CHAIRMAN NEWTON: All right. Good morning, everyone. Welcome to the Senate Committee on Redistricting. We're going to go ahead and get started this morning.

I want to begin by thanking our sergeant-at-arms for helping us today. We've got Michael Cavness. Michael, thank you. Thanks for being here. Rod Fuller is here. Hey, Rod. Jim Hamilton. Jim. Mike Harris and Sherrie Hedrick, thank you so much for being here and being a part of this team.

We are going to hear Senate Bill 739 this morning. Senator Hise is going to present that. Shortly thereafter, we are going to take a break. There are a number of amendments -- proposed amendments that Senator Blue and Senator Clark are going to be offering this morning. Those are in process. So we're going to take a little bit of a recess, then we will get our arms around those amendments, come back, do the Q and A around the map and do the amendments and Q and A around the amendments.

So with that, Senator Hise, the floor
is yours.

CHAIRMAN HISE: Thank you, all members. I'm going to present Senate Bill 739. You should have the map and the bill in front of you. I want to go through an explanation of the 50 districts and, once again, be thankful I'm not in the House. That's for coming in.

So Senate District 1 is created by county groupings chosen in northeast North Carolina. The chairs chose the configuration that makes SD 1 out of the following whole counties: Bertie, Camden, Currituck, Dare, Gates, Hartford, Northampton, Pasquotank, Perquimans, and Tyrrell.

The configuration leaves four of the five finger counties in the northeast in one district. We had some public comments about keeping these counties together or the northern Outer Banks together. Seven of the ten counties and 81 percent of the population in SD 1 are in the Norfolk media market, Camden, Currituck, Dare, Gates Hertford, Pasquotank, and Perquimans, while others are divided between Greenville and Raleigh containing 19 percent of the district's population.
All North Carolina counties in the Norfolk media market are in SD 1 except for Chowan county, this being a whole county district. There are no split VTDs or split municipalities within the counties in SD 1. The incumbent for this district is Senator Bazemore.

Senate District 2 follows the Roanoke River from Warren county to Albemarle Sound in Washington county, Chowan county directly across from the Albemarle Sound from Washington county. It is also grouped -- is also grouped in this district. Hyde county, also on the Albemarle Sound, is in this district as is Pamlico county. Along the Pamlico River and the Pamlico, five of the eight counties in the district are in the Greenville media market with the others being split between the Raleigh media market and the Norfolk media market. Two-thirds of the population of this district live in the Greenville media market. This being a whole county district, there are no split VTDs or split municipalities. In Senate District 2, there are two incumbents in this district: Senator Sanderson and Senator Steinburg.

Senate District 3 is created by the
base county grouping map: Beaufort, Craven, and Lenoir counties. This being a whole county district, there are no split VTDs or split municipalities. The incumbent is Senator Perry.

Senate District 4 is created by the base county grouping map: Green, Wayne, and Wilson counties. This being a whole county district, there are no split VTDs or split municipalities. The incumbent in Senate District 4 is Senator Fitch.

Senate District 5 is created by the base county grouping map: Edgecombe and Pitt counties. This being a whole county district, no split VTDs or split municipalities within counties. The incumbent for Senate District 5 is Senator Davis of Pitt county.

Senate District 6 is created by the base county grouping map: Onslow county. This is a single county district; no split VTDs or split municipalities.

Senate District 7 [unintelligible] together comprise Brunswick, Columbus, and New Hanover counties. Senate District 7 is created by the county grouping choice in southeastern North Carolina. New Hanover county
is slightly larger than the maximum senate district, therefore the chairs chose to move three whole precincts out of Senate District 7 into Senate District 8.

Senate District 7 is thus New Hanover county minus these three precincts: CFO-1, CFO-6 and HO-1. These precincts were selected to keep all the municipalities in New Hanover county whole and to keep as much of the population in the county as possible in Senate District 7. The district based in the county, there are no split VTDs or split municipalities within New Hanover county. The incumbent for Senate District 7 is Senator Lee.

Senate District 8 includes Brunswick and Columbus county plus the previously mentioned precincts in New Hanover county. There are no split VTDs or split municipalities within the counties of the district. The incumbent is Senator Rabon.

Senate District 9 and 12 make a two-district, seven-county cluster also created by the county grouping decision in southeastern North Carolina. Bladen, Duplin, Jones, and Pender counties are whole in Senate District 9.
Sampson county is split between the two districts. The chair chose to leave as much of Sampson county whole in Senate District 9 as possible. They had the choice of moving one precinct from northern Sampson county into Senate District 12; however, this would have split two municipalities and removed more residents from Sampson county into Senate District 12 than the alternative which they selected, which was to split the two precincts leaving the town of Plain View intact in Senate District 12 and the town of Spivey's Corner and the rest of Sampson county intact in Senate District 9. There are two split VTDs and no split municipalities within the counties in the district. The incumbent for Senate District 9 is Senator Jackson.

Senate District 12 is made up of Harnett and Lee county plus the municipalities of Plain View and Sampson county as described above. There are two split VTDs shared within Senate District 9 as previously mentioned and no split municipalities within the counties in the district. The incumbent for Senate District 12 is Senator Berger.
Senate District 10 is created by the base grouping map Johnston county. It's a single county district. There are no split VTDs or municipalities.

Senate District 11 is created by the base grouping map: Franklin, Nash, and Vance. Being whole county district, there are no split VTDs or split municipalities. The incumbent for Senate District 11 is Senator Barnes.

Granville and Wake counties form a six-district, two-county grouping in the base senate map. Within this grouping, the chairs are attempting to keep municipalities whole while splitting as few precincts as possible to accomplish this task and comply with the one person, one vote. The overall population when this -- within this county grouping is 1,190,402, meaning the ideal population for each of the six districts is 198,400, which is only 52 people above the minus 5 percent deviation minimum for senate districts in the state. In other words, all six districts were incredibly close to the minus 5 deviation minimum and some VTDs had to be split to the comply with the one person, one vote within Wake county.
Raleigh is too large for one senate
district and, therefore, must be split. The
chairs were unable to keep Cary or Apex whole
within a district due to the populations and
geography. However, all other municipalities --
Fuquay-Varina, Garner, Holly Springs,
Knightdale, Morrisville, Rolesville,
Wake Forest, Wendell, and Zebulon -- were kept
whole. Ten percent were split in Wake county to
keep the municipalities whole and balance
populations between the districts. Ten
precincts were split to keep the populations
whole.

Senate District 13 includes Granville
county and unincorporated areas in northern Wake
county plus the north wake towns of Rolesville,
Wake Forest, Zebulon -- and Zebulon. Raleigh,
the second largest city in North Carolina, again
is too large for a senate district and was,
therefore, contained in four senate districts.
Over 98 percent of Raleigh is in three senate
districts. Senate District 13 has the smallest
portion of the population, less than 2 percent.
The towns of Rolesville, Wake Forest, and
Zebulon are left whole and 100 percent of their
Wake county populations are within Senate District 13.

One precinct was split with Senate District 18 to keep Wake Forest whole. Two precincts were split with Senate District 14 to keep Wendell whole. In the district, there are no incumbents in Senate District 13.

Senate District 14 includes Garner, Knightdale, Wendell, southeast Raleigh and parts of downtown Raleigh. 21 percent of the population of Raleigh is in Senate District 14. There are no split municipalities in the district other than Raleigh. 100 percent of the populations of Garner, Knightdale, and Wendell are in the district. As mentioned, two of the precincts are split with Senate District 13 to keep Wendell whole in Senate District 14. Three precincts are split along the southern edge of the district to keep Garner whole. Two precincts are split in east Raleigh to balance its population with the districts within the deviation range. The incumbent in Senate District 14 is Senator Blue.

Senate District 15 is in west Raleigh downtown and contains a portion of eastern Cary.
36 percent of the population of Raleigh is in Senate District 15. Within the district, 85 percent of the population is in Raleigh and 12 percent is in Cary. Senate District 15 splits two precincts with other districts to balance population. The incumbent in this district is Senator Chaudhuri.

Senate District 16 is centered in Cary and western Wake. 80 percent of the population of Cary is in Senate District 16. 45 percent of the population of Apex is in the district. The town of Morrisville is kept whole within Senate District 16. Of the population of the district, 69 percent is Cary, 15 percent is Morrisville, and 13 percent is Apex. There are two split precincts to balance population. One was Senate District 15 and one was Senate District 17. The incumbent for Senate District 16 is Senator Nickel.

And Senate District 17 includes Holly Springs, Fuquay-Varina, 55 percent of Apex, and 6.5 percent of Cary. Three VTDs were split to keep Garner whole in Senate District 13, and another VTD was split to balance population between 17 and 16. The
incumbent in this district is Senator Batch.

To recap, the Wake county senate map, the chairs decided to split ten VTDs to balance the population of the districts and to make as many of the municipalities as whole as possible. Apex, Cary, and Raleigh were each split into more than one district, and Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon were each left whole within one district.

Cumberland and Moore county form a two-county, two-district grouping in the base map. Senate District 19 was drawn to keep as much of Fayetteville as whole as possible. The city of Fayetteville has an irregular shape and many satellite annexations and shares precincts with other municipalities such as Hope Mills, and the chairs were not able to leave it whole. The result is a district that includes over 88 percent of the population of Fayetteville and nearly 15 percent of the population of Hope Mills. There are no split VTDs in the district. The incumbent in Senate District 9 is Senator deViere.

Senate District 21 was drawn keeping
Moore county whole in part with the remaining rural areas of Cumberland county. As stated above, the irregular shapes of municipalities and precincts containing more than one municipality in them made it difficult to keep all municipalities whole.

Senate District 21 includes 85 percent of the population of Hope Mills and 12 percent of the population of Fayetteville. There are no split VTDs in Senate District 21, and there is no incumbent in the district.

Chatham and Durham counties form a two-county, two-district grouping in the base senate map. Senate District 20 includes all of Chatham county, any unincorporated Durham county, and the peripheral Durham city precincts. The town of Chapel Hill has some territory in two Durham county precincts. The chairs decided to keep the town of Chapel Hill whole and place both the precincts in Senate District 20. Most of the City of Durham is in Senate District 20 and Senate District 22, but SD 20 includes 30 percent of the city's population. There are no split VTDs in the district, and the incumbent is Senator Murdock.
Senate District 22 was drawn within the city of Durham. The city is larger than a senate district and is, therefore, split between Senate District 22 and Senate District 20. 70 percent of the population of Durham will reside in Senate District 22. There are no split VTDs in Senate District 22. Senator Woodard is the incumbent in the district.

Senate District 23 is created by the base county grouping map: Caswell, Orange, and Person counties. This being a whole county district, there are no split VTDs or split municipalities. The incumbent in Senate District 23 is Senator Foushee.

Senate District 24 is also created by the base county grouping map: Hoke, Robeson, and Scotland counties. This being a whole county district, there are no split VTDs or split municipalities. There are two incumbents in this district, Senator Clark and Senator Robins -- Senator Britt from Robeson. Sorry.

Alamance, Anson, Cabarrus, Montgomery, Randolph, Richmond, and Union counties comprise a seven-county, four-district grouping with the Senate Seats 25, 29, 34, and 35. The county
grouping is the base group in the senate map. Because of how the counties are aligned and the populations that live there, the counties must be split between districts are Cabarrus, Randolph, and Union. Alamance, Anson, Montgomery, and Richmond counties were left whole within the district.

Senate District 25 comprises Alamance county and eastern Randolph county. The chairs opted to keep as many precincts whole in Randolph as possible while also keeping municipalities whole. One precinct was split to keep all of Asheboro whole in Senate District 29 and to keep all of Randleman whole in Senate District 25. All other precincts in Randolph county are left whole as are municipalities in the county. Senator Galey is the incumbent for Senate District 25.

CHAIRMAN NEWTON: Senator Hise.

CHAIRMAN HISE: Yes.

CHAIRMAN NEWTON: I just want to congratulate you for being halfway through.

CHAIRMAN HISE: Actually, it's a little more than that, but that's good.

Senate District 29 comprises the rest
of Randolph county, including all of Asheboro and the eastern side of the county, all of Anson, Montgomery, and Richmond, and eastern and southern portions of Union county. Within Union county, the district line was drawn to keep all precincts and municipalities whole. Senate District 29 shares one split precinct with Senate District 25 in Randolph county to keep the city of Asheboro whole. There are no split municipalities within counties in the district. There are two incumbents in Senate District 29: Senator Craven and Senator McInnis.

Senate District 35 comprises of the rest of Union county and parts of the southernmost VTDs in Cabarrus county. The chairs opted to not take the entire VTD, leaving the blocks north of the town of Midland in Senate District 34 to leave as much of the population of Cabarrus county in the district base there as possible, that being Senate District 34, and to make the populations of the districts within the pod fall within the plus or minus 5 percent range. All the districts in this county grouping are above the ideal population number with Senate District 34 and 35.
above 218,000 people, just below the limit of 219,227.

A second VTD was split in Senate District 34 to keep the entire municipality of Midland within 30 -- within Senate District 34. The chairs were able to leave the municipalities of Locust whole in Cabarrus county. Most of the town is in Stanly county, but there are portions in Cabarrus. The Cabarrus county portion of Locust is, therefore, split between Senate District 34 and Senate District 35. The incumbent in Senate District 35 is Senator Johnson.

Senate District 34 comprises most of Cabarrus county. There are two split VTDs, as mentioned before, and one split municipality. The Cabarrus county portion of Locust, the incumbent in Senate District 34 is Senator Newton.

Guilford and Rockingham counties form a two-county, three-district grouping in the senate base map. Rockingham county is left whole in Senate District 26. Senate District 26 includes the unincorporated and bedroom community areas of Guilford county along with
Rockingham county. Greensboro is too large to be contained in one senate district and is, therefore, split.

Senate District 26 does not contain any G precincts, Greensboro [unintelligible] that begin with the letter G, but it does include 4 percent of the city's population. One VTD was split, SDRI, in western Guilford county to keep the population of Kernersville, the Guilford county portion, most of the municipalities in Forsyth county but within Senate District 26, therefore in total there is one split municipality, Greensboro, and one split VTD in Guilford county. The incumbent in Senate District 26 is Senator Berger.

Senate District 28 is drawn respecting the city limits of Greensboro as much as possible. The city's too large for one senate district, so Senate District 28 is situated in the northern two-thirds of the city. 68 percent of Greensboro's population is in Senate District 28. There are two incumbents in the district: Senator Robinson and Senator Garrett.

Senate District 27 includes most of the rest of Greensboro, specifically the southern
sections of the city and the city of High Point, leaving the Guilford portion of the municipalities whole. There is no incumbent in Senate District 27.

Senate District 30 is created by the base county grouping map: Davie and Davidson counties. This being a whole county district, there are no split precincts or split municipalities. Senator Jarvis is the incumbent in Senate District 30. 30, 32. Sorry.

