

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 1

---

Common Cause, et al.	}	
	}	
v.	}	4:22-cv-109
	}	
Cord Byrd	}	
	}	

---

TRANSCRIPTION OF AUDIO FILE  
101121 Senate Committee on Reapportionment  
The Florida Channel  
October 11, 2021

---

DIGITAL EVIDENCE GROUP  
1730 M Street, NW, Suite 812  
Washington, D.C. 20036  
(202) 232-0646

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 2

1 (Beginning of Video Recording.)

2 CHAIR RODRIGUES: The Committee on  
3 Reapportionment will now come to the order.  
4 Dana, please call the roll.

5 DANA: Chair Rodrigues?

6 CHAIR RODRIGUES: Here.

7 DANA: Vice Chair Broxson? Senator  
8 Bean? Senator Bracy? Senator Bradley?

9 SENATOR BRADLEY: Here.

10 DANA: Senator Burgess?

11 SENATOR BURGESS: Here.

12 DANA: Senator Gibson? Senator  
13 Harrell?

14 SENATOR HARRELL: Here.

15 DANA: Senator Rodriguez?

16 SENATOR RODRIGUEZ: Here.

17 DANA: Senator Rouson?

18 SENATOR ROUSON: Here.

19 DANA: Senator Stargel? Senator  
20 Stewart?

21 SENATOR STEWART: Here.

22 DANA: Quorum is present, Mr. Chair.

23 CHAIR RODRIGUES: Thank you, let the  
24 records reflect that Senator Bean is excused  
25 from today's meeting. Before we begin, please

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 3

1 silence all of your electronic devices. Next,  
2 COVID-19 precautions are in place where  
3 applicable. And the third thing to check off,  
4 here anyone wishing to testify before the  
5 Committee must fill out an appearance card,  
6 and hand it to a member of the Sergeant's  
7 Office. Should you select waive your speaking  
8 time, your position will be read into the  
9 record.

10 Before we get into the agenda, there  
11 are a few things to update committee members  
12 on. Since our last meeting on September 20th,  
13 the House and the Senate have launched the  
14 joint website, [www.floridaredistricting.gov](http://www.floridaredistricting.gov).  
15 It went live on September 22nd. That same  
16 day, we also launched our redistricting  
17 application.

18 Since then, members of the public have  
19 been able to draw and submit maps using the  
20 same application and data used by the  
21 legislature, all they have to do is to  
22 register for a free account. All senators  
23 also have access to the map drawing  
24 application. Each of you has received  
25 credentials and instructions for logging in.

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 4

1 If any senator has questions on how to access  
2 their account, they should contact our  
3 committee staff.

4 In the time between our meetings, our  
5 staff has been working with their counterparts  
6 in the House to provide enhancements to the  
7 map drawing application. On Friday, October  
8 the 8thm voter registration, voter turnout,  
9 and election result data was added. Users can  
10 now access that data, and use it to conduct  
11 the functional analysis needed to ensure that  
12 the proposed districts are not diminishing the  
13 ability of racial or minority candidates to  
14 participate in the political process, and to  
15 elect candidates of their choice.

16 Additionally, we have been working with  
17 our partners in the House to document -- to  
18 have documents, excuse me, that are posted on  
19 the joint website translated. Our staff will  
20 be able to use a translator to communicate and  
21 provide support to any foreign language  
22 speakers. Finally, several publicly submitted  
23 maps have been received and made available on  
24 Floridaredistricting.gov.

25 We have also implemented a new comment

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 5

1 tool. It will allow users to submit their  
2 comments directly through the website. Staff  
3 director Mr. Ferrin will walk us through the  
4 website, and show us how to access these  
5 submissions and these comments for our own  
6 independent review. If a member of the  
7 committee would like staff to consider  
8 incorporating concepts from a submission or  
9 comment, they should bring that request to the  
10 attention of the committee at our next  
11 meeting.

12 I suggest that prior to doing so, a  
13 member reach out to the author of the plan to  
14 discuss methodology and intent. So today, in  
15 addition to a review of the website, Mr.  
16 Ferrin will also be demonstrating the map  
17 making application for us. We will also hear  
18 from counsel on the legal environment and  
19 redistricting related case law, that will  
20 guide us through this process. Do we have any  
21 questions? Senator Gibson, you're recognized.

22 SENATOR GIBSON: Thank you. Thank you,  
23 Mr. Chair. Just as we start, just because  
24 I've heard from constituents in in my district  
25 and across the state, actually, in terms of a



1           burden on the public to access information, or  
2           go through the multiple steps that we have.  
3           So -- for revelation I would call it. So just  
4           for as we get started, in terms of registering  
5           for the website, and visiting the website or  
6           drawing your own maps, or saving your own maps  
7           for this -- is for the public, are people --  
8           do people remain anonymous? Is there any  
9           capturing of who they are? How does that part  
10          work?

11                   And maybe we can talk about it as we  
12          proceed, but I think it's important that the  
13          public understands that we're not trying to  
14          overburden them, but we're trying to give them  
15          the opportunity to be included in the process,  
16          I think. But I think some do have a question  
17          about anonymity. So, thank you.

18                   CHAIR RODRIGUES: Senator Gibson, what  
19          I have been briefed on is, anyone can access  
20          the website. So, they can create a username  
21          and submit a web address, and then create any  
22          username or web address they want. So, if  
23          they want to access the website, that could be  
24          done anonymously. However, if they wish to  
25          submit a plan, it is required that they put

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 7

1           their name on the plan. And if you will  
2           recall in our first meeting, we went over why  
3           we're doing that this time around, to  
4           eliminate any option or opportunity for a  
5           shadow operation to submit maps, like the  
6           court found happened in the last round of  
7           redistricting.

8                       So, they can go into the application  
9           anonymously, but if they choose to submit a  
10          map that they want to be considered, a name  
11          will have to be on that map in order for a  
12          senator to speak to somebody if they're going  
13          to consider sponsoring it. Senator Stewart?

14                       SENATOR STEWART: Thank you, Chair.  
15          The only comment in -- that I have been  
16          receiving in e-mail, I'm sure many of you have  
17          as well, is at the beginning the public was  
18          having difficulty submitting comments. But it  
19          sounds to me in your explanation that that's  
20          been fixed. So, I should be getting less and  
21          less emails. Thank you.

22                       CHAIR RODRIGUES: And I would agree  
23          with that, Senator Stewart. In the beginning,  
24          we were having issues with the received  
25          comments, but we believe that that's been

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 8

1 corrected. Any other questions or comments?

2 SENATOR ROUSON: Chair?

3 CHAIR RODRIGUES: Senator, you're  
4 recognized.

5 SENATOR ROUSON: Thank you very much.  
6 And along your comments, both at the first  
7 meeting and today about transparency, there  
8 have been some questions raised about hiding  
9 things from the public.

10 Specifically, the contract with Florida  
11 State University to create a database of the  
12 election, and then specifically exempting this  
13 data from open records requests. Can you  
14 comment on that? Like why is it exempted from  
15 a public records request if it's in the  
16 contract?

17 CHAIR RODRIGUES: Senator, let me begin  
18 with -- and I'm glad you have raised the  
19 question -- there was an allegation that the  
20 contract had been hidden from the public. I'm  
21 going start by -- and (inaudible) us having  
22 some discussion here. The contract was  
23 originally posted to the web when it was  
24 executed, which would have been last year.  
25 The original contract expired in October.



1           At the expiration, that came down from  
2           the web, and we have since executed a new  
3           contract, which has been put up on the web.  
4           So, I would reject that we have been hiding  
5           the contract, when it's been publicly  
6           available for anyone to see it, except for the  
7           period of time where it was expired and then  
8           we executed another one.

9           So for at least from December of last  
10          year through October 1st of this year, that  
11          contract was publicly available. So I  
12          dismissed the concern that we have been hiding  
13          that contract. Could you tell me your second  
14          concern again, please?

15          SENATOR ROUSON: Well, my concern was  
16          not that the contract was being hidden, it was  
17          that the contract calls for the creation of a  
18          database of election results, and then exempts  
19          this data from public records requests.

20          CHAIR RODRIGUES: Okay. So, let's  
21          start with the database, because I think we  
22          need to have explained exactly what it is  
23          we're getting. We executed a contract with  
24          Florida State University, we received from the  
25          US Census Bureau the data in census blocks,

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 10

1 which is the lowest denominator that the data  
2 is segregated in, or aggregated in. We get  
3 from our supervisors of elections what their  
4 precincts are.

5 We have the Florida State University  
6 Center take the data that we have gotten from  
7 the census, which is census block, and the  
8 data that we have gotten from the Supervisors  
9 Of Elections, which is precinct data, and tied  
10 those out. Because without that, we don't  
11 have any way to associate the census block  
12 with the existing precinct.

13 Then when we have that data tied out,  
14 it gets tied to the data we get from the  
15 Division Of Elections which are the actual  
16 election results by precinct, which we then  
17 need to use for the functional analysis when  
18 that's performed later.

19 So, this is something that's been done  
20 in the previous redistricting cycles, not just  
21 the last one, but the one before that. And if  
22 I'm not mistaken, the one before that as well.  
23 That's why we had that contract and why we  
24 have done that.

25 SENATOR ROUSON: Thank you for that

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 11

1 explanation, may I follow it up with another  
2 question?

3 CHAIR RODRIGUES: Yes.

4 SENATOR ROUSON: The E-S-R-I contract  
5 for geocoding services, it calls for geocoding  
6 services, but the allegation is that geocoding  
7 services is not necessary for any  
8 redistricting purpose. Are you familiar with  
9 that area of the contract?

10 CHAIR RODRIGUES: Yes. And let me  
11 begin by saying, I find that that portion of  
12 the op-ed that was put out was inaccurate and  
13 it was misleading. The geocoding service is  
14 not available within the mapping application,  
15 therefore it cannot be used to identify  
16 incumbent legislator's addresses while drawing  
17 maps.

18 There is a geocoding function, because  
19 we have an interactive website and part of the  
20 interactive website will be to allow the  
21 public to put in their address as they've done  
22 maps to see where they fall. You have to have  
23 geocoding in order to have that service  
24 available, but we do not have geocoding in our  
25 mapping software anywhere, anyplace.

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 12

1 SENATOR ROUSON: Thank you.

2 CHAIR RODRIGUES: Any other questions?

3 Okay, let's proceed to the agenda. Let's pick  
4 up tab one, walkthrough of  
5 Floridaredistricting.gov. Mr. Ferrin.

6 MR. FERRIN: Thank you, Mr. Chairman.  
7 I wanted to take some time today, since this  
8 was not live for our last committee meeting,  
9 and walk through the Board Of Legislatures  
10 Joint Redistricting website.

11 I hope the members of the committee  
12 have had an opportunity to visit this in the  
13 meantime, but if not we will go through it  
14 today, so you can see everything that's on  
15 there, and talk about the way we continue to  
16 make improvements to the site as we progress  
17 through this process.

18 So what you see in front of you on the  
19 screen is the -- and I apologize, there isn't  
20 a slideshow or anything for this, the website  
21 is interactive, so the interaction doesn't  
22 translate well to paper. But the -- so what  
23 we see on the screen here is the home page for  
24 the website here, and we have some information  
25 about the redistricting process in general,

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 13

1 mentioning that we provide through this  
2 website free public access to the same data  
3 and map drawing application used by the  
4 legislature.

5 And on the home page here, we have this  
6 interactive map that talks about the over-  
7 under populations. So, at our last meeting we  
8 did have these in the slides, we have got them  
9 up on the website now. And so through using  
10 this, you can go into any one of these maps,  
11 we have the House map, the Senate map,  
12 Congressional map, counties and cities.

13 And you can zoom around the map and see  
14 which districts are overpopulated, under --  
15 and underpopulated. And the color coding here  
16 is detailed in the legend, which shows that  
17 the redder or pinker districts are  
18 underpopulated and will need to grow in order  
19 to have the equal population as required under  
20 the Florida Constitution when we redraw the  
21 maps.

22 So, you can also click on these  
23 districts and get some additional information  
24 about the demographics within that district,  
25 and this map is tied particularly to the total



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 14

1 population. So, we have the ideal population  
2 for Congressional District listed, the total  
3 population of the district as it is in 2020  
4 numbers, and then the deviation, which is the  
5 difference between the ideal and the actual  
6 2020 Census population.

7 And then we express that here as a  
8 percentage as well, so you can see in this  
9 particular case Congressional District 3 is  
10 3000 -- roughly 3000 people underpopulated,  
11 which translates to less than 4 percent -- or  
12 .04 percent. So, we have got this available,  
13 it's a pretty nifty tool for visualizing how  
14 the population demographics and population  
15 growth has been uneven throughout the state.

16 We also provide it at the county level.  
17 Counties obviously don't have an ideal  
18 population, so we base that off of the 2010 to  
19 2020 change. And so you can visualize on this  
20 page which counties have potentially actually  
21 lost population, so the counties that are  
22 shaded darker shades of blue will have grown  
23 exponentially, whereas the counties that are  
24 in the pink or the red will have shrunk  
25 upwards of 10 to 15 percent. There's very few

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 15

1 counties that have lost population, but  
2 nonetheless that's true.

3 And as you can probably imagine in the  
4 Panhandle here that some of that may be  
5 related to some of the storms that we have had  
6 in that area, and people moving out of the --  
7 out of the area as a result.

8 The last one we have -- excuse me -- on  
9 the interactive page here, on the home page,  
10 is the city one. And this is the same concept  
11 as it is with the counties, in that we are  
12 basing this as compared to the 2010  
13 population.

14 And this is just going to display the  
15 growth and change by cities. And so here I  
16 clicked on Wildwood and you can see the 2010  
17 population in Wildwood was 6,709, in 2020 it's  
18 increased to 15,730 for a change of 9,000 give  
19 or take, and then a 134 percent population  
20 increase. And so, this may be a useful tool  
21 as you're communicating with constituents  
22 about the results of the census and the growth  
23 in your area that we thought would be helpful  
24 for members in the public to view as well.

25 So, that's the home page of the

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 16

1 website, on the about page we get into a  
2 little bit more depth about redistricting.  
3 So, this is going to contain information which  
4 we have talked about at our last meeting,  
5 about what the differences between  
6 redistricting and reapportionment are, and  
7 give us some information about the process.

8 We have got this table here, which  
9 shows our ideal calculations for the  
10 congressional seats, the ideal populations --  
11 or excuse me, the Congressional Districts,  
12 House Districts, and Senate Districts with  
13 their 2010 ideal population, the 2020, and  
14 then the difference from last year -- or last  
15 cycle.

16 We have also got some information here  
17 to inform the public about the sections of the  
18 Voting Rights Act that may apply and a little  
19 note about preclearance, and how Shelby County  
20 v. Holder invalidated the preclearance  
21 formula and so we no longer have coverage  
22 jurisdictions in Florida.

23 But we do note that it does affect the  
24 validity of the diminishment standard in the  
25 Florida Constitution. We also have some

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 17

1 reference -- direct references to the language  
2 that governs our process here in the  
3 legislature, including Article 3 Section 16  
4 which is what we derive our authority to draw  
5 the districts from, or one of the sources.  
6 And then, Article 3, Sections 20 and 21, which  
7 were the amendments that were adopted in 2010,  
8 and so that language is here for reference for  
9 the public and members.

10 We also mention the statute that  
11 requires us to use these census data for  
12 redistricting, and then have these charts that  
13 we have probably shown you all before, but  
14 have the flow chart.

15 And I apologize for the smallness of  
16 the text there, but this is going to show the  
17 process and how it's been followed in the past  
18 for passing a state legislative redistricting  
19 plan or set of plans. And then the timeline  
20 for Florida, which has been -- as we have  
21 discussed -- somewhat generalized by the  
22 delayed census data.

