

NORTH CAROLINA GENERAL ASSEMBLY

SENATE REDISTRICTING COMMITTEE

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1 (Transcription from YouTube started at
2 36:33.)

3 CHAIRMAN HISE: The committee will come
4 to order. Thank you for everyone being here.
5 Welcome to the Senate Committee on Redistricting
6 and Elections.

7 Our sergeant-at-arms today are -- for
8 the Senate, John Enloe, Dwight Green, right
9 here, Ed Kessler, Chris Moore, and Hal Roach,
10 right there. Thank you all for being here today
11 in this process.

12 Members, we have -- on the agenda
13 today, we have three bills, all representing
14 submitted congressional redistricting plans. We
15 will present, as we have with every other bill
16 we do in committee, we will consider each bill
17 individually, and if an appropriate motion is
18 made, we will consider it favorable or
19 unfavorable for review to the floor.

20 Any questions about process? I wanted
21 to get that out of the way before we begin.

22 Seeing none, we will begin with
23 Senate Bill 740, Congressional Redistricting
24 Plan 21 CST-13.

25 Senator Daniels will be recognized to

1 explain the bill.

2 CHAIRMAN DANIEL: Thank you, Mr. Chair,
3 members of the committee.

4 So this is going to be a little dry,
5 but I'm just going to explain the map district
6 by district, beginning with District 1.

7 So Congressional District 1 is a
8 coastal district. It's anchored in eastern
9 North Carolina. It contains 15 whole counties.
10 The 15 counties are Beaufort, Camden, Carteret,
11 Chowan, Craven, Currituck, Dare, Gates, Hyde,
12 Jones, Lenoir, Pamlico, Pasquotank, Perquimans,
13 and Tyrrell. And it has two partial counties:
14 Onslow and Pitt.

15 The district takes in the Outer Banks
16 and most of the state's shoreline. Its shape is
17 mostly dictated by the Atlantic Ocean. There
18 are zero municipalities split by the district's
19 boundaries. VTDs are only split for the purpose
20 of equalizing population to zero deviation.
21 This district keeps all of the finger counties
22 in northeastern North Carolina together in the
23 same district as well as most of the counties
24 that run along the Virginia border. Ms. Keesha
25 Adobe spoke at the Pasquotank public hearing and

1 asked that the northeast be maintained as a
2 community of interest. That public input helped
3 inform the construction of this district.

4 Congressional District 2.

5 Congressional District 2 is a district taking in
6 most of rural northeastern North Carolina. It
7 contains 16 whole counties: Bertie, Caswell,
8 Edgecombe, Franklin, Granville, Greene, Halifax,
9 Hertford, Martin, Nash, Northampton, Person,
10 Vance, Warren, Washington, and Wilson. There
11 are two split counties: Pitt and Wayne. There
12 are zero municipalities split by this district.
13 There is one precinct split in Pitt county and
14 one in Wayne county for the purpose of
15 equalizing population.

16 Congressional District 3.

17 Congressional District 3 is a district based in
18 southeastern North Carolina. It improves upon
19 the compactness of the current district by
20 keeping mostly rural counties closer to the
21 coast in the same district as the remaining
22 coastal counties. It contains seven whole
23 counties: Bladen, Brunswick, Columbus, Duplin,
24 New Hanover, Pender, and Robeson, and one split
25 county, Onslow. The district contains zero

1 split municipalities, and the only split VTD is
2 required in order to equalize population.

3 The district is a product of input from
4 the New Hanover public hearing where Barbara
5 Guerrero asked that the Cape Fear River basin be
6 kept in one congressional district. Herb Harton
7 and Frank Williams, a Brunswick County
8 commissioner, asked that New Hanover and
9 Brunswick counties be kept together, and Keith
10 Graham asked that Bladen and Columbus counties
11 be linked in a district.

12 Congressional District 4.

13 Congressional District 4 is a nearly perfect
14 four-county district south of where we are right
15 now. It includes Cumberland, Harnett, Johnston,
16 and Sampson counties, and a small portion of
17 Wake -- of Wayne county to balance the
18 population. These counties have similar
19 geography, industry in proximity to the
20 population base in the region near Fayetteville
21 and Raleigh. The district is extremely compact
22 and contains zero split municipalities. There
23 is one VTD in Harnett county and one in Wayne
24 county. Both were split to equalize population
25 between the districts.

1 In an online public comment from Linda
2 Devore submitted on September 22, she asked for
3 Cumberland, Harnett, and Sampson counties to be
4 kept together in a congressional district. By
5 adding the population of Johnston and one
6 precinct in Wayne county, this forms the ideal
7 population for one compact district.

8 Congressional District 5.

9 Congressional District 5 is based entirely in
10 Wake county. It is made up of Garner,
11 Knightdale, Raleigh, Rolesville, Wake Forest,
12 Wendell, and Zebulon. Raleigh and the other
13 municipalities in Wake county share common
14 interests. Many people live and work and
15 commute between the different cities and towns
16 in Wake county. There are no split
17 municipalities in this district, and any VTDs
18 that are split are done for the purpose of
19 maintaining municipal boundaries or equalizing
20 population.

21 Congressional District 6.

22 Congressional District 6 is made up of Durham
23 county, Orange county, and the portion of Wake
24 county that contains Apex, Cary, and
25 Morrisville. This is a district that has

1 existed in one shape or form for decades. As
2 the population has grown in the area, it has
3 been concentrated more specifically in the
4 Triangle. It is home to some of the state's
5 most prominent universities and hospitals.
6 Along with Charlotte, it is the preeminent urban
7 population based in our state. There are no
8 split municipalities in the district, and any
9 split VTDs are located in Wake county and split
10 to equalize population or to keep municipalities
11 whole.

12 Congressional District 7 is made up of
13 four whole counties and portions of five other
14 counties that includes all of Alamance, Chatham,
15 Lee, and Randolph, and parts of Davidson,
16 Guilford, Harnett, and Wake. The district runs
17 from the Triangle west through the central
18 Piedmont region. It's made up of the smaller
19 cities and towns as well as the rural areas that
20 make up this area of the state. There's only
21 one split municipality in the district as it
22 contains a very small portion of Greensboro.
23 VTDs are only split for the purpose of
24 equalizing population or keeping cities
25 together.

1 I'm going to pause for a minute to get
2 a drink of water.

3 So we'll move on now to go
4 Congressional District 8. Congressional
5 District 8 is made up of eight whole counties:
6 Anson, Hoke, Montgomery, Moore, Richmond,
7 Scotland, Stanly, and Union, and part of
8 another, Mecklenburg. The district takes in
9 most of the counties considered to be in the
10 Sandhills region. There are no split
11 municipalities in the district, and one VTD is
12 split in Mecklenburg county for the purposes of
13 equalizing population.

14 In an online public comment submitted
15 on September 30th, Maurice Holland Jr., chair of
16 the Moore County Democrat Party, asked for
17 Sandhills counties, including Moore, Scotland,
18 and Hoke, be kept together in a Sandhills
19 district. By adding in Anson, Montgomery, and
20 Richmond, we believe this district will be
21 rooted in the Sandhills and represent that
22 region of our state well.

23 Congressional District 9 is a Charlotte
24 district. Charlotte's population is too large
25 for one congressional district so it must be

1 split. 97 percent of this district is made up
2 of Charlotte, and 83 percent of the city is in
3 the congressional district. VTDs are split only
4 to equalize population and ensure that there are
5 no other municipalities in the district.

6 Congressional District 10 is made up of
7 three whole counties: Cabarrus, Davie, and
8 Rowan, as well as parts of Iredell, Davidson,
9 and Guilford. This district takes in the
10 counties and suburban and exurban areas that
11 stretch between the two population centers of
12 Charlotte and the Triad. There's only one split
13 municipality, as mentioned before, in
14 Greensboro.

15 The district does contain all of
16 High Point as Martha Schaeffer requested at the
17 Forsyth public hearing that High Point be kept
18 whole in one congressional district. VTDs are
19 only split for the purpose of equalizing
20 population.

21 Congressional District 11 is based in
22 the northwestern corner of North Carolina and is
23 made up of eight whole counties. Those whole
24 counties are Alexander, Alleghany, Ashe,
25 Caldwell, Stokes, Surry, Rockingham, and Wilkes.

1 The district also contains a portion of Guilford
2 county and one precinct in Watauga county where
3 the current incumbent lives. There is one split
4 municipality, Greensboro, and more than
5 90 percent of Greensboro residents are kept
6 together in this district.

7 Congressional District 12 is made up of
8 four whole counties and one partial county. It
9 contains all of Catawba, Forsyth, Lincoln, and
10 Yadkin counties, plus a portion of Iredell
11 county. It is a compact district that connects
12 the suburbs outside Charlotte to the area in and
13 around Winston-Salem. It splits no
14 municipalities, and it splits -- and splits VTDs
15 in Iredell county for the purpose of equalizing
16 population.

17 Congressional District 13 is made up of
18 seven whole counties: Burke, Cleveland, Gaston,
19 McDowell, Rutherford, and Polk, and a portion of
20 Mecklenburg county that contains the
21 municipalities and towns to the west and north
22 of Charlotte.

23 In an online public comment submitted
24 on September 24th, Mary Elizabeth Voss asked the
25 towns of north Mecklenburg, including Cornelius,

1 Huntersville, and Davidson not be split and kept
2 together in a district. The only municipality
3 split in this district is Charlotte because it
4 must be, and VTDs are split only to equalize
5 population.

6 Finally, Congressional District 14 is a
7 western North Carolina district and takes in
8 most of the mountain counties in the westernmost
9 tip of North Carolina. It contains 14 whole
10 counties, including Avery, Buncombe, Cherokee,
11 Clay, Graham, Haywood, Henderson, Jackson,
12 Macon, Madison, Mitchell, Swain, Transylvania,
13 and Yancey. It splits one VTD in Watauga county
14 to avoid double-bunking two incumbents. There
15 are no municipalities split by the district.
16 The district is a result of public input from
17 CJ Breland at the Jackson County public hearing
18 who asked that McDowell and Polk be removed from
19 the current district and which is currently
20 Congressional District 11 and that the district
21 be drawn into Watauga county.

22 Going through our criteria, all 14 of
23 the districts are drawn to zero deviation or to
24 one person less than ideal. There's no point
25 contiguity used in this map. The map divides 11

1 counties solely to equalize population. There
2 are districts wholly within Mecklenburg and Wake
3 counties which are the only two counties of
4 sufficient size to contain a congressional
5 district.

6 Racial data was not used in drawing of
7 this map. VTDs were only split when necessary
8 for balancing population or keeping
9 municipalities whole. There are 24 total split
10 VTDs in the map. All of the districts are
11 compact. Only two municipalities are split in
12 the entire state. This map was not drawn using
13 partisan data, and member residence was
14 considered. Community considerations were made
15 to try to keep communities together,
16 particularly in terms of cities and towns.

17 And, Mr. Chair, that is the
18 presentation of the map.

19 CHAIRMAN HISE: Thank you, Senator
20 Daniel.

21 Any questions or comments regarding the
22 map? Senator Nickel.

23 SENATOR NICKEL: Yeah. I have a
24 question and want to use a display here to try
25 to explain it.

1 Here we've got -- what I see is what
2 you started with which is a map of
3 North Carolina as a 50/50 state. 50 percent
4 Democrats, 50 percent Republicans. We voted for
5 Donald Trump for president and Roy Cooper for
6 governor. And we can start and draw the maps
7 any way we want here with these circles. So
8 I've got 14 rows, five red, five blue. And we
9 could start and we could gerrymander for
10 competition. We could make every single one of
11 these a 50/50. It would look a little weird,
12 but we could do it.

13 But what you've done here is pretty
14 basic. You have drawn 6/4, and it's this great
15 little pattern that I use where I do 6/4, 6/4,
16 and then I do the same pattern again with my
17 blue marker. So you've got six red circles,
18 six, and four blue, so 60 percent Republican.
19 And then we've got some Democrats left so we do
20 another one here, 80 percent Democrat,
21 20 percent Republican. Same pattern again, 6
22 and 4, 60/40, again 60/40, again 60/40. And
23 again, the blue marker for the rest with our
24 district here, 80 percent Democrat, 20 percent
25 Republican. Last one here, 6/4, again 6/4, and

1 again 6/4. And then we've got the blue marker
2 again for this Democratic district. And then
3 the last one -- we've got two more left here.
4 You know, this is -- we'll call it 6 Republican,
5 4 Democrat, but I really think GK Butterfield's
6 district is a lot closer than this, but just in
7 fairness we'll call it 6/4, 6/4.

8 So that gives us 10 to 11 for the red
9 circles and 3 to 4 for the blue circles. And
10 that's what we've seen here. We're a 50/50
11 state.

12 We heard the public comment that
13 gerrymandering is less popular than herpes, in
14 Durham. That was one of my favorites. But, you
15 know, I think it's important -- as we look at
16 this, this is -- this is -- this is what this
17 map is. It's a 10 to 11 -- or sorry -- a 10 to
18 4 or an 11 to 3 depending on that one area where
19 GK is. And we've been through decades of
20 litigation on this.

21 Ten years ago, David Lewis was the lead
22 Republican author when we drew maps. He's now a
23 convicted felon. At the time he said "I think
24 electing Republicans is better than electing
25 Democrats, so I drew this map to help foster

1 what I think is better for the country." He
2 then said, "I propose that we draw the maps to
3 give a partisan advantage to 10 Republicans and
4 3 Democrats because I don't believe it would be
5 possible to draw an 11 to 2 map."

6 Now, Mr. Chairman, I know you are too
7 smart to say something like that. And I'm not
8 going to try to play gotcha here because I know
9 you're briefed and you're not going to say
10 something as bad as that, but I do recall on the
11 floor, the last go around, when Senator Tillman
12 was talking, I thought you were going to have a
13 heart attack when he started talking about how
14 Republicans were going to draw Republican maps,
15 and he made his position very clear about that.

16 And, you know, it would be great if we
17 could have an honest debate about this, but this
18 is what we see here. And you don't need to say
19 anything because this map speaks louder than
20 words. You can't argue with the math, and it's
21 right there in front of us. We've heard the
22 public comments, we've heard the outside
23 experts, and you can see in my diagram exactly
24 what's going on. This is a map that robs
25 10.7 North Carolinians of any real choice at the

1 ballot box. It's a map that guarantees that 10
2 or 11 Republicans will be elected in our 50/50
3 state. It doesn't pass the eye test. It
4 doesn't pass the smell test.

5 I wish I could make this committee
6 understand why this is so wrong, why this is so
7 wrong for every single voter in our state, and I
8 wish we could sit down and have a private
9 conversation about this with folks who would
10 truly listen and truly find a compromise on
11 this. And I wish we could have a competition at
12 the ballot box for the best ideas, but you can't
13 have a competition at the ballot box for the
14 best ideas when you decide the outcome in
15 advance. This is not a fair fight.

