

NORTH CAROLINA GENERAL ASSEMBLY

JOINT COMMITTEE MEETING

AUGUST 18, 2021

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1 (Transcription from YouTube started at
2 21:36.)

3 CHAIRMAN HISE: ...redistricting. I
4 will begin by introducing our sergeant-at-arms.
5 Beginning from the House, Nina Lage. Oh,
6 handing out there in the middle. Terry McGraw,
7 and handing out as well. And William Moore in
8 the back. Senate sergeant-at-arms, Michael
9 Carvanus. Thank you. Jim Hamilton, behind me
10 over here. Charles Marsalis, over here. And
11 Linda Matthews. So thank you all for your
12 service today in helping with the committee.

13 Members, I wanted to point out, I
14 guess, first, you should have two things that
15 are in front of you. They are the county
16 populations according to the 2020 census, as
17 well as the ideal district ranges for those
18 spreadsheet detailing those as well as relisting
19 the county populations.

20 We had intended this morning -- we may
21 hear some from Erika Churchill in a minute, but
22 we wanted to open up this morning for
23 discussions on the public hearings and the
24 public hearing schedules. We had a few comments
25 about that coming in, and we wanted to give

1 opportunity to bring those up in front of the
2 committee.

3 So beginning on that point, are there
4 any comments or questions regarding --

5 Pricey -- Representative Harrison.

6 REPRESENTATIVE HARRISON: Thank you,
7 Mr. Chair.

8 I distributed to the chairs yesterday
9 afternoon a proposed draft of the public process
10 and the transparency, and it's based on the
11 August 2nd letter that we all received, all the
12 committee members received, proposing a more
13 transparent and public-friendly process and --
14 which was required by the 2019 court on the
15 remedial maps. And I just put together a
16 proposal that incorporated those, and they
17 reflect a lot of the public comment. We were --
18 I was going through the comments last night.
19 There were something like 290 requests for a
20 more transparent process on the online public
21 comments that had been received the last three
22 days.

23 So I just offered it to you all. I'd
24 like to offer it to the committee for
25 discussion. I think it also includes a timeline

1 that reflects the schedule that is proposed in
2 the document. Thank you.

3 CHAIRMAN HISE: Members,
4 sergeant-at-arms will be handing out the
5 presentations we have -- or the copies we have
6 of the comments from Representative Harrison.

7 Representative Harrison, while the
8 sergeant-at-arms is giving those out, would you
9 like to summarize for us.

10 REPRESENTATIVE HARRISON: Sure.
11 Basically -- so it's -- I don't want to go -- I
12 guess I'll just start.

13 The setup in a way that could apply to
14 future redistricting processes, so the first
15 item just starts with starting the redistricting
16 process immediately upon legacy data release.
17 Obviously, that has started, but this is meant
18 to be more universally applied, and providing
19 redistricting information on NCGA website.

20 That has been a complaint that we've
21 heard from the public, and this more easily
22 found and tracked information on one site on the
23 General Assembly that would include all the
24 information, comments filed, meeting notices,
25 draft maps, and any related data and

1 information, and added a comment about the fact
2 that we heard a lot from folks who wanted to see
3 the public comments that had been submitted
4 online that have not been available to the
5 public. Now, I've talked to staff about the
6 feasibility of that, but a lot of folks feel
7 that would be important.

8 The third item is to permit written and
9 oral public comment, ensuring that all
10 North Carolinians have a chance to submit
11 comments either through a portal, email, postal
12 service, or in person. And this would apply
13 before maps are drawn and after final maps are
14 drawn but before they're voted on by the
15 committees.

16 The next item, Number 4, would ensure
17 quality video and audio broadcast in public
18 meetings. This was an issue we heard about in
19 the last process. As technology improves, this
20 seems to be easy to comply with.

21 Also, I think in this one, there would
22 be -- the commission -- the committee would stop
23 drawing maps until any technical issues are
24 resolved if there is a problem with video or
25 audio feed.