Senate District 31 and 32 are in a two-county pod that includes Stokes and Forsyth counties. The chairs opted to pair Forsyth and Stokes instead of Forsyth with Yadkin because the resulting districts both within Forsyth-Stokes county groupings and the Alexander-Wilkes-Surry-Yadkin groupings are more compact and because its configuration leaves two more municipalities whole spanning the two counties Germantown and King which span Forsyth-Stokes county line.

Senate District 31 is drawn to keep Stokes county whole and to keep as many municipalities whole within Forsyth as possible. Senate District 31 keeps the suburban towns
around Winston-Salem whole: Bethania, Clemmons, Germantown, Kernersville, King, Lewis, Rural Hall, Tobaccoville, and Walkertown. This configuration keeps the municipalities King and Germantown whole across the Forsyth-Stokes counties. There are no municipalities that span the Yadkin-Forsyth county line, the alternative option for the two-county groupings, therefore selecting the Forsyth-Stokes county grouping option creates more compact districts and keeps two more municipalities whole across the counties.

Senate District 31 also includes parts of Winston-Salem that are in shared precincts with these two towns. The populations of Winston-Salem is too large for one senate district, therefore it is split between Senate District 31 and Senate District 32.

Senate District 31 contains 16 percent of the city's population. There are no split VTDs in the district. The incumbent in Senate District 31 is Senator Krawiec.

Senate District 32 is drawn within the city of Winston-Salem since it's larger than the population range for a senate district. Senate
District 32 contains 84 percent of the population of Winston-Salem. All VTDs were left whole in Forsyth county. The incumbent for Senate District 31 is Senator Lowe.

Senate District 36 is created by the same grouping choice in northwestern North Carolina: Alexander, Surry, Wilkes, and Yadkin counties. The alternative configuration for this district follows the Stephenson criteria, and Alexander, Surry, Wilkes, and Stokes trading Yadkin for Stokes. The chairs opted for the configuration that includes Yadkin because the district is more compact and leaves two more municipalities whole that span the border of Forsyth and Stokes. There are no split VTDs or split municipalities within this district, and there is no incumbent for Senate District 36.

Senate District 33 is created by the base county grouping map: Rowan and Stanly counties. This being a whole county district, there are no split VTDs or split municipalities within the counties in the district. Senator Ford is the incumbent in Senate District 33.

Six senate districts are contained in
the two-county grouping of Iredell and Mecklenburg county. Senate District 37, 38, 39, 40, 41, and 42. The county grouping is created by the base map.

Senate District 37 keeps Iredell whole and contains the northmost precincts of Mecklenburg county. The municipality of Davidson spans Iredell and Mecklenburg county, so Senate District 37 includes the Mecklenburg precincts containing Davidson, keeping the Mecklenburg and Iredell portions of that municipality whole. Part of Davidson is in Cabarrus county, but that piece of the municipality is in Senate District 34.

The town of Cornelius is too large to also fit in Senate District 37, and a split municipality is unavoidable. Senate District 37 includes 33 percent of the population of Cornelius. This is the only split municipality in the district. There are no split precincts. The incumbents in Senate District 37 are Senator Sawyer and Senator Marcus.

I would like to note that the Senate Democrats' amendment for Mecklenburg and Iredell county contains this same district, Senate
District 37, exactly the same way, creating the same double-bunking.

Senate District 38 is in northern Mecklenburg county, directly south of Senate District 37. This includes the town of Huntersville, 67 percent of the town of Cornelius, and 14 percent of the city of Charlotte. Charlotte, the largest city in the state, has over 857,000 people and is therefore contained in the five Mecklenburg base senate districts. Senate District 38 includes about a dozen north Charlotte precincts. There are no split precincts in this district, and the incumbent is Senator Mohammed.

Senate District 39 is in western Mecklenburg county and includes the unincorporated areas along with the Gaston county along and the South Carolina border along with parts of uptown, west Charlotte, Still Creek and the town of Pineville and southern Mecklenburg county. Of the population in the district, 81 percent is in Charlotte, 5 percent is in Pineville, and 14 percent is in the unincorporated areas of the state. Of the total population of Charlotte, Senate District
39 contains about 20 percent of the population. There are no split VTDs in this district. Senator Salvador is the incumbent in Senate District 39.

Senate District 40 is in northeastern Charlotte and includes 24 percent of the city's population. Of the population in the district, 96 percent is in Charlotte and 4 percent is in unincorporated areas of Mecklenburg along the eastern edge of the county bordering Cabarrus. There is no split precincts in the district. Senator Waddell is the incumbent in Senate District 40.

Senate District 41 includes south Charlotte and the towns of Matthews and Mint Hill. They're unincorporated areas in the district. Of the population in the district, 71 percent is Charlotte, 14 percent is Matthews, 12 percent is Mint Hill, and the remaining 4 percent is Union county base municipalities with territories in southern Mecklenburg and unincorporated areas. Approximately 18 percent of the population of Charlotte is in this district. There are no split precincts, and there is no incumbent in Senate District 41.
Senate District 42 includes parts of uptown Charlotte, south Charlotte, and east Charlotte. 100 percent of the district's population is in the city of Charlotte. The district includes 25 percent of Charlotte's population. There are no split precincts in Senate District 42, and the incumbent in the district is Senator Jackson.

There are two options for county groupings in the southwest part of the state. The chairs selected the county group configuration that combines Cleveland, Gaston, and Lincoln counties in a 3-2 district pod, Henderson, Polk, and Rutherford counties in a 3-1 district pod, and Buncombe, Burke, and McDowell in a three-county, two-district pod. The chairs selected this because the resulting districts are the most compact.

Senate District 43 is drawn within Gaston county and keeps all the precincts and municipalities whole. Five VTDs were pulled out of the Gaston county district, the three Cherryville VTDs, Landers Chapel, and Tryon, to stay within the correct population range. The incumbent in District 45 is Senator Harrington.
Senate District 44 is comprised of the five VTDs from Gaston county and Cleveland and Lincoln counties. There are no split precincts or municipalities within the counties in Senate District 44. The incumbent in this district is Senator Alexander.

Senate District 48 is combined of three county groupings: Henderson, Polk, and Rutherford counties. This being a whole county district, there are no split municipalities or precincts. The incumbent for Senate District 48 is Senator Edwards.

Senate District 46 includes all of Burke and McDowell county plus unincorporated precincts and small towns in Buncombe county. One VTD is split to keep the municipality of Woodfin whole within Senate District 49. There is no split municipalities in the district. The incumbent for District 47 is Senator Daniel.

Senate District 49 includes the rest of Buncombe county, including Asheville, Biltmore Forest, Weaverville, Woodfin -- and Woodfin. This splits one VTD mentioned above to keep Woodfin whole. There are no split
municipalities in the district. The incumbent for District 48 is Senator Mayfield.

The senate based map includes a western North Carolina county grouping comprising three districts, 45, 47, and 50, and 17 counties, Alleghany, Ashe, Avery, Caldwell, Catawba, Cherokee, Clay, Graham, Haywood, Jackson, Macon, Madison, Mitchell, Swain, Transylvania, Watauga, and Yancey. Because of how these counties are aligned and the populations, the counties must be split between districts are Caldwell and Haywood.

Senate District 45 contains all of Catawba county and a portion of Caldwell county. The chairs kept the municipalities in Caldwell whole as Lenoir -- with Lenoir going to Senate District 47 and the small towns in the southeast of Lenoir in Senate District 45. There are two split precincts in Caldwell to keep the municipalities of Lenoir whole. There are no split municipalities within the district. Senator Proctor is the incumbent in Senate District 45.

Senate District 47 includes the rest of Caldwell county, all of Alleghany, Ashe, Avery,
Madison, Mitchell, Watauga, and Yancey counties and a portion of Haywood county. The chairs kept all municipalities and VTDs whole within Haywood county. In Haywood county, Senate District 47 includes the town of Canton. The larger municipality of Waynesville is left whole in Senate District 50. There are no split municipalities in the district, and only the two split precincts shared with Senate District 45 to keep Lenoir whole. There are two incumbents in Senate District 47, myself and Senator Ballard.

Senate District 50 includes the rest of Haywood county, includes all of Cherokee, Clay, Graham, Jackson, Macon, Swain, and Transylvania. There are no split precincts or municipalities in the district. Senator Corbin is the incumbent for Senate District 50.

CHAIRMAN NEWTON: Senator Hise, thank you. That's a lot of work, especially for a math guy. Very well done.

[Applause.]

CHAIRMAN NEWTON: Yeah, give him a hand. Well done.

So, Members, where we're going to go
from here is I'm going to be making a statement of the chairs. We have a number of amendments that are being pulled together that I think will answer or go to many of the questions that you may have for Senator Hise.

So what we're going to do, I'm going to provide you the statement of the chairs, we're going to then pause, go into recess for enough time to get our arms around these amendments, see what we've got, then we'll reconvene and you'll be able to ask Senator Hise any questions you have about the map and then follow that with your amendment if you think that cures a concern that you have.

So, Senator Hise, you're welcome to take a seat at this point because you're not going to have to be asked any questions until a little bit later.

So the chairs wanted to be direct and address an issue that's being raised by some, and that is whether the General Assembly is required to draw districts using racial data. We've also received a lawsuit already from -- against the General Assembly filed before the plan has even passed. This interest
group activity litigated against the General Assembly this past decade and succeeded in developing some of the strict limits on permissible racial consideration -- racial considerations it now asks us to defy. I want to explain at the outset why we cannot do that. So just to be clear, they litigated to limit our ability to use racial data, we're choosing, as we did in 2019, not to use racial data, and now they're litigating, saying we should have used racial data.

So first, the General Assembly, the allegation is, cannot draw districts using race -- well, no, this is the law. Apologies. First, the General Assembly cannot draw districts using race under the Voting Rights Act unless we satisfy the three Gingles preconditions. They are, one, a reasonably compact majority-minority VAP district; two, a politically cohesive minority community; and three, white bloc voting usually defeating that community's candidate of choice.

To draw VRA districts according to Covington and other recent court cases, the General Assembly would need a strong basis in
evidence -- quote, a strong basis in evidence, for each of those three factors. Specific evidence would come in the form of reliable racial bloc voting analysis by an expert in the field. Spreadsheets and argument based on inadequate data do not create the strong basis in evidence the General Assembly would need to overcome a constitutional challenge.

Second, if we draw districts using race and we do not satisfy the Gingles preconditions, we risk violating the Equal Protection Clause of the 14th Amendment to the United States Constitution. In short, making one districting choice over another for racially predominant reasons will be subjected to strict scrutiny by the courts.

Our present record and most recent litigation does not provide a yes answer to any of the Gingles factors. Our two most recent redistricting efforts, overseen and approved by the courts, in the Covington case and the Lewis case did not consider race. In fact, in Lewis, a three-judge panel analyzed all regions of the state last year, last year, and found no region where the Gingles factors were met. Some have
asked about whether the Stephenson case require that race be used in redistricting. Stephenson says VRA districts must be drawn first only if there are VRA districts. Stephenson does not require VRA districts be drawn independent of the requirements of federal law. Stephenson assumed there would be VRA districts because Section 5 of the VRA then applied here which meant VRA districts would need to be preserved independent of the Gingles factors I just discussed, but the US Supreme Court has held that VRA Section 5 no longer applies which means it no longer protects the General Assembly from racial gerrymandering claims.

Now, I'll discuss district-specific issues several members have asked us about.

In the Wilson-Wayne area, we do not have any proposed plan from any member of this body that includes a reasonably compact majority-minority district in that area. If you have one, and we mean a complete plan with a majority-minority VAP district in that area, please provide it. If no such district can be drawn, then there is no need to continue the Gingles analysis. Creating such a district
would violate the 14th Amendment's Equal
Protection Clause.

In addition, the General Assembly
cannot justify departure from the whole county
rule for expressly and predominantly racial
reasons without a strong basis in evidence of
the type I described earlier. Under current
law, only majority-minority districts required
under Section 2 of the VRA can be formed prior
to other districts in a plan under Stephenson.
Following this request would put the map
squarely in conflict with the 14th Amendment.

Some members of this committee have
also expressed concern about the grouping
decision we made for SD 1 in the northeastern
part of the state. The General Assembly is not
in a position to create so-called crossover
districts in this map. First, Section 2 of the
VRA does not require such districts.

Second, if the General Assembly were to
engage in such race-predominant drawing, they
would run into claims of racial gerrymandering
under the 14th Amendment and they would be
without the protection of the VRA to survive
strict scrutiny.
Finally, no one has given the General Assembly the data necessary to develop a strong basis in evidence for engaging in such drawing. That district was drawn with neutral criteria predominating as just explained when going over the map.

In short, we take our role and the legal precedence that guide it seriously. We reject the notion that we should flout binding precedent and clear guidance from the courts even when facing a lawsuit from a litigious group that developed some of the very guidance it now asks us to ignore.

Now we'll take a short recess in order to see these proposed amendments, and after that we will open the floor for the committee to ask questions of Senator Hise and to consider those amendments. So let's take a break. We will recess until -- what time is it, about ten till. Let's go till quarter after, and if that's not enough time we may have to go back and recess for a few more minutes. Thank you. So we recess now until 10:15. Thank you.

(Transcription from YouTube ended at 1:40:34 and started again at 2:21:59.)
CHAIRMAN NEWTON: We are going to conclude our 15-, 20-minute recess now, and we're at the point in the agenda where we are going to open the floor to members to ask any questions of Senator Hise that you might have but also to offer any amendments that you may have. So, members of the committee, the floor is open for either questions or for amendments.

Senator Clark.

SENATOR CLARK: I'd like to send forth an amendment.

CHAIRMAN NEWTON: Thank you. Senator Clark's sending forth an amendment.

Do the members have that already, Senator Clark? Not yet. Okay. So they'll need to be passed out.

CHAIRMAN HISE: Which one is it?

SENATOR CLARK: SCG-3.

CHAIRMAN NEWTON: Question for staff. Are we going to hand out all the amendments to the --

UNIDENTIFIED SPEAKER: Do you want to do that? Are all the amendments --

CHAIRMAN NEWTON: I'd rather go ahead and hand them all out. Members, we'll try to
give them to you in order so you can minimize the shuffling, but that way you've got them and we won't have to pause for distribution for every -- because there's a bunch of amendments being offered here, so let's go ahead and send them all out.

CHAIRMAN HISE: Do we want to put them in packets and hand them out that way?

[Unintelligible.]

CHAIRMAN NEWTON: Members, just FYI. There are going to be 12-ish proposed amendments. And again, we're going to try to give those to you in order.

So, Members, they're coming to you in reverse order to make your life a little bit easier.

I'm now going to remove my guarantee that they're in reverse order. They may not be. We'll figure it out.

Members, you should be receiving SBVA Amend-3 is the last map you're handed, but it will be the first map we discuss -- or amendment.

Members, we're almost ready to go. We are going to go out of order, just to make
things interesting as we get started here.