16 You know, we could do 50/50 districts
17 in every part of the state. And I think the
18 most important question is very simple. With
19 this whole process, you know, in this committee
20 and on the floor of the senate is how greedy are
21 you going to be with these maps. If you pass an
22 11 to 3 or a 10 to 4 map, I think you can
23 guarantee action by the State Supreme Court on
24 state constitutional grounds. We have heard
25 what they said the last go around, and we fixed

1 our maps.

2 We came back and drew an 8 to 5 map.
3 Now you're taking seats to make an 11 to 3 map
4 or a 10 to 4. Control of the next congress will
5 be decided by just a few seats, and just by
6 drawing the lines, we can decide who's going to
7 be in control of the next congress. So this is
8 a big deal for my constituents, for all of our
9 folks.

10 And listen, I look at this like a
11 father. When I talk to my kids, who are still
12 probably sleeping from their Halloween candy
13 hangover, and I explained it to my six-year-old
14 daughter and my nine-year-old son, and there's
15 only one way to describe it: It is cheating,
16 plain and simple. You are cheating and robbing
17 the voters of any real choice at the ballot box
18 with this map.

19 And so I thank the committee for
20 listening to me here. And I just have one
21 question, Senator Daniel.

22 You just said you didn't consider
23 partisan data at all. So how do you get a map
24 that is an extreme partisan gerrymander that
25 completely favors Republicans?

1 CHAIRMAN HISE: Senator Daniel -- and I
2 will remind the committee, as with all committee
3 process, questions are directed to the chair and
4 the chair will direct those questions for an
5 answer.

6 Senator Daniel.

7 CHAIRMAN DANIEL: Well, I think,
8 Senator Nickel, you know, Senator Berger has
9 probably said this best many times, you know,
10 both on the senate floor and in public,
11 that -- you know, the population of our state is
12 such that Democrats have congregated themselves
13 in urban areas, so really the only way to
14 accomplish what you're suggesting is to
15 gerrymander. And I would just reiterate that
16 the Senate plan splits 11 counties, only 2
17 municipalities in the whole state out of
18 probably over 400, I don't know the exact
19 number, and it splits 24 VTDs. So I would just
20 challenge -- I mean, I think those statistics
21 are hard to beat.

22 CHAIRMAN HISE: Senator Perry.

23 Any other questions or comments
24 regarding the map? Senator Marcus.

25 SENATOR MARCUS: Thank you, Mr. Chair.

1 When I look at this map, I see
2 something really obviously problematic with it
3 which is that you've targeted the three largest
4 counties and split them each three ways. I'm
5 wondering how -- first, Mr. Chair, how you
6 ranked the criteria that this committee adopted
7 and whether you took unnecessary splitting of
8 counties into account. Because when I look at
9 this, these counties are split more than they
10 need to be, and I'm wondering why you did it
11 that way.

12 CHAIRMAN HISE: To briefly respond to
13 the first question, as you are well aware, there
14 is no ranking of the criteria that was placed
15 in -- the committee did not approve a ranking
16 order of any of the criteria so one was not in
17 place. And the map before you splits 11
18 counties in the state, the lowest of any map
19 submitted.

20 SENATOR MARCUS: Follow-up.

21 CHAIRMAN HISE: You're recognized for a
22 question.

23 SENATOR MARCUS: Thank you.

24 I understand that they weren't ranked.
25 We asked for there to be some ranking for some

1 clarification, but I will just state that I
2 think splitting these three counties three times
3 is unnecessary and to me a clear indication of
4 an intent to give one party a partisan
5 advantage, but just to be a little more
6 specific, I noticed that when the map was
7 presented, there were mentions of citizen input
8 to justify many of the districts. There was no
9 mention of any citizen input to justify putting
10 part of Mecklenburg county with what you call
11 the Sandhills district.

12 I was at all the hearings. I reviewed
13 many of the online public comments. I saw
14 absolutely zero requests for part of Mecklenburg
15 to be added to this more rural Sandhills
16 district made up of Union, Anson, Richmond,
17 Scotland, Hoke, et cetera.

18 I guess my question to the chair is are
19 you aware of any input from folks in Mecklenburg
20 requesting to be spread out so far to the east
21 in these rural counties?

22 CHAIRMAN HISE: I'm not aware of
23 specific input for many decisions made within
24 the map, but thank you for your comments.

25 SENATOR MARCUS: Okay. Can I ask

1 another question.

2 CHAIRMAN HISE: You are recognized for
3 another question.

4 SENATOR MARCUS: Thank you. Again, a
5 similar question. I was at all the hearings,
6 and I actually know the person that you
7 mentioned to justify what you did to the
8 northern and northwestern part of Mecklenburg
9 county, which is to split the county again into
10 a third piece and put us -- that's where I
11 happen to live so I'll say us -- put us in this
12 purple district that goes very far to the west
13 also with a rural part of the state.

14 You mentioned Mary Elizabeth Voss. I
15 know Liz Voss. She did ask that north
16 Mecklenburg be kept together, but she never said
17 please put us with a rural county to the west
18 with people we have very little in common with
19 to justify a congressional district perhaps for
20 Speaker Moore. I know she didn't say that.
21 What she wants is what we all want in
22 Mecklenburg county, and I would say everyone in
23 this state wants, is to stay with our
24 communities of interest. North Mecklenburg
25 towns live in Mecklenburg county and we deserve

1 to have a congressional district that honors
2 that.

3 And so I'm asking if you would like to
4 give any other reason, other than the one you
5 mentioned about what Liz Voss said, because
6 that's not -- that doesn't justify this. Is
7 there any other way to justify putting a third
8 part of Mecklenburg county in with yet another
9 rural area district?

10 CHAIRMAN HISE: Senator, I will say
11 that it is obvious that Charlotte and
12 Mecklenburg county is too large for a district.
13 And I'm sorry for your comments the people
14 outside of that district don't want to be with
15 anybody around them.

16 SENATOR MARCUS: That's not what I
17 said.

18 CHAIRMAN HISE: Do you have another
19 question?

20 SENATOR MARCUS: Not right now.

21 CHAIRMAN HISE: Okay. Any other
22 questions or comments?

23 SENATOR BLUE: I do, Mr. Chair.

24 CHAIRMAN HISE: Senator Blue.

25 SENATOR BLUE: Thank you, Mr. Chairman.

1 I'm trying to get a handle on looking
2 at what you've drawn, but Senator Daniel
3 indicated that Raleigh and other municipalities
4 in Wake county shared a common interest; is that
5 correct? Question to Senator Daniel.

6 CHAIRMAN HISE: Senator Daniel, would
7 you like to respond?

8 CHAIRMAN DANIEL: Senator Blue, can
9 you --

10 CHAIRMAN HISE: Can you restate your
11 question.

12 SENATOR BLUE: I'll be happy to.
13 You commented that --

14 CHAIRMAN DANIEL: Reference by a
15 district number would be helpful.

16 SENATOR BLUE: Well, your comment was
17 that Raleigh and other municipalities in Wake
18 county shared a common interest, and I'm talking
19 about -- let's see how many of them. Talking
20 about District 5, District 6, and District 7.
21 And --

22 CHAIRMAN HISE: I believe we're going
23 to try to get a larger version up on the -- of
24 where you're talking about in Wake county.

25 SENATOR BLUE: Okay. I think I got the

1 same map that I'm looking -- yeah. I'm talking
2 about District 5, District 6, and District 7 on
3 the map. It's S740 that was on my desk. I
4 guess that's the same as the one you have up.

5 You had commented that citizens of Wake
6 county -- Raleigh and the citizens of Wake
7 county and the municipalities shared a common
8 interest.

9 CHAIRMAN DANIEL: That's correct.

10 SENATOR BLUE: Yeah. Why don't the
11 remaining municipalities in Wake county share a
12 common interest?

13 CHAIRMAN DANIEL: I mean, they probably
14 do, Senator Blue, but, you know, a congressional
15 district can only be 700 and some thousand
16 people, and you can't fit, you know, every
17 municipality in Wake county into one district.

18 SENATOR BLUE: Yeah. Follow-up.

19 CHAIRMAN HISE: Follow-up.

20 SENATOR BLUE: I was just trying to
21 sort out your justification for the whole
22 district which you have no choice and you had to
23 create one, and any one that you created was
24 going to involve some of the municipalities in
25 Wake county. There are 11 of them, by the way.

1 And so if in fact that is true, that
2 the municipalities of Wake county, that is, the
3 remaining 400,000 plus people, shared a common
4 interest, was there any effort made to keep them
5 together because they share a common interest
6 with each other? Not necessarily with the whole
7 district that you've created.

8 CHAIRMAN DANIEL: Senator Blue, my
9 understanding is that the Congressional
10 District 5 -- you said there's 11 municipalities
11 in the county. Eight of those are entirely
12 contained in Congressional District 5, and then
13 the remaining three were placed in Congressional
14 District 6.

15 So I think the answer is, without
16 knowing the numbers off the top of my head,
17 that, you know, we put as many as we could
18 population-wise into one district and then the
19 remaining three we put altogether in a separate
20 district.

21 SENATOR BLUE: Another question. If I
22 can call your attention to the map.

23 CHAIRMAN HISE: You are recognized.

24 SENATOR BLUE: Are you saying that none
25 of the yellow portion in Wake county, at the

1 bottom of Wake county, there at the southwest
2 90-degree angle that comes together there at
3 Wake county, are you saying none of those are in
4 a municipality? Is Fuquay not down there?

5 CHAIRMAN DANIEL: I'm not sure. Apex,
6 Cary, and Morrisville are in 6. And I'm not
7 sure where -- Fuquay would make 12, then,
8 because I've already counted 11.

9 SENATOR BLUE: Fuquay, Holly Springs.

10 CHAIRMAN DANIEL: So there's more than
11 11.

12 SENATOR BLUE: Okay. Got too many. We
13 only got 11. Ten plus the county got --

14 CHAIRMAN DANIEL: The small ones, I
15 didn't know.

16 SENATOR BLUE: Okay. Another question,
17 Mr. Chairman.

18 CHAIRMAN HISE: Yes.

19 SENATOR BLUE: Was the same observation
20 made about Guilford county, that -- Guilford
21 county, the citizens of High Point and
22 Greensboro share a common interest, is that
23 correct, based on your reasoning of Wake
24 county's municipalities and the city of Raleigh?

25 CHAIRMAN HISE: Senator Daniel.

1 CHAIRMAN DANIEL: I don't know what
2 those folks would say. High Point's a furniture
3 town and Greensboro is probably a textile town.

4 UNIDENTIFIED SPEAKER: Wait. I have to
5 talk on that one. I have to talk on that one.

6 SENATOR BLUE: Let me ask him another
7 question, if I could, Mr. Chairman.

8 CHAIRMAN HISE: You're recognized for
9 another question.

10 SENATOR BLUE: What -- I grew up and
11 took mandatory North Carolina geography in the
12 eighth grade. It's been a while, but I remember
13 a lot of it. What counties do you consider the
14 Sandhill counties, and where do you consider the
15 anchor of the Sandhills based on your eighth
16 grade geography course?

17 CHAIRMAN DANIEL: I don't know that I
18 can answer that question, Senator Blue.

19 SENATOR BLUE: If I could comment.

20 CHAIRMAN HISE: You are recognized for
21 a comment.

22 SENATOR BLUE: Wasn't Cumberland county
23 an essential county that you learned in the
24 eighth grade was the anchor of the Sandhills?

25 CHAIRMAN DANIEL: I don't recall.

1 SENATOR BLUE: One other question in
2 that regard.

3 Was Union county a Sandhills county
4 based on how the Sandhills got their name in
5 sort of prehistoric geography and the way the
6 ocean deposited sand in that area of the state?

7 CHAIRMAN DANIEL: I just can't remember
8 my eighth grade history, Senator Blue.

9 SENATOR BLUE: Okay. Let me ask one
10 other one related to this and I'll move on.

11 CHAIRMAN DANIEL: I would say that -- I
12 mean, I think sometimes we split hairs over, you
13 know, communities of interest. I think, you
14 know, we're all Americans, we're all
15 North Carolinians, and I think we're sometimes
16 making too much of a "I shouldn't be with the
17 county next door to me because we're different."
18 You know, I mean, we're all North Carolinians
19 and we travel to shop in the same places with
20 our next-door neighbor counties.

21 SENATOR BLUE: Let me ask you this,
22 then, if I could, Mr. Chairman.

23 CHAIRMAN HISE: You are recognized.

24 SENATOR BLUE: You indicated that
25 keeping municipalities whole was a priority.

1 CHAIRMAN DANIEL: It was.

2 SENATOR BLUE: High Point -- High Point
3 is in four counties. Was it kept whole?

4 CHAIRMAN DANIEL: My understanding is
5 High Point was kept whole, and the only two
6 municipalities that were split were Greensboro
7 and Charlotte.

8 CHAIRMAN HISE: Senator Blue, I will
9 clarify that county line splitting
10 municipalities is not a municipal split. It
11 is -- as the system reads it, it would be a
12 municipality within a county, whether that is
13 split is how the system would determine. We
14 also -- for clarification purposes, a split that
15 was zero population is not a split.

16 CHAIRMAN DANIEL: So I'm not sure of
17 the answer to -- if I answered your question
18 right then or not, Senator Blue.

19 SENATOR BLUE: Make a comment,
20 Mr. Chairman.

21 CHAIRMAN HISE: Recognized for a
22 comment.

23 SENATOR BLUE: Yeah. I point that out
24 because we go through great lengths to not say
25 what is obvious, but the lawyers in here know

1 darn well -- and I don't know who the lawyers
2 are, who is advising anybody, that -- now,
3 there's not always direct evidence from the
4 standpoint of somebody saying something is
5 something. Circumstantial evidence is just as
6 good as direct evidence to prove a point, prove
7 intent and all of those kinds of things, and I
8 think that what we fail to realize is that the
9 kind of illustration that Senator Wiley just
10 made, every mathematician in this state would
11 agree that that's what the mathematics says.
12 And at least I'm one who still believes in the
13 science and in mathematics, and if the
14 mathematics says it, I'm enough of an inherent
15 to scientific proof and theory that I believe
16 it's got to be so until you disprove it, and I
17 haven't seen any proof, hypotheticals that would
18 disprove that.

19 And so I'm saying that the proof of
20 what is behind drawing this map is obvious to
21 anybody who takes a serious look at it. And I
22 am concerned that we went through this exercise
23 two years ago and we came through it victorious.
24 Not -- not that it was everybody got what they
25 wanted, an 8/5 split is not a 50/50 split, but

1 the court blessed that split, and here we are
2 two years later, just merely two years later
3 spitting in their face saying that 8/5 is what
4 we did because you made us do it, but we really
5 wanted 11/3.

