it answers the Court's inquiry.

4 Now, in the language that was released  
5 just this Monday, Monday evening, in the Court's  
6 opinion, Monday after 5:00, it talks about all  
7 of these and the reasons that they found these  
8 districts, again, to be gerrymanders. They  
9 adopted every single finding, every single  
10 finding of the trial court.

11 Now, you know, we like to talk about  
12 how the courts are partisan and this and that  
13 and the other, but those of us who earn and have  
14 earned a living working in the courts really do  
15 believe that there is some justice that runs  
16 through them or we wouldn't be involved in them  
17 all the time.

18 And this three-judge panel that this  
19 case is going back to has already found these  
20 districts to be gerrymanders. Now, the Supreme  
21 Court might have some language in the opinion,  
22 and there's a lot of other language in that  
23 opinion, and I'll hit on that when I finish  
24 these amendments, that you can harp on, one  
25 sentence, one paragraph in a 200-some-page;

1 opinion, and they harp on that as the only thing  
2 that you got to look at to determine whether or  
3 not you still have gerrymanders in these maps.

4 And where we disagree, I think, and  
5 where any further discussion broke down is that  
6 the Court said in the district that I just  
7 introduced an amendment for, the Forsyth -- here  
8 it's the Forsyth-Yadkin district, the Court said  
9 that in that pairing, you had two choices. And  
10 you might remember we talked about the two  
11 choices in these districts when we passed the  
12 maps back in October. There were two choices in  
13 four places in the state. Two choices in the  
14 east, where you could change the first district  
15 and I think the second district, and if you took  
16 one of them, you would remove seven or eight  
17 historically eastern majority black districts  
18 and separate them and put some in one and some  
19 in the other.

20 Well, the Court said that was a knowing  
21 partisan gerrymander by the Republicans by not  
22 choosing the first cluster which would have kept  
23 those counties together. That was a partisan  
24 gerrymander. And that's the one that I talked  
25 about Senator Berger and I in our initial

1 discussions realized could be fixed by simply  
2 flipping, but that's the same case in this  
3 cluster as well.

4 It doesn't make it a Democratic  
5 district if you flip the cluster. What the  
6 Court said is that you have done a gerrymander  
7 in two ways in the district that exist out  
8 there. The first way that you've done a  
9 gerrymander is that you chose the cluster that  
10 enables you to gerrymander even further because  
11 you chose Forsyth to be paired with Stokes  
12 county, and you had a choice. You could have  
13 paired Forsyth with Yadkin and maybe another  
14 county out there, but I think it was just Yadkin  
15 county. And if you had made that choice you  
16 would have had a better chance to draw fair  
17 districts. Didn't have to change the partisan  
18 makeup of them. You could still have a  
19 Democratic and Republican district, but you  
20 would at least create a chance in that district  
21 for a Democrat to win if in fact you had  
22 Democratic majorities.

23 And that was the whole question behind  
24 this case, that if Democrats get a majority of  
25 the vote, then it's right to think that

1            somewhere or other you could district so that  
2            they could get a majority of the districts. Not  
3            a proportionality, but just sort of commonsense.  
4            If you can get a majority of the votes, there  
5            ought to be some circumstances in which you can  
6            get a majority of the seats in this chamber, and  
7            that's what's behind this whole lawsuit.

8                       So you gerrymandered by not choosing  
9            the right pair of counties. And secondly, even  
10           after you chose the wrong pair of counties to  
11           make this district, you gerrymandered further by  
12           the way that you drew the lines within the  
13           district you chose. Not my language, but that's  
14           the intent of the language coming from the  
15           three-judge panel and that was adopted and  
16           embraced 100 percent by the Supreme Court in its  
17           opinion and in its order. And it said  
18           specifically, we adopt each and every finding of  
19           the trial court.

20                      Now, this is unusual in many ways in  
21           that this case is going back to the very same  
22           court, the same court that already said that  
23           these gerrymanders exist and this is how they  
24           exist. And we're not addressing how they say  
25           those gerrymanders exist.

1                   So the facts are still there. You can  
2                   read a quote out of the opinion, but the facts  
3                   are still in the three-judge panel, and the  
4                   Supreme Court knows what those facts were. And  
5                   unlike most of the stuff we do here, we already  
6                   know that it's going to be reviewed by next  
7                   Wednesday and they're going to see how we  
8                   reacted to what they found.

9                   Now, so what this amendment would do,  
10                  Mr. President, is it would create the cluster.  
11                  And we had talked about creating it so that you  
12                  could preserve incumbency, if that was one of  
13                  the desires that we had. We didn't have to draw  
14                  a district -- a Republican district that was  
15                  50 percent Democratic, although you could. You  
16                  could draw two Democratic districts in the  
17                  cluster. We didn't propose that you draw them,  
18                  two Democratic districts, but at least draw  
19                  districts so that if in fact there was a  
20                  majority of votes by Democrats, this district  
21                  could perform accordingly and maybe be a  
22                  Democratic district.

23                  And so that's what this does in the  
24                  version that is before you. It does not make  
25                  the second district a Democratic district. It

1 has a Democratic district and a Republican  
2 district, and we think it meets the goals and  
3 the instructions of the Court. And I would move  
4 the adoption of the amendment, Mr. President.

5 THE PRESIDENT: Senator Daniel, for  
6 what purpose do you rise?

7 SENATOR DANIEL: Mr. President, I do  
8 move that Amendment 7 do lie upon the table.

9 SENATOR NEWTON: Second.

10 THE PRESIDENT: Senator Daniel moves  
11 that Amendment Number 7 to Senate Bill 744 do  
12 lie upon the table, seconded by Senator Newton.

13 This is a non-debatable motion, and  
14 we'll go straight for a vote. The question  
15 before the body is the motion to table Amendment  
16 Number 7 to Senate Bill 744. All in favor will  
17 vote aye, all opposed will vote no. Five  
18 seconds will be allowed for voting, and the  
19 clerk will record the vote.