SCH Amendment 1 is going to be the first amendment to be discussed. If you want to go ahead and shuffle your packet, it should be the second one down in your packet.

All right. Members, we are going to go ahead and get started again. And at this point I'm opening the floor to members for amendments or questions of Senator Hise.

Senator Clark.

SENATOR CLARK: I'd like to send forth an amendment, Mr. Chair.

CHAIRMAN NEWTON: Okay. Thank you, Senator Clark. Which amendment are you sending forth?

SENATOR CLARK: SCH Amendment 1, Cumberland county and Moore county cluster.

CHAIRMAN NEWTON: All right. Thank you. Senator Clark, are you moving for the amendment, or you just want to explain it at this point?

SENATOR CLARK: I will explain and ask that it be accepted.

CHAIRMAN NEWTON: Thank you. You have the floor.
SENATOR CLARK: Okay. Thank you, Mr. Chair. I appreciate y'all's effort to do a grouping -- or should I say separation within the group of a senate district between Moore and Cumberland counties. However, I think I have an option that will probably serve the communities of that -- those two counties a little bit better.

As you come down from Moore county, which is numbered Senate District 21 in this particular iteration, the first thing you see essentially is Fort Bragg, which is that large block Manchester precinct that is there, and adjacent to it in the top right-hand corner you will find the Spring Lake precinct, and then this little knob down at the bottom is what we call west area. Essentially, they provide for a very tight community of interest within the Fort Bragg community that is also associated with this lower tier in Moore county which much of it has been designated as a protection for the military training environment.

But instead of coming down and forming a block such as you all do, I connect this Manchester precinct with some of the
northwestern precincts in Cumberland county as well as Hope Mills. So essentially it is splitting the same municipalities as your plan, both of them split Fayetteville and both of them split Hope Mills, but I believe this supports the community of interest concept much better.

And for one thing, like the -- I guess you can say the top portion of this, what looks like a C beneath the Manchester precinct, that is a part of what we call the big bang expansion in Cumberland county, when Fayetteville expanded out from its original boundaries, and it picked that area up. And then to the south of that you have Hope Mills, so we have all of the Hope Mills precincts.

But as you indicated, because of the irregularities in the VTDs within Cumberland county, invariably you're going to, you know, possibly split a municipality, and that's why we split a little bit of Hope Mills, just as your plan does, in addition to splitting Fayetteville.

So that being said, Mr. Chair, I recommend to the committee that we adopt this version of the cluster.
CHAIRMAN NEWTON: Thank you, Senator Clark.

So Senator Clark is moving that we adopt this amendment. First, are there any questions by members before we take that vote? Any questions of Senator Clark on his amendment?

All right. If not, those in favor of Senator Clark's adopting this amendment to the map say aye.

COMMITTEE MEMBERS: Aye.

CHAIRMAN NEWTON: Those opposed.

COMMITTEE MEMBERS: No.

CHAIRMAN NEWTON: All right. The nos have it.

So thank you, Senator Clark. Are you up next as well?

SENATOR CLARK: I'm not up next.

Senator Blue is up next.

CHAIRMAN NEWTON: All right. So just so the record is clear, SCH Amendment 1 was voted nay, and now we have SBV Amendment 3; is that correct?

SENATOR BLUE: Is that the first one? I'm sorry, I'm out of order here. I'm trying to -- is that the northeast one?
CHAIRMAN NEWTON: I have -- we took Senator Clark's out of order at his request.

SENATOR BLUE: I want the northeast cluster.

CHAIRMAN NEWTON: Okay. Senator Blue is asking to go to the northeast cluster which is SBA Amend-2. Is that what you'd like?

SENATOR BLUE: Yes, that's it. It was initially SST 10.

CHAIRMAN NEWTON: It should be the next to last map in your packet, Members, SBA Amend-2. And this is -- Senator Blue is offering this amendment.

SENATOR BLUE: Yes. Thank you, Mr. Chairman. If everybody has gotten it, I'll comment.

CHAIRMAN NEWTON: Okay. Senator Blue, you have the floor.

SENATOR BLUE: Thank you, Senator Newton.

First, I'd like to sort of follow up and explain in this district what the comments that the chair ably stated just before we took a recess, and that is whether the General Assembly is required to draw districts regarding race.
And I simply go back to the Stephenson decision that said that before you do any clusters or do any kind of redistricting, you first must determine the VRA districts. And I say it against this context. At least as I understand it -- and I don't hold myself out to be an expert in this area and haven't litigated in it in 40 years, but let me simply say that if you look at Senate District Number 1 and Number 2, there are two clusters up there, and there was a choice of clusters that the committee made.

I heard Senator Hise explain the historic reason of putting certain counties together in that area, but history indicates just the opposite has happened.

There are seven or eight counties along the North Carolina-Virginia border that historically I'll call the black belt of North Carolina because they're majority black counties, and you don't need to consider race or statistics to know that. If you -- again, I go back to eighth grade geography. It's one of the lessons you learned. And if you go to the efforts in the 1960s, voter registration efforts
and all that, you got it reinforced, and when I was in college in the '70s you got it reinforced again. And those counties have not significantly changed population percentages. They're losing populations like all of the other counties -- almost all of the other counties in that region.

Starting in 1980, after the census, starting in '81, when the districts were drawn, there was no minority district drawn up there. There was one black House member who had gotten elected in 1980, the first African American from that area, that entire area of the state to be elected since 1900 -- either 1898 or 1900. And so following that is what led to the Gingles decision. A lawsuit was filed. It was originally Gingles versus Edmisten, because Rufus Edmisten was the attorney general. A lawsuit was filed. It was a Section 5 lawsuit, meaning that the counties had to be pre-cleared. There were 42 counties in North Carolina under Section 5 of the Voting Rights Act that had to be pre-cleared. You couldn't change them without getting the justice department's permission.
The justice department objected. Went back, tried to fix them again. A district was drawn up there in 1984, after the Gingles decision, and that's where the doctrine that you just recited came from. And the Gingles decision, later changed to Gingles versus -- the successor to Rufus Edmisten as attorney general and later on another name. But anyhow, the court in that case decided that you had to, because of history in that area, and that history was a history of polarized voting, that you had to draw certain districts in there if as -- again, using your criteria, if they were reasonably compact, if there were politically cohesive, meaning they voted primarily, minorities in that area, as a bloc, and you could show racially polarized voting, that is, you could show that whites tended not to vote for African Americans in that district.

The districts were drawn, it later evolved in the mid '80s to a senate district drawn pretty much along that same area, with those seven counties in it.

What you have here is -- and in Senate District 1, with the amendment that I'm
offering, is putting those counties back
together naturally, because that's how they've
been, and they have elected a minority from that
district I think since it was created. That
became the case in the 1990s in the various
lawsuits that came about. Even when the justice
department wasn't sure what they were requiring
with congressional districts, they required that
one up there. That was the case in 2000, the
district was drawn with those counties together,
and it was the case in 2011.

Now, an interesting thing happened in
America during that time and particularly in
North Carolina. Initially, Guilford county and
Cumberland county and Mecklenburg county were
affected counties because of their voting
patterns, and you can show all of these Gingles
factors.

Over the course of the last almost
40 years, since the Gingles decision by the
United States Supreme Court, areas of the state
are less polarized in their voting patterns.
Wake county never was a Section 5 county,
neither was Durham county. And in fact, in the
Gingles decision, the court pointed out that
Durham was not a Voting Rights district because you could not show polarized voting, although you could show the other aspects of it. Durham, as Wake county, had elected African Americans countywide, the judgeships, county commission races, and various other races, so you could not show polarized voting and, consequently, you couldn't create majority-minority districts.

The problem -- and I think the way it was described, and I know that folk interpret this different ways -- is that Rucho -- the case Rucho in 2011 that was filed was because even in places that you had not had -- you could not prove racially polarized voting, this General Assembly took the number of minority voters in every district in the urban areas, in every district that African Americans represented with the exception of Orange county, took them up to 50 percent plus one minority voters, voting age population and minority voters. That way all of the districts that were represented by African Americans were placed in the category of Voting Rights Act districts, they weren't, but what that case brought to the forefront was a doctrine called packing which meant that you
would put all of the African Americans, or the minorities, in as few districts as possible, and that's what you did when -- this assembly did, you were not here so you didn't do it.

So when you took all of these districts up to 50 percent plus, the court did not make the specific determination that they were -- the determination was not made that you could justify 50 percent certainly in non-VRA districts but even more so in VRA districts such as this district was. And it said now because the idea behind the Voting Rights Act was overtime to ameliorate the effects of polarized voting and the inability of blacks to get whites to vote for them, and all of the counties in eastern North Carolina were part of the 42 that were covered by Section 5 of the Voting Rights Act.

Section 2 of the Voting Rights Act covered the entire country, not just this -- the way Section 5 affected 42 counties out of 100 in North Carolina. But the court said in Rucho that what you have done in taking all of these districts above 50 percent is in violation of the Voting Rights Act. First, you haven't shown
the Gingles measurements, and it is possible to have VRA districts that are not 50 percent plus. Justice Kennedy said in his ruling that if in fact you try to dismantle a VRA district where you can create one, then that raises serious questions under the 14th Amendment and the Voting Rights Act, the Equal Protection Clause of the 14th Amendment.

So when you say that you haven't shown any VRA violations, it begs the question that you don't have to show 50 percent in the district for it to be an operating VRA district.

The point that I've been trying to make all along is if you can show that you can draw a VRA district that meets these criteria, you don't have to draw that district because you can analyze what's been going on over time, and you can take that number down because ideally, all of us want that number to disappear, but you gradually take it down without doing it abruptly. And when you do it abruptly, you dismantle districts where you've shown a history of polarized voting.

And that's what the letters to the chairs and to all of the members were trying to
get at; that the preliminary evidence shows that you have a responsibility to inquire as to whether or not there is further need for a Voting Rights Act district. The burden of making the inquiry is on the legislature, not on citizens out here because when citizens do it, they sue you because you haven't done it. And Stephenson says that you will make that analysis before you do all of the clustering and all of the other things.

What becomes obvious here in this cluster -- and mind you, the Voting Rights Act trumps the clustering, and that's why Stephenson says you first make the inquiry as to whether you can create -- or you must create VRA districts. You can show up in the northeast that you can create a VRA district, and you can show that you can -- look, I will tell you, it probably would take four hours to get from one end of the district that you've recommended down to Carteret county. No direct way to do it. You might have to catch boats, planes, and cars to get there. But the point is that there have been districts drawn down there that have been determined to be compact, now, even if they
meander through 8 or 10 or 12 counties and they
dip into counties, affecting counties that ought
not be affected in it you can draw, because
we've drawn in the past, and the population is
still there to support a VRA district.

What I've offered in this amendment is
a solution to that problem, a simple solution.
The fact of the matter is, as pointed out in the
communications that have come to the chair, is
that this district, as appears up here, that was
created by the clustering, not by any drawing
that I've done, all whole counties, are
certainly much more compact than the two
districts that the committee is recommending.
But what I've shown is is that you can adopt
that cluster and you got a functioning VRA
district just by accepting this top cluster with
those counties in it.

It is currently represented by an
African American woman, and it would still
be -- she would still be residing in that
district. You're not looking at race figures in
the district, but the communication that you got
indicated that black candidates, African
American candidates had consistently scored
50 percent of the vote -- 50 plus percent of the vote, so you don't have polarization to the extent that whites are not voting for African Americans, and they point out that in those districts, 53 percent of the vote went to these African American statewide candidates. And that's how they suggest that there's enough information that would make you inquire whether or not you can create a functioning district without having 50 plus percent in that district.

Because you can create the district without the disruption that creating a full VRA district would require, it seems the choice would be to create that district because then you would not tear into all of those counties, ferreting out the black vote in all of those counties the way the 1980s, 1990s, and 2000 district initially did before the whole county provision was reactivated in 2003. And prior to that time, I might add, that for 20 years plus, the state was districted without regard to the whole county provision in the state constitution because folk had assumed that it was repealed by the Voting Rights Act.

So that's why I'm offering this
district. The two groups that have communicated with the chair and with this committee have made it plain to you that this is a VRA district. You have all the tools at your disposal to inquire as to whether you can create it, how you would create it, but they point out to you that based on this anecdotal evidence you clearly still have a degree of racially polarized voting. I believe, and I think you believe too, that it's not to the degree that it was in the 1980s or 1990s, but it hasn't gotten to the point that it is in these urban areas which are no longer -- which no longer have the degree of polarized voting that existed, those areas that were covered by Section 5 and, again, all of us by Section 2.

One of the things -- and I'll point this out because I've been asked about it. Gingles, the decision, and you can read it in black and white, points out, and they point it out in Gingles itself, and we've referred to it in many cases since then, that you can do, as far as drawing, whatever you need to in Durham county now, in Wake county, in Mecklenburg county, and in Guilford county, and that on its
face is not violating the Voting Rights Act unless you can show packing again in Guilford county or Cumberland county. But with respect to the others, there is no Voting Rights Act violation unless you unreasonably take the black vote beyond the level where it is functioning effectively, but that doesn't say that you can go 50 percent plus without justification because that was Gingles -- I mean, that was Rucho. And Rucho did not say you no longer look for Voting Rights Act districts and that there are none any more. Rucho just said you hadn't done the study that supports your taking these districts to 50 percent plus. And the case was finally resolved when this legislature redrew the districts, took them down in the 30s and 40s. There are African Americans representing senate districts with 20 some percent African American population that went up to 50 plus. Rucho said you got to bring that back down. There were districts such as mine that went back into the low 30s and had not been in the 40s.

And I'll just make one comment and I'll shut up on this amendment. There were nine senate districts represented by African
Americans prior to 2011. Nine. None of them except this one -- I believe this was the only one. There were three districts in the east, but none of them, I believe except one, had a VRA greater than 50 percent, yet all of them had elected African Americans which showed that the Voting Rights Act was working and you were bringing the polarization down and we were all getting to the point that I hope all of us aspire to.

So I'm suggesting to you that this district, this district recognizes the progress that's been made, but it does not dismantle a district without at least doing the baseline study which has a burden on the General Assembly to do. You indicated you had not done it, you did not plan to do it, and this morning, Senator Newton, you indicated you were not doing it because you didn't see any need to do it because the people who litigated it to the limit -- to limit it now want to make you look at it. The people who litigated it litigated it because you had packed all of these other districts and said you got to unpack and make sure that the Voting Rights Act is working, not that you're going
back to pre-1965 practices.

So this district in the northeast, District 1, whatever it is officially, would -- it's reasonably compact, because it's a cluster; it's politically cohesive, because that's what the information from these various groups have told you that it is; and there is racially polarized voting in it to some extent but not to the degree -- not to the degree that you got to create a district that's 50 percent plus African American minority.

Now, you say that there's no expert evidence available. The burden is on this General Assembly to have the experts tell you that there's no need for it, not on the citizenry to tell you that there is a need. But if you're looking for that, the public hearings tell you that the citizens in this district think you ought to preserve the district as it is and keep those counties together.