6 And that does not make commonsense to
7 me. I'm a simple guy, and commonsense is what I
8 try to use to determine what really ought to
9 happen, informed by my basic belief in, you
10 know, what I learned in Sunday school when I was
11 five or six years old. And so I'm trying to
12 figure out what is the commonsensical basis of
13 taking 450,000 leftover people in Wake county,
14 450,000 leftover people in Mecklenburg county,
15 and then all of the 500,000 people in Guilford
16 county, treating them differently than you're
17 treating every other county in the state. The
18 magic running through these three counties
19 is -- you are treating counties that still have
20 400 plus thousand people to contribute to the
21 redistricting effort differently than you're
22 treating every other county in the state.

23 And you pointed out that the Democratic
24 concentration is in urban areas, and it's not
25 coincidence that it's only in the urban areas

1 that you subject these counties to that kind of
2 treatment. And I'm saying that commonsense
3 would inform me if I were a judge, which I never
4 had the desire to be, but it would inform me
5 that you got something else at work here rather
6 than the comments that you made about who wanted
7 districts run in a certain way. And I'm really
8 hoping that we can look seriously at
9 redistricting this state in a way that does not
10 offend the basic fairness of the process, offend
11 people all across the state but -- so that you
12 can retain some aspect of legislators playing a
13 role in this process.

14 You know, I happen to believe in
15 neutrals doing this because of the experiences
16 I've had over the years, but this kind of
17 radical, extreme effort simply takes us out of
18 the process. And I think that you're as
19 convinced as I am that it's not going to stand
20 so why don't we fix it right while we have an
21 opportunity to do it and not be governed by what
22 interests outside of North Carolina tell us we
23 ought to do in handling North Carolina business.

24 CHAIRMAN HISE: Thank you for your
25 comments.

1 I next have Senator Perry and then
2 Senator Lowe and then Senator Davis.

3 SENATOR PERRY: Thank you,
4 Mr. Chairman.

5 I just want to share some comments and
6 thoughts. And I heard my colleague mention
7 commonsense approach. He also asked or
8 mentioned he didn't know how many lawyers were
9 involved, but I know how many lawyers are
10 involved. In my opinion -- and no offense meant
11 to my colleagues in the room, but I'll say it's
12 too many, and entirely too many, too many
13 attorneys up here that preplan every
14 conversation that goes on in any committee we go
15 to, especially this one. And it seems to have
16 lost the flavor of the citizen lawmaker.

17 But I did have a question. I was
18 looking at the visual aid that Senator Nickel
19 provided and I was trying to figure out which
20 one of those represented the congressional
21 district that he's running for. And when I was
22 looking at the map, it hit me. In these
23 metropolitan areas, when the population's over
24 700,000, they're going to be split. They have
25 to be. You got -- but not only do they have to

1 be split because of population, but those places
2 are going to have three members of congress
3 representing them. That's a lot more horsepower
4 to advocate for things and bring things back for
5 an area. And I probably see it that way because
6 coming from a rural area where we lose
7 population and districts get bigger, it feels
8 like we always have less representation. So I
9 look at that and I think there's no way not to
10 do it, and it's actually beneficial to them to
11 have additional members of congress advocating
12 for that area.

13 Now, that's not a legal argument that
14 lawyers are going to make. That's nothing
15 salacious or interesting or headline grabbing
16 for most, but it is the commonsense view of just
17 an average non-lawyer citizen lawmaker. Thank
18 you.

19 CHAIRMAN HISE: Senator Lowe.

20 SENATOR LOWE: Common citizen. I'm
21 just a country preacher from a tobacco town, and
22 when I look at this map, I gotta say it, and I
23 see Winston-Salem, I see Greensboro, I see
24 High Point. I think we have more in common than
25 most on this map, and to split us up like this,

1 it's -- I can't make sense of it. And I really
2 want to understand it because when I see Forsyth
3 county swinging around and we're connecting to
4 Lincoln, I mean, what in the hell do we have to
5 do with Lincoln? It doesn't make sense to me.
6 And I want to understand this, but I don't get
7 it.

8 And I know that there's a lot of
9 lawyers here, mathematicians and indian chiefs
10 and all kinds of stuff here and people that are
11 far smarter than me, but when I look at what has
12 been going on in this community that I live in
13 for the last 30 years as it relates to industry,
14 as it relates to communities of interest and I
15 see the blatant legislative process that pulls
16 this apart. And you can do it, you got the
17 votes. You've heard me say this before, but it
18 just -- when I talk to the citizens in my
19 community, I don't hear any of them jumping up
20 and down about this, and I gotta say something.

21 Now, some of you I've talked to about
22 all kinds of things, and some things we agree on
23 and some things we don't agree on and then we go
24 out and eat together, but when I look at this
25 and when I look at Guilford and Forsyth, that is

1 a natural to be together, it's just a natural
2 progression in the order of things. So I really
3 want to understand the rationale for
4 discombobulating -- maybe that's a good word --
5 this. Help me.

6 CHAIRMAN HISE: Senator Daniel, any
7 comments?

8 CHAIRMAN DANIEL: I think, you know, we
9 followed the criteria to the best we could, and
10 we were able to only split 11 counties and 2
11 municipalities in the whole state.

12 CHAIRMAN HISE: Senator Davis.
13 Do you have any follow-up?

14 SENATOR LOWE: I meant -- you know, my
15 brother's a lawyer.

16 CHAIRMAN HISE: Follow-up, Senator
17 Lowe.

18 SENATOR LOWE: Follow-up.

19 My brother is a lawyer, and there are
20 some conversations I've come to grips with that
21 are useless to have with him, and it seems like
22 we're getting to that point, but you can give me
23 the real answer. I know there is one. I may
24 not know it, but I know there is a real answer,
25 and the answer you gave me is not it. Thank

1 you.

2 CHAIRMAN HISE: Thank you for your
3 comment.

4 Senator Davis.

5 SENATOR DAVIS: Thank you so much,
6 Mr. Chair.

7 And I guess in listening to all these
8 comments, I'll start by just making sure
9 everyone knows, I'm not an attorney either. I
10 come from -- I'm a small town country boy.

11 But one thing that is important to me
12 is the people, their voices in this process, and
13 not just this process but in all processes.
14 Everything that, you know, we engage in, whether
15 it's the good, whether it's the bad, you know,
16 the ugly, just taking the time to listen to the
17 residents of the state.

18 So I want to first, actually, if I
19 could change the tone just a second and thank
20 you for making adjustments along the way because
21 I know there was concerns -- I continue to hear
22 concerns along the way about the public
23 hearings, you know, making sure that there were
24 enough before the map was released and then
25 making certain there were -- there was an

1 opportunity to comment after, then the map was
2 released. I know efforts were made then to do
3 so.

4 Now, I continue to hear along the way,
5 you know, there were still concerns about things
6 like, you know, individuals wanting to comment,
7 but when they went in, it was locked out and
8 they couldn't get in and things like that. But
9 I do appreciate those comments -- or at least
10 what efforts were made even though, again, I
11 continue to hear the desire for more.

12 But my question, then, is -- I was
13 listening to Senator Daniel today, and I'm just
14 curious. In this process, what was the total
15 number of individuals that actually made
16 comments and those that came in on the public
17 portal?

18 CHAIRMAN HISE: Senator Davis, I'm not
19 sure that anyone has that information, a tally
20 in front of them at this point, but I'm
21 confident staff can get you that report.

22 SENATOR DAVIS: Okay. Thank you,
23 Mr. Chair. Follow-up.

24 CHAIRMAN HISE: Follow-up.

25 SENATOR DAVIS: Okay. Can -- I'm just

1 curious, because I know specific names. I guess
2 some members know who they were. I don't know
3 necessarily all the names that were mentioned in
4 sharing the input that was made and considered
5 in this map. Do we -- and I'm just curious to
6 have kind of a total number that were used that
7 went into this specific map that we pull from
8 wherever the portal, from comments that were
9 made because obviously I'm assuming you've
10 reviewed it in order to incorporate some of
11 those names.

12 CHAIRMAN HISE: So just from what I
13 received from staff, it says the total online
14 comments to date are 4,037.

15 SENATOR DAVIS: 4,037. Okay. And
16 follow-up. Just going back to the question I
17 had before that, and thank you for that.

18 How -- based on -- there were names
19 that were shared today. Do we have any feel for
20 how this map aligns with those comments, those
21 over 4,037 plus?

22 CHAIRMAN DANIEL: I don't think we know
23 any statistics about that.

24 CHAIRMAN HISE: I think that even
25 whether those 4,000 comments relates directly to

1 the map is sometimes in question. Some -- more
2 seem to be about the process or the others that
3 are going. But do we have a tally of how many
4 made an impression on the map drawers and others
5 and was something they utilized, I don't know
6 that that even exists.

7 SENATOR DAVIS: Okay. I was just
8 curious. Thank you.

9 CHAIRMAN HISE: Okay. Thank you.

10 Is there anyone else who's not spoken
11 yet who would like to be recognized? If not,
12 I'll go back to the repeats.

13 Okay. Senator Nickel is recognized for
14 a second time.

15 SENATOR NICKEL: Thank you. And I am a
16 lawyer, and I'm proud to be one because I
17 understand how our -- how our system of
18 government works and how the court system works.
19 And I think this map is begging for court
20 action. And when the courts have gotten
21 involved, we've seen much better outcomes that
22 give voters a real choice at the ballot box.

23 My question, though, is about
24 Section 10 of the North Carolina Constitution,
25 and it states all elections shall be free.

1 Now, we had a unanimous ruling by a
2 three-judge panel in 2019, and they said it is
3 not the free will of the people that is fairly
4 ascertained through extreme partisan
5 gerrymandering, rather, it is the carefully
6 crafted will of the map drawer that
7 predominates.

8 So my question is in two parts. Number
9 one, how do you define an extreme partisan
10 gerrymander? And number two, is a map that
11 elects 71 percent to 79 percent of members of
12 one political party to the delegation of
13 Washington an extreme partisan gerrymander?

14 CHAIRMAN HISE: Senator Nickel, I will
15 immediately respond. I'm not going to give a
16 definition for a term the court came up with
17 coming in that the legislature did not, but I
18 will say that a free election, there would be no
19 different in a map orchestrated or designed to
20 elect 7/7 individuals that -- if it doesn't have
21 variance, it doesn't have variance that's with
22 coming in in order to occur. And so I think the
23 maps that I've seen elsewhere that we'll discuss
24 later that are clearly drawn for partisan
25 reasons that's coming in.

1 I will say that we have not looked at
2 any partisan data in drawing this map, nor have
3 we looked at racial data as consistent with the
4 criteria of the committee, and the results are
5 as they are.

6 SENATOR NICKEL: Follow-up.

7 CHAIRMAN HISE: Do you want to respond
8 to the question or -- okay.

9 Senator Nickel is recognized.

10 SENATOR NICKEL: So getting rid of
11 lawyer terms, is a map that elects 79 percent
12 Republicans a fair map?

13 CHAIRMAN HISE: A map that
14 predetermines the outcomes based on partisan
15 data would be an issue that -- inconsistent with
16 the criteria of this committee.

17 SENATOR NEWTON: Mr. Chairman.

18 CHAIRMAN HISE: Senator Newton.

19 SENATOR NEWTON: For the reasons
20 articulated by Senator Daniel, I'd like to move
21 for a favorable report on Senate Bill 740.

22 CHAIRMAN HISE: We have a motion for a
23 favorable report. Last chance. Any comments
24 from the committee?

25 SENATOR BLUE: Mr. Chairman.

1 CHAIRMAN HISE: Senator Blue.

2 SENATOR BLUE: How can you entertain a
3 motion for a favorable report if you've adopted
4 this bill and be fair to the other mapmakers who
5 have bills that are before this committee on the
6 same subject?

7 CHAIRMAN HISE: Senator Blue, as
8 consistent with all the processes of the
9 committee as I have been here, they consider one
10 bill at a time. There is no limitations of what
11 bills can receive a favorable or unfavorable
12 report, and all bills from committee are
13 referred to the floor with either a favorable or
14 unfavorable report.

15 SENATOR BLUE: Follow-up.

16 CHAIRMAN HISE: Follow-up.

17 SENATOR BLUE: So you're telling me
18 that this committee can pass out three bills on
19 the very same subject, bills conflicting with
20 each other?

21 CHAIRMAN HISE: The -- as I'm sure
22 you're aware, the arbiter of law is the passage
23 of both chambers, and what a particular chamber
24 or both chambers, for that matter, can consider
25 are not limited, and that has been consistent in

1 the 11 years that I've been here. I've
2 discussed many bills with the House that we have
3 had differences of opinion on the passage of the
4 bills, and that's why we have a conference
5 committee process as well.

6 SENATOR BLUE: Follow-up.

7 CHAIRMAN HISE: Follow-up.

8 SENATOR BLUE: There is no conference
9 committee process in the Senate with competing
10 bills unless I missed something, right? So once
11 we've passed something out of a committee, that
12 is the official position of the committee. And
13 what I'm asking is how can we then conflict
14 it -- or how can we then consider anything else
15 unless it's an amendment to the bill that we're
16 discussing?

17 CHAIRMAN HISE: So, Senator Blue, there
18 is no process for the committee to consider two
19 things simultaneously. That is not in our
20 process.

21 Any other questions or comments?

22 Seeing none, Senator Newton has moved
23 for a --

24 SENATOR MARCUS: Mr. Chair.

25 CHAIRMAN HISE: Senator Marcus.

1 SENATOR MARCUS: One -- a question,
2 please.

3 CHAIRMAN HISE: You're recognized for a
4 question.

5 SENATOR MARCUS: One topic we haven't
6 talked is the application of the Voting Rights
7 Act to this map. I asked, when we met earlier,
8 that this committee, before we even set county
9 clusters, and certainly before we vote on a map,
10 that we do a racial polarized voting study. At
11 that time, the chair informed me that there was
12 no intention to do that, at least at that time.

13 I'd like to ask whether that research
14 has been done and in any way is reflected in
15 this map that we're about to vote on.

16 CHAIRMAN HISE: No studies have been
17 done by this committee, no evidence of racially
18 polarized voting has been submitted to this
19 committee for consideration, and racial data was
20 not used in the creation of these maps.

21 Seeing no other comments, Senator
22 Newton has moved for a favorable report,
23 Senate Bill 740. All those in favor please
24 signify by saying aye.

25 COMMITTEE MEMBERS: Aye.

1 CHAIRMAN HISE: Opposed, no.

2 COMMITTEE MEMBERS: No.

3 CHAIRMAN HISE: The ayes have it.

4 Senate Bill 740 received favorable report and
5 will be referred to the floor.

6 Next bill we have up on the calendar,
7 Senate Bill 737, Congressional Redistricting
8 Plan 2021, CCH-6. Senator Clark.

9 And the packets are being distributed.
10 We did hold those to avoid confusion so that
11 members can have one packet in front of them.

12 Senator Clark, is it your intent to
13 amend it before discussion?

14 SENATOR CLARK: [Unintelligible].

15 CHAIRMAN HISE: Okay. So not at the
16 beginning.

17 Staff will now begin -- at the
18 senator's request -- at Senator Clark's request,
19 we will pass out copies of the amendment as
20 well. We will consider the bill as is until the
21 amendment is submitted.

