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

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

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

THE PRESIDENT: Senator Berger is recognized for a motion.

SENATOR BERGER: Thank you, Mr. President.

The journal for February 16, 2022, has been examined and has found to be correct. I
move that we dispense with the reading of the journal and that it stand approved as written.

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

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

And we are on to our calendar.

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

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

THE PRESIDENT: You have the floor for your motions.

SENATOR RABON: Thank you, Mr. President.

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

THE PRESIDENT: Without objection, so ordered.

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

THE PRESIDENT: Without objection, so ordered.

SENATOR RABON: Thank you, Mr. President.

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

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

We are on to our calendar.

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

(At ease.)

THE PRESIDENT: The Senate is back in
order. Members will return to their seats.

Silence all electronic devices.

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

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

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

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

SENATOR NEWTON: Thank you, Mr. President.

Members, the proposed remedial Senate plan was explained in detail yesterday in committee, so I will not repeat the depth of that discussion unless you have a question, and I'm happy to do so, but back in November 2021,
we drew and passed what we thought was a constitutional map. The majority of the North Carolina Supreme Court has told us otherwise and provided at least some guidance on what presumptively constitutional -- a presumptively constitutional map should be.

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

Now, you and I may have other preferred methods, but in drawing maps -- in drawing maps that pass both the mean-median and efficiency gap test, we've done exactly what the majority of the North Carolina Supreme Court told us to
do. This remedial map scored a negative 0.65 percent on the mean-median test and therefore scores better than the required plus or minus 1 percent.

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

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

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

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

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

The mean-median was negative
3.79 percent, outside the bounds of the plus or minus 1 percent.

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

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

I want to say unequivocally that that is not the case. We did address every single district cited in the trial court's opinion. Many of these districts were changed substantially, some were changed slightly, but all were changed. And every single district that was changed was moved in the Democrats favor. Let me repeat that point: Every single district cited in the trial court's opinion was changed and every single change favored Democrats. Some competitive districts became safe for Democrats. Some competitive seats remained competitive but more -- but more in the Democrats favor. Some safe Republican seats became less safe. Some became competitive or
even leaning.

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

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

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

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

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

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

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

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

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

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

SENATOR CHAUDHURI: To speak on the bill.

THE PRESIDENT: You have the floor.

SENATOR CHAUDHURI: Thank you, Mr. President.

Mr. President, we believe that the state Senate maps drawn by the governing majority fails to meet the state's highest court opinion and order, and we believe that the governing majority failed to do so because the process to draw such maps were never bipartisan and collaborative, that such maps reflect the
governing majority's belief that its legislative powers rise above our constitution and that the remedial maps before us still remain gerrymandered.

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

In the Harper opinion, the three-judge panel makes clear, this governing majority's decision to group Buncombe county with Burke and McDowell counties to the east allowed more Republicans to, quote, neutralize the Democratic
stronghold in and around Asheville.

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

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

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

Second, the governing majority has publicly stated that our highest court has become a policymaking body where it advances its
political ideals, something that should be left to the legislature, yet it is important to make two comments.

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

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

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

And finally, as I've mentioned before, we believe that these maps remain gerrymandered.
These state Senate maps are designed to lock in Republicans as the governing majority for the remainder of the decade that does not ultimately reflect the will of the people.

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

In one instance, contrary to what Senator Newton has pointed out, we might argue we've seen the governing majority carry out almost the same gerrymander from almost three years ago that a three-judge panel said was gerrymandering. In 2019, in the Common Cause v Lewis case, the panel pointed out that the General Assembly cracked Democratic voters in the two voting districts that's been called the Wilmington notch. The Common Cause Court pointed out that an expert's analysis, quote, demonstrates that the moving of Democratic voters in the Wilmington notch into Senate District 8 made Senate District 9 as
favorable for Republicans as possible. And now in 2022 the General Assembly has drawn yet another Senate district in which the Wilmington voting district's moved into the Senate District 7 from Senate District 8, a concern raised by Senator Blue in yesterday's committee hearings. Three years later we see the return of the Wilmington notch, and that appears to be partisan gerrymandering.

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

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

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

THE PRESIDENT: Are you sending forward an amendment now?
SENATOR CHAUDHURI: Yes, Mr. President.

THE PRESIDENT: Send forward your amendment.

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

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

THE CLERK: Senator Chaudhuri moves to amend the bill.