1 And then Number 5 is holding public
2 hearings throughout the state. The proposal in
3 the letter from the advocates indicated they
4 thought 13 hearings reflecting the current 13
5 congressional districts. I realize there will
6 be a 14th, but we don't know where that will be
7 yet. That would address regions around the
8 state where individuals could give input and
9 also making sure that there is a remote option
10 for those who cannot get to the site or who have
11 COVID concerns, as we are still dealing with
12 that, and making sure that the schedule of
13 public hearings is two weeks' notice. I think
14 that folks have been concerned about finding out
15 about a public hearing the night before, and
16 that would set up a process where folks had good
17 notice.

18 Number 6 is disclosing all third
19 parties involved in redistricting, that the
20 committee would disclose all consultants and
21 counsel to members of the legislature and
22 committees of either house and who are paid by
23 state funds and will be participating in the
24 redistricting process. And that requirement
25 would occur within 24 hours of adoption of the

1 criteria or engagement.

2 And the committee consideration of
3 maps, which is Item Number 7. Now, the
4 committee should only consider maps that comply
5 with all the following:

6 Item Number 1 is that any criteria,
7 systems or data used in developing of the maps
8 have been disclosed to the public in advance of
9 its use.

10 Number 2 is that the map was released
11 online for public comment and the public had
12 adequate time to review the map and submit
13 comments.

14 Number 3 is that the map was drawn in
15 public view, including livestreaming of the
16 drawing.

17 And then Number 4 would be a written
18 documentation justifying the district's chosen.

19 8 would require the disclosure of
20 initial draft maps. After receiving an
21 incorporating public comment, these should be
22 released online for additional public comment
23 within 30 days of the committee starting the
24 map-drawing process.

25 And then Number 9 also relates to the

1 timeline that submitting the final proposed maps
2 to the General Assembly should be publicly
3 released no later than 21 days -- released
4 online no later than 21 days after the draft
5 maps are released.

6 And the maps should be -- the final
7 proposed bill should be sent to the appropriate
8 chamber within 10 days of the release of the
9 final maps.

10 And that contemplates adequate time for
11 public notice and input, but also recognizing
12 the short timeframe that we have to get through
13 this process but leave enough time at the back
14 end where folks -- candidates that are
15 considering running know what the districts are
16 going to look like or any issues that need
17 adjudicating could get resolved before -- well
18 in time since filing, I believe, starts on
19 December 6th.

20 So that's the proposal that I'd like
21 the committee, and I'd like to offer it for the
22 committee's consideration. That's the
23 substance. And then separately, there is an
24 actual timeline proposed. Thank you.

25 CHAIRMAN HISE: Thank you,

1 Representative.

2 Any questions or comments from members
3 of the committee?

4 Questions or comments about the process
5 in general for public hearings?

6 Senator Marcus.

7 SENATOR MARCUS: Thank you, Mr. Chair.

8 I was not here when we did statewide
9 redistricting back in 2011, and I have heard
10 various people mention how it was done then,
11 specifically, how many public hearings were held
12 across the state. And I wondered if staff, or
13 maybe anyone who was here at that time, could
14 clarify how many public hearings were held last
15 time around. I'm trying to assess whether 13,
16 as proposed here, is similar to what we did
17 before or significantly less. I've heard that
18 there were as many as 60 hearings across the
19 state. I don't know if that's true or not. I
20 wondered if anyone could address that. Thank
21 you.

22 CHAIRMAN HISE: So I can confirm I was
23 not involved in 60 hearings, that's coming in,
24 but we did multiple sites at times that would
25 occur at the same hearing, that's at coming in,

1 but staff may be able to give you some specific
2 numbers, but I would categorize it as similar in
3 scope.

4 ERIKA CHURCHILL: Mr. Chair, if I
5 might, we're happy to count up, but I don't know
6 that it's going to be an apples-to-apples
7 comparison because, as Senator Hise mentioned,
8 in the 2011 round of redistricting, as we were
9 technologically capable of doing something that
10 today seems like old hat, at the time it was
11 almost novel, and it was to have interconnected
12 public hearings via technology.

