

NORTH CAROLINA GENERAL ASSEMBLY

SENATE REDISTRICTING COMMITTEE

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1 (Transcription from YouTube started at
2 1:00:15.)

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

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

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

25 So with that, Senator Hise, the floor

1 is yours.

2 CHAIRMAN HISE: Thank you, all members.
3 I'm going to present Senate Bill 739. You
4 should have the map and the bill in front of
5 you. I want to go through an explanation of the
6 50 districts and, once again, be thankful I'm
7 not in the House. That's for coming in.

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

15 The configuration leaves four of the
16 five finger counties in the northeast in one
17 district. We had some public comments about
18 keeping these counties together or the northern
19 Outer Banks together. Seven of the ten counties
20 and 81 percent of the population in SD 1 are in
21 the Norfolk media market, Camden, Currituck,
22 Dare, Gates Hertford, Pasquotank, and
23 Perquimans, while others are divided between
24 Greenville and Raleigh containing 19 percent of
25 the district's population.

1 All North Carolina counties in the
2 Norfolk media market are in SD 1 except for
3 Chowan county, this being a whole county
4 district. There are no split VTDs or split
5 municipalities within the counties in SD 1. The
6 incumbent for this district is Senator Bazemore.

7 Senate District 2 follows the Roanoke
8 River from Warren county to Albemarle Sound in
9 Washington county, Chowan county directly across
10 from the Albemarle Sound from Washington county.
11 It is also grouped -- is also grouped in this
12 district. Hyde county, also on the
13 Albemarle Sound, is in this district as is
14 Pamlico county. Along the Pamlico River and the
15 Pamlico, five of the eight counties in the
16 district are in the Greenville media market with
17 the others being split between the Raleigh media
18 market and the Norfolk media market. Two-thirds
19 of the population of this district live in the
20 Greenville media market. This being a whole
21 county district, there are no split VTDs or
22 split municipalities. In Senate District 2,
23 there are two incumbents in this district:
24 Senator Sanderson and Senator Steinburg.

25 Senate District 3 is created by the

1 base county grouping map: Beaufort, Craven, and
2 Lenoir counties. This being a whole county
3 district, there are no split VTDs or split
4 municipalities. The incumbent is Senator Perry.

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

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

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

21 Senate District 7 [unintelligible]
22 together comprise Brunswick, Columbus, and
23 New Hanover counties. Senate District 7 is
24 created by the county grouping choice in
25 southeastern North Carolina. New Hanover county

1 is slightly larger than the maximum senate
2 district, therefore the chairs chose to move
3 three whole precincts out of Senate District 7
4 into Senate District 8.

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

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

21 Senate District 9 and 12 make a
22 two-district, seven-county cluster also created
23 by the county grouping decision in southeastern
24 North Carolina. Bladen, Duplin, Jones, and
25 Pender counties are whole in Senate District 9.

1 Sampson county is split between the two
2 districts. The chair chose to leave as much of
3 Sampson county whole in Senate District 9 as
4 possible. They had the choice of moving one
5 precinct from northern Sampson county into
6 Senate District 12; however, this would have
7 split two municipalities and removed more
8 residents from Sampson county into Senate
9 District 12 than the alternative which they
10 selected, which was to split the two precincts
11 leaving the town of Plain View intact in Senate
12 District 12 and the town of Spivey's Corner and
13 the rest of Sampson county intact in Senate
14 District 9. There are two split VTDs and no
15 split municipalities within the counties in the
16 district. The incumbent for Senate District 9
17 is Senator Jackson.

18 Senate District 12 is made up of
19 Harnett and Lee county plus the municipalities
20 of Plain View and Sampson county as described
21 above. There are two split VTDs shared within
22 Senate District 9 as previously mentioned and no
23 split municipalities within the counties in the
24 district. The incumbent for Senate District 12
25 is Senator Berger.

1 Senate District 10 is created by the
2 base grouping map Johnston county. It's a
3 single county district. There are no split VTDs
4 or municipalities.

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

10 Granville and Wake counties form a
11 six-district, two-county grouping in the base
12 senate map. Within this grouping, the chairs
13 are attempting to keep municipalities whole
14 while splitting as few precincts as possible to
15 accomplish this task and comply with the one
16 person, one vote. The overall population when
17 this -- within this county grouping is
18 1,190,402, meaning the ideal population for each
19 of the six districts is 198,400, which is only
20 52 people above the minus 5 percent deviation
21 minimum for senate districts in the state. In
22 other words, all six districts were incredibly
23 close to the minus 5 deviation minimum and some
24 VTDs had to be split to the comply with the one
25 person, one vote within Wake county.

1 Raleigh is too large for one senate
2 district and, therefore, must be split. The
3 chairs were unable to keep Cary or Apex whole
4 within a district due to the populations and
5 geography. However, all other municipalities --
6 Fuquay-Varina, Garner, Holly Springs,
7 Knightdale, Morrisville, Rolesville,
8 Wake Forest, Wendell, and Zebulon -- were kept
9 whole. Ten percent were split in Wake county to
10 keep the municipalities whole and balance
11 populations between the districts. Ten
12 precincts were split to keep the populations
13 whole.

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

1 Wake county populations are within Senate
2 District 13.

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

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

24 Senate District 15 is in west Raleigh
25 downtown and contains a portion of eastern Cary.

1 36 percent of the population of Raleigh is in
2 Senate District 15. Within the district,
3 85 percent of the population is in Raleigh and
4 12 percent is in Cary. Senate District 15
5 splits two precincts with other districts to
6 balance population. The incumbent in this
7 district is Senator Chaudhuri.

8 Senate District 16 is centered in Cary
9 and western Wake. 80 percent of the population
10 of Cary is in Senate District 16. 45 percent of
11 the population of Apex is in the district. The
12 town of Morrisville is kept whole within Senate
13 District 16. Of the population of the district,
14 69 percent is Cary, 15 percent is Morrisville,
15 and 13 percent is Apex. There are two split
16 precincts to balance population. One was Senate
17 District 15 and one was Senate District 17. The
18 incumbent for Senate District 16 is
19 Senator Nickel.

20 And Senate District 17 includes
21 Holly Springs, Fuquay-Varina, 55 percent of
22 Apex, and 6.5 percent of Cary. Three VTDs were
23 split to keep Garner whole in Senate
24 District 13, and another VTD was split to
25 balance population between 17 and 16. The

1 incumbent in this district is Senator Batch.

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

11 Cumberland and Moore county form a
12 two-county, two-district grouping in the base
13 map. Senate District 19 was drawn to keep as
14 much of Fayetteville as whole as possible. The
15 city of Fayetteville has an irregular shape and
16 many satellite annexations and shares precincts
17 with other municipalities such as Hope Mills,
18 and the chairs were not able to leave it whole.
19 The result is a district that includes over
20 88 percent of the population of Fayetteville and
21 nearly 15 percent of the population of
22 Hope Mills. There are no split VTDs in the
23 district. The incumbent in Senate District 9 is
24 Senator deViere.

25 Senate District 21 was drawn keeping

1 Moore county whole in part with the remaining
2 rural areas of Cumberland county. As stated
3 above, the irregular shapes of municipalities
4 and precincts containing more than one
5 municipality in them made it difficult to keep
6 all municipalities whole.

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

12 Chatham and Durham counties form a
13 two-county, two-district grouping in the base
14 senate map. Senate District 20 includes all of
15 Chatham county, any unincorporated Durham
16 county, and the peripheral Durham city
17 precincts. The town of Chapel Hill has some
18 territory in two Durham county precincts. The
19 chairs decided to keep the town of Chapel Hill
20 whole and place both the precincts in Senate
21 District 20. Most of the City of Durham is in
22 Senate District 20 and Senate District 22, but
23 SD 20 includes 30 percent of the city's
24 population. There are no split VTDs in the
25 district, and the incumbent is Senator Murdock.

1 Senate District 22 was drawn within the
2 city of Durham. The city is larger than a
3 senate district and is, therefore, split between
4 Senate District 22 and Senate District 20.
5 70 percent of the population of Durham will
6 reside in Senate District 22. There are no
7 split VTDs in Senate District 22. Senator
8 Woodard is the incumbent in the district.

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

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

22 Alamance, Anson, Cabarrus, Montgomery,
23 Randolph, Richmond, and Union counties comprise
24 a seven-county, four-district grouping with the
25 Senate Seats 25, 29, 34, and 35. The county

1 grouping is the base group in the senate map.
2 Because of how the counties are aligned and the
3 populations that live there, the counties must
4 be split between districts are Cabarrus,
5 Randolph, and Union. Alamance, Anson,
6 Montgomery, and Richmond counties were left
7 whole within the district.

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

19 CHAIRMAN NEWTON: Senator Hise.

20 CHAIRMAN HISE: Yes.

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

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

25 Senate District 29 comprises the rest

1 of Randolph county, including all of Asheboro
2 and the eastern side of the county, all of
3 Anson, Montgomery, and Richmond, and eastern and
4 southern portions of Union county. Within Union
5 county, the district line was drawn to keep all
6 precincts and municipalities whole. Senate
7 District 29 shares one split precinct with
8 Senate District 25 in Randolph county to keep
9 the city of Asheboro whole. There are no split
10 municipalities within counties in the district.
11 There are two incumbents in Senate District 29:
12 Senator Craven and Senator McInnis.

13 Senate District 35 comprises of the
14 rest of Union county and parts of the
15 southernmost VTDs in Cabarrus county. The
16 chairs opted to not take the entire VTD, leaving
17 the blocks north of the town of Midland in
18 Senate District 34 to leave as much of the
19 population of Cabarrus county in the district
20 base there as possible, that being Senate
21 District 34, and to make the populations of the
22 districts within the pod fall within the plus or
23 minus 5 percent range. All the districts in
24 this county grouping are above the ideal
25 population number with Senate District 34 and 35

1 above 218,000 people, just below the limit of
2 219,227.

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

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

20 Guilford and Rockingham counties form a
21 two-county, three-district grouping in the
22 senate base map. Rockingham county is left
23 whole in Senate District 26. Senate District 26
24 includes the unincorporated and bedroom
25 community areas of Guilford county along with

1 Rockingham county. Greensboro is too large to
2 be contained in one senate district and is,
3 therefore, split.

4 Senate District 26 does not contain any
5 G precincts, Greensboro [unintelligible] that
6 begin with the letter G, but it does include
7 4 percent of the city's population. One VTD was
8 split, SDRI, in western Guilford county to keep
9 the population of Kernersville, the Guilford
10 county portion, most of the municipalities in
11 Forsyth county but within Senate District 26,
12 therefore in total there is one split
13 municipality, Greensboro, and one split VTD in
14 Guilford county. The incumbent in Senate
15 District 26 is Senator Berger.

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

24 Senate District 27 includes most of the
25 rest of Greensboro, specifically the southern

1 sections of the city and the city of High Point,
2 leaving the Guilford portion of the
3 municipalities whole. There is no incumbent in
4 Senate District 27.

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

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

22 Senate District 31 is drawn to keep
23 Stokes county whole and to keep as many
24 municipalities whole within Forsyth as possible.
25 Senate District 31 keeps the suburban towns

1 around Winston-Salem whole: Bethania, Clemmons,
2 Germantown, Kernersville, King, Lewis,
3 Rural Hall, Tobaccoville, and Walkertown. This
4 configuration keeps the municipalities King and
5 Germantown whole across the Forsyth-Stokes
6 counties. There are no municipalities that span
7 the Yadkin-Forsyth county line, the alternative
8 option for the two-county groupings, therefore
9 selecting the Forsyth-Stokes county grouping
10 option creates more compact districts and keeps
11 two more municipalities whole across the
12 counties.

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

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

23 Senate District 32 is drawn within the
24 city of Winston-Salem since it's larger than the
25 population range for a senate district. Senate

1 District 32 contains 84 percent of the
2 population of Winston-Salem. All VTDs were left
3 whole in Forsyth county. The incumbent for
4 Senate District 31 is Senator Lowe.

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

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

25 Six senate districts are contained in

1 the two-county grouping of Iredell and
2 Mecklenburg county. Senate District 37, 38, 39,
3 40, 41, and 42. The county grouping is created
4 by the base map.

5 Senate District 37 keeps Iredell whole
6 and contains the northmost precincts of
7 Mecklenburg county. The municipality of
8 Davidson spans Iredell and Mecklenburg county,
9 so Senate District 37 includes the Mecklenburg
10 precincts containing Davidson, keeping the
11 Mecklenburg and Iredell portions of that
12 municipality whole. Part of Davidson is in
13 Cabarrus county, but that piece of the
14 municipality is in Senate District 34.

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

23 I would like to note that the Senate
24 Democrats' amendment for Mecklenburg and Iredell
25 county contains this same district, Senate

1 District 37, exactly the same way, creating the
2 same double-bunking.

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

15 Senate District 39 is in western
16 Mecklenburg county and includes the
17 unincorporated areas along with the Gaston
18 county along and the South Carolina border along
19 with parts of uptown, west Charlotte,
20 Still Creek and the town of Pineville and
21 southern Mecklenburg county. Of the population
22 in the district, 81 percent is in Charlotte,
23 5 percent is in Pineville, and 14 percent is in
24 the unincorporated areas of the state. Of the
25 total population of Charlotte, Senate District

1 39 contains about 20 percent of the population.
2 There are no split VTDs in this district.
3 Senator Salvador is the incumbent in Senate
4 District 39.

5 Senate District 40 is in northeastern
6 Charlotte and includes 24 percent of the city's
7 population. Of the population in the district,
8 96 percent is in Charlotte and 4 percent is in
9 unincorporated areas of Mecklenburg along the
10 eastern edge of the county bordering Cabarrus.
11 There is no split precincts in the district.
12 Senator Waddell is the incumbent in Senate
13 District 40.

14 Senate District 41 includes south
15 Charlotte and the towns of Matthews and
16 Mint Hill. They're unincorporated areas in the
17 district. Of the population in the district,
18 71 percent is Charlotte, 14 percent is Matthews,
19 12 percent is Mint Hill, and the remaining
20 4 percent is Union county base municipalities
21 with territories in southern Mecklenburg and
22 unincorporated areas. Approximately 18 percent
23 of the population of Charlotte is in this
24 district. There are no split precincts, and
25 there is no incumbent in Senate District 41.

1 Senate District 42 includes parts of
2 uptown Charlotte, south Charlotte, and east
3 Charlotte. 100 percent of the district's
4 population is in the city of Charlotte. The
5 district includes 25 percent of Charlotte's
6 population. There are no split precincts in
7 Senate District 42, and the incumbent in the
8 district is Senator Jackson.

9 There are two options for county
10 groupings in the southwest part of the state.
11 The chairs selected the county group
12 configuration that combines Cleveland, Gaston,
13 and Lincoln counties in a 3-2 district pod,
14 Henderson, Polk, and Rutherford counties in a
15 3-1 district pod, and Buncombe, Burke, and
16 McDowell in a three-county, two-district pod.
17 The chairs selected this because the resulting
18 districts are the most compact.

19 Senate District 43 is drawn within
20 Gaston county and keeps all the precincts and
21 municipalities whole. Five VTDs were pulled out
22 of the Gaston county district, the three
23 Cherryville VTDs, Landers Chapel, and Tryon, to
24 stay within the correct population range. The
25 incumbent in District 45 is Senator Harrington.

1 Senate District 44 is comprised of the
2 five VTDs from Gaston county and Cleveland and
3 Lincoln counties. There are no split precincts
4 or municipalities within the counties in Senate
5 District 44. The incumbent in this district is
6 Senator Alexander.

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

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

21 Senate District 49 includes the rest of
22 Buncombe county, including Asheville,
23 Biltmore Forest, Weaverville, Woodfin -- and
24 Woodfin. This splits one VTD mentioned above to
25 keep Woodfin whole. There are no split

1 municipalities in the district. The incumbent
2 for District 48 is Senator Mayfield.

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

13 Senate District 45 contains all of
14 Catawba county and a portion of Caldwell county.
15 The chairs kept the municipalities in Caldwell
16 whole as Lenoir -- with Lenoir going to Senate
17 District 47 and the small towns in the southeast
18 of Lenoir in Senate District 45. There are two
19 split precincts in Caldwell to keep the
20 municipalities of Lenoir whole. There are no
21 split municipalities within the district.
22 Senator Proctor is the incumbent in Senate
23 District 45.

24 Senate District 47 includes the rest of
25 Caldwell county, all of Alleghany, Ashe, Avery,

1 Madison, Mitchell, Watauga, and Yancey counties
2 and a portion of Haywood county. The chairs
3 kept all municipalities and VTDs whole within
4 Haywood county. In Haywood county, Senate
5 District 47 includes the town of Canton. The
6 larger municipality of Waynesville is left whole
7 in Senate District 50. There are no split
8 municipalities in the district, and only the two
9 split precincts shared with Senate District 45
10 to keep Lenoir whole. There are two incumbents
11 in Senate District 47, myself and Senator
12 Ballard.

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

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

22 [Applause.]

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

25 So, Members, where we're going to go

1 from here is I'm going to be making a statement
2 of the chairs. We have a number of amendments
3 that are being pulled together that I think will
4 answer or go to many of the questions that you
5 may have for Senator Hise.

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

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

19 So the chairs wanted to be direct and
20 address an issue that's being raised by some,
21 and that is whether the General Assembly is
22 required to draw districts using racial data.
23 We've also received a lawsuit already
24 from -- against the General Assembly filed
25 before the plan has even passed. This interest

1 group activity litigated against the General
2 Assembly this past decade and succeeded in
3 developing some of the strict limits on
4 permissible racial consideration -- racial
5 considerations it now asks us to defy. I want
6 to explain at the outset why we cannot do that.
7 So just to be clear, they litigated to limit our
8 ability to use racial data, we're choosing, as
9 we did in 2019, not to use racial data, and now
10 they're litigating, saying we should have used
11 racial data.

12 So first, the General Assembly, the
13 allegation is, cannot draw districts using
14 race -- well, no, this is the law. Apologies.

15 First, the General Assembly cannot draw
16 districts using race under the Voting Rights Act
17 unless we satisfy the three Gingles
18 preconditions. They are, one, a reasonably
19 compact majority-minority VAP district; two, a
20 politically cohesive minority community; and
21 three, white bloc voting usually defeating that
22 community's candidate of choice.

23 To draw VRA districts according to
24 Covington and other recent court cases, the
25 General Assembly would need a strong basis in

1 evidence -- quote, a strong basis in evidence,
2 for each of those three factors. Specific
3 evidence would come in the form of reliable
4 racial bloc voting analysis by an expert in the
5 field. Spreadsheets and argument based on
6 inadequate data do not create the strong basis
7 in evidence the General Assembly would need to
8 overcome a constitutional challenge.

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

17 Our present record and most recent
18 litigation does not provide a yes answer to any
19 of the Gingles factors. Our two most recent
20 redistricting efforts, overseen and approved by
21 the courts, in the Covington case and the Lewis
22 case did not consider race. In fact, in Lewis,
23 a three-judge panel analyzed all regions of the
24 state last year, last year, and found no region
25 where the Gingles factors were met. Some have

1 asked about whether the Stephenson case require
2 that race be used in redistricting. Stephenson
3 says VRA districts must be drawn first only if
4 there are VRA districts. Stephenson does not
5 require VRA districts be drawn independent of
6 the requirements of federal law. Stephenson
7 assumed there would be VRA districts because
8 Section 5 of the VRA then applied here which
9 meant VRA districts would need to be preserved
10 independent of the Gingles factors I just
11 discussed, but the US Supreme Court has held
12 that VRA Section 5 no longer applies which means
13 it no longer protects the General Assembly from
14 racial gerrymandering claims.

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

17 In the Wilson-Wayne area, we do not
18 have any proposed plan from any member of this
19 body that includes a reasonably compact
20 majority-minority district in that area. If you
21 have one, and we mean a complete plan with a
22 majority-minority VAP district in that area,
23 please provide it. If no such district can be
24 drawn, then there is no need to continue the
25 Gingles analysis. Creating such a district

1 would violate the 14th Amendment's Equal
2 Protection Clause.

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

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

20 Second, if the General Assembly were to
21 engage in such race-predominant drawing, they
22 would run into claims of racial gerrymandering
23 under the 14th Amendment and they would be
24 without the protection of the VRA to survive
25 strict scrutiny.

1 Finally, no one has given the General
2 Assembly the data necessary to develop a strong
3 basis in evidence for engaging in such drawing.
4 That district was drawn with neutral criteria
5 predominating as just explained when going over
6 the map.

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

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

24 (Transcription from YouTube ended at
25 1:40:34 and started again at 2:21:59.)

1 CHAIRMAN NEWTON: We are going to
2 conclude our 15-, 20-minute recess now, and
3 we're at the point in the agenda where we are
4 going to open the floor to members to ask any
5 questions of Senator Hise that you might have
6 but also to offer any amendments that you may
7 have. So, members of the committee, the floor
8 is open for either questions or for amendments.

9 Senator Clark.

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

12 CHAIRMAN NEWTON: Thank you.

13 Senator Clark's sending forth an amendment.

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

17 CHAIRMAN HISE: Which one is it?

18 SENATOR CLARK: SCG-3.

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

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

24 CHAIRMAN NEWTON: I'd rather go ahead
25 and hand them all out. Members, we'll try to

1 give them to you in order so you can minimize
2 the shuffling, but that way you've got them and
3 we won't have to pause for distribution for
4 every -- because there's a bunch of amendments
5 being offered here, so let's go ahead and send
6 them all out.

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

9 [Unintelligible.]

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

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

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

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

24 Members, we're almost ready to go. We
25 are going to go out of order, just to make

1 things interesting as we get started here.
2 SCH Amendment 1 is going to be the first
3 amendment to be discussed. If you want to go
4 ahead and shuffle your packet, it should be the
5 second one down in your packet.

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

10 Senator Clark.

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

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

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

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

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

24 CHAIRMAN NEWTON: Thank you. You have
25 the floor.

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

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

23 But instead of coming down and forming
24 a block such as you all do, I connect this
25 Manchester precinct with some of the

1 northwestern precincts in Cumberland county as
2 well as Hope Mills. So essentially it is
3 splitting the same municipalities as your plan,
4 both of them split Fayetteville and both of them
5 split Hope Mills, but I believe this supports
6 the community of interest concept much better.
7 And for one thing, like the -- I guess you can
8 say the top portion of this, what looks like a C
9 beneath the Manchester precinct, that is a part
10 of what we call the big bang expansion in
11 Cumberland county, when Fayetteville expanded
12 out from its original boundaries, and it picked
13 that area up. And then to the south of that you
14 have Hope Mills, so we have all of the
15 Hope Mills precincts.