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

SENATOR CHAUDHURI: Thank you, Mr. President.

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

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

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

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

SENATOR NEWTON: Second.

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

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

27 having voted in the affirmative, 20
in the negative, Amendment Number 1 to Senate Bill 744 will lie upon the table, and we are back to the bill.

Is there further discussion or debate on Senate Bill 744?

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

THE PRESIDENT: Send forward your amendment.

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

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

THE CLERK: Senator Chaudhuri moves to amend the bill.

THE PRESIDENT: You have the floor, sir.

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

Given the Senate's decision to vote down my first amendment, I now offer an amendment to do away with the Wilmington notch entirely. I view this amendment as slightly -- certainly the worst of the two amendments that were offered for this cluster.
However, this amendment does restore Senate District 7 and 8 back to the originally enacted set of maps proposed or passed by this body. I would encourage you to support it.

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

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

SENATOR NEWTON: Second.

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

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

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

Is there further discussion or debate?
SENATOR CHAUDHURI: Mr. President, I would like to offer my final amendment.

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

SENATOR CHAUDHURI: Thank you, Mr. President.

I believe the amendment for this title is ABW 32.

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

THE CLERK: Senator Chaudhuri moves to amend the bill.

THE PRESIDENT: You have the floor.

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

As I've mentioned, many of the clusters remain partisan gerrymandered. Specifically with regard to this amendment, it's important to point out that the trial court's findings of facts clearly lays out where partisan gerrymandering takes place. The trial court stated that the simulations of Dr. Mattingly and
Pegden confirm that Dr. Cooper's analysis, who was another expert, had independently established that the Wake-Granville groups is an intentional pro Republican partisan redistricting.

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

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

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

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

SENATOR NEWTON: Second.

THE PRESIDENT: Senator Daniel moves that Amendment Number 3 to Senate Bill 744 do lie upon the table, seconded by Senator Newton.
This is a non-debatable motion and will go straight to a vote. The question before the body is the motion to table Amendment Number 3 to Senate Bill 744. All in favor will vote aye, all opposed will vote no. Five seconds will be allowed for voting, and the clerk will record the vote.

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

Is there further discussion or debate?

Senator Marcus, for what purpose do you rise?

SENATOR MARCUS: To bring forward an amendment.

THE PRESIDENT: Send forward your amendment.

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

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

THE CLERK: Senator Marcus moves to
amend the bill.

THE PRESIDENT: You have the floor.

SENATOR MARCUS: Thank you, Mr. President.

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

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

So our amendment that I'm offering to you today is the fair way to remedy the partisan gerrymander that was identified by the Court by putting Fayetteville State back with Fayetteville, where it belongs, respecting other communities of interest and making both districts more competitive.
This amendment would make the map more fair, more competitive and compliant with the court order, and I ask for your support.

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

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

SENATOR NEWTON: Second.

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

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

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

Senator Corbett. Senator Corbett is aye.

27 having voted in the affirmative, 20 in the negative, Amendment Number 4 to
Senate Bill 744 will lie upon the table, and
we're once again back to the bill.

Is there further discussion or debate?

Senator Garrett, for what purpose do
you rise?

SENATOR GARRETT: To send forward an
amendment.

THE PRESIDENT: Send forward your
amendment.

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

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

SENATOR CLARK: Senator Garrett moves
to amend the bill.

THE PRESIDENT: You have the floor.

SENATOR GARRETT: Thank you,
Mr. President.

The aim of the amendment before you is
fairly straightforward. The revision to the
Guilford county -- Guilford-Rockingham county
grouping creates three commonsense compact
districts which abide by the requirements set
forth by the Court. The map before you contains
no split VTDS, minimal splitting of
municipalities, and preserves historic communities of interest. The first of these is District 28 which would span the southern third of Guilford county, including all of High Point, Jamestown, Pleasant Garden and parts of Greensboro. No incumbent senator resides in this proposed district.

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

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

I offer this to the proposed 2022 Senate map not because I believe it would benefit me but because I believe it is the most reasonable court-ordered compliant map that I have seen for this county grouping to date. If adopted, I know would break many of yours hearts
because it would mean the end of my Senate career as I would never run against my seat mate Senator Robinson. If we are truly here to do the work in the interest of the people we represent, rather than our own political careers, this is the way it must go sometimes.