22 Members, as I am reading what is before
23 me, the bill we are considering right now, the
24 map is labeled Senate Bill 738 1st Edition.
25 What is being passed out at this point I'm

1 understanding will be the proposed amendment
2 from Senator Clark which is labeled as -- the
3 map is labeled as CCG-7. The bill text is
4 attached to both maps.

5 Seems that everyone -- does everyone
6 have a copy, every member of the committee have
7 a copy of both? Yes. Okay.

8 Recognizing that, Senator Clark is
9 recognized for his explanation.

10 SENATOR CLARK: Thank you, Mr. Chair.

11 CHAIRMAN HISE: And this is -- hold on.
12 I have --

13 UNIDENTIFIED SPEAKER: Mr. Chair --
14 [unintelligible] the next bill.

15 CHAIRMAN HISE: So we'll hold again
16 while we pass out the bill.

17 738 is Senator Chaudhuri's bill that's
18 coming in. What you will need is 737 1st
19 Edition. That's 738 again. Sorry,
20 Senator Clark.

21 SENATOR CLARK: No problem. We're not
22 going anywhere.

23 CHAIRMAN HISE: Again, does everyone
24 have in front of them Senate Bill 737
25 1st Edition as the map is labeled? Okay.

1 We -- if everyone has it, we will go ahead and
2 allow Senator Clark to begin his process.

3 SENATOR CLARK: Thank you, Mr. Chair.

4 Okay. The bill under consideration has
5 the Plan CCH-6, and I'm going to recommend that
6 we amend that with another plan, but I did not
7 want you to think I'm trying to hoodwink you or
8 anything so I want to explain how the maps
9 differ.

10 So if you look at the one on the screen
11 or in your hand, we'll start with CCH-6. If you
12 look in the western part of the state -- I guess
13 I shouldn't move away from the microphone.

14 If you look in the western part of the
15 state, you'll see a configuration for that most
16 western district which I refer to as a tight
17 pack, okay, and you can understand why we'll
18 call it that.

19 Now, in the bill submitted by the
20 chairs, they use what I call a western slant
21 which is shown there. So what I decided to do
22 is take that western slant -- excuse me -- and
23 included in the bill that I will be putting
24 forth as an amendment. Okay. And one of the
25 reasons I did that was because at the public

1 hearings, one of the individuals speaking
2 lamented the fact that Watauga was not included
3 in the traditional Congressional District 11, so
4 I decided I would make that change by
5 incorporating the majority's plan with regard to
6 that particular district into mine. Okay.

7 Another change that is made, I would
8 like to direct your attention to Wake county.
9 And you can see the configuration of Wake county
10 that I had there initially. Well, what I
11 decided to do is modify that. As you see here,
12 it goes further to the south, that particular
13 district that is embedded wholly within Wake
14 county. Essentially what I've done is I've gone
15 to Senator Chaudhuri's bill and I snatched his
16 version of Wake county from him and incorporated
17 it into this plan.

18 And one other minor change that's not
19 necessarily visible in this particular map here
20 is I changed the boundary just a little bit that
21 separates the east from the west by saving a
22 split VTD; in other words, I reduced the split
23 VTDs by one.

24 And so that being said, Mr. Chairman, I
25 would like to amend the bill with the plan that

1 has CCG-7.

2 CHAIRMAN HISE: Senator Clark, as a
3 request that has come to the chairman, as we
4 have not seen this until now, I think it is
5 appropriate before we -- we'll consider the
6 amendment as proposed before the committee, but
7 before we begin discussions and vote on the
8 amendment, we're going to let the committee
9 stand in recess for about we'll say 20 minutes
10 to review this map, allow us to continue, as
11 many of the members of the committee are seeing
12 this for the first time now.

13 So we'll pick that up in just a moment
14 and the committee will stand in recess until,
15 let's see, 10:25. So we're in recess.

16 [In Recess.]

17 (Transcription from YouTube ended at
18 1:35:33 and started again at 1:57:30.)

19 CHAIRMAN HISE: The committee will come
20 back to order.

21 Where we left out, we had a motion on
22 the floor to amend the bill in whole with CCG-7,
23 the packet that you have.

24 The chairs have decided for their
25 consideration that they would support the

1 amendment of the bill on the basis that
2 Senator Clark can submit a bill to be considered
3 by the committee but would do so as to without
4 comment as to whether the amendment is more
5 consistent with our criteria or others as
6 Senator Clark could have just submitted this as
7 his bill.

8 So I'll go ahead and take all those in
9 favor of the amendment please signify by saying
10 aye.

11 COMMITTEE MEMBERS: Aye.

12 CHAIRMAN HISE: Opposed, no.

13 The ayes have it. The bill as amended
14 CCG-7 is before the committee.

15 SENATOR CLARK: Thank you, Mr. Chair.

16 CHAIRMAN HISE: Thank you.

17 SENATOR CLARK: Okay. That being
18 said -- let's see. We're now on CCG-7. That is
19 the map that is under consideration before the
20 committee here.

21 And one thing you think about when
22 you're doing a map is what are my objectives and
23 are there things that I'm trying to make sure
24 that don't perpetuate themselves, are there
25 things that I want to include in the map going

1 forward. And I want to talk about those things
2 because one of the things that was mentioned by
3 one of the members -- not members -- by one of
4 the individuals who came to the last public
5 hearing, she said, "There's no context here. I
6 don't understand where this map came from or why
7 y'all made the map the way you did."

8 So for me, the best thing to do, I
9 believe, is to first start from our current
10 congressional maps because there are things in
11 that map that I thought were egregious that I
12 did not want to continue on into the map that is
13 before you now. All right. So that will just
14 take a couple of seconds.

15 So first of all, this is our current
16 congressional plan. And if you look at it, you
17 see in the center near Mecklenburg county, there
18 is a circle there. From the center of
19 Mecklenburg county out to that circle is the
20 distance of about 20 miles. Within that tight
21 radius there, we have four congressional
22 representatives there. Also, you see some black
23 dashed lines that end in balls that extend far
24 out into North Carolina. And if you follow the
25 trajectory of those dashed lines back into that

1 circle, you see we have one, two, three, four,
2 five congressional districts that terminate far
3 ends of the state that also have points of
4 contiguity within Mecklenburg county. And to
5 me, something's wrong with that.

6 And also if you do the counting and
7 count the number of districts that are rooted in
8 the west versus in the east based on population,
9 you'll see that we have eight -- excuse me -- I
10 believe it's seven in the west and only five in
11 the east -- or 8/5, excuse me, and I think
12 something's wrong with that.

13 I think the common person out there
14 would think, well, we ought to have a balance
15 there, but we don't have that. And so one of
16 the things I wanted to do moving forward in the
17 plan that I have before you today is make sure
18 that in the east and west we have seven
19 districts in each based on a split of the
20 population.

21 And so that brings us to this diagram
22 here. The area in the green represents the
23 west; the area in pink represents the east. And
24 as you can see, the actual populations are quite
25 similar. As a matter of fact, the deviation

1 between the two -- there's a minus one/plus one
2 deviation on having equal populations in the
3 west and equal populations in the east.

4 And as you'll see in the 7/7 plan, as
5 I've been calling it, there will be seven
6 districts in the west, seven districts in the
7 east. No district in the west shall cross over
8 to the east, and no district in the east shall
9 cross over to the west. I know that was not a
10 criteria of the committee, but it was a
11 self-imposed criteria that I placed upon myself
12 because -- by the way, in case you're wondering,
13 I do comply with all of the committee criteria.

14 But the thing I understand, and I
15 suspect most folks understand, is that in
16 addition to the criteria that we guide ourselves
17 by as a committee, we also have other objectives
18 when we sit down and do a plan, whether it's a
19 legislative plan, congressional plan. And our
20 folks who have come to the hearings and our
21 folks back home, they want transparency. They
22 want to understand why it is that we did what we
23 did. And I'm going to try my best to explain
24 why I did what I did.

25 And in part of what I did is because of

1 the constraint I imposed upon myself to bring
2 about an issue of fairness I believe most
3 citizens in North Carolina would agree to. If
4 we split the population in half, we ought to
5 have seven congressional districts in the east
6 and seven in the west.

7 And in addition to that, I believe that
8 every major geocultural region in the state of
9 North Carolina should have a congressional
10 district rooted within.

11 This particular diagram is a
12 three-dimensional diagram that shows -- gives a
13 feeling for the population densities in the
14 various major geographical regions across
15 North Carolina. I've circled them in either
16 black or I've circled them, one, in red. If we
17 start in the west, we see that the western
18 region of the state has a congressional district
19 rooted therein. The northwest does, the Triad
20 does, the Charlotte metropolitan region, greater
21 metropolitan region has one. Actually, they
22 have about three or four. I lose count. And
23 then you have the Triangle up there; it does.
24 The northeast, the coast, and the southeast.
25 But who's missing one? The Sandhills.

1 And by the way, before I forget, our
2 friends across the aisle mentioned that Maurice
3 Holland indicated in his written comments that
4 he wanted a Sandhills district. Yes, indeed, he
5 does. As a matter of fact, I know Maurice.
6 He's the chair of the Democratic Party in Moore
7 county, and he showed up for our last public
8 hearing and specifically endorsed CBK-4 which
9 contained the construct and the plan that I'm
10 presenting to you today as his preferred choice
11 for a Sandhills district.

12 So that was another one of the
13 self-imposed constraints or objectives I had
14 with regard to a map.

15 Okay. To summarize, I have my points
16 here. In addition to our criteria and my
17 objective for a congressional plan for
18 North Carolina to have equal representation in
19 the east and west, to have districts that are
20 rooted in each major geocultural region in the
21 state -- and I can't read from here, but I know
22 it says another thing is to not split any county
23 more than one time, which is what we did in our
24 previous congressional plan. We did not split a
25 single county more than once. As a matter of

1 fact, I made that as a recommendation for the
2 committee, but it was rejected, but the reason I
3 did that, because I've been reviewing a lot of
4 maps over the past year. You know, I have a lot
5 of enthusiasts out there doing their own maps
6 and people really like doing maps.

7 But one thing that started to become
8 apparent to me is that the gateway to
9 gerrymandering is to go in and split a
10 municipality more than one time. So I was not
11 shocked, I fully expected it, when I saw the map
12 that was produced by the folks across the aisle
13 when I saw three of the large urban counties --
14 was three -- well, two splits which made three
15 pieces, and I said, okay, they're exercising
16 that gateway to gerrymandering. And I know what
17 they say about the number of splits, but we'll
18 talk more about that later. I don't want to get
19 off track here. Okay. So in my case, I did not
20 split any county more than once.

21 Okay. So that being said, clearly, I
22 am influenced by other things. Like I said,
23 I've seen a lot of maps, but probably the three
24 most important maps that I took into
25 consideration as I embarked on the effort to do

1 a congressional plan for the state of
2 North Carolina are the three that we'll go over
3 now.

4 The first being the North Carolina
5 prosperity zones. If you look up there, you see
6 the state of North Carolina. As a matter of
7 fact, this was done early in the McCrory
8 administration when these zones were
9 established. We have a western region, and
10 surprisingly, or not surprisingly, that looks
11 like a tight pack construction for a western
12 district in the state of North Carolina. And
13 then you see the northeastern region up there,
14 probably looks similar to many of us. Then you
15 have the Triad region, the north central region,
16 the northeast region, southeastern, and you have
17 the Sandhills. Now, clearly, all of those
18 counties you see there are not going to fit in
19 Sandhills. Senator Blue already gave us a
20 geography lesson on the ones that make up
21 essentially the central core of the Sandhills
22 regions which are the ones that were adopted in
23 the plan that I'm going to use.

24 But also I would like to draw your
25 attention to over in the Charlotte metropolitan

1 statistical area, you see that gray mass over
2 there. Another one of my objectives was to try
3 to constrain districts to that area to the
4 greatest extent possible because clearly, they
5 have interests in common in that area.

6 So another map. This is another map
7 generated by the State of North Carolina
8 Department of Health and Human Services for
9 Public Health Preparedness and Response.

10 If you look on the western side, you
11 see something similar. You see a grouping of
12 counties along the western border, and you also
13 see that configuration in the Charlotte
14 metropolitan area. I think one difference is
15 the Catawba has been added. So I used that to
16 guide my approach as well.

17 Third map, North Carolina Appalachian
18 Regional Commission Counties. I think there you
19 have about 29 counties that are part of that
20 commission. As a matter of fact, every single
21 one of those counties, say one, except Davie,
22 form what you might call a two congressional
23 district cluster which hold the two western
24 districts that are in the plan that I put
25 forward. I don't think anyone would doubt that

1 there's a lot of communities of interest within
2 that group.

3 Okay. So that being said, that brings
4 us back to the CCG-7 plan. Okay. And I
5 included the white line in there which
6 represents the boundary between the east and the
7 west.

8 So when you're looking at that blank
9 slate of North Carolina, it's like, well, where
10 do I start? Where do I start? Unlike I guess
11 about four bienniums ago when I sat down in the
12 basement of one of the buildings here with one
13 of the staffers with Maptitude and told her I
14 wanted to practice trying to figure out how to
15 do a congressional plan and she asked me where I
16 wanted to start, and I looked at it and I didn't
17 have a clue, but I had a clue this time, I had a
18 clue this time. And you have to sort of think,
19 well, what do the citizens of North Carolina
20 want? What do they want?

21 Well, first of all, they want us to
22 fully comply with the criteria which in part
23 says if you have a county that has substantial
24 population in which a complete congressional
25 district can be embedded, we must do that. So,

1 okay, well, I guess I'd better go ahead and take
2 care of Mecklenburg county and Wake county.

3 So under our current congressional
4 district plan, we've resolved that by
5 essentially pushing the population up against
6 the northern border in Wake -- I mean,
7 Mecklenburg county and taken the balance from
8 the south and pushing that into another
9 district. So I chose to do that in this plan,
10 and I tried, to the extent possible, to the best
11 of my abilities, anyway, to avoid splitting
12 municipalities in that process.

13 So then I head on over to Wake county.
14 Now, in our current congressional plan, the
15 opposite is done. The population is pushed down
16 to the south, and it's the northern portion of
17 Wake county that serves as an outlet into other
18 districts. I chose not to take that route. I
19 chose instead to push it up to the north and
20 make the outlet the southern portion. So you
21 might ask, well, why did he do that?

22 Oh, boy, let me back up here. Can
23 someone help me out, one of the technology
24 people, put it back in the proper mode. Okay.
25 I hit the wrong -- you may want to stay there

1 until I get going again. I think I hit the
2 wrong button on here. Try to back up and see.
3 Okay, that does it. Okay.