What you've done in choosing one option over the other with these two -- and again, they're two clusters. You can choose one cluster over the other. Senator Hise explained why you chose the first cluster. Well, the
first cluster hasn't been like that over the years. It hasn't been like that in the earlier cluster, and it should not present an excuse to you to do it like that when you know that you're dismantling a functioning VRA district.

So I'll answer any questions, but I would move the adoption of the amendment, Mr. Chair, because I believe -- I sincerely believe that in this map that you've presented there are two viable Voting Rights Act claims that would survive in this action.

Now, the theory might be -- and I don't know what the lawyers' strategies may be on this. The theory might be that maybe you want to tee it up and let the supreme court decide further what Section 2 means or what the Voting Rights Act means, but what you do is put the burden of doing that on the taxpayers of North Carolina. And again, we spend tens of millions of dollars litigating something that at the end of the day we're going to lose unless the United States Supreme Court significantly changes the law on it. And we go back up to a fourth circuit that issued some of the harshest rulings in the last cycle about North Carolina's
redistricting than it did of any other
redistricting in the country from any of the
circuit courts -- or any of the three-judge
panels. I'm sorry.

And so I would ask you to really look
seriously at this. And I will offer one more
amendment so that you can absolve the state of
Voting Rights Act violations and litigate
whatever else you have done in the context of
whether it is political gerrymandering because
those are the choices. You had two issues in
2010 decade: Racial gerrymandering, which I
have just described to you why the court
reversed it, but the court didn't say you didn't
have to look at it. And secondly, political
gerrymandering. The issues that might remain in
Guilford county and Cumberland county or the
other urban counties are issues of political
gerrymandering unless you far exceed what the
court said in 2015 or '16 you had to do with
respect to creating minority districts within
those areas if you were going to create them,
and no requirement that you create them, but you
can't unreasonably -- I don't think there's a
requirement except maybe again in Greensboro and
Fayetteville because it was covered -- as long as you don't unreasonably discriminate against minorities.

But what I am trying to offer to you is a way to stay clear of federal court with respect to the racial gerrymander and leave open these issues of the political gerrymander, because that's the only thing that I've seen the letters about, these two districts, and those clearly are racial gerrymander issues that bring in other parts of the state that don't have to be involved in we fix them here without leaving it to the courts to send it back and involving a much broader swath of the state.

CHAIRMAN NEWTON: Thank you, Senator Blue.

Senator Hise, or any other members that may have comments or questions.

CHAIRMAN HISE: I'd like to respond. Members, I think it is clear with what we have here that this is not a consideration under the Voting Rights Act. I think Senator Blue has made it clear several times that that is a separate consideration that must be done first and considered prior to the
consideration of county pods, if it's necessary. We may disagree on the concept of whether those standards have been met, whether the anecdotal evidence proves those standards have been met.

But this decision is clearly about Stephenson groupings in the two districts. We have moved on -- Stephenson requires, says ten counties are grouped in one manner and eight counties are grouped in another, there are two options for doing so. And so his amendment presents one of those options, our amendment presents -- our bill presents a different option chosen. Both meet the Stephenson criteria. Both are drawn under the Stephenson criteria.

As I have said previously, the chairs looked at this extensively and made a decision as to which of those best conformed communities of interest. We looked at compactness. The map you currently have -- not the amendment. District 1 is the most compact of the four districts that are created in the map. The fingerling counties and [unintelligible] are most contained within this map. Four of the five are placed together in the current map. It moves it to a 3/2 split in the other map.
Particularly looking at the northern Outer Banks region, the map that you have contains all of those counties together in a more compact district. So I would ask that the committee reject the amendment and consider the map as is.

SENATOR BLUE: Mr. Chairman, can I ask Senator Hise a question.

CHAIRMAN NEWTON: Thank you, Senator Hise.

Yes, you may. Senator Hise.

SENATOR BLUE: Senator Hise, you indicate that your map is more compact. How do you determine that having a map that runs from Warren county down to Carteret county is more compact than what we see on the board up here.

CHAIRMAN HISE: Senator Blue, I'll be clear on what I said, not transpose what I said. There are four districts that can be created. District 1 in the map that we currently have is the most compact of the four districts.

SENATOR BLUE: Let me ask another question --

CHAIRMAN NEWTON: Follow-up. Sure, Senator Blue.
SENATOR BLUE: And so it's your testimony that you chose -- you chose the district in your map because it is more compact than the other two?

CHAIRMAN HISE: I can repeat my answer.

SENATOR BLUE: Please do.

CHAIRMAN HISE: District 1 that is created is the most compact of the districts formed. I also stated that it keeps more of the finger counties, which we heard from both comments and others that are community of interest, keeps more of those counties together within that map and keeps the northern Outer Banks region together within a map.

I also talked about in the choice for the districts comparing the media markets that the two were in versus which ones are in the Norfolk media markets and which ones are in the Raleigh or Greenville media markets for those considerations. All of that went into those considerations for determining communities of interest as well as looking at the compactness.

CHAIRMAN NEWTON: Follow-up, Senator Blue.

SENATOR BLUE: Follow-up.
So that I understand, then, compactness is the dominant issue in this choice of districts.

CHAIRMAN HISE: I never said that. I said it is one of the issues.

SENATOR BLUE: What are the other issues that --

CHAIRMAN HISE: Considering communities of interest, and that included a consideration of the fingerling counties, that included a consideration of the media markets that the counties are in and the northern Outer Banks region.

SENATOR BLUE: Follow-up.

CHAIRMAN NEWTON: Follow-up.

SENATOR BLUE: So the media market is in your opinion a legitimate community of interest?

CHAIRMAN HISE: It identifies -- it would help identify a community of interest, yes.

SENATOR BLUE: Follow-up.

CHAIRMAN NEWTON: Yes, sir.

SENATOR BLUE: Did you examine the community of interest of all of these
traditionally African American counties and agricultural counties as opposed to aquacultural counties or various other things that the coastal counties might entail?

CHAIRMAN HISE: Senator, we looked at as many considerations as we could to identify which of these two choices were the better choice to make between the grouping -- the 10/8 groupings of the counties, and from what we concluded, with keeping the fingerling counties whole as well as the northern Outer Banks region together that this better met the needs of that region.

SENATOR BLUE: Further question.

CHAIRMAN NEWTON: Yes, Senator Blue.

SENATOR BLUE: Did you consider the community of interest of the northern border counties?

CHAIRMAN HISE: I would say that with the exception of inland to Halifax or Warren, so -- and the only one of those that happens to be different would be Warren, all the northern border counties are the same -- with the exception of Warren county are in the same district in both maps.
CHAIRMAN NEWTON: Follow-up, Senator Blue?

SENATOR BLUE: Yeah, further question.

CHAIRMAN NEWTON: Yes.

SENATOR BLUE: In looking at the map that's displayed on the screen, could you tell me what the communities of interest are if you start in the northeast at Warren county, which is the extreme -- northwest, rather, in the pink and go all the way down to Carteret county which is in -- below the south central eastern part of North Carolina.

CHAIRMAN HISE: Senator Blue, I did not determine the two possible groupings for the counties. We were just in a position to make a choice between the two possible groupings.

SENATOR BLUE: Further follow-up.

CHAIRMAN NEWTON: Another follow-up.

SENATOR BLUE: My question is what is a community of interest if I flow through them from Warren county, then looks like is it Halifax, Northampton and then down a couple hundred miles or so to Carteret county which is a coastal county?

CHAIRMAN HISE: Other than looking at
what I've said previously about a similar media market for those counties, I would say that we have identified and mentioned the communities we were trying to keep whole and keep together, and when choosing between two groupings of counties, there was only one grouping of counties that did that.

SENATOR BLUE: I think one last question, if I could, Mr. Chairman.

CHAIRMAN NEWTON: Yes, sir.

SENATOR BLUE: Senator Daniel pointed out yesterday, when we were considering the congressional map, that one of the things that you had considered or that you thought about was the travel time. One of the congressional maps caused him some hiccups with respect to travel time. I think it may have been from Forsyth county down to Lincoln county.

Did you have an idea of what the travel time is from Warren county down to Morehead City?

CHAIRMAN HISE: I don't. I'm sure that's a number we could get you on what the travel time is.

I will tell you that it is clear that
when you're doing congressional maps, you are
not drawing predetermined poddings of counties
that you choose between. So congressional maps
are open. There -- we did the analysis. There
are no poddings of counties in congressional
maps. In this manner, we had two choices of
podding between two groups of poddings to choose
from.

SENATOR BLUE: So -- and one last one.
CHAIRMAN NEWTON: One last, last one.
SENATOR BLUE: As I understand it -- as
I understand it, in this grouping, the only
thing that mattered was compactness.
CHAIRMAN HISE: I never said that. I
said we looked at a lot of considerations, and
what we -- and I could go through them all
again, which communities were important to stay
as together as possible, what media markets they
were in and others and made the choice for the
other podding different than this amendment.
SENATOR BLUE: Well, that does call for
one last question.
CHAIRMAN NEWTON: Okay.
SENATOR BLUE: And as I understand it,
the media market in Warren county, what's that
media market? Is it Raleigh?

CHAIRMAN HISE: I can go back through and see if I've got --

CHAIRMAN NEWTON: Senator Blue, we're hearing someone in the gallery saying, yes, it is in fact Raleigh.

SENATOR BLUE: What about Carteret county?

CHAIRMAN HISE: Bertie, Tyrrell, Northampton, Raleigh.

So I have that the Greenville media market is Carteret, Hyde, Martin, Pamlico, and Washington that's coming in. The Raleigh media market will be Halifax and Warren. The Norfolk media market will be Chowan. The Greenville media market would also be Bertie and Tyrrell in the northern, and Raleigh would be in the Northampton media market. The rest, Camden, Currituck, Dare, Gates, Hertford, Pasquotank, Perquimans, in the Norfolk market.

SENATOR BLUE: Would Carteret --

CHAIRMAN NEWTON: Senator Blue, you have a last, last, last, last, last question.

SENATOR BLUE: Yeah, just a follow-up because I'm intrigued by this media market
element.

CHAIRMAN NEWTON: Sure.

SENATOR BLUE: But is it fair to say, and I'll put multiple ones together, there's a New Bern media market that would be affecting this district, there's a Wilmington media market that would be affecting this district as well as a Greenville media market?

CHAIRMAN HISE: We have identified a Greenville media market. I'm assuming the others --

SENATOR BLUE: Well, there are TV stations in all of those towns.

CHAIRMAN HISE: I come from the mountains so we're all pretty consistent on where WLOS or those go to, but they identify -- those areas identify their media markets.

SENATOR BLUE: Thank you.

CHAIRMAN NEWTON: Thank you, Senator Blue.

Senator Marcus, no, your question has been answered.

Seeing no -- Senator Nickel.

SENATOR NICKEL: Yeah. I just kind of did a double take with the distance and looked
on my phone to try to figure out how long it
would take someone to go from Emerald Isle in
Carteret county all the way up to -- I found
Wise, North Carolina, right along the Virginia
border. And Senator Blue is about right, if you
stop for a rest break, it's about 4 hours,
177 miles, and that's if you're cutting through
Senator Perry, Senator Davis, Senator Barnes'
districts to get there.

You know, so my question just is what
does somebody living in Emerald Isle, all the
way on the bottom there on the coast, have in
common with someone living in Wise,
North Carolina, way on the Virginia border, up
there, in Warren county.

CHAIRMAN NEWTON: So, Senator Nickel,
I'll allow Senator Hise to answer that question,
but I think it's essentially asked and answered
multiple times with Senator Blue, but Senator
Hise.

CHAIRMAN HISE: Having served for 10
years in a district that's over a three-hour
drive from Marshall to Tryon, about three and a
half, if you do that, I understand the
complexities of doing so, but that is in a lot
of ways the geographics of the map and the county pods that formed.

CHAIRMAN NEWTON: Thank you.

Anything else, Senator Nickel?

Okay. Well, with that, Senator Blue has moved for the adoption of SBA Amendment 2. All those in favor say aye.

COMMITTEE MEMBERS: Aye.

CHAIRMAN NEWTON: All those opposed, no.

COMMITTEE MEMBERS: No.

CHAIRMAN NEWTON: The nos have it. So the next amendment -- I'll ask the proponent. The next one that I have on my list is actually right back up to the top which is SBV Amendment 3. Is that what you would like to pursue next?

UNIDENTIFIED SPEAKER: Just Buncombe county.

CHAIRMAN HISE: Buncombe, McDowell, Burke. It's red and pink. It's on the screen as well.

CHAIRMAN NEWTON: It's up to the sponsor what order you'd like to take these in. I've done my best.
[Unintelligible.]

CHAIRMAN NEWTON: Okay. Not that one. Members.

SCH Amendment 2. Is that the Moore, Cumberland 21, 19 districts. Okay, very good. All right. And who is going to be offering these?

SENATOR BLUE: I'll talk about it. I want to first ask Senator Hise a couple questions since this is before us, but I want to ask Senator Hise a couple questions.

CHAIRMAN NEWTON: Okay. Go ahead.

SENATOR BLUE: Yes. Senator Hise, I'm trying to get straight in my mind these criteria that the committee adopted, and they were all listed with specific statement by you, I believe, that you couldn't rank order them, but you could consider all of them depending on what you were looking at at the time.

And what I'm trying to figure out about this is you mentioned that keeping municipalities whole was one of the priorities at least in the other maps that you've drawn; is that right.

CHAIRMAN HISE: And continues to be in
both maps, yes.

SENATOR BLUE: Keeping municipalities whole. And following that, what was the next most important criteria that you think you applied?

CHAIRMAN HISE: Senator Blue, I can go through the entire list of the criteria. We have made no statements about most important or next important. These are the criteria of the committee, and we considered them when drawing maps.

SENATOR BLUE: Okay. So is it fair to say --

CHAIRMAN HISE: Each member will make their own choice.

CHAIRMAN NEWTON: Senator Blue.

SENATOR BLUE: Thank you. So is it fair to say that you got this set of criteria and no one criteria determined the outcome?

CHAIRMAN NEWTON: Senator Hise.

CHAIRMAN HISE: So, Senator Blue, I would not say that that -- I think that is true for several criteria. There are criteria in the maps that I do see as absolute. We had said that -- when we said that we would comply with
the Voting Rights Act, we will comply with the Voting Rights Act. When we said that the
Stephenson groupings -- so violating the Stephenson groupings would be absolutes for the committee to consider. Not using race, not using political data were absolute considerations of the committee.

Beyond that, we moved to considerations minimizing -- which is not an exact science, but minimizing, dividing counties, dividing VTDs, dividing municipalities. All of those have varying levels that maps are drawn to try to accommodate them, but there were also absolute criteria that we felt were important to comply with.

SENATOR BLUE: Another question.