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

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

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

SENATOR NEWTON: Second.

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

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

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

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

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

So we have 27 having voted in the affirmative, 20 in the negative. Amendment Number 5 to Senate Bill 744 will lie upon the table, and we are once again back to the bill. Further discussion or debate?

Senator Garrett, for what purpose do you rise?

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

THE PRESIDENT: Send forward your amendment.

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

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

THE CLERK: Senator Garrett moves to
amend the bill.

THE PRESIDENT: You have the floor, sir.

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

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

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

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

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

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

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

Further discussion or debate?

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

SENATOR BLUE: To send forward an amendment.

THE PRESIDENT: Send forward your amendment.

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

THE PRESIDENT: Senator Blue, they don't have that amendment.
SENATOR BLUE: It disappeared in the ether, then. Let me ask staff because that's the number I see on it. It involves the Forsyth, Yadkin, Stokes, Wilkes, Alexander split.

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

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

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

THE CLERK: Senator Blue moves to amend the bill.

THE PRESIDENT: You have the floor, sir.

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

Let me first begin by saying that Senator Berger and I have talked and we issued a joint statement that we plan to and hope to work together to redraw these districts. And we had several conversations, I thought very cordial, and we laid out where we thought we would go.
On Friday -- I think it was Friday, Thursday or Friday, after we had discussions, I assembled some of my members to look at various maps and to read the order as best we could at the time trying to figure out where we ought to go with these maps.

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

But in the Senate map, in the Senate plan that the Court struck down, the trial court found gerrymanders in and the Supreme Court struck down, there was seven clusters and eight districts. And the Court made specific findings about each of those districts and the clusters, and it found that because of decisions that were
made in putting together certain clusters that
the legislature had gerrymandered those
districts, and it made suggestions as to why
they found that these districts had been
gerrymandered. Seven clusters, eight districts.

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

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

Also said that -- Senator Chaudhuri
pointed out what the findings were in Wake
county. This is a county that has six districts
now that it's paired with -- now that it's
paired with Granville county, and it said that
the district that was before the Court which
does not vary a whole lot with respect to the
Wake county cluster than the district before you
now. It said that that district had basically
packed all the Democrats in the four districts
in the core of the city and in the core of the
county. My district, Senator Chaudhuri's
district, and the other two districts here in
Wake county.

And it said that in the northern part
of Wake county they had chosen selectively
Republican districts to pair with Granville
county in order to get a district that was most
Republican. And the most Republican that you
could draw that district and had any criteria
was roughly a 50, 51 -- 50 percent Republican
district, 50, 51 percent.

And in the bottom of the county,
represented by Senator Batch, it said that all
of the Republicans in the southern part of Wake
county had been grouped together, and again the
districts bleached of Democrats and they were
pumped into the districts above them, making
these four Democratic districts, for the most
part, 60 plus, 70 percent, and some of them even
greater than that, performance Democratic districts.

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

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

Now, let me say this much: Senator Newton said that every district was changed in favor of Democrats. You studied the Wake county districts. I don't need to tell you how to interpret what the Court said, but you studied
the districts, and if they changed in composition by a point, a half a point, I don't think it answers the Court's inquiry.

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

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

And this three-judge panel that this case is going back to has already found these districts to be gerrymanders. Now, the Supreme Court might have some language in the opinion, and there's a lot of other language in that opinion, and I'll hit on that when I finish these amendments, that you can harp on, one sentence, one paragraph in a 200-some-page;
opinion, and they harp on that as the only thing that you got to look at to determine whether or not you still have gerrymanders in these maps.

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

Well, the Court said that was a knowing partisan gerrymander by the Republicans by not choosing the first cluster which would have kept those counties together. That was a partisan gerrymander. And that's the one that I talked about Senator Berger and I in our initial
discussions realized could be fixed by simply flipping, but that's the same case in this cluster as well.

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

And that was the whole question behind this case, that if Democrats get a majority of the vote, then it's right to think that
somewhere or other you could district so that they could get a majority of the districts. Not a proportionality, but just sort of commonsense. If you can get a majority of the votes, there ought to be some circumstances in which you can get a majority of the seats in this chamber, and that's what's behind this whole lawsuit.