4 Okay. So one thing I knew that was
5 going to happen is if you look in the district
6 labeled 7, we have that boundary constraint
7 there. I knew I was going to have to come
8 across the top and initially connect the first
9 three counties and try to build up to the
10 required population, but I did a full stop at
11 Granville county. So why did I do a full stop
12 at Granville county? Because that's going to
13 serve as the basis for what we consider now to
14 be a VRA district, currently numbered
15 Congressional District 1, congressional --
16 Congressman Butterfield's district. And I'll
17 talk more about that later, but I just wanted
18 you to know why I did that full stop. Okay. I
19 was going to do that full stop, but -- so I'll
20 come back to that later.

21 So let's move back to the west. So we
22 have Mecklenburg county taken care of, and I
23 want to take care of another area out west. I
24 think you may appreciate this, Senator Lowe. A
25 lot of folks at those public hearings said that

1 they wanted to keep Congressional District 6, as
2 we currently call it, pretty much intact. And
3 as a matter of fact, the first iteration of the
4 map that I did did exactly that, and it pretty
5 much looked like the one we had today. I just
6 expanded it a little bit in order to make sure
7 it got up to the ideal population.

8 But then during the public hearings,
9 one of the speakers indicated that Kernersville
10 should be part of Congressional District 6 and
11 they shouldn't be connected to the west. So I
12 said, well, I guess I better go in and make that
13 fix. And also while I was at it, I decided to
14 fix Walkertown, too, and make it part of that
15 district. And as a result, it became somewhat
16 more compact, and it also helped me eliminate
17 two municipal districts. I began to realize
18 that that was a premium criteria for some around
19 here. So I eliminated two split municipalities,
20 and I tightened it up, gave it a much cleaner
21 appearance and retained it as the folks in that
22 region had asked that we do through the portal
23 and through public comment and hearings.

24 So now in the west I have Mecklenburg
25 taken care of and I have congressional

1 District 6, now 12, taken care of.

2 So where do I go from there? I said,
3 well, okay, let me go ahead and take care of the
4 western part of the state. And as you know now,
5 I started out with a tight pack configuration,
6 but I thought Senator Hise and Daniel's version
7 was better so I adopted the western slant
8 variation, which you see here, which
9 necessitated a change to District 14 up there.

10 Okay. So now in this version, it runs
11 all the way from Polk county up to -- I can't
12 see my glasses -- without my glasses. -- up to
13 Stokes county. But remember, those group of
14 counties in those most western districts are the
15 same counties that are in that ARC commission,
16 say one, that being Davie county.

17 So then I said, okay, I got that
18 squared away. Maybe it's time to move east from
19 Mecklenburg county. Now, remember, we're going
20 to be constrained by that east-west boundary
21 because we want to make sure we have seven
22 districts in the west and seven in the east. So
23 I begin heading out and I go from Mecklenburg
24 county to Union, then Anson, and it's time for a
25 full stop. Then I run up and I capture a little

1 bit there -- let's see -- Richmond, then
2 Montgomery and back to Stanly where I still
3 don't have enough population, and then I group
4 in some of the southern portion of Cabarrus
5 county, and that provides a congressional
6 district that lies pretty much almost completely
7 encased with that eastern portion of
8 Charlotte -- greater Charlotte metropolitan
9 statistical area that we talked about
10 previously.

11 Okay. Then from there you can move
12 northward to the next one. I take the rest of
13 Cabarrus county and I group that with Rowan,
14 Davie, and then head on out to the west until I
15 get to -- let's see, what do we got over
16 there -- Randolph and that forms another
17 district. Remember, it couldn't go any further
18 because we have Congressional 6 already has
19 taken that territory up northward. Yet in whole
20 for the most part, it too is encased within that
21 greater Charlotte metropolitan statistical area
22 in the region that we saw in the previous maps
23 that impact the way I was going to approach this
24 process.

25 So if we go to the eastern side, we see

1 that we have another component of that which
2 includes the counties you see there: Iredell,
3 Catawba, Lincoln, Gaston, and Cleveland.

4 And I haven't mentioned it before, but
5 since it's on my mind -- and by the way, this
6 map doesn't double-bunk a single incumbent, so
7 all the ones that are out there, they can feel
8 safe. No double-bunking of a single incumbent
9 in this plan.

10 But then that pretty much takes care of
11 the west. I've achieved half of my objectives
12 so far. We have seven districts in the west.
13 All of them are compact within major
14 geographical regions in the state. All of them
15 are consistent with regions that we have
16 established before within the state, whether it
17 be the economic regions, whether it be part of
18 the ARC, et cetera. There's method to the
19 madness, if you want to call it madness.

20 So let's head back to these. I'll
21 start up this seven. As I indicated before, I
22 had to come across the top there, pulled in the
23 first three counties and hit the full stop at
24 Granville. So then I had to go grab the three
25 counties beneath. And then when I got to

1 Durham, of course, it was like population
2 overload, so I'm going to have to reduce some of
3 the population, and I decided to take that out
4 of Durham. So I took that southeastern corner
5 out of Durham and said, well, that will be part
6 of the district that would lie beneath it, okay,
7 which also somewhat adjoins southern Wake
8 county.

9 But remember, full transparency. I
10 also told you that one of my objectives was
11 going to be to establish a congressional
12 district that was rooted in the only region that
13 does not have one at this point and that was the
14 Sandhills. Yes, citizens did ask for this. As
15 a matter of fact, for those of you who were at
16 the Cumberland county public hearing, 40 percent
17 of the people that spoke requested a Sandhills
18 district that contained these counties. And
19 among the people there were some people from
20 Moore county. There were also people from
21 Robeson county. As a matter of fact, when I
22 went to the public hearing in Robeson county,
23 about 30 percent of those people spoke in favor
24 of a Sandhills district comprising these
25 counties. And Maurice Holland was one of the

1 people that said they like this version.

2 But it's more than about the Sandhills,
3 you know. This region is home to a major
4 influence in this state that we call Fort Bragg.
5 I know one of my fellow members, a good senator,
6 linked a community of interest, if you will,
7 with Fort Bragg regarding some three other
8 counties. But let me tell you something,
9 probably unbeknownst to many folks that when
10 they think of Fort Bragg, they just think of the
11 installation itself, but the majority of the
12 Fort Bragg training area lies within the
13 northern portion of Hoke county, spans across
14 the entire tier of Hoke county. And also, in
15 that confluence of counties down there, where
16 you have Moore county, you have Hoke county, you
17 have Scotland county and Richmond county, and in
18 that little knob we have a place called Fort
19 Mackall military installation somewhat linked to
20 Fort Bragg where they train special forces
21 troops, has an impact on them all.

22 If you run down the southern border of
23 Moore county there, the lower third or lower
24 quarter, if you will, that whole area has been
25 designated in their land use plan as a military

1 impact area. So when I came into that, I had
2 those things in mind. So, of course, took
3 Richmond. We grabbed what I considered the belt
4 of Sandhills down there. Then we took -- added
5 Robeson county and then Moore county in there,
6 but that still wasn't enough population. So the
7 question becomes, well, do I head over to Bladen
8 county or maybe Sampson county or maybe up to
9 Harnett county. I decided to go up to Harnett
10 county, and I'll explain why, but before I do
11 that, I want to mention something else.

12 In my initial version of the CBK-4,
13 inadvertently, I guess I had gone up too high
14 and I took a precinct that inadvertently split
15 Lillington in half, and one of the speakers at
16 the last public hearing lamented that she did
17 not appreciate someone putting a map out there
18 that split Lillington that way. So I wasn't
19 sure that I was the one who did that, but I went
20 back and looked at my map and lo and behold,
21 ouch, it was me. So I said, well, let me take
22 that precinct and put it up there in the 6 and
23 take it out of 4.

24 Now, I didn't have any political data,
25 didn't need any, been looking at these maps a

1 long time, but I do know that that precinct I
2 popped up to 4 and out of the Sandhills is a
3 Democratic-leaning VTD. I just know that. I
4 suspect you guys in your areas know how various
5 precincts trend; you just know. It's in your
6 area; you just know. And therefore it ended up
7 getting swapped out for a precinct that was more
8 Republican leaning got added into the Sandhills,
9 but that's okay, that's okay. Because my
10 interest is not trying to establish a map that
11 leans Republican or leans Democrat. My total
12 objective, from beginning to end, was to try to
13 develop a map that was fair, fair in the
14 east-west distribution, fair in the distribution
15 of seats into the major geopolitical regions.

16 Sandhills, I don't know whether
17 that -- if somebody asked me is that going to be
18 a Republican or Democratic district, I don't
19 know, I don't know, but you know what, if it's a
20 Republican or whether it's a Democrat, it will
21 be a Democrat or Republican of the Sandhills and
22 not of Charlotte or Cabarrus county. The people
23 in the Sandhills are tired of being split as
24 population fodder for other districts, so that
25 is why that was done.

1 So now having -- also, forgot to
2 mention, we also have communities of interest
3 with Harnett county. As you're leaving
4 Spring Lake on to 11 heading into Harnett
5 county, you'll see a large presence of military
6 families. As a matter of fact, they even have
7 military housing up there in that area, a lot of
8 military movement to the houses up there and the
9 businesses cater to veterans, active duty, and
10 retirees, so there is a significant community of
11 interest attached to Harnett county as well.

12 So now having established that 7 and
13 that 4 as numbered there, essentially I have the
14 makings for 6, but there's not sufficient
15 population. So, of course, there's only one
16 other place to go at this time and it's under
17 Johnston county. So I move east and grab
18 sufficient population to build out the district.

19 Now, in one of my earlier versions of
20 the map, I had Johnston county connected to the
21 coastal district, and I had Onslow county split
22 with a portion being with the coastal and a
23 portion with the southeast. Some folks didn't
24 necessarily like that. One commented that
25 Onslow county should be kept whole because of

1 the military presence there that essentially
2 permeated the entire environment of the county,
3 so I honored that and I made Onslow county whole
4 and kept it up in the east. And then some
5 prefer the Johnston county, if it's going to be
6 connected to another region, that stay as it
7 was, which was the southeast region, so I did
8 that. Had to make adjustments to Wayne county
9 in order to rebalance the population, and then
10 you have 3 and 1 as you see on there.

11 Okay. So I guess that leaves only one
12 other district to talk about, and that's that
13 Voting Rights Act district. And early on we
14 asked our members to say, well, we're going to
15 need to use racial data in order to make sure
16 that we comply with VRA with regarding to the
17 districts we draw, and they didn't want to do
18 that, and that's their prerogative. So since I
19 couldn't use racial data as my guide, I relied
20 on a 2011 drawing generated by this body, the
21 Senate, that has the VRA requirements for the
22 Senate districts that were being contemplated at
23 the time. And essentially what they did is they
24 identified areas that were considered to have
25 significant racial polarization when it came to

1 voting.

2 So I said, well, if I keep most of the
3 counties reflected in this document produced by
4 the North Carolina Senate in 2011 and I try to
5 keep most of the counties that were in our
6 current plan, I probably have a chance of,
7 hopefully, making sure I comply with VRA
8 requirements with regard to maintaining that
9 district, so that's what I did. Remember, I
10 said I constrained it to Granville county and we
11 have what we have.

12 Now, we've heard some talk about
13 different types of data that come into play
14 here. Oops, back up. Erika, I've done it
15 again.

16 Yeah, the backup kicks me out for
17 whatever reason if I go too far. Don't go
18 anywhere. Okay. Where's forward. Get me
19 forward to the next -- I think I keep hitting
20 something wrong. The next one. Okay. Okay.

21 Okay. So we've talked about the splits
22 before. There are splits and then there are
23 splits. In this plan I have before you, 13
24 counties are split. And in the Republican plan
25 that was presented to us, 11 counties are split.

1 The reason that is is because in that plan they
2 chose to split counties more than one time. And
3 as I indicated to -- sorry.

4 The reason they did that was because
5 they chose to split counties more than one time
6 which I chose not to do deliberately because in
7 my most humble opinion, when a split counties
8 more than one time, that is a clear indication
9 of an intent to gerrymander. But one thing also
10 that was not mentioned is that that also results
11 in a different number of county splits. So in
12 the plan before you now -- I mean, the number of
13 times a county was split. Before you now,
14 counties were split only 13 times whereas in the
15 other plan, because of all this double
16 splitting, counties were split a total of 14
17 times, for what that's worth, just to bring a
18 little bit of transparency to that situation.

19 We talked about municipal splits.

20 Okay. Total number of splits in the plan I have
21 is 41. Total number in the plan presented by my
22 friends across the aisle is 13. Now, altogether
23 we have 553 municipalities in the State of
24 North Carolina, but as Senator Hise informed us,
25 all splits are not the same. There's the kind

1 of split, I call it a phantom split. I think
2 Senator Hise called in a zero split, so really,
3 they don't count because what happens it's
4 split -- one side is split doesn't have any
5 population in it so it doesn't matter.

6 Then also Senator Hise mentioned about
7 what I call the cross county splits, when you
8 have a municipality that goes across the
9 counties and therefore is split by virtue of the
10 fact that you don't necessarily combine those
11 counties, had 19 of those, and by my count they
12 had 20, about the same.

13 Now, the big difference here is in the
14 intra county splits. Clearly, my friends made a
15 very concerted effort not to split those types
16 of municipalities, and they only had two. I
17 think they were in the major cities like
18 Charlotte, if I recall correctly, and one other
19 county they mentioned.

20 Now, of course, each of those splits
21 will have -- be associated with different
22 populations. And of the 13 of mine, the
23 majority of the three came from the same two as
24 they have here as well as in Pitt county was
25 split into Greenville. Now, the reason I didn't

1 split Greenville is because I felt I did not
2 want to move too far away from the precedent
3 that had been established in the setting of the
4 VRA district in Congressional District 1 up
5 there. As I look back on all the maps, there's
6 a split there, and I assume it's there for a
7 purpose. Yeah. And I can remember a former
8 senator that was here when I first arrived, he
9 said if you walk up to a fence post and it's
10 tied together with bailing wire, you better
11 think twice before you remove that wire:
12 Senator Nesbitt. So I figured I probably should
13 leave well enough alone and not do too much of
14 messing around in Pitt county.

15 And also VTD splits, we talked about
16 that briefly. In the plan before you, there are
17 14 VTD splits, one in most counties that have
18 them and two in one, happens to be Iredell
19 county. If I had had time, I could probably go
20 back and fix that, but right now they'll do.

21 And in the plan presented by our
22 Republican friends across the aisle there, they
23 only have -- they have 24, and I expect the
24 number's a little bit higher probably due to
25 their efforts to avoid splitting municipalities,

1 so like you have to pick your poison, split more
2 municipalities or split more VTDs. Sometimes
3 you just have to pick the poison. Depends on
4 what sort of priority you establish. But, of
5 course, we didn't establish any priorities in
6 the committee here. What we did is we said we
7 were going to harmonize. My good friend the
8 chairman said we're going to harmonize the
9 criteria.

10 Well, folks, hopefully I've harmonized
11 well enough and hopefully you'll consider this
12 bill for adoption. Any questions?