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

23 So that being said, Mr. Chair, I
24 recommend to the committee that we adopt this
25 version of the cluster.

1 CHAIRMAN NEWTON: Thank you,
2 Senator Clark.

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

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

10 COMMITTEE MEMBERS: Aye.

11 CHAIRMAN NEWTON: Those opposed.

12 COMMITTEE MEMBERS: No.

13 CHAIRMAN NEWTON: All right. The nos
14 have it.

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

17 SENATOR CLARK: I'm not up next.
18 Senator Blue is up next.

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

23 SENATOR BLUE: Is that the first one?
24 I'm sorry, I'm out of order here. I'm trying
25 to -- is that the northeast one?

1 CHAIRMAN NEWTON: I have -- we took
2 Senator Clark's out of order at his request.

3 SENATOR BLUE: I want the northeast
4 cluster.

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

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

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

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

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

19 SENATOR BLUE: Thank you, Senator
20 Newton.

21 First, I'd like to sort of follow up
22 and explain in this district what the comments
23 that the chair ably stated just before we took a
24 recess, and that is whether the General Assembly
25 is required to draw districts regarding race.

1 And I simply go back to the Stephenson
2 decision that said that before you do any
3 clusters or do any kind of redistricting, you
4 first must determine the VRA districts. And I
5 say it against this context. At least as I
6 understand it -- and I don't hold myself out to
7 be an expert in this area and haven't litigated
8 in it in 40 years, but let me simply say that if
9 you look at Senate District Number 1 and
10 Number 2, there are two clusters up there, and
11 there was a choice of clusters that the
12 committee made.

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

17 There are seven or eight counties along
18 the North Carolina-Virginia border that
19 historically I'll call the black belt of
20 North Carolina because they're majority black
21 counties, and you don't need to consider race or
22 statistics to know that. If you -- again, I go
23 back to eighth grade geography. It's one of the
24 lessons you learned. And if you go to the
25 efforts in the 1960s, voter registration efforts

1 and all that, you got it reinforced, and when I
2 was in college in the '70s you got it reinforced
3 again. And those counties have not
4 significantly changed population percentages.
5 They're losing populations like all of the other
6 counties -- almost all of the other counties in
7 that region.

8 Starting in 1980, after the census,
9 starting in '81, when the districts were drawn,
10 there was no minority district drawn up there.
11 There was one black House member who had gotten
12 elected in 1980, the first African American from
13 that area, that entire area of the state to be
14 elected since 1900 -- either 1898 or 1900. And
15 so following that is what led to the Gingles
16 decision. A lawsuit was filed. It was
17 originally Gingles versus Edmisten, because
18 Rufus Edmisten was the attorney general. A
19 lawsuit was filed. It was a Section 5 lawsuit,
20 meaning that the counties had to be pre-cleared.
21 There were 42 counties in North Carolina under
22 Section 5 of the Voting Rights Act that had to
23 be pre-cleared. You couldn't change them
24 without getting the justice department's
25 permission.

1 The justice department objected. Went
2 back, tried to fix them again. A district was
3 drawn up there in 1984, after the Gingles
4 decision, and that's where the doctrine that you
5 just recited came from. And the Gingles
6 decision, later changed to Gingles versus -- the
7 successor to Rufus Edmisten as attorney general
8 and later on another name. But anyhow, the
9 court in that case decided that you had to,
10 because of history in that area, and that
11 history was a history of polarized voting, that
12 you had to draw certain districts in there if
13 as -- again, using your criteria, if they were
14 reasonably compact, if there were politically
15 cohesive, meaning they voted primarily,
16 minorities in that area, as a bloc, and you
17 could show racially polarized voting, that is,
18 you could show that whites tended not to vote
19 for African Americans in that district.

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

24 What you have here is -- and in Senate
25 District 1, with the amendment that I'm

1 offering, is putting those counties back
2 together naturally, because that's how they've
3 been, and they have elected a minority from that
4 district I think since it was created. That
5 became the case in the 1990s in the various
6 lawsuits that came about. Even when the justice
7 department wasn't sure what they were requiring
8 with congressional districts, they required that
9 one up there. That was the case in 2000, the
10 district was drawn with those counties together,
11 and it was the case in 2011.

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

19 Over the course of the last almost
20 40 years, since the Gingles decision by the
21 United States Supreme Court, areas of the state
22 are less polarized in their voting patterns.
23 Wake county never was a Section 5 county,
24 neither was Durham county. And in fact, in the
25 Gingles decision, the court pointed out that

1 Durham was not a Voting Rights district because
2 you could not show polarized voting, although
3 you could show the other aspects of it. Durham,
4 as Wake county, had elected African Americans
5 countywide, the judgeships, county commission
6 races, and various other races, so you could not
7 show polarized voting and, consequently, you
8 couldn't create majority-minority districts.

9 The problem -- and I think the way it
10 was described, and I know that folk interpret
11 this different ways -- is that Rucho -- the case
12 Rucho in 2011 that was filed was because even in
13 places that you had not had -- you could not
14 prove racially polarized voting, this General
15 Assembly took the number of minority voters in
16 every district in the urban areas, in every
17 district that African Americans represented with
18 the exception of Orange county, took them up to
19 50 percent plus one minority voters, voting age
20 population and minority voters. That way all of
21 the districts that were represented by African
22 Americans were placed in the category of Voting
23 Rights Act districts, they weren't, but what
24 that case brought to the forefront was a
25 doctrine called packing which meant that you

1 would put all of the African Americans, or the
2 minorities, in as few districts as possible, and
3 that's what you did when -- this assembly did,
4 you were not here so you didn't do it.

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

19 Section 2 of the Voting Rights Act
20 covered the entire country, not just this -- the
21 way Section 5 affected 42 counties out of 100 in
22 North Carolina. But the court said in Rucho
23 that what you have done in taking all of these
24 districts above 50 percent is in violation of
25 the Voting Rights Act. First, you haven't shown

1 the Gingles measurements, and it is possible to
2 have VRA districts that are not 50 percent plus.
3 Justice Kennedy said in his ruling that if in
4 fact you try to dismantle a VRA district where
5 you can create one, then that raises serious
6 questions under the 14th Amendment and the
7 Voting Rights Act, the Equal Protection Clause
8 of the 14th Amendment.

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

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

24 And that's what the letters to the
25 chairs and to all of the members were trying to

1 get at; that the preliminary evidence shows that
2 you have a responsibility to inquire as to
3 whether or not there is further need for a
4 Voting Rights Act district. The burden of
5 making the inquiry is on the legislature, not on
6 citizens out here because when citizens do it,
7 they sue you because you haven't done it. And
8 Stephenson says that you will make that analysis
9 before you do all of the clustering and all of
10 the other things.

11 What becomes obvious here in this
12 cluster -- and mind you, the Voting Rights Act
13 trumps the clustering, and that's why Stephenson
14 says you first make the inquiry as to whether
15 you can create -- or you must create VRA
16 districts. You can show up in the northeast
17 that you can create a VRA district, and you can
18 show that you can -- look, I will tell you, it
19 probably would take four hours to get from one
20 end of the district that you've recommended down
21 to Carteret county. No direct way to do it.
22 You might have to catch boats, planes, and cars
23 to get there. But the point is that there have
24 been districts drawn down there that have been
25 determined to be compact, now, even if they

1 meander through 8 or 10 or 12 counties and they
2 dip into counties, affecting counties that ought
3 not be affected in it you can draw, because
4 we've drawn in the past, and the population is
5 still there to support a VRA district.

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

19 It is currently represented by an
20 African American woman, and it would still
21 be -- she would still be residing in that
22 district. You're not looking at race figures in
23 the district, but the communication that you got
24 indicated that black candidates, African
25 American candidates had consistently scored

1 50 percent of the vote -- 50 plus percent of the
2 vote, so you don't have polarization to the
3 extent that whites are not voting for African
4 Americans, and they point out that in those
5 districts, 53 percent of the vote went to these
6 African American statewide candidates. And
7 that's how they suggest that there's enough
8 information that would make you inquire whether
9 or not you can create a functioning district
10 without having 50 plus percent in that district.

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

25 So that's why I'm offering this

1 district. The two groups that have communicated
2 with the chair and with this committee have made
3 it plain to you that this is a VRA district.
4 You have all the tools at your disposal to
5 inquire as to whether you can create it, how you
6 would create it, but they point out to you that
7 based on this anecdotal evidence you clearly
8 still have a degree of racially polarized
9 voting. I believe, and I think you believe too,
10 that it's not to the degree that it was in the
11 1980s or 1990s, but it hasn't gotten to the
12 point that it is in these urban areas which are
13 no longer -- which no longer have the degree of
14 polarized voting that existed, those areas that
15 were covered by Section 5 and, again, all of us
16 by Section 2.

17 One of the things -- and I'll point
18 this out because I've been asked about it.
19 Gingles, the decision, and you can read it in
20 black and white, points out, and they point it
21 out in Gingles itself, and we've referred to it
22 in many cases since then, that you can do, as
23 far as drawing, whatever you need to in Durham
24 county now, in Wake county, in Mecklenburg
25 county, and in Guilford county, and that on its

1 face is not violating the Voting Rights Act
2 unless you can show packing again in Guilford
3 county or Cumberland county. But with respect
4 to the others, there is no Voting Rights Act
5 violation unless you unreasonably take the black
6 vote beyond the level where it is functioning
7 effectively, but that doesn't say that you can
8 go 50 percent plus without justification because
9 that was Gingles -- I mean, that was Rucho. And
10 Rucho did not say you no longer look for Voting
11 Rights Act districts and that there are none any
12 more. Rucho just said you hadn't done the study
13 that supports your taking these districts to
14 50 percent plus. And the case was finally
15 resolved when this legislature redrew the
16 districts, took them down in the 30s and 40s.
17 There are African Americans representing senate
18 districts with 20 some percent African American
19 population that went up to 50 plus. Rucho said
20 you got to bring that back down. There were
21 districts such as mine that went back into the
22 low 30s and had not been in the 40s.

23 And I'll just make one comment and I'll
24 shut up on this amendment. There were nine
25 senate districts represented by African

1 Americans prior to 2011. Nine. None of them
2 except this one -- I believe this was the only
3 one. There were three districts in the east,
4 but none of them, I believe except one, had a
5 VRA greater than 50 percent, yet all of them had
6 elected African Americans which showed that the
7 Voting Rights Act was working and you were
8 bringing the polarization down and we were all
9 getting to the point that I hope all of us
10 aspire to.

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

1 back to pre-1965 practices.

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

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

21 What you've done in choosing one option
22 over the other with these two -- and again,
23 they're two clusters. You can choose one
24 cluster over the other. Senator Hise explained
25 why you chose the first cluster. Well, the

1 first cluster hasn't been like that over the
2 years. It hasn't been like that in the earlier
3 cluster, and it should not present an excuse to
4 you to do it like that when you know that you're
5 dismantling a functioning VRA district.

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

12 Now, the theory might be -- and I don't
13 know what the lawyers' strategies may be on
14 this. The theory might be that maybe you want
15 to tee it up and let the supreme court decide
16 further what Section 2 means or what the Voting
17 Rights Act means, but what you do is put the
18 burden of doing that on the taxpayers of
19 North Carolina. And again, we spend tens of
20 millions of dollars litigating something that at
21 the end of the day we're going to lose unless
22 the United States Supreme Court significantly
23 changes the law on it. And we go back up to a
24 fourth circuit that issued some of the harshest
25 rulings in the last cycle about North Carolina's

1 redistricting than it did of any other
2 redistricting in the country from any of the
3 circuit courts -- or any of the three-judge
4 panels. I'm sorry.

5 And so I would ask you to really look
6 seriously at this. And I will offer one more
7 amendment so that you can absolve the state of
8 Voting Rights Act violations and litigate
9 whatever else you have done in the context of
10 whether it is political gerrymandering because
11 those are the choices. You had two issues in
12 2010 decade: Racial gerrymandering, which I
13 have just described to you why the court
14 reversed it, but the court didn't say you didn't
15 have to look at it. And secondly, political
16 gerrymandering. The issues that might remain in
17 Guilford county and Cumberland county or the
18 other urban counties are issues of political
19 gerrymandering unless you far exceed what the
20 court said in 2015 or '16 you had to do with
21 respect to creating minority districts within
22 those areas if you were going to create them,
23 and no requirement that you create them, but you
24 can't unreasonably -- I don't think there's a
25 requirement except maybe again in Greensboro and

1 Fayetteville because it was covered -- as long
2 as you don't unreasonably discriminate against
3 minorities.

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

15 CHAIRMAN NEWTON: Thank you,
16 Senator Blue.

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

19 CHAIRMAN HISE: I'd like to respond.

20 Members, I think it is clear with what
21 we have here that this is not a consideration
22 under the Voting Rights Act. I think
23 Senator Blue has made it clear several times
24 that that is a separate consideration that must
25 be done first and considered prior to the

1 consideration of county pods, if it's necessary.
2 We may disagree on the concept of whether those
3 standards have been met, whether the anecdotal
4 evidence proves those standards have been met.

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

15 As I have said previously, the chairs
16 looked at this extensively and made a decision
17 as to which of those best conformed communities
18 of interest. We looked at compactness. The map
19 you currently have -- not the amendment.
20 District 1 is the most compact of the four
21 districts that are created in the map. The
22 fingerling counties and [unintelligible] are
23 most contained within this map. Four of the
24 five are placed together in the current map. It
25 moves it to a 3/2 split in the other map.

1 Particularly looking at the northern Outer Banks
2 region, the map that you have contains all of
3 those counties together in a more compact
4 district. So I would ask that the committee
5 reject the amendment and consider the map as is.

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

8 CHAIRMAN NEWTON: Thank you, Senator
9 Hise.

10 Yes, you may. Senator Hise.

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

16 CHAIRMAN HISE: Senator Blue, I'll be
17 clear on what I said, not transpose what I said.

18 There are four districts that can be
19 created. District 1 in the map that we
20 currently have is the most compact of the four
21 districts.

22 SENATOR BLUE: Let me ask another
23 question --

24 CHAIRMAN NEWTON: Follow-up. Sure,
25 Senator Blue.

1 SENATOR BLUE: And so it's your
2 testimony that you chose -- you chose the
3 district in your map because it is more compact
4 than the other two?

5 CHAIRMAN HISE: I can repeat my answer.

6 SENATOR BLUE: Please do.

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

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

23 CHAIRMAN NEWTON: Follow-up,
24 Senator Blue.

25 SENATOR BLUE: Follow-up.

1 So that I understand, then, compactness
2 is the dominant issue in this choice of
3 districts.

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

6 SENATOR BLUE: What are the other
7 issues that --

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

14 SENATOR BLUE: Follow-up.

15 CHAIRMAN NEWTON: Follow-up.

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

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

22 SENATOR BLUE: Follow-up.

23 CHAIRMAN NEWTON: Yes, sir.

24 SENATOR BLUE: Did you examine the
25 community of interest of all of these

1 traditionally African American counties and
2 agricultural counties as opposed to aquacultural
3 counties or various other things that the
4 coastal counties might entail?

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

14 SENATOR BLUE: Further question.

15 CHAIRMAN NEWTON: Yes, Senator Blue.

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

19 CHAIRMAN HISE: I would say that with
20 the exception of inland to Halifax or Warren,
21 so -- and the only one of those that happens to
22 be different would be Warren, all the northern
23 border counties are the same -- with the
24 exception of Warren county are in the same
25 district in both maps.

1 CHAIRMAN NEWTON: Follow-up,
2 Senator Blue?

3 SENATOR BLUE: Yeah, further question.

4 CHAIRMAN NEWTON: Yes.

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

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

17 SENATOR BLUE: Further follow-up.

18 CHAIRMAN NEWTON: Another follow-up.

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

25 CHAIRMAN HISE: Other than looking at

1 what I've said previously about a similar media
2 market for those counties, I would say that we
3 have identified and mentioned the communities we
4 were trying to keep whole and keep together, and
5 when choosing between two groupings of counties,
6 there was only one grouping of counties that did
7 that.

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

10 CHAIRMAN NEWTON: Yes, sir.

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

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

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

25 I will tell you that it is clear that

1 when you're doing congressional maps, you are
2 not drawing predetermined poddings of counties
3 that you choose between. So congressional maps
4 are open. There -- we did the analysis. There
5 are no poddings of counties in congressional
6 maps. In this manner, we had two choices of
7 podding between two groups of poddings to choose
8 from.

9 SENATOR BLUE: So -- and one last one.

10 CHAIRMAN NEWTON: One last, last one.

11 SENATOR BLUE: As I understand it -- as
12 I understand it, in this grouping, the only
13 thing that mattered was compactness.

14 CHAIRMAN HISE: I never said that. I
15 said we looked at a lot of considerations, and
16 what we -- and I could go through them all
17 again, which communities were important to stay
18 as together as possible, what media markets they
19 were in and others and made the choice for the
20 other podding different than this amendment.

21 SENATOR BLUE: Well, that does call for
22 one last question.

23 CHAIRMAN NEWTON: Okay.

24 SENATOR BLUE: And as I understand it,
25 the media market in Warren county, what's that

1 media market? Is it Raleigh?

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

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

7 SENATOR BLUE: What about Carteret
8 county?

9 CHAIRMAN HISE: Bertie, Tyrrell,
10 Northampton, Raleigh.

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

21 SENATOR BLUE: Would Carteret --

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

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

1 element.

2 CHAIRMAN NEWTON: Sure.

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

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

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

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

18 SENATOR BLUE: Thank you.

19 CHAIRMAN NEWTON: Thank you,
20 Senator Blue.

21 Senator Marcus, no, your question has
22 been answered.

23 Seeing no -- Senator Nickel.

24 SENATOR NICKEL: Yeah. I just kind of
25 did a double take with the distance and looked

1 on my phone to try to figure out how long it
2 would take someone to go from Emerald Isle in
3 Carteret county all the way up to -- I found
4 Wise, North Carolina, right along the Virginia
5 border. And Senator Blue is about right, if you
6 stop for a rest break, it's about 4 hours,
7 177 miles, and that's if you're cutting through
8 Senator Perry, Senator Davis, Senator Barnes'
9 districts to get there.

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

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

21 CHAIRMAN HISE: Having served for 10
22 years in a district that's over a three-hour
23 drive from Marshall to Tryon, about three and a
24 half, if you do that, I understand the
25 complexities of doing so, but that is in a lot

1 of ways the geographics of the map and the
2 county pods that formed.

3 CHAIRMAN NEWTON: Thank you.

4 Anything else, Senator Nickel?

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

8 COMMITTEE MEMBERS: Aye.

9 CHAIRMAN NEWTON: All those opposed,
10 no.

11 COMMITTEE MEMBERS: No.

12 CHAIRMAN NEWTON: The nos have it.

13 So the next amendment -- I'll ask the
14 proponent. The next one that I have on my list
15 is actually right back up to the top which is
16 SBV Amendment 3. Is that what you would like to
17 pursue next?

18 UNIDENTIFIED SPEAKER: Just Buncombe
19 county.

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

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

1 [Unintelligible.]

2 CHAIRMAN NEWTON: Okay. Not that one.
3 Members.

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

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

12 CHAIRMAN NEWTON: Okay. Go ahead.

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

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

25 CHAIRMAN HISE: And continues to be in

1 both maps, yes.

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

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

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

14 CHAIRMAN HISE: Each member will make
15 their own choice.

16 CHAIRMAN NEWTON: Senator Blue.

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

20 CHAIRMAN NEWTON: Senator Hise.

21 CHAIRMAN HISE: So, Senator Blue, I
22 would not say that that -- I think that is true
23 for several criteria. There are criteria in the
24 maps that I do see as absolute. We had said
25 that -- when we said that we would comply with

1 the Voting Rights Act, we will comply with the
2 Voting Rights Act. When we said that the
3 Stephenson groupings -- so violating the
4 Stephenson groupings would be absolutes for the
5 committee to consider. Not using race, not
6 using political data were absolute
7 considerations of the committee.

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

16 SENATOR BLUE: Another question.

17 CHAIRMAN NEWTON: Yes, Senator Blue.

18 SENATOR BLUE: And what made me ask you
19 that question, Senator Hise, is because in many
20 of the clusters, as you explained them earlier
21 this morning, it appears that you prioritize not
22 splitting municipalities. For example, when you
23 say that next door in Sampson county that you
24 decided -- you went out of the way to split a
25 precinct in order to keep I believe the

1 municipality of Plain View, one of those places
2 next to the hollerin' capital of the world.

3 CHAIRMAN NEWTON: Spivey's Corner.

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

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

13 CHAIRMAN NEWTON: Senator Hise.

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

25 SENATOR BLUE: Follow-up.

1 CHAIRMAN NEWTON: Follow-up.

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

5 CHAIRMAN HISE: Fayetteville is split.

6 SENATOR BLUE: Several times.

7 CHAIRMAN HISE: Fayetteville is split.
8 There's a portion -- I think it came to
9 12 percent or something like that of
10 Fayetteville is in a different district.

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

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

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

20 CHAIRMAN HISE: I believe we did.

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

1 et cetera.

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

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

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

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

16 Senator Hise, I offer you a district
17 that does not split Hope Mills in Cumberland
18 county and it splits Fayetteville only in the
19 place that you split it. I believe it splits
20 Fayetteville only at that place. I'm trying to
21 remember my geography of my used-to-be next door
22 neighboring county, but I think it -- but if it
23 splits Cumberland -- or Fayetteville, it doesn't
24 split it more times than you do, but it keeps
25 Hope Mills totally whole as you did the

1 surrounding districts up in its neighboring
2 Sampson county.