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

Now, this is unusual in many ways in that this case is going back to the very same court, the same court that already said that these gerrymanders exist and this is how they exist. And we're not addressing how they say those gerrymanders exist.
So the facts are still there. You can read a quote out of the opinion, but the facts are still in the three-judge panel, and the Supreme Court knows what those facts were. And unlike most of the stuff we do here, we already know that it's going to be reviewed by next Wednesday and they're going to see how we reacted to what they found.

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

And so that's what this does in the version that is before you. It does not make the second district a Democratic district. It
has a Democratic district and a Republican
district, and we think it meets the goals and
the instructions of the Court. And I would move
the adoption of the amendment, Mr. President.

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

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

SENATOR NEWTON: Second.

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

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

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

27 having voted in the affirmative, 20
in the negative, Amendment Number 7 to
Senate Bill 744 will lie upon the table, and
we're once again back to the bill.
THE PRESIDENT: Senator Blue, for what purpose do you rise?

SENATOR BLUE: Send forth with another amendment. I think you have it up there now.

Let's see. It's -- is that ATU 51.

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

THE CLERK: Senator Blue moves to amend the bill.

THE PRESIDENT: You have the floor again, sir.

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

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

The Republican map plays around with the district lines but largely remains a partisan gerrymander, that is, in the
McDowell-Buncombe cluster, and that's Buncombe, McDowell, and Burke counties, I believe. And it said that you play around with the lines. Instead of pairing Buncombe with Henderson county, Republicans move blue Buncombe in with Burke and McDowell to the east, clearly diluting the voting power in the Asheville area. Those are more heavily Republican counties than Henderson county next door. The Republican map does not fix the gerrymander which the Court found based on the choice of county groupings.

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

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

Now, you need to understand that there were millions, and I think even billions, of maps drawn by these mathematicians to determine
whether or not a gerrymander existed. That was the evidence before the Court. That's what they used to determine that there was a gerrymander. And they were saying that the reason for that gerrymander wasn't that you didn't make a second district majority Democrat but that you didn't look at the grouping. You had a choice there to choose a grouping that would have given you a chance to draw districts that more accurately reflected what the vote was and would give Democrats an opportunity to be elected in that district if in fact Democrats got a majority of the votes. That's what they said.

And what this map does, it fixes that far from a Democratic district in that cluster that it fixes it with. It would simply leave a Democratic district and a Republican district, but the Republican district, nor the Democratic district would be as lopsided as they are now. Still over time they would probably perform pretty much the same way, but they at least make the opportunity to have a Democrat win the district, in certain settings get a majority, just like Republicans have the opportunity to get a majority in several settings. That's all
it does. It tells you what fairness is all about and what our perception about it is. And so, Mr. President, I move the adoption of that amendment.

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

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

SENATOR NEWTON: Second.

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

Senator Lowe is no.

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

SENATOR BLUE: Mr. President.
THE PRESIDENT: Senator -- I'm sorry. Senator Blue, for what purpose do you rise?

SENATOR BLUE: Send forth an amendment.

THE PRESIDENT: Okay. Send forward your amendment.

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

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

THE CLERK: Senator Blue moves to amend the bill.

THE PRESIDENT: You have the floor, sir.

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

And this wraps up the amendments that we were talking about. This just puts them all in a state map for the most part. There may be some small variations in it, but this -- this sets forth what we thought the initial approach to solving these gerrymanders were. And this is information that we exchanged as to what we
thought should be a starting point for
discussions on how we fix these gerrymanders.
And this is what as a result of it basically
indicated that it was a no starter because
certain changes weren't going to be made. Even
those that were set forth specifically in the
three-judge panel's opinion and findings and in
the Supreme Court order and now in its opinion.

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

So you'll see, I think in the
deliberations that we see in this bill, that
there were some changes, as I said, in
District 1, or in the northeast cluster. There
were some changes in the Cumberland county
cluster. There were some changes -- the changes you already heard about in the Wake county cluster, but not material changes. Well, they were material. They flipped Sarah Crawford into the district up in Granville county. But other than that there weren't any significant changes in it with respect to percentages in either the Democratic districts or the two districts that are probably Republican districts.

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

But I think that that's the fix in the Guilford district in that map. And I point out
to you that in this map, I misspoke when I said it incorporates the changes. This district did not break down Guilford county the way the amendment -- the first amendment that was offered because this did not make the portion of Guilford county that Senator Berger represents -- I don't think it did, it wasn't intended to -- a majority Democratic district as the first map that was introduced regarding Guilford county, just showing you what is possible and what the Court could look at as it considers how to draw these maps.