23 So, jumping back to the website, the --  
24 there are two pages here for the respective  
25 committees, so this is the House's committee



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 18

1 page. I won't go through this in great  
2 detail, but you can find information about the  
3 process on the House side here. And then we  
4 have a similar page for the Senate committee  
5 with the membership of the committee there, we  
6 post any memos or correspondence that goes out  
7 from the chairman or the president's office on  
8 the website here as well as it relates to  
9 redistricting.

10 We link back to the find your elected  
11 officials tool that is on the existing  
12 flsenate.gov site, so that constituents that  
13 are looking for redistricting information can  
14 find out who their representative is and  
15 contact your office appropriately.

16 We also link to the bill tracker, which  
17 is also a feature of the flsenate.gov site.  
18 That does also require a login, but you can  
19 come in here and log in to view the bill  
20 tracker and see what -- follow legislation as  
21 it goes through the process. That's a free  
22 account, it just requires an e-mail and  
23 password creation.

24 Finally, on this page we have the  
25 appearance cards and so these are -- this just



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 19

1 links to an appearance card that can be filled  
2 out in preparation for appearing at one of our  
3 committee meetings, or any Senate committee  
4 meeting. We do have a note there that --  
5 (coughs) excuse me -- in order to submit the  
6 appearance card, you do have to -- you cannot  
7 sit in submitted electronically, it does have  
8 to be delivered to the committee meeting.  
9 That's standard practice for Senate  
10 committees.

11 We do link back to the Senate Committee  
12 page here -- (coughs) excuse me. This is  
13 going to take us back to the Reapportionment  
14 Committee page where you can track all of our  
15 meeting notices, packets, attendance, expanded  
16 agendas, and audio and video of our committee  
17 meetings.

18 This links back to a Senate  
19 Redistricting page on the flsenate.gov site,  
20 which is going to contain a lot of the same  
21 information that we have talked about here.  
22 It has just traditionally lived on that Senate  
23 page, we have -- since we're doing a joint  
24 site with the House, we have opted to put most  
25 of that information on the joint site, but to

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 20

1 keep up the Senate site as well.

2 And then lastly, we linked to the  
3 Senate calendar, so that constituents can  
4 track what's going on in the Senate generally.  
5 As you can see here today our reapportionment  
6 committee is there, and a link to watch the  
7 meeting live is posted there as well.

8 So, that takes care of the Senate page,  
9 I'll move on to the Resources page. So, at  
10 the top of this page and we will talk a little  
11 bit more about this later, and I think we will  
12 have another presentation that's going to  
13 touch some more on these historical plans, but  
14 we have posted all the different redistricting  
15 plans for the state of Florida going all the  
16 way back to 1982 for the House, Senate, and  
17 Congressional District plans.

18 We do go in reverse order, so the most  
19 recent one you see here is the 2016 Senate  
20 plan. And this is interactive, in that users  
21 can zoom around the map, and explore the plan,  
22 and see how the districts were configured.

23 The neat thing about this page is that  
24 as you scroll down the districts will change,  
25 and so you can get a historical perspective on

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 21

1           what the districts used to look like and how  
2           they look today, and it will keep the same  
3           extent.

4                     And so, as we go back in time and see  
5           some of the plans that were enacted last  
6           cycle, you can see the differences as they  
7           progress. Going -- here we are in 2002, we  
8           can scroll all the way back to '96, and '92,  
9           all the way back to the 1982 plan. That was  
10          about the latest we could -- furthest back we  
11          could go, prior to that it was mostly paper.

12                    So, we do have those for Congressional  
13          and the House as well, we have also got a  
14          glossary on this page that contains a number  
15          of terms that we have worked through during  
16          our last committee meeting, but talk about  
17          just general vernacular for redistricting.

18                    This link to the Census Bureau's  
19          hierarchy is a good explanation of the  
20          geographical hierarchy that we use during  
21          redistricting, talking about how the  
22          relationships between counties, census tracts,  
23          block groups, and blocks. And then, we also  
24          link to the census data itself -- or excuse  
25          me, that one's the apportionment results.

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 22

1           We also link to the actual data where  
2           users can go to download the same census data  
3           that we have used in our redistricting  
4           application, it's available here in multiple  
5           formats. And then finally, we do link to the  
6           Florida Department of State's Division Of  
7           Elections page. This is where users can go to  
8           download the raw data that enters into a  
9           functional analysis, this is as it's submitted  
10          by the supervisors of elections through the  
11          division.

12          On our next page here, this is the Get  
13          Involved page, which contains links to -- for  
14          users to go to sign up for the redistricting  
15          application, and use to access the software  
16          and draw maps. We have also added a button  
17          here for the public input that the chairman  
18          mentioned.

19          So, this is -- and I'm sorry I forgot  
20          who asked about it, but in terms of filling  
21          out the form and providing comments this kind  
22          of is a way around the PDF. And so, we can  
23          provide here where users will type in their  
24          information and agree to -- these are the same  
25          terms that are on the redistricting suggestion



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 23

1 form -- but agree to this and submit their  
2 comment. We will be posting the comments that  
3 we have received in batches that are available  
4 for public review and for review by the  
5 members. And that -- I believe that will live  
6 on this page as well.

7 This is the form that I was -- just  
8 mentioned that is available in PDF form, we  
9 have discussed that. It is fillable. And we  
10 did -- so that users don't have to print it  
11 out, and then return it, and scan it -- or  
12 excuse me, print it out, scan it and return  
13 it.

14 We did load the site with some  
15 instructions on how to apply that signature  
16 without having to use the scanner, we also  
17 provided a link -- this is in the footer at  
18 the bottom of each page where users can go to  
19 download a free version of Adobe Acrobat  
20 Reader that will allow them to put their mark  
21 on the redistricting suggestion form and  
22 submit it without having to print it.

23 Getting back to this page, we do link  
24 to both the quick start guide and the help  
25 manual. The quick start guide for the



1 application is a relatively short overview of  
2 how to access the application, including how  
3 to sign up for an account, how to create a  
4 plan, how to save the plan, export the plan,  
5 real basic functionality.

6 The help manual goes into some more  
7 depth, it does cover the same general topics  
8 but is going to provide some more information  
9 on the specifics and more detailed  
10 functionality about exactly how to navigate  
11 around the map and change the base map, zoom  
12 in and out, that kind of thing.

13 There is also a series of video  
14 tutorials for users, this -- subjects for  
15 these are, you know, how to create account and  
16 change the password, how to load a template  
17 plan, and save a plan, how to import and  
18 export a plan, how to use the actual map  
19 drawing tools, and then how to run reports and  
20 submit plans to the legislature.

21 Which brings me to the Submitted Plans  
22 page. So, we were just able to add this  
23 recently, this is the page where all of the  
24 plans that are submitted by users -- so using  
25 the application the user will submit a

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 25

1           redistricting plan, we will respond to them  
2           and say you know we have received your  
3           submission, please complete this -- the  
4           redistricting suggestion form, we will then  
5           process that plan and post it on the web along  
6           with the form.

7                     And so users and members can go here to  
8           review the submissions that we have received.  
9           So, the reports that we have created are going  
10          to be available for the public submissions,  
11          and so you can click, for example, the  
12          boundary analysis report -- that may have been  
13          a bad example, no that's fine.

14                    So this is the plan that was submitted,  
15          this is the plan number P0006-- C0006. And  
16          I'll just go ahead and explain the  
17          naming convention there. So, in order to  
18          standardize the naming formats and give us  
19          some sense of what's been received, and what  
20          kind of plans they are, we have developed this  
21          standard naming convention.

22                    So, the first character for a public  
23          plan is the letter P. If it's a plan that was  
24          submitted by these -- a Senator or the Senate  
25          Committee, it will receive the letter S there,

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 26

1 a House will receive H. And then the next  
2 three digits are a number, so for a public  
3 plan that's going to get 000, for a member of  
4 the legislature that's going to get their  
5 district number, and that's how we identify  
6 the member author.

7 The next character is a letter, that is  
8 the plan type so, S for Senate, H for House, C  
9 for Congress. And then, this is a serial  
10 number the last four digits that -- this plan  
11 just happens to be 6, which for the public  
12 plans we're going in order. I believe for the  
13 Senate and House plans, we will go odd even,  
14 the same way we do bill numbers. And that  
15 should -- I believe that explains everything  
16 about the naming convention.

17 So, jumping back to this submitted  
18 plans page, the reports that are posted here  
19 currently are the boundary analysis report,  
20 the district compactness report, which I will  
21 pull up here, and we will go through some of  
22 these later on, but this is just to show you  
23 what kind of reports you can get for submitted  
24 plans.

25 But you can get the district

1 compactness report which reports the  
2 compactness scores for each one of the  
3 districts in the plan, you can get an image  
4 which shows the plan as it was drawn by the  
5 submitter, a KMZ which is a file that will  
6 open in Google Earth and allow users to  
7 interactively maneuver around the plan using  
8 that application. The .plan file is a file  
9 format that will open within our redistricting  
10 application.

11 So, if a user wants to load up one of  
12 these public plans into their account, they  
13 can just download this .plan file, and when  
14 they load it into their account, it will carry  
15 over the same district coloring, and district  
16 numbering, and demographic fields that are  
17 displayed in the application for the plan as  
18 it was drawn.

19 The TXT file here is a block assignment  
20 file, and this is the basic format for  
21 redistricting plans, this is what's been  
22 recognized by the Department of Justice for  
23 decades at this point as a standard format for  
24 a redistricting plan.

25 And the way these work is that they

1 list each census block within the state, if  
2 it's a complete plan. If it's less than a  
3 complete plan, it won't have all the census  
4 blocks. But that 15 digit code is actually a  
5 census block identifier, those are composed of  
6 the state, the county, the tracked the block  
7 group, and the block all embedded into one 15  
8 character code, a comma, and then the district  
9 number.

10 So, a district number, you see here,  
11 all these blocks that have to -- happen to be  
12 listed in this instance are in District 3.  
13 And using this, sort of, universal format for  
14 redistricting plans users can both export and  
15 import plans into our redistricting  
16 application.

17 This is universally accepted as an  
18 import and export method for this process, and  
19 we make these available for all the submitted  
20 plans on our website.

21 The other ones here, this zip file, is  
22 a set of shapefiles. And so shape files are  
23 GIS-based file formats that allow users to  
24 import that file into another commonly used  
25 GIS program, such as ArcGIS. That's what that



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 29

1 is, that embedded that includes the layers and  
2 the population data embedded in it as well.

3 We have the completed redistricting  
4 suggestion form here, and this -- and this  
5 particular one -- so members if you're  
6 reviewing a submitted plan and have an  
7 interest in potentially providing that to the  
8 committee for consideration, or asking for it  
9 to be considered for inclusion in a -- in a  
10 staff product, one would come look at this  
11 form and get the author's contact information,  
12 and -- as the chairman suggested -- consider  
13 reaching out to them prior to offering a plan  
14 up for consideration.

15 And then the last report here is the  
16 VAP summary report and this is a population  
17 statistics report for the redistricting plan,  
18 so here you can see the total population,  
19 voting age population, population -- voting  
20 age population by race. This is all  
21 prepopulated in this report.

22 The other thing that I wanted to  
23 mention about this is the interactive map  
24 that's here, so if you click the web map link,  
25 this is going to take you to that submitted

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 30

1 plan and its ability to maneuver around the  
2 map and see what's -- what their map looks  
3 like in an interactive fashion.

4 SENATOR GIBSON: Mr. Chair? Thank you.  
5 Can we go back to the voting age population?  
6 I'm trying to figure out what I heard, but I  
7 didn't hear. You said -- you said it's  
8 prepopulated by, is it by census track?  
9 What -- I didn't hear, it's prepopulated by  
10 what?

11 MR. FERRIN: Thank you --

12 SENATOR GIBSON: The voting  
13 (inaudible).

14 MR. FERRIN: -- Mr. Chairman. I  
15 apologize, Senator, so this is by district.  
16 So, this is going to show the total population  
17 of the plan that was drawn by the submitter  
18 for District 1 the number below that is a  
19 percentage that -- of the statewide population  
20 that that is made-up of that district, so it  
21 should be pretty well balanced.

22 And then we have the total voting age  
23 population in that district, and the  
24 percentage below that indicates that the total  
25 voting age population for that district makes

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 31

1 up 78 percent of the district population in  
2 this instance. And I'll try to zoom in, maybe  
3 that helps.

4 The single race non-Hispanic white  
5 voting age population is listed here as well,  
6 and that that VAP number is calculated the  
7 same way as a -- or the percentage is  
8 calculated the same way as a percent of the --  
9 it's calculated as a percent of the total  
10 voting age population.

11 And then, we have the same thing for  
12 non-Hispanic black voting age population,  
13 Hispanic black voting age population Hispanic  
14 not black, other voting age population, all  
15 Hispanic voting age population -- so of any  
16 race -- and then all black voting age  
17 population.

18 And this is -- in an effort to try to  
19 provide a standardized report, these were the  
20 fields that were selected for inclusion in the  
21 default report that we're running for posting  
22 of the submitted plans. If there's additional  
23 demographics, such as -- and we will get to  
24 this later today -- the political data for  
25 conducting a functional analysis, in order to

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 32

1 do that you will have to log into the -- you  
2 will have to download the plan and log into  
3 the application, and report it out that way.

4 SENATOR GIBSON: So, follow up?

5 CHAIR RODRIGUES: Another question? Go  
6 ahead.

7 SENATOR GIBSON: On the -- on the  
8 voting age population, is there something that  
9 explains to the -- to the general public that  
10 voting age population is certainly different  
11 from the population in a district period? And  
12 then, what's helpful about the voting age  
13 population in drawing lines?

14 CHAIR RODRIGUES: Go ahead.

15 MR. FERRIN: Thank you, Mr. Chairman.  
16 So, the -- we do define these fields and  
17 provide documentation on what these fields are  
18 within the help manual. And in terms of,  
19 what's -- what voting age population is used  
20 for in redistricting, this would be, you know,  
21 in particular with regard to the creation of  
22 min-- effective minority districts, where you  
23 would be looking at voting age population in  
24 concert with the other data that's been  
25 specified as something we should be using to

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 33

1           conduct the functional analysis, and ensure  
2           that a district has the ability to elect a  
3           racial or language minority's candidate of  
4           choice.

5                     We're not limited to using voting age  
6           population, but as an initial drawing point, I  
7           think that's traditionally used to indicate --  
8           when you're attempting to draw a minority  
9           district, one of things you're looking at is  
10          the racial voting age population of that  
11          district.

12                    SENATOR GIBSON: Okay, follow up? One  
13          last question.

14                    CHAIR RODRIGUES: You're recognized.

15                    SENATOR GIBSON: Thank you. So, in --  
16          is it Columbia County? Those places where we  
17          have correctional institutions, where the  
18          individuals -- incarcerated individuals cannot  
19          vote, but they are considered in the  
20          population for drawing a district, how do we  
21          explain that to folks? How it makes sense,  
22          and then how that potentially impacts the  
23          dis-- the next district on the side, top,  
24          bottom.

25                    CHAIR RODRIGUES: Senator, is your --



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 34

1 SENATOR GIBSON: Yes?

2 CHAIR RODRIGUES: -- your question why  
3 we're including the population of the prison  
4 in that district, or how we explain the voting  
5 age aspect of that?