13 So there may have been five sites
14 around the state, but it was technically one
15 public hearing because everyone in every site
16 was hearing and seeing all of the other people,
17 or at least that was the attempt. I do realize
18 that a couple of times the technology failed a
19 little bit, but remember, that was 10 years ago.

20 But we're happy to count up all of the
21 locations that the General Assembly went to.
22 Just know that the number of hearings, from a
23 technical perspective, may be a little less than
24 the number of sites where the General Assembly
25 went.

1 SENATOR MARCUS: Follow-up.

2 CHAIRMAN HISE: Follow-up.

3 SENATOR MARCUS: Thank you for that.

4 Yeah, I would be interested to know all
5 of those details just so we -- I think the
6 public expects something similar or maybe even
7 better than what we had in 2011.

8 Your answer raises, for me, some
9 questions I hope this committee will address
10 about what these public hearings that we're
11 proposing will look like, how they'll be run,
12 Will they be livestreamed for anyone who wants
13 to watch to watch? Are they going to be, as
14 Ms. Churchill said -- what was that word you
15 used -- simultaneous across the state?

16 ERIKA CHURCHILL: Simultaneously
17 interconnected.

18 SENATOR MARCUS: Right. I think it's
19 important that we have some guidelines and
20 expectations in place. How many members of this
21 committee will be at any of those -- any
22 individual public meeting so the public doesn't
23 feel like they're just speaking to a screen but
24 to actual legislators and those sorts of things.

25 Being new to this process, I'm just

1 throwing those questions out there, hoping that
2 we'll address some of them today.

3 CHAIRMAN HISE: Thank you.

4 Any other questions?

5 Senator Perry.

6 SENATOR PERRY: Thank you,
7 Mr. Chairman. If we could, if we're going to
8 have staff look into that, I don't know the
9 value of a single reference, a single data
10 point. If we could go back to 2001, also, so
11 that we've got kind of a run rate approach and
12 understand how it's been done over time, I think
13 that'd be helpful. Thank you.

14 CHAIRMAN HISE: And I'll also say both
15 2001, 2011, we were under the requirements of
16 preclearance, and a lot of those hearings were
17 based on very specific things required for
18 preclearance. So that's coming in.

19 Any other questions that are coming?
20 If not, I think Erika Churchill has to hand
21 out --

22 Representative Carney.

23 REPRESENTATIVE CARNEY: Thank you,
24 Mr. Chairman.

25 I just wanted to acknowledge what is in

1 this proposal that we just had handed out. A
2 lot of that has come from the public hearings.
3 If you all have gone back and listened to any of
4 those, I think a lot of these requests are
5 coming from the public and some members' input.
6 So I do support the direction that we're going
7 in and being very inclusive on having the public
8 weigh in at every step of the way for all of us
9 as we chart our way through this.

10 Thank you, Mr. Chairman.

11 CHAIRMAN HISE: Thank you.

12 REPRESENTATIVE HARRISON: Mr. Chair.

13 CHAIRMAN HISE: Representative
14 Harrison.

15 REPRESENTATIVE HARRISON: Thank you.

16 I wondered about the process here. I
17 will just add that I looked up the very specific
18 comment that was made about the amount of
19 taxpayer money that went into defending and
20 litigation on redistricting. It was a little
21 over \$11 million in the past decade. And I
22 appreciate the committee's commitment to making
23 this a more transparent process, including the
24 public participation piece, so I'm mindful of
25 that. I'm hoping we can do this right.

1 But I offer this up as a -- I don't
2 know how to describe this. I offer this up as a
3 proposed redistricting process for a formal
4 vote. I knew that -- I believe last week
5 Chair Hall indicated that we would be talking
6 about the public process today. I just see a
7 handout related to that. So I'd like to offer
8 this up as a proposal for a vote, please.

9 CHAIRMAN HISE: For this meeting as a
10 whole, we are not anticipating taking any votes
11 and have moved in that direction for what we may
12 propose or others. So we're holding this for
13 discussion only, and we will continue to read
14 that, but we have all received what you have
15 presented.