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

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

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

SENATOR NEWTON: Second.

THE PRESIDENT: Senator Daniel moves that Amendment 9 to Senate Bill 744 do lie upon
the table. This is a non-debatable motion, and
we'll go straight to a vote. The question
before the body -- I gotcha this time. Yes, I'm
sorry.

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

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

    Senator Britt is aye. Senator Blue is
    no.

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

    SENATOR BLUE: Mr. President.
    THE PRESIDENT: Yes, Senator Blue. For
what purpose do you rise?

    SENATOR BLUE: Debate the bill.
    THE PRESIDENT: Excuse me. I'm sorry.
SENATOR BLUE: Debate the bill.

THE PRESIDENT: You have the floor.

SENATOR BLUE: Thank you.

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

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

We didn't put them there, but those who were wise enough and came before us as they
contemplated a state government in the age of -- in the 1700s reflecting on the glorious revolution in England where people's rights became important and where government couldn't trod over the people and how they set forth all of these protections against government and against tyranny. Because they knew if you didn't separate and provide for certain powers, the nature of human beings is and has been since we started keeping a recorded history of ourselves is to seize power and seize power and seize power. It's the whole reason that our federal government is set up the way it is, our state government, separation of powers so the chambers can -- or departments, judicial departments, executive departments and legislative departments can check each other.

And with most of the power being vested in -- all of the power of the people being vested in the legislative branch of government they were wise enough to set up a court to say, no, we got to go back to this thing that pulled us together in the first place, a constitution, in this case a Declaration of Rights because that's what they so richly cite from. And we
can pull the people that we represent back to these basic core principles that underlie our Declaration of Rights. We can even pull the legislature back. They can't just go willy-nilly and do what they want to, especially when it comes to our fundamental liberties and our fundamental rights, our civil rights.

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

So regardless of how you vote or think about what we're doing now, go back to that and it will show you the reason that we're here today. Because I believe that everybody on this floor believes that history is important, believes that democracy is important, and believes that these fundamental documents define who we are are things that we have to be protective of, and that's what the Supreme Court
is saying in its opinion before you get to the technical mumble jumble and stuff like that on it, the stuff that lawyers like to read.

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

Now, this case was not brought -- and as I pointed out, I'm not a litigant to it. I don't represent anybody in it. I don't have a lawyer in it or anything else, just is my opinion. This case was brought and the Supreme Court considered it as a way to ensure that an
identified party who receives a certain vote should be able to get the same benefits over time as another party who is organized and has the same kind of numbers of votes. That's what they were trying to fix in doing this case. I don't believe that they did all of this to boil it down to a formula that you look at whether or not one test out of multiple tests say that you haven't done a gerrymander.

Now, the Court said that there are multiple ways you can do it. They happened to choose the four tests that they listed in the opinion because they had four experts who used different tests to determine whether or not a gerrymander existed, but if you are telling me that commonsense tells you that you can take a map where they found all of these gerrymanders, take that map, create another gerrymander in New Hanover county -- because it's clear why you did it: to increase the Republican percentage in that district in New Hanover county -- that you can fix another gerrymander without directly addressing the gerrymanders that they said you had in the map and then come out with a formula and say, well, it tests this on this test and so
there's no gerrymander there any more. That's
the sole reason that I mention that this same
court who is going to look at this case starting
Friday, I guess, is a court that decided that
the gerrymanders existed in all of these places.

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

In the material that's before you, they
chose 15 elections, I believe, in 2016 and 2020
to say how these districts possibly would
operate, but in 2022, the science and the math
and the computer capability is such that, again,
they can look at a trillion districts, using a
quantum computer, and say how these districts
still lie outside the norm and how they're still
partisan gerrymanders. And I'm hoping, you
know, as I see this, it's not déjà vu all over
again. Because I was here, and I think a couple
of other people on the floor, Senator Berger was
here, as we went through this process beginning
in 2011.