CHAIRMAN NEWTON: Yes, Senator Blue.

SENATOR BLUE: And what made me ask you that question, Senator Hise, is because in many of the clusters, as you explained them earlier this morning, it appears that you prioritize not splitting municipalities. For example, when you say that next door in Sampson county that you decided -- you went out of the way to split a precinct in order to keep I believe the
municipality of Plain View, one of those places next to the hollerin' capital of the world.

CHAIRMAN NEWTON: Spivey's Corner.

SENATOR BLUE: Yeah, Spivey's Corner. You went out of the way not to split precincts -- or you went out of the way, rather, to split a precinct to keep the municipality whole, but in Cumberland county your map decided to split Hope Mills.

Tell me, what was your thought process in determining the split Hope Mills and not Plain View?

CHAIRMAN NEWTON: Senator Hise.

CHAIRMAN HISE: And I believe in the same map we, by necessity, also split Fayetteville. With coming in, for the way it was coming, it is a balancing factor, and in choosing to make -- you know, could we choose to split a single VTD in order to keep a municipality whole, we made that choice and could do so. Would that choice be different if it required splitting multiple VTDs that's coming in in order to keep a municipality whole would be a different consideration and decision.

SENATOR BLUE: Follow-up.
CHAIRMAN NEWTON: Follow-up.

SENATOR BLUE: Now, in your map, I believe you split Fayetteville several times; is that right?

CHAIRMAN HISE: Fayetteville is split.

SENATOR BLUE: Several times.

CHAIRMAN HISE: Fayetteville is split.

There's a portion -- I think it came to 12 percent or something like that of Fayetteville is in a different district.

SENATOR BLUE: Just for information, you had to split it because of Fort Bragg, I believe you got to split it at least once, but you split it more than once.

CHAIRMAN HISE: We did keep -- all the military installations are whole within a district.

SENATOR BLUE: And one last follow-up. But you split Hope Mills also.

CHAIRMAN HISE: I believe we did.

SENATOR BLUE: And would you agree that a better cluster map in Cumberland county would be one where you didn't jeopardize any of the other criteria? You kept municipalities whole, you didn't split precincts, et cetera,
et cetera.

CHAIRMAN NEWTON: Senator Blue. I mean, I'm sorry. Senator Hise.

CHAIRMAN HISE: He'll answer his own question. That's the attorney side.

What I would say is, again, it is weighing multiple considerations, and the challenge would be, in doing so, taking a district that was 80 percent contained in Fayetteville and trying to divide it to more of a 50/50 district would be something that would weight that decision I think more towards keeping more of Fayetteville within a district.

SENATOR BLUE: Okay. Thank you, Mr. Chairman.

Senator Hise, I offer you a district that does not split Hope Mills in Cumberland county and it splits Fayetteville only in the place that you split it. I believe it splits Fayetteville only at that place. I'm trying to remember my geography of my used-to-be next door neighboring county, but I think it -- but if it splits Cumberland -- or Fayetteville, it doesn't split it more times than you do, but it keeps Hope Mills totally whole as you did the
surrounding districts up in its neighboring Sampson county.

CHAIRMAN NEWTON: Is that a question or a comment?

SENATOR BLUE: It's a statement. And with that said, unless I'm wrong on that, which I don't believe I am, I would move the adoption of the map.

CHAIRMAN NEWTON: Thank you, Senator Blue.

Senator Hise, any other comments?

CHAIRMAN HISE: I am trying to find, and I don't believe that it's in this pack, the percentage of Fayetteville that is now in the district. It now takes Fayetteville I believe to a 53/47 split between the two districts, as I had said earlier, and makes a district that was a predominant Fayetteville district and kept as much of it as whole as possible to almost an even split between the two, and I see no reason and would not support making that decision.

CHAIRMAN NEWTON: All right. Thank you.

Seeing no other comments or questions, Senator Blue has moved to amend the map
SCH Amendment 2. All those in favor say aye.

COMMITTEE MEMBERS: Aye.

CHAIRMAN NEWTON: All those opposed say no.

COMMITTEE MEMBERS: No.

CHAIRMAN NEWTON: The nos have it.

Okay. Senator Blue, which is your next?

SENATOR BLUE: Yeah, let me get out of my own way.

CHAIRMAN NEWTON: No worries. Take your time.

SENATOR BLUE: Question of -- I'm going to introduce -- the next one I'm going to introduce is going to be SBK 3 is the number I have. I don't know what the corresponding new number for the amendment is.

CHAIRMAN NEWTON: SBA --

SENATOR BLUE: SBK. SBK 3.

CHAIRMAN NEWTON: SBA Amendment 3.

SENATOR BLUE: Is that it?

CHAIRMAN NEWTON: I don't have an SB 8.

SENATOR BLUE: No. It's -- SBK 3 was my old one.

CHAIRMAN NEWTON: SBA 3. Is this it?
SENATOR BLUE: It's a Wake county map.

CHAIRMAN NEWTON: Members, SCG Amendment 6 we think is the -- Granville and Wake. SCH -- SCH Amendment 6? Sorry.

SENATOR BLUE: SCG Amendment 6, is that it?

CHAIRMAN NEWTON: That's it. I got it.

SENATOR BLUE: Question first of Senator Hise. And it might -- it might help if we could have displayed the map that Senator Hise is defending.

CHAIRMAN NEWTON: So I'll ask staff if we can -- you want a split screen, if we can get that.

SENATOR BLUE: Yes.

CHAIRMAN NEWTON: So, staff, if we can -- if not, you just want Senator Hise --

SENATOR BLUE: Just Wake county portion.

CHAIRMAN NEWTON: Wake county portion.

SENATOR BLUE: With the Wake-Granville county portion of Senator Hise -- that cluster.

There it is.

CHAIRMAN NEWTON: How about that.

SENATOR BLUE: That's perfect.
CHAIRMAN NEWTON: Senator Blue, you have the floor.

SENATOR BLUE: Thank you, Mr. Chairman. And, Senator Hise, correct me if I'm wrong, and I'll ask you because I can't keep up with all this stuff. In looking at your drawing of Wake county, if I could first go to the Granville-Wake county district.

It looks like in doing those six districts you appear to split ten precincts and split three municipalities; is that right?

CHAIRMAN HISE: I believe that is accurate.

SENATOR BLUE: I think you split Raleigh --

CHAIRMAN HISE: I don't have that report in front of me.

SENATOR BLUE: I think you split Raleigh -- Raleigh, Apex, and Cary, I believe.

CHAIRMAN HISE: Yes.

SENATOR BLUE: And did you find keeping municipalities whole to be of higher importance than splitting VTDs?

CHAIRMAN HISE: There were individual cases in which we felt like we could pick an
individual VTD and as a result not split municipalities, but again, there was no priority on the criteria that ranks one higher than the other.

SENATOR BLUE: Then if you -- so none of them have -- again, and you said this, but I want to make sure I understand it. None of them have necessarily a higher priority. It just depends on the specific district that you're drawing at the time.

CHAIRMAN HISE: And we are showing how we considered each of them in the reports for what the results are.

SENATOR BLUE: Okay. If you will take a look at that protrusion from the green district into the blue district up there, that's from -- I can't see the Raleigh district number. I think it may be -- I don't know what the district is, but there's a protrusion reaching sort of north that extends from the green district into the blue district.

Do you see that?

CHAIRMAN HISE: I see it.

SENATOR BLUE: Okay. If you look at that, tell me why you determined to put that
protrusion in the map as you were drawing it.

CHAIRMAN HISE: As I said when I explained this map, our intent was to connect Granville county with the unincorporated, more rural areas of the northern county. All of drawing this two-county pod was exceptionally difficult compared to the fact that our variance for the district was already at 4.9 percent below the average district, and so we really only had an average variance of about 52 individuals per district. I know you and others that have drawn in Wake county ran into this same complexities in doing so.

And so balancing populations required many more circumstances in which you could not keep VTDs whole and others in doing so in drawing it, but literally this district was drawn starting with Granville county and looking at the northern particularly unincorporated areas of Wake county and adding the two of those into the district and then coming down into the district as was necessary to balance population.

CHAIRMAN NEWTON: Senator Blue.

SENATOR BLUE: Follow-up.

So you chose not to split Raleigh where
it protrudes up into the district, that is, the blue district.

CHAIRMAN HISE: Correct. Well, we can't show it on these. On the map you could put the city limits up and I could better respond to that question, but we -- again, by adding the unincorporated areas and kind of moving down to get towards that equal population number.

SENATOR BLUE: Further question.

CHAIRMAN NEWTON: Question.

SENATOR BLUE: In looking at the stat pack on that district, you did split Raleigh, and you have part of Raleigh into the blue district. And so could you tell me why you chose to put the part of Raleigh to the left of that green protrusion into the blue district and not part of the green since both of them are part of Raleigh's corporate limits.

CHAIRMAN HISE: A specific decision for that choice, I think you're looking at as we were coming south, when you look in the other part of the green area, those seem to be smaller, more compact VTDs, particularly with higher populations that's with coming in. And
so when we're trying to balance populations, as
we're getting close, we're looking for the VTDs
that closest match that in order to minimize the
splitting of VTDs.

CHAIRMAN NEWTON: Follow-up.

SENATOR BLUE: Follow-up.

But you could split one precinct and
one VTD and make up for any difference in
population.

CHAIRMAN HISE: And that would be an
additional split VTD.

SENATOR BLUE: Yes, sir.

Another question.

CHAIRMAN NEWTON: Yes. Follow-up.

SENATOR BLUE: And one of the criteria
that you looked at, one of the criteria adopted
by the committee was not to split precincts
except where it was necessary.

CHAIRMAN HISE: Yeah.

SENATOR BLUE: And that was because
when you start splitting precincts, you create a
lot of districts for election officials in
trying to match up all of these areas with
what's in and what's out since we elect on a
precinct basis.
CHAIRMAN NEWTON: Senator Blue, I'll just note that you're kind of answering your own question there.

SENATOR BLUE: Thank you, sir. Thank you. I don't mean to answer it, but I think he's going to say yes so I'll state it for him, lead him a little bit, if you will.

So if you had a map that didn't split any precincts and still conformed with all of the other criteria, would that not be a superior map?

CHAIRMAN HISE: Senator Blue, I think -- I don't know if there's a distinction being made. The data in the system is by VTDs. In some areas, those are not consistent with what are called precincts but in others they are and I don't have an answer off the top of my head where those are coming in.

I will tell you with an average variance of 52 individuals, not dividing a VTD in Wake county was a -- considering that your VTD probably minimum size is somewhere around a thousand. If there's many below that, there's not many, that's coming in and having to get districts within 50 people of each other
necessitates the division of VTDs.

CHAIRMAN NEWTON: Follow-up.

SENATOR BLUE: So then -- thank you very much.

So, Senator Hise, I'm going to show you, if you would refer to the map that I have up over there which is before us. It is a map that splits no precincts in Wake county.

Would that not be a superior map based on the criteria? No split precincts.

CHAIRMAN HISE: It would meet the criteria of not splitting VTDs more efficiently, but there are other considerations to consider, including what does it do splitting municipalities, what is the change on that, all the other criteria. I could go through the list, but if you're asking if splitting fewer VTDs meets the criteria better of splitting fewer VTDs, the answer is yes.

CHAIRMAN NEWTON: Follow-up.

SENATOR BLUE: I move the adoption.

CHAIRMAN NEWTON: All right.

Senator Blue moves the adoption --

SENATOR NICKEL: Can I ask a question first?
CHAIRMAN HISE: Sure.

CHAIRMAN NEWTON: Senator Nickel, yes.

SENATOR NICKEL: We were talking yesterday about Senator Tillman, and I just wanted to dig up what he said in lead up to my question here.

On the floor of the senate, the last session, he said that this process is --

CHAIRMAN NEWTON: I'm sorry, Senator Nickel. Who is he?

SENATOR NICKEL: Senator -- Republican Senator Jerry Tillman.

CHAIRMAN NEWTON: Okay. He is not serving in this body. Is this relevant to today's discussion?

SENATOR NICKEL: It is to my question.

UNIDENTIFIED SPEAKER: Mr. Chairman, point of order. We had a motion on the floor.

CHAIRMAN NEWTON: You are correct, we do have a motion on the floor.

Do you want to speak to that motion without -- something that is germane to the motion on the floor today?

SENATOR NICKEL: I think we've got another Wake map coming up; is that correct?
Senator Blue, we have a second Wake map? I can give my comments then.

CHAIRMAN NEWTON: All right.

Senator Hise, would you like to make any other comments before we vote?

All right. Those in favor of the motion to adopt SCG Amendment 6 say aye.

COMMITTEE MEMBERS: Aye.

CHAIRMAN NEWTON: Those opposed, no.

COMMITTEE MEMBERS: No.

CHAIRMAN NEWTON: The nos have it.

Senator Blue, do you know which amendment you'd like to propose next?

SCH Amend-6. SCH Amend-6.

CHAIRMAN HISE: That might be the one that I don't have. There's a lot of Wake county options here.

CHAIRMAN NEWTON: All right.

Senator Blue, who's going to be proposing this amendment? The question is Senator Blue is going to be presenting this amendment and he has a question for Senator Hise.

You have the floor, Senator Blue.

SENATOR BLUE: Yeah. Senator Hise, in the last series I asked you about was splitting
VTDs and you said that that was important and probably took precedence over splitting precincts, at least as you drew the Granville-Wake county district; is that correct?

CHAIRMAN HISE: Again, I would make -- I'm assuming on this line of question that the VTDs and the precincts are not aligned in Wake county.

SENATOR BLUE: They pretty much are aligned, they pretty much are.

CHAIRMAN HISE: And as we -- because it's the layer in the system, we have looked at this from the lens of splitting VTDs.

SENATOR BLUE: Okay.

CHAIRMAN NEWTON: Follow-up.

SENATOR BLUE: Follow-up. You think that splitting -- at least as you made the decision here, you wanted to split as few VTDs as possible in Wake county.

CHAIRMAN HISE: We balanced the criteria between splitting VTDs, municipalities, compactness of districts, all that exists in coming up with these maps.

SENATOR BLUE: And if I were to show you a map that split two municipalities as
opposed to the three that you split in your map
and it split only three VTDs as compared with
the ten VTDs that you split in your map, would
you agree that that's probably a better map
using the criteria that the committee adopted?

CHAIRMAN NEWTON: Senator Hise.

CHAIRMAN HISE: Senator Blue, I will
actually say on what's being presented,
SCH Amendment 6, it is our understanding from
the report it splits the same municipalities.

SENATOR BLUE: And let me correct that.
That's what I was going to point out to you. It
leaves six people in one of the -- I think it's
an Apex VTD, but those people could easily be
transferred out to a neighboring district and it
wouldn't affect the numbers.

So if in fact you split two
municipalities versus three and you split
only -- and you split only three VTDs, that
would be a better map using the committee's
criteria.