13 CHAIRMAN HISE: Thank you,
14 Senator Clark.

15 Any questions, comments. Senator Blue.

16 SENATOR BLUE: I do have a question of
17 Senator Colonel Clark.

18 Since you mentioned the military, it
19 might be that -- and you do because you live in
20 it, but as you created the Sandhills district,
21 it might be that folk don't fully understand or
22 appreciate the impact that the military presence
23 at Fort Bragg has in all of those counties,
24 particularly Robeson county, and the residents
25 in Robeson county who go to Fort Bragg every

1 morning, but as importantly, the civilian
2 workforce that that base, the biggest in the
3 country and I think probably one of the biggest
4 in the world, how it pulls on that whole region
5 and ties together the whole region. And as well
6 as Harnett county because even though it's
7 adjacent to Wake county, sandwiched between
8 Cumberland and Wake county, a significant
9 portion of its population and its housing
10 pattern and industry is predicated on what's
11 happening at Fort Bragg.

12 And I'm wondering in addition to the
13 things that you pointed out, since you know, you
14 work on the base and you do analysis, since you
15 know the different impacts that that 50, 60,000
16 troop base has in that area, are there other
17 things that sort of factored into your decision
18 that may have been related to Fort Bragg or
19 Pope Airfield, now they call it rather than
20 Pope Air Force base, that sort of informed you
21 as to how this was probably the greatest
22 community of interest in the whole state that
23 hadn't been recognized.

24 SENATOR CLARK: That's true,
25 Senator Blue. And you mentioned Harnett county

1 so we'll start there.

2 Right on the northern border of
3 Cumberland county, right north of the
4 installation, if you go stand out there until
5 11:00 in the morning to watch the folks come
6 into that post, the cars will just come, they
7 keep coming and coming and coming. You don't
8 see much traffic going in the other direction in
9 the morning, but you go stand at that same spot
10 in the afternoon, when the folks get off from
11 work, and you just see the cars rolling out,
12 out, out and out.

13 And a similar thing in Hoke county. As
14 a matter of fact, in Hoke county, about 30,
15 35 percent of the folks in Hoke county travel
16 over to Cumberland county for work. That's the
17 largest percentage of members in a given county
18 traveling to another county for work in the
19 state, and most of that is tied to the economic
20 driver in the region known as Fort Bragg.

21 Senator Blue talked about Robeson
22 county where he is from; you have the same thing
23 coming up 95. As a matter of fact, one of my
24 co-workers retired about a couple years ago came
25 all the way from Fairmont down in Robeson

1 county. And he wasn't alone. You have a lot of
2 folks from Robeson county coming up to
3 Cumberland county to work.

4 And like I already talked about
5 Camp Mackall, same thing in Southern Pines,
6 lower portion -- I mean, Moore county. They
7 have communities that formally establish their
8 connection to the post. You can go to their
9 websites. They're military veteran friendly.
10 So that really is a giant region that represents
11 one giant ball of common interest.

12 And additionally, even things not
13 related to that. There's a cultural dimension
14 too. I don't have the racial data or political
15 data, whatever. Just common knowledge of the
16 geography of the state, as Senator Blue
17 indicated, but four of those counties that form
18 the belt of that region are majority-minority
19 counties. And of course, they wonder why it is
20 that they keep getting split like that.

21 And in this plan before us here,
22 that -- it is just completely intolerable. Not
23 the one before us here. The one that was
24 presented. From that region, it splits off Hoke
25 county in one direction. It takes Hoke county,

1 Scotland in another direction and Robeson county
2 in a whole other direction, a three-part split.
3 No one, absolutely no one in that region
4 supports that notion.

5 . And as I indicated before, if you
6 were there present at the Cumberland county
7 hearing, and even if you weren't present and you
8 want the transcript -- I've had my LA produce a
9 written transcript for you so you can read what
10 the 20 people who spoke plus -- 20 plus people
11 spoke at that hearing had to say. Even the
12 chairman -- former chairman of the Republican
13 Party in Cumberland county spoke in favor of
14 that construct that we have here. She said she
15 had been there for -- I forgot how many years --
16 and seen I don't know how many different
17 configurations of congressional districts coming
18 down into the Sandhills. And it's a shame, it's
19 a shame.

20 Had a retired army general,
21 General Anderson who spoke, spoke to the
22 commonality of the community of interest related
23 to military interests there, Senator Blue. Had
24 folks from Robeson county -- I mean, Hoke county
25 who came over in favor of that construct that is

1 in this map here. They're tired of being
2 sliced, diced and split up. They believe they
3 deserve the same as every other major
4 geocultural region in the state, and I just
5 happen to agree with them.

6 CHAIRMAN HISE: Senator Blue.

7 SENATOR BLUE: One last --

8 CHAIRMAN HISE: Then I have Senator
9 Newton and Senator Nickel.

10 SENATOR BLUE: One last comment that I
11 would point out to Colonel Clark is that there
12 was an interesting article in the local news
13 this weekend, and it may have been in either
14 yesterday or today's newspaper, about a powwow
15 that occurred at the new Dix Park here, and it
16 involved the eight recognized Native American
17 tribes in North Carolina.

18 And in that cluster of counties that
19 you have in the Sandhills, and I know it because
20 I lived there and grew up with it, but in those
21 four counties, Robeson, Cumberland, Hoke, and
22 Scotland, are contained probably 90 percent of
23 the Lumbee Tribe that still live in
24 North Carolina, a good number here and in
25 Charlotte, the remainder, Mecklenburg and Wake

1 the remainder. And they constitute the biggest
2 Native American or indigenous tribe east of the
3 Mississippi River. And then you look at the
4 other tribes, and all of them are, you know,
5 cultural preservation and those kinds of issues
6 that are important to people who live there and
7 people who study them and people who understand
8 what cultural connections really mean, and
9 they've been talking about it lately.

10 And that would be a further reason to
11 seriously look at a congressional district
12 because the biggest challenge to them now is not
13 only recognition but status. It is a tribe that
14 got recognized in 1957 as an Indian or Native
15 American tribe, but they don't have status like
16 the other recognized Indian tribes in Oklahoma
17 or the Cherokee or various others. So that's
18 been in the debate a long time.

19 And so there are many other reasons,
20 but I just wanted to commend you on basically
21 popping the ball up in the air to discuss the
22 lack of an organizing cluster in those counties
23 as the other sections of the state have,
24 especially with respect to the Sandhills
25 district, but also on -- showing that you can

1 draw a VRA district simply by knowing what VRA
2 means and what the historical nature of those
3 black belt counties along the top of
4 North Carolina is and the history associated
5 with it and how that is a way that
6 North Carolina got into discussion about the
7 Voting Rights Act in the first place. So
8 recognizing that you can draw that district at a
9 way that is valid without having the specifics
10 of the population in a precinct or the
11 population in a VRA, but simply knowing those
12 counties and knowing what the population is
13 going to add up to. So if you know how to use
14 them to create the population necessary, you
15 certainly know how to use them to destroy the
16 population necessary for the preservation of a
17 VRA district.

18 CHAIRMAN HISE: Senator Newton.

19 Thank you for your comment.

20 SENATOR NEWTON: Thank you,
21 Mr. Chairman. Just a couple of questions, if I
22 could, for Senator Clark.

23 Senator Clark, in your explanation of
24 your map, you talked about objectives and you
25 used -- you talked about VRA district, you

1 talked a little bit about a fair number of seats
2 being an objective. So I just wanted to confirm
3 that as you worked through your map and
4 developed your map, you did not consider either
5 partisan considerations or racial
6 considerations.

7 CHAIRMAN HISE: Senator Clark.

8 SENATOR CLARK: Thank you for the
9 question.

10 Absolutely not. As a matter of fact,
11 Senator Newton, if I wanted to be a partisan, I
12 certainly have it within my abilities to create
13 a Democratic partisan gerrymander. I chose not
14 to.

15 SENATOR NEWTON: Thank you.

16 CHAIRMAN HISE: Senator, follow-up.

17 SENATOR NEWTON: I do have a follow-up.

18 When you ran your amendment off, so we
19 paused, we took a look, and there's a miscount
20 here in terms of the intra county, city or
21 municipal splits. And what I would like to
22 do -- we -- I counted 17 splits that do not
23 exist in the Senate map, so 17 additional
24 municipalities are split under your map that do
25 not exist in the Senate map by my count, but you

1 said there were 13 additional splits. So what I
2 would like to do is go through the list that I
3 have and maybe you can correct me and tell me
4 which of these municipalities in fact are not
5 split.

6 SENATOR CLARK: Well, I'm not going to
7 be able to do that unless we sit down together
8 with the maps themselves and with the reports
9 generated by the staff. Certainly I can't sit
10 up here at this podium and figure that out so
11 you may as well save your time.

12 SENATOR NEWTON: Thank you.
13 Mr. Chairman, I have a follow-up.

14 SENATOR CLARK: But I am more than
15 willing to meet with you and go --

16 CHAIRMAN HISE: The senator is
17 recognized.

18 SENATOR NEWTON: Okay. Well, for
19 purposes of members of the public that are
20 listening, committee members who are -- know the
21 criteria know that it was our goal not to split
22 municipalities. I'm going to list what I have
23 as 17 additional municipalities that are split
24 in your map.

25 Cary is split -- but in each one of

1 these they're kept whole in the Senate map.
2 Chapel Hill is split. Clayton is
3 split. Dunn is split. Durham is split.
4 Fuquay-Varina is split. Greenville is split.
5 Harrisburg is split. Holly Springs is split.
6 Lillington is split. Mooresville is split.
7 Mt. Olive is split. Mount Pleasant is split.
8 Raleigh is split. Winston-Salem is split. And
9 I think that's it.

10 SENATOR CLARK: What about Dunn?

11 SENATOR NEWTON: That's it.

12 SENATOR CLARK: You forgot Dunn.

13 SENATOR NEWTON: Oh, Dunn. Yeah, I did
14 miss Dunn. Sorry.

15 SENATOR CLARK: And can I respond to
16 that, Mr. Chair.

17 CHAIRMAN HISE: You may respond to the
18 question.

19 SENATOR CLARK: And one thing we need
20 to understand also is that all splits are not
21 equal. The Dunn split essentially splits off
22 one person. It's in an adjoining VTD. So I had
23 the decision to make, well, do I go split
24 another VTD in order to keep from splitting a
25 municipality or do I just leave it as is. One

1 person. I chose to just leave it as is.

2 And as a matter of fact, like I said,
3 all splits are not the same. Some splits
4 involve very little population, some involved a
5 lot. And I appreciate the fact that my friends
6 across the aisle made that one of their top
7 priorities, not splitting municipalities. That
8 was not one of my top priorities.

9 SENATOR NEWTON: Thank you,
10 Mr. Chairman.

11 CHAIRMAN HISE: Thank you, Senator
12 Newton.

13 Senator Nickel.

14 SENATOR NICKEL: I think this is a
15 good -- a good committee discussion, but once
16 all the debate is finished, I'll have a motion
17 on this map.

18 You know, for the committee, there are
19 I think two things that I want to share that
20 give me nightmares. Number one, it's being on
21 the floor of the Senate and having Senator Hise
22 table my amendments. I think that's probably
23 happened more than any other senator since I've
24 been here. And number two, it's being
25 unprepared in front of Judge Fitch in his

1 courtroom. There are some judges you just don't
2 mess with, and if you don't have your facts and
3 you lie to them, they get really upset.

4 And to say that the map that we just
5 passed is a fair map and not an extreme partisan
6 gerrymander is just laughable. And so I would
7 just say to the committee, you know, if you're
8 going to say that, judges get pretty upset, and
9 judges like Judge Fitch, you know, they let you
10 know about it.

11 But my question for Senator Clark is
12 twofold. Number one, there were a lot of
13 outside groups who have scored these maps. I'd
14 like to know what they scored the map that we
15 just passed and the version of your map that
16 they scored with a letter grade, A through F.
17 And then also would you define extreme partisan
18 gerrymandering as a map that guarantees election
19 of to 71 to 79 percent of seats from one
20 political party.

21 SENATOR CLARK: Thank you, Senator
22 Wiley.

23 First of all, unfortunately, we were
24 unable to determine the performance of maps that
25 we had completed within this committee because

1 we chose not to use the partisan data for the
2 purposes of evaluation. I agree and understand
3 that they did not want to use it in the
4 construction process. However, we all did
5 understand that there were going to be nonprofit
6 entities out there rating these maps.

7 And, yes, the Princeton Gerrymandering
8 group and the FiveThirtyEight group were among
9 those, and they rated the Clark 7/7 maps, as
10 people referred to them, as A's in every
11 circumstance. And like I said, I didn't seek
12 out with an objective of making a proportional
13 map, but what the map proves, based on what
14 those entities have said, is that it is in fact
15 a proportional map that provides, or likely will
16 provide, proportional representation, and I say
17 that again recognizing that our US Constitution
18 doesn't require that. Our state constitution
19 does not require that. However, it could be an
20 objective of this body, but it is not. But
21 clearly for the common folks out there like
22 myself and Senator Lowe, our idea of fairness,
23 that if you have seven in the west, you ought to
24 have seven in the east. If you have -- if
25 you're going to have one in every other major

1 geocultural region, you ought to have one in the
2 Sandhills too.

3 And what was that other question,
4 Senator Nickel?

5 SENATOR NICKEL: How do you define
6 extreme partisan gerrymandering?

7 SENATOR CLARK: Oh, extreme partisan
8 gerrymandering, okay.

9 Well, people have their own definitions
10 of this, but I like to use the construct report
11 to us by the mathematicians and they use what's
12 called an ensemble analysis. So they use their
13 mathematical wizardry to generate hundreds of
14 thousands of maps made, and they take these maps
15 that we've created and they establish a
16 distribution and they see where these maps we've
17 created fall within that span.

18 Now, if you're somewhere in the central
19 tendency in that process, you'll say that's
20 probably not gerrymandering, but if somehow or
21 another your map shows up on the tail end of
22 that distribution, you have an indication that
23 something might be awry there and that it may
24 not be consistent what might happen in a natural
25 order, in other words, what might happen if we

1 did things like in a 7/7 way, if we did things
2 in a way which every major geocultural region
3 had a congressional district embedded in it.

4 You know, it's not likely that such a
5 map is going to show up at the tail end of those
6 distributions. My guess -- and it's only a
7 guess because I'm not a mathematician and I
8 don't personally know how to do it, but if you
9 were to compare the 7/7 map and the distribution
10 such as that, it would likely on the central
11 tendency is my guess. Because there's been this
12 grand myth out there that we can't draw a fair
13 map in North Carolina that will provide
14 proportional representation because, as we've
15 heard before, because all the Democrats live in
16 the cities. Well, I think the 7/7 throws that
17 notion out of the window completely. It reveals
18 that statement for what it is.