20 Senator Perry -- Senator Perry is aye.  
21 Senator Chaudhuri is no.

22 27 having voted in the affirmative, 20  
23 in the negative, Amendment Number 7 to  
24 Senate Bill 744 will lie upon the table, and  
25 we're once again back to the bill.

1           THE PRESIDENT:  Senator Blue, for what  
2           purpose do you rise?

3           SENATOR BLUE:  Send forth with another  
4           amendment.  I think you have it up there now.  
5           Let's see.  It's -- is that ATU 51.

6           THE PRESIDENT:  I have it.  Give me one  
7           second, please.  Amendment Number 8 to  
8           Senate Bill 744.  The clerk will read.

9           THE CLERK:  Senator Blue moves to amend  
10          the bill.

11          THE PRESIDENT:  You have the floor  
12          again, sir.

13          SENATOR BLUE:  Thank you very much,  
14          Mr. President.

15                 And to my colleagues, I say to you the  
16                 comments about Stokes and the other districts I  
17                 can incorporate in this one, and I will just  
18                 simply read what the Court found the gerrymander  
19                 was and let you draw your own conclusions, but  
20                 we initiated a conversation about this district  
21                 and said that the Court found in the Buncombe  
22                 district, and these are their findings.

23                 The Republican map plays around with  
24                 the district lines but largely remains a  
25                 partisan gerrymander, that is, in the

1 McDowell-Buncombe cluster, and that's Buncombe,  
2 McDowell, and Burke counties, I believe. And it  
3 said that you play around with the lines.  
4 Instead of pairing Buncombe with Henderson  
5 county, Republicans move blue Buncombe in with  
6 Burke and McDowell to the east, clearly diluting  
7 the voting power in the Asheville area. Those  
8 are more heavily Republican counties than  
9 Henderson county next door. The Republican map  
10 does not fix the gerrymander which the Court  
11 found based on the choice of county groupings.

12 And so I say to you that further, this  
13 grouping resulted in neutralizing the Democratic  
14 stronghold in and around Asheville to a greater  
15 extent than the alternate grouping would have  
16 done. And within the grouping you enact the  
17 enacted plan maximizes Republican advantage by  
18 drawing lopsidedly Democratic districts while  
19 the rest is heavily reliably Republican.

20 District 46, a reliably Republican  
21 district, never elects a Democrat in any of the  
22 42 elections in Dr. Duchin's study.

23 Now, you need to understand that there  
24 were millions, and I think even billions, of  
25 maps drawn by these mathematicians to determine

1           whether or not a gerrymander existed. That was  
2           the evidence before the Court. That's what they  
3           used to determine that there was a gerrymander.  
4           And they were saying that the reason for that  
5           gerrymander wasn't that you didn't make a second  
6           district majority Democrat but that you didn't  
7           look at the grouping. You had a choice there to  
8           choose a grouping that would have given you a  
9           chance to draw districts that more accurately  
10          reflected what the vote was and would give  
11          Democrats an opportunity to be elected in that  
12          district if in fact Democrats got a majority of  
13          the votes. That's what they said.

14                         And what this map does, it fixes that  
15          far from a Democratic district in that cluster  
16          that it fixes it with. It would simply leave a  
17          Democratic district and a Republican district,  
18          but the Republican district, nor the Democratic  
19          district would be as lopsided as they are now.  
20          Still over time they would probably perform  
21          pretty much the same way, but they at least make  
22          the opportunity to have a Democrat win the  
23          district, in certain settings get a majority,  
24          just like Republicans have the opportunity to  
25          get a majority in several settings. That's all

1           it does. It tells you what fairness is all  
2           about and what our perception about it is.

3                         And so, Mr. President, I move the  
4           adoption of that amendment.

5                         THE PRESIDENT: Senator Daniel, for  
6           what purpose do you rise?

7                         SENATOR DANIEL: Mr. President, I move  
8           that Amendment 8 do lie upon the table.

9                         SENATOR NEWTON: Second.

10                        THE PRESIDENT: Senator Daniels moves  
11           that Amendment Number 8 to Senate Bill 744 do  
12           lie upon the table, seconded by Senator Newton.  
13           This is a non-debatable motion, and will go  
14           straight to a vote. The question before the  
15           body is the motion to table Amendment Number 8  
16           to Senate Bill 744. All in favor will vote aye,  
17           all opposed will vote no. Five seconds will be  
18           allowed for voting. The clerk will record the  
19           vote.

20                        Senator Lowe is no.

21                        27 having voted in the affirmative, 20  
22           in the negative, Amendment Number 8 to  
23           Senate Bill 744 will lie upon the table, and  
24           we're once again back to the bill.

25                        SENATOR BLUE: Mr. President.

1 THE PRESIDENT: Senator -- I'm sorry.  
2 Senator Blue, for what purpose do you  
3 rise?

4 SENATOR BLUE: Send forth an amendment.

5 THE PRESIDENT: Okay. Send forward  
6 your amendment.

7 SENATOR BLUE: The amendment is ABA 57.  
8 I don't know whether that means American Bar  
9 Association. Maybe that's reminding me that  
10 there's some law involved here. ABA 57.

11 THE PRESIDENT: Amendment Number 9 to  
12 Senate Bill 744. The clerk will read.

13 THE CLERK: Senator Blue moves to amend  
14 the bill.

15 THE PRESIDENT: You have the floor,  
16 sir.

17 SENATOR BLUE: Thank you very much,  
18 Mr. President.

19 And this wraps up the amendments that  
20 we were talking about. This just puts them all  
21 in a state map for the most part. There may be  
22 some small variations in it, but this -- this  
23 sets forth what we thought the initial approach  
24 to solving these gerrymanders were. And this is  
25 information that we exchanged as to what we

1 thought should be a starting point for  
2 discussions on how we fix these gerrymanders.  
3 And this is what as a result of it basically  
4 indicated that it was a no starter because  
5 certain changes weren't going to be made. Even  
6 those that were set forth specifically in the  
7 three-judge panel's opinion and findings and in  
8 the Supreme Court order and now in its opinion.