16 REPRESENTATIVE HARRISON: Thank you.

17 CHAIRMAN HISE: Thank you.

18 So seeing none again, this room gets a
19 little confusing.

20 Does everyone have the proposed weekly
21 schedule of public hearings that's coming in?
22 If they do, I'm about to recognize staffer Erika
23 Churchill to explain what's here in this
24 proposal.

25 ERIKA CHURCHILL: Okay. Thank you,

1 Mr. Chair.

2 As Senator Hise mentioned, this is the
3 proposed list of counties in which public
4 hearings would be conducted prior to the
5 development of maps. In alphabetical order,
6 they would be Caldwell, Durham, Forsyth,
7 Jackson, Mecklenburg, Nash, New Hanover,
8 Pasquotank, Pitt, Robeson, trying to group like
9 areas of the state with like areas of the state.

10 The proposal of the weekly schedule
11 would be the week after Labor Day, which
12 technically starts on Labor Day, would be
13 Caldwell county. The next week would be one
14 group of folks going to the western part of the
15 state, Jackson and Mecklenburg counties, and one
16 group of folks going to the eastern part of the
17 state, Nash, Pasquotank, and Pitt. The week of
18 September 20th, Durham and Forsyth. The week of
19 September 27th, New Hanover and Robeson.

20 And we would strive to use university
21 system facilities or community college
22 facilities depending on their availability.

23 CHAIRMAN HISE: Members, I think I
24 would also state that we're going to put this
25 out for comment. We're open to any suggestions

1 as we finalize this kind of plan and others.
2 We'll have the chairs put that out. I think
3 it's important to recognize that we're an
4 environment that may require potentially a lot
5 of flexibility in being able to do these. We
6 will put out the schedule, and we will hold to
7 it as we can, but we're looking at various
8 requirements and other things that could impact
9 any one of these. We're not aware of any at
10 this point for holding a public hearing, but we
11 will -- I think it's important to realize that,
12 as the chairs know, we will need the ability to
13 adjust maybe quickly and on the fly as those
14 occur.

15 So Representative Harrison and Senator
16 Blue.

17 REPRESENTATIVE HARRISON: Thank you,
18 Mr. Chair.

19 I just noticed that Guilford county is
20 not on here, the third largest county in the
21 state. I see Forsyth is, but Forsyth is not
22 Guilford. I just wondered if there would be any
23 appetite for adding a Guilford hearing. Thanks.

24 CHAIRMAN HISE: Thank you.
25 Representative, a lot of counties are not on

1 here.

2 Senator Blue.

3 SENATOR BLUE: In light of your
4 observation, Mr. Chairman, and I think it's
5 totally spot on, it seems to me that
6 collectively and what I see missing are
7 schedules in the exceptionally rural parts of
8 the state. I'd suggest one up in the
9 northwestern part of the state, on the edge
10 of -- you know, from Watauga county down because
11 if people are traveling, especially if they got
12 long distances to travel to a public hearing --
13 now, if all of these are virtual or something,
14 that's different, but if they got to travel, you
15 probably want to make it as less stressful as
16 possible.

17 And the same thing with respect to the
18 northeastern part of the state. And if you want
19 some real drama and great participation, you'd
20 probably add Wake county anyhow, since it's sort
21 of a central place, and it's also a place that
22 probably has got more redistricting within it
23 than any other, but just some ideas.

24 And I'm especially sensitive to this in
25 the extreme areas of the state because of

1 transportation and because of the other issues
2 related to the times in which we live. And when
3 I say northeast, I'm talking about maybe
4 Northampton, Hertford, some of those places. I
5 noticed that Pasquotank is on, and that is a
6 central part, but that is a long ways generally
7 speaking. And the same thing as I was talking
8 about, whether it's Avery or Ashe or in that
9 area.