3 CHAIRMAN NEWTON: Is that a question or
4 a comment?

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

9 CHAIRMAN NEWTON: Thank you,
10 Senator Blue.

11 Senator Hise, any other comments?

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

22 CHAIRMAN NEWTON: All right. Thank
23 you.

24 Seeing no other comments or questions,
25 Senator Blue has moved to amend the map

1 SCH Amendment 2. All those in favor say aye.

2 COMMITTEE MEMBERS: Aye.

3 CHAIRMAN NEWTON: All those opposed say
4 no.

5 COMMITTEE MEMBERS: No.

6 CHAIRMAN NEWTON: The nos have it.

7 Okay. Senator Blue, which is your
8 next?

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

11 CHAIRMAN NEWTON: No worries. Take
12 your time.

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

18 CHAIRMAN NEWTON: SBA --

19 SENATOR BLUE: SBK. SBK 3.

20 CHAIRMAN NEWTON: SBA Amendment 3.

21 SENATOR BLUE: Is that it?

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

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

25 CHAIRMAN NEWTON: SBA 3. Is this it?

1 SENATOR BLUE: It's a Wake county map.

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

5 SENATOR BLUE: SCG Amendment 6, is that
6 it?

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

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

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

15 SENATOR BLUE: Yes.

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

18 SENATOR BLUE: Just Wake county
19 portion.

20 CHAIRMAN NEWTON: Wake county portion.

21 SENATOR BLUE: With the Wake-Granville
22 county portion of Senator Hise -- that cluster.
23 There it is.

24 CHAIRMAN NEWTON: How about that.

25 SENATOR BLUE: That's perfect.

1 CHAIRMAN NEWTON: Senator Blue, you
2 have the floor.

3 SENATOR BLUE: Thank you, Mr. Chairman.

4 And, Senator Hise, correct me if I'm
5 wrong, and I'll ask you because I can't keep up
6 with all this stuff. In looking at your drawing
7 of Wake county, if I could first go to the
8 Granville-Wake county district.

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

12 CHAIRMAN HISE: I believe that is
13 accurate.

14 SENATOR BLUE: I think you split
15 Raleigh --

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

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

20 CHAIRMAN HISE: Yes.

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

24 CHAIRMAN HISE: There were individual
25 cases in which we felt like we could pick an

1 individual VTD and as a result not split
2 municipalities, but again, there was no priority
3 on the criteria that ranks one higher than the
4 other.

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

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

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

22 Do you see that?

23 CHAIRMAN HISE: I see it.

24 SENATOR BLUE: Okay. If you look at
25 that, tell me why you determined to put that

1 protrusion in the map as you were drawing it.

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

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

23 CHAIRMAN NEWTON: Senator Blue.

24 SENATOR BLUE: Follow-up.

25 So you chose not to split Raleigh where

1 it protrudes up into the district, that is, the
2 blue district.

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

10 SENATOR BLUE: Further question.

11 CHAIRMAN NEWTON: Question.

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

20 CHAIRMAN HISE: A specific decision for
21 that choice, I think you're looking at as we
22 were coming south, when you look in the other
23 part of the green area, those seem to be
24 smaller, more compact VTDs, particularly with
25 higher populations that's with coming in. And

1 so when we're trying to balance populations, as
2 we're getting close, we're looking for the VTDs
3 that closest match that in order to minimize the
4 splitting of VTDs.

5 CHAIRMAN NEWTON: Follow-up.

6 SENATOR BLUE: Follow-up.

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

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

12 SENATOR BLUE: Yes, sir.

13 Another question.

14 CHAIRMAN NEWTON: Yes. Follow-up.

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

19 CHAIRMAN HISE: Yeah.

20 SENATOR BLUE: And that was because
21 when you start splitting precincts, you create a
22 lot of districts for election officials in
23 trying to match up all of these areas with
24 what's in and what's out since we elect on a
25 precinct basis.

1 CHAIRMAN NEWTON: Senator Blue, I'll
2 just note that you're kind of answering your own
3 question there.

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

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

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

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

1 necessitates the division of VTDS.

2 CHAIRMAN NEWTON: Follow-up.

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

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

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

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

20 CHAIRMAN NEWTON: Follow-up.

21 SENATOR BLUE: I move the adoption.

22 CHAIRMAN NEWTON: All right.

23 Senator Blue moves the adoption --

24 SENATOR NICKEL: Can I ask a question
25 first?

1 CHAIRMAN HISE: Sure.

2 CHAIRMAN NEWTON: Senator Nickel, yes.

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

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

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

11 SENATOR NICKEL: Senator -- Republican
12 Senator Jerry Tillman.

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

16 SENATOR NICKEL: It is to my question.

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

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

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

24 SENATOR NICKEL: I think we've got
25 another Wake map coming up; is that correct?

1 Senator Blue, we have a second Wake map? I can
2 give my comments then.

3 CHAIRMAN NEWTON: All right.

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

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

8 COMMITTEE MEMBERS: Aye.

9 CHAIRMAN NEWTON: Those opposed, no.

10 COMMITTEE MEMBERS: No.

11 CHAIRMAN NEWTON: The nos have it.

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

14 SCH Amend-6. SCH Amend-6.

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

18 CHAIRMAN NEWTON: All right.

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

23 You have the floor, Senator Blue.

24 SENATOR BLUE: Yeah. Senator Hise, in
25 the last series I asked you about was splitting

1 VTDs and you said that that was important and
2 probably took precedence over splitting
3 precincts, at least as you drew the
4 Granville-Wake county district; is that correct?

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

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

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

14 SENATOR BLUE: Okay.

15 CHAIRMAN NEWTON: Follow-up.

16 SENATOR BLUE: Follow-up.

17 You think that splitting -- at least as
18 you made the decision here, you wanted to split
19 as few VTDs as possible in Wake county.

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

24 SENATOR BLUE: And if I were to show
25 you a map that split two municipalities as

1 opposed to the three that you split in your map
2 and it split only three VTDs as compared with
3 the ten VTDs that you split in your map, would
4 you agree that that's probably a better map
5 using the criteria that the committee adopted?

6 CHAIRMAN NEWTON: Senator Hise.

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

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

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

22 CHAIRMAN HISE: There are a lot of
23 considerations under those specific areas. I
24 will say that if you -- driving this home, if
25 you split fewer municipalities, you have better

1 met the criteria for splitting municipalities.
2 If you split fewer precincts or VTDs, you have
3 better met the criteria of meeting VTDs. That
4 does not imply in some manner that the overall
5 has better complied with the map drawing because
6 it met any one particular criteria in a better
7 manner.

8 CHAIRMAN NEWTON: Senator Blue.

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

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

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

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

24 CHAIRMAN NEWTON: Senator Nickel.

25 SENATOR NICKEL: My question is about

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

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

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

23 And so one of the things that's neat
24 about this process, and really boring at the
25 same time, is watching people draw maps. And I

1 got to watch when you were drawing Wake county,
2 and, you know, you did it and you started at the
3 top with Granville and then you did that weird
4 finger thing and the top part of Wake, and then,
5 instead of drawing other districts, you skipped
6 down to the bottom and you did the Republican
7 district on the bottom.

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

13 CHAIRMAN NEWTON: Senator Hise.

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

19 SENATOR NICKEL: I didn't draw maps.

20 CHAIRMAN HISE: -- we began this
21 process in the northern because there is
22 actually a requirement under the Stephenson that
23 when Granville does not meet the criteria of a
24 district in size that it be -- that the county
25 can remain whole and be added to another

1 district. It so happens in this map that it
2 connects to Wake in the northern area of the
3 county, so we knew that we had to come in and
4 transverse into Wake county on the northern end
5 of the county, that's with coming in. So we
6 completed that district first with the others.

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

18 We have not considered any political
19 data in doing this, and to somehow suggest that
20 my knowledge of political data in Wake county,
21 you know, some 250 miles away from where I live,
22 was somehow the basis for why, after drawing the
23 required transversal, I then moved to the bottom
24 of the county it seems to me a little
25 ridiculous.

1 CHAIRMAN NEWTON: Senator Nickel, do
2 you have a follow-up?

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

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

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

21 SENATOR NICKEL: No.

22 CHAIRMAN NEWTON: Senator Blue.

23 SENATOR BLUE: Mr. Chairman, thank you.
24 And I want to thank Senator Hise for catching
25 the same error in this map that I caught, but it

1 is my intention to fix that error so that it
2 does have fewer things. So I can end the
3 discussion, but I will fix that error in it, but
4 the point is to show you that we can draw a more
5 efficient map. And I say that because, you
6 know, I'm probably the only person around who
7 has represented every single inch of the
8 geography in Wake county. I've represented this
9 entire county in different forms in senate
10 districts, house districts or the county as a
11 whole.

12 And I will tell you that for those of
13 us in these urban areas, and it's something that
14 you might really take seriously, we look at
15 ourselves as representing the county, for the
16 most part, and that's the way the county looks
17 at us, especially the business community, that
18 we represent collectively the interests of Wake
19 county, the interests of the state, but these
20 nuances and fine pickings, once we get real
21 communities of interest out of the way, don't
22 really carry the kind of sway. We've got a
23 consolidated school system, so we all -- you
24 know, we work for the same school board. We've
25 got commissioners that are countywide, and so

1 we -- so we see ourselves as representing the
2 county. So these fine points that you're
3 raising don't register as much here as they do
4 in some of the other areas where you have other
5 entities that are being represented in so
6 many -- you know, if you're representing a
7 senate district, most of you have six or eight
8 school districts and those kinds of things or
9 other cities and towns outside the immediate
10 area that you're in.

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

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

21 CHAIRMAN NEWTON: Thank you,
22 Senator Blue.

23 All right. So SCH Amendment 6 has been
24 withdrawn.

25 What's up next, Senator Blue?

1 SENATOR BLUE: Senator Marcus.

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

6 CHAIRMAN NEWTON: SBVA Amendment 2.

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

11 CHAIRMAN NEWTON: All right.
12 Senator Marcus, you have the floor.

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

15 CHAIRMAN NEWTON: It's up to you.

16 SENATOR MARCUS: Okay, here we go.
17 Thank you so much.

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

22 So the map that we're offering is the
23 one on the screen to the left compared to the
24 one on the right which is the Republican map.
25 And that one on the right has one very compact

1 district. You can see it's a tight circle
2 around the center of the city of Durham there,
3 that green area inside all the purple.

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

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

21 So between these two maps there's no
22 difference in municipality or VTD splits, so we
23 don't have to worry about that, and we're
24 offering this alternative to make both districts
25 compact, for the map to make more sense to the

1 community, and to improve the compactness of the
2 overall county cluster. So unless there are any
3 questions.

4 CHAIRMAN NEWTON: Thank you,
5 Senator Marcus.

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

11 Are you in favor of this amendment?

12 SENATOR MURDOCK: Yes, I am.

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

15 SENATOR MURDOCK: That it complies with
16 the VRA?

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

21 SENATOR MURDOCK: It's my
22 understanding.

23 CHAIRMAN NEWTON: Okay. Very good.

24 All right. Anybody else have any
25 questions? Senator Hise?

1 CHAIRMAN HISE: So, Members, I will
2 just add, in choosing this district was unique.
3 We tried to keep as much of Durham as possible,
4 but Durham is sufficiently too large to be
5 contained in a senate district and -- both in
6 this amendment and the map we had to divide
7 Durham in order to do so, and so I'm actually
8 okay with it.

9 CHAIRMAN NEWTON: All right.

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

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

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

22 I'd rephrase that to say that I am
23 aware of no violations of the Voting Rights Act
24 that exist in the Durham county redistricting.
25 I think that they just want to do it because it

1 satisfies some community-of-interest issues, but
2 I'm not aware of any VRA issues in the way that
3 Durham county is -- there may be some other
4 issues. As I said, there may be some issues on
5 gerrymandering still, even though it might not
6 have any effect, but again, that's my lay
7 opinion. That's not an expert opinion.

8 CHAIRMAN NEWTON: Thank you,
9 Senator Blue.

10 And is there a motion.

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

13 CHAIRMAN NEWTON: Thank you.

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

17 COMMITTEE MEMBERS: Aye.

18 CHAIRMAN NEWTON: All those opposed.

19 All right. The amendment is in fact
20 adopted.

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

23 UNIDENTIFIED SPEAKER: Looks like --

24 SENATOR BLUE: It's my understanding
25 that there's a Guilford county amendment that's

1 up next; is that right?

2 UNIDENTIFIED SPEAKER: Yes.

3 CHAIRMAN NEWTON: Is that SBV
4 Amendment 3?

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

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

10 SCG Amendment 3? Is that the one, SCG?

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

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

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

17 SENATOR LOWE: Yes. I have 3.

18 SENATOR BLUE: Senator Clark just said
19 he has 3.

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

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

25 SENATOR CLARK: Okay. Thank you,

1 Mr. Chair. Thank you, Senator Lowe. Sorry for
2 the confusion there.

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

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

16 CHAIRMAN NEWTON: Thank you,
17 Senator Clark.

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

22 SENATOR ROBINSON: Yes, I am.

23 CHAIRMAN NEWTON: And is it your
24 understanding, belief, view that it complies
25 with the VRA to take this amendment?

1 SENATOR ROBINSON: Yes. Based on the
2 previous ruling of the courts, yes.

3 CHAIRMAN NEWTON: Thank you, Senator
4 Robinson.

5 Senator Blue.

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

24 CHAIRMAN NEWTON: Thank you,
25 Senator Blue.

1 Senator Hise, do you have any comments
2 on the proposed amendment?

3 CHAIRMAN HISE: No, I think
4 [unintelligible] ...functionally equivalent.

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

9 All those in favor say aye.

10 COMMITTEE MEMBERS: Aye.

11 CHAIRMAN NEWTON: All those opposed.
12 The amendment is adopted.

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

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

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

20 SENATOR LOWE: We do have pink.

21 CHAIRMAN NEWTON: And you have the
22 floor.

23 SENATOR LOWE: Just looking at this
24 map, it's a much cleaner-looking map, and I
25 think it can be well seen that it's cleaner and

1 it gets to the point and it does what the
2 criteria is trying to do. And I certainly
3 submit this map -- submit this amendment unto
4 you.

5 CHAIRMAN NEWTON: Thank you,
6 Senator Lowe.

7 Members or Senator Hise, do you have
8 any comments?

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

22 CHAIRMAN NEWTON: Thank you, Senator
23 Hise.

24 Senator Blue.

25 SENATOR BLUE: Thank you, Mr. Chair. I

1 will simply say that's why they were staged in
2 the order that they were staged.

3 CHAIRMAN NEWTON: Do you want to --

4 SENATOR LOWE: I will withdraw.

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

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

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

11 CHAIRMAN NEWTON: What number?

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

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

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

19 Okay, thank you so much.

20 So this amendment concerns the new
21 two-county cluster of Mecklenburg and Iredell
22 counties. As you know, this body must carve
23 those two counties into six districts, trying to
24 keep population as equal as possible and
25 following all the other criteria that this body

1 has adopted. As the chairs have mentioned
2 several times throughout this process, the
3 criteria are not ranked, rather the criteria are
4 considered co-equal and in the chair's own words
5 should be blended to be fair and to honor all of
6 the criteria whenever possible.

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

19 The second reason that this map, as
20 drawn, fails to meet this committee's criteria
21 is that it double-bunks two current members of
22 this body, putting the precinct where I live in
23 a district that is now represented by Senator
24 Sawyer in Iredell county. This double-bunk is
25 especially egregious for two reasons. First, it

1 takes me across county lines, out of the county
2 in the community where I live and I serve,
3 north Mecklenburg, to tack me into a district
4 that is made up almost entirely of Iredell
5 county. And the second reason is it's the only
6 double-bunk that still exists in this entire
7 state map that could have been avoided.

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

14 Our map puts all incumbents in separate
15 districts and is significantly more compact.
16 Our Reock average score is .48 which is
17 11 points higher than the Republican map which
18 scores only a .37. Our map has a better
19 Polsby-Popper compactness score too. Our score
20 is .39 while the Republican map scores only .32.

21 At the start of this redistricting
22 process, this committee required all current
23 senators to provide a map which marked with an X
24 exactly where we live. I did that. I hoped
25 that that information would be used to honor the

1 criteria about considering member residences and
2 the rule that this committee has followed in the
3 past with the court's blessing, I will mention,
4 to avoid pairing incumbents in the same district
5 when it can be avoided with reasonable efforts.

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

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

1 follow when drawing maps.

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

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

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

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

25 CHAIRMAN NEWTON: Thank you,

1 Senator Marcus.

2 Senator Hise.

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

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

23 So I think it is the most -- I'll also
24 say that it is really a misrepresentation of the
25 scores for compactness to average six scores

1 together and compare the averages of those
2 scores. With coming in, that's not how they
3 were designed, and so trying to take six
4 separate circles and the percentage that fills
5 the circle and somehow averaging that over six
6 circles and making conclusions from that misses
7 a lot of variance that's not included in that,
8 but I know I digress on that, but by comparison
9 of what you may look specifically at what
10 district 37 does -- I don't have those in front
11 of me. It seems to what is being changed
12 specifically in this map, but I am not inclined
13 to support this amendment.

14 CHAIRMAN NEWTON: Thank you, Senator
15 Hise.

16 Senator Marcus.

17 SENATOR MARCUS: Could I make a
18 comment?

19 CHAIRMAN NEWTON: Yes.

20 SENATOR MARCUS: Thank you, Mr. Chair.

21 I will just respond to that by saying
22 it sounds to me like Senator Hise is saying that
23 he didn't like the way we're taking an average
24 compactness score on both and that therefore,
25 what, would should -- there's no other way to

1 assess that. We should just not use compactness
2 in this cluster? I mean, the statistics I
3 showed you are average compactness scores for
4 the cluster on my map and on the Republican map.
5 And so I hope we all agree that compactness is a
6 criteria that this committee adopted and is
7 definitely relevant here as is consideration of
8 member residences which is a criteria you've
9 taken into account in every other district that
10 we've drawn for the whole state.

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

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

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

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

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

25 SENATOR MARCUS: Sure.

1 SENATOR DANIEL: Do you consider
2 Davidson a community of interest?

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

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

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

1 to stay with north Mecklenburg.

2 CHAIRMAN NEWTON: Senator Daniel, you
3 good?

4 SENATOR DANIEL: No follow-up.

5 CHAIRMAN NEWTON: Okay. Any other
6 comments, questions?

7 Senator Nickel.

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

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

1 represent her constituents.

2 CHAIRMAN NEWTON: Thanks,
3 Senator Nickel.

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

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

19 CHAIRMAN NEWTON: Thank you,
20 Senator Lowe.

21 Any other comments, questions?

22 SENATOR BLUE: One here, Mr. Chairman.

23 CHAIRMAN NEWTON: Senator Blue.

24 SENATOR BLUE: Yeah, and I would simply
25 say that there is precedent for what

1 Senator Marcus is asking for. In the dialogue
2 between Senator Hise and me a little bit
3 earlier, I think I pointed out to him that
4 decisions are made to split townships or not
5 split -- not townships. I'm sorry. -- towns,
6 municipalities, and we've done it in Sampson
7 county, putting it together, but yet we come to
8 Cumberland county and we split Hope Mills, a
9 town which I'm very familiar, they still stay in
10 the same cluster, and that's in effect what you
11 would be doing here. Yeah, you come down from
12 the north, which is what Granville did to Wake
13 county, came down from the north, and you
14 decided to take a radical left turn. That's
15 strange, but you took a left turn when you could
16 have taken a right turn coming down in Wake
17 county from Granville. Took a left turn to go
18 over to Zebulon and in that area.

19 And here you're coming down, you got
20 these four, five precincts across the top -- or
21 towns across the top of Mecklenburg county, you
22 can come down the -- as I look at it, the left
23 edge from here and allow this split in that city
24 just like you did in Hope Mills. And that's
25 what I was trying to get at. If none of the

1 criteria trumps the other, that is, if none is
2 more important than the other criteria and you
3 got eight or ten criteria, none is more
4 important than any other criteria and you got
5 eight of them, you've shown that you're willing
6 to elevate one to a higher level depending on
7 what you're trying to achieve.

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

16 And as I told you privately, I'll tell
17 you publicly, I appreciate the efforts that the
18 three of you have made to unbunk Democrats
19 because we're the ones in the urban areas who
20 ended up being double-bunked. You did it in the
21 case of Wake county. You did it in one instance
22 in the case of Mecklenburg county. You did it
23 in Guilford county. You may have done it
24 somewhere else, but you've done it in the places
25 where we ended up double-bunked.

1 Certainly, you didn't have to split
2 municipalities or anything like that, you can
3 shift things around, but again, this is a case
4 where you can do some of the things that you've
5 done in other districts and observe that
6 criterion in this decision.

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

16 CHAIRMAN NEWTON: Senator Blue and
17 Members, in the discretion of the chair, I'm
18 going to recommend that we displace this
19 amendment. Let's get our heads together. I
20 will -- I will point out, just for fun, the
21 humor in the fact that I think Senator Marcus
22 championed an amendment to remove consideration
23 of members' residences from the criteria, but
24 that's okay, that was yesterday. Today's today.
25 And why don't we displace this and we'll spend a

1 little time seeing if we can find a solution.

2 All right. Thank you. Next amendment.

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

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

14 CHAIRMAN NEWTON: Thank you,
15 Senator Marcus.

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

25 CHAIRMAN NEWTON: Thank you,

1 Senator Marcus.

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

4 CHAIRMAN NEWTON: Thank you.

5 Senator Blue, what's the next
6 amendment?

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

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

14 SENATOR BLUE: Let's see.

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

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

19 CHAIRMAN NEWTON: Okay, got it.
20 So, Members, it's SBA Amend-3.

21 SENATOR MARCUS: I'm sorry.

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

25 Senator Blue, you have the floor.

1 SENATOR BLUE: Is that it?

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

4 SENATOR BLUE: That's not it.

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

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

9 I won't repeat everything I said about
10 a VRA district, but this was one of the
11 originally created VRA senate districts, and it
12 stayed in place through 2011. I think it was
13 created in the -- in 2003 with the whole county
14 provision applicable, and this body redid it in
15 2011, and Senator Angela Bryant was representing
16 various portions of it.