9 So I won't be redundant, but I'll  
10 simply say that it contains amendments to the  
11 seven clusters that we talked about. I don't  
12 think it -- it changed the New Hanover county  
13 clusters because we didn't know that they were  
14 going to be in play. And so when we drew these,  
15 I think on Friday or Saturday, quite frankly,  
16 when we drew these, we didn't know that  
17 New Hanover, so it's not in that. And I just  
18 wanted you to see what we had proposed were the  
19 beginning points of what productive talks could  
20 produce in these maps.

21 So you'll see, I think in the  
22 deliberations that we see in this bill, that  
23 there were some changes, as I said, in  
24 District 1, or in the northeast cluster. There  
25 were some changes in the Cumberland county

1 cluster. There were some changes -- the changes  
2 you already heard about in the Wake county  
3 cluster, but not material changes. Well, they  
4 were material. They flipped Sarah Crawford into  
5 the district up in Granville county. But other  
6 than that there weren't any significant changes  
7 in it with respect to percentages in either the  
8 Democratic districts or the two districts that  
9 are probably Republican districts.

10 It -- I think it did some minor  
11 modifications in the Guilford district, but not  
12 those along the line of what the three-judge  
13 panel pointed out. And I will say to you that  
14 the changes in the Guilford district were  
15 changes made by a special master in the  
16 litigation several years ago when Guilford was  
17 coupled with Randolph and Alamance counties.  
18 And so the special master configured the  
19 district that Senator Robinson represents a  
20 certain way so that he could address the issues  
21 in that case. Nothing to do with this case,  
22 nothing to do with partisan gerrymander the way  
23 this one exists.

24 But I think that that's the fix in the  
25 Guilford district in that map. And I point out

1 to you that in this map, I misspoke when I said  
2 it incorporates the changes. This district did  
3 not break down Guilford county the way the  
4 amendment -- the first amendment that was  
5 offered because this did not make the portion of  
6 Guilford county that Senator Berger  
7 represents -- I don't think it did, it wasn't  
8 intended to -- a majority Democratic district as  
9 the first map that was introduced regarding  
10 Guilford county, just showing you what is  
11 possible and what the Court could look at as it  
12 considers how to draw these maps.

13 And it made, again, I say -- I proposed  
14 changes in the cluster in Forsyth county and the  
15 cluster in Buncombe county, but again were  
16 offered for discussions on how we could satisfy  
17 fixing this gerrymander. That's what it does,  
18 and I move adoption of it.

19 THE PRESIDENT: Senator Daniel, for  
20 what purpose do you rise?

21 SENATOR DANIEL: Mr. President, I move  
22 that Amendment 9 do lie upon the table.

23 SENATOR NEWTON: Second.

24 THE PRESIDENT: Senator Daniel moves  
25 that Amendment 9 to Senate Bill 744 do lie upon

1 the table. This is a non-debatable motion, and  
2 we'll go straight to a vote. The question  
3 before the body -- I gotcha this time. Yes, I'm  
4 sorry.

5 Before we move forward with that vote,  
6 a leave of absence is requested and without  
7 objection is granted for Senator Perry.

8 This is a non-debatable motion, and  
9 we'll go straight to a vote. The question  
10 before the body is the motion to table Amendment  
11 Number 9 to Senate Bill 744. All in favor will  
12 vote aye, all opposed will vote no. Five  
13 seconds will be allowed for voting, and the  
14 clerk will record the vote.

15 Senator Britt is aye. Senator Blue is  
16 no.

17 26 having voted in the affirmative, 20  
18 in the negative, Amendment Number 9 to Senate  
19 Bill 744 will lie upon the table, and we're once  
20 again back to the bill.

21 SENATOR BLUE: Mr. President.

22 THE PRESIDENT: Yes, Senator Blue. For  
23 what purpose do you rise?

24 SENATOR BLUE: Debate the bill.

25 THE PRESIDENT: Excuse me. I'm sorry.

1                   SENATOR BLUE: Debate the bill.

2                   THE PRESIDENT: You have the floor.

3                   SENATOR BLUE: Thank you.

4                   And ladies and gentlemen, I know you're  
5 glad I'm getting toward the end of this, and I  
6 am. I'd like to say that some of the best  
7 reading that you can do, not so much because of  
8 this case but because of the way it discloses  
9 North Carolina's rich history, is reading the  
10 opinion in this case, the majority opinion  
11 because it sets forth what liberty and  
12 independence and fairness means under our state  
13 constitution, but more importantly how we came  
14 to the point of believing that these things were  
15 important in setting forth the rights of the  
16 people in this state.

17                   It talks about the Declaration of  
18 Rights, pointed out that our Declaration of  
19 Rights predated the Bill of Rights, just like  
20 our Declaration of Independence predated the  
21 declaration in Philadelphia, but it goes through  
22 the rich history of how we have these things as  
23 North Carolinians.

24                   We didn't put them there, but those who  
25 were wise enough and came before us as they

1 contemplated a state government in the age  
2 of -- in the 1700s reflecting on the glorious  
3 revolution in England where people's rights  
4 became important and where government couldn't  
5 trod over the people and how they set forth all  
6 of these protections against government and  
7 against tyranny. Because they knew if you  
8 didn't separate and provide for certain powers,  
9 the nature of human beings is and has been since  
10 we started keeping a recorded history of  
11 ourselves is to seize power and seize power and  
12 seize power. It's the whole reason that our  
13 federal government is set up the way it is, our  
14 state government, separation of powers so the  
15 chambers can -- or departments, judicial  
16 departments, executive departments and  
17 legislative departments can check each other.

18 And with most of the power being vested  
19 in -- all of the power of the people being  
20 vested in the legislative branch of government  
21 they were wise enough to set up a court to say,  
22 no, we got to go back to this thing that pulled  
23 us together in the first place, a constitution,  
24 in this case a Declaration of Rights because  
25 that's what they so richly cite from. And we

1           can pull the people that we represent back to  
2           these basic core principles that underlie our  
3           Declaration of Rights. We can even pull the  
4           legislature back. They can't just go  
5           willy-nilly and do what they want to, especially  
6           when it comes to our fundamental liberties and  
7           our fundamental rights, our civil rights.