6 SENATOR GIBSON: Yes, the latter. How  
7 we explain the voting age population. They  
8 may be the age to vote, but they can't vote,  
9 but they're considered in drawing the  
10 population of the district. And then, that  
11 impacts the next district over, up, side,  
12 bottom --

13 CHAIR RODRIGUES: (Inaudible) --

14 SENATOR GIBSON: -- because the  
15 population is being counted, but they can't  
16 vote.

17 CHAIR RODRIGUES: Understood. And I  
18 will recognize Staff Director Ferrin, but  
19 before I do that the census counts the incar--  
20 inmates incarcerated where they're  
21 incarcerated.

22 And our state statute requires us to  
23 use the census data as we're doing this, so  
24 that's why we put them there. Now, I'll turn  
25 it over to Staff Director Ferrin to address

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 35

1 the second part of your question.

2 MR. FERRIN: That's correct, Mr.  
3 Chairman. The -- we don't alter the census  
4 data, it's -- the residents are counted where  
5 they are as of April 1st, 2020, which is  
6 census day. The -- I believe the second part  
7 of your question, which is how would you  
8 account for an incarcerated population that's  
9 not eligible to vote.

10 And I think that's where a functional  
11 analysis comes in, and the results of that  
12 analysis would indicate that perhaps the  
13 population in that district, while it may have  
14 a certain percentage of VAP, you will notice a  
15 lower registration and turn out numbers to,  
16 kind of, understand that. That's why we don't  
17 consider VAP in isolation, because of other  
18 factors such as that.

19 And that goes for electoral  
20 participation, whether it's an area, or a  
21 group of low propensity or incarceration it's  
22 going to -- you know, examine a functional  
23 analysis to ensure that the district will  
24 perform, regardless of actually who is in it.  
25 If that kind of makes sense.

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 36

1 CHAIR RODRIGUES: Are there any other  
2 questions? Have we completed the  
3 presentation?

4 MR. FERRIN: I believe we have a couple  
5 more things to go through, Mr. Chairman.

6 CHAIR RODRIGUES: Okay.

7 MR. FERRIN: So, I think that covers  
8 the plan -- Submitted Plans page, the -- we do  
9 have links to the benchmark plans here at the  
10 top of this page, so that a user can click  
11 those and quickly jump to them.

12 They're in this table as well, but  
13 because we -- they were the quote, first  
14 submissions, they're at the bottom of the  
15 list, and so we have those buttons to get  
16 there quickly, which will provide the same  
17 kind of reports for the benchmark plans. And  
18 then, lastly, we have the Contact Us page,  
19 where users can go to get contact information  
20 for the committees.

21 And then, I don't believe I have  
22 mentioned this, but we do make use of the  
23 Google Translate service on our website, and  
24 so users can select a language to translate  
25 the site into. As the chairman mentioned,

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 37

1 we're also -- we have also engaged the -- or  
2 are engaging the services of a translation  
3 service to help us translate some of the PDFs  
4 and other documents on here, and to help us in  
5 the event that we find ourselves needing to  
6 provide some support for a foreign language  
7 speaker. We should be covered there. And Mr.  
8 Chairman, I believe that concludes the website  
9 walkthrough.

10 CHAIR RODRIGUES: Are there any  
11 questions from the members? Senator Gibson,  
12 you're recognized.

13 SENATOR GIBSON: Thank you, Mr. Chair,  
14 and thank you for the transparency, it's very  
15 transparent for sure. So, what -- I didn't  
16 hear any discussion about coalition districts,  
17 I know it was mentioned about minority access  
18 districts. Are our coalition districts  
19 explained, and is that -- how do we explain  
20 that to the public, as well?

21 CHAIR RODRIGUES: Do we have anything  
22 on the website that would direct them to  
23 protect those districts, or how does that  
24 work?

25 MR. FERRIN: Thank you, Mr. Chairman.

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 38

1 I believe that's covered in the glossary.

2 SENATOR GIBSON: Oh, okay.

3 MR. FERRIN: I'm not sure where I left  
4 off, and which tab that would be on, but I'm  
5 pretty sure it's covered in the glossary. If  
6 it's not, we can certainly take a look at  
7 adding that to the glossary, and we will make  
8 sure that a coalition district is defined  
9 somewhere for public users.

10 SENATOR GIBSON: That would be great  
11 (inaudible).

12 CHAIR RODRIGUES: Indeed. Seeing --

13 SENATOR GIBSON: Thank you, Mr. Chair.

14 CHAIR RODRIGUES: Thank you. Seeing no  
15 further questions, we will move to the Tab 2  
16 in our agenda, which is introduction to  
17 redistricting law. We have our Senate council  
18 on redistricting, Dan Norby, here today. Mr.  
19 Norby, you're recognized.

20 MR. NORBY: Thank you, Mr. Chair and  
21 members of the committee. So, my topic today  
22 is an introduction to redistricting law. The  
23 idea is to talk through both process and the  
24 governing, constitutional, and statutory  
25 standards that will guide your work in the



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 39

1 weeks and months to come, as you consider maps  
2 that are presented in the subcommittees and in  
3 this committee.

4 As the title suggests, it's an  
5 introduction to redistricting law not a high-  
6 level CLE course in redistricting law. But  
7 the idea here will be to equip you with the  
8 knowledge of the concepts that you will be  
9 confronting, and some of the vocabulary at a  
10 little bit of a higher level than what was  
11 described last week during the introductory  
12 presentation.

13 So, the three areas that I'll be  
14 covering today are the constitutional  
15 authority and legislative procedures for  
16 redistricting, some of the federal  
17 redistricting requirements both under the US  
18 Constitution and under the Federal Voting  
19 Rights Act, and then the Florida redistricting  
20 requirements that are imposed by Florida's  
21 Constitution.

22 So, in terms of congressional  
23 redistricting authority, the requirement for  
24 states to redistrict Congressional Districts  
25 has been found in Article 1, Section 4 of the

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 40

1 United States Constitution, which provides  
2 that the manner of holding elections for  
3 representatives shall be prescribed in each  
4 state by the legislature thereof. That's you  
5 all.

6 So, that -- you have the obligation and  
7 the responsibility to redistrict Congressional  
8 Districts after reached decennial census.

9 The authority to redistrict legislative  
10 districts is found, not surprisingly, in the  
11 Florida Constitution in Article 3, Section 16,  
12 which prescribes that the legislature in its  
13 regular session, in the second year following  
14 each decennial census shall apportion of the  
15 state into not less than 30, nor more than 40,  
16 consecutively numbered Senatorial Districts,  
17 and into not less than 80, nor more than 120,  
18 consecutively numbered Representative  
19 Districts.

20 For quite some time now, the  
21 legislature has exercised that authority by  
22 creating the maximum number of Senate  
23 Districts and the maximum number of State  
24 House Districts. So, 40 Senatorial Districts  
25 and 120 Representative Districts.

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 41

1           The procedures for adopting  
2           redistricting plans vary depending on whether  
3           it's a congressional plan or a state  
4           redistricting plan. Congressional Districts  
5           are formally established through amendments to  
6           Chapter 8 of Florida Statutes, and a bill  
7           establishing Congressional Districts is  
8           subject to all of the constitutional  
9           requirements that apply to any other piece of  
10          legislation that you will be considering on  
11          any of the committees and on the floor,  
12          passage by a majority vote of each House, and  
13          submission to the governor for either approval  
14          or veto decision.

15          So, I have on your screen here what the  
16          actual redistricting legislation looks like in  
17          the non-map form, it's an assignment of those  
18          particular tracks and blocks to particular  
19          districts. And you can look in the Florida  
20          statutes and find it there in legislative  
21          language.

22          For obvious reasons, based on what's on  
23          the screen it's much easier to describe it in  
24          terms of how the map looks and what the lines  
25          look like on a map. That is -- that is the

1 actual legislation that is passed.

2 The procedures for adopting legislative  
3 redistricting plans are different from  
4 congressional. State legislative districts  
5 are formally established through amendments to  
6 Chapter 10 of the Florida Statutes, and  
7 they're adopted by joint resolution of the  
8 House and Senate, rather than through a bill  
9 that is submitted to the governor for approval  
10 or veto. And that requirement is found in  
11 Article 3, Section 16 of the Constitution as  
12 well.

13 For legislative redistricting plans,  
14 but not congressional redistricting plans,  
15 Florida Constitution also provides for a  
16 mandatory review of the joint resolution by  
17 the Florida Supreme Court.

18 The language of the Constitution is  
19 here on the screen, and I should mention that  
20 throughout this presentation, what I've tried  
21 to do is include the exact language of the  
22 constitutional requirements that will be a  
23 reference for you in the -- in the weeks and  
24 months to come, so you can refer to that.

25 I have also tried to include the most

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 43

1 recent precedent on several of these issues,  
2 understanding that redistricting law goes back  
3 some 70 or 80 years at least. But I have  
4 highlighted in particular some of the court  
5 decisions from the Florida Supreme Court, or  
6 from the United States Supreme Court from the  
7 last decade. So, there'll be updates from the  
8 last cycle of redistricting.

9 So, the judicial review of  
10 apportionment is initiated within 15 days  
11 after passage of the joint resolution by the  
12 attorney general of the state of Florida, who  
13 petitions the Florida Supreme Court for  
14 declaratory judgment determining the validity  
15 of the apportionment. And the Supreme Court  
16 under the Constitution permits adversary  
17 interests to present their views, and within  
18 30 days from filing the petition enters its  
19 judgment.

20 So, this is a very rapid proceeding  
21 following the passage of the joint resolution.  
22 And part of that, given the timelines that  
23 your staff director laid out for you before  
24 involves the short time period between the  
25 legislative session in a year of



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 44

1 reapportionment and a candidate qualifying for  
2 that fall's elections. Those two things  
3 combined require a quick review by the Florida  
4 Supreme Court on the validity of the plans.

5 The Florida Supreme Court's review  
6 produces a judgment in apportionment, and the  
7 Constitution provides that a judgment of the  
8 Supreme Court of the State determining the  
9 apportionment to be valid, shall be binding  
10 upon all the citizens of the state.

11 If the Court decides that the  
12 apportionment is invalid, violates some  
13 standard that is in the Florida Constitution,  
14 then the governor is directed to reconvene the  
15 legislature within five days in an  
16 Extraordinary Apportionment Session to  
17 consider a -- adopting a joint resolution,  
18 conforming to the judgment of the Supreme  
19 Court.

20 And the chair mentioned during the  
21 Introductory Session last time, that happened  
22 in the last redistricting cycle, the Senate  
23 was directed to adopt a new joint resolution  
24 in an extraordinary apportionment session.

25 Following the extraordinary

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 45

1           apportionment session, if one is convened, the  
2           attorney general files a second petition in  
3           the Supreme Court, the Supreme Court then goes  
4           through the same process again, considers the  
5           validity of apportionment.

6                     If the legislature fails to adopt a  
7           resolution of apportionment during the  
8           extraordinary session, or adopts an  
9           apportionment that the Court determines is  
10          invalid, then the Court within 60 days after  
11          receiving the petition shall file with the  
12          custodian of state records, who is the  
13          Secretary of State an order making the  
14          apportionment. So, this would be a judicial  
15          apportionment of state legislative districts.

16                    So we'll move on now to some federal  
17          redistricting requirements now that I have  
18          gone through the process. Under federal law,  
19          there are two key sources of legal authority  
20          that govern the redistricting process, the  
21          first is the United States Constitution, the  
22          second is the Voting Rights Act, particularly  
23          Section 2 of the Voting Rights Act and Section  
24          5 of the Voting Rights Act.

25                    In terms of the constitutional

1 requirements, the primary federal  
2 constitutional requirement that is a governing  
3 standard for redistricting is equality of  
4 population.

5 The United States Supreme Court decided  
6 in a series of cases in the 1960s that  
7 Congressional Districts must achieve precise  
8 mathematical of equality of population, plus  
9 or minus one person from the ideal population.

10 Some of the earlier cases suggest that  
11 that standard is to be done to the extent  
12 practicable for the states, while with the  
13 current availability of data, more recent  
14 decisions have held to that line that it is  
15 essentially plus or minus one person, and that  
16 is what state of Florida has done in recent  
17 cycles.

18 The ideal population for Florida is now  
19 28 Congressional Districts, is 769,221 people.  
20 So that -- that's what we're shooting for each  
21 of the 28 districts. I have included their  
22 quote as well from Wesberry vs. Sanders, the  
23 United States Supreme Court case from 1964  
24 which grounded this equality of population  
25 requirement in the language of Article 1,

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 47

1 Section 2 of the Constitution. It says,  
2 representatives shall be chosen by the people  
3 of the several states, or construed that to  
4 mean equality of population, and subsequent  
5 decisions have held to that.

6 In terms of state legislative  
7 districts, the United States Supreme Court and  
8 the lower federal courts, have provided  
9 additional flexibility for state and local  
10 districts in terms of population. They have  
11 to achieve, it's called substantial equality  
12 of population.

13 I have on the slide here the ideal  
14 population for a Florida State Senate District  
15 and for a Florida House District based on 120  
16 house districts and 40 State Senate districts,  
17 and quote from Reynolds vs. Sims here. The  
18 equal protection clause requires a state to  
19 make an honest and good faith effort to  
20 construct districts in both houses of its  
21 legislature as nearly of equal population as  
22 is practicable.

23 So, before Reynolds vs. Sims several  
24 states had as a redistricting practice some --  
25 a similar set up to the United States Senate,



1 where the Senate districts represented count--  
2 the State Senate districts represented  
3 counties or larger groupings, and the State  
4 House districts were more tied to population.

5 After Reynolds vs. Sims, that was no  
6 longer a permissible way of drawing state  
7 legislative districts, the substantial  
8 equality of population is the governing  
9 principle there for both houses of the state  
10 legislature.

11 The courts have allowed reasonable  
12 deviations from matica (phonetic) mathematical  
13 equality for state legislative districts to  
14 accommodate traditional districting  
15 objectives, such as compactness, contiguity,  
16 and respect for the boundaries of political  
17 subdivisions. General rule established by  
18 that federal precedent is that population  
19 deviations of less than 10 percent are  
20 presumptively valid. Population deviations  
21 from one district to another of greater than  
22 10 percent are presumptively invalid.

23 Traditionally, Florida has drawn  
24 districts with the deviation of quite a bit  
25 less than 10 percent, so those sort of



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 49

1 principles have not been tested. But some  
2 other states have drawn districts with 10  
3 percent deviation to allow them to better  
4 accommodate keeping counties whole, for  
5 example, for states that that require that.

6 In the last redistricting cycle here in  
7 Florida as well, that explains some of the  
8 population deviations from one district to  
9 another. I believe there was one State House  
10 district which was drawn with a greater  
11 population than some of the others,  
12 specifically because drawing a district a  
13 little bit larger would allow it to keep  
14 Charlotte County entirely within one house  
15 district.

16 So, a little more population deviation  
17 there. I think it was about three-and-a-half  
18 percent, so still much less than the 10  
19 percent that the case law is about.

20 Also, under the United States  
21 Constitution one of the principles that that  
22 is significant is the idea of political or  
23 partisan gerrymandering claims. This was a  
24 topic that required more discussion in the  
25 analogous presentation to this committee ten

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 50

1 years ago, because at the time the United  
2 States Supreme Court had held that partisan  
3 gerrymandering claims were justiciable under  
4 the Federal Constitution, that there could be  
5 such a thing as a district that was redrawn in  
6 two partisan away, but the Court had not  
7 established what that standard would be to  
8 measure how far is too far.

9 Since then, in 2019, I have Rucho vs.  
10 Common Cause, the United States Supreme Court  
11 has withdrawn from that field and has held it  
12 as a matter of federal constitutional law.  
13 Partisan gerrymandering claims present  
14 political questions beyond the reach of the  
15 federal courts.