17 The only thing I've done here -- and
18 again, this is a solution to a problem before it
19 becomes a problem. The only thing I've done is
20 take districts whatever it was beforehand, but
21 as to Wilson, Nash, Edgecombe area, and it
22 starts up in Vance county, comes down to
23 Franklin, then through Nash. It takes those two
24 clusters -- there are two clusters. It takes
25 those two clusters and it combines them because

1 you can create the functioning VRA district
2 without going through the exercise of the
3 original VRA district which had Wilson, Nash,
4 Edgecombe, Northampton -- I think Northampton,
5 but Halifax and Warren and maybe even Vance, but
6 it went into all of those counties.

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

19 What this would do is preserve that
20 district and it would combine those two
21 districts so that the remaining district --
22 again, just as with my first formulation over in
23 the northeast, it would combine the districts,
24 and the remaining district would be the second
25 district of those two. It would still be three

1 counties. It wouldn't cause any other
2 configurations under the Stephenson criteria
3 because you will have created a VRA district and
4 then you are left with three counties from that
5 VRA district -- from creating that VRA district
6 just as it is going into it. So it's a
7 three-county cluster. It would still be a
8 three-county cluster. The cluster around it
9 would still be a two-county cluster, and this
10 would be a cluster going into three or four
11 counties, but it would be a VRA district so it
12 wouldn't count against that, and it solves a
13 problem before you have to address it in any
14 other proceeding win or lose. It gives you
15 certainty through this decade, and it doesn't do
16 any harm to the other stuff that you've come up
17 with cluster-wise or any other way. So I offer
18 it to you for your consideration and move its
19 adoption.

20 CHAIRMAN NEWTON: Thank you,
21 Senator Blue.

22 And before we take up the motion,
23 Senator Hise.

24 CHAIRMAN HISE: Thank you,
25 Mr. Chairman.

1 I guess I want to point out that this
2 fails to create a two-county pod for Edgecombe
3 and Pitt, a three-county pod for Wilson, Greene,
4 and Wayne, and a three-county pod for Vance,
5 Franklin, and Nash, and instead creates an
6 eight-county pod that it divides among three
7 members. No evidence to suggest that that is
8 required that I have seen before you bypass the
9 entire podding and destroy three pods.

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

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

23 They claim that -- the claim is being
24 made that there are some VRA requirement that
25 has to do so. I refer everyone to the statement

1 we've made earlier today that we don't see that,
2 and I think it would be a tremendous mistake for
3 us to go this far in violating all the pods and
4 others in order to accommodate with certain
5 other people's opinions of what's required of
6 us.

7 CHAIRMAN NEWTON: Thank you, Senator
8 Hise.

9 Senator Blue, comment.

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

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

24 Then it says after -- after you do the
25 VRA district, you do the clustering. After I've

1 done this proposed VRA district, the clustering
2 is still the Pitt-Edgecombe cluster. That's the
3 cluster. That's a two-county cluster because it
4 disregarded what you did to draw the VRA
5 district. The cluster is still Nash, Wilson,
6 and Wayne, a three-county cluster which is what
7 it is now. So those are the clusters that you
8 draw after you've drawn the VRA district.

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

20 Remember, the whole theory behind
21 Stephenson was that you harmonized the whole
22 county provision with -- and that's the language
23 from the case, you harmonize it with federal
24 law, which is what I just tried to do, and
25 that's what I was pointing out to you. It does

1 not create an eight-county super cluster.

2 CHAIRMAN NEWTON: Thank you,
3 Senator Blue.

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

7 COMMITTEE MEMBERS: Aye.

8 CHAIRMAN NEWTON: Those opposed no.

9 COMMITTEE MEMBERS: No.

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

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

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

22 CHAIRMAN NEWTON: 3 and 7.

23 SENATOR BLUE: Yeah. So it wouldn't be
24 appropriate to do that one until I see how
25 that's resolved.

1 CHAIRMAN NEWTON: So that takes care of
2 7. And then so I still --

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

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

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

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

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

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

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

25 CHAIRMAN NEWTON: Sure.

1 SENATOR BLUE: -- to make sure that
2 the -- so the staff knows where we're going.

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

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

23 CHAIRMAN NEWTON: Thank you,
24 Senator Blue. The staff's got that on their
25 radar.

1 ERIKA CHURCHILL: Mr. Chair, if I
2 might, we're happy to engross today's amendments
3 into an underlying map if y'all will give us a
4 couple of hours and then we can reopen the
5 drawing room if Senator Blue and the chairs
6 would like to come in and instruct us how to
7 renumber.

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

10 [At ease.]

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

22 And with that, Senator Hise has a
23 motion.

24 CHAIRMAN HISE: Thank you,
25 Mr. Chairman.

1 I move for a favorable report to
2 Senate Bill 737 as amended rolled into a new PCS
3 with leave for staff to make technical and
4 informing changes inclusive of the numbering of
5 districts as technical, unfavorable to the
6 original bill on the direction of the chairs.

7 CHAIRMAN NEWTON: That is well done,
8 Senator Hise.

9 Any comments, questions? Good.

10 All those in favor --

11 SENATOR BLUE: One --

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

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

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

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

21 All those in favor of the motion say
22 aye.

23 COMMITTEE MEMBERS: Aye.

24 CHAIRMAN NEWTON: Those opposed.

25 The ayes have it. And so the motion

1 that's been adopted is unfavorable to the
2 original bill, favorable to the bill as amended
3 rolled into a new Proposed Committee Substitute
4 with a favorable report to the committee
5 substitute and to make technical changes which
6 include renumbering of districts under the
7 direction of the chairs, and with that we stand
8 adjourned. Thank you.

9 (Transcription from YouTube ended at
10 4:41:50.)

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STATE OF NORTH CAROLINA)
) C E R T I F I C A T E
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

<p>A</p> <p>ability 30:8 133:19 136:8</p> <p>able 12:18 17:6 29:11</p> <p>ably 41:23</p> <p>abruptly 48:21 48:21</p> <p>absolute 72:24 73:6,13 113:7</p> <p>absolutes 73:4</p> <p>absolve 57:7</p> <p>accept 104:4</p> <p>accepted 37:23 127:10</p> <p>accepting 50:17</p> <p>accommodate 73:13 120:12 128:4</p> <p>accomplish 8:15</p> <p>account 112:14 115:9 116:18</p> <p>accurate 80:13 136:11</p> <p>achieve 120:7</p> <p>acknowledge 132:6</p> <p>Act 30:16 43:22 46:23 47:12,18 47:19,25 48:7 49:4,12 51:24 53:1,4,11 54:7 54:25 56:10,17 57:8 58:22 73:1,2 100:19 101:17,23</p> <p>action 56:11</p> <p>activity 30:1</p> <p>add 51:20 101:2</p> <p>added 93:25</p> <p>adding 82:20 83:7</p> <p>addition 33:3 39:21</p> <p>additional 84:11</p> <p>address 29:20 117:16 126:13</p> <p>addresses 113:21</p> <p>adjacent 38:14</p>	<p>adjourned 135:8</p> <p>adjustments 118:9</p> <p>adopt 39:24 40:4 50:15 88:7 106:7</p> <p>adopted 71:15 84:16 90:5 102:20 106:12 109:1,10 115:6 135:1</p> <p>adopting 40:8 122:7</p> <p>adoption 56:7 70:6 77:7 86:21,23 95:20 101:11 102:12 102:15 126:19 130:5</p> <p>affect 90:16</p> <p>African 43:12 44:19 46:4,17 46:21 47:1 50:20,24 51:3 51:6 53:17,18 53:25 54:6 55:11 63:1</p> <p>age 46:19</p> <p>agenda 35:3</p> <p>ago 94:13</p> <p>agree 75:21 90:4 115:5</p> <p>agreement 133:14</p> <p>agricultural 63:2</p> <p>ahead 2:6 35:24 36:5 37:4,7 71:12</p> <p>Alamance 14:22 15:5,8</p> <p>Albemarle 4:8 4:10,13</p> <p>Alexander 21:7 21:10 26:6</p> <p>Alexander-Wi... 19:17</p> <p>aligned 15:2 27:10 89:7,10</p> <p>allegation 30:13</p>	<p>Alleghany 27:6 27:25</p> <p>allow 69:17 119:23</p> <p>allows 112:20 116:25 117:20</p> <p>alternative 7:9 20:7 21:8 99:24</p> <p>ameliorate 47:13</p> <p>amend 77:25 108:5</p> <p>Amend-1 108:6</p> <p>Amend-2 41:7 41:12 98:5</p> <p>Amend-3 36:21 123:18,20 130:17</p> <p>Amend-5 108:12 108:15</p> <p>Amend-6 88:14 88:14</p> <p>Amend-7 123:16 130:17,19</p> <p>amended 99:12 115:13 133:17 134:2 135:2</p> <p>amending 130:11</p> <p>amendment 22:24 29:13 31:12 33:12,23 35:11,13 36:23 37:2,3,12,14 37:16,20 40:4 40:6,8,20,21 41:13 44:25 48:6,8 50:6 53:24 56:7 57:7 59:10,11 59:19 60:5 66:20 70:6,13 70:16 71:4 78:1,17,20 79:3,4,5 88:7 88:13,20,21 90:9 95:10,20 97:23 98:4,6 98:18,19 100:9</p>	<p>100:11,20 101:6,11 102:12,15,19 102:22,25 103:4,10,12,15 103:20 104:4,9 104:21,25 106:2,6,8,12 106:14,16,18 107:3,10,11 108:8,15,20 110:13 112:22 114:13 117:10 118:7 121:19 121:22 122:2,7 122:11,17 123:6,9 130:6 130:13 133:16</p> <p>Amendment's 33:1</p> <p>amendments 2:17,18,22,24 2:24 29:2,9 34:15,18 35:6 35:8,20,23 36:4,12 37:8 130:15 131:7,8 131:12 133:2</p> <p>America 45:13</p> <p>American 43:12 50:20,25 51:6 53:18 55:11 63:1</p> <p>Americans 44:19 46:4,17 46:22 47:1 51:4 53:17 54:1,6</p> <p>analysis 31:4 32:25 49:8 66:4</p> <p>analyze 48:17</p> <p>analyzed 31:23</p> <p>anecdotal 52:7 59:3</p> <p>Angela 124:15</p> <p>annexations 12:16</p> <p>Anson 14:22 15:5 16:3</p>	<p>answer 29:4 31:18 56:6 61:5 69:17 76:4 85:5,17 86:19</p> <p>answered 68:22 69:18</p> <p>answering 85:2</p> <p>Anybody 100:24</p> <p>anybody's 122:8</p> <p>anyone's 111:18</p> <p>anyway 104:3</p> <p>Apex 9:3 11:11 11:15,22 12:6 80:19 90:14</p> <p>Apologies 30:14</p> <p>appear 80:10</p> <p>appears 50:10 73:21</p> <p>Applause 28:22</p> <p>applicable 124:14</p> <p>applied 32:8 72:5</p> <p>applies 32:12</p> <p>applying 112:15</p> <p>appointed 105:13</p> <p>appreciate 38:2 93:14 120:17 132:3,7</p> <p>appropriate 130:24</p> <p>approved 31:20 112:3</p> <p>Approximately 24:22</p> <p>aquacultural 63:2</p> <p>area 32:17,20,22 38:17 39:13 42:7,15 43:13 43:13 44:10,16 44:22 83:23 94:2 97:10 99:3 101:16 105:9 116:11 116:23 119:18 124:21</p> <p>areas 9:15 13:2</p>
--	--	--	--	--

<p>17:25 23:17,24 24:9,16,22 45:21 46:16 52:12,14 57:22 68:17 82:5,20 83:7 84:23 85:15 90:23 96:13 97:4 120:19 125:18 argument 31:5 arms 2:22 29:9 Ashe 27:6,25 Asheboro 15:13 16:1,9 Asheville 26:22 aside 130:21 asked 29:17 32:1 32:16 52:18 69:18 88:25 104:19 asking 41:6 86:17 112:11 115:11 119:1 asks 30:5 34:13 aspects 46:3 91:16 aspire 54:10 assembly 1:1 29:21,24 30:2 30:12,15,25 31:7 32:13 33:3,16,20 34:2 41:24 46:15 47:3 54:15 55:14 128:13 assess 115:1 associated 38:19 assumed 32:7 51:23 assuming 68:10 89:6 105:17 attempting 8:13 attorney 43:18 44:7 76:5 available 55:13 93:16 average 82:9,10 85:19 99:16,19 110:16 113:25</p>	<p>114:23 115:3 averages 114:1 averaging 114:5 Avery 27:6,25 avoid 111:4 112:3 avoided 110:7 111:5 112:10 avoids 104:14 112:6 aware 101:23 102:2 131:14 aye 40:9,10 70:7 70:8 78:1,2 88:7,8 102:16 102:17 106:9 106:10 130:6,7 134:22,23 eyes 134:25</p> <hr/> <p style="text-align: center;">B</p> <p>back 2:22 34:21 42:1,23 44:2 45:1 53:20,21 55:1 56:23 58:13 67:2 70:15 130:18 131:3,5 balance 9:10 10:20 11:6,16 11:25 12:3 82:22 84:1 balanced 89:20 balancing 74:17 82:14 Ballard 28:12 bang 39:10 Banks 3:19 60:1 61:14 62:12 63:11 Barnes 8:9 Barnes' 69:8 base 5:1,6,12,18 8:2,6,11 12:12 13:13 14:10,16 15:1 16:20 17:22 19:6 21:20 22:4 23:10 24:20 based 6:11 27:3</p>	<p>31:5 52:7 86:9 105:1 112:12 123:10 baseline 54:14 basis 30:25 31:1 31:6 33:6 34:3 84:25 94:22 111:20 Batch 12:1 Bazemore 4:6 Beaufort 5:1 bedroom 17:24 began 93:20 begs 48:10 belief 100:18 104:24 believe 39:5 52:9 52:9 54:2,4 56:8,9 71:17 73:25 74:14 75:3,13,20 76:19 77:7,13 77:15 80:12,19 93:8 98:2 101:12 105:9 108:10 117:22 123:16 belt 42:19 beneath 39:9 Berger 7:25 18:15 Bern 68:5 Bertie 3:12 67:9 67:16 best 59:17 70:25 133:13 136:8 Bethania 20:1 better 38:8 39:6 63:7,12 75:22 83:5 86:18 90:4,20,25 91:3,5,6,15,20 91:20 98:20 99:15 110:9,18 115:14 beyond 53:6 73:8 big 39:10 bill 2:14 3:3,4 59:12 134:2,6</p>	<p>135:2,2 Biltmore 26:23 binding 34:9 bit 2:21 29:18 36:15 38:7 39:20 85:7 119:2 122:22 black 42:19,20 43:11 50:24 51:16 52:20 53:5 blacks 47:14 Bladen 6:24 blend 109:18 blended 109:5 112:14 blessing 111:3 blip 127:14 bloc 30:21 31:4 44:16 block 38:13,24 blocks 16:17 blue 2:18 10:23 40:18,23 41:3 41:5,8,12,14 41:17,19 58:16 58:23 60:6,11 60:16,22,25 61:1,6,24,25 62:6,14,16,22 62:24 63:14,15 63:16 64:2,3,5 64:13,17,19 65:8,11 66:9 66:11,21,24 67:4,7,21,22 67:24 68:3,12 68:18,20 69:5 69:19 70:5 71:8,13 72:2,6 72:12,16,17,21 73:16,17,18 74:4,25 75:2,6 75:11,18,21 76:2,14 77:5 77:10,25 78:7 78:9,13,19,21 78:23 79:1,5,8 79:15,18,21,25 80:1,3,14,18</p>	<p>80:21 81:5,14 81:16,21,24 82:23,24 83:2 83:10,12,14,17 84:6,12,15,20 85:1,4,12 86:3 86:21,23 88:1 88:12,19,20,23 88:24 89:9,14 89:16,24 90:7 90:11 91:8,9 91:22 95:22,23 97:22,25 98:1 101:12,14 102:9,24 103:15,18 105:5,6,25 106:13,15 107:24,25 109:15 118:22 118:23,24 121:16 123:5,7 123:14,15,17 123:25 124:1,4 124:7 126:21 128:9,10 130:3 130:5,12,18,23 131:3,10,23 132:1,24 133:5 133:13 134:11 134:12,14 Blue's 95:10 board 60:15 96:24 boats 49:22 body 32:19 87:14 108:22 108:25 109:22 111:11,20 117:17 120:14 124:14 border 21:15 23:18 42:18 63:17,23 69:5 69:14 bordering 24:10 boring 92:24 bottom 38:16 69:12 92:20,22 93:6,7,12</p>
--	--	--	---	--

<p>94:23 boundaries 39:12 Bragg 38:12,19 75:12 break 2:17 34:18 69:6 brief 123:9 bring 53:20 58:10 bringing 54:8 Britt 14:21 broader 58:14 brought 46:24 Brunswick 5:22 6:15 Bryant 124:15 bunch 36:4 Buncombe 25:15 26:15,22 70:18,20 burden 49:4 54:15 55:13 56:18 Burke 25:15 26:14 70:21 business 96:17 bypass 127:8 Byrd 1:18 136:4 136:15</p> <hr/> <p style="text-align: center;">C</p> <p>C 39:8 136:1,1 Cabarrus 14:22 15:4 16:15,19 17:7,9,9,15,17 22:13 24:10 116:14 Caldwell 27:6 27:11,14,15,19 27:25 call 38:17 39:10 42:19 66:21 95:5 called 46:25 85:16 Camden 3:12,21 67:18 candidate 30:22 candidates</p>	<p>50:24,25 51:6 Canton 28:5 capital 74:2 care 131:1 career 117:11 Carolina 1:1,23 3:10 4:1 5:25 6:24 9:18 21:7 23:18 27:4 42:20 43:21 45:14 47:16,22 56:19 64:12 69:4,14 136:1 Carolina's 56:25 Carolina-Virg... 42:18 carry 96:22 cars 49:22 Carteret 49:21 60:14 64:10,23 67:7,12,21 69:3 carve 108:22 Cary 9:3 10:25 11:4,8,10,14 11:22 12:6 80:19 case 31:21,22 32:1 44:9 45:5 45:9,11 46:11 46:24 53:14 112:5 120:21 120:22 121:3 129:23 132:15 cases 30:24 52:22 80:25 116:18 Caswell 14:10 Catawba 27:6 27:14 catch 49:22 catching 95:24 100:8 category 46:22 caucus 122:6 131:22 133:9 caught 95:25 cause 112:2 126:1 caused 65:16</p>	<p>Cavness 2:9 census 43:8 center 99:2 centered 11:8 central 64:11 certain 42:14 44:12 128:4 certainly 47:9 50:13 105:7 107:2 112:5 116:6 121:1 131:19 132:7 certainty 126:15 certify 136:5 cetera 75:25 76:1 CFO-1 6:6 CFO-6 6:7 chair 7:2 37:12 38:2 39:23 41:23 50:9 52:2 56:8 98:2 100:6 103:6,12 104:1,3 107:25 108:9 109:11 114:20 121:17 122:3 123:8 133:1 chair's 109:4 Chairman 2:3 3:2 15:19,20 15:21,23 28:19 28:23 35:1,12 35:17,19,24 36:7,10 37:13 37:18,24 40:1 40:11,13,19 41:1,5,10,15 41:17 58:15,19 60:6,8,16,24 61:5,7,23 62:4 62:8,15,19,23 63:5,15,19 64:1,4,13,18 64:25 65:9,10 65:22 66:10,14 66:23 67:2,4,9 67:22 68:2,9 68:14,19 69:16 69:21 70:3,9</p>	<p>70:12,20,23 71:2,12,25 72:6,14,16,20 72:21 73:17 74:3,13,14 75:1,5,7,15,20 76:2,4,15 77:3 77:9,12,22 78:3,6,11,18 78:20,22,25 79:2,7,12,16 79:20,24 80:1 80:3,12,16,20 80:24 81:11,23 82:2,23 83:3 83:11,20 84:5 84:10,14,19 85:1,12 86:2 86:11,20,22 87:1,2,9,13,17 87:19 88:3,9 88:11,15,18 89:5,11,15,20 90:6,7,22 91:8 91:18,24 93:13 93:14,20 95:1 95:19,22,23 97:21 98:6,11 98:15 100:4,13 100:17,23 101:1,9,15 102:8,13,18 103:3,7,13,22 104:16,23 105:3,24 106:3 106:5,11,17,21 107:5,9,22 108:3,5,11,14 112:25 113:3 114:14,19 115:16,23 117:2,5 118:2 118:19,22,23 121:16 122:14 122:25 123:4 123:12,19,22 124:2,5 126:20 126:24,25 128:7 130:2,8 130:10,22</p>	<p>131:1,5,13,25 132:23 133:8 133:11,24,25 134:7,12,19,24 chairs 3:10 6:2 8:12 9:3 12:3 12:18 13:19 15:9 16:16 17:6 19:13 21:11 25:11,17 27:15 28:2 29:2,7,19 48:25 59:15 109:1 111:15 117:12 131:21 132:4 133:5,12 133:20 134:6 135:7 challenge 31:8 76:8 challenges 127:11 championed 121:22 change 43:23 86:15 105:18 107:15,19 changed 43:4 44:6 107:19 114:11 132:17 132:19 changes 56:23 104:10 133:18 134:4 135:5 changing 132:5 Chapel 13:17,19 25:23 charge 102:22 Charlotte 23:8,8 23:12,19,22,25 24:6,8,15,18 24:23 25:2,2,3 25:4 Charlotte's 25:5 Chatham 13:12 13:15 98:3 99:8 Chaudhuri 11:7 Cherokee 27:7 28:14</p>
--	---	---	---	--