8                         And they found in this opinion that  
9           these four rights were fundamental in our  
10          Declaration of Rights. The Bill of Rights was  
11          modeled somewhat on North Carolina's Declaration  
12          of Rights. The Bill of Rights to the  
13          constitution that North Carolina wouldn't sign  
14          until they were put into the United States  
15          Constitution because we put such faith and  
16          confidence in this Declaration of Rights.

17                        So regardless of how you vote or think  
18          about what we're doing now, go back to that and  
19          it will show you the reason that we're here  
20          today. Because I believe that everybody on this  
21          floor believes that history is important,  
22          believes that democracy is important, and  
23          believes that these fundamental documents define  
24          who we are are things that we have to be  
25          protective of, and that's what the Supreme Court

1 is saying in its opinion before you get to the  
2 technical mumble jumble and stuff like that on  
3 it, the stuff that lawyers like to read.

4 Now, I want to say that -- and I've  
5 already outlined why I thought we sort of bogged  
6 down and weren't able to go further because we  
7 said that we would negotiate. There's no  
8 absolutes when you enter into a negotiation  
9 unless you're just crazy. I mean, you're not  
10 going to get anything resolved if you don't  
11 move, and you got to leave room to do that. And  
12 in this case the mediator, if you will, or the  
13 group that will determine whether you've moved  
14 enough or whether we were too stubborn will  
15 initially be the three-judge panel and I'm  
16 pretty sure at the end the North Carolina  
17 Supreme Court as they recommit themselves,  
18 restate the rights under the Declaration of  
19 Rights.

20 Now, this case was not brought -- and  
21 as I pointed out, I'm not a litigant to it. I  
22 don't represent anybody in it. I don't have a  
23 lawyer in it or anything else, just is my  
24 opinion. This case was brought and the Supreme  
25 Court considered it as a way to ensure that an

1 identified party who receives a certain vote  
2 should be able to get the same benefits over  
3 time as another party who is organized and has  
4 the same kind of numbers of votes. That's what  
5 they were trying to fix in doing this case. I  
6 don't believe that they did all of this to boil  
7 it down to a formula that you look at whether or  
8 not one test out of multiple tests say that you  
9 haven't done a gerrymander.

10 Now, the Court said that there are  
11 multiple ways you can do it. They happened to  
12 choose the four tests that they listed in the  
13 opinion because they had four experts who used  
14 different tests to determine whether or not a  
15 gerrymander existed, but if you are telling me  
16 that commonsense tells you that you can take a  
17 map where they found all of these gerrymanders,  
18 take that map, create another gerrymander in  
19 New Hanover county -- because it's clear why you  
20 did it: to increase the Republican percentage in  
21 that district in New Hanover county -- that you  
22 can fix another gerrymander without directly  
23 addressing the gerrymanders that they said you  
24 had in the map and then come out with a formula  
25 and say, well, it tests this on this test and so

1           there's no gerrymander there any more. That's  
2           the sole reason that I mention that this same  
3           court who is going to look at this case starting  
4           Friday, I guess, is a court that decided that  
5           the gerrymanders existed in all of these places.

6                         Now, the Supreme Court did say you  
7           don't have to look at specific districts to tell  
8           it, but the districts tell you whether one is  
9           there, and this Court opinion tells you that you  
10          got to make a serious effort to fix it. It  
11          doesn't say create more Democratic districts.  
12          It talks a lot about districts in the middle so  
13          that they can move certain ways depending on  
14          what the vote looks like. And so we have  
15          different ways of analyzing that.

16                        In the material that's before you, they  
17          chose 15 elections, I believe, in 2016 and 2020  
18          to say how these districts possibly would  
19          operate, but in 2022, the science and the math  
20          and the computer capability is such that, again,  
21          they can look at a trillion districts, using a  
22          quantum computer, and say how these districts  
23          still lie outside the norm and how they're still  
24          partisan gerrymanders. And I'm hoping, you  
25          know, as I see this, it's not déjà vu all over

1           again. Because I was here, and I think a couple  
2           of other people on the floor, Senator Berger was  
3           here, as we went through this process beginning  
4           in 2011.

5                       I'm still reminded that the system  
6           belongs to the people. That's why I say it's  
7           exciting to read what the Court gave as its  
8           historical reason for doing what it did. And I  
9           believe that the Court is going to decide that  
10          you can arrange and rearrange the chairs on the  
11          Titanic so many times before you go down with  
12          the ship. That's one of the reasons that they  
13          showed little patience for letting this thing  
14          linger on and on through an entire decade.  
15          Because it took us eight years of a decade to  
16          fix the gerrymanders, one kind or another, first  
17          racial, then partisan gerrymanders, in the  
18          districts from 2011, and the Court has said that  
19          these are going to be fixed before we have the  
20          first elections on them.

21                      So as I look at it, we keep pushing  
22          ourselves to a mandatory reform of the way this  
23          process is done. People are not going to keep  
24          tolerating it because that's whose rights we're  
25          trampling on.

1           And so as I think about 2019, following  
2           that redistricting session, I issued a joint  
3           statement with Senator Berger praising the  
4           process as probably the most collaborative and  
5           transparent in our state's history, and I still  
6           stand by those comments, but if you want to test  
7           how collaborative this process was, it was  
8           collaborative in the beginning, but you have  
9           just seen all of the amendments and all of the  
10          discussions that we were trying to promote on  
11          this map. And what did you do with every single  
12          one of them? Think about that. What did you do  
13          with every single discussion that are in that  
14          big map that I introduced? You discarded them  
15          like none of them had any relevance or any  
16          importance. A broke clock is right twice a day.  
17          So there had to be some value in it if we  
18          engaged all of the minority membership in the  
19          Senate in the discussions in trying to draw this  
20          map.