19 So when you have a map that
20 purportedly -- I don't know. I'm not a smart
21 guy. I can't do that kind of analysis -- but
22 purportedly will generate a seat distribution
23 along the lines of 10 Republicans and 4
24 Democrats on a good day and the one according to
25 FiveThirtyEight, Princeton Gerrymandering

1 groups, that might generate, I don't know, what,
2 maybe 7/7 or maybe 8/6 or something like that.
3 I think when you compare those two in terms of
4 seat distribution, one certainly would likely
5 lie at the extremes and people would call that
6 partisan gerrymandering, Senator Nickel. I hope
7 that answers your question.

8 CHAIRMAN HISE: Senator Marcus.

9 SENATOR MARCUS: Thank you.

10 Senator Clark, since you're from the
11 Sandhills and I am not, I would like you to
12 provide your belief to this committee about
13 whether any part of Mecklenburg county has ever
14 been considered to be part of the Sandhills
15 region.

16 SENATOR CLARK: I'm glad you asked
17 that, Senator Marcus. At the public hearing
18 that took place down in Robeson county, there
19 was a lady there who lived in Mecklenburg
20 county -- I mean, excuse me, not Mecklenburg
21 county. Yeah, it was Mecklenburg county.
22 That's correct, Mecklenburg county. And she now
23 lives in Robeson county. And you know what she
24 told us, Senator Marcus. She said that when she
25 was in Mecklenburg county, she was in a

1 particular congressional district, and she found
2 her way all the way to Robeson county in her new
3 home and lo and behold she was still in the same
4 congressional district. It's like what in the
5 world. How in the world, she thought, could I
6 still be in the same congressional district.
7 Mecklenburg county has absolutely nothing in
8 common with folks out there in Robeson county.
9 It's two completely different worlds. It makes
10 absolutely no sense.

11 And in our current congressional
12 districting plan, it does not need to be that
13 way. You could have two compact districts
14 there. And it certainly does not need to be
15 there again in the proposed congressional
16 districting plan. Thank you, Senator Marcus.

17 SENATOR MARCUS: One additional
18 question, if I could, Mr. Chair.

19 CHAIRMAN HISE: Final follow-up.

20 SENATOR MARCUS: Senator Clark, do
21 you -- have you had an opportunity to compare
22 compactness scores? That's one of the criteria
23 that this committee adopted, and we haven't
24 really talked about compactness scores. I don't
25 know if you've analyzed your map as compared to

1 the map we already passed out, the Republican
2 version map. And if so, could you share that
3 information.

4 SENATOR CLARK: Thank you,
5 Senator Marcus.

6 When it comes to the compactness
7 scores, I had to take the Senator Lowe approach.
8 I assume he properly shares my approach. What
9 do the common people see when they look at that
10 map, the regular folks out there? We could
11 stand up here and talk about Polsby-Popper,
12 Reock, cut edges, whole convection, whatever,
13 about 30 different doggone compactness scores
14 available in Maptitude, but of course the
15 committee said you can, you may consult those.
16 Didn't say you had to.

17 And even with regard to the
18 Polsby-Popper and Reock, we didn't set a limit
19 on what value would be considered good.
20 Sometimes Polsby-Popper gives a better reading
21 than the Reock. Sometimes they give the same
22 reading. As a matter of fact, as a trivia
23 question, what geographic figure would give the
24 same reading on a Polsby-Popper and a Reock
25 score? A circle. Thank you, Senator Marcus. A

1 circle. They both give the value of one.
2 Because when we talk about the Reock,
3 essentially what we're doing is dividing the
4 perimeter -- I mean, dividing the area of the
5 district by the minimum circumscribing circle.
6 And when we do the Polsby-Popper, it's going to
7 be the area of the district dividing by a circle
8 of equal perimeter. But when you start talking
9 stuff like that to our folks back at home, what
10 you talking about? Man, look at that. Did you
11 see my map -- put -- where's my map at. Well,
12 you have a picture of it.

13 Now, that's a pretty map. And you have
14 to admit -- I know you're not going to admit it,
15 but that's a pretty map. And the folks at home
16 look at that and they say he did a good job on
17 that map. And I know it's true because they've
18 told me so. It's a pretty map. Nothing looks
19 jerked up or jacked up in that thing. And even
20 to the extent it does, if it does, there's a
21 rationale behind it that they understand why it
22 is the way it is. And I've gone through great
23 pains to try to explain to them why the map is
24 the way it is, what was my thinking behind doing
25 that map.

1 And to the credit of Senator Blue and
2 the attorneys out there, they let me up here to
3 just speak my mind. They didn't try to tell me
4 how to do the map. They didn't say, well,
5 preserve district for so and so or for this
6 person or that person, just do the map. That's
7 what I did.

8 Senator Hise.

9 CHAIRMAN HISE: Members, I will just
10 say the Reock and Polsby-Popper scores are part
11 of your stat pack that you've received for each
12 of the districts that are attached to the map.

13 SENATOR CLARK: So if you want to take
14 a look at those numbers, have at it and come
15 back to me and tell me what they mean.

16 CHAIRMAN HISE: Senator Daniel.

17 CHAIRMAN DANIEL: Thank you, Mr. Chair.
18 I'd just like to make a comment.

19 So, you know, Senator Clark has
20 referred to Senator Lowe quite a bit in his
21 remarks, and I know in the previous bill, you
22 know, Senator Lowe indicated that his county of
23 Forsyth was grouped with Lincoln county in the
24 previous map. Well, in this map Forsyth County
25 is split in half. In fact, Winston-Salem is

1 split almost 50/50 down the middle. It's
2 actually 55/45, but this district traverses all
3 the way to Polk county. And so if you
4 just -- you know, we've talked about travel
5 times and so forth. So, you know, from
6 Winston-Salem to the county seat of Lincoln
7 county, which is Lincolnton, you know, it's a
8 90-mile -- 90-minute drive. If you do the
9 travel time from Winston-Salem to the county
10 seat of Polk county, which is Columbus, that's a
11 two-and-a-half-hour drive.

12 So I'm not sure Senator Lowe, based on
13 his criteria he stated earlier, should be
14 necessarily happy with this map more than the
15 previous map. He can speak for himself, of
16 course.

17 SENATOR LOWE: I certainly will.

18 CHAIRMAN DANIEL: But that's the --
19 that's the reality of this map is it splits
20 multiple -- and Colonel Clark said that splits
21 aren't all equal. Well, that's true. Of
22 course, the Senate map only splits two
23 municipalities in the state. Well, this one
24 splits Charlotte 66/34, Clayton 84/16, Durham
25 83/17, Greenville 54/46, Harrisburg 73/27,

1 Mooresville 63 -- 64/36, and Winston 55/45. So
2 there's quite a number of major municipal
3 splits.

4 So it's interesting that, you know,
5 sometimes we hear the opposing party saying,
6 well, all of us should be all represented by one
7 congressman, but then they embrace, well, it's
8 okay if we split all these into two
9 congressional districts. So I just kind of
10 wanted to note the inconsistency in the
11 arguments that we hear sometimes in this
12 committee.

13 SENATOR CLARK: Mr. Chair, I would like
14 to respond.

15 CHAIRMAN HISE: I don't believe there
16 was a question. I believe it was a comment.

17 SENATOR CLARK: I would like to
18 comment, Mr. Chair.

19 CHAIRMAN HISE: I'll get to you in just
20 a second.

21 Senator Edwards.

22 SENATOR EDWARDS: Thank you, Mr. Chair.

23 May I ask -- I'd like to ask
24 Senator Clark if he has an overlay of the maps
25 that he started out with in his presentation to

1 the congressional -- or to CGC-7 [sic], meaning
2 that the presentation started with some very
3 compelling maps that had population
4 concentration, prosperity zones and that sort of
5 thing. I'd just like to know is there an
6 overlay available for us onto this map so that I
7 could see the commonalties.

8 SENATOR CLARK: Thank you, Mr. Chair.

9 The slides that I have used are from
10 the public records and you have complete access
11 to them, if that's what you need.

12 SENATOR EDWARDS: Mr. Chair, do I take
13 that as a no, there's not an overlay?

14 CHAIRMAN HISE: The committee does not
15 have anything submitted that would be an
16 overlay. I don't know if they could create one,
17 but we don't have one.

18 SENATOR EDWARDS: Thank you. If I
19 might be allowed to just make a few comments,
20 then.

21 CHAIRMAN HISE: Recognized for
22 comments.

23 SENATOR EDWARDS: When Senator Clark
24 began the conversation in presenting those maps,
25 I saw some slides, some data that really caught

1 my attention, and I thought, okay, these -- this
2 is his basis, maybe we're going somewhere here,
3 but the more that I reflect back on how I
4 remember those slides to indicate those various
5 areas, you know, prosperity zones established by
6 Governor McCrory and population and such. And
7 in my mind I try to overlay those to this map.
8 There's absolutely no comparison whatsoever, and
9 so I'm not sure that there's any relevance to
10 those bases to this map.

11 My next thought is that I continue to
12 hear this conversation about third parties
13 scoring maps. Every indication that I've seen,
14 in every one of those situations, partisan
15 information has been used, and that's one of the
16 criteria that this committee clearly said that
17 we did not want to use.

18 And to me, as a member of this
19 committee, I believe that our responsibility and
20 our definition of fair should be did we draw
21 these maps according to the criteria that the
22 committee set out, not necessarily some group
23 from Princeton or someplace else. Did we follow
24 our criteria.

25 And then the last point that I'd like

1 to make is while -- I heard Senator Newton ask
2 the question of Senator Clark was racial data
3 used, and I thought that I heard the answer to
4 that as being no. Well, I'm not a lawyer
5 either. I'm just a common citizen legislator,
6 but when I hear that consideration was given to
7 not only VRA districts that are based off of
8 racial data, but there was consideration given
9 to VR districts that are ten years old which I
10 think would be totally irrelevant. The reason
11 we're drawing maps now is that constitutionally
12 we're asked to draw maps after every census.
13 And so I believe that while, obviously, there
14 was some racial consideration in that thought,
15 it's too old to be valid.

16 And then the last thing that I -- well,
17 I said that was the last one. One more, really.
18 I was part of the map-drawing process in the
19 fall of 2019 when the court ordered us to redraw
20 maps, and I remember vividly that one of the key
21 criteria that we used then was to not split
22 municipalities. And I hear Senator Clark
23 saying, well, Dunn is only -- it's only one
24 person, also it's okay, but then I hear Senator
25 Daniel go through a list of other significant

1 splits that really worries me that we would
2 set -- if we were to set ourself up with that
3 criteria to the court ordered -- to the court
4 orders in 2019, we would have failed miserably.
5 And so I have a real concern with this map from
6 that perspective as well.

7 Thank you, committee. I appreciate you
8 indulging me.

9 CHAIRMAN HISE: Thank you for your
10 comments.

11 Next, Senator Lowe. Senator Lowe does
12 not want to speak.

13 Senator Clark.

14 SENATOR CLARK: I'd like to respond.
15 There are a lot of statements made so I may miss
16 a few so I'll start with the most recent
17 regarding the criteria on municipal splits.

18 In the criteria we adopted this time is
19 that municipalities may be considered. It did
20 not say that we shall not split municipalities.
21 When the members -- my Democratic fellows asked
22 for a priority of the committee in terms of
23 splits, we were told there was none.

24 You also mentioned earlier about the
25 prosperity zones not matching up with -- exactly

1 with the map I have here for consideration.

2 Well, of course not. First of all, there are
3 fewer prosperity zones, and also the prosperity
4 zones are not population balanced. What I said
5 is it served as an input for me in terms of how
6 districts might potentially be grouped.

7 And I forgot the other two things you
8 said and what Senator Daniel said so it's hard
9 for me to respond. If they really want an
10 answer or just wanted to be heard, that's fine,
11 but if you want an answer to the comment, I'm
12 more than willing to hear the statement again
13 and respond to it appropriately.

14 Oh, he did mention something that my
15 criteria -- or something I had done may not sit
16 well with Senator Lowe, but with all due respect
17 to Senator Lowe, we get along quite well, but he
18 didn't draw my map. I drew that for the
19 betterment of the citizens as I saw it in the
20 state of North Carolina. And if I caused some
21 offense there, forgive me, but as we all know,
22 there are compromises that have to be made in
23 this process. Sometimes you may have to split a
24 municipality that you don't want to. Sometimes
25 you may have to split a VTD that you don't want

1 to. Sometimes you have to mess up your pretty
2 map in order to balance the population. Stuff
3 happens. It's -- at the same time it's an easy
4 process but a complicated one trying to do the
5 right thing. That's all I tried to do. I tried
6 to do a map that the citizens would look at and
7 they would say -- not just this committee, but
8 they, folks out there watching this on TV today,
9 they would say that this is a good map.

10 CHAIRMAN HISE: Senator Nickel, you had
11 been asked earlier to be recognized for a
12 motion.

13 SENATOR NICKEL: Are we all -- we're
14 finished?

15 CHAIRMAN HISE: I have no additional
16 speakers that have asked to speak.

17 SENATOR NICKEL: Move for a favorable
18 report.

19 CHAIRMAN HISE: There's a motion on the
20 floor for a favorable report for -- let's see.
21 This is Senate Bill 737 as amended, we'll go
22 with rolled into an original PCS
23 unfavorable -- rolled into a new PCS unfavorable
24 as to the original bill.

25 All those in favor please signify by

1 saying aye.

2 COMMITTEE MEMBERS: Aye.

3 CHAIRMAN HISE: Opposed, no.

4 COMMITTEE MEMBERS: No.

5 CHAIRMAN HISE: The nos have it, does
6 not receive a favorable report.

7 Senator Daniel.

8 CHAIRMAN DANIEL: A motion, Mr. Chair.

9 CHAIRMAN HISE: You're recognized for a
10 motion.

11 CHAIRMAN DANIEL: Mr. Chair, I would
12 move that Senate Bill 737 as amended receive an
13 unfavorable report from the committee.

14 CHAIRMAN HISE: There's a motion on the
15 floor of the Senate from Senator Daniel,
16 Senate Bill 737 receive an unfavorable report to
17 the bill as amended, also unfavorable to the
18 original bill.

19 All those in favor please signify by
20 saying aye.

21 COMMITTEE MEMBERS: Aye.

22 CHAIRMAN HISE: Opposed, no.

23 COMMITTEE MEMBERS: No.

24 CHAIRMAN HISE: The ayes have it and
25 Senate Bill 737 will be reported unfavorably.

1 Senate Bill 738. Senator Chaudhuri.

2 And I think we'll go ahead and have
3 staff go ahead and begin the process of passing
4 this out. Oh, yeah, it was passed out.

5 Does every member have a copy of
6 Senate Bill 738 1st Edition? I do not believe
7 there's an amendment to this. All right. I
8 think everybody's got it.

9 Senator Chaudhuri.

10 SENATOR CHAUDHURI: Thank you,
11 Mr. Chair. I don't know if it's necessary to
12 put my map on the screen or not for members of
13 the public, but let me say from the outset,
14 we've had a lot of folks talk about being
15 citizen legislators becoming country folks. I'm
16 just a lawyer, Mr. Chair, and I feel like I'm a
17 caveman lawyer this afternoon. I'm just a
18 caveman lawyer, and your world frightens and
19 confuses me, to quote Saturday night live.