16 So, we will talk later about the  
17 Florida Constitution, which does heavily  
18 restrict intent to favor or disfavor parties  
19 or incumbents. But as a matter of Federal  
20 Constitutional Law those claims are no longer  
21 viable. And the United States Supreme Court  
22 has said the federal courts will not take up  
23 partisan or political gerrymandering claims.

24 Racial gerrymandering claims though are  
25 something that the federal courts continue to

1 police quite heavily. The equal protection  
2 clause of the 4th -- 14th Amendment forbids  
3 racial gerrymandering, which is intentionally  
4 assigning citizens to a district on the basis  
5 of race without sufficient justification, and  
6 it also forbids intentional vote dilution,  
7 invidiously minimizing or canceling out the  
8 voting potential racial or ethnic minorities.

9 These claims continue to be pressed in  
10 every redistricting cycle, we cited here  
11 Abbott vs. Perez, a United States Supreme  
12 Court case from 2018 involving Texas'  
13 redistricting, which considered racial  
14 gerrymandering claims.

15 In considering these types of claims,  
16 what the Court looks at is whether race was a  
17 quote, predominant factor motivating the  
18 legislature's decision to place a significant  
19 number of voters within or without a  
20 particular district. If so, then the district  
21 must be narrowly tailored to achieve a  
22 compelling interest.

23 The Court, in a variety of decisions,  
24 has assumed without deciding that compliance  
25 with the Voting Rights Act represents a

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 52

1 compelling interest that states are justified  
2 in considering race in the assignment of  
3 districts, voters to one district or another.

4 The narrow tailoring requirement under  
5 Bethune-Hill vs. Virginia State Board of  
6 Elections, the narrow tailoring requirement is  
7 satisfied if the legislature has quote, good  
8 reasons to believe that it must use race to  
9 comply with the Voting Rights Act.

10 The Voting Rights Act, moving from  
11 federal constitutional claims to federal  
12 statutory claims, the Voting Rights Act of  
13 1965, of course, was adopted to combat  
14 discriminatory practices in voting and  
15 elections, and to enhance minority  
16 registration and participation rates.

17 There are two principal provisions of  
18 the Voting Rights Act that are at issue in  
19 redistricting cases, and have been for some  
20 time, Section 2 of the Voting Rights Act,  
21 Section 5 of the Voting Rights Act. So,  
22 Section 2 of the Voting Rights Act is a  
23 permanent provision, it is applicable  
24 nationwide. Section 2 prohibits a state from  
25 enacting a districting plan that provides less



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 53

1 opportunity for racial minorities to elect  
2 representatives of their choice. And what  
3 Section 2 is intent-- is most significantly  
4 designed to protect is to protect minority  
5 voters from practices that improperly weaken  
6 or dilute minority voting strength.

7 Two of those in particular that I  
8 reference here are cracking and packing. So  
9 those would be either -- in the case of  
10 cracking, taking a minority population that is  
11 geographically compact and splitting it into  
12 separate districts so that in neither district  
13 can that minority voting population  
14 effectively exercise its electoral power.

15 Packing is the opposite of that,  
16 intentionally assigning voters to a particular  
17 district to a level more than is necessary to  
18 exercise an effective voting power. And in so  
19 doing, diminish the minority voter's ability  
20 to elect in a in a neighboring district.  
21 Under certain circumstances, Section 2 of the  
22 Voting Rights Act requires states to draw  
23 opportunity districts in which minority groups  
24 form effective majorities.

25 The standard that's been adopted by the



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 54

1 courts, and I have here at Thornburg vs.  
2 Jingles from 1986, which is still the  
3 governing standard that is applied. And this  
4 is a highly complex area of Voting Rights Act  
5 law, so I'm giving a high-level view of it  
6 here.

7 We will talk about it much more when  
8 we're examining specific maps and districts in  
9 the weeks and months to come. But the general  
10 standards under Section 2 are that Section 2  
11 protects a group of minority voters that  
12 satisfies what are called the Jingles factors.  
13 And I have listed them there.

14 A geographically compact minority  
15 population, sufficient to constitute a  
16 majority in a single member district, there  
17 has to be political cohesion among the members  
18 of the minority group, meaning that they tend  
19 to vote the same way, and block voting by the  
20 majority is present that would defeat the  
21 minorities preferred candidate of choice.

22 If all of those factors are true, and  
23 the minority groups members under the totality  
24 of the circumstances have less opportunity to  
25 participate in the political process and elect

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 55

1 representatives of their choice, then Section  
2 2 may provide a Voting Rights Act remedy. So,  
3 this is a background principle that the  
4 legislature must apply when it's drawing  
5 districts is to ensure that in the drawing of  
6 districts that it does not violate the  
7 requirements of Section 2 of the Voting Rights  
8 Act.

9 In 2009, in a case called Bartlett vs.  
10 Strickland, so this was right before the last  
11 redistricting cycle, the Supreme Court decided  
12 a question that had been unsettled before a  
13 long time before then, which is whether  
14 Section 2's vote dilution provisions extended  
15 to kind of coalition or opportunity-type  
16 districts, where the minority group would not  
17 constitute a numerical majority in the  
18 district.

19 The United States Supreme Court said  
20 that it did not, that in order for Section 2's  
21 protections to be triggered, it must be  
22 possible to draw a geographically compact  
23 district in which the minority group would  
24 constitute a majority in a single member  
25 district.

1                   We will move on now to Section 5 of the  
2                   Voting Rights Act. So, Section 5 of the  
3                   Voting Rights Act was a temporary measure  
4                   adopted in the 1960s that was not applicable  
5                   nationwide, it was applicable only in certain  
6                   covered jurisdictions that were identified  
7                   under a statutory formula based on voting  
8                   practices, turn out, and voter registration  
9                   rates in 1964.

10                  When the original Voting Rights Act was  
11                  passed by the United States Congress,  
12                  Florida -- neither Florida as a state, nor any  
13                  counties or jurisdictions within Florida, were  
14                  considered covered jurisdictions based on the  
15                  application of those criteria. During a later  
16                  amendment to the Voting Rights Act in the mid-  
17                  1970s, five Florida counties were added to the  
18                  list of covered jurisdictions, Collier,  
19                  Hardee, Hendry, Hillsborough, and Monroe  
20                  Counties were added, along with the provisions  
21                  that were added on minority -- language  
22                  minority group provisions.

23                  So, those five counties in the 1970s  
24                  employed English only ballots and had a  
25                  greater than 5 percent population that spoke a

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 57

1 language other than English. Based on the  
2 application of that formula, those five  
3 counties became covered jurisdictions. So,  
4 what does that mean?

5 Well, covered jurisdiction under  
6 Section 5 could not enact election laws and  
7 immediately enforce them, a covered  
8 jurisdiction was prohibited from enforcing any  
9 change to an election law that has the purpose  
10 or will have the effect of diminishing the  
11 ability of the minority group to elect their  
12 preferred candidates of choice.

13 And it could not enforce that until  
14 those provisions were pre-cleared by the  
15 Department of Justice or by a three-judge  
16 Federal District Court. So the covered  
17 jurisdictions had the burden of proof to  
18 establish that any election changes within  
19 those counties would not diminish the ability  
20 of a minority group to elect their candidates  
21 of choice, this applied to both voting  
22 process-type provisions, as well as  
23 redistricting plans that took place and  
24 affected those counties.

25 So because those counties were affected



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 58

1 by statewide redistricting plans, Florida was  
2 required to submit its statewide congressional  
3 maps and its state legislative maps to either  
4 the Department of Justice or to a three-judge  
5 Federal Court to -- and to prove that those  
6 plans would not diminish the ability of  
7 minority candidates to elect their  
8 candidate -- minority voters to elect their  
9 candidates of choice in those five covered  
10 counties.

11 In Shelby County vs. Holder, which is a  
12 2013 United States Supreme court case -- so  
13 after the first round of redistricting last  
14 cycle -- the United States Supreme Court found  
15 that the coverage formula found in Section 4  
16 of the Voting Rights Act was unconstitutional,  
17 because it had not been updated based on more  
18 current data.

19 The covered jurisdictions continue to  
20 be identified based on the data from the 1960s  
21 and the 1970s, the voting practices turnouts  
22 and registration rates from the 1960s and the  
23 1970s. In in 2006 the Section 4 coverage  
24 formula was extended for a 25 year period  
25 without changing the formula and the United



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 59

1 States Supreme Court said that as a result of  
2 that, the formula no longer reflected current  
3 conditions, and was unconstitutional, and  
4 could not be used as a basis for subjecting  
5 jurisdictions to preclearance.

6 So, the actual Section 5 requirements,  
7 the non-diminishment requirements were not  
8 addressed in the majority opinion of the  
9 Supreme Court, it was the coverage formula.  
10 Congress has not adopted a new coverage  
11 formula since Shelby County vs. Holder, so as  
12 we -- as we stand here today, Section 5 is not  
13 applicable to these redistricting plans,  
14 although the principles of Section 5, as we  
15 will talk about shortly, do apply to Florida's  
16 redistricting plans.

17 I will move on now to Florida  
18 redistricting requirements. Chair, I don't  
19 know if this would be a good time to stop and  
20 ask for questions, or if you would like me to  
21 save that till the end.

22 CHAIR RODRIGUES: Yeah, let's see if  
23 there are any questions on what's been  
24 presented so far by the committee. Seeing  
25 none.

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 60

1 SENATOR BRACY: Chairman, --

2 CHAIR RODRIGUES: Oh.

3 SENATOR BRACY: I got a quick question.

4 CHAIR RODRIGUES: Oh, you're

5 recognized.

6 SENATOR BRACY: Thank you. So, you are

7 saying now that Section 5 does not have to be

8 adhered to, only in principle, but it does not

9 have to be adhered to when drawing the maps.

10 Is that correct?

11 MR. NORBY: Chairman?

12 CHAIR RODRIGUES: You're recognized.

13 MR. NORBY: Senator, that's not quite

14 right and let me explain why. Section 5

15 itself is not enforceable as a result of the

16 United States Supreme Court decision. The

17 next section of my presentation will explain

18 why the Florida Constitution incorporates that

19 same non-diminishment requirement from Section

20 5 as a matter of state constitutional law.

21 So, in the drawing of congressional

22 maps and state legislative maps the

23 legislature is required to ensure non-

24 diminishment, that requirement just comes from

25 the State Constitution rather than from

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 61

1 federal law.

2 SENATOR BRACY: Thank you.

3 CHAIR RODRIGUES: Any other questions?

4 Okay, let's proceed.

5 MR. NORBY: Thank you, chair. So, now  
6 I'll talk about the Florida redistricting  
7 requirements that are in the State  
8 Constitution. I'll talk about the Congress--  
9 the constitutional standards for establishing  
10 congressional and legislative district  
11 boundaries, and then go into more detail with  
12 the so-called Tier 1 standards and Tier 2  
13 standards under the Florida Constitution, with  
14 reference to some of the case law interpreting  
15 those standards that developed over the last  
16 redistricting cycle.

17 The first provision of the Florida  
18 Constitution that provides standards for  
19 congressional and legislative district  
20 boundaries one that's been in place for some  
21 time it's the one I cited earlier the  
22 requirement that the legislature apportion the  
23 state in accordance with the Constitution of  
24 the state, and of the United States into a  
25 certain number of Senatorial Districts, and a

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 62

1 certain number of State House Districts of  
2 either contiguous overlapping or identical  
3 territory.

4 The more detailed set of standards were  
5 the ones adopted by the voters in 2010, found  
6 in Article 3, Section 20 and 21 of the Florida  
7 Constitution. I've grouped them together here  
8 because the subsidy standards are identical  
9 between the standards that apply for  
10 Congressional Districts and the standards that  
11 apply for state legislative districts, they're  
12 just found in two separate provisions of the  
13 Constitution.

14 So, there's no distinguishing between  
15 the two of them, so I've grouped together  
16 here. And they're there on this slide, but  
17 then I'll be breaking them down in more detail  
18 in the remainder of the presentation.

19 So the first set of standards are those  
20 found in Paragraph A of Article 3, Section 20  
21 and Article 3, Section 21. They're called the  
22 Tier 1 standards because of the priority that  
23 they're given under the Constitution. These  
24 standards are that no apportionment plan or  
25 individual districts shall be drawn with the

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 63

1 intent to favor or disfavor a political party,  
2 or an incumbent.

3 Districts shall not be drawn with the  
4 intent or result of denying or abridging the  
5 equal opportunity of racial or language  
6 minorities to participate in the political  
7 process, or to diminish their ability to elect  
8 representatives of their choice and their  
9 requirement that districts consist of  
10 contiguous territory.

11 So, three requirements are packed into  
12 that one tier. First is the prohibition  
13 against drawing a plan or district with an  
14 intent to favor or disfavor a political party  
15 or an incumbent, the second are what I'll call  
16 the minority voting protection provisions of  
17 Tier 1, and the third one is the requirement  
18 that districts consist of contiguous  
19 territory.

20 In the event of a conflict between the  
21 requirements of this section of the  
22 Constitution and the Tier 2 standards, the  
23 Tier 1 requirements have priority. But the  
24 order in which the Tier 1 standards are set  
25 out does not establish any priority among the



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 64

1 standards within that tier, so each of them  
2 stands on equal footing.

3 I'll break them down one at a time now.  
4 The first one no apportionment plan or  
5 individual district shall be drawn with the  
6 intent to favor or disfavor a political party  
7 or an incumbent.

8 I mentioned Rucho's decision from the  
9 United States Supreme Court does not consider  
10 political gerrymandering claims justifiable  
11 under the Federal Constitution, one of the  
12 things that the United States Supreme Court  
13 referenced in that -- in that decision was  
14 Florida's Constitutional provision which does  
15 prohibit the drawing of plans to favor a  
16 political party or an incumbent, or to  
17 disfavor a political party or an incumbent.

18 So it's an expressed requirement of the  
19 Florida Constitution even though it's  
20 nonjusticiable at a federal level. This  
21 prohibition applies both to the apportionment  
22 plan as a whole and to each district  
23 individually. The Florida Supreme Court in  
24 interpreting this provision for the first time  
25 in the last redistricting cycle held that

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 65

1 the -- Florida's Constitutional provision  
2 prohibits intent, not effect, because any  
3 redrawing of lines, regardless of intent, will  
4 inevitably have an effect on the political  
5 composition of a district, and likely whether  
6 a political party or incumbent is advantaged  
7 or disadvantaged.

8 So that's a recognition that any moving  
9 of a line, for whatever reason, will have an  
10 effect. But effect is not what the  
11 constitution prohibits its intent the court  
12 did say though that there is no level of  
13 improper intent, a malevolent or evil  
14 purpose -- some colorful language there from  
15 the Court -- is not required to constitute  
16 improper intent there is either improper  
17 intent or there's not improper intent. If  
18 there is, then it's an invalid district or  
19 plan under the Constitution.

20 The Supreme Court Florida examines both  
21 direct and circumstantial evidence of intent.  
22 So direct evidence of intent would be a member  
23 stating -- which I certainly hope would not  
24 happen -- but a member would state that they  
25 were wrong a map for some prohibited purpose.

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 66

1 Circumstantial evidence of intent though is  
2 what the Court primarily looked at in the 2012  
3 Redistricting Cycle opinion that I've cited  
4 here.

5 They look to objective evidence, this  
6 is during -- especially during the initial  
7 review that the Court had of the joint  
8 resolution. Objective evidence that could  
9 bear on intent includes the shape of district  
10 lines and the demographics of an area.