21                 Now, let me tell you one other thing  
22                 that you think about. We represent, as we are  
23                 right now, 44 percent of this legislature. You  
24                 tell me, where do we have 44 percent of the  
25                 influence on legislation? Just go back to the

1 budget and various other things.

2 And so what this does, if you really  
3 looked at the performance that they've used in  
4 these tests, you know, what would make sense at  
5 the end of the day if you really worked hard and  
6 you had great candidates and you had maps that  
7 were fair, you get 52, 53 percent of the  
8 electorate, of the vote which they cited the  
9 governor I think in some of these or they cited  
10 some of the people in the 15 examples. How  
11 many -- how many of the seats would he have won?  
12 Not 52 percent of them. Not half of them. How  
13 many would the attorney general have won? He  
14 won statewide. I think they said 22, 23 seats,  
15 and two of them would have been real close.  
16 That's why the Supreme Court has said that it's  
17 gerrymandered in a partisan fashion, and you  
18 don't give people the rights as guaranteed by  
19 the Declaration of Rights.

20 I was optimistic after 2019. I was  
21 optimistic in other efforts that we've made to  
22 get things done collaboratively in this chamber.  
23 We did some things collaboratively in the last  
24 session, but we just can't seem to get our hands  
25 on it in redistricting any more, even if the

1 Supreme Court is telling us that we ought to and  
2 that we need to.

3 And, you know, I don't know, maybe it's  
4 that we really do believe that the courts -- we  
5 can get along without them, that they're  
6 irritants, that they're in the way, that we  
7 better know what the constitution provides and  
8 how it ought to be interpreted than the court  
9 itself. Because I think that what we are doing  
10 in passing this map today is sticking our finger  
11 up toward the courts, snubbing our nose at them,  
12 that we're going to play a game on you, and you  
13 put this language in there and we're going to  
14 say that this is the language that determines  
15 everything that you're going about doing.

16 And at the end of the day, if you look  
17 at the projections in this map, if you change  
18 wilmington, you change the projected Democratic  
19 senators in that map so that you create a  
20 supermajority and an environment where almost  
21 50 percent of the vote in the last election, if  
22 you look at the different candidates, went to  
23 Democrats and almost 50 percent went to  
24 Republicans, and you reduce the Democratic  
25 participation in this chamber below 40 percent

1 by the way that you've drawn these districts.  
2 Do your own analysis. You don't have to take my  
3 word for it. But I think by the end of next  
4 week we'll have somewhere -- some idea where  
5 it's going.

6 Now, lastly, people want to believe in  
7 their elected officials. They want to believe  
8 in us. They certainly want to believe in their  
9 courts. And it's our advantage that people  
10 believe in their courts. There's got to be  
11 somewhere where they know that they're going to  
12 get a fair deal, that it's not a deal based on  
13 partisanship, it's not a deal based on favorites  
14 and stuff, but it's a place where that lady of  
15 justice, holding the balances and with a  
16 blindfold over her eyes is going to be fair to  
17 everybody, and that's what the Court was trying  
18 to obtain in its opinion on these districts.

19 I think that a lot of folk, some in  
20 here have been stoking fears about election  
21 fraud and all of those things so we break their  
22 reliance on the courts, we break their beliefs  
23 in what we do and how we do it because we  
24 convince them that our elections somewhere or  
25 other resulted because of fraud. And that's

1           what you're doing when you pass maps that tells  
2           them that they have a fair shot to get something  
3           done and they can see the results and see that  
4           they can't get something done.

5                     If we want to protect the integrity of  
6           our elections, as all of my colleagues up front  
7           would say that you do, then we need to bring  
8           integrity back to this redistricting process.

9                     The House has shown us this time how to  
10          do it. We showed them the last time. And I  
11          don't think it was beyond this Senate to do the  
12          same thing in time.

13                    I close with a very instructive quote  
14          from the opinion, very instructive. It's at  
15          paragraph 223 of the opinion.

16                    It is the sincere hope of this Court  
17          that these new maps -- talking about the maps  
18          they were hoping we would draw -- ensure that  
19          the channelling of political power from the  
20          people to their representatives in government  
21          through elections, the central democratic  
22          process envisioned by our constitutional system,  
23          is done on equal terms so that ours is a  
24          government of right that originates from the  
25          people and speaks with their voices.

1           The amendments that we offered would  
2           have taken us along that path. The path that we  
3           have chosen, I'm afraid, takes us in the  
4           opposite direction.

5           THE PRESIDENT: Before we go any  
6           further, a leave of absence is requested and  
7           without objection is granted for Senator  
8           Crawford.

9           Is there any further discussion or  
10          debate on Senate Bill 744?

11          Hearing none, the question before the  
12          Senate is the passage of Senate Bill 744 on  
13          second reading. All in favor will vote aye, all  
14          opposed will vote no. Five seconds will be  
15          allowed for voting, and the clerk will record  
16          the vote.

17          26 having voted in the affirmative, 19  
18          in the negative, Senate Bill 744 passes its  
19          second reading and without objection will be  
20          read a third time.

21          THE CLERK: The General Assembly of  
22          North Carolina enacts.

23          THE PRESIDENT: Is there further  
24          discussion or debate?

25          Hearing none, all in favor of the

1 passage of Senate Bill 744 on its third reading  
2 will vote aye, all opposed will vote no. Five  
3 seconds will be allowed for voting, and the  
4 clerk will record the vote.

5 26 having voted in the affirmative, 19  
6 in the negative, Senate Bill 744 passes its  
7 third reading and will be sent to the House by  
8 special message.

9 SENATOR RABON: Mr. President.

10 THE PRESIDENT: Senator Rabon, for what  
11 purpose do you rise?

12 SENATOR RABON: A motion, please, sir.

13 THE PRESIDENT: You have the floor for  
14 your motion.

15 SENATOR RABON: Thank you, sir.

16 Mr. President, I move that Senate Bill  
17 173, Free the Smiles, be moved to the top of  
18 today's calendar.

19 THE PRESIDENT: Without objection, so  
20 ordered. So that would be next on our calendar,  
21 Senate Bill 173.

22 (SB 173 was not transcribed by the  
23 court reporter.)