Cherryville 25:23	24:6	129:2,3,3,5,6	114:18 115:17	17:25 30:20
choice 5:24 7:4	claim 127:23,23	129:14 130:1	118:4 128:9	38:18,19 39:6
21:6 30:22	claims 32:14	cluster-wise	commented 95:5	61:11 62:17,20
31:14 42:11	33:22 56:10	126:17	comments 3:17	62:25 63:17
51:13 61:15	clarification	clustering 49:9	41:22 58:18	64:20 95:11
62:2 63:8	134:20	49:13 50:11	61:11 77:11,24	96:17 100:1
64:16 66:19	Clark 2:19	111:17 128:25	88:2,5 106:1	110:2 116:2
72:15 74:20,21	14:20 35:9,10	129:1,16,18	107:8 115:18	community's
83:21 116:6,7	35:15,18 37:10	clusters 42:3,10	117:6 118:21	30:22
117:20	37:11,14,16,19	42:11 55:23	130:4 134:9	community-of...
choices 57:11	37:22 38:1	73:20 124:24	commission 46:5	102:1
63:7 66:6	40:2,3,6,15,17	124:24,25	commissioners	compact 19:18
choose 55:23	103:5,11,14,18	129:7,15	96:25	20:10 21:13
66:3,7 74:18	103:20,24,25	co-equal 109:4	committee 1:2	25:18 30:19
choosing 30:8	104:17 106:7	coast 69:12	2:5 33:13	32:19 44:14
55:21 65:5	Clark's 35:13	coastal 63:4	34:16 35:7	49:25 50:13
74:18 101:2	40:8 41:2	64:24	39:24 40:10,12	55:4 59:20
chose 3:10 6:2	Clause 31:11	cohesive 30:20	42:12 50:14	60:3,12,15,20
7:2 55:25 61:2	33:2 48:7	44:15 55:5	52:2 60:4 70:8	61:3,8 83:24
61:2 82:25	Clay 27:7 28:14	cold 100:8	70:11 71:15	98:25 99:5,13
83:16	clean 103:23	collectively	72:10 73:5,7	99:25 110:15
chosen 3:9 59:13	cleaner 106:25	96:18	78:2,5 84:17	111:24 112:6
Chowan 4:3,9	cleaner-looking	college 43:2	88:8,10 90:5	112:18
67:15	106:24	Columbus 5:22	102:17 104:4	compactness
Christmas	clear 30:7 34:10	6:16	106:10 107:20	59:18 61:22
132:13	40:20 58:5,20	combine 125:20	109:9 110:22	62:1 66:13
church 116:24	58:23 60:17	125:23	111:2,15,25	89:22 98:20
CHURCHILL	65:25 94:11	combined 26:7	115:6 117:12	99:16 100:1
133:1	128:10 134:15	combines 25:12	117:19 122:9	109:10 110:19
circle 99:1 114:5	clearly 52:7	124:25	130:7,9 131:14	113:25 114:24
circles 114:4,6	58:10 59:5	come 2:22 31:3	131:15 134:23	115:1,3,5
circuit 56:24	Clemmons 20:1	38:9 50:9	135:3,4 136:7	compare 114:1
57:3	Cleveland 25:12	68:14 94:3	committee's	compared 82:7
circumstances	26:2	99:19 119:7,11	90:20 95:18	90:2 98:23
82:15	close 8:23 84:2	119:22 126:16	109:20	comparing
cities 97:9	108:7	133:6,14	common 69:13	61:16
citizenry 55:16	closest 84:3	comes 124:22	95:14 112:2	comparison
citizens 49:6,6	CLR 136:16	coming 3:7	communicated	114:8
55:18	cluster 6:22	36:14 38:23	52:1	complete 32:21
city 9:18 12:15	37:17 39:25	67:13 74:16,17	communication	completed 94:6
13:16,21 14:2	41:4,6 49:12	74:23 82:21	50:23	complexities
14:2 16:9	50:16,17 55:5	83:22,25 85:18	communicatio...	69:25 82:13
18:17,20 19:1	55:24,25 56:1	85:24 87:25	50:9	complied 91:5
19:1 20:24	56:3 75:22	89:23 94:5,9	communities	101:21 105:15
23:7,8 25:4	79:22 99:5	94:11 113:19	38:6 59:17	complies 100:14
65:21 83:5	100:2 108:21	114:2 119:16	61:21 62:8	100:15,17,19
99:2 119:23	109:8 115:2,4	119:19	64:7 65:3	104:24
city's 13:23 18:7	119:10 120:12	comment 41:16	66:17 96:21	comply 8:15,24
18:18 20:20	125:12 126:7,8	53:23 77:4	99:10	72:25 73:1,14
	126:8,9,10	91:19 112:13	community	comprise 5:22

<p>14:23 comprised 26:1 comprises 15:8 15:25 16:13 17:14 comprising 27:4 concept 39:6 59:2 concern 29:13 33:14 concerns 108:20 conclude 35:2 concluded 63:10 conclusions 114:6 concrete 128:20 configuration 3:11,15 19:18 20:4 21:8,12 25:12 105:18 125:7 configurations 126:2 configured 107:17 conflict 33:12 conformed 59:17 85:9 confusion 104:2 congratulate 15:22 congressional 45:8 65:13,15 66:1,3,5 connect 38:24 82:3 connects 94:2 consequently 46:7 consider 31:22 34:17 42:21 60:5 63:16 71:18 73:5 86:13 97:16 113:21 115:11 116:1 122:8,10 consideration 30:4 58:21,24 59:1 62:9,11 74:24 115:7</p>	<p>121:22 126:18 considerations 30:5 61:20,21 63:6 66:15 73:7,8 76:7 86:13 90:23 91:15 120:15 considered 58:25 65:14 72:10 81:12 93:17 94:18 109:4 considering 62:8 65:12 85:21 111:1 consistent 68:15 85:15 122:19 consistently 50:25 112:15 consolidated 96:23 constituents 118:1 constitute 136:10 constitution 31:13 51:22 constitutional 31:8 contain 18:4 128:19 contained 9:20 18:2 21:25 23:10 59:23 76:9 101:5 113:16,17 containing 3:24 13:4 22:10 contains 10:25 20:19 21:1 22:6,25 24:1 27:13 60:2 context 42:5 57:9 continue 32:24 117:12,23 continues 71:25 contorted 99:9 control 111:19 conversation</p>	<p>117:23 Corbin 28:17 Cornelius 22:15 22:19 23:7 corner 7:12 38:14 74:3,4 95:12 corporate 83:19 correct 25:24 40:22 80:4 83:3 87:19,25 89:4 90:11 corresponding 78:16 count 116:15 126:12 counties 3:12,16 3:18,19 4:1,5 4:15 5:2,7,13 5:15,23 6:19 6:25 7:15,23 8:10 13:12 14:11,17,23 15:2,3,6 16:10 17:20 19:7,13 19:20 20:6,12 21:8,21,23 25:13,14 26:3 26:4,9 27:5,9 27:10 28:1 38:5,7 42:14 42:17,21 43:3 43:6,6,20,21 44:23 45:1,10 45:16 47:15,21 50:1,2,2,12,18 51:15,17 55:20 57:18 59:8,9 59:22 60:3 61:10,12 62:10 62:12 63:1,2,3 63:4,9,10,18 63:23 64:15 65:2,5,6 66:2,5 73:10 107:13 108:22,23 125:6,9 126:1 126:4,11 127:21 128:17 129:17 132:6,8</p>	<p>country 47:20 57:2 county 3:9 4:3,3 4:8,9,9,10,12 4:14,21 5:1,2,6 5:7,12,13,16 5:18,18,19,24 5:25 6:6,9,10 6:11,13,16,17 6:23 7:1,3,5,8 7:13,19,20 8:2 8:3,7,17,25 9:9 9:15,16 10:1 12:2,11 13:1,2 13:15,16,18 14:10,11,16,18 14:25 15:9,9 15:16,17 16:1 16:2,4,5,8,14 16:15,19,24 17:7,8,9,15,17 17:22,25 18:1 18:8,10,11,14 19:6,7,16,21 19:23 20:7,9 21:3,20,21 22:2,3,7,8,13 22:25 23:4,16 23:18,21 24:10 24:20 25:9,11 25:20,22 26:2 26:8,9,14,15 26:22 27:4,14 27:14,25 28:2 28:4,4,14 33:4 37:17,17 38:9 38:20 39:1,11 39:18 45:14,15 45:15,23,23,24 46:4,5,18 49:21 51:18,22 52:24,24,25,25 53:3,3 57:17 57:17 59:1 60:14,14 63:24 64:8,10,21,23 64:24 65:18,18 65:20 66:25 67:8 69:3,15 70:2,19 73:23</p>	<p>74:8 75:22 76:18,22 77:2 79:1,18,20,22 80:7,8 82:4,5 82:12,18,20 85:21 86:8 88:16 89:4,8 89:19 92:2,18 93:1,24 94:3,4 94:5,20,24 96:8,9,10,15 96:16,19 97:2 98:4 99:4,8 100:2 101:24 102:3,25 105:10 109:24 110:1,1,5 111:17 113:9 113:11 116:11 116:14 119:7,8 119:13,17,21 120:11,21,22 120:23 121:11 123:11 124:13 124:22 129:22 132:20 136:2 county's 112:8 countywide 46:5 96:25 couple 64:22 71:9,11 130:14 133:4 course 45:19 134:13 court 1:19 30:24 32:11 44:9 45:21,25 47:6 47:22 56:15,22 57:13,14,20 58:5 112:2 136:4 court's 111:3 courts 31:16,21 34:10 57:3 58:13 105:2 covered 47:17 47:20 52:15 58:1 Covington 30:24 31:21</p>
---	---	---	--	--

<p>Craven 5:1 16:12 create 31:6 33:17 46:8 48:5 49:15,15 49:17 51:9,11 51:14 52:5,6 55:10 57:22,23 84:21 125:1 127:2 130:1 created 3:8 4:25 5:5,11,17,24 6:22 8:1,5 14:9 14:15 19:5 21:5,19 22:3 45:4 50:11 59:21 60:19 61:8 124:11,13 126:3 creates 20:10 127:5 creating 23:1 32:25 51:12 57:21 126:5 Creek 23:20 criteria 21:10 34:4 44:13 48:15 59:13,14 71:14 72:4,7,9 72:18,19,23,23 73:14 75:24 81:3 84:15,16 85:10 86:10,12 86:16,18 89:21 90:5,21 91:1,3 91:6,13,17,20 93:23 95:16,18 97:15 98:19 104:5 107:2 108:25 109:3,3 109:6,9,12,17 109:17,20 110:10 111:1 111:25 112:14 112:15 113:7 113:20 115:6,8 115:14 117:19 118:8 120:1,2 120:3,4,15 121:23 122:7</p>	<p>126:2 criterion 121:6 cross 113:12 crossover 33:17 CSR 1:18 136:5 136:16 Cumberland 12:11 13:2 37:17 38:5 39:1,11,17 45:15 53:3 57:17 71:5 74:8 75:22 76:17,23 119:8 cure 133:14 cures 29:13 current 33:7 59:24 109:21 110:22 112:20 currently 50:19 59:19 60:20 Currituck 3:13 3:21 67:19 cut 132:13 cuts 99:10 cutting 69:7 cycle 56:25</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>Daniel 26:20 65:11 115:19 115:20 116:1 117:2,4 Dare 3:13,22 67:19 data 29:22 30:8 30:9,11 31:6 34:2 73:6 85:14 94:13,19 94:20 122:13 Davidson 19:6 22:8,10,12 113:15,19 116:2,8,9,13 116:16,16,21 116:25 120:9 Davie 19:6 Davis 5:16 69:8 day 56:21 117:25 136:12</p>	<p>decade 30:2 57:12 126:15 December 136:12 decide 56:15 decided 12:3 13:19 44:9 73:24 74:8 119:14 decision 6:23 33:15 42:2 43:16 44:4,6 45:20,25 52:19 59:5,16 74:24 76:12 77:21 83:20 89:18 121:6 decisions 119:4 defeating 30:21 defending 79:11 defense 92:12 definitely 115:7 defy 30:5 degree 52:8,10 52:13 55:9,9 delegation 110:9 117:14 Democrat 92:8 Democrats 113:5 120:18 Democrats' 22:24 Denise 1:18 136:4,15 denise@disco... 1:25 department 44:1 45:7 department's 43:24 departure 33:4 dependent 131:16 depending 71:18 120:6 depends 81:9 94:8 described 7:20 33:7 46:10 57:13</p>	<p>designated 38:21 designed 114:3 destroy 127:9 determination 47:7,8 determine 42:4 60:13 64:14 91:13 106:14 117:17 determined 49:25 72:19 81:25 determining 61:21 74:11 develop 34:2 developed 34:12 developing 30:3 deviation 8:20 8:23 10:22 deViere 12:24 dialogue 119:1 difference 84:8 99:22 129:10 different 46:11 59:12 63:22 66:20 74:21,24 75:10 96:9 107:12,14 134:16 differently 101:19 difficult 13:5 82:7 dig 87:5 digress 114:8 dip 50:2 direct 29:19 49:21 direction 132:19 133:20 134:6 135:7 directly 4:9 23:4 disagree 59:2 disappear 48:19 disclaim 101:16 Discovery 1:19 discretion 121:17 discriminate</p>	<p>58:2 discuss 32:15 36:22 discussed 32:11 37:3 133:13 discussion 87:15 96:3 109:13 130:20 dismantle 48:4 48:22 54:13 dismantling 56:5 displace 121:18 121:25 123:3 displaced 123:8 displayed 64:6 79:10 disposal 52:4 disputes 128:13 disregarded 129:4 disruption 51:12 dissolve 125:15 dissolves 125:13 distance 68:25 distinction 85:13 distribution 36:3 district 3:8,17 4:4,6,7,12,13 4:16,19,21,22 4:23,25 5:3,5,8 5:10,11,13,15 5:17,19,21,23 6:2,3,4,5,11,11 6:14,15,19,21 6:25 7:3,6,9,12 7:14,16,16,18 7:22,24,24 8:1 8:3,5,7,9 9:2,4 9:14,19,22 10:2,4,5,6,7,8 10:11,13,15,16 10:17,19,23,24 11:2,2,4,7,8,10 11:11,13,13,17 11:17,18,20,24 12:1,7,10,13 12:19,23,23,25</p>
--	--	---	--	---

13:7,10,11,14 13:21,22,22,25 14:1,3,4,4,6,7 14:8,9,12,14 14:15,18,20 15:7,8,13,15 15:18,25 16:5 16:7,8,10,11 16:13,18,19,21 16:25 17:4,5 17:11,11,12,14 17:18,23,23 18:2,4,11,15 18:16,19,19,22 18:23,24 19:4 19:5,7,10,11 19:22,25 20:13 20:17,18,18,19 20:21,22,23,25 21:1,4,5,9,13 21:17,18,19,21 21:23,24 22:2 22:5,9,14,16 22:17,20,21,25 23:1,3,5,11,13 23:15,22,25 24:2,4,5,7,11 24:13,14,17,17 24:24,25 25:1 25:5,7,8,13,15 25:19,22,25 26:1,5,5,7,10 26:11,13,17,18 26:19,21 27:1 27:2,13,17,18 27:21,23,24 28:5,7,8,9,11 28:13,17,18 30:19 32:20,22 32:23,25 34:4 38:4,10 41:22 42:9 43:10 44:2,19,21,25 45:4,10 46:1 46:16,17 47:11 48:4,12,12,15 48:16 49:4,17 49:20 50:5,10 50:17,22,23 51:9,10,11,13	51:14,18 52:1 52:3 54:12,12 54:14 55:2,3 55:10,18,19 56:5 59:20 60:4,19 61:3,7 63:25 68:6,7 69:22 75:10,17 76:9,11,13,16 77:15,17,18 80:8 81:9,16 81:16,17,19,21 81:21 82:8,9 82:11,17,21,22 83:1,2,13,15 83:17 89:4 90:15 93:7,24 94:1,6 95:17 97:7 99:1 101:2,5 104:11 105:14,19,22 109:23 110:3 111:4,16 112:4 113:16,17 114:10 115:9 123:10 124:10 125:1,3,10,13 125:15,20,21 125:24,25 126:3,5,5,11 128:18,25 129:1,5,8,12 129:16 132:5 district's 3:25 25:3 district-specific 32:15 districted 51:21 districting 31:13 districts 3:6 7:2 8:19,21,22 9:11,20,22 10:21 11:5 12:4 15:4 16:22,23 19:15 20:10 21:25 23:11 25:18 27:5,11 29:22 30:13,16,23 31:9 32:3,4,5,7	32:9 33:8,10 33:18,19 41:25 42:4 43:9 44:12,20 45:8 46:8,21,23 47:2,5,10,10 47:24 48:2,22 49:16,24 50:14 51:5 53:11,13 53:16,18,21,25 54:3,23 57:21 58:9 59:6,21 60:18,21 61:8 61:16 62:3 69:9 71:5 77:1 77:16 80:10 84:22 85:25 89:22 93:5,12 94:14 95:8 96:10,10 97:8 99:13,24 105:11 107:13 108:23 110:15 112:16,21 120:11 121:5 124:11,20 125:16,21,23 127:21 128:12 128:15,16,20 132:16 134:5 135:6 divide 76:10 101:6 127:20 divided 3:23 113:10 127:11 127:15 divides 127:6 dividing 73:10 73:10,11 85:20 division 86:1 doctrine 44:4 46:25 doing 48:20 54:14,18 56:18 59:10 66:1 69:25 76:8 80:9 82:13,16 92:9 93:12 94:19 118:18 119:11 131:17	dollars 56:20 dominant 62:2 door 73:23 76:21 double 68:25 double-bunk 109:24 110:6 111:21 112:9 121:13 122:13 133:15 double-bunked 118:10,17 120:20,25 double-bunking 23:2 104:7,15 double-bunks 109:21 111:9 111:17 112:7 downtown 10:10 10:25 dozen 23:12 draw 29:22 30:13,15,23 31:9 41:25 44:12 48:14,16 50:3 91:14 92:8,25 93:9 93:19 95:7 96:4 97:14 113:5 116:12 128:11,15,16 129:4,8 drawing 33:21 34:3 50:11 52:23 66:2 72:10 80:6 81:10 82:1,6 82:17 91:5 92:1 93:1,5,15 94:12,22 111:23 112:1 113:7,22 133:5 drawn 12:13,25 14:1 16:5 18:16 19:22 20:23 25:19 32:3,5,24 34:4 43:9,10 44:3 44:20,22 45:10 49:24 50:4	59:14 71:23 73:12 82:12,18 91:20 94:10 98:21 109:13 109:20 115:10 129:8 drew 89:3 92:19 105:13 110:11 drive 69:23 driving 90:24 due 9:4 111:16 Duplin 6:24 Durham 13:12 13:15,16,18,21 14:2,5 45:24 46:1,3 52:23 98:3 99:2,8 101:3,4,7,18 101:24 102:3 <hr/> E E 136:1,1 earlier 33:7 56:2 73:20 77:17 105:14 109:16 113:6 119:3 125:14 128:1 ease 131:24 133:10 easier 36:16 easily 90:14 east 10:20 25:2 54:3 94:8 95:14 131:20 east-west 104:14 eastern 10:25 15:9 16:2,3 24:10 47:16 64:11 edge 10:18 24:10 119:23 Edgecombe 5:12 124:21 125:4,9 127:2,11,12 Edmisten 43:17 43:18 44:7 134:17 Edwards 26:12 effect 102:6 119:10
---	--	---	--	---

effectively 53:7	38:22	experts 55:14	134:21	56:1 58:25
effects 47:13	equal 31:11 33:1	95:5 101:19	favorable 95:8	71:9 79:8 80:7
efficient 96:5	48:7 83:8	explain 30:6	134:1 135:2,4	86:25 94:6,12
efficiently 86:12	108:24	37:20,22 41:22	Fayetteville	109:10,25
effort 38:2	equally 99:13	42:13 108:15	12:14,15,20	116:6,7 125:22
121:11 132:4	equivalent 106:4	explained 34:5	13:9 39:4,11	128:11,14,15
efforts 31:20	Erika 98:13	55:24 73:20	39:22 58:1	fit 22:16 107:21
42:25,25 111:5	133:1	82:3	74:16 75:3,5,7	Fitch 5:10
112:3 120:17	error 95:25 96:1	explanation 3:5	75:10 76:10,13	five 3:16 4:15
121:9	96:3	expressed 33:14	76:18,20,23	23:10 25:21
egregious	especially 28:20	expressly 33:5	77:14,15,18	26:2 59:24
109:25	96:17 107:18	extends 81:20	federal 32:6	119:20 120:11
eight 4:15 42:17	109:25	extensively	58:5 129:23	131:21
59:8 97:7	essentially 38:12	59:16	feel 116:22	fix 44:2 58:12
120:3,5	38:17 39:2	extent 51:3 55:8	122:24	96:1,3 97:11
eight-county	69:18 104:10	extreme 64:9	feelings 122:20	fixed 112:8
127:6,20	104:13	95:6	felt 73:14 80:25	floor 2:25 34:16
129:13 130:1	established		female 111:10	35:4,7 37:8,25
eighth 42:23	104:6	F	ferreting 51:16	41:18 80:2
either 35:8	et 75:25 76:1	F 136:1	fewer 86:17,19	87:7,18,20,23
43:14 133:18	everybody 41:15	face 53:1	90:25 91:2	88:23 98:12
elect 84:24	evidence 31:1,1	facing 34:11	96:2 97:17,17	103:14 106:22
elected 43:12,14	31:3,7 33:6	fact 31:22 45:24	field 31:5	108:14 117:15
45:3 46:4 54:6	34:3 49:1 52:7	48:4 50:8 67:6	figure 36:19	123:25 133:16
election 84:22	55:13 59:4	82:7 90:17	69:1 71:20	133:21
94:14	127:7	92:15 102:19	118:13,15,18	flout 34:9
element 68:1	evolved 44:21	111:23 118:11	figures 50:22	flow 64:20
elevate 120:6	exact 73:9	121:21	filed 29:24 43:16	folk 46:10 51:23
eliminate 111:19	exactly 23:1	factor 74:17	43:19 46:12	91:10
Emerald 69:2,11	92:9 110:24	factors 31:2,19	fills 114:4	folks 95:13,14
emotional	122:18	31:25 32:10	final 132:16	117:20
122:22	examine 62:24	45:18	finally 34:1	follow 29:12
emphasized	example 73:22	fails 109:8,20	53:14	41:21 112:1
109:14	exceed 57:19	127:2	find 38:15 77:12	follow-up 60:24
ended 34:24	exception 46:18	fair 68:3 72:12	80:21 103:8	61:23,25 62:14
111:15 120:20	63:20,24	72:18 109:5	113:14 115:12	62:15,22 64:1
120:25 135:9	exceptionally	111:24 112:18	117:18 122:1	64:17,18 67:24
endorses 106:6	82:6	112:21 115:13	finder 92:15	74:25 75:1,18
engage 33:21	excuse 56:3	115:14 122:9	fine 96:20 97:2	82:24 84:5,6
engaging 34:3	exercise 125:2	122:12	finger 3:16	84:14 86:2,20
engross 133:2	exist 101:24	fairly 112:12	61:10 93:4	89:15,16 95:2
entail 63:4	existed 52:14	fall 16:22	fingerling 59:22	95:3 117:4
entire 16:16	exists 89:22	familiar 119:9	62:10 63:10	followed 111:2
17:4 43:13	110:6	far 52:23 57:19	first 30:12,15	following 3:12
47:20 72:7	expanded 39:11	128:3	32:3 33:18	33:11 43:15
96:9 110:6	expansion 39:10	favor 40:7 70:7	36:22 37:2	72:3 95:16
127:9	expert 31:4 42:7	78:1 88:6	38:11 40:4,23	98:10 108:25
entirely 110:4	55:12 102:7	100:11 102:15	41:21 42:4	follows 4:7 21:9
entities 97:5	105:7	104:20 106:9	43:12 47:25	104:5 117:19
environment	expertise 101:16	130:6 134:10	49:14 55:25	Ford 21:24