10 CHAIRMAN HISE: I appreciate your
11 comments. I'd be more than happy to discuss
12 those coming in.

13 Representative Hawkins.

14 REPRESENTATIVE HAWKINS: Yes, sir.
15 Thank you, Mr. Chairman.

16 And to overlay with Senator Blue's
17 statements, I absolutely agree. And one of the
18 places -- well, let me first start, thank you
19 for proposing this so that we have something to
20 react to, but one of the places that is missing,
21 of course, is the Sandhills area, between sort
22 of Fayetteville and Charlotte. You know, those
23 areas are, of course, not really close to much
24 in our state, and so we want to make sure that
25 everybody understands and feels like they're

1 counted. One of the other pieces to also
2 mention is making sure that we at least have one
3 in some of our most populous counties.

4 And I did, before going to my next
5 question, wanted to go back to something that
6 Erika Churchill mentioned was that they had one
7 site but multiple, I guess, sort of a satellite
8 arrangement in previous redistricting hearing
9 sessions. Can someone explain that a little bit
10 further to me so that I can sort of understand
11 how that operates because, you know, otherwise,
12 if you're looking at a Wake or a Mecklenburg,
13 you know, it can take you a good long ways to
14 get from one side to the other, and we want to
15 make these as convenient as possible for people
16 who want to attend in person and not have to
17 travel, you know, an hour-ish to go from
18 somewhere like Guilford county to have to come
19 to Durham county, which I invite everyone to
20 come to Durham county, but I want to make sure
21 that this process at least is convenient for
22 them.

23 CHAIRMAN HISE: The chair will respond
24 to that briefly to give you the best explanation
25 of how 10 years ago and somewhere in the middle

1 it also occurred again, when we were doing the
2 public hearings.

3 They were holding a central meeting
4 generally here at the General Assembly. They
5 would then connect to an area in the west and/or
6 an area in the east and put them on various
7 screens that were here, and then they would go
8 through some rotation. They would say, okay,
9 first, we're going to hear from this site, then
10 this site, maybe this site here, then this site,
11 this site.

12 I will say, at least from my memory,
13 there were a lot of technical challenges for
14 responding between the multiple sites, and the
15 transition between sites did not create an
16 efficiency of process. I guess I'll leave that
17 as kind of the neutrals, I would say.

18 I don't know how much those kind of
19 things have changed, but I will say that -- and
20 the amount of technology and others you had at
21 different areas in the sites varied greatly for
22 what was available and how it could do, and so
23 the participation at different areas varied for
24 individuals. Some would have a lot of people
25 show up and some would have a handful of people

1 show up, and as we tried to balance all that,
2 there were some headaches.

3 I will also say that one of the other
4 considerations for as we do it now or as we did
5 it then, is the staffing required to be at every
6 single site at a simultaneous time, that was
7 what's coming in that had to do that, and that
8 includes sergeant-at-arms staffs, that may
9 include capitol police staff, that includes
10 central staff, that includes ISD staff, and how
11 you make sure that people's viewing of that, if
12 they were just on the viewing areas was a
13 monumental task.

14 So that's my, from 10 years ago, close
15 summary. I think some people that have been
16 around for that time period are nodding their
17 heads, that's with coming in.

18 So this is a more broken-up process on
19 this schedule that focuses on a particular area
20 when we have the public comments there, but
21 again, this is up for proposal.

22 REPRESENTATIVE HAWKINS: Okay. Thank
23 you.

24 One last follow-up, Mr. Chairman.

25 CHAIRMAN HISE: Sure.

1 REPRESENTATIVE HAWKINS: I appreciate
2 that thorough answer.

3 And this is probably, of course,
4 already set in stone, but are we married or
5 willing to extend the schedule at all from the
6 week of September 6th to the week of
7 September 27th? Are we married to it, or is
8 that up for debate or potential --

9 CHAIRMAN HISE: We have not said I do,
10 so this is the proposal for the pre-nup.

11 REPRESENTATIVE HAWKINS: Thank you for
12 that. I'm glad that option is on the table.
13 Thank you, Mr. Chairman.

14 CHAIRMAN HISE: Thank you.

15 SENATOR CLARK: Mr. Chair.

16 CHAIRMAN HISE: Senator Clark.

17 SENATOR CLARK: When do we plan on
18 making a decision regarding the sites?

19 CHAIRMAN HISE: I would hope the chairs
20 will be able to have something out -- we're
21 still having comment on it. I would hope the
22 chairs will be able to have something out next
23 week for kind of the sites that would be in
24 these areas. I know there's specific sites
25 they're looking at at this area, but there are