24 THE PRESIDENT: Next on the calendar,  
25 we have Senate Bill 745. The clerk will read.

1           THE CLERK: Senate Bill 745, Realign  
2           Congressional Districts 2022/CST 22-3.

3           THE PRESIDENT: Senator Daniel has the  
4           floor to explain the bill.

5           SENATOR DANIEL: Thank you,  
6           Mr. President.

7           Members, the map before you was drawn  
8           to comply with the Supreme Court's order. It  
9           contains what we believe will be four of the  
10          most highly competitive congressional districts  
11          in the country.

12          According to redistricting expert Dave  
13          Wasserman, there have been only 19 congressional  
14          districts in the country drawn during this  
15          year's ongoing redistricting process with an  
16          election result in the Biden-Trump race with a  
17          less than 5 percent margin of victory.

18          This map will make North Carolina home  
19          to four additional highly competitive  
20          congressional districts. We believe the map is  
21          constitutional. We believe it is fair to all  
22          candidates, voters, and political parties in our  
23          state. It follows the Court's order, and it  
24          will reflect the will of the people.

25          The map scores well within the ranges

1 for measuring mean-median and efficiency gap  
2 announced by the Court in its opinion. The  
3 Court set a baseline of plus or minus 1 percent  
4 for the mean-median score. This map scores  
5 minus 0.61 percent. The Court set a baseline of  
6 plus or minus 7 percent for the efficiency gap  
7 score. This map scores minus 5.3 percent.

8 I'll briefly go through a description  
9 of the 14 districts.

10 District 1 remains a district that is  
11 rooted in mostly rural counties in northeastern  
12 North Carolina. We have consistently been told  
13 during the process that it is important to keep  
14 the counties forming the belt along the northern  
15 border of the state together. This district  
16 does that.

17 District 2 is contained wholly within  
18 Wake County, adhering to our original criteria.  
19 Wake County is split only once in this map. It  
20 has one incumbent in it, and she has announced  
21 her intention to seek reelection this year.

22 District 3 is a district taking in much  
23 of eastern North Carolina, including the  
24 majority of the state's coastline and counties  
25 with close proximity to the coast. The district

1 contains one incumbent.

2 District 4 contains all of Caswell,  
3 Durham, Orange, and Person counties, and most of  
4 Alamance and Granville counties. This  
5 configuration forms a highly compact district in  
6 northern central counties in the state.

7 District 5 is based in the northwestern  
8 corner of North Carolina and is made up of six  
9 whole counties. Those are Allegheny, Ashe,  
10 Forsyth, Stokes, Surry, Watauga, and Wilkes.  
11 Most of Rockingham county and a portion of  
12 Yadkin make up the rest of the district.  
13 There's only one incumbent in the district.

14 District 6 contains all of Chatham,  
15 Harnett, Lee, Randolph counties and also  
16 contains most of Guilford and parts of Alamance  
17 and Rockingham. This district contains one  
18 incumbent, and will be one of the most  
19 politically competitive congressional districts  
20 in the country.

21 District 7 is a district based in  
22 southeastern North Carolina that takes in the  
23 rural counties south of Harnett county and joins  
24 them to the remaining coastal counties. It  
25 contains all of Bladen, Brunswick, Cumberland,

1 and New Hanover counties, and a portion of  
2 Columbus county. This district contains one  
3 incumbent member of congress. It, too, will be  
4 one of the most politically competitive  
5 congressional districts in the country.

6 District 8 is a district taking in  
7 mostly counties and cities located between the  
8 Triad and Charlotte. It contains all of  
9 Cabarrus county and portions of Davidson, Rowan,  
10 and Guilford counties, and this district is home  
11 to one incumbent.

12 District 9 contains nine whole  
13 counties. Those are Anson, Hoke, Montgomery,  
14 Moore, Richmond, Robeson, Scotland, Stanly, and  
15 Union. It also contains portions of Columbus  
16 and Davidson counties. There is not an  
17 incumbent in this district.

18 District 10 is a western North Carolina  
19 based district stretching from Forsyth west into  
20 the mountains. It keeps eight counties whole.  
21 Those are Alexander, Avery, Burke, Caldwell,  
22 Catawba, Davie, Iredell, and Lincoln. It also  
23 contains parts of McDowell, Rowan, and Yadkin  
24 counties. There is one incumbent in the  
25 district.

1           District 11 is a western North Carolina  
2           mountain based district. It contains the whole  
3           of the 14 westernmost counties in  
4           North Carolina. It also contains parts of  
5           McDowell and Rutherford. There is one incumbent  
6           currently residing in the district.

7           District 12 is a district containing  
8           the northeastern sections of Mecklenburg county,  
9           including the majority of Charlotte. The areas  
10          in and around Charlotte are too large to be  
11          wholly contained in one congressional district.  
12          Mecklenburg county is split only once in this  
13          map, and there is currently one incumbent living  
14          in District 12.

15          District 13 is the new open seat  
16          created as a result of North Carolina receiving  
17          an additional congressional seat after the 2020  
18          census. It contains all of Duplin, Johnston,  
19          and Sampson counties and parts of Wake and Wayne  
20          counties. This will again be one of the most  
21          highly competitive congressional districts in  
22          the country.

23          And District 14 is a seat taking in the  
24          remainder of Mecklenburg county and stretching  
25          west across the southern boundary of the state

1           into Rutherford county, taking in all of  
2           Cleveland and Gaston counties. It's a very  
3           compact district with only one incumbent.  
4           District 14 will likewise be among the most  
5           politically competitive congressional districts  
6           anywhere in the United States.

7                        We believe that this map is highly  
8           politically competitive, that it follows the  
9           Court's order, and that it will represent the  
10          will of the people if adopted by the Court in  
11          the course of the ongoing litigation. I would  
12          ask for your support for this bill. Thank you.