20 So what I thought I would do is walk
21 through the map that I've drafted and provide an
22 explanation similar to Senator Daniel and then
23 I'll also comment on the objectives. I think
24 one of the things that you will see with this
25 map is it's actually quite similar to

1 Senator Clark's map, so I say that hopefully in
2 order to avoid duplicative questions and move us
3 along schedule.

4 So on the far east, you will see Senate
5 District 3 that is a Senate district primarily
6 comprised of the coastal counties. And as we
7 move towards the east -- west, excuse me, you'll
8 see Senate District 1 that runs from Granville
9 county to Pasquotank county as indicated by
10 Senator Clark. If you do look at the 2011 data
11 that he had revealed, this could potentially be
12 a VRA district that I believe would also answer
13 some of the questions and concerns expressed by
14 committee members with regard to the fact that
15 under the Stephenson Supreme Court decision
16 there needs to be compliance with VRA first
17 before drawing the remainder of the districts.

18 Next, I'm going to move to
19 Congressional District 2 which is a primarily
20 downtown northern Wake district. I think it's
21 important for purposes, as we've discussed here
22 and has been highlighted by Senator Clark, that
23 Wake county district has only been split twice
24 and not three times compared to the Hise-Daniel
25 map.

1 I will then move to Senate --
2 Congressional District 13. You will see in this
3 congressional district as an example in
4 comparison to the Hise-Daniel map, this actually
5 keeps together all of southern Wake county. It
6 also puts Cary and Morrisville together which I
7 know is one of the comments that we heard during
8 public comments and then extends to Chatham,
9 Lee, and Harnett county which I believe are
10 natural extensions of the Triangle and also
11 share part of the economic development and
12 recruitment as a region.

13 From there, we move to Congressional
14 District 7 which runs from Johnston county all
15 the way down to Brunswick and New Hanover
16 county. This is essentially what would be
17 called a southeastern North Carolina district.

18 Then we move to Congressional
19 District 14. This is a variation of the
20 Sandhills district. I think a couple of points
21 to reiterate. For this district, one is I think
22 the linkage between Hoke and Cumberland county
23 is critical, and we talked about the military
24 community of interest. In addition, I think a
25 question was posed by Senator Blue, it is hard

1 to design and create a Cumberland county
2 district -- it's hard to draw a Cumberland --
3 Sandhills district without including Cumberland
4 county in it.

5 We then move to -- I'm going to move up
6 north to Congressional District 4. This runs
7 from part of Rockingham county to Person and
8 then runs down to Alamance and Durham county.
9 Again, is -- these counties have actually been
10 clustered as legislative -- state legislative
11 districts for a number of years and also share a
12 lot of regional cooperation, including mental
13 health cooperation. Also, it's important to
14 note that I-85 runs through this district as
15 well.

16 Then we come to Congressional
17 District 6. This combines part of Forsyth and
18 Guilford county. I think this clearly
19 illustrates a Triad congressional county, again,
20 similar to what Senator Clark mentioned and also
21 important in highlighting that these communities
22 of interest stay together. As you'll notice,
23 Forsyth county here is not divided twice but
24 only once.

25 And then we come to Congressional

1 District 8 which runs from part of Iredell
2 county to the east of Randolph county, and then
3 we come down to -- coming down to Congressional
4 District 12 which is the Mecklenburg county
5 district. As the criteria states, you should
6 begin by splitting the county once, if possible,
7 and so here we have Congressional District 12
8 which runs from the western -- southwestern part
9 of Mecklenburg county all the way to the north.

10 And then we've created a Congressional
11 District 9. Again, this is the eastern part of
12 Mecklenburg county that includes Union and
13 Stanly county which I think are natural part of
14 the growth that we are seeing in Mecklenburg
15 county.

16 We then come to Congressional
17 District 10 which runs from Iredell to
18 Rutherford county.

19 Congressional District 5 which is
20 essentially the northwestern district running
21 from Avery to Rockingham county.

22 And then lastly, Congressional
23 District 11, which is the western North Carolina
24 district as well.

25 This district -- some of these

1 districts, I should say, towards the end
2 somewhat come close to the districts that have
3 been presented by Senator Hise and Daniel.

4 Let me make a few other comments. I'm
5 happy to take questions after that.

6 So as I mentioned, you know, the
7 criteria that was mentioned -- that was agreed
8 upon by the committee stated that voting
9 districts shall be split only when necessary,
10 and in this instance -- and I think this
11 warrants a discussion if we want to revisit
12 this. In these instances, the districts are
13 only split up into 14 voting districts compared
14 to 24, I believe, in the districts shared by
15 Senator Daniel and Senator Hise.

16 Secondly, we've made -- I've made a
17 reasonable effort to draw districts that are
18 compact. And while Senator Clark wasn't willing
19 to share his Reock, Polsby-Popper scores, I can
20 tell you that the scores -- the average scores
21 for this were .45 and .36. And those compact
22 scores are certainly worth I think discussing in
23 comparison and contrast to the maps that were
24 shared by Senator Daniel and Hise.

25 And then finally, I should say

1 that -- or I should also say that this map
2 attempts to consider member residence. And
3 similar to Senator Clark's map really avoids any
4 double-bunking that takes place.

5 And finally, I should mention that with
6 regard to communities of interest, again, it's
7 important to highlight the preservation of the
8 Sandhills area and the fact that the three
9 largest counties, Wake county, Guilford county,
10 and Mecklenburg county, are only split once.

11 And that's my presentation, Mr. Chair.

12 CHAIRMAN HISE: Thank you, Senator
13 Chaudhuri.

14 I will add that the previous map
15 discussed was sponsored by myself, Senator
16 Daniel, and Senator Newton, for those who are
17 coming in just to make sure that's not left out.

18 Speaking of which, Senator Newton, I
19 believe, has some questions.

20 SENATOR NEWTON: Thank you so much,
21 Mr. Chairman.

22 Senator Chaudhuri, you identified
23 certain communities of interest. Do you
24 consider municipalities to be communities of
25 interest?

1 SENATOR CHAUDHURI: Senator Newton, I'm
2 happy to answer that question. Yes, I would
3 consider municipalities be communities of
4 interest, but I would also consider voting
5 districts to be communities of interest, and I
6 would also consider counties to be voting -- of
7 communities of interest.

8 And I think to Senator Clark's point,
9 it is difficult to identify what the priorities
10 were for the criteria that was set out. And so
11 I think as we discussed, there seems to be a
12 clear trade off between the splitting of
13 counties versus splitting of municipalities.

14 SENATOR NEWTON: Thank you. Follow-up.

15 SENATOR CHAUDHURI: Yes.

16 SENATOR NEWTON: So I have a list of
17 the municipalities that your map splits. It's
18 actually two more than Senator Clark's map
19 split. I'm going to list these. Would you tell
20 me if I'm in error with any of these
21 municipalities.

22 I've got your map splitting Cary,
23 Charlotte, Clayton, Concord, Durham, Eden,
24 Elizabethtown, Eureka, Fuquay-Varina,
25 Glen Alpine, Goldsboro, Greenville,

1 Holly Springs, Morganton, Mount Pleasant,
2 Raleigh, Troutman, Wentworth, and Winston-Salem.

3 Is that a correct list of your
4 municipal splits?

5 SENATOR CHAUDHURI: How many splits are
6 those, Senator Newton?

7 SENATOR NEWTON: 19.

8 SENATOR CHAUDHURI: I didn't know if it
9 was 19 splits, but I thought it was 14, but
10 regardless, if the municipal splits or your
11 count, I will accept your word for that.

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

14 SENATOR CHAUDHURI: Mr. Chairman, may I
15 respond briefly.

16 CHAIRMAN HISE: Senator, you are
17 recognized for comment.

18 SENATOR CHAUDHURI: Again, I think -- I
19 think it's important to point out again that
20 there was no priority identified with the
21 municipal splits. And, Senator Newton, while
22 you've identified some of the splits that have
23 taken place with the -- with the municipalities
24 that you've identified, I would tell you I'm
25 happy to work with you to remedy the splits for

1 those municipalities provided that we can
2 continue to protect and preserve the county
3 splits. As I mentioned, and I think has been
4 mentioned here a number of times today in this
5 committee meeting, we're also seeing large
6 county splits done twice in the three largest
7 counties here in the state.

8 CHAIRMAN HISE: Senator Marcus.

9 SENATOR MARCUS: Thank you, Mr. Chair.

10 Senator Chaudhuri, you just started to
11 touch on an issue that matters to me a lot from
12 Mecklenburg county. If you could please, for
13 us, compare how your map compares to Senator
14 Hise and Senator Daniel's map on various
15 criteria but --

16 CHAIRMAN HISE: And Senator Newton.

17 SENATOR MARCUS: -- specifically -- and
18 Senator Newton. As long as we don't call it
19 "the Senate map" which a few of you have been
20 calling it. As far as I know, there is no
21 Senate map yet.

22 -- specifically when it comes to
23 slicing and dicing the major -- the large
24 counties, like Mecklenburg, Guilford, and Wake.

25 SENATOR CHAUDHURI: Sure,

1 Senator Marcus, I'm happy to provide to you some
2 comparisons and contrasts.

3 Is that your question about comparing
4 and contrasting?

5 SENATOR MARCUS: Yes. Yes. That one
6 specific criteria is important -- you know, is
7 important to me, but there are many criteria so
8 I would like to hear them all and hear your
9 comparison between the two maps.

10 SENATOR CHAUDHURI: So, you know, I
11 think to be clear, the map was not -- was not
12 designed or drawn using partisan data, but as we
13 now know based on third-party analysis, there
14 have been public reports that have compared and
15 contrast the different maps that have been
16 published. And so let me start by first
17 discussing the Princeton Gerrymandering Project.

18 You know, during the public comment
19 period, we repeatedly heard that the Princeton
20 Gerrymandering Project gave the map that was
21 drawn by Senator Hise and Senator Daniel a
22 fairness grade of F for what's described as a
23 significant Republican partisan advantage. The
24 gerrymandering project further points out that
25 their map receives a partisan fairness

1 grade -- gives the Republicans a partisan
2 advantage of 21.4 percent. The map that I
3 presented, and I believe Senator Clark's map was
4 similar, gets a fairness grade of A and gives no
5 partisan advantage to either party. And in
6 fact, the partisan advantage is actually
7 zero percent compared to 21.4 percent Republican
8 advantage under Senator Hise's map.

9 Second, Senator Marcus, I would point
10 out that the analysis carried out by
11 FiveThirtyEight, there were a few takeaways
12 based on this. One is that Senator Hise's map
13 would produce three Democratic-leaning seats,
14 ten Republican-leaning seats, and one highly
15 competitive seat. In contrast, this map would
16 produce four Democratic-leaning seats, six
17 Republican-leaning seats, and four highly
18 competitive seats.

19 And then secondly, there is a so-called
20 efficiency gap, and this is the idea that
21 there's a difference between each party's share
22 of wasted votes. The efficiency gap that's been
23 scored for the Hise-Daniel map was 21.1 percent
24 favoring Republicans. Generally, an efficiency
25 gap score over 8 percent is a red flag. The map

1 that I present here before you has an efficiency
2 score of 5.8 percent but still favoring
3 Republicans.

4 And then lastly, an analysis from our
5 nonpartisan staff found a compactness score, as
6 I mentioned a Reock score of .42 compared to
7 Senator Hise's-Daniel's Reock score of
8 point -- excuse me. Ours was .45 and the Reock
9 score for Senator Hise was .42. And our
10 Polsby-Popper score was .364 versus the
11 Hise-Daniel Polsby-Popper score of .30.

12 And while we've discussed the splitting
13 municipalities, I should point out that this map
14 splits only 14 voter districts compared to 24
15 voting districts by the Hise-Daniel map.

16 SENATOR MARCUS: Follow-up.

17 CHAIRMAN HISE: Follow-up.

18 SENATOR MARCUS: Thank you, Mr. Chair.

19 Two follow-ups. Could you explain what
20 makes a Reock or Polsby-Popper score better. In
21 other words, what do those mean? And then
22 second, could you explain what a wasted vote is.

23 SENATOR CHAUDHURI: Yep. So as I think
24 as Senator Clark mentioned, a Polsby-Popper
25 Reock score is basically an indicator of

1 compactness. The closer you get to one, the
2 more ideal the compact score is there. And so
3 as we look at the higher score will be a general
4 indicator of what is more compact in that
5 instance.

6 And with regard to wasted votes, wasted
7 votes is a measure in determining basically how
8 many voters that would go to the poll would
9 essentially not have their votes counted because
10 of the districts being skewed towards one --
11 having one partisan advantage or the other.

12 And as I mentioned, the efficiency
13 score as indicated by the FiveThirtyEight site
14 points out that the Hise-Daniel map had a wasted
15 score vote of 20.1 percent favoring Republicans.
16 Generally, the red flag for an efficiency gap
17 score is over 8 percent.

18 SENATOR MARCUS: Comment, please.

19 CHAIRMAN HISE: Recognized for a
20 comment.

21 SENATOR MARCUS: That last thing that
22 you mentioned, Senator Chaudhuri, we haven't
23 talked about enough in my opinion, the idea of
24 wasted votes because that to me matters to
25 voters. I know you've all heard, I've heard

1 people say "I don't vote because my vote doesn't
2 count. I feel like it doesn't matter. My
3 district's already decided which party it's
4 going to go for before I go."

5 And so that efficiency gap really goes
6 to one of the major things this committee should
7 be thinking about. And if we want to waste that
8 high number of votes in order to get the
9 Republican-submitted map here, I'd say that's
10 very un-Democratic.

11 CHAIRMAN HISE: Senator Blue.

12 SENATOR BLUE: A question of Senator
13 Chaudhuri.

14 I heard some issues raised about
15 various things, some questions about your map.
16 Do you think it would make sense to withdraw it
17 and let us look at some of those observations?
18 And if you're willing to do that, perhaps we can
19 see what folk have had time to analyze and
20 determine whether those are actually flaws in
21 your map.

22 SENATOR CHAUDHURI: Mr. Chair.

23 CHAIRMAN HISE: Yes.

24 SENATOR CHAUDHURI: Yes, Senator Blue,
25 I'd be more than happy to withdraw my map at the

1 current time so that we can reexamine some of
2 the concerns raised by this committee.

3 CHAIRMAN HISE: We'll let the committee
4 stand in recess just a minute.

5 [At ease.]

6 CHAIRMAN HISE: Thank you, members of
7 the committee. After consultation with the
8 chairs as well as with Senator Blue, the
9 chairman will withdraw Senate Bill 738 from
10 today's calendar and for consideration from the
11 committee.

12 Having nothing else existing on the
13 agenda, this committee will stand adjourned.

14 (Transcription from YouTube ended at
15 3:28:38.)

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