1 some technical things that would need to be
2 nailed down with those facilities. Again,
3 mostly they're attempting to use community
4 colleges and universities for this process. So
5 they're opening for classes right now and trying
6 to figure out how they're planning for students
7 and responding to the virus as it's coming out.
8 So a lot of that's in flex right now as to
9 whether you can have an event on their --

10 SENATOR CLARK: Okay. Thank you,
11 Mr. Chair.

12 One more comment.

13 CHAIRMAN HISE: Yeah.

14 SENATOR CLARK: Okay. For the area
15 that I perceive the Robeson site will be
16 handling, I think that Cumberland county might
17 be a more appropriate location, so I would
18 appreciate if that consideration could be
19 considered.

20 CHAIRMAN HISE: Okay.

21 Any other questions or comments?

22 Senator Marcus.

23 SENATOR MARCUS: Thank you, Mr. Chair.

24 It's hard for me to assess the proposed
25 weekly scheduled public hearings without knowing

1 when this committee expects to have draft maps
2 available. To me, that has to go hand in hand.

3 I'm sort of guessing based on
4 Representative Harrison's proposal, if we're
5 going to accept that, that initial maps would be
6 released by September 30th, that all these
7 hearings would happen before then, which I think
8 we do need to have a full round of hearings
9 before the initial maps are released.

10 But then I hope that this committee is
11 also going to have hearings similar to this
12 schedule after those proposed maps are released.
13 Because just like in this committee, once we see
14 something that we can, as Representative Hawkins
15 said, react to, I think the public will feel the
16 same way and want to be able to comment on the
17 maps.

18 So are we going to talk about that
19 today, the schedule for hearings after maps are
20 released, as well?

21 CHAIRMAN HISE: So we do not have
22 proposals of this for consideration today on
23 beginning of the map-drawing process and others.
24 I will say that historically, we have completed
25 this statewide open hearing in that process

1 before we begin that.

2 But I will say that as maps are
3 proposed, as maps are put out, and I don't know
4 if it would be the joint committee or the
5 separate Senate or House committees, almost
6 every committee I've ever dealt with has public
7 hearing in regard to the legislation proposed in
8 front of the committee, and I believe even some
9 of the rules of the chambers may require that.

10 As we move through this process, I
11 think there would be plenty of opportunity in
12 addition to this to comment on anything that
13 would continue to move out. This is not to
14 cutoff the public. I think we would intend to
15 keep the public comment portal open for the
16 entire period.

17 SENATOR MARCUS: Follow-up.

18 CHAIRMAN HISE: Follow-up.

19 SENATOR MARCUS: Are you saying that
20 once the initial maps are drafted, there will
21 only be public hearings in this building, more
22 like a typical committee, and then online, not
23 another round of statewide meetings?

24 CHAIRMAN HISE: Unless somebody
25 corrects me otherwise, that has been the

1 historical utilization of the public hearing
2 process. We have not or aren't considering any
3 different proposal, so --

4 SENATOR MARCUS: Follow-up comment if I
5 could.

6 If we're only going to do one round of
7 statewide hearings, it would be my thought that
8 they would be more useful after draft maps are
9 available, then. People are going to have
10 reactions to the actual maps and want to speak
11 to us, and I don't think just a typical public
12 hearing in this meeting at that point in this
13 building would be sufficient.

14 CHAIRMAN HISE: Okay. Any other
15 questions or comments?

16 All right. Members, we will attempt to
17 continue to work on this process and see what we
18 can adapt from comments today and see how
19 quickly we can get you something out from the
20 chairs regarding the public comment schedule.

21 So seeing no other questions or
22 comments and having exhausted the agenda, this
23 committee will stand adjourned.

24 (Transcription from YouTube ended at
25 50:05.)

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