<p>forefront 46:24 foregoing 136:10 Forest 9:8,17,24 10:4 12:9 26:23 forgive 122:21 Forks 1:21 form 8:10 12:11 13:12 17:20 31:3 127:13 formed 33:9 61:9 70:2 94:16 forming 38:23 forms 96:9 formulation 125:22 Forsyth 18:11 19:12,13,14,24 21:3,15 65:17 Forsyth-Stokes 19:16,21 20:5 20:9 Fort 38:12,19 75:12 forth 35:10,13 37:11,15 104:12 forward 113:5 122:6 found 31:24 69:3 123:22 four 3:15 9:20 49:19 59:20,23 60:18,20 119:20 126:10 four-district 14:24 fourth 56:24 Foushee 14:14 Franklin 8:6 124:23 127:5 frequently 109:15 front 3:4 80:17 106:19 114:10 full 51:12 Fuller 2:10 fun 121:20</p>	<p>functionally 106:4 functioning 50:16 51:9 53:6 56:5 125:1 Fuquay-Varina 9:6 11:21 12:7 further 49:3 56:16 63:14 64:3,17 83:10 FYI 36:10</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>G 18:5,6 Galey 15:17 gallery 67:5 Garner 9:6 10:8 10:14,19 11:23 12:8 Garrett 18:23 104:15 Gaston 23:17 25:12,20,22 26:2 Gates 3:13,22 67:19 general 1:1 29:21,24 30:1 30:12,15,25 31:7 32:13 33:3,16,20 34:1 41:24 43:18 44:7 46:14 54:15 55:14 128:12 geographics 70:1 geography 9:5 42:23 76:21 96:8 germane 87:22 Germantown 19:20 20:2,5 gerrymander 58:6,7,10 95:6 gerrymanderi... 32:14 33:22 57:10,12,16,19 102:5 105:12</p>	<p>105:23 getting 43:24 54:9 84:2 108:7 Gingles 30:17 31:10,19,25 32:10,25 43:15 43:17 44:3,5,6 45:17,20,25 48:1 52:19,21 53:9 134:18 give 28:23 36:1 36:13 88:2 104:6 108:16 132:18 133:3 133:19 given 34:1 118:8 118:8 gives 126:14 giving 93:15 go 2:5 3:5 28:25 29:4,8 34:20 34:21 35:24 36:5,24,25 37:3,6 41:6 42:1,22,24 53:8 56:23 64:10 66:16 67:2 68:16 69:2 71:12 72:6 80:7 86:16 98:16 107:16,17 116:24,24 119:17 123:23 128:3 131:24 goes 99:6,7 going 2:5,14,15 2:16,19,20 3:3 27:16 28:25 29:1,6,6,8,17 34:5 35:1,4,20 36:11,12,17,25 37:2,6 39:18 48:17 54:25 56:21 57:22 71:6 78:13,14 78:15 85:6 86:5 88:19,21 90:12 92:8</p>	<p>97:16 98:3 116:14 117:16 117:21 121:18 125:2 126:6,10 130:19 132:2 133:16,19 good 2:3 15:24 71:5 100:23 103:23 107:21 117:3 118:5 123:23 134:9 gotten 41:15 43:11 52:11 grade 42:23 gradually 48:20 Graham 27:7 28:15 Granville 8:10 9:14 79:3 82:4 82:18 93:3,23 119:12,17 Granville-Wake 80:8 89:4 great 132:9,9 greater 54:5 green 5:6 81:15 81:20 83:17,18 83:23 99:3 Greene 127:3 Greensboro 18:1,5,13,17 18:25 57:25 107:17 Greensboro's 18:21 Greenville 3:24 4:16,20 61:19 67:11,15 68:8 68:10 group 15:1 25:11 30:1 34:12 38:4 120:9 128:17 grouped 4:11,11 59:8,9 grouping 5:1,6 5:12,18,24 6:23 8:2,6,11 8:12,17 12:12 13:13 14:10,16</p>	<p>14:24 15:1 16:24 17:21 19:6 20:9 21:6 21:20 22:1,3 27:4 33:14 38:3 63:8 65:6 66:12 groupings 3:9 19:16,17 20:8 25:10 26:8 59:6 63:9 64:14,16 65:5 73:3,4 groups 52:1 55:7 66:7 guarantee 36:17 guess 39:7 104:7 115:20 127:1 guidance 34:10 34:12 guide 34:8 Guilford 17:20 17:25 18:8,9 18:14 19:2 45:14 52:25 53:2 57:17 102:25 105:10 112:8 120:23 guy 28:21</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>half 69:24 halfway 15:22 Halifax 63:20 64:22 67:14 125:5,9 Hall 20:3 Hamilton 2:11 hand 28:24 35:20,25 36:8 handed 36:21 handle 103:11 handoff 103:23 103:23 Hanover 5:23,25 6:5,8,13,17 happened 42:16 45:12 happens 63:21 94:1 111:11</p>
---	---	--	---	---

<p>happy 123:2 133:2 hard 117:25 harm 126:16 harmonize 129:23 harmonized 129:21 Harnett 7:19 Harrington 25:25 Harris 2:11 harshest 56:24 Hartford 3:13 Haywood 27:7 27:12 28:2,4,4 28:14 He'll 76:4 head 85:18 heads 118:12 121:19 hear 2:14 heard 42:13 61:10 116:8 hearing 67:5 hearings 55:17 Hedrick 2:12 held 32:11 136:7 help 62:20 79:9 92:14 helpful 98:10 helping 2:8 Henderson 25:14 26:8 Hertford 3:22 67:19 hey 2:11 92:16 hiccups 65:16 High 19:1 107:16 higher 80:22 81:3,8 83:25 110:17 120:6 Hill 13:17,19 24:16,19 Hise 2:15,25 3:2 15:19,20,23 28:19 29:5,11 29:15 34:17 35:5,17 36:7</p>	<p>37:9 42:13 55:24 58:17,19 60:7,9,10,11 60:16 61:5,7 62:4,8,19 63:5 63:19 64:13,25 65:22 66:14 67:2,9 68:9,14 69:17,20,21 70:20 71:9,11 71:13,25 72:6 72:14,20,21 73:19 74:13,14 75:5,7,15,20 76:3,4,16 77:11,12 79:9 79:11,17,22 80:4,12,16,20 80:24 81:11,23 82:2 83:3,20 84:10,19 85:12 86:5,11 87:1 88:4,15,22,24 89:5,11,20 90:6,7,22 91:18 93:13,14 93:20 95:24 100:25 101:1 106:1,3,6 107:7,9,23 113:2,3 114:15 114:22 119:2 126:23,24 128:8 132:11 133:22,24 134:8 Hise's 116:7 historic 42:14 historically 42:19 history 42:15 44:10,11,11 48:22 HO-1 6:7 Hoke 14:16 hold 42:6 91:22 103:7 holding 105:8 hollerin' 74:2 Holly 9:6 11:21</p>	<p>12:8 home 90:24 honest 122:20 honor 109:5 110:25 honoring 110:10 honors 98:19 hope 12:17,22 13:8 39:2,5,14 39:15,20 54:9 74:9,11 75:19 76:17,25 115:5 117:11,18,18 117:22 119:8 119:24 122:21 hoped 110:24 hopefully 118:15 hoping 118:7,13 hours 49:19 69:6 133:4 house 3:7 43:11 96:10 131:17 housekeeping 133:12 humor 121:21 hundred 64:23 Huntersville 23:6 hurry 97:19 Hyde 4:12 67:12</p> <hr/> <p style="text-align: center;">I</p> <p>idea 47:12 65:19 ideal 8:18 16:24 ideally 48:18 identified 65:3 68:9 identifies 62:19 identify 62:20 63:6 68:16,17 ignore 34:13 immediate 97:9 impacted 100:7 imply 91:4 importance 80:22 important 66:17 72:4,8,9 73:14 89:1 91:15</p>	<p>118:17 120:2,4 improve 91:12 100:1 improved 91:16 inability 47:14 inadequate 31:6 inch 96:7 inclined 114:12 include 18:6 135:6 included 62:9,10 114:7 includes 6:15 9:14 10:8 11:20 12:19 13:7,14,23 17:24 18:24 19:12 20:13 21:12 22:9,18 23:5,11,16 24:6,14 25:1,5 26:13,21 27:3 27:24 28:5,13 28:14 32:19 including 16:1 26:22 86:14 111:14 inclusive 134:4 136:10 inconsistent 122:19,24 incredibly 8:22 incumbent 4:6 5:4,9,15 6:13 6:20 7:16,24 8:8 10:22 11:6 11:18 12:1,23 13:11,25 14:8 14:13 15:17 17:12,18 18:14 19:3,9 20:21 21:3,17,24 23:14 24:3,12 24:25 25:7,25 26:5,11,19 27:1,22 28:18 incumbents 4:23 10:7 14:19 16:11 18:22 22:21 28:10</p>	<p>110:14 111:4 111:13 112:4,6 independent 32:5,10 indicate 60:12 indicated 39:16 50:24 54:16,18 101:20 indicates 42:15 individual 80:24 81:1 individuals 82:11 85:20 information 51:8 55:6 75:11 110:25 111:8 informing 134:4 initially 41:9 45:14 51:18 129:11 inland 63:20 inquire 49:2 51:8 52:5 inquiry 49:5,14 inside 99:3 installations 75:16 instance 120:21 instruct 133:6 instruction 128:12 intact 7:11,13 129:17 intended 125:11 intent 82:3 92:1 92:10,14 93:15 93:17 intention 96:1 intentionally 113:20 interest 29:25 38:18 39:6 59:18 61:12,22 62:9,18,20,25 63:17 64:7,20 95:11 96:21 99:11 116:2 interesting 37:1 45:12</p>
--	--	---	---	--

<p>interests 96:18 96:19 97:15 interpret 46:10 intrigued 67:25 introduce 78:14 78:15 invariably 39:18 involved 58:12 94:12 involving 58:13 Iredell 22:1,5,8 22:11,24 108:13,21 109:24 110:4 113:8 116:8 irregular 12:15 13:3 irregularities 39:17 Isle 69:2,11 issue 29:20 62:2 105:10 117:14 122:24 issued 56:24 issues 32:16 57:11,16,18 58:7,10 62:5,7 102:1,2,4,4 105:22,23 iterating 134:16 iteration 38:11 134:17</p> <hr/> <p style="text-align: center;">J</p> <p>Jackson 7:17 25:8 27:7 28:15 Jarvis 19:9 jeopardize 75:23 Jerry 87:12 92:6 Jim 2:11,11 job 110:9 Johnson 17:13 Johnston 8:2 Jones 6:24 judgeships 46:5 justice 43:24 44:1 45:6 48:3 justification 53:8</p>	<p>justify 33:4 47:9 109:13</p> <hr/> <p style="text-align: center;">K</p> <p>keep 6:8,9 8:13 9:3,10,12 10:4 10:6,17,19 11:23 12:13 13:5,19 15:10 15:13,14 16:5 16:8 17:4 18:8 19:22,23 26:16 26:25 27:19 28:10 55:20 65:4,4 73:25 74:7,19,23 75:15 80:5 82:16 101:3 108:24 keeping 3:18 12:25 15:11 22:10 63:10 71:21 72:2 76:13 80:21 keeps 19:25 20:4 20:10 22:5 25:20 61:9,12 61:13 76:24 Kennedy 48:3 kept 9:8 11:12 27:15 28:3 75:24 77:18 113:9 Kernersville 18:9 20:2 kind 42:3 68:24 83:7 85:2 94:9 96:22 kinds 97:8 132:22 King 19:20 20:2 20:4 knew 94:3 Knightdale 9:7 10:9,14 12:8 knob 38:16 know 39:18 42:22 46:10 56:4,13 69:10 74:18 78:16</p>	<p>81:18 82:11 85:13 88:12 92:2,2,3,4,5,11 92:12,18 93:2 94:21 95:4,10 95:11,12,16 96:6,24 97:6 101:19 108:22 114:8 116:3,15 116:21 117:8,9 117:21,22 118:12 121:10 130:12,14 131:11,18,19 132:19,21 knowledge 94:20 known 134:13 knows 132:2 Krawiec 20:22</p> <hr/> <p style="text-align: center;">L</p> <p>Lake 38:15 Landers 25:23 language 129:22 large 9:1,19 18:1 18:18 20:16 22:15 38:12 101:4 larger 6:1 14:2 20:24 28:6 largest 9:18 23:8 law 30:14 32:6 33:8 56:23 129:24 lawsuit 29:23 34:11 43:16,19 43:19 105:17 lawsuits 45:6 lawyer 92:11,12 lawyers' 56:13 lay 102:6 layer 89:12 lead 85:7 87:5 102:21 learned 42:24 leave 7:2 12:18 16:18 17:6 58:6 134:3 leaves 3:15</p>	<p>19:18 21:13 90:13 129:17 leaving 7:11 16:16 19:2 58:12 led 43:15 Lee 6:14 7:19 left 9:25 12:10 15:6,16 17:22 21:2 28:6 83:16 98:23 99:14 109:8 119:14,15,17 119:22 124:5 126:4 legal 1:20 34:8 legislature 49:5 53:15 legitimate 62:17 Lenoir 5:2 27:16 27:16,18,20 28:10 lens 89:13 lessons 42:24 let's 34:18,20 36:5 103:8 121:19 122:8 122:12 123:14 letter 18:6 letters 48:24 58:9 level 53:6 120:6 levels 73:12 Lewis 20:2 31:21,22 112:2 life 36:15 light 107:18 limit 17:1 30:7 54:20,21 91:18 limits 18:17 30:3 83:5,19 Lincoln 25:13 26:3 65:18 line 16:5 19:21 20:7 89:6 lines 110:1 list 70:14 72:7 86:17 106:16 listed 71:16 literally 82:17</p>	<p>litigate 57:8 litigated 30:1,7 42:7 54:20,22 54:22 litigating 30:10 56:20 litigation 31:18 litigious 34:11 little 2:21 15:23 29:18 36:15 38:7,16 39:20 85:7 94:24 119:2 122:1,21 127:14 133:12 live 4:19 15:3 92:4,21 94:21 109:22 110:2 110:24 116:9 living 69:11,13 LLC 1:20 Locust 17:7,10 17:17 long 58:1 69:1 longer 32:12,13 52:13,13 53:10 look 42:9 49:18 53:10 54:21 57:5,15 81:15 81:24 83:22 96:14 99:19 106:13 114:9 115:12 118:6 119:22 looked 59:16,18 63:5 66:15 68:25 84:16 89:12 looking 50:22 55:17 60:1 61:22 64:5,25 71:19 80:6 82:18 83:12,21 84:2 106:23 124:8 looks 39:8 64:21 80:9 96:16 102:23 lose 56:21 126:14 losing 43:5</p>
---	--	---	---	--

lot 28:20 66:15 69:25 84:22 88:16 90:22 95:13,17 114:7	79:1,10 82:1,3 83:4 85:8,11 86:6,7,9 87:25 88:1 89:25 90:1,3,4,20 91:5,14,16,21 92:1 94:1 95:13,25 96:5 97:11,14,19 98:14,20,21,22 98:24 99:9,12 99:17,25 101:6 103:9 106:24 106:24 107:3 108:8 109:7,11 109:13,19 110:7,11,14,17 110:18,20,23 111:7,9,22,23 112:5,7,8,13 112:17 113:5 114:12 115:4,4 115:12,13,15 116:4,12,25 121:10 123:23 130:11 132:16 133:3,17	122:3,15,16 123:1,2,15,21 130:20 133:15 Marcus's 117:10 marked 110:23 market 3:21 4:2 4:16,18,18,20 62:16 65:2 66:25 67:1,12 67:14,15,16,18 67:20,25 68:5 68:6,8,10 markets 61:16 61:18,19 62:11 66:18 68:17 Marshall 69:23 Martin 67:12 master 105:13 105:19 master's 105:15 match 84:3,23 math 28:21 matter 50:8 118:11 mattered 66:13 Matthews 24:15 24:18 maximum 6:1 Mayfield 27:2 McDowell 25:16 26:14 70:20 McInnis 16:12 mean 32:21 53:9 76:3 85:5 95:3 115:2,20 meander 50:1 meaning 8:18 43:20 44:15 means 32:12 56:16,17 meant 32:9 46:25 measurements 48:1 mechanism 133:13 Mecklenburg 22:2,7,8,9,11 22:24 23:4,10 23:16,21 24:9	24:21 45:15 52:24 108:13 108:21 110:3,8 113:9,11,12,13 116:22 117:1 117:14 119:21 120:11,22 121:11 128:22 Mecklenburg... 111:21 media 3:21 4:2 4:16,17,18,20 61:16,18,19 62:11,16 65:1 66:18,25 67:1 67:11,13,15,16 67:18,25 68:5 68:6,8,10,17 meet 59:13 86:11 91:19 93:23 109:8,20 117:13 meeting 91:3 118:15 131:15 meets 48:15 86:18 115:14 member 32:18 43:11 72:14 111:1,16 115:8 122:10 members 3:2 28:25 32:16 33:13 35:4,7 35:14,25 36:10 36:14,20,24 37:6,8 40:5,10 40:12 41:11 48:25 58:17,20 70:8,11 71:3 78:2,5 79:2 88:8,10 101:1 102:17 104:7 106:10 107:7 108:7 109:21 110:8 111:11 111:19 112:9 112:20 117:13 118:16 120:13 121:17 123:20 123:22 127:7	130:7,9 131:12 132:7 134:23 members' 113:21 121:23 mention 109:12 111:3 mentioned 6:17 7:22 10:15 17:16 26:24 65:3 71:21 109:1 113:6 met 31:25 59:3,4 63:12 91:1,3,6 125:10 Michael 2:9,9 mid 44:21 Midland 16:17 17:5 Mike 2:11 miles 64:23 69:7 94:21 military 38:22 75:16 millions 56:20 Mills 12:17,22 13:8 39:2,5,14 39:15,20 74:9 74:11 75:19 76:17,25 119:8 119:24 mind 49:12 71:14 mine 53:21 132:20 minimize 36:1 84:3 minimizing 73:9 73:10 minimum 8:21 8:23 85:22 minorities 44:16 47:2 58:3 minority 30:20 43:10 45:3 46:15,19,20 55:11 57:21 Mint 24:16,19 minus 6:6 8:20 8:23 16:23 minute 91:23
M				
Macon 27:7 28:15 Madison 27:8 28:1 majority 42:20 majority-mino... 30:19 32:20,22 33:8 46:8 making 29:1 31:13 49:5 77:21 97:13 114:6 Manchester 38:13,25 39:9 mandate 129:19 manner 59:8 66:6 91:4,7 map 2:23 3:4 5:1 5:6,12,18 8:2,6 8:12 12:2,13 13:14 14:10,16 15:1 17:22 19:6 21:20 22:4 27:3 29:12 33:11,18 34:6 36:21,22 40:9 41:11 56:9 59:18,21 59:23,24,25 60:2,5,12,13 60:19 61:3,13 61:14 64:5 65:13 70:1 74:8,15 75:2 75:22 77:8,25	map's 123:23 maps 63:25 65:15 66:1,3,6 71:23 72:1,11 72:24 73:12 89:23 92:8,19 92:25 93:9,19 94:10,13 95:5 99:21 112:1 113:22 130:14 Marcus 22:22 68:21 98:1,2,7 98:12,13,16 100:5 101:10 101:12 102:11 102:14 108:9 108:12,16 113:1 114:16 114:17,20 115:17,21,23 115:25 116:3 117:13,24 119:1 121:21			