11 So, in 2012 the Supreme Court reviewed  
12 voter registration, elections data,  
13 incumbents, addresses to try to determine  
14 incumbent favoritism, and demographics of the  
15 district. All of that objective data was  
16 looked at as circumstantial evidence that  
17 could bear on the intent of the legislature.

18 The Court also noted that strict  
19 compliance with the express terms of the Tier  
20 2 redistricting standards may undercut or  
21 defeat an assertion of improper intent. So,  
22 the idea there is that the Tier 2 standards  
23 that we will be discussing shortly,  
24 compactness, respect for geographical and  
25 political boundaries, if those are adhered to,

1 it's evidence that rebuts an idea that a map  
2 was drawn intentionally for an impermissible  
3 purpose. On the other hand, disregard of  
4 those traditional redistricting principles set  
5 out in Tier 2 can provide evidence of improper  
6 intent.

7 So, a district that breaks county  
8 boundaries, is grossly non-compact for  
9 example, we will need a strong justification  
10 by the legislature for why drawing it that way  
11 was not done for an improper purpose.

12 The Court also said in relation to that  
13 where the shape of the district in relation to  
14 the demographics is so highly irregular and  
15 without justification that it cannot be  
16 rationally understood as anything other than  
17 an effort to favor or disfavor a political  
18 party, improper intent may be inferred.

19 So, I think what that language reflects  
20 is that what the Court said in in 2012 is that  
21 the legislature is owed deference in the  
22 manner in which it chooses between  
23 constitutionally compliant plans, and provided  
24 it acts constitutionally within that broad  
25 range of deference, only under these sorts of



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 68

1 circumstances will the Court infer improper  
2 intent from circumstantial evidence.

3 With respect to incumbents, similarly  
4 the shape of the district in relation to the  
5 legal residence of an incumbent is relevant to  
6 the evaluation of intent to favor or disfavor  
7 the incumbent.

8 The chair mentioned earlier incumbent  
9 addresses and information is not something  
10 that is in the redistricting software, it's  
11 not something that's considered in the drawing  
12 of plans, but it is something that the Court  
13 can consider when it's evaluating improper  
14 intent.

15 So, for example, in the last cycle  
16 there was one district in which a member's  
17 residence was found to be at the end of a of a  
18 long line that shot out from the district and  
19 scooped up the member's house. The Court  
20 inferred from that, that that district was  
21 drawn that way to favor that particular member  
22 whose house was brought into that district.

23 Also with respect to the incumbent  
24 favoritism --

25 CHAIR RODRIGUES: You have a question?



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 69

1 SENATOR ROUSON: Yes, I do.

2 CHAIR RODRIGUES: You're recognized.

3 SENATOR ROUSON: Thank you very much.

4 So, conversely, if that was drawn specifically  
5 to include, and that was the intent found by  
6 the Court, it could also be the converse if a  
7 member's house is drawn out of a district, is  
8 that true?

9 CHAIR RODRIGUES: You're recognized.

10 MR. NORBY: Yes, Senator, any drawing  
11 of lines that could -- that are found to be  
12 done in a way that could favor or dis-- that  
13 would have the intent of favoring or  
14 disfavoring, there was circumstantial evidence  
15 of that, could be something that the Court  
16 could consider.

17 Similarly, if incumbents are paired  
18 within a district, that could provide under  
19 some circumstances circumstantial evidence one  
20 way or another, but it doesn't necessarily  
21 find that. It may be that members were paired  
22 within a district because that district best  
23 adhered to county boundaries, or rivers, or  
24 roads.

25 So, it's -- all of those factors could

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 70

1 be considered as circumstantial evidence of  
2 intent.

3 CHAIR RODRIGUES: Any other questions?

4 SENATOR ROUSON: No, just a statement  
5 that this is not Texas.

6 CHAIR RODRIGUES: You may proceed.

7 MR. NORBY: Chairman, I would agree.  
8 Finally, the -- on intent to favor or disfavor  
9 a political party or an incumbent, one of the  
10 arguments made in the first round of  
11 redistricting litigation in the last cycle was  
12 that access to political data by the  
13 legislature presumptively demonstrated  
14 prohibited intent.

15 And the Florida Supreme Court rejected  
16 that argument, because in fact access to  
17 political data, election results data, turn  
18 out data, voter registration data is actually  
19 a necessary component of the functional  
20 analysis that the legislature must perform to  
21 evaluate whether a minority group has the  
22 ability to elect representatives of its  
23 choice.

24 If the legislature does not look at  
25 that data, if the legislature instead looks

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 71

1 purely at racial demographics in deciding how  
2 to draw districts, then that would violate --  
3 or could violate either federal racial  
4 gerrymandering requirements, or the  
5 requirements of the Voting Rights Act, or the  
6 requirements of the minority voting protection  
7 provisions of the Florida Constitution.

8 So, merely having access to that  
9 political data, if it's used appropriately, is  
10 not -- is not a matter of demonstrating  
11 improper intent.

12 The next set of standards in Tier 1  
13 are, again, what I have called the Minority  
14 Voting Protection Standards, districts shall  
15 not be drawn with the intent or result of  
16 denying or abridging the equal opportunity of  
17 racial or language minorities to participate  
18 in the political process, or to diminish their  
19 ability to elect representatives of their  
20 choice.

21 So, this long provision here really  
22 imposes two requirements that protect racial  
23 and language minority voters in Florida during  
24 the redistricting process. One is the  
25 prevention of impermissible vote dilution, the

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 72

1 second is the prevention of impermissible  
2 demission-- diminishment of a minority group's  
3 ability to elect a candidate of its choice.

4 These two standards essentially restate  
5 Section 2 and Section 5 of the Voting Rights  
6 Act, respectively, which we discussed earlier.  
7 Section 2 relates to claims of impermissible  
8 vote dilution, Section 5 refers to attempts to  
9 eradicate impermissible retrogression in a  
10 minority group's ability to elect a candidate  
11 of its choice.

12 The Florida Supreme Court in its first  
13 opportunity to construe these provisions in  
14 2012, stated that it would construe those  
15 provisions as consistent with the  
16 corresponding provisions of the federal Voting  
17 Rights Act guided by prevailing United States  
18 Supreme Court precedent.

19 That is the interpretation that was  
20 offered when the Court approved the amendments  
21 in 20-- that were adopted in 2010 for the  
22 ballot. The sponsor of the amendment  
23 represented that they should be interpreted in  
24 that way, the Court did in fact interpret them  
25 that way.

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 73

1                   So the Court will construe them  
2                   consistent with the case law on Section 2 and  
3                   Section 5 of the Voting Rights Act.

4                   The anti-vote dilution provisions of  
5                   the Florida Constitution, like Section 2 of  
6                   the Voting Rights Act requires the creation of  
7                   a majority-minority district where the jingles  
8                   preconditions are satisfied, and if so, where  
9                   the totality of the circumstances demonstrates  
10                  that minority voters' political power is truly  
11                  diluted.

12                  And the anti-retrogression provisions  
13                  of the Florida Constitution provides that the  
14                  Florida Legislature cannot eliminate majority-  
15                  minority districts, or weaken other  
16                  historically performing minority districts  
17                  where doing so would actually diminish a  
18                  minority group's ability to elect its  
19                  preferred candidates.

20                  So, in addition to majority-minority  
21                  districts, coalition or crossover districts  
22                  the senator represent-- referenced earlier,  
23                  that previously provided minority groups with  
24                  the ability to elect a preferred candidate  
25                  under the benchmark plan -- so the benchmark



1 plan is the prior plan -- those must also be  
2 recognized and protected against diminishment.

3 In order to determine whether there has  
4 been a retrogression or a diminishment, the  
5 legislature must perform a functional analysis  
6 to evaluate retrogression, and to determine  
7 whether a district is likely to perform for  
8 minority candidates of choice.

9 This is a complex, multi-factor  
10 determination, it requires consideration of  
11 minority populations in the districts,  
12 minority voting age population in the  
13 districts, political data, turn out data,  
14 voter registration data, how a minority group  
15 has voted in the past. There is no  
16 predetermined or fixed demographic percentage  
17 used at any point in that functional analysis.

18 And in fact under some of the prior  
19 provisions of federal law, states have been  
20 found to violate the racial gerrymandering  
21 requirements of the Federal Constitution when  
22 they have pegged a percent to a particular  
23 racial percentage. So, functional analysis  
24 considers multiple factors to protect against  
25 diminishment.

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 75

1 In certain situations, compactness and  
2 other traditional redistricting criteria may  
3 be compromised to avoid retrogression. Under  
4 the Florida Constitution, Tier 2 -- the Tier 2  
5 requirements of compactness and adherence to  
6 political and geographical boundaries give way  
7 to the extent necessary to avoid  
8 retrogression.

9 As I mentioned in response to your  
10 question earlier, Section 5 of the Voting  
11 Rights Act originally applied to only five  
12 Florida counties. It's now unenforceable  
13 following the Shelby County vs. Holder  
14 decision, but the Florida Constitution's non-  
15 diminishment requirements and anti-vote  
16 dilution requirements in redistricting apply  
17 to the entire state and they remain  
18 enforceable by the Courts.

19 The final Tier 1 requirement is a  
20 contiguity requirement. This has not  
21 traditionally been as litigated as some of the  
22 other requirements. The Supreme Court has  
23 defined contiguity as being in actual contact,  
24 touching along a boundary or at a point. And  
25 it has found the a district lacks contiguity

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 76

1           when a part is isolated from the rest of the  
2           territory of another district -- by the  
3           territory of another district, excuse me, or  
4           where the lands mutually touch only at a  
5           common corner or right angle.

6           The principal place where this has been  
7           litigated in Florida and elsewhere is  
8           consideration of bodies of water. So, a  
9           district that crosses a river and doesn't  
10          touch it -- land on either side of the river  
11          can still be contiguous, even though the  
12          landmass doesn't touch. The Florida Keys are  
13          another obvious example, they don't touch one  
14          another other than through a roadway, but  
15          they're still contiguous with one another over  
16          that body of water.

17          So, moving on now to the Tier 2  
18          standards of the Florida Constitution. And  
19          these encompass what are often called  
20          traditional redistricting criteria. Tier 2  
21          states that in less compliance with the  
22          standards in this subsection just here two  
23          conflicts with the standards in Subsection 1A,  
24          or with the federal law, districts shall be as  
25          nearly equal in population as practicable,

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 77

1 districts shall be compact, and district shall  
2 where feasible utilize existing political and  
3 geographical boundaries.

4 So, population equality to the extent  
5 practicable, compactness, and then where  
6 feasible the use of existing political and  
7 geographical boundaries. So, these  
8 requirements are subordinate to both the Tier  
9 1 requirements and to the requirements of  
10 federal law, and of course the Federal  
11 Constitution in the event of a conflict.

12 As with Tier 1, the order in which the  
13 Tier 2 standards are set out in the  
14 Constitution does not establish any priority  
15 among those standards within the tier. So  
16 compactness, population equality, and respect  
17 for geographical and political boundaries are  
18 all on an equal level for the legislature's  
19 consideration, one of them is not any higher  
20 rank than the others.

21 In terms of population equality, the  
22 Florida Supreme Court has rejected arguments  
23 that the population equality language in the  
24 Florida Constitution now imposes any stricter  
25 requirement than prevailing federal precedent.



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 78

1 The Court said that strict and unbending  
2 adherence to the equal population requirement  
3 will yield to other redistricting  
4 considerations, as long as those  
5 considerations are based on the expressed  
6 constitutional standards.

7 So, population deviation in order to  
8 keep existing counties whole, to follow  
9 geographical or political boundaries are  
10 permissible grounds for deviations in  
11 population from one district to another. As  
12 well as, of course, adherence to minority  
13 voting protections can be a reason to adjust  
14 population percentages. Because obtaining  
15 equal population is an explicit constitutional  
16 mandate, the deviations must be based on  
17 compliance with other constitutional  
18 standards.

19 Compactness is another requirement  
20 under Tier 2, the Supreme Court says that  
21 compactness is geographical compactness,  
22 rather than a sort of community interest or  
23 subjective based compactness which is one  
24 argument that was made in the last cycle.

25 The review of compactness by the



1 Supreme Court begins by looking at the shape  
2 of a district, so what's sometimes called the  
3 interocular test, how does it look when you  
4 look at it with your eyes?

5 A compact district should not have  
6 quote, bizarre designs. There are also  
7 certain quantitative measurements of  
8 compactness that have been used to assist  
9 courts in assessing compactness -- I believe  
10 your staff director will be going over some of  
11 those, and explaining those, those are also  
12 available in the redistricting software --  
13 that can provide a numerical figure that  
14 represents how compact a certain district is.

15 Now, the geographical -- excuse me, the  
16 geometrical measurements of compactness each  
17 have their own flaws, some of them attempt to  
18 measure how close a district resembles a  
19 circle. Well, a district that is a perfect  
20 square would not necessarily score very high  
21 on the compactness measure of how close it --  
22 how much it looks like a circle, just as one  
23 example.

24 But they can be a tool, they're tool  
25 that was used by the Court during the last

1           redistricting cycle, it has traditionally been  
2           used by courts across the country in  
3           evaluating compactness. And it's something  
4           that the redistricting software has the  
5           ability to measure as one consideration of  
6           compactness. I describe here the Reock Method  
7           and the Convex Hull Methods as two of the ones  
8           that were commonly used.

9           Geographic and minority protection  
10          factors also influence the compactness of a  
11          district. The Florida Constitution does not  
12          require the legislature to adopt the  
13          redistricting plan that achieves the highest  
14          mathematical compactness scores.

15          I mentioned that geographic boundaries  
16          can be a valid consideration for the  
17          legislature, and obviously minority protection  
18          is a valid consideration -- is a superseding  
19          requirement under the Florida Constitution.  
20          But non-compact and quote, bizarrely shaped  
21          districts will require close examination by  
22          the courts.

23          The Court referred to corridors  
24          connecting isolated populations or appendages  
25          from districts as something that will have to

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 81

1 be justified by some other constitutional  
2 requirement.

3 Another Tier 2 standard, districts  
4 shall where feasible utilize existing  
5 political and geographical boundaries.  
6 Political boundaries primarily refers to  
7 county and municipal boundaries.

8 County boundaries tend to be fixed,  
9 every now and then counties -- the legislature  
10 will adjust the boundary between counties for  
11 one reason or another. But county boundaries  
12 tend to be more permanent than municipal  
13 boundaries, which change through annexations  
14 and deannexations over the course of an  
15 election cycle.

16 There are -- there are municipalities  
17 in Florida that are non-contiguous, that's a  
18 single municipality where the territory does  
19 not connect one part to another. Those are  
20 political boundaries that can be taken into  
21 account. Geographical boundaries, the Court  
22 said, our boundaries that are easily  
23 ascertainable and commonly understood.

24 So, as examples these would be primary  
25 and secondary roads, rivers, large bodies of

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 82

1 water, railways and so forth.

2 Not every split of a political or  
3 geographical boundary violates the Florida  
4 Constitution. The constitutional language  
5 actually explicitly recognizes flexibility in  
6 the legislature for -- by providing for the  
7 use of boundaries where feasible. Just by  
8 virtue of pure population demographics, there  
9 are some counties that are not large enough to  
10 have a Senate District all to themselves,  
11 there are some counties that you could not put  
12 a couple of Senate Districts in.

13 So, there will be some -- inevitably  
14 some splitting of political or geographical  
15 boundaries, but where feasible the  
16 constitution requires the legislature to use  
17 those boundaries.

18 And Mr. Chair, that is the end of this  
19 portion of my presentation.

20 CHAIR RODRIGUES: Do we have any  
21 questions? Seeing none.

22 SENATOR BRACY: Yes, I have a --

23 CHAIR RODRIGUES: Oh.

24 SENATOR BRACY: -- I have a question --

25 CHAIR RODRIGUES: Senator Bracey,

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 83

1           you're recognized.