13                       THE PRESIDENT: Senator Clark, for what  
14          purpose do you rise, sir?

15                       SENATOR CLARK: To send forth an  
16          amendment.

17                       THE PRESIDENT: Send forward your  
18          amendment.

19                       Amendment Number 1 to Senate Bill 745.  
20          The clerk will read.

21                       THE CLERK: Senator Clark moves to  
22          amend the bill.

23                       THE PRESIDENT: You have the floor to  
24          explain your amendment, sir.

25                       SENATOR CLARK: Thank you,

1 Mr. President.

2 Senators, the bill that is presented  
3 before us for consideration still has problems.  
4 There was an attempt made to remedy some of the  
5 metrics, more specifically the mean-median and  
6 efficiency gap. However, there were more  
7 problems with the original map than those.

8 First of all, the Court did chide this  
9 body for not complying with its own standards.  
10 One of those happened to be in the area of split  
11 VTDS. In this particular map here that we're  
12 being asked to support, 15 VTDS have been split.  
13 Now, the minimum necessary in order to comply  
14 with our own requirements of a minimum split of  
15 VTDS is 13. So one might ask, well, why are we  
16 splitting 15? Because essentially what we have  
17 is essentially a gateway to a gerrymander.

18 In the amendment I have before you, and  
19 hopefully you've seen the map on the screen,  
20 there are only 13 VTDS split, the minimum  
21 required in accordance with our own standard to  
22 split no VTDS for a reason other than population  
23 equality. Likewise, if we look at the map here,  
24 we see that we violated our own standard against  
25 splitting counties.

1           Now, in the previous map, the one that  
2           was enacted, we split 10 counties a total of 14  
3           times because we trisected three of those. In  
4           this amendment before you, only 13 counties are  
5           split for a total of 13 times. So then again  
6           you may ask, well, why is this map that we're  
7           being asked to support, why does it split  
8           counties 14 times? Because, again, that's a  
9           gateway to a gerrymander. We don't need to do  
10          that.

11           Now, we've talked about the metrics.  
12          We've talked about the mean-median, the  
13          efficiency gap. And like the proposed map that  
14          has been submitted for our consideration, the  
15          amendment scores exceptionally well on those  
16          also and meets the standard that they claim the  
17          Court is requiring in terms of their values, but  
18          I caution you, because we're computing that  
19          mean-median and the efficiency gap based upon a  
20          single index comprised of about I think it's 12  
21          elections which is significantly inefficient.  
22          You're never going to rely on a value computed  
23          based upon an index consisting of 12 elections.  
24                  And they indicate, yes, correctly so,  
25          that Dr. Mattingly used those elections as well.

1 He did but not as a composite index used within  
2 an efficiency gap or a mean-median measure to  
3 determine whether or not our maps were  
4 constitutional -- actually, whether or not they  
5 were free of extreme gerrymandering, and neither  
6 should we.

7 And although they did not specifically  
8 cite a measure called declination, I ran that  
9 value as well, or I should say the staff did,  
10 and the map that I'm asking you to support has  
11 an exceptional declination score.

12 Let's see. Okay. They talked about  
13 performance. During the committee meeting it  
14 was stated that the map we're being asked to  
15 vote on was highly competitive and that  
16 essentially it would elect six Republicans, four  
17 Democrats and have four competitive seats.

18 Well, the amendment that I have before  
19 you would elect six Republicans and, depending  
20 on what your measure of competitiveness is, six  
21 Democrats and have two highly competitive seats,  
22 or five Democrats and have three competitive  
23 seats, again, depending on what your definition  
24 of competitiveness is.

25 But all that being said, you know,

1           sometimes you get a feel that you want to use  
2           the numbers to try to generate some kind of  
3           result for a partisan advantage and ultimately  
4           end up with a map that is not a map that the  
5           state of North Carolina deserves.

6                        I remember when I first talked to  
7           Senator Blue about getting in this business. I  
8           made it clear that I would never put my  
9           signature to a map that I believe to be a  
10          partisan gerrymander in favor of anybody, not  
11          the Democrats, not the Republicans, and this  
12          amendment that is -- that I'm asking you to  
13          support does neither of that. And if you look  
14          at that map -- I'm not going to provide an  
15          explanation of the different districts because,  
16          when you look at it, I think it's probably quite  
17          clear to you what it is.

18                       You know, we have major geocultural  
19          regions in this state that we all understand.  
20          we all recognize -- we know where the Triad is,  
21          we know the Triangle, the sandhills, at least  
22          the folks in the sandhills know, and we know the  
23          northeast. We know the -- we know those things,  
24          and when you look at that map that I'm asking  
25          you to support in place of the one we're asking

1 to vote on, it is clear what is going on. No  
2 one has to tell you. So I won't waste your time  
3 telling you.

4 But those who served in the military at  
5 some time or another, we understand this concept  
6 of pursuing the commander's intent. When the  
7 commander gives us an order, it could be a  
8 five-page order, six-page, 10, 20, whatever, the  
9 Court has given us an order. Now, when you're  
10 in the military, you don't go nitpicking that  
11 order to try to find some sort of loophole to do  
12 what you want to do. You read it in its  
13 entirety, you understand the intent of that  
14 order, and you make sure you achieve that  
15 intent.

16 Now, the intent of that order that the  
17 Court provided to us was to provide the state of  
18 North Carolina with fair maps. Nothing less,  
19 nothing more. This amendment that I'm asking  
20 you to support does just that: It provides the  
21 state of North Carolina with fair maps.

22 THE PRESIDENT: Senator Daniel, for  
23 what purpose do you rise?

24 SENATOR DANIEL: Mr. President, I move  
25 that Amendment 1 do lie upon the table.

1                   SENATOR NEWTON:   Second.

2                   THE PRESIDENT:   Senator Daniel moves  
3                   that Amendment Number 1 to Senate Bill 745 do  
4                   lie upon the table.  It was seconded by Senator  
5                   Newton.

6                   This is a non-debatable motion and will  
7                   go straight to a vote.  The question before the  
8                   body is the motion to table Amendment Number 1  
9                   to Senate Bill 745.  All in favor will vote aye,  
10                  all opposed will vote no.  Five seconds will be  
11                  allowed for voting, and the clerk will record  
12                  the vote.