CHAIRMAN HISE: There are a lot of
considerations under those specific areas. I
will say that if you -- driving this home, if
you split fewer municipalities, you have better
met the criteria for splitting municipalities. If you split fewer precincts or VTDs, you have better met the criteria of meeting VTDs. That does not imply in some manner that the overall has better complied with the map drawing because it met any one particular criteria in a better manner.

CHAIRMAN NEWTON: Senator Blue.

SENATOR BLUE: [Unintelligible] a question again and we'll move on and other folk can ask questions.

But if you improve on both of those, which of the criteria you used to determine how to draw this map, you say these are the important considerations, then it is a better map if it's improved on the other aspects of the criteria.

CHAIRMAN HISE: I would not limit my comment to both. If you meet all of the criteria better, then you have drawn a better map.

SENATOR BLUE: Okay. I'll hold it for a minute. I think Senator Nickel --

CHAIRMAN NEWTON: Senator Nickel.

SENATOR NICKEL: My question is about
the partisan intent of drawing the map. And, you know, I represent Wake county so I know every single precinct here pretty well. I know how they perform. I know where people live and how they vote. And in the last session I know Senator Jerry Tillman, who's not here, but he said "This is set up to be partisan. Do you think we're going to draw Democrat maps? We're doing exactly what you all did for 140 years."

And so my question is about intent. And you know, I'm a lawyer, I was a prosecutor, I'm a defense lawyer. You know, we talk to people and you try to ask them to tell you things that will help with their intent for the fact finder, and it's rare that people will say, "Oh, hey, I did it, I did it."

But the question I have is very specific about Wake county. I know if I wanted to drew two Republican maps, I'd do the top part and then I'd do the bottom part, and that's where the Republicans live, on the top part and on the bottom part.

And so one of the things that's neat about this process, and really boring at the same time, is watching people draw maps. And I
got to watch when you were drawing Wake county, and, you know, you did it and you started at the top with Granville and then you did that weird finger thing and the top part of Wake, and then, instead of drawing other districts, you skipped down to the bottom and you did the Republican district on the bottom.

So my question just is I believe if I were trying to draw two Republican maps, that's the way I would do it, but my question is why did you start at the top and then, instead of doing other districts, skip down to the bottom?

CHAIRMAN NEWTON: Senator Hise.

CHAIRMAN HISE: So I appreciate you giving your intent for drawing several of the other options that are available for us to be considered and for what your intent was. I will say --

SENATOR NICKEL: I didn't draw maps.

CHAIRMAN HISE: -- we began this process in the northern because there is actually a requirement under the Stephenson that when Granville does not meet the criteria of a district in size that it be -- that the county can remain whole and be added to another
district. It so happens in this map that it
connects to Wake in the northern area of the
county, so we knew that we had to come in and
transverse into Wake county on the northern end
of the county, that's with coming in. So we
completed that district first with the others.

Do I have a propensity to start north? South? East? West? It probably depends more
which mood I'm kind of in coming in, and most of
my maps I've drawn with the state I've started
in the west with coming in. I think it's clear
versus the first time I was involved in drawing
maps ten years ago where we had data that told
us the election results of the top ten districts
in every precinct in the state or VTD in the
state and how it performed and formed those
together for that purpose.

We have not considered any political
data in doing this, and to somehow suggest that
my knowledge of political data in Wake county,
you know, some 250 miles away from where I live,
was somehow the basis for why, after drawing the
required transversal, I then moved to the bottom
of the county it seems to me a little
ridiculous.
CHAIRMAN NEWTON: Senator Nickel, do you have a follow-up?

SENATOR NICKEL: I mean, my follow-up is just pretty obvious. You know, all the experts who have commented on these maps call it an extreme partisan gerrymander because there's virtually no other way to draw Wake-Granville to make two districts more favorable for Republicans, and that's what I see here.

And, you know, Senator Blue's amendment would have a community of interest, you know, on the top northwest corner. You know, you see on his map, those folks there have a lot more in common with folks from the east and all the way over to the west side. So for me I see, you know, if we're following criteria with that district, one that makes a lot more sense with the committee's criteria.

CHAIRMAN NEWTON: Senator Nickel, are you moving for the adoption of SCH Amendment 6?

SENATOR NICKEL: No.

CHAIRMAN NEWTON: Senator Blue.

SENATOR BLUE: Mr. Chairman, thank you. And I want to thank Senator Hise for catching the same error in this map that I caught, but it
is my intention to fix that error so that it
does have fewer things. So I can end the
discussion, but I will fix that error in it, but
the point is to show you that we can draw a more
efficient map. And I say that because, you
know, I'm probably the only person around who
has represented every single inch of the
geography in Wake county. I've represented this
entire county in different forms in senate
districts, house districts or the county as a
whole.

And I will tell you that for those of
us in these urban areas, and it's something that
you might really take seriously, we look at
ourselves as representing the county, for the
most part, and that's the way the county looks
at us, especially the business community, that
we represent collectively the interests of Wake
county, the interests of the state, but these
nuances and fine pickings, once we get real
communities of interest out of the way, don't
really carry the kind of sway. We've got a
consolidated school system, so we all -- you
know, we work for the same school board. We've
got commissioners that are countywide, and so
we -- so we see ourselves as representing the
county. So these fine points that you're
raising don't register as much here as they do
in some of the other areas where you have other
entities that are being represented in so
many -- you know, if you're representing a
senate district, most of you have six or eight
school districts and those kinds of things or
other cities and towns outside the immediate
area that you're in.

But I want to fix this map by putting
those six people into a -- so that we're not
making another municipal split so that you can
see that we can draw a map that still protects
all of the interests that the criteria pointed
out that we were going to consider and have
fewer split municipalities and fewer split VTDs.

So with that said, I will withdraw this
map -- and no hurry to get it done. I will just
offer it again tomorrow. Okay.

CHAIRMAN NEWTON: Thank you,
Senator Blue.

All right. So SCH Amendment 6 has been
withdrawn.

What's up next, Senator Blue?
SENATOR BLUE: Senator Marcus.

SENATOR MARCUS: Mr. Chair, I believe we are going to move to Durham and Chatham county now, and that's amendment -- SBVA Amend-2.

CHAIRMAN NEWTON: SBVA Amendment 2.

SENATOR MARCUS: Yeah. I said that A twice. Sorry about that. If staff could have the side-by-side up again, that would be I think most helpful for people following along.

CHAIRMAN NEWTON: All right.

Senator Marcus, you have the floor.

SENATOR MARCUS: Shall I let Erika get that other map up before I start.

CHAIRMAN NEWTON: It's up to you.

SENATOR MARCUS: Okay, here we go.

Thank you so much.

This amendment that we're submitting here is an amendment that honors the criteria of compactness better than the map that is otherwise drawn here, the Republican map.

So the map that we're offering is the one on the screen to the left compared to the one on the right which is the Republican map. And that one on the right has one very compact
district. You can see it's a tight circle around the center of the city of Durham there, that green area inside all the purple.

And then the other part of this county cluster is not compact at all. It's pretty stretched out. It's oddly shaped. It goes around, it goes over the next two and then under Durham and then picks up all of Chatham county, so it's pretty contorted. It also, this map, unfortunately cuts up some communities of interest.

So the amended map that we're offering here makes two equally compact districts instead, that's the one on the left without any odd shape, and it has a better both Polsby-Popper average compactness score. Ours is a 42 versus the map on the right which is 32. The Reock scores are about the same since when you look at an average of the two they come out to be about the same.

So between these two maps there's no difference in municipality or VTD splits, so we don't have to worry about that, and we're offering this alternative to make both districts compact, for the map to make more sense to the
community, and to improve the compactness of the overall county cluster. So unless there are any questions.

CHAIRMAN NEWTON: Thank you, Senator Marcus.

The chair has two questions for Senator Murdock because she's the most impacted -- just not catching you cold. We talked about this with respect to one other amendment and one other senator as well.

Are you in favor of this amendment?

SENATOR MURDOCK: Yes, I am.

CHAIRMAN NEWTON: And is it your view that it complies with the VRA?

SENATOR MURDOCK: That it complies with the VRA?

CHAIRMAN NEWTON: It complies -- is it your understanding, your view, your belief that it complies with the Voting Rights Act if we take this amendment?

SENATOR MURDOCK: It's my understanding.

CHAIRMAN NEWTON: Okay. Very good.

All right. Anybody else have any questions? Senator Hise?
CHAIRMAN HISE: So, Members, I will just add, in choosing this district was unique. We tried to keep as much of Durham as possible, but Durham is sufficiently too large to be contained in a senate district and -- both in this amendment and the map we had to divide Durham in order to do so, and so I'm actually okay with it.

CHAIRMAN NEWTON: All right.

Senator Marcus, have you moved for the adoption of the amendment?

SENATOR MARCUS: I believe Senator Blue would like to be recognized.

SENATOR BLUE: I just want to make one point, Mr. Chairman. And again, I want to disclaim any expertise in the area, but I just don't see any Voting Rights Act violations in Durham, not that there aren't some and maybe experts can tell you differently, but I know that Senator Murdock indicated to her understanding that it complied with the VRA.

I'd rephrase that to say that I am aware of no violations of the Voting Rights Act that exist in the Durham county redistricting. I think that they just want to do it because it
satisfies some community-of-interest issues, but I'm not aware of any VRA issues in the way that Durham county is -- there may be some other issues. As I said, there may be some issues on gerrymandering still, even though it might not have any effect, but again, that's my lay opinion. That's not an expert opinion.

CHAIRMAN NEWTON: Thank you, Senator Blue.

And is there a motion.

SENATOR MARCUS: I move for the adoption of this amendment.

CHAIRMAN NEWTON: Thank you.

Senator Marcus has moved for the adoption of SBV Amendment 2. All those in favor say aye.

COMMITTEE MEMBERS: Aye.

CHAIRMAN NEWTON: All those opposed.

All right. The amendment is in fact adopted.

Next up. Who would like to lead the charge on whatever amendment you prefer next?

UNIDENTIFIED SPEAKER: Looks like --

SENATOR BLUE: It's my understanding that there's a Guilford county amendment that's
up next; is that right?

UNIDENTIFIED SPEAKER: Yes.

CHAIRMAN NEWTON: Is that SBV Amendment 3?

SENATOR CLARK: Yes. I'll do that, Mr. Chair.

CHAIRMAN NEWTON: Wait a minute. Hold on. I've got the wrong one there. Let's find the right map. Which one is it?

SCG Amendment 3? Is that the one, SCG?

SENATOR CLARK: I will handle SCG Amendment 3, Mr. Chair.

CHAIRMAN NEWTON: Okay. Thank you, Senator Clark. You have the floor.

SENATOR BLUE: Is it SCG Amendment 1, the one that Senator Lowe has?

SENATOR LOWE: Yes. I have 3.

SENATOR BLUE: Senator Clark just said he has 3.

SENATOR CLARK: I have SCG Amendment 3. That's the one that's on the screen now.

CHAIRMAN NEWTON: Senator Lowe has made the handoff, a good, clean handoff to Senator Clark.

SENATOR CLARK: Okay. Thank you,
Mr. Chair. Thank you, Senator Lowe. Sorry for the confusion there.

But anyway, Mr. Chair, I would like to move that the committee accept this amendment. What it does, it follows one of the criteria that we have established, and that is to give, I guess, relief to the double-bunking of members if we can do so in a reasonable way.

And what this particular amendment does is it essentially changes the orientation of the Senate District 28 and 27 as in the plan put forth by the Senate Republicans by shifting it from a north-south orientation essentially to an east-west orientation, and also it avoids the double-bunking of Senators Robinson and Garrett.

CHAIRMAN NEWTON: Thank you, Senator Clark.

And, Senator Robinson, I do have the same two questions for you that we asked Senator Murdock. Are you in favor of this redraw, this amendment?

SENATOR ROBINSON: Yes, I am.

CHAIRMAN NEWTON: And is it your understanding, belief, view that it complies with the VRA to take this amendment?
SENATOR ROBINSON: Yes. Based on the previous ruling of the courts, yes.

CHAIRMAN NEWTON: Thank you, Senator Robinson.

SENATOR BLUE: I make the same observation that I'm certainly not an expert, and I don't think Senator Robinson is holding herself out as one in this area, but I believe that the issue in Guilford county that we wrestle with with these two districts the last time had to do with partisan gerrymandering, and there was a special master appointed who drew what had been earlier VRA district and we complied with the special master's recommendation and that's how we settled the last lawsuit. And so I'm assuming that this configuration doesn't change radically anything that the special master did in District 28. I think that was the number of it when he did it the last time, and that resolved the voting rights issues in that district as well as political gerrymandering issues.

CHAIRMAN NEWTON: Thank you, Senator Blue.
Senator Hise, do you have any comments on the proposed amendment?

CHAIRMAN HISE: No, I think

[unintelligible] ...functionally equivalent.

CHAIRMAN NEWTON: Okay. So Senator Hise endorses the amendment as well, and Senator Clark has moved that we adopt SCG Amendment 3.

All those in favor say aye.

COMMITTEE MEMBERS: Aye.

CHAIRMAN NEWTON: All those opposed.

The amendment is adopted.

All right. Senator Blue, we'll look to you to determine which amendment is up next.

SENATOR BLUE: I think Senator Lowe has -- on the list I got is SCG Amendment 1.

CHAIRMAN NEWTON: All right. Senator Lowe, I think we have the pink SCG Amendment 1 in front of us.

SENATOR LOWE: We do have pink.

CHAIRMAN NEWTON: And you have the floor.

SENATOR LOWE: Just looking at this map, it's a much cleaner-looking map, and I think it can be well seen that it's cleaner and
it gets to the point and it does what the
criteria is trying to do. And I certainly
submit this map -- submit this amendment unto
you.

CHAIRMAN NEWTON: Thank you,
Senator Lowe.

Members or Senator Hise, do you have
any comments?

CHAIRMAN HISE: Yeah. I would just
say, technically, I think this amendment would
undo the previous amendment we just did and
replace the two-county podding with a different
two counties, three districts, replace them with
different others. This seems to significantly
change, I don't have them on top of it, but
where High Point would go as well as what in
Greensboro would go and how it was configured
and would not support -- especially in light of
having just changed it to change it again for
the committee, I don't think that's a really
good fit.

CHAIRMAN NEWTON: Thank you, Senator
Hise.

Senator Blue.

SENATOR BLUE: Thank you, Mr. Chair. I
will simply say that's why they were staged in
the order that they were staged.

CHAIRMAN NEWTON: Do you want to --
SENATOR LOWE: I will withdraw.

CHAIRMAN NEWTON: The motion to amend
SCGA Amend-1 has been withdrawn.

Members, we're getting very close now.
Next map or next amendment.

SENATOR MARCUS: Okay, Mr. Chair, I
believe I'm up next.

CHAIRMAN NEWTON: What number?

SENATOR MARCUS: This is SCH Amend-5
for Mecklenburg and Iredell.