2           SENATOR BRACY: Thank you. I wanted to  
3           go back to this Tier 1 standards, and having  
4           to -- having it to apply to equal opportunity  
5           and racial or language minorities. Is there a  
6           certain percentage that we have to meet to  
7           adhere to this standard? Let's say if it's an  
8           African American community, like would 75  
9           percent be enough to adhere to this standard,  
10          or would just a simple majority -- I mean how  
11          do you determine if we're meeting that  
12          standard or not?

13          CHAIR RODRIGUES: You're recognized.

14          MR. NORBY: Senator, there is no one  
15          particular number that applies in all  
16          circumstances. The focus of the inquiry is to  
17          determine where there are districts that  
18          provided an effective opportunity to elect in  
19          the benchmark plan, and then to ensure that in  
20          any plans adopted by the legislature during  
21          this process that there is not a diminishment  
22          in the actual or effective ability to elect  
23          within that district.

24          So for example, a district that -- in  
25          some of the case law out of -- out of Alabama



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 84

1 or Mississippi, for example, where there are  
2 districts that may be 7-- 70 percent of voting  
3 age population of African American population,  
4 the courts have said in in that context that  
5 is not necessarily a diminishment to reduce  
6 that percentage from 70 percent to 60 percent.

7 It's driven not only by the racial  
8 demographics of the district, but by other  
9 factors such as voter registration rates, turn  
10 out rates, in some part of the state,  
11 citizenship rates affect the ability to elect  
12 a certain minority populations, political  
13 party registration rates can affect the  
14 ability to elect certain populations.

15 One of the factors that the courts  
16 looked at in the last cycle was whether  
17 particular racial groups would have the  
18 ability to control the result in one political  
19 party's primary election, or the other  
20 political party's primary election, and then  
21 how that would perform in the general  
22 election.

23 So, the -- that's a long answer, and I  
24 think to the short question, which is that  
25 there's no specific percentage, it requires an

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 85

1 analysis of many, many factors.

2 SENATOR BRACY: Thank you.

3 CHAIR RODRIGUES: Senator Stewart,  
4 you're recognized.

5 SENATOR STEWART: Thank you. Is there  
6 any rule, or any past experience on dividing  
7 neighborhoods or using a street as a division  
8 between districts where one side of the street  
9 will be in one district and their neighbor  
10 across the street would be in another? Is  
11 there any direction regarding that?

12 CHAIR RODRIGUES: You're recognized?

13 MR. NORBY: Senator, the criteria that  
14 would apply in that circumstance would be the  
15 use of political or geographical boundaries to  
16 the -- to the extent feasible.

17 So, to the extent that it's feasible  
18 then, when balancing all of these other  
19 factors, minority voting protections, equality  
20 population, to the extent it's possible to  
21 draw those lines along state highways, or  
22 railways, or rivers or other things that don't  
23 divide someone from one side of the street to  
24 the other side of the street, that's a  
25 relevant consideration.

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 86

1                   Particularly on Congressional  
2                   Districts, where the president requires exact  
3                   equality of populations, it is sometimes  
4                   necessary just to make sure that there is an  
5                   exactly equal population to divide other sorts  
6                   of streets. But those sort of things should  
7                   be avoided to the extent it's possible.

8                   CHAIR RODRIGUES: Senator Bracey,  
9                   you're recognized.

10                  SENATOR BRACY: Thank you, I just have  
11                  one more question regarding adhering to this  
12                  minority district. If you -- if you pack too  
13                  many minorities in one district, could the  
14                  argument be made that they're trying to help a  
15                  one political party in the outside districts  
16                  to that minority district. I mean has that  
17                  case ever been made in court to that -- to  
18                  that example I just gave?

19                  CHAIR RODRIGUES: You're recognized.

20                  MR. NORBY: Yes, Senator, the legal  
21                  term for that is exactly what you said,  
22                  packing of a district, intentionally assigning  
23                  voters to a district on the basis of race in a  
24                  way that would not be justified like that and  
25                  under certain -- some circumstances, that

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 87

1 could violate Section 2 of the Voting Rights  
2 Act.

3 SENATOR BRACY: Okay.

4 CHAIR RODRIGUES: Seeing no further  
5 questions, thank you for your informative  
6 presentation today. It was much appreciated.

7 MR. NORBY: Thank you, Chair.

8 CHAIR RODRIGUES: We're going to move  
9 to Tab 3, the 2022 redistricting application  
10 demonstration. Staff Director Ferrin, you're  
11 recognized.

12 MR. FERRIN: Thank you. Mr. Chairman,  
13 give me one moment here. Okay, there we go.  
14 Sorry about that, I just had an issue with the  
15 connection to the overhead system.

16 So, we will walk through the actual map  
17 drawing application and give the members a  
18 chance to ask questions about this, and see  
19 how this process works. I would like to just  
20 point out, and we have talked about this  
21 already, that this is a -- the Florida House  
22 and Florida Senate agreed to jointly use the  
23 same redistricting application this cycle. As  
24 opposed to last cycle and prior ones, where we  
25 may have used different applications.

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 88

1 And we chose Esri, which is a -- they  
2 offer an online, web-based GIS mapping program  
3 for use and redistricting. Florida is one  
4 of -- just one of many state and local  
5 governments that uses their products for this  
6 type of service. And Esri is in fact a  
7 national industry leader in GIS applications  
8 and technology.

9 We are, as has been mentioned,  
10 providing access to this application at no  
11 cost to the public, they can use it for free.  
12 They do have to sign up for credentials and  
13 log into the account, but the account is  
14 being -- you know, web, cloud-based reserves  
15 their plans there securely for their access.  
16 And so, there are some credentials that are  
17 required as we were discussing earlier.

18 So, when a user logs into the  
19 application, the first thing they're going to  
20 see is a prompt for -- to select a template  
21 plan, and these template plans have been pre-  
22 created for use in redistricting here in  
23 Florida. We have three -- well, we have one  
24 for Congressional, one for House, and one for  
25 Senate, but there's actually two of each. So,



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 89

1           there is the benchmark plans that are located  
2           here and labeled as such. See if that works  
3           out. I'm sorry, they're prompted to select a  
4           template for either Congressional, House, or  
5           Senate districts each type has two versions,  
6           one is blank preformatted for use in drawing a  
7           plan from scratch, the second is the benchmark  
8           plan.

9                       We have the benchmark plans loaded into  
10           the application so that users can use them for  
11           comparison purposes to the drafts that they're  
12           working on, or to even start from a benchmark  
13           plan, if they so choose, they could start  
14           there and make adjustments for equal  
15           population from there.

16                      So, in doing so -- and we will just  
17           open up the -- we'll do the congressional one.  
18           So, if we were logged in as a user, we would  
19           pop in, see that template, this is going to  
20           open the benchmark template. And so, from  
21           here users will notice that this is saved as a  
22           read only plan, so in order to save this plan,  
23           they will have to come in and click the save  
24           as, and they can give it their own name.

25                      And this is because they're working

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 90

1 currently off of the generic template plan, so  
2 they're basically making a copy of that, and  
3 adding their own changes to it. Once saved,  
4 users can come in here to the open plan dialog  
5 box, and you will -- they will see that they  
6 have a list of their plans, which this is a  
7 demonstration account there's no plans.

8 And so, -- and then the shared plans  
9 which includes the same templates that they  
10 just choose from. So, all users will have  
11 access to these at all times, and their saved  
12 plans will be stored here.

13 You can also open up a local plan. So,  
14 as I was discussing, the artifacts that are  
15 available on the website, we had that .plan  
16 file, that is a local plan. And so, a user  
17 can download one of those from the website and  
18 open it in their own account. They can also  
19 save their own plan, and we will go ahead and  
20 talk about that.

21 So, in addition to being able to save  
22 it in the account they can save it down  
23 locally, and store that plan in the .plan  
24 format on their -- on their machine. Plans  
25 can also be imported and exported. So, the

1 import as I was discussing earlier uses that  
2 fixed text format, which is the block  
3 assignment file.

4 And so, that will open up a browser  
5 window and allow users to pop in there, and  
6 select the location of the text file, that's  
7 the universally formatted file. They can also  
8 export that to either an image, a KML like we  
9 discussed for Google Earth, again the fixed X  
10 format, or a shapefile for consumption and  
11 other GIS applications.

12 We have -- also have the options for  
13 printing here as well, so users can print the  
14 plans. But most of what's going to happen in  
15 the map drawing application is going to be on  
16 this create tab.

17 And so, this is where users will be  
18 able to zoom in and around the map, they can  
19 pan simply by clicking and dragging the map,  
20 they can zoom in using the mouse wheel, which  
21 as they zoom in you will notice all these  
22 other lines that started appearing on the map.

23 Those are going to be track lines, and  
24 as you zoom in you will see block group lines,  
25 and then as you zoom in further you will see

1 the block lines. And so, that's adjusted  
2 automatically as the user zooms in and out.

3 Going through the tools here over on  
4 the left. So, these are the selection and  
5 assignment tools right here, they allow you to  
6 select geography using different methods. So,  
7 this is a picking tool, so if we wanted to  
8 assign just this block -- and I'm currently  
9 here as unassigned, but this is where you  
10 would change the district number that you're  
11 working with here in this dropdown.

12 So, we could unassign this block by  
13 just simply clicking on it, and that would  
14 change it to unassigned. If you wanted to  
15 undo that, you could use the undo button right  
16 here, and that will go away. The other  
17 selection methods are by rectangle, where you  
18 can select a group of blocks all at once, by  
19 Polygon -- so if you are trying to follow a  
20 roadway perhaps, you might try to draw the  
21 Polygon up the road, double click and it will  
22 assign all the blocks that are touching the  
23 Polygon -- and then the last type of selection  
24 tool here is the line selection.

25 And so, this just allows the user to



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 93

1 click a straight line and assign blocks that  
2 way after double clicking. And so, you will  
3 notice that didn't pick up the ones in the  
4 middle, just the ones on the edge. We also  
5 have a two-stage assignment tool, and so this  
6 allows users to kind of preview the geography  
7 that they may assign.

8 And so you see how that sort of  
9 selected the block, but didn't automatically  
10 assign it? But we can come down to the  
11 proposed tab down here and see that if we were  
12 to assign that to the unassigned group we  
13 would be moving 225 people out of District 3  
14 into the unassigned territory.

15 If you want to abandon those proposed  
16 assignments, you click the red X here and that  
17 will undo it. If you wanted to execute that  
18 assignment you would click this little lasso  
19 tool here, and that executes it. And if you  
20 wanted to zoom to the current selection in  
21 your two-stage selection, you can click the  
22 magnifying glass here and that will pan to  
23 that selection.

24 The binoculars next to it are used for  
25 finding unassigned geography. So if you are



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 94

1 compiling a district map and you think you're  
2 done and want to find areas that are  
3 unassigned, you can click that and it will --  
4 if there are little slivers in road medians,  
5 or other places between districts that may  
6 have kind of gone unassigned as you were  
7 working through the state, it will pan to  
8 those directly.

9 It will list those here, and as you  
10 assign them you can click refresh, and it will  
11 -- it will take care -- you know, it will  
12 refresh the unassigned list, and the next one  
13 will appear, and you go on, and so on and so  
14 forth. The other tools for moving around the  
15 map, we have talked about -- I mentioned the  
16 pan tool -- whoops.

17 So, as you're using -- you can use this  
18 hand to pan around the map, you can use the  
19 zoom tools. If you're not using a mouse  
20 wheel, you can draw that box and that will  
21 zoom in and out for you. The arrows next to  
22 it manage the extents. And extent in this  
23 context is your last kind of level of  
24 geography view, so it will bounce back and  
25 forth to whatever you were last looking, at or

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 95

1 go forward to the next one. The tools next to  
2 it have to do with the level of assignment and  
3 the -- their visibility.

4 And so, as I mentioned, as I was  
5 zooming in and out, the different geometry was  
6 showing, you can automatically -- you can  
7 leave your selection level on automatic and it  
8 will work with whatever is currently visible  
9 on the map, or you can specifically select one  
10 of these geometry layers. So, if we selected  
11 county and clicked anywhere in here in  
12 Alachua, this would propose that we unassign  
13 Alachua County.

14 So, this can be used for any of the  
15 levels of census geometry or left on  
16 automatic. These sliders here will kind of  
17 automatically display based on your zoom  
18 level. So, if you want to see blocks from a  
19 very zoomed out level, you can adjust this  
20 slider and it will show you blocks. If you  
21 want to see counties at that level, you can  
22 adjust it and it will remove the other lines  
23 and show you counties.

24 The other tools that are selectable  
25 here are the base maps and themes. So, base

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 96

1 map the default is to the street map in the  
2 background, but if you wanted to use satellite  
3 imagery, you could do so. Just simply come in  
4 there and change the base map, and you will  
5 see satellite imagery as the -- for the areas  
6 that you're drawing in.

7 The themes have to do with color-coded  
8 overlays, and so if you were looking to -- if  
9 you were working on drawing an African  
10 American district, you would come down here  
11 and select either the standard or alternative  
12 VAP, and the alternative is the aggregated for  
13 all Hispanic and all African American. The  
14 standard breaks it out into the different VAP  
15 categories.

16 And so, you can select alternative,  
17 tell it you want to use a percent, and it will  
18 color code the levels of geometry that are  
19 available on your screen here with the  
20 densities. And these are adjustable for  
21 users, they can change the colors, you can  
22 change the transparency, you can label them  
23 with different characteristics. There's a lot  
24 of options there for users.

25 So, that's going to cover most of the

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 97

1 create tools, I want to go through some of the  
2 other items here. I did (inaudible) go  
3 through all the file tab, the learn tab does  
4 have links to the quick start guide, help  
5 manual, and website on it.

6 So, if users are in here and they get  
7 stuck, they can come find that information or  
8 go to the website and contact us there. The  
9 view settings have a lot to do with what's  
10 being shown on the map. A user can come in  
11 here and adjust the number of districts that  
12 they're drawing. I should have gone up and  
13 not down, I apologize.

14 So, if we were given a 30th  
15 congressional seat by some chance, we would --  
16 you could come in here and adjust the number  
17 of districts, and the ideal population would  
18 adjust automatically. The other settings here  
19 have to do with visibility, so whether or not  
20 your districts are showing up in color. You  
21 can change or unchange that. The lines or  
22 fill is an option, as well as names.

23 So, the numbers that are shown on them,  
24 they can be displayed they -- the shorter  
25 version without the word district can be

1 shown, and you can also show the population.

2 So, other tools are -- here are  
3 available are deviation colorings. So, this  
4 will -- if you want to adjust your deviation  
5 to be a lower number, this will show you  
6 whether or not the districts are -- which ones  
7 are over or under populated, this is very  
8 similar to the tool that we have on our  
9 website, just incorporated into the  
10 application.

11 And then we have some other tools here  
12 for joining and modifying districts, joining  
13 allows you to merge districts together  
14 quickly, so if you wanted to merge Districts 1  
15 and 2, you could come in here and do that  
16 simply by selecting District 1 and District 2,  
17 and hitting that button. And now we have  
18 combined District 1 and 2 into District 1.  
19 And we will -- that is not undoable, just for  
20 the record.

21 And then, so some other -- let's see  
22 here, that was the view tab. The -- I didn't  
23 really talk about this and I probably should  
24 have, already, apologize. But the specific  
25 demographic fields that are listed in here,



1 the ones we have kind of gone over already, we  
2 have the total field for the total population  
3 of the district, the target, and the target  
4 deviation.