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

So as I look at it, we keep pushing
ourselves to a mandatory reform of the way this
process is done. People are not going to keep
tolerating it because that's whose rights we're
trampling on.
And so as I think about 2019, following that redistricting session, I issued a joint statement with Senator Berger praising the process as probably the most collaborative and transparent in our state's history, and I still stand by those comments, but if you want to test how collaborative this process was, it was collaborative in the beginning, but you have just seen all of the amendments and all of the discussions that we were trying to promote on this map. And what did you do with every single one of them? Think about that. What did you do with every single discussion that are in that big map that I introduced? You discarded them like none of them had any relevance or any importance. A broke clock is right twice a day. So there had to be some value in it if we engaged all of the minority membership in the Senate in the discussions in trying to draw this map.

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

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

I was optimistic after 2019. I was optimistic in other efforts that we've made to get things done collaboratively in this chamber. We did some things collaboratively in the last session, but we just can't seem to get our hands on it in redistricting any more, even if the
Supreme Court is telling us that we ought to and that we need to.

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

And at the end of the day, if you look at the projections in this map, if you change Wilmington, you change the projected Democratic senators in that map so that you create a supermajority and an environment where almost 50 percent of the vote in the last election, if you look at the different candidates, went to Democrats and almost 50 percent went to Republicans, and you reduce the Democratic participation in this chamber below 40 percent.
by the way that you've drawn these districts. Do your own analysis. You don't have to take my word for it. But I think by the end of next week we'll have somewhere -- some idea where it's going.

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

I think that a lot of folk, some in here have been stoking fears about election fraud and all of those things so we break their reliance on the courts, we break their beliefs in what we do and how we do it because we convince them that our elections somewhere or other resulted because of fraud. And that's
what you're doing when you pass maps that tells them that they have a fair shot to get something done and they can see the results and see that they can't get something done.

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

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

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

It is the sincere hope of this Court that these new maps -- talking about the maps they were hoping we would draw -- ensure that the channelling of political power from the people to their representatives in government through elections, the central democratic process envisioned by our constitutional system, is done on equal terms so that ours is a government of right that originates from the people and speaks with their voices.
The amendments that we offered would have taken us along that path. The path that we have chosen, I'm afraid, takes us in the opposite direction.

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

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

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

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


THE PRESIDENT: Is there further discussion or debate?

Hearing none, all in favor of the
passage of Senate Bill 744 on its third reading will vote aye, all opposed will vote no. Five seconds will be allowed for voting, and the clerk will record the vote.

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

SENATOR RABON: Mr. President.

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

SENATOR RABON: A motion, please, sir.

THE PRESIDENT: You have the floor for your motion.

SENATOR RABON: Thank you, sir.

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

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

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

THE PRESIDENT: Next on the calendar, we have Senate Bill 745. The clerk will read.
THE CLERK: Senate Bill 745, Realign Congressional Districts 2022/CST 22-3.

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

SENATOR DANIEL: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

District 7 is a district based in southeastern North Carolina that takes in the rural counties south of Harnett county and joins them to the remaining coastal counties. It contains all of Bladen, Brunswick, Cumberland,
and New Hanover counties, and a portion of Columbus county. This district contains one incumbent member of congress. It, too, will be one of the most politically competitive congressional districts in the country.

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

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

District 10 is a western North Carolina based district stretching from Forsyth west into the mountains. It keeps eight counties whole. Those are Alexander, Avery, Burke, Caldwell, Catawba, Davie, Iredell, and Lincoln. It also contains parts of McDowell, Rowan, and Yadkin counties. There is one incumbent in the district.
District 11 is a western North Carolina mountain based district. It contains the whole of the 14 westernmost counties in North Carolina. It also contains parts of McDowell and Rutherford. There is one incumbent currently residing in the district.

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

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

And District 14 is a seat taking in the remainder of Mecklenburg county and stretching west across the southern boundary of the state.
into Rutherford county, taking in all of Cleveland and Gaston counties. It's a very compact district with only one incumbent. District 14 will likewise be among the most politically competitive congressional districts anywhere in the United States.

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

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

SENATOR CLARK: To send forth an amendment.

THE PRESIDENT: Send forward your amendment.

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

THE CLERK: Senator Clark moves to amend the bill.

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

SENATOR CLARK: Thank you,
Mr. President.

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

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

In the amendment I have before you, and hopefully you've seen the map on the screen, there are only 13 VTDs split, the minimum required in accordance with our own standard to split no VTDs for a reason other than population equality. Likewise, if we look at the map here, we see that we violated our own standard against splitting counties.
Now, in the previous map, the one that was enacted, we split 10 counties a total of 14 times because we trisected three of those. In this amendment before you, only 13 counties are split for a total of 13 times. So then again you may ask, well, why is this map that we're being asked to support, why does it split counties 14 times? Because, again, that's a gateway to a gerrymander. We don't need to do that.