CHAIRMAN NEWTON: You have the floor to
explain proposed Amendment SCH Amend-5.

SENATOR MARCUS: I'll give staff just a
minute to get the side-by-side up. I'll get my
papers here.

Okay, thank you so much.

So this amendment concerns the new
two-county cluster of Mecklenburg and Iredell
counties. As you know, this body must carve
those two counties into six districts, trying to
keep population as equal as possible and
following all the other criteria that this body
has adopted. As the chairs have mentioned several times throughout this process, the criteria are not ranked, rather the criteria are considered co-equal and in the chair's own words should be blended to be fair and to honor all of the criteria whenever possible.

So the Republican map, which is on the left, for this cluster, it fails to meet at least two of the criteria that this committee adopted. First, it has low compactness scores. I'll note that when the chair presented the map, he did not even mention this criteria in his discussion of the map to justify why it's drawn as it was and that he also has emphasized frequently, when he was speaking to Senator Blue earlier, that there should not be any one criteria that trumps all the other criteria, that we should blend them all.

The second reason that this map, as drawn, fails to meet this committee's criteria is that it double-bunks two current members of this body, putting the precinct where I live in a district that is now represented by Senator Sawyer in Iredell county. This double-bunk is especially egregious for two reasons. First, it
takes me across county lines, out of the county in the community where I live and I serve, north Mecklenburg, to tack me into a district that is made up almost entirely of Iredell county. And the second reason is it's the only double-bunk that still exists in this entire state map that could have been avoided.

The members of the Mecklenburg delegation thought that we could do a better job of honoring all of the criteria, so we sat together and we drew this map that is now on the right of your screen which I now offer to you as an amendment.

Our map puts all incumbents in separate districts and is significantly more compact. Our Reock average score is .48 which is 11 points higher than the Republican map which scores only a .37. Our map has a better Polsby-Popper compactness score too. Our score is .39 while the Republican map scores only .32.

At the start of this redistricting process, this committee required all current senators to provide a map which marked with an X exactly where we live. I did that. I hoped that that information would be used to honor the
criteria about considering member residences and the rule that this committee has followed in the past with the court's blessing, I will mention, to avoid pairing incumbents in the same district when it can be avoided with reasonable efforts.

Unfortunately, when I saw the Republican-proposed map, it seemed to me that my information was used for the opposite purpose, since the Republican map double-bunks me, pitting me against one of the few other female members of this body who also happens to be of the opposite political party.

Now, it's true that some incumbents from other parts of the state, including one of the chairs of this committee, ended up in the same district with another member due to the county clustering rules. Those double-bunks were unavoidable, they're not in anyone's control, and they will eliminate some members of this body on a partisan-blind basis. But the double-bunk in Mecklenburg-Iredell that is in this map on your screen now is not necessary and in fact drawing the map that way makes it less compact and therefore less fair on two of the criteria that this committee said it would
follow when drawing maps.

In Common Cause v Lewis, the court approved using reasonable efforts to avoid pairing incumbents in the same district. It is certainly reasonable in this case where the map that avoids pairing incumbents is more compact than the map that double-bunks. Now that you've fixed Guilford county's map, there aren't any other double-bunk members when it can be avoided.

And I'm asking you to treat me and the voters I represent fairly based on their public comment that does not like your map and taking into account all the criteria in a blended way and applying those criteria consistently across all districts.

This map that I'm offering is more fair, it is more compact on both Reock and Polsby-Popper, it splits zero precincts or VTDs, and it allows all current members to remain in separate districts. It's fair, and I ask for your support for this amendment.

I'll pause to see if there's any questions.

CHAIRMAN NEWTON: Thank you,
 Senator Marcus.

 Senator Hise.

 CHAIRMAN HISE: Yeah. I think -- I think there's -- and similar to the proposal the Democrats put forward for how to draw this map that we mentioned earlier, there are some absolute criteria in drawing, and that is that when you have this two-county pod, Iredell county must be kept whole, Mecklenburg is divided, and so it is a narrow region in the northern part of Mecklenburg county where you cross into Mecklenburg and are required to transverse into Mecklenburg.

 It does not seem unreasonable to find that the most north municipality in Davidson would be wholly contained in that district when it could be wholly contained in that district versus the options in this. I think it's about a 60/40 split of Davidson coming in and intentionally splits that for the criteria that says we may consider members' addresses in drawing maps.

 So I think it is the most -- I'll also say that it is really a misrepresentation of the scores for compactness to average six scores
together and compare the averages of those scores. With coming in, that's not how they were designed, and so trying to take six separate circles and the percentage that fills the circle and somehow averaging that over six circles and making conclusions from that misses a lot of variance that's not included in that, but I know I digress on that, but by comparison of what you may look specifically at what district 37 does -- I don't have those in front of me. It seems to what is being changed specifically in this map, but I am not inclined to support this amendment.

CHAIRMAN NEWTON: Thank you, Senator Hise.

Senator Marcus.

SENATOR MARCUS: Could I make a comment?

CHAIRMAN NEWTON: Yes.

SENATOR MARCUS: Thank you, Mr. Chair. I will just respond to that by saying it sounds to me like Senator Hise is saying that he didn't like the way we're taking an average compactness score on both and that therefore, what, would should -- there's no other way to
assess that. We should just not use compactness in this cluster? I mean, the statistics I showed you are average compactness scores for the cluster on my map and on the Republican map. And so I hope we all agree that compactness is a criteria that this committee adopted and is definitely relevant here as is consideration of member residences which is a criteria you've taken into account in every other district that we've drawn for the whole state.

And so I'm just asking you to consider both of those when you look at this map and find that it is more fair -- my amended map is more fair and meets more of the criteria better than your map.

CHAIRMAN NEWTON: Thank you for your comment, Senator Marcus.

Other questions, comments. Is there a -- Senator Daniel.

SENATOR DANIEL: I mean, I guess, if I could, I would like to ask Senator Marcus a question.

CHAIRMAN NEWTON: Senator Marcus, will you stand for a question?

SENATOR MARCUS: Sure.
SENATOR DANIEL: Do you consider Davidson a community of interest?

SENATOR MARCUS: I do. And you know, this is painful to put up a map that has to split my municipality. I didn't want to do that. It certainly wasn't my first choice the way it seems to be Senator Hise's first choice to put Davidson with Iredell. I heard from so many -- so many people who live in Davidson that don't want to be moved into the much more rural area outside of our county, but there's no other way to draw this map.

You're splitting Davidson as well, I'll point out, going over into Cabarrus county. I know you say that doesn't count, but that's also a split of Davidson. Davidson is an oddly shaped municipality, and I will note that in other cases you specifically took into account the oddly shaped municipality to split some VTDs to make it work there.

So I know that the people of Davidson feel very much part of north Mecklenburg. That is how we refer to ourselves. That's the area where we shop and go to church and go to school. And so at least my map allows some of Davidson
to stay with north Mecklenburg.

CHAIRMAN NEWTON: Senator Daniel, you good?

SENATOR DANIEL: No follow-up.

CHAIRMAN NEWTON: Okay. Any other comments, questions?

Senator Nickel.

SENATOR NICKEL: Yeah. You know, I just want to say I think, you know, if we reject this amendment, you're ending Senator Marcus's career in the senate, and I just -- I hope that this committee and the chairs will continue to meet with Senator Marcus and the members of the Mecklenburg delegation about this issue. We're not done yet, we're not at the floor, and I think the way we address this is going to determine how we proceed as a body. And I hope -- I hope there's a way to find a solution here that follows the committee criteria and allows folks to have a real choice here.

So I know where this is going, I believe, but I truly, truly hope that, you know, the conversation can continue here because I have been with Senator Marcus here since I got here and seen how hard she works every day to
represent her constituents.

CHAIRMAN NEWTON: Thanks,

Senator Nickel.

Senator Lowe, do you have a comment or are you good?

SENATOR LOWE: Yes. As I look at this amendment, I am really hoping that there is a way that given the criteria that is given that we can make the necessary adjustments so that we don't have these two senators double-bunked. I think that there is a way. As a matter of fact, I know there is a way. If we put our heads to it, we can figure this one out, and I'm hoping that we'll do everything that is necessary, hopefully in this meeting, to figure this out so that we don't have a two of our members double-bunked. I think it's important to the work that we're doing to figure this one out.

CHAIRMAN NEWTON: Thank you,

Senator Lowe.

Any other comments, questions?

SENATOR BLUE: One here, Mr. Chairman.

CHAIRMAN NEWTON: Senator Blue.

SENATOR BLUE: Yeah, and I would simply say that there is precedent for what
Senator Marcus is asking for. In the dialogue between Senator Hise and me a little bit earlier, I think I pointed out to him that decisions are made to split townships or not split -- not townships. I'm sorry. -- towns, municipalities, and we've done it in Sampson county, putting it together, but yet we come to Cumberland county and we split Hope Mills, a town which I'm very familiar, they still stay in the same cluster, and that's in effect what you would be doing here. Yeah, you come down from the north, which is what Granville did to Wake county, came down from the north, and you decided to take a radical left turn. That's strange, but you took a left turn when you could have taken a right turn coming down in Wake county from Granville. Took a left turn to go over to Zebulon and in that area.

And here you're coming down, you got these four, five precincts across the top -- or towns across the top of Mecklenburg county, you can come down the -- as I look at it, the left edge from here and allow this split in that city just like you did in Hope Mills. And that's what I was trying to get at. If none of the
criteria trumps the other, that is, if none is more important than the other criteria and you got eight or ten criteria, none is more important than any other criteria and you got eight of them, you've shown that you're willing to elevate one to a higher level depending on what you're trying to achieve.

So there's no reason not to split Davidson, it's still got the same group of people representing it, and you can do it within these other five districts in Mecklenburg county in that cluster without -- you can accommodate the question of members who already occupy this body. That's why you put it in as one of the considerations, one of the criteria.

And as I told you privately, I'll tell you publicly, I appreciate the efforts that the three of you have made to unbunk Democrats because we're the ones in the urban areas who ended up being double-bunked. You did it in the case of Wake county. You did it in one instance in the case of Mecklenburg county. You did it in Guilford county. You may have done it somewhere else, but you've done it in the places where we ended up double-bunked.
Certainly, you didn't have to split municipalities or anything like that, you can shift things around, but again, this is a case where you can do some of the things that you've done in other districts and observe that criterion in this decision.

Again, as Senator Nickel said, there are ways you can do it and still preserve the efforts that you've made in the rest of this map, and you know you can in southern Mecklenburg county still preserve the effort that you've made down there, but not just end up in this being the single double-bunk where you could do something about that you didn't do something about.

CHAIRMAN NEWTON: Senator Blue and Members, in the discretion of the chair, I'm going to recommend that we displace this amendment. Let's get our heads together. I will -- I will point out, just for fun, the humor in the fact that I think Senator Marcus championed an amendment to remove consideration of members' residences from the criteria, but that's okay, that was yesterday. Today's today. And why don't we displace this and we'll spend a
little time seeing if we can find a solution.

All right. Thank you. Next amendment.

SENATOR MARCUS: Mr. Chair, can I just set the record straight on that since you represented what I said.

This caucus, not me, did put forward an amendment when we were adopting these criteria to say let's not consider anybody's residence, to be fair, and the committee turned that down. They said, no, no, we want to consider member residence. So my amendment, for the record, was to say let's be fair and make sure that we use that data for everyone to not double-bunk.

CHAIRMAN NEWTON: Thank you, Senator Marcus.

SENATOR MARCUS: And you turned that amendment down. So we are where we are for exactly that reason. I don't think I've been inconsistent. I'm trying to be consistent and honest. Obviously, I have feelings about this, and I hope you'll forgive me for being a little bit emotional about it, but I don't want you to misrepresent or suggest that I've been inconsistent in how I feel about this issue.

CHAIRMAN NEWTON: Thank you,
Senator Marcus.

SENATOR MARCUS: And I'll be happy to displace this for today.

CHAIRMAN NEWTON: Thank you.

Senator Blue, what's the next amendment?

SENATOR BLUE: Since this one is displaced, Mr. Chair, I have I think one other amendment, and I'll be very brief on that. That's SBK 4. It's a VRA district based in Wilson county.

CHAIRMAN NEWTON: I don't have that nomenclature before me.

SENATOR BLUE: Let's see.

SENATOR MARCUS: Senator Blue, I believe it's SCH Amend-7.

SENATOR BLUE: Okay. I've got it here. SBA Amend-3.

CHAIRMAN NEWTON: Okay, got it.

So, Members, it's SBA Amend-3.

SENATOR MARCUS: I'm sorry.

CHAIRMAN NEWTON: Members found that map, we're good to go. The map's up on the screen.

Senator Blue, you have the floor.
SENATOR BLUE: Is that it?

CHAIRMAN NEWTON: Vance. That is not -- that is not it.

SENATOR BLUE: That's not it.

CHAIRMAN NEWTON: How about to the left there. Yeah.

SENATOR BLUE: Yeah, that's it, that's it. I'm looking at the wrong one.

I won't repeat everything I said about a VRA district, but this was one of the originally created VRA senate districts, and it stayed in place through 2011. I think it was created in the -- in 2003 with the whole county provision applicable, and this body redid it in 2011, and Senator Angela Bryant was representing various portions of it.

The only thing I've done here -- and again, this is a solution to a problem before it becomes a problem. The only thing I've done is take districts whatever it was beforehand, but as to Wilson, Nash, Edgecombe area, and it starts up in Vance county, comes down to Franklin, then through Nash. It takes those two clusters -- there are two clusters. It takes those two clusters and it combines them because
you can create the functioning VRA district without going through the exercise of the original VRA district which had Wilson, Nash, Edgecombe, Northampton -- I think Northampton, but Halifax and Warren and maybe even Vance, but it went into all of those counties.

And its configuration after Rucho -- or as a result of Rucho was Wilson -- Wilson, Halifax, and Edgecombe, those three counties, and it met the requirements of a VRA district as it was intended to be. And once it got thrown into this new cluster that it was thrown into, it dissolves that VRA district. And as I said earlier, Stephenson can't in and of itself dissolve a VRA district. You've got to make the study. It, too, was one of the districts pointed out by those who were telling you some problem areas and it showed the statistics.

What this would do is preserve that district and it would combine those two districts so that the remaining district -- again, just as with my first formulation over in the northeast, it would combine the districts, and the remaining district would be the second district of those two. It would still be three
counties. It wouldn't cause any other configurations under the Stephenson criteria because you will have created a VRA district and then you are left with three counties from that VRA district -- from creating that VRA district just as it is going into it. So it's a three-county cluster. It would still be a three-county cluster. The cluster around it would still be a two-county cluster, and this would be a cluster going into three or four counties, but it would be a VRA district so it wouldn't count against that, and it solves a problem before you have to address it in any other proceeding win or lose. It gives you certainty through this decade, and it doesn't do any harm to the other stuff that you've come up with cluster-wise or any other way. So I offer it to you for your consideration and move its adoption.