5 So, this is -- excuse me, this is the  
6 target deviation, so this shows you how far  
7 off you are from the ideal population. And  
8 this is -- this target, dev P, expresses that  
9 as a percentage. The other fields here for  
10 SRWVAP -- and these are all defined in the  
11 help manual, this is single race white voting  
12 age population in raw numbers, and then  
13 expressed as percentage.

14 We have the same for non-Hispanic  
15 black, for Hispanic black, for Hispanic not  
16 black. We have other VAP which includes all  
17 the other unmentioned combinations for  
18 demographics, and then our BVAP is our black  
19 voting age population, and HVAP is Hispanic  
20 voting a voting age population, and those are  
21 both expressed as raw numbers and percentages.

22 Also here on the review tab, just going  
23 back to that, we have buttons here for the  
24 compactness test. And we can -- this will run  
25 in a pop-up window here and provide the

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 100

1 compactness scores for the districts as they  
2 are drawn in the plan. And one of the things  
3 that is in the meeting materials is the -- we  
4 put together a little take away for the  
5 senators -- for the members and posted this on  
6 the website -- this is, I think, in the other  
7 meeting materials documents -- on the  
8 compactness metrics, and how they're used, and  
9 how they're calculated.

10 This is the -- this document, if it's -  
11 - if you have got it available, we should have  
12 provided all the members of copy of it. But  
13 the -- this is where we talk about how these  
14 scores are calculated and sort of the rubber  
15 band image that we have discussed in regarding  
16 Convex Hull scores and the circular Reock  
17 dispersion score, as well as the Polsby-Popper  
18 score.

19 And as was mentioned, these all tests  
20 for different things, so Convex Hull is a  
21 score that tests for concavities or  
22 indentations in district boundaries, and uses  
23 the ratio of the area of the district to the  
24 minimum convex Polygon that can enclose the  
25 districts geometry, essentially the rubber

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 101

1 band. The Polsby-Popper score test for jagged  
2 or squiggly district boundaries, and  
3 calculates the ratio of the area of the  
4 district to the area of a circle whose  
5 circumference is equal to the perimeter of a  
6 district.

7 And so, if you have a lot of perimeter  
8 you're going to very large circle that could  
9 encompass the district, and that ratio is  
10 going to be low. The Reock score is --  
11 basically tests for the district similarity to  
12 a circle.

13 And as you heard counsel discuss,  
14 circles are difficult to draw in all  
15 circumstances due to Florida's geography, and  
16 the fact that circles don't -- also don't  
17 stack very well. Nonetheless, it's a relevant  
18 score for compactness measurements, and is  
19 used in in concert with the other scores, and  
20 a visual interocular review as a way to  
21 identify potentially outlier districts in  
22 terms of compactness.

23 We have also provided on the last page  
24 of this handout just a kind of table of some  
25 common shapes for illustration purposes, and

1           some of their mathematical compactness scores.  
2           And so you can kind of look through the list  
3           here and see you know how a circle would score  
4           on all of them, how a coil, or a crescent, or  
5           a triangle, squares, we provide all these  
6           different examples just as reference points so  
7           that we can understand how they all work.

8                       So, for example, a coil would get a  
9           reasonably well Reock score, in Convex Hull,  
10          score but do very poorly on Polsby-Popper  
11          because it's essentially got a very long  
12          perimeter that's wrapped around itself.

13                      So, jumping back into the application  
14          real quick, so the compactness test is  
15          available as an independent button, as well as  
16          in this review -- reports drop down here. So,  
17          we talked a little bit earlier about the VAP  
18          summary report that that can be generated  
19          using this tool.

20                      When a user comes in here to select  
21          this, they have several different options, one  
22          they can name it and title it at whatever they  
23          would like to, so they can enter the name of  
24          their plan there. They can format it as  
25          either a PDF, excel, or HTML document, they



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 103

1 can e-mail it to themselves or -- and they can  
2 select all the different fields that are  
3 available in that report.

4 It defaults to the ones that we have  
5 listed in the VAP summary reports on our  
6 website, but this is also how users will  
7 access the data for functional analysis. So,  
8 you see here these last three categories are  
9 registered voters, voter turnout, and election  
10 results, and each one of these can be dropped  
11 down and there's a number of fields here.

12 All of these fields are going to be  
13 listed in the handout that says functional  
14 analysis. They're described in the help  
15 documentation in general terms, but we went  
16 ahead and listed them out here. but each one  
17 of these is going to be selectable by the user  
18 to include in their own functional analysis  
19 and determine how the districts are going to  
20 perform accordingly.

21 So, we have the voter turn -- the voter  
22 registration, we have the voter turnout, and  
23 then we have the election results. So, for  
24 the registered voters, that's available for  
25 general elections the turnout is available for



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 104

1 both primary and general elections. So, the  
2 way these are coded, you see here it says  
3 GE20VT, that means that's voter turnout for  
4 the general election in 2020.

5 And this goes all the way back from  
6 2022 to 2012. And so, we have primary and  
7 general turnout available, this is all broken  
8 down by race and party, as would be done for a  
9 functional analysis. That's what this data is  
10 here for.

11 And then lastly, we have the statewide  
12 election results from for the last ten years  
13 where the statewide elections. So we go from  
14 the 2020 presidential election, we have  
15 cabinet contests, U.S. Senate contests,  
16 gubernatorial contests -- and I think  
17 that's -- I think I'm covering them all there,  
18 and as well as the primaries broken down by  
19 party.

20 So, here would be an example of the  
21 2014 CFO contest in the general, and then here  
22 it is in the -- that may be a bad example --  
23 the primary is coded very similarly but with P  
24 at the beginning. So, you have the primary  
25 for attorney general here within the

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 105

1 democratic ticket.

2 And so, that's how that data is  
3 accessed via the reports, other reports that  
4 are available include we have the bill text,  
5 but that's probably not something that's going  
6 to get used by many users. That actually  
7 generates text that can be converted into to  
8 bill language that was displayed earlier.

9 The compactness report is here as well  
10 so if a user wants to export the compactness  
11 report or pull it up in a different format,  
12 they can do that here. It's going to generate  
13 the same set of numbers. And then the means  
14 and bounds types of reports that are available  
15 currently, one of the things that's available  
16 in the application is a boundary analysis.  
17 And we do have another set within the handout  
18 materials for this.

19 The boundary analysis is something that  
20 was brought into existence after passage of  
21 the amendments in 2010 to try to measure the  
22 compliance with that criteria, and to try to  
23 define political and geographic boundaries.  
24 And we have refined that since then.

25 The way it was worked in in 2012 we

1 have improved upon that, and so for this cycle  
2 it's going to calculate the coincidence with  
3 each type of geographical feature which  
4 includes primary and secondary roads,  
5 railroads, significant water bodies which are  
6 contiguous water bodies that are greater than  
7 10 acres. So at Bay or river that is a  
8 Polygon and not a line.

9 So, not a -- not a stream, or a creek,  
10 or a ditch, but a river or some other body  
11 that's contiguous and can be followed for an  
12 area that's up to 10 -- that's over 10 acres.  
13 And then the municipal and -- or city and  
14 county boundaries.

15 And so these reports will generate the  
16 coincidence of that for each type of those  
17 categories, and then it also is going to  
18 generate the coincidence, or a -- or the  
19 amount of distance that a district boundary  
20 does not follow one of those types of  
21 specified geography.

22 And so in that way this tool can be  
23 used to identify outlier districts that do not  
24 follow political or geographic boundaries, and  
25 it can also be used to measure the consistent

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 107

1 use of a particular political or geographic  
2 boundary type within a district or plan.

3 And it's -- it takes a few minutes to  
4 run, but it's running here and so, we will  
5 just -- I will just keep going through the  
6 remaining materials while that's running so we  
7 can -- everybody can take a look. But there  
8 is an example of that report available in the  
9 materials as well.

10 The other thing worth mentioning, and  
11 we have kind of touched on this today a little  
12 bit, is the municipal boundaries. Oh, hey I  
13 forgot to mention that you have to turn off  
14 pop-up blockers, so.

15 But the municipal boundaries handout  
16 talks a little bit about the differing -- the  
17 changing nature of municipal boundaries in  
18 Florida. So, we did some calculation based  
19 off of information that was reported to the  
20 Census Bureau.

21 And that suggested that Florida has had  
22 over 3,500 annexations since the 2010 between  
23 the 2010 census geography cutoff date, and the  
24 2020 census geography cutoff date. So, that's  
25 between January 1st, 2010, and January 1st,

1 2020.

2 And we looked at that and did some  
3 calculations on the geometry and other  
4 geographical features of these cities, and  
5 noticed that a number of Florida's cities are  
6 -- as has been discussed -- not very compact,  
7 and also have discontinuities and holes. And  
8 so, we kind of looked at that in relation to  
9 population size and geographic size, and  
10 noticed that as cities get larger they tend to  
11 have more of those type of features whether  
12 they be holes, or discontinuities, or  
13 compactness scores.

14 It's an item of note, just as we're  
15 having the discussion about the use of  
16 municipal boundaries and how those change so  
17 frequently, that it's likely that our  
18 municipal boundaries that we have embedded in  
19 the 2020 Census data as of January 1, 2020,  
20 may have already changed from a practical  
21 standpoint.

22 And so, we have just included for  
23 reference some of these information about the  
24 number of boundary changes that have happened  
25 in these municipalities over the last decade.



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 109

1 And I think there's 200 cities that have  
2 changed their boundaries out of our 412. And  
3 information as well about discontinuities  
4 within cities and the count of the holes or  
5 enclaves within cities. And this is all just  
6 for note as we're having the discussion  
7 related to this.

8 So, getting back to the software,  
9 having gone through the reports, I want to  
10 make mention of the compare tool. So, this --  
11 as you're in the review tab, this open plan  
12 button will allow users to open up a plan  
13 that's existing within their account, or one  
14 of the benchmark plans, or the benchmark -- or  
15 the blank templates, and they can open that  
16 plan and compare it against the plan that  
17 they're working on.

18 This will facilitate comparison  
19 between -- and you can do this for any of your  
20 draft plans or the existing plans -- it's  
21 going to -- the way the system handles this is  
22 it creates cross marks or hatches across the  
23 areas that are different.

24 And so, in this particular case we were  
25 comparing the benchmark Congressional map to

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 110

1 the Senate benchmark map, and we could see  
2 that the District 1 is showing as being the  
3 same in this area because we're comparing kind  
4 of apples to oranges here.

5 But it's an example of how this could  
6 work, it's going to work a little bit better  
7 if you're looking at two Senate plans side by  
8 side that are -- you're checking for  
9 similarities. These can be -- you can use  
10 this tool to turn on or off the compare plan  
11 which is the one you just loaded up, or the  
12 active plan which is the one you're working  
13 on.

14 So, you can kind of toggle those to  
15 view the visibility of them and check whether  
16 or not you want to see those differences,  
17 which is going to make those disappear --  
18 those cross marks disappear and you will just  
19 be left with the outlines of the districts.  
20 And you can also zoom to the differences in  
21 the comparisons, and most -- probably most  
22 importantly you can merge the differences.

23 And the way this works is it allows the  
24 user to designate whether they want the  
25 differing areas to become unassigned, to jump

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 111

1 to kind of take on the form of your active  
2 plan, or the one that you're working on, or  
3 the comparison one with -- the one that you  
4 just loaded up. And so, that's -- how that  
5 tool works.

6 The next thing to mention is the submit  
7 tab. The submit tab is where a user -- well  
8 actually, I apologize, let me back up and talk  
9 about integrity reports -- integrity checks  
10 real quick.

11 So, prior to submitting a plan, users  
12 should run these integrity checks and these  
13 are going to check for things like dual --  
14 duly assigned territory population summary,  
15 making sure that your population is in  
16 balance, that all districts have been  
17 assigned, that you're within your maximum  
18 deviation for the districts, and your overall  
19 range for the plan.

20 The null assignment checks for  
21 unassigned territory. And then the  
22 connectivity check checks for little slivers  
23 that may be discontinuous. And so all of  
24 these are going to be used to help ensure that  
25 the plan meets the basic, constitutional,

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 112

1 right criteria of having the right number of  
2 districts, the correct population assignment  
3 is contiguous, and doesn't have any unassigned  
4 territory.

5 So, after running that kind of type of  
6 test, users can come submit the plan. And if  
7 you click to submit -- this is still a read  
8 only draft, so I don't -- I can't actually  
9 walk through the submit process, but it's  
10 going to prompt you for a few fields, such as  
11 what is -- you know it's going to load preload  
12 the plan name, allow -- ask for a username and  
13 e-mail address, and then also offer the author  
14 and opportunity to enter in some other  
15 information about what their objectives were  
16 in drawing the plan.

17 Once we receive when you submit that  
18 plan, it's going to send us a -- we will get a  
19 message that the plan has been submitted and  
20 we will respond to the author at their  
21 designated e-mail address with the  
22 redistricting suggestion form that we would  
23 ask them to fill out and return to us, so that  
24 we can then post their plan on the web.

25 SENATOR BRACY: I have a question.

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 113

1 CHAIR RODRIGUES: (Inaudible).

2 SENATOR BRACY: And this question may  
3 be for you, Chairman, but how are we going to  
4 go about the business of our work in creating  
5 maps? I understand this is for the public,  
6 but what would be our process?

7 CHAIR RODRIGUES: At the next committee  
8 hearing we're going to take the data that we  
9 have gotten today from our counsel, regarding  
10 what the requirements are from the Florida  
11 Supreme Court in the last round of  
12 redistricting, and we're going to put forth  
13 the standards that will be used for the  
14 drawing of maps.

15 That is what we will provide staff in  
16 the charge, here are the standards we wish you  
17 to draw maps around. And that's how staff  
18 will move forward, based upon the input we  
19 have given them. As members, we're free to go  
20 into the site ourselves and begin working on  
21 drawing maps, if that's what we choose to do,  
22 as any senator in the body can do.

23 SENATOR BRACY: Follow up. So, the  
24 staff will create the maps, will there be --  
25 will there be a couple iterations of maps by



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 114

1 staff, and are we able to amend those as a  
2 committee?

3 CHAIR RODRIGUES: Okay, so this will be  
4 next week will be a full committee meeting,  
5 where we together as a committee put together  
6 the charge to the staff. Following that, the  
7 subcommittees will meet. So, the staff will  
8 put together proposals -- plural -- for each  
9 of the subcommittees for them to consider.

10 The select subcommittees will review  
11 those proposals, provide input to staff on  
12 areas where they believe the proposals can be  
13 improved, and the maps will get better as they  
14 go through, as they take the input from the  
15 members and go through the subcommittee  
16 meetings.

17 The subcommittees in their third  
18 meeting will then make a recommendation of  
19 maps -- and I'm going to say I believe it will  
20 be plural -- that they're recommending come up  
21 to the full committee. Because they're select  
22 committees, it will be recommendation and  
23 there won't be a vote, it will be consensus.  
24 Those maps will come to us.

25 When those maps come to us, we then

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 115

1 have the ability -- like any other piece of  
2 legislation to debate it, consider it, and  
3 amend it. And then, if we decide either of  
4 the maps -- plural, I'm not sure what that  
5 number is going to be, that will depend upon  
6 the subcommittees -- are acceptable as they  
7 are, we could in theory vote one of those maps  
8 out.

9 If we decide none of those maps are  
10 acceptable, then we can direct staff to areas  
11 where we believe those maps may be improved.  
12 And then we will go through a similar process,  
13 potentially, that subcommittees went through,  
14 where there's a different iteration of the  
15 map, and it improves as it goes.