<p>103:7 108:17 minutes 34:22 131:21 misrepresent 122:23 misrepresenta... 113:24 misses 114:6 missing 131:8 mistake 128:2 Mitchell 27:8 28:1 Mohammed 23:14 moment 133:9 Montgomery 14:22 15:6 16:3 mood 94:9 Moore 12:11 13:1 37:17 38:4,9,20 71:4 Morehead 65:21 morning 2:4,6 2:15,20 54:17 73:21 Morrisville 9:7 11:12,14 12:8 motion 87:18,20 87:21,23 88:7 102:10 108:5 126:22 133:23 134:21,25 mountains 68:15 move 6:2 56:7 77:7 86:21 91:10 98:3 102:11 104:4 126:18 134:1 moved 59:7 70:6 73:8 77:25 94:23 101:10 102:14 106:7 116:10 130:5 moves 59:25 86:23 moving 7:4 37:19 40:3 83:8 95:20</p>	<p>130:15 multiple 68:4 69:19 74:22 76:7 municipal 97:13 municipalities 4:5,22 5:4,9,14 5:20 6:8,12,18 7:7,15,19,23 8:4,8,13 9:5,10 10:12 12:5,17 13:3,6 14:13 14:19 15:12,16 16:6,10 17:6 18:10 19:3,9 19:19,24 20:4 20:6,11 21:14 21:16,22 24:20 25:21 26:4,10 26:18 27:1,15 27:20,21 28:3 28:8,16 39:3 71:22 72:2 73:11,22 75:24 80:11,22 81:2 86:15 89:21,25 90:10,18,25 91:1 97:17 119:6 121:2 municipality 13:5 17:4,16 18:13 22:7,12 22:14,17,19 26:16 28:6 39:19 74:1,7 74:20,23 99:22 113:15 116:5 116:17,19 Murdock 13:25 100:7,12,15,21 101:20 104:20 Myers 1:18 136:4,15</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>name 44:8 narrow 113:10 Nash 8:6 124:21 124:23 125:3 127:5 129:5</p>	<p>naturally 45:2 nay 40:21 nearly 12:21 neat 92:23 necessarily 81:8 necessary 34:2 59:1 82:22 84:18 111:22 118:9,14 necessitates 86:1 necessity 74:15 need 30:25 31:7 32:9,24 35:15 42:21 49:3 52:23 54:19 55:15,16 131:21 132:15 needs 63:12 neighboring 76:22 77:1 90:15 neither 45:24 neutral 34:4 never 45:23 62:4 66:14 new 5:23,25 6:5 6:8,13,17 68:5 78:16 108:20 125:12 134:2 135:3 Newton 2:3 15:19,21 17:19 28:19,23 35:1 35:12,19,24 36:10 37:13,18 37:24 40:1,11 40:13,19 41:1 41:5,10,17,20 54:18 58:15 60:8,24 61:23 62:15,23 63:15 64:1,4,18 65:10 66:10,23 67:4,22 68:2 68:19 69:16 70:3,9,12,23 71:2,12 72:16 72:20 73:17 74:3,13 75:1 76:2 77:3,9,22</p>	<p>78:3,6,11,18 78:20,22,25 79:2,7,12,16 79:20,24 80:1 82:23 83:11 84:5,14 85:1 86:2,20,22 87:2,9,13,19 88:3,9,11,18 89:15 90:6 91:8,24 93:13 95:1,19,22 97:21 98:6,11 98:15 100:4,13 100:17,23 101:9 102:8,13 102:18 103:3,7 103:13,22 104:16,23 105:3,24 106:5 106:11,17,21 107:5,22 108:3 108:5,11,14 112:25 114:14 114:19 115:16 115:23 117:2,5 118:2,19,23 121:16 122:14 122:25 123:4 123:12,19,22 124:2,5 126:20 128:7 130:2,8 130:10,22 131:1,5,13,25 132:23 133:8 133:11 134:7 134:12,19,24 Nickel 11:19 68:23,24 69:16 70:4 86:24 87:2,3,10,11 87:16,24 91:23 91:24,25 93:19 95:1,3,19,21 117:7,8 118:3 121:7 nine 53:24 54:1 nomenclature 123:13 non-VRA 47:9</p>	<p>Norfolk 3:21 4:2 4:18 61:18 67:14,20 north 1:1,23 3:10 4:1 5:25 6:24 9:16,18 16:17 21:7 23:12 27:4 42:18,20 43:21 45:14 47:16,22 56:19,25 64:12 69:4,14 81:20 94:7 110:3 113:15 116:22 117:1 119:12 119:13 136:1 north-south 104:13 Northampton 3:13 64:22 67:10,18 125:4 125:4 northeast 3:9,16 40:25 41:3,6 49:16 55:2 64:8 125:23 northeastern 24:5 33:15 northern 3:18 7:5 9:15 18:20 23:3 60:1 61:13 62:12 63:11,17,22 67:17 82:5,19 93:21 94:2,4 113:11 northmost 22:6 northwest 64:9 95:12 northwestern 21:6 39:1 nos 40:13 70:12 78:6 88:11 130:10 note 22:23 85:2 109:11 116:17 notion 34:9 November 1:3 136:7 nuances 96:20</p>
--	---	--	--	--

<p>number 2:17 16:25 29:2 42:9,10 46:15 48:18,19 65:23 78:15,17 81:17 83:9 105:20 108:11 128:20 numbered 38:10 numbering 134:4 numbers 90:16 132:5</p> <hr/> <p style="text-align: center;">O</p> <p>objected 44:1 obligation 129:12 observation 105:7 observe 121:5 observing 129:18 obvious 49:11 95:4 Obviously 122:20 occupy 120:13 odd 99:15 oddly 99:6 116:16,19 offer 35:6 57:6 58:4 76:16 97:20 110:12 126:17 131:9 offered 36:5 50:6 offering 2:19 41:13 45:1 51:25 71:6 98:22 99:12,24 112:17 officially 55:3 officials 84:22 Oh 92:16 okay 35:15 37:13 38:1 41:5,17 66:23 70:5 71:2,5,12 72:12 76:14 78:7 81:14,24</p>	<p>87:13 89:14 91:22 97:20 98:16 100:23 101:8 103:13 103:25 106:5 108:9,19 117:5 121:24 123:17 123:19 131:6 131:13 old 78:24 once 3:6 75:13 75:14 96:20 125:11 ones 61:17,18 68:4 120:19 132:20 Onslow 5:18 128:23 open 34:16 35:4 35:8 58:6 66:4 opening 37:8 operating 48:12 opinion 62:17 102:7,7 128:14 opinions 128:5 opposed 40:11 63:2 70:9 78:3 88:9 90:1 102:18 106:11 130:8 134:24 opposite 42:16 111:8,12 opted 15:10 16:16 19:13 21:12 option 20:8,10 38:6 55:21 59:12 options 25:9 59:10,11 88:17 93:16 113:18 Orange 14:10 46:18 order 34:14 36:1 36:13,15,18,25 40:24 41:2 70:24 71:17 73:25 74:19,23 84:3 87:18 101:7 108:2</p>	<p>128:4 132:8 orientation 104:10,13,14 original 39:12 125:3 134:6 135:2 originally 43:17 124:11 ought 50:2 55:19 outcome 72:19 Outer 3:19 60:1 61:14 62:12 63:11 outset 30:6 outside 97:9 116:11 overall 8:16 91:4 100:2 overcome 31:8 overseen 31:20 overtime 47:13</p> <hr/> <p style="text-align: center;">P</p> <p>pack 77:13 83:13 packed 54:23 packet 37:4,5 41:11 packets 36:8 packing 46:25 53:2 pages 136:10 painful 116:4 pair 19:13 pairing 111:4 112:4,6 Pamlico 4:14,14 4:15 67:12 panel 31:23 panels 57:4 papers 108:18 part 2:13 13:1 22:12 25:10 33:16 39:9 47:16 64:11 83:14,16,18,19 83:23 92:19,20 92:21,22 93:4 96:16 99:4 113:11 116:22</p>	<p>132:12 particular 38:11 91:6 104:9 particularly 45:13 60:1 82:19 83:24 partisan 92:1,7 95:6 105:12 partisan-blind 111:20 parts 10:9 16:14 20:13 23:19 25:1 58:11 111:14 party 111:12 Pasquotank 3:14,22 67:19 passed 29:25 35:16 patterns 45:17 45:22 pause 29:8 36:3 112:23 PCS 134:2 Pender 6:25 people 8:20 17:1 23:9 54:20,22 85:25 90:13,14 92:4,13,15,25 97:12 98:10 116:9,21 120:10 people's 128:5 percent 3:20,24 8:20 9:9,21,23 9:25 10:10,13 11:1,3,4,9,10 11:14,14,15,21 11:22 12:20,21 13:7,8,23 14:5 16:23 18:7,20 20:19 21:1 22:18 23:6,7 23:22,23,23 24:1,6,8,8,18 24:18,19,20,22 25:3,5 46:19 47:6,9,24 48:2 48:11 51:1,1,5 51:10 53:8,14</p>	<p>53:18 54:5 55:10 75:9 76:9 82:8 percentage 77:14 114:4 percentages 43:4 perfect 79:25 perform 92:4 performed 94:16 peripheral 13:16 permissible 30:4 permission 43:25 Perquimans 3:14,23 67:20 Perry 5:4 69:8 person 8:16,25 14:11 96:6 phone 69:1 pick 80:25 picked 39:12 pickings 96:20 picks 99:8 piece 22:13 Pineville 23:20 23:23 pink 64:9 70:21 106:18,20 Pitt 5:12,16 127:3,13 Pitt-Edgecombe 129:2 pitting 111:10 place 13:20 76:19,20 124:12 placed 46:22 59:24 places 46:13 74:1 120:24 plain 7:11,20 52:3 74:1,12 plan 29:25 32:18 32:21 33:10 39:3,21 54:17 104:11 planes 49:22</p>
---	---	--	---	---

<p>please 32:23 61:6 plus 6:16 7:19 9:16 16:22 26:14 46:19 47:6 48:2 51:1 51:10,20 53:8 53:14,19 55:11 pod 16:22 19:12 25:13,15,16 82:6 113:8 127:2,3,4,6,13 127:18,20 podding 66:7,20 107:12 127:9 poddings 66:2,5 66:7 127:18 Pods 59:1 70:2 127:9,19 128:3 point 19:1 29:16 35:3 37:7,21 48:13 49:23 51:4 52:6,12 52:17,20 54:9 87:18 90:12 96:4 101:15 107:1,16 116:14 121:20 127:1 130:16 pointed 45:25 50:8 65:11 97:15 119:3 125:17 pointing 129:25 points 52:20 97:2 110:17 polarization 51:2 54:8 polarized 44:11 44:17 45:22 46:2,7,14 47:13 48:23 52:8,14 55:8 political 57:10 57:15,18 58:7 73:6 94:18,20 105:23 111:12 politically 30:20 44:14 55:5 Polk 25:14 26:8</p>	<p>Polsby-Popper 99:16 110:19 112:19 population 3:20 3:25 4:19 6:10 8:16,18 9:23 10:11,21 11:1 11:3,6,9,11,13 11:16,25 12:4 12:20,21 13:8 13:9,24 14:5 16:19,25 18:7 18:9,21 20:20 20:25 21:2 22:18 23:21,25 24:1,7,7,17,23 25:4,6,24 43:4 46:20 50:4 53:19 82:22 83:8 84:9 108:24 populations 9:4 9:11,12 10:1 10:14 15:3 16:21 20:15 27:10 43:5 82:14 83:25 84:1 portion 9:23 10:25 17:9,17 18:10 19:2 27:14 28:2 39:8 75:8 79:19,20,22 portions 16:4 17:8 22:11 124:16 position 33:17 64:15 possible 6:10 7:4 8:14 12:5,14 15:11 16:20 18:18 19:24 47:2 48:1 64:14,16 66:18 77:19 89:19 101:3 108:24 109:6 possibly 39:19 practices 55:1</p>	<p>pre-1965 55:1 pre-cleared 43:20,23 precedence 34:8 89:2 precedent 34:10 118:25 precinct 7:5 10:3 15:12 16:7 38:13,15 38:25 39:9 73:25 74:7 84:7,25 92:3 94:15 109:22 precincts 6:3,6,7 6:17 7:10 8:14 9:12 10:5,16 10:18,20 11:5 11:16 12:16 13:4,17,18,20 15:10,15 16:6 18:5 19:8 20:14 22:6,10 22:20 23:12,13 24:11,24 25:6 25:20 26:3,11 26:15 27:19 28:9,16 39:1 39:15 74:6 75:25 80:10 84:17,21 85:9 85:16 86:8,10 89:3,7 91:2 112:19 119:20 preconditions 30:18 31:10 predetermined 66:2 predominant 31:14 77:18 predominantly 33:5 predominating 34:5 prefer 102:22 preliminary 49:1 present 2:15 3:3 31:17 56:3 presented 56:9</p>	<p>90:8 109:11 presenting 88:21 presents 59:11 59:12,12 preserve 55:19 121:8,11 125:19 preserved 32:9 pretty 44:22 68:15 89:9,10 92:3 95:4 99:5 99:9 previous 105:2 107:11 previously 6:16 7:22 59:15 65:1 primarily 44:15 prior 33:9 51:19 54:1 58:25 priorities 71:22 prioritize 73:21 priority 81:2,8 privately 120:16 probably 38:6 49:19 85:22 89:2 90:4 94:8 96:6 problem 46:9 50:7 124:18,19 125:18 126:13 proceed 117:17 133:17 proceeding 126:14 process 2:20 74:10 87:8 92:24 93:21 109:2 110:22 Proctor 27:22 progress 54:12 propensity 94:7 proponent 70:14 proposal 113:4 propose 88:13 proposed 2:18 32:18 34:15 36:11 106:2 108:15 129:1</p>	<p>135:3 proposing 88:19 prosecutor 92:11 protection 31:11 33:2,24 38:21 48:7 protects 32:13 97:14 protrudes 83:1 protrusion 81:15,19 82:1 83:17 prove 46:14 proves 59:4 provide 29:7 31:18 32:23 38:17 110:23 provision 51:19 51:22 124:14 129:22 public 3:17 55:17 112:12 publicly 120:17 132:3 pulled 25:21 29:3 130:18 pulling 131:3,5 purple 99:3 purpose 94:17 111:8 pursue 70:17 put 33:11 36:7 47:1 56:17 68:4 81:25 83:5,16 104:11 113:5 116:4,8 118:12 120:14 122:6 131:17 puts 110:14 putting 42:14 45:1 97:11 109:22 119:7</p> <hr/> <p style="text-align: center;">Q</p> <p>quantities 132:9 132:10 quarter 34:20 question 35:19 48:10 60:7,23</p>
---	--	--	--	---

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 35:5,8 37:9 40:5,6 48:6 56:6 58:18 71:10,11 77:24 91:11 100:3,6 100:25 104:19 112:24 115:18 117:6 118:21 130:4 134:9 quote 31:1	raised 29:20 raises 48:5 raising 97:3 Raleigh 1:23 3:24 4:17 9:1 9:17,21 10:9 10:10,11,13,20 10:24 11:1,3 12:6 61:19 67:1,6,10,13 67:17 80:15,19 80:19 81:17 82:25 83:13,14 83:16 Raleigh's 83:19 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 rare 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	33:6 109:25 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 recommendati... 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 Reock 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 93:6,9 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 requirement 57:23,25 93:22 127:24 requirements 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
R				
R 136:1 Rabon 6:20 race 30:14,16 31:9,22 32:2 41:25 42:21 50:22 73:5 race-predomi... 33:21 races 46:6,6 racial 29:22 30:4 30:4,8,9,11 31:4 32:14 33:5,22 57:12 58:6,10 racially 31:14 44:17 46:14 52:8 55:8 radar 131:18 132:25 radical 119:14 radically 105:18				

<p>26:21 27:24 28:13 67:18 69:6 121:9 result 12:19 81:1 125:8 resulting 19:15 25:17 results 81:13 94:14 returning 132:8 reverse 36:15,18 reversed 57:14 Richmond 14:23 15:6 16:3 ridiculous 94:25 right 2:3 37:6,18 40:7,13,19 69:4,5 70:15 71:6,24 75:4 77:22 80:11 86:22 88:3,6 88:18 97:23 98:11,24,25 99:17 100:24 101:9 102:19 103:1,9 106:13 106:17 110:12 119:16 122:2 130:12 133:8 right-hand 38:14 rights 30:16 43:22 46:1,23 47:12,17,19,25 48:7 49:4,12 51:24 53:1,4 53:11 54:7,25 56:10,17 57:8 58:22 73:1,2 100:19 101:17 101:23 105:22 risk 31:11 River 4:8,14 Road 1:21 Roanoke 4:7 Robeson 14:16 14:21 Robins 14:21 Robinson 18:23 104:15,18,22</p>	<p>105:1,4,8 Rockingham 17:20,22 18:1 Rod 2:10,11 role 34:7 Rolesville 9:7,16 9:24 12:9 rolled 134:2 135:3 room 133:5 Rowan 21:20 RPR 1:18 136:16 Rucho 46:11,12 47:22 53:9,10 53:12,19 125:7 125:8 Rufus 43:18 44:7 rule 33:5 111:2 rules 111:17 ruling 48:3 105:2 rulings 56:25 run 33:22 runs 60:13 rural 13:2 20:3 82:5 116:10 rushed 132:17 Rutherford 25:14 26:9</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>Salvador 24:3 Sampson 7:1,3,5 7:8,13,20 73:23 77:2 119:6 Sanderson 4:24 sat 110:10 satellite 12:16 satisfies 102:1 satisfy 30:17 31:10 save 132:10 saw 111:6 Sawyer 22:22 109:24 saying 30:10 67:5 114:21,22</p>	<p>says 32:3 49:8 49:14 59:7 113:21 128:11 128:14,15,24 129:9 SB 78:22 SBA 41:7,12 70:6 78:18,20 78:25 123:18 123:20 130:5 SBK 78:15,19 78:19,23 123:10 SBV 40:21 70:16 102:15 103:3 SBVA 36:20 98:4,6 130:17 SCG 79:2,5 88:7 103:10,10,11 103:15,20 106:7,16,18 SCG-3 35:18 SCGA 108:6 SCH 37:2,16 40:20 71:4 78:1 79:4,4 88:14,14 90:9 95:20 97:23 108:12,15 123:16 130:18 130:19 SCHA 130:17 schedule 131:18 school 96:23,24 97:8 116:24 science 73:9 score 99:16 110:16,19,19 114:24 scored 50:25 scores 99:18 109:10 110:18 110:20 113:25 113:25 114:2 115:3 Scotland 14:17 screen 64:6 70:21 79:13 98:23 103:21 110:12 111:22</p>	<p>123:24 scrutiny 31:15 33:25 SD 3:11,20 4:2,5 13:23 33:15 SDRI 18:8 seat 29:16 Seats 14:25 second 9:18 17:3 31:9 33:20 37:5 88:1 109:19 110:5 125:24 131:22 134:17 secondly 57:15 Section 32:8,12 33:9,18 43:19 43:22 45:23 47:17,19,21 52:15,16 56:16 sections 19:1 see 29:10 34:15 38:11 54:19 60:15 67:3 72:24 77:20 81:17,22,23 95:9,12,15 97:1,14 99:1 101:17 112:23 123:14 128:1 130:24 seeing 68:23 77:24 122:1 130:4 seen 58:8 106:25 117:25 127:8 selected 6:7 7:10 25:11,17 selecting 20:9 senate 1:2 2:4,14 3:3,8 4:7,22,25 5:5,9,11,15,17 5:21,23 6:1,3,4 6:5,10,14,15 6:21,25 7:3,6,8 7:11,13,16,18 7:22,24 8:1,5,9 8:12,21 9:1,14 9:19,20,21,22 10:1,3,5,7,8,11</p>	<p>10:16,17,22,24 11:2,4,8,10,12 11:16,17,18,20 11:23 12:2,13 12:23,25 13:7 13:10,14,14,20 13:22,22 14:1 14:3,4,4,6,7,9 14:13,15,25 15:1,8,13,14 15:18,25 16:6 16:8,11,13,18 16:20,25 17:3 17:5,10,11,12 17:14,18,22,23 17:23 18:2,4 18:11,14,16,18 18:19,21,24 19:4,5,10,11 19:22,25 20:13 20:16,17,18,19 20:21,23,25,25 21:4,5,17,19 21:24,25 22:2 22:5,9,14,16 22:17,21,23,25 23:3,4,10,11 23:15,25 24:3 24:5,12,14,25 25:1,7,19 26:1 26:4,7,11,13 26:17,21 27:3 27:13,16,18,22 27:24 28:4,7,9 28:11,13,18 38:4,10 42:9 44:21,24 53:17 53:25 87:7 96:9 97:7 101:5 104:11 104:12 117:11 124:11 134:2 136:6 senator 2:15,18 2:19,25 4:6,24 4:24 5:4,10,16 6:14,20 7:17 7:25 8:9 10:23 11:7,19 12:1 12:24 13:25</p>
--	--	---	---	---

14:7,14,20,20 14:21 15:17,19 16:12,12 17:12 17:18 18:15,23 18:23 19:9 20:22 21:4,23 22:22,22 23:14 24:3,12 25:8 25:25 26:6,12 26:19,20 27:2 27:22 28:11,17 28:19 29:5,11 29:15 34:17 35:5,9,10,13 35:15,18 37:9 37:10,11,14,16 37:19,22 38:1 40:2,3,6,8,15 40:17,18,23 41:2,3,5,8,12 41:14,17,19,19 42:13 54:17 55:24 58:16,17 58:23 60:6,7,8 60:10,11,11,16 60:22,25 61:1 61:6,24,25 62:6,14,16,22 62:24 63:5,14 63:15,16 64:2 64:3,5,13,17 64:19 65:8,11 65:11 66:9,11 66:21,24 67:4 67:7,21,22,24 68:3,12,18,20 68:21,23,24 69:5,8,8,8,16 69:17,19,19 70:4,5 71:8,9 71:11,13,13 72:2,6,12,16 72:17,20,21 73:16,17,18,19 74:4,13,25 75:2,6,11,18 75:21 76:2,3 76:14,16 77:5 77:10,11,25 78:7,9,13,19	78:21,23 79:1 79:5,8,9,10,15 79:17,18,21,22 79:25 80:1,3,4 80:14,18,21 81:5,14,24 82:23,24 83:10 83:12 84:6,12 84:15,20 85:1 85:4,12 86:3,5 86:21,23,24 87:2,3,4,10,11 87:11,12,16,24 88:1,4,12,19 88:20,22,23,24 88:24 89:9,14 89:16,24 90:6 90:7,11 91:8,9 91:22,23,24,25 92:6 93:13,19 95:1,3,10,19 95:21,22,23,24 97:22,25 98:1 98:1,2,7,12,13 98:16 100:5,6 100:10,12,15 100:21,25 101:10,12,12 101:14,20 102:9,11,14,24 103:5,11,14,15 103:16,17,18 103:18,20,22 103:24,25 104:1,17,18,19 104:22 105:1,3 105:5,6,8,25 106:1,5,7,13 106:15,15,17 106:20,23 107:6,7,22,24 107:25 108:4,9 108:12,16 109:15,23 113:1,2 114:14 114:16,17,20 114:22 115:17 115:19,20,21 115:23,25 116:1,3,7	117:2,4,7,8,10 117:13,24 118:3,4,6,20 118:22,23,24 119:1,2 121:7 121:16,21 122:3,15,16 123:1,2,5,7,14 123:15,15,17 123:21,25 124:1,4,7,15 126:21,23 128:7,9,10 130:3,5,12,18 130:20,23 131:3,10,23 132:1,11,24 133:5,13,15,22 134:8,11,12,14 senators 104:15 110:23 118:10 send 35:10 36:5 37:11 58:13 sending 35:13 37:14 sense 95:17 99:25 127:12 separate 58:24 110:14 112:21 114:4 128:17 separation 38:3 sergeant-at-ar... 2:8 series 88:25 serious 48:5 seriously 34:8 57:6 96:14 serve 38:6 110:2 served 69:21 serving 87:14 session 87:8 92:5 set 72:18 92:7 122:4 130:20 settled 105:16 seven 3:19 42:17 44:23 seven-county 6:22 14:24 shape 12:15 99:15	shaped 99:6 116:17,19 shapes 13:3 shared 7:21 20:14 28:9 shares 12:16 16:7 Sherrie 2:12 shift 121:3 shifting 104:12 shop 116:24 short 31:13 34:7 34:14 Shortly 2:16 show 44:17,18 45:17 46:2,3,7 48:11,14 49:16 49:18 53:2 83:4 86:5 89:24 96:4 showed 54:6 115:3 125:18 showing 81:11 shown 47:25 48:9,22 50:15 120:5 shows 49:1 shuffle 37:4 shuffling 36:2 shut 53:24 side 16:2 76:5 95:15 side-by-side 98:9 108:17 Signed 136:12 significantly 43:4 56:22 107:14 110:15 similar 65:1 113:4 simple 50:7 simply 42:1,8 108:1 118:24 sincerely 56:8 single 5:19 8:3 74:19 92:3 96:7 121:13 single-member 128:18 sir 62:23 65:10	84:12 85:4 situated 18:19 six 1:21 8:19,22 21:25 80:9 90:13 97:7,12 108:23 113:25 114:3,5 six-district 8:11 size 85:22 93:24 skip 93:12 skipped 93:5 slightly 6:1 small 26:15 27:17 127:14 smaller 83:24 smallest 9:22 so-called 33:17 solution 50:7,7 117:18 122:1 124:18 solves 126:12 somebody 69:11 130:15 soon 131:18 sorry 14:21 19:10 40:24 57:4 76:3 79:4 87:9 98:8 104:1 119:5 123:21 sort 41:21 81:20 132:18 Sound 4:8,10,13 sounds 114:22 south 23:4,18 24:14 25:2 39:13 64:11 83:22 94:8 southeast 10:9 27:17 southeastern 5:25 6:23 southern 10:18 16:4 18:25 23:21 24:21 121:10 southernmost 16:15 southwest 25:10 span 19:20 20:6
---	--	---	--	---