CHAIRMAN NEWTON: Thank you, Senator Blue.

And before we take up the motion, Senator Hise.

CHAIRMAN HISE: Thank you, Mr. Chairman.
I guess I want to point out that this fails to create a two-county pod for Edgecombe and Pitt, a three-county pod for Wilson, Greene, and Wayne, and a three-county pod for Vance, Franklin, and Nash, and instead creates an eight-county pod that it divides among three members. No evidence to suggest that that is required that I have seen before you bypass the entire podding and destroy three pods.

Even if I accepted that, I do not -- the challenges of why Edgecombe would be divided seems to make no sense to me when Edgecombe and Pitt form a two-county pod already, and so you've got this small, little blip that was divided just because.

But trying to get into those, I think that the request here is to throw out the Stephenson poddings of a two-county pod and two, three-county pods and instead make that an eight-county pod and divide it among three districts, splitting all those counties and others.

They claim that -- the claim is being made that there are some VRA requirement that has to do so. I refer everyone to the statement
we've made earlier today that we don't see that, and I think it would be a tremendous mistake for us to go this far in violating all the pods and others in order to accommodate with certain other people's opinions of what's required of us.

CHAIRMAN NEWTON: Thank you, Senator Hise.

Senator Blue, comment.

SENATOR BLUE: Just to be clear, Stephenson says you first draw the VRA districts. That's an instruction to the General Assembly. Nobody disputes that. That is the first thing that the opinion says that you do. It says first draw the VRA districts.

After you draw the VRA districts, then you group counties, those that can be separate in and of themselves, a single-member district, you do that. Those that contain within themselves a concrete number of districts, then you do that. So you get Wake -- you used to get Wake and Mecklenburg, and that's how you got Onslow.

Then it says after -- after you do the VRA district, you do the clustering. After I've
done this proposed VRA district, the clustering is still the Pitt-Edgecombe cluster. That's the cluster. That's a two-county cluster because it disregarded what you did to draw the VRA district. The cluster is still Nash, Wilson, and Wayne, a three-county cluster which is what it is now. So those are the clusters that you draw after you've drawn the VRA district.

And that's what Stephenson says you do, no difference than what you did when you started initially. You just didn't recognize the obligation to do a VRA district. That's all this does. It doesn't make an eight-county super cluster. You haven't -- remember, you haven't done the clusters when you do the VRA district. You do the clustering afterwards, and that's why it leaves these counties intact. You don't -- you're still observing the clustering mandate.

Remember, the whole theory behind Stephenson was that you harmonized the whole county provision with -- and that's the language from the case, you harmonize it with federal law, which is what I just tried to do, and that's what I was pointing out to you. It does
not create an eight-county super cluster.

CHAIRMAN NEWTON: Thank you, Senator Blue.

Seeing no other comments or questions, Senator Blue has moved for the adoption of SBA Amendment 3. All those in favor say aye.

COMMITTEE MEMBERS: Aye.

CHAIRMAN NEWTON: Those opposed no.

COMMITTEE MEMBERS: No.

CHAIRMAN NEWTON: The nos have it, so we will not be amending the map.

All right. So I know Senator Blue said that was his last amendment, but I do have a couple other maps here. I don't know if somebody else moving for those amendments, or are those withdrawn at this point? I've got SBVA Amend-3 and SCHA Amend-7.

SENATOR BLUE: SCH -- I pulled back SCH 10 Amend-7 because you said you're going to set the discussion that Senator Marcus was having aside.

CHAIRMAN NEWTON: 3 and 7.

SENATOR BLUE: Yeah. So it wouldn't be appropriate to do that one until I see how that's resolved.
CHAIRMAN NEWTON: So that takes care of 7. And then so I still --

SENATOR BLUE: And we're pulling back on 3.

CHAIRMAN NEWTON: You're pulling back on 3 as well? Okay.

So that is all the amendments. Am I missing anything? That's all the amendments you wanted to offer today.

SENATOR BLUE: I think it is. It's all that I have. I don't know whether some other members have other amendments.

CHAIRMAN NEWTON: Okay. I want to make the committee aware that we will be having a committee meeting tomorrow. The time is TBD because I think it's dependent on some work the House is doing, but I wanted to put that on your radar. As soon as we know the schedule, we will certainly let you know.

And I'd like to stand at ease for just five minutes or less here. The chairs need to caucus a second.

SENATOR BLUE: Can I do one thing before you go at ease --

CHAIRMAN NEWTON: Sure.
SENATOR BLUE: -- to make sure that
the -- so the staff knows where we're going.

Again, and I appreciate publicly the
effort that the three chairs made with respect
to not unnecessarily changing district numbers
in the same counties, and I acknowledge that,
and I certainly appreciate it for those members
in these counties who are returning who order
their supplies in great quantities -- in great
quantities so that you'll save some trees. And
I'm sure that Senator Hise recognizes that from
the western part of the state where they just
cut down Christmas trees.

But so that the staff will understand,
in case there's a need for them to renumber
whatever the final districts are within your map
where you've changed, and we won't be rushed to
do it, if you could sort of give them some
direction in that regard. I know you changed
mine in the ones in Wake county, but I didn't
know whether there were others where you had
made those kinds of --

CHAIRMAN NEWTON: Thank you,
Senator Blue. The staff's got that on their
radar.
ERIKA CHURCHILL: Mr. Chair, if I might, we're happy to engross today's amendments into an underlying map if y'all will give us a couple of hours and then we can reopen the drawing room if Senator Blue and the chairs would like to come in and instruct us how to renumber.

CHAIRMAN NEWTON: All right. Let us caucus here for just a moment. Thanks.

[At ease.]

CHAIRMAN NEWTON: I'll start with just a little housekeeping. The chairs have discussed with Senator Blue the best mechanism for -- if we can come to agreement to cure the double-bunk that Senator Marcus has, we can do that as a floor amendment, so we're going to proceed today to vote out the map as amended with any changes thereto either being technical which we're going to give the staff the ability to make at the direction of the chairs or it can be done on the floor.

And with that, Senator Hise has a motion.

CHAIRMAN HISE: Thank you, Mr. Chairman.
I move for a favorable report to Senate Bill 737 as amended rolled into a new PCS with leave for staff to make technical and informing changes inclusive of the numbering of districts as technical, unfavorable to the original bill on the direction of the chairs.

CHAIRMAN NEWTON: That is well done, Senator Hise.

Any comments, questions? Good.

All those in favor --

SENATOR BLUE: One --

CHAIRMAN NEWTON: Senator Blue, of course. I should have known.

SENATOR BLUE: No. No. I want to make a statement so the record is clear.

I was iterating the different versions of Edmisten, and the second iteration was Gingles versus Thornburg.

CHAIRMAN NEWTON: Thank you so much for that clarification to the record.

All those in favor of the motion say aye.

COMMITTEE MEMBERS: Aye.

CHAIRMAN NEWTON: Those opposed.

The ayes have it. And so the motion
that's been adopted is unfavorable to the original bill, favorable to the bill as amended rolled into a new Proposed Committee Substitute with a favorable report to the committee substitute and to make technical changes which include renumbering of districts under the direction of the chairs, and with that we stand adjourned. Thank you.

(Transcription from YouTube ended at 4:41:50.)
STATE OF NORTH CAROLINA    )
                          ) CERTIFICATE
COUNTY OF WAKE            )

I, DENISE MYERS BYRD, Stenographic Court Reporter, CSR 8340, do hereby certify that the transcription of the recorded Senate Redistricting Committee held on November 2, 2021, 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 17th day of December 2021.

Denise Myers Byrd
CSR 8240, RPR, CLR 102409-2
Cherryville 25:23
choices 57:11 63:7 66:6
choose 55:23 66:3,7 74:18 101:2
choosing 30:8 55:21 65:5 74:18 101:2
Chowan 4:3,9 67:15
Christmas 132:13
church 116:24
CHURCHILL 133:1
circle 99:1 114:5 circles 114:4,6 circuit 56:24 57:3 circumstances 82:15
cities 97:9
citizenship 55:16
citizens 49:6,6 55:18

24:6
claim 127:23,23 claims 32:14 33:22 56:10
clarification 134:20
Clark 2:19 14:20 35:9,10 35:15,18 37:10 37:11,14,16,19 37:22 38:1 40:2,3,6,15,17 103:5,11,14,18 103:20,24,25 104:17 106:7
Clark's 35:13 40:8 41:2
Clause 31:11 33:2 48:7
Clay 27:7 28:14
clean 103:23
cleaner 106:25
cleaner-looking 106:24
clearly 52:7 58:10 59:5
Clemmons 20:1
Cleveland 25:12 26:2
close 8:23 84:2 108:7
closest 84:3
CLR 136:16
cluster-wise 129:2,3,3,5,6 129:14 130:1
co-equal 109:4
cost 69:12
coastal 63:4 64:24
cohesive 30:20 44:15 55:5
cold 100:8
collectively 96:18
college 43:2
Columbus 5:22 6:16
combine 125:20 125:23
combined 26:7
combines 25:12 124:25
comes 124:22
comment 41:16 53:23 77:4 91:19 112:13
commission 46:5
commissioners 96:25
common 69:13 95:14 112:2
communicated 52:1
communication 50:23
communicating 50:9
community-of... 102:1
Final Senate Redistricting Committee 11022021

November 2, 2021

Final Senate Redistricting Committee 11022021

DISCOVERY COURT REPORTERS www.discoverydepo.com 1-919-424-8242

63:14 64:3,19
65:9 66:22
67:23 68:21
69:10,17 73:16
73:19 76:5
77:3 78:13
79:8 83:6,10
83:11 84:13
85:3 86:24
87:6,16 88:20
88:22 89:6
91:10,25 92:10
92:17 93:8,10
115:22,24
120:13

questions 29:4
29:11,17 34:17
35:8 37:9
40:5,6 48:6
50:22 73:5
race-predomi...
33:31

to 33:19
ran 82:12
Randleman
15:14
Randolph 14:23
15:5,9,11,15
16:1,8
range 10:22
16:23 20:25
25:24
rank 71:17
ranked 109:3
ranks 81:3

real 92:15
reaching 81:19
reactivated
51:19
read 52:19
ready 36:24
real 96:20
117:20
really 57:5 82:9
92:24 96:14,22
107:20 113:24
118:7
reason 42:14
77:20 109:19
110:5 120:8
122:18
reasonable
104:8 111:5
112:3,5
reasonably
30:18 32:19
44:14 55:4
reasons 31:15
registered
28:3,10
recap 12:2
received 29:23
receiving 36:20
recess 2:21 29:8
34:14,19,21,23
35:2 41:24
recited 44:5
recognize
129:11
recognized
101:13
recognizes 54:12
132:11
recommend
39:24 121:18
recommendations
105:16
recommended
49:20
recommending
50:14
reconvene 29:10
record 31:17
40:20 122:4,11
134:15,20
recorded
136:6
recording
136:11
red 70:21
redid 124:14
redistricting
1:2
2:5 31:20 32:2
42:3 57:1,2
101:24 110:21
136:6
redraw 104:20
redrew 53:15
refer 86:6
116:23 127:25
referred 52:21
regard 51:21
132:19
regarding 41:25
region 31:24
43:7 60:2
61:14 62:13
63:11,13
113:10
regions 31:23
register 97:3
registration
42:25
reinforced 43:1
43:2
reject 34:9 60:5
117:9
relevant 87:14
115:7
reliable 31:3
relief 104:7
remain 57:16
93:25 112:20
remaining 13:1
24:19 125:21
125:24
remember 76:21
129:14,20
remove 36:17
121:22
removed 7:7
renumber
132:15 133:7
renumbering
135:6
Roock 99:18
110:16 112:18
reopen 133:4
repealed 51:23
repeat 61:5
124:9
rephrase 101:22
replace 107:12
107:13
report 80:17
90:10 134:1
135:4
Reporter 136:5
Reporters 1:19
reports 81:12
represent 92:2
96:18 112:12
118:1
represented
46:17,21 50:19
53:25 96:7,8
97:5 109:23
122:5
representing
53:17 96:15
97:1,6 120:10
124:15
Republican
87:11 92:19
93:6 98:21
98:24 109:7
110:17,20
111:9 115:4
Republican-p...
111:7
Republicans
92:21 95:9
104:12
request 33:11
41:2 127:17
require 32:1,5
33:19 51:13
required 29:22
33:8 41:25
45:8 74:22
82:14 94:23
110:22 113:12
127:8 128:5
requirements
57:23,25 93:22
127:24
requirement
32:6 125:10
requires 59:7
requiring 45:7
reside 14:6
residence 122:8
122:11
residences 111:1
115:8 121:23
residents 7:8
residing 50:21
resolved 53:15
105:21 130:25
respect 53:3
57:21 58:6
65:16 100:9
132:4
respecting 18:16
respond 58:19
83:6 114:21
responsibility
49:2
rest 7:13 15:25
16:14 18:25
78:20,23,25
103:4,10,12,17
103:19,20
106:8 130:6,22
131:4,6
3-1 25:15
3-2 25:13
3/2 59:25
30 13:23 17:5
19:5,10,10
30s 53:16,22
31 19:11,22,25
20:13,18,19,22
21:4
32 19:10,11
20:18,23 21:1
99:17 110:20
33 21:19,24
22:18
34 14:25 16:18
16:21,25 17:4
17:5,11,14,18
22:14
35 14:25 16:13
16:25 17:11,12
36 11:1 21:5,18
37 22:2,5,9,16
22:17,21 23:1
23:5 110:18
114:10
38 22:2 23:3,11
39 22:2 23:15
24:1,4 110:20
4 5:5,10 18:7
24:8,20 69:6
123:10
4.9 82:8
4:41:50 135:10
40 22:3 24:5,13
42:8 45:20
40s 53:16,22
41 22:3 24:14,25
42 22:3 25:1,7
43:21 47:16,21
99:17
4208 1:21
424-8242 1:24
43 25:19
44 26:1,5
45 11:10 25:25
27:5,13,18,23
28:9
46 26:13,19
47 26:19 27:5,17
27:24 28:5,11
48 26:7,11 27:2
110:16
49 26:17,21
5 5:11,15 8:20
8:23 16:23
23:23 32:8,12
43:19,22 45:23
47:17,21 52:15
50 3:6 27:5 28:7
28:13,18 46:19
47:6,9,24 48:2
48:11 51:1,1
51:10 53:8,14
53:19 54:5
55:10 85:25
50/50 76:11
52 8:20 82:10
85:20
53 51:5
53/47 77:16
55 11:21
6 5:17 79:3,4,5
88:7 90:9
95:20 97:23
6.5 11:22
60/40 113:19
67 23:6
68 18:20
69 11:14
7 5:21,23 6:3,5
6:11,14 130:22
131:2
70 14:5
70s 43:2
71 24:18
737 134:2
739 2:14 3:3