Now, we've talked about the metrics. We've talked about the mean-median, the efficiency gap. And like the proposed map that has been submitted for our consideration, the amendment scores exceptionally well on those also and meets the standard that they claim the Court is requiring in terms of their values, but I caution you, because we're computing that mean-median and the efficiency gap based upon a single index comprised of about I think it's 12 elections which is significantly inefficient. You're never going to rely on a value computed based upon an index consisting of 12 elections. And they indicate, yes, correctly so, that Dr. Mattingly used those elections as well.
He did but not as a composite index used within an efficiency gap or a mean-median measure to determine whether or not our maps were constitutional -- actually, whether or not they were free of extreme gerrymandering, and neither should we.

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

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

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

But all that being said, you know,
sometimes you get a feel that you want to use
the numbers to try to generate some kind of
result for a partisan advantage and ultimately
end up with a map that is not a map that the
state of North Carolina deserves.

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

You know, we have major geocultural
regions in this state that we all understand.
We all recognize -- we know where the Triad is,
we know the Triangle, the Sandhills, at least
the folks in the Sandhills know, and we know the
northeast. We know the -- we know those things,
and when you look at that map that I'm asking
you to support in place of the one we're asking
to vote on, it is clear what is going on. No
one has to tell you. So I won't waste your time
telling you.

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

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

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

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

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

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

Senator Ballard is aye.

UNIDENTIFIED SPEAKER: Aye.

THE PRESIDENT: Senator Britt is aye.

27--

SENATOR CHAUDHURI: Mr. President.

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

SENATOR CHAUDHURI: Change my vote from aye to no.

THE PRESIDENT: I'm sorry. That would make the count 26 having voted in the affirmative, 19 in the negative. Amendment Number 1 to Senate Bill 745 will lie on the
table, and we are back to the bill.

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

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

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

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


THE PRESIDENT: Is there further discussion or debate?

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

Senator Sawyer -- Senator Britt is aye.

Leave of absence is requested and granted for Senator Sawyer.

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

Senator Rabon, for what purpose do you rise?

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

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

Message from the House, the clerk will read.

THE CLERK: Mr. President, it's ordered that a message be sent to the Senate informing that honorable body that conferees for House Bill 797, Senate Committee Substitute, Third Edition, a bill to be entitled An Act Authorizing a Board of County Commissioners to Delegate to a Hearing Officer the Determination of Whether a Taxpayer has Overpaid the Excise Tax on Conveyances have been Dismissed and New
Conferees have been Appointed. Speaker Moore has appointed Representative Kidwell chair. Respectfully, James White, Principal Clerk.

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

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


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

SENATOR NEWTON: Thank you, Mr. President.

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

The Supreme Court in its opinion stated a map has to -- that has under 1 percent mean-median difference is presumptively constitutional. This House plan has a mean-median difference of .71 percent, so it's presumptively constitutional. The Supreme Court in its opinion stated that a map under 7 percent
efficiency gap is presumptively constitutional.  
This House map is .84 percent efficiency gap.  
Governor Cooper would have won well over 60  
seats on this map.  

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

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

THE PRESIDENT: Is there further  
discussion or debate?  

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

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

41 having voted in the affirmative, 3
in the negative, House Bill 980 passes its second reading and without objection will be read a third time.


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

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

Senator Britt -- Senator Davis, Senator Chaudhuri are aye. Senator Britt is aye. Senator Foushee is aye. Senator Fitch is aye. Senator Woodard is aye. Senator Mohammad is no. Senator Craven -- Senator Craven is aye.

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

That concludes our calendar.
STATE OF NORTH CAROLINA       )
COUNTY OF WAKE               ) CERTIFICATE

I, DENISE MYERS BYRD, Stenographic Court
Reporter, CSR 8340, do hereby certify that the
transcription of the recorded Senate Session held on
February 17, 2022, was taken down by me
stenographically to the best of my ability and
thereafter transcribed under my supervision; and that
the foregoing pages, inclusive, constitute a true and
accurate transcription of said recording.

Signed this the 18th day of February 2022.

Denise Myers Byrd
CSR 8240, RPR, CLR 102409-2