<p>21:14 spanning 19:19 spans 22:8 speak 87:21 SPEAKER 35:22 70:18 87:17 102:23 103:2 speaking 109:15 special 105:13 105:15,19 specific 31:2 47:7 71:16 81:9 83:20 90:23 92:18 specifically 18:25 114:9,12 116:18 spend 56:19 121:25 Spivey's 7:12 74:3,4 split 4:4,4,17,21 4:22 5:3,3,8,8 5:14,14,19,20 6:12,12,18,18 7:1,7,10,14,15 7:21,23 8:3,7,8 8:24 9:2,9,12 10:3,5,12,16 10:18,20 11:15 11:23,24 12:3 12:6,22 13:10 13:24 14:3,7 14:12,12,18,19 15:4,12 16:7,9 17:3,10,15,16 18:3,8,12,13 19:8,8 20:17 20:20 21:16,16 21:22,22 22:16 22:19,20 23:13 24:2,11,24 25:6 26:3,10 26:16,18,25 27:11,19,21 28:7,9,16 39:4 39:5,19,20 59:25 73:24 74:5,7,9,11,15</p>	<p>74:19 75:3,5,7 75:12,13,14,19 75:25 76:17,19 76:24 77:16,20 79:13 80:10,11 80:14,18 81:1 82:25 83:13 84:7,11,17 85:8 86:10 89:18,25 90:1 90:2,3,17,18 90:19,25 91:2 97:13,17,17 113:19 116:5 116:16,19 119:4,5,8,23 120:8 121:1 splits 11:5 26:24 76:18,19,23 86:8 90:10 99:22 112:19 113:20 splitting 8:14 39:3,21 73:22 74:22 80:23 84:4,21 86:12 86:14,17,18 88:25 89:2,13 89:17,21 91:1 116:13 127:21 sponsor 70:24 Spreadsheets 31:5 Spring 38:15 Springs 9:6 11:21 12:8 squarely 33:12 SST 41:9 staff 35:19 79:12 79:16 98:8 108:16 132:2 132:14 133:19 134:3 staff's 132:24 staged 108:1,2 stand 115:24 131:20 135:7 standards 59:3,4 Stanly 17:8 21:20</p>	<p>start 64:8 84:21 93:11 94:7 98:14 110:21 133:11 started 2:1,6 34:25 37:1,7 93:2 94:10 129:10 starting 43:8,9 82:18 starts 124:22 stat 83:12 state 8:21 23:9 23:24 25:10 31:24 33:16 43:13 45:21 51:21,22 57:7 58:11,14 85:6 94:10,15,16 96:19 110:7 111:14 115:10 132:12 136:1 stated 13:2 41:23 61:9 statement 29:1,7 71:16 77:5 127:25 134:15 statements 72:8 States 31:12 45:21 56:22 statewide 51:6 stations 68:13 statistics 42:22 115:2 125:18 stay 25:24 58:5 66:17 117:1 119:9 stayed 124:12 Steinburg 4:24 Stenographic 136:4 stenographica... 136:8 Stephenson 21:9 32:1,2,4,6 33:10 42:1 49:8,13 59:6,7 59:13,14 73:3 73:4 93:22 125:14 126:2</p>	<p>127:18 128:11 129:9,21 Stokes 19:12,14 19:23 21:11,11 21:15 stop 69:6 straight 71:14 122:4 strange 119:15 strategies 56:13 stretched 99:6 strict 30:3 31:15 33:25 strong 30:25 31:1,6 33:6 34:2 study 53:12 54:15 125:16 stuff 80:6 126:16 subjected 31:15 submit 107:3,3 submitting 98:18 substitute 135:3 135:5 suburban 19:25 succeeded 30:2 successor 44:7 sue 49:7 sufficiently 101:4 suggest 51:7 94:19 122:23 127:7 suggesting 54:11 Suite 1:22 super 129:14 130:1 superior 85:10 86:9 supervision 136:9 supplies 132:9 support 50:5 77:21 107:18 112:22 114:13 supports 39:5 53:13 supreme 32:11 45:21 56:15,22</p>	<p>sure 45:7 54:24 60:24 65:22 68:2 81:7 87:1 115:25 122:12 131:25 132:1 132:11 surrounding 77:1 Surry 21:7,10 survive 33:24 56:11 Swain 27:8 28:15 swath 58:14 sway 96:22 system 85:14 89:12 96:23</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>T 136:1,1 tack 110:3 take 2:16,21 16:16 29:16 34:7,14,18 40:5 48:18,20 49:19 53:5 68:25 69:2 70:24 78:11 81:14 96:14 100:20 104:25 114:3 119:14 124:20 126:22 taken 115:9 119:16 136:7 takes 77:15 110:1 124:23 124:24 131:1 talk 71:8 92:12 talked 61:15 100:8 talking 87:3 task 8:15 taxpayers 56:18 TBD 131:15 team 2:13 tear 51:15 technical 133:18 134:3,5 135:5 technically 107:10</p>
--	--	---	--	--

tee 56:15	129:20	126:10 127:6,9	107:15 119:20	73:12 92:13
tell 49:18 55:14	thereto 133:18	127:20 132:4	119:21	trying 40:24
55:16,18 64:6	thing 38:11 39:7	three-county	total 18:12 23:25	48:13,25 58:4
65:25 74:10	45:12 58:8	25:16 126:7,8	totally 76:25	65:4 71:14,20
81:25 83:15	66:13 93:4	127:3,4,19	town 7:11,12	76:10,20 77:12
85:19 92:13	124:17,19	129:6	11:12 13:17,19	84:1,23 93:9
96:12 101:19	128:14 131:23	three-district	16:17 17:8	107:2 108:23
120:16	things 37:1	17:21	22:15 23:5,6	114:3 119:25
telling 125:17	49:10 52:17	three-hour	23:20 28:5	120:7 122:19
ten 3:19 9:9,11	63:3 65:13	69:22	119:9	127:16
12:3 34:19	92:14,23 96:2	three-judge	towns 9:16,24	Tryon 25:23
59:7 80:10	97:8 121:3,4	31:23 57:3	19:25 20:15	69:23
90:3 94:13,14	think 29:3,13	throw 127:17	24:15 26:15	turn 119:14,15
120:3	38:5 45:4 46:9	thrown 125:11	27:17 68:13	119:16,17
tended 44:18	52:9 55:19	125:12	97:9 119:5,21	turned 122:9,16
tens 56:19	57:24 58:20,22	tier 38:20	townships 119:4	TV 68:12
territories 24:21	65:8,17 69:18	tight 38:18 99:1	119:5	twice 98:8
territory 13:18	72:4,22 75:8	till 34:19,20	trading 21:11	two 4:23 7:1,7
testimony 61:2	76:12,22 79:3	Tillman 87:4,12	traditionally	7:10,14,21
thank 2:9,12 3:2	80:14,18 81:18	92:6	63:1	10:4,15,19
28:19 34:22,23	83:21 85:5,13	time 29:9 34:19	training 38:22	11:5,15 13:18
35:12 37:13,18	87:24 89:17	34:21 45:13	transcribed 1:16	14:19 16:11
37:24 38:1	90:13 91:23	48:17 51:20	136:9	17:15 18:22
40:1,15 41:14	92:8 94:11	65:15,17,20,24	transcription	19:18,19 20:11
41:19 58:15	98:9 101:25	71:19 78:12	2:1 34:24	20:15 21:14
60:8 68:18,19	105:8,20 106:3	81:10 92:25	135:9 136:6,11	25:9 27:18
70:3 72:17	106:15,18,25	94:12 105:12	transferred	28:8,10 30:19
76:14 77:9,22	107:10,20	105:21 122:1	90:15	31:19 38:7
80:3 85:4,4	113:3,4,18,23	131:15	transpose 60:17	42:10 50:13
86:3 95:23,24	117:9,16	times 58:23	transposal	52:1 55:22,23
97:21 98:17	118:11,17	69:19 75:3,6	94:23	56:10 57:11
100:4 102:8,13	119:3 121:21	76:24 109:2	transverse 94:4	58:9 59:6,9
103:13,25	122:18 123:8	Tobaccoville	113:13	61:4,17 63:7
104:1,16 105:3	124:12 125:4	20:3	Transylvania	64:14,16 65:5
105:24 107:5	127:16 128:2	today 2:8 87:23	27:8 28:15	66:6,7 77:16
107:22,25	131:10,16	121:24 123:3	travel 65:15,16	77:20 82:20
108:19 112:25	Thornburg	128:1 131:9	65:19,24	89:25 90:17
114:14,20	134:18	133:17	treat 112:11	92:19 93:9
115:16 118:19	thought 65:14	today's 87:15	trees 132:10,13	95:8 99:7,13
122:2,14,25	74:10 110:9	121:24 133:2	tremendous	99:19,21 100:6
123:4 126:20	thousand 85:23	told 55:7 94:13	128:2	104:19 105:11
126:24 128:7	three 6:3,6 9:21	120:16	tried 44:2 101:3	107:13 108:23
130:2 132:23	10:17 11:22	tomorrow 97:20	129:24	109:9,21,25
133:24 134:19	25:22 26:7	131:15	true 72:22	111:24 118:10
135:8	27:4 30:17,21	tools 52:4	111:13 136:10	118:16 124:23
thankful 3:6	31:2 54:3	top 38:14 39:8	truly 117:22,22	124:24,25
thanking 2:7	69:23 80:11	50:17 70:15	trumps 49:13	125:20,25
Thanks 2:10	90:1,2,18,19	85:17 92:19,21	109:17 120:1	127:18
118:2 133:9	107:13 120:18	93:3,4,11	try 35:25 36:12	two-county 8:11
theory 56:12,14	125:9,25 126:4	94:14 95:12	48:4 69:1	12:12 13:13

17:21 19:12 20:8 22:1 82:6 107:12 108:21 113:8 126:9 127:2,13,18 129:3 two-district 6:22 12:12 13:13 25:16 two-thirds 4:18 18:20 type 33:7 Tyrrell 3:14 67:9,16	15:5 16:4,4,14 24:20 unique 101:2 United 31:12 45:21 56:22 unnecessarily 132:5 unpack 54:24 unreasonable 113:14 unreasonably 53:5 57:24 58:2 uptown 23:19 25:2 urban 46:16 52:12 57:18 96:13 120:19 use 30:8,9 115:1 122:12 used-to-be 76:21 usually 30:21	violating 31:11 53:1 73:3 128:3 violation 47:24 53:5 violations 48:10 57:8 101:17,23 Virginia 69:4,14 virtually 95:7 vote 8:16,25 40:5 44:18 47:15 51:1,2,5 51:16 53:6 88:5 92:5 133:17 voted 40:21 44:15 voter 42:25 voters 46:15,19 46:20 112:12 voting 30:16,21 31:4 43:22 44:11,17 45:16 45:22 46:1,2,7 46:14,19,22 47:12,14,17,19 47:25 48:7,23 49:4,12 51:3 51:24 52:9,14 53:1,4,10 54:7 54:24 55:8 56:10,16 57:8 58:22 73:1,2 100:19 101:17 101:23 105:21 VRA 30:23 32:3 32:4,5,7,8,9,12 33:9,19,24 42:4 47:10 48:2,4,10,12 48:15 49:15,17 50:5,16 51:12 52:3 54:5 56:5 100:14,16 101:21 102:2 104:25 105:14 123:10 124:10 124:11 125:1,3 125:10,13,15 126:3,5,5,11	127:24 128:11 128:15,16,25 129:1,4,8,12 129:15 VTD 11:24 16:16 17:3 18:7,13 26:16 26:24 74:19 81:1 84:8,11 85:20,22 90:14 94:15 99:22 VTDs 4:4,21 5:3 5:8,14,19 6:12 6:18 7:14,21 8:3,8,24 11:22 12:3,22 13:10 13:24 14:7,12 14:18 16:15 17:15 20:21 21:2,16,22 24:2 25:21,23 26:2 28:3 39:17 73:10 74:22 80:23 82:16 83:24 84:2,4 85:14 86:1,12,18,19 89:1,7,13,19 89:21 90:2,3 90:19 91:2,3 97:17 112:19 116:19	120:21 128:21 128:22 132:20 136:2 Wake-Granville 79:21 95:7 Walkertown 20:3 want 2:7 3:5 15:21 30:5 35:22 36:7 37:3,20 41:3 48:19 54:21 56:14 71:9,10 79:13,17 81:7 87:21 95:24 97:11 101:14 101:15,25 108:3 116:5,10 117:9 122:10 122:22 127:1 131:13 134:14 wanted 29:19 87:5 89:18 92:18 131:9,17 Warren 4:8 60:14 63:20,22 63:24 64:8,21 65:20 66:25 67:14 69:15 125:5 Washington 4:9 4:10 67:13 wasn't 45:7 116:6 Watauga 27:8 28:1 watch 93:1 watching 92:25 way 23:1 36:2,8 46:9,20 47:21 49:21 51:17 58:5 64:10 69:3,12,14 73:24 74:5,6 74:16 78:10 93:10 95:7,14 96:16,21 102:2 104:8 111:23 112:14 114:23 114:25 116:7
<hr/> U <hr/>	<hr/> V <hr/>		<hr/> W <hr/>	
unable 9:3 unavoidable 22:17 111:18 unbunk 120:18 underlying 133:3 understand 42:6 62:1 66:11,12 66:24 69:24 81:7 132:14 understanding 90:9 100:18,22 101:21 102:24 104:24 undo 107:11 unfavorable 134:5 135:1 unfortunately 99:10 111:6 UNIDENTIFI... 35:22 70:18 87:17 102:23 103:2 unincorporated 9:15 13:15 17:24 23:17,24 24:9,16,22 26:14 82:4,19 83:7 unintelligible 5:21 18:5 36:9 59:22 71:1 91:9 106:4 Union 14:23	v 112:2 Vance 8:6 124:2 124:22 125:5 127:4 VAP 30:19 32:22 variance 82:7,10 85:20 114:7 various 45:5 46:6 55:6 63:3 124:16 varying 73:12 version 39:25 versions 134:16 versus 43:17 44:6 61:17 90:18 94:12 99:17 113:18 134:18 viable 56:10 Videographers 1:20 view 7:11,20 74:1,12 100:13 100:18 104:24 violate 33:1	Waddell 24:12 Wait 103:7 wake 8:10,25 9:8,9,15,16,17 9:24 10:1,4 11:9 12:2,9 45:23 46:4 52:24 79:1,4 79:18,20 80:7 82:12,20 85:21 86:8 87:25 88:1,16 89:8 89:19 92:2,18 93:1,4 94:2,4 94:20 96:8,18 119:12,16		

116:12 117:16 117:18 118:8 118:11,12 126:17 Wayne 5:6 127:4 129:6 Waynesville 28:6 ways 46:11 70:1 121:8 we'll 29:10 34:14 35:25 36:19 91:10 106:13 118:14 121:25 we're 2:5,20 28:25 29:6,7 30:8 35:3 36:12,24 56:21 67:4 68:15 84:1,2,2 92:8,8 95:16 97:12 98:18,22 99:12 99:23 108:7 114:23 117:14 117:15 118:18 120:19 123:23 131:3 132:2 133:2,16,19 we've 2:8 29:10 29:23 50:4 52:21 87:24 96:22,24 115:10 119:6 128:1 Weaverville 26:23 weighing 76:7 weight 76:12 weird 93:3 welcome 2:4 29:15 Wendell 9:8 10:6,9,14,17 12:9 went 44:1 51:5 53:19,21 61:20 73:24 74:5,6 125:6 weren't 46:23	west 10:24 23:19 38:17 94:8,11 95:15 western 11:9 18:8 23:15 27:3 132:12 white 30:21 52:20 whites 44:18 47:14 51:3 wholly 113:16 113:17 Wilkes 21:7,10 willing 120:5 Wilmington 68:6 Wilson 5:7 123:11 124:21 125:3,8,8 127:3 129:5 Wilson-Wayne 32:17 win 126:14 Winston-Salem 20:1,14,16,24 21:2 Wise 69:4,13 withdraw 97:18 108:4 withdrawn 97:24 108:6 130:16 WLOS 68:16 woman 50:20 Woodard 14:8 Woodfin 26:17 26:23,24,25 words 8:22 109:4 work 28:20 96:24 116:20 118:18 131:16 working 54:7,25 works 117:25 world 74:2 worries 78:11 worry 99:23 wouldn't 90:16 126:1,12 130:23	wrestle 105:11 wrong 77:6 80:5 103:8 124:8 <hr/> X <hr/> X 110:23 <hr/> Y <hr/> y'all 133:3 y'all's 38:2 Yadkin 19:14 21:8,11,12 Yadkin-Forsyth 20:7 Yancey 27:9 28:1 Yeah 28:23 64:3 67:24 68:24 74:4 78:9 84:19 88:24 98:7 107:9 113:3 117:8 118:24 119:11 124:6,7 130:23 year 31:24,24 years 42:8 45:20 51:20 56:2 69:22 92:9 94:13 yesterday 65:12 87:4 121:24 YouTube 2:1 34:24 135:9 <hr/> Z <hr/> Zebulon 9:8,17 9:17,25 12:9 119:18 zero 112:19 <hr/> 0 <hr/> 1 <hr/> 1 3:8,11,20 4:2,5 33:15 37:2,16 40:20 42:9 44:25 55:3 59:20 60:19 61:7 103:15 106:16,18 1,190,402 8:18	1:00:15 2:2 1:40:34 34:25 10 8:1 41:9 50:1 69:21 130:19 10/8 63:8 10:15 34:23 100 9:25 10:13 25:3 47:21 1000 1:22 102409-2 136:16 11 8:5,9 110:17 12 6:21 7:6,9,12 7:18,24 11:4 13:8 24:19 50:1 75:9 12-ish 36:11 13 9:14,22 10:2 10:7,16 11:15 11:24 14 10:5,8,11,17 10:23 23:7,23 24:18 140 92:9 14th 31:12 33:1 33:12,23 48:6 48:8 15 10:24 11:2,4 11:14,17 12:21 15- 35:2 16 11:8,10,13,18 11:25 20:19 57:20 17 11:17,20,25 27:5 177 69:7 17th 136:12 18 10:4 24:22 1898 43:14 19 3:24 12:13 71:5 1900 43:14,14 1960s 42:25 198,400 8:19 1980 43:8,12 1980s 51:17 52:11 1984 44:3 1990s 45:5 51:17 52:11	<hr/> 2 <hr/> 2 1:3 4:7,22 9:23 33:9,18 42:10 47:19 52:16 56:16 70:6 71:4 78:1 98:6 102:15 136:7 2:21:59 34:25 20 13:14,21,22 13:23 14:4 24:1 51:20 53:18 20-minute 35:2 2000 45:9 51:17 2003 51:19 124:13 2010 57:12 2011 45:11 46:12 54:1 124:12,15 2015 57:20 2019 30:9 2021 1:3 136:7 136:12 21 10:10 12:25 13:7,10 38:10 71:5 218,000 17:1 219,227 17:2 22 13:22 14:1,4 14:6,7 23 14:9,14 24 14:15 24:6 25 14:25 15:8,15 15:18 16:8 25:5 250 94:21 26 17:23,23 18:4 18:11,15 27 18:24 19:4 104:11 27609 1:23 28 18:16,19,22 104:11 105:19 29 14:25 15:13 15:25 16:7,11 <hr/> 3 <hr/> 3 4:25 40:21 70:16 78:15,19
---	---	--	---	--

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	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	<hr/> 8 <hr/> 8 6:4,15 50:1 78:22 80 11:9 76:9 80s 44:21 81 3:20 23:22 43:9 8240 136:16 8340 1:18 136:5 84 21:1 85 11:3 13:7 857,000 23:9 88 12:20		
<hr/> 4 <hr/> 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	<hr/> 5 <hr/> 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	<hr/> 9 <hr/> 9 6:21,25 7:3,14 7:16,22 12:23 919 1:24 96 24:8 98 9:21		
	<hr/> 6 <hr/> 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			
	<hr/> 7 <hr/> 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			