13                  Senator Ballard is aye.

14                  UNIDENTIFIED SPEAKER:  Aye.

15                  THE PRESIDENT:   Senator Britt is aye.

16                  27 --

17                  SENATOR CHAUDHURI:  Mr. President.

18                  THE PRESIDENT:   Senator Chaudhuri, yes,  
19                  for what purpose do you rise?

20                  SENATOR CHAUDHURI:  Change my vote from  
21                  aye to no.

22                  THE PRESIDENT:  I'm sorry.  That would  
23                  make the count 26 having voted in the  
24                  affirmative, 19 in the negative.  Amendment  
25                  Number 1 to Senate Bill 745 will lie on the

1 table, and we are back to the bill.

2 Any further discussion or debate? No,  
3 no further -- okay, that's great. I'm sorry,  
4 guys, I lost my place here. Excuse me. Here we  
5 go.

6 Hearing none, the question before the  
7 body -- the question before the Senate is the  
8 passage of Senate Bill 745 on second reading.  
9 All in favor will vote aye, all opposed will  
10 vote no. Five seconds will be allowed for  
11 voting. The clerk will record the vote.

12 Senator Britt is aye. I'm sorry.  
13 Senator Chaudhuri. Senator Chaudhuri is no.

14 26 having voted in the affirmative, 19  
15 in the negative, Senate Bill 745 passes its  
16 second reading and without objection will be  
17 read a third time.

18 THE CLERK: The General Assembly of  
19 North Carolina enacts.

20 THE PRESIDENT: Is there further  
21 discussion or debate?

22 Hearing none, all in favor of the  
23 passage of Senate Bill 745 on its third reading  
24 will vote aye, all opposed will vote no. Five  
25 seconds will be allowed for voting, and the

1 clerk will record the vote.

2 Senator Sawyer -- Senator Britt is aye.  
3 Leave of absence is requested and granted for  
4 Senator Sawyer.

5 25 having voted in the affirmative, 19  
6 in the negative, Senate Bill 745 passes its  
7 third reading and will be sent to the House by  
8 special message.

9 Senator Rabon, for what purpose do you  
10 rise?

11 SENATOR RABON: To send -- bring forth  
12 the committee report, please.

13 THE PRESIDENT: The clerk wants to know  
14 if we can pause that for just a second.

15 Message from the House, the clerk will  
16 read.

17 THE CLERK: Mr. President, it's ordered  
18 that a message be sent to the Senate informing  
19 that honorable body that conferees for  
20 House Bill 797, Senate Committee Substitute,  
21 Third Edition, a bill to be entitled An Act  
22 Authorizing a Board of County Commissioners to  
23 Delegate to a Hearing Officer the Determination  
24 of whether a Taxpayer has Overpaid the Excise  
25 Tax on Conveyances have been Dismissed and New

1 Conferees have been Appointed. Speaker Moore  
2 has appointed Representative Kidwell chair.  
3 Respectfully, James White, Principal Clerk.

4 (HB 797 was not transcribed by the  
5 court reporter.)

6 THE PRESIDENT: Next on our calendar,  
7 we have House Bill 980. The clerk will read.

8 THE CLERK: House Bill 980, Realign NC  
9 House Districts 2022/HTU 22-4.

10 THE PRESIDENT: Senator Newton is  
11 recognized to explain the bill.

12 SENATOR NEWTON: Thank you,  
13 Mr. President.

14 Members, this is the House  
15 redistricting map. The map passed 115 to 5 in  
16 the House last night. On the floor, six  
17 Democrat amendments were accepted including four  
18 from the minority leader.

19 The Supreme Court in its opinion stated  
20 a map has to -- that has under 1 percent  
21 mean-median difference is presumptively  
22 constitutional. This House plan has a  
23 mean-median difference of .71 percent, so it's  
24 presumptively constitutional. The Supreme Court  
25 in its opinion stated that a map under 7 percent

1 efficiency gap is presumptively constitutional.  
2 This House map is .84 percent efficiency gap.  
3 Governor Cooper would have won well over 60  
4 seats on this map.

5 This House map has 30 fewer splits of  
6 municipalities involving population than the  
7 enacted maps, and the House plan improves  
8 considerably on the compactness compared to the  
9 enacted map. This map improves on the Reock/  
10 Polsby-Popper metrics compared to the enacted  
11 map.

12 I commend the bill to you and ask for  
13 your support on behalf of the House. Thank you.

14 THE PRESIDENT: Is there further  
15 discussion or debate?

16 Hearing none, the question before the  
17 senate is the passage of House Bill 980 on its  
18 second reading. All in favor will vote aye, all  
19 opposed will vote no. Five seconds will be  
20 allowed for voting. The clerk will record the  
21 vote.

22 Senator Craven is aye. Senator Clark  
23 is aye. Senator Blue is aye. Senator Britt is  
24 aye. I think we have it.

25 41 having voted in the affirmative, 3

1 in the negative, House Bill 980 passes its  
2 second reading and without objection will be  
3 read a third time.

4 THE CLERK: The General Assembly of  
5 North Carolina enacts.

6 THE PRESIDENT: Is there further  
7 discussion or debate on House Bill 980?

8 Hearing none, all in favor of the  
9 passage of House Bill 980 on its third reading  
10 will vote aye, all opposed will vote no. Five  
11 seconds will be allowed for voting, and the  
12 clerk will record the vote.

13 Senator Britt -- Senator Davis, Senator  
14 Chaudhuri are aye. Senator Britt is aye.  
15 Senator Foushee is aye. Senator Fitch is aye.  
16 Senator Woodard is aye. Senator Mohammad is no.  
17 Senator Craven -- Senator Craven is aye.

18 41 having voted in the affirmative, 3  
19 in the negative, House Bill 980 passes its third  
20 reading and will be sent -- will be enrolled and  
21 I guess sent to the governor. No, it will just  
22 be enrolled. Yes, just enrolled, not sent to  
23 the governor.

24 That concludes our calendar.  
25