16 SENATOR BRACY: And then, once we have  
17 our final maps, and we have the entire Senate  
18 body vote on the maps, what is the process of  
19 working with the House? Do we have a process  
20 like we do with the budget, where we  
21 (inaudible).

22 CHAIR RODRIGUES: The process would be  
23 map that comes out of the committee --  
24 supported by a majority of the committee would  
25 then go to the floor of the Senate for

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 116

1 consideration. I believe the process would be  
2 similar to what we do with the budget, we will  
3 vote maps off of the Senate floor, if our maps  
4 match perfectly with the maps that the House  
5 has done, then, you know, we could be done.

6 If those maps do not match, then I sus-  
7 - like the budgets never match, then I suspect  
8 there will be a conference. And then we will  
9 confer with the House and produce maps that  
10 will then come back to the body.

11 SENATOR BRACY: Thank you.

12 CHAIR RODRIGUES: Sure. Senator  
13 Thompson -- I'm sorry, Senator Gibson and then  
14 I'll go to Senator Rousson. Senator Gibson,  
15 you're recognized. Accidentally.

16 SENATOR GIBSON: (Inaudible). Thank  
17 you, Mr. Chair. I have three questions, I  
18 think. So, the first one I want to ask, since  
19 we were on the data -- well, it's all data, on  
20 the descriptions of population where you have  
21 black voter -- what's it called? BVAP, other  
22 VAP, did we use -- and I asked this earlier,  
23 the census had different descriptors in terms  
24 of ethnicity, we talked about when we first  
25 started to race, or -- if you go back to that

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 117

1 screen, if it's not too much trouble?

2 Where the numbers that -- I mean, the  
3 demographic descriptions -- which we're really  
4 acronyms -- are, to see if they, kind of, line  
5 up so people actually understand what they  
6 mean. Not only what they mean, but what the  
7 neighborhood, or the community looks like, or  
8 the district would look like.

9 And I think on the map too -- and also  
10 while, we're going back when an individual is  
11 using the site to put together their map, and  
12 they're looking at the demographics of a  
13 current district maybe as the benchmark for  
14 drawing the new one, is there any indication  
15 of the change in the demographics in that  
16 particular district since it was established  
17 in -- when we did it in 2012, 13, 14, 15, 16?

18 CHAIR RODRIGUES: Do we have the  
19 ability to see that?

20 MR. FERRIN: Thank you, Mr. Chairman.  
21 I think if I understand your question, you're  
22 asking if while you're drafting the plan you  
23 can visualize changes in the district from one  
24 census to the next, is that correct?

25 SENATOR GIBSON: The demographics in

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 118

1 the district and if those match. Is that the  
2 one?

3 MR. FERRIN: So, --

4 SENATOR GIBSON: The census  
5 descriptions, like two race, other, how does  
6 that categorize on the -- when individuals go  
7 into to draw their districts?

8 CHAIR RODRIGUES: You're recognized.

9 SENATOR GIBSON: If that makes sense.

10 MR. FERRIN: Let me try to answer the  
11 categorization by race --

12 SENATOR GIBSON: Okay.

13 MR. FERRIN: -- first so SRWVAP is  
14 single race, non-Hispanic, white voting age  
15 population, the NHBVAP is non-Hispanic black  
16 voting age population.

17 SENATOR GIBSON: Um-hum.

18 MR. FERRIN: HBVAP is Hispanic black  
19 voting age population. In order to get to the  
20 BVAP, which is all black voting age  
21 population, you can add the NHB and the HBVAP.  
22 So, you're adding not-- Hispanic is treated as  
23 a different question than race in the census  
24 data, so you can be black and Hispanic, or  
25 black and non-Hispanic.



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 119

1 And in our circumstances, we treat all  
2 multiracial responses, if they include African  
3 American or black, we count them as such. And  
4 that's per DOJ guidance.

5 SENATOR GIBSON: Um-hum.

6 MR. FERRIN: So, if an individual was  
7 African American and Asian, we would still  
8 count them -- and non-Hispanic, they would be  
9 counted in this non-Hispanic black voting age  
10 population, provided they were over 18. And  
11 so, we -- the way this this all works, and so  
12 the other VAP category catches the other ones.  
13 So, if a -- an individual is Asian and Native  
14 American, --

15 SENATOR GIBSON: Um-hum.

16 MR. FERRIN: -- and not African  
17 American and not Hispanic, they would fall  
18 into the other VAP category for our purposes.  
19 And when you add these up, you can add up  
20 single race white, non-Hispanic black,  
21 Hispanic black, Hispanic not black, and other  
22 and you will get the total. And that's a big  
23 part of the way -- we why we break it down,  
24 because you can count --

25 SENATOR GIBSON: Um-hum.

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 120

1 MR. FERRIN: -- there's a lot of  
2 different ways to categorize and pull data,  
3 but we want to make sure that it adds up to  
4 100 percent.

5 SENATOR GIBSON: Um-hum.

6 MR. FERRIN: And that the sub to-- the  
7 subgroups equal the total.

8 SENATOR GIBSON: And so it --

9 CHAIR RODRIGUES: You're recognized.

10 SENATOR GIBSON: So, I guess it just --  
11 it doesn't really matter what the district  
12 looked back before, because you're not really  
13 tracking that, you just want to see what it  
14 looks like now? But I thought that was the  
15 benchmark part?

16 CHAIR RODRIGUES: You're recognized.

17 MR. FERRIN: So, the -- we're because  
18 we're only drawing on 2020 data, that's sort  
19 of what matters. We can review the benchmark  
20 plans, but we're reviewing them with the 2020  
21 population figures. Reviewing them with the  
22 2010 population figures is not going to yield  
23 an apples-to-apples comparison, because of  
24 Florida's uneven and distribution of  
25 population growth.

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 121

1 And so if we were to look at --  
2 specifically at the 2010 numbers and try to  
3 compare them to the 2020, there may have been  
4 a lot of population shifts within that  
5 district that would throw that off. And  
6 that's why we try to -- we standardize it all  
7 on 2020 data. So, we would be looking at the  
8 benchmark district configurations with the  
9 2020 Census data applied.

10 SENATOR GIBSON: Okay. One last follow  
11 up?

12 CHAIR RODRIGUES: You're recognized.

13 SENATOR GIBSON: Thank you Mr. Chair.  
14 I wanted to go back to the map -- the maps and  
15 the submission of maps by the public, after  
16 they fill out the form, and I guess we  
17 received the map when they fill out the form  
18 first? And then, if a map is to be considered  
19 that is submitted by the public, does a  
20 senator have to file that map? Or do they --  
21 they don't have, to but the only way that map  
22 could be considered is if it were filed by a  
23 senator, or what?

24 CHAIR RODRIGUES: That's correct.

25 SENATOR GIBSON: Okay.

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 122

1 CHAIR RODRIGUES: And the reason we  
2 have done that is if you look at the  
3 technology that's available, the ability to  
4 draw district maps has largely been automated.  
5 It's theoretically possible that we could be  
6 flooded with thousands of maps.

7 SENATOR GIBSON: Um-hum.

8 CHAIR RODRIGUES: And so, for two  
9 reasons, one to ensure that we don't have a  
10 shadow operation there needs to be a sponsor,  
11 which is a member of the body who has met with  
12 the person who has submitted the map,  
13 determined that there's no ill intent, and  
14 understands the methodology that they have  
15 chosen to draw the map, and can then present  
16 that to us for consideration.

17 But the second is, we don't want our  
18 staff overwhelmed with thousands of  
19 submissions and not even looking at what the  
20 senators are preparing, or what we have  
21 directed them to prepare with the criteria  
22 that we will give the charge to next week.

23 So, by treating this like every other  
24 piece of legislation, which is nothing gets in  
25 a bill until a member of the public gets a

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 123

1 member of the body to sponsor it, we feel like  
2 we're being consistent and we're preserving  
3 the most precious element that exists at this  
4 point, which is time for committee staff to  
5 work on that which the body, the senators,  
6 want them to be working on.

7 SENATOR GIBSON: Thank you, Mr. Chair.  
8 And that's more clarity so, you know, I'm  
9 interested in making sure, and I know we all  
10 are that the public fully understands this  
11 process, and that they also understand a  
12 submission is one thing, but how it gets to  
13 the -- to the committee is it's absolutely  
14 something else.

15 CHAIR RODRIGUES: Indeed.

16 SENATOR GIBSON: Thank you.

17 CHAIR RODRIGUES: Senator Rouson, you  
18 had a question?

19 SENATOR ROUSON: Yes, and it concerns  
20 the public comment. Has there been any more  
21 thought or consideration to how the public  
22 will comment and interact with us as committee  
23 members, other than submitting a map on their  
24 own?

25 CHAIR RODRIGUES: The question of



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 124

1           whether we will do the virtual hearings,  
2           because I know you have asked that in the  
3           past, is still under consideration. I  
4           anticipate we will have a final answer on that  
5           soon, if not this week then at the next  
6           committee week.

7                       In the interim, until that decision is  
8           made one way or the other, we still have the  
9           ability for the public to comment like they do  
10          with any other committee which is hearing  
11          committee and submit public testimony.

12                      And we have gone I think even further  
13          with the website by updating the comment  
14          section to accommodate anyone who cannot make  
15          it to a committee hearing, but wishes to get  
16          their comment on the record which will be  
17          reviewed by us as members as well. But to the  
18          question of the virtual hearings, that still  
19          under consideration at this point.

20                      CHAIR RODRIGUES: Any other questions?  
21          Seeing none. We will move at this time to the  
22          next tab on the agenda, which is public  
23          comment. We have one public comment card  
24          that's been submitted if anyone wishes to  
25          comment please prepare a card and get it to a

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 125

1 member of the sergeant's office. Cecile Scoon  
2 with the League of Women Voters. Welcome  
3 back.

4 MS. SCOON: Thank you. Thank you for  
5 this opportunity. My name is Cecile Scoon,  
6 I'm president of the League of Women Voters of  
7 Florida, and really listened intently and was  
8 taking notes at everything that was said and  
9 presented that is very, very helpful. And I  
10 want to thank counsel, we really gave a primer  
11 on about 3 topics all in one.

12 So, as a practicing lawyer myself, I  
13 was really impressed. I also want to thank  
14 the committee for listening to the people, and  
15 listening to the League and others in our Fair  
16 Districts Coalition, we had asked for some  
17 changes with regards to the Adobe, and people  
18 not having printers at home, and we feel  
19 heard.

20 And there were some changes made, and  
21 we want to continue that ongoing conversation  
22 with you as you're, you know, struggling to  
23 capture so many balancing acts of Tier 1, Tier  
24 2, State, Federal it's just -- it's a lot, you  
25 know, it's really -- it's really a lot. But

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 126

1 that is really important for us to advocate  
2 for the citizenry.

3 I also wanted to say that we strongly  
4 believe in the hearing process. Why? Because  
5 so many people are not going to be able to  
6 drive, and take off work, and stay in  
7 Tallahassee and do that from across this  
8 massive, beautiful state that we have.

9 And so that interaction of being able  
10 to actually talk to you virtually is next to  
11 being actually being physically present. And  
12 that's really, really important to hear your  
13 response, or if there's a question, you might  
14 question as you did last time.

15 You have that opportunity that is  
16 nonexistent with putting a comment in a box.  
17 And you also want to encourage people to  
18 believe in the system, and to feel like  
19 they're heard. And there's nothing like  
20 having a conversation to actually give that  
21 impression.

22 I had a couple of questions with  
23 regards to so much that we heard today, that  
24 Es-- the E-S-R-I application which allows for  
25 the functional analysis, when was that added

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 127

1 to the website?

2 CHAIR RODRIGUES: October the 8th.

3 MS. SCOON: Okay. And when was it made  
4 accessible to the public?

5 CHAIR RODRIGUES: October the 8th.

6 MS. SCOON: All right.

7 CHAIR RODRIGUES: And just for the  
8 record, when we rolled the website out, we did  
9 not have that voter data at that time. So,  
10 when we received the voter data we immediately  
11 put it on the website.

12 MS. SCOON: Okay.

13 CHAIR RODRIGUES: And it's important  
14 for me to say that because there was an op-ed  
15 out there, that many people have seen, that  
16 alleged that we were hiding data from the  
17 public. We were not, we did not have  
18 possession of the data at the time the website  
19 went up. When we received the data, we put it  
20 on the website.

21 MS. SCOON: And when did the data get  
22 received then, I guess?

23 CHAIR RODRIGUES: October the 8th we  
24 received it and we put it out. The website  
25 went up September 22nd, with the data we had

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 128

1 available. And then when we received the  
2 voter data, we put it on the website.

3 MS. SCOON: Thank you, that's helpful.  
4 You were mentioning articles, and of course  
5 we're all trying to keep abreast of the many  
6 things that are out there so we can educate  
7 ourselves.

8 And you were quoted in an article the  
9 Florida Phoenix, and they expressed that it  
10 was your belief that because of the change in  
11 the Shelby case, of taking away preclearance,  
12 I guess, that there was not a need for a  
13 traveling show on the redistricting. Is that  
14 your belief?

15 CHAIR RODRIGUES: They actually did not  
16 recount the conversation correctly, that came  
17 out of the press guy (inaudible) at the first  
18 committee meeting. And what I said was, as a  
19 result of the Shelby case, there's no longer a  
20 requirement that we have the public hearing  
21 traveling roadshow.

22 That was directly tied to the Shelby  
23 decision, where we had to go out and take  
24 public input. Specifically, if you go back  
25 and look at what we received in public input



1 during those tours of the last two  
2 redistricting cycles, it was primarily the  
3 public letting the legislature know these are  
4 the communities of interest that we want you  
5 to keep together. So, what I said was it's no  
6 longer required.

7 Now what I raised was the question, now  
8 that Fair District has passed and the Court  
9 made clear in the 2012 litigation that the  
10 Fair Districts Coalition brought forward that  
11 the legislature can't consider communities of  
12 interest, because it is not in the objective  
13 standards spelled out in the Fair Districts  
14 Amendment that does beg the question of  
15 whether we need to have a traveling roadshow  
16 to receive that information, if we can't use  
17 it once we have it.

18 MS. SCOON: Would you agree with me  
19 that the communities of interest also include  
20 racial and language minorities?

21 CHAIR RODRIGUES: I don't believe  
22 that's traditionally how it's been defined,  
23 but if you would like to set up a meeting with  
24 me, I would be happy to sit down and have a  
25 conversation with you. But this is public

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 130

1 comment, so rather than us continue with the  
2 back and forth, please continue with your  
3 comments.

4 MS. SCOON: Okay.

5 CHAIR RODRIGUES: Thank you.

6 MS. SCOON: Thank you, I will take you  
7 up on that offer. I appreciate that. Let's  
8 see, there was some discussion on the  
9 geocoding that's going to be available, I  
10 think, that was mentioned so that citizens  
11 could check to see, you know, where they are  
12 where their family might be with any districts  
13 or maps that they may be drawing, did I hear  
14 that correctly?

15 CHAIR RODRIGUES: Ma'am, we're not  
16 going to continue with Q&A. You can make your  
17 comments, if you have questions, you and I can  
18 sit down directly --

19 MS. SCOON: Okay.

20 CHAIR RODRIGUES: -- and have a  
21 conversation.

22 MS. SCOON: I will convert that into a  
23 comment then. The concern was that, frankly,  
24 I believe I heard that citizens could use it  
25 to check their -- where they were in the

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 131

1 district.

2 And that same ability to check where  
3 you are in a district that you're -- being  
4 drawn, there's a concern that representatives,  
5 or senators, or persons might also look to see  
6 and that may influence their decision making  
7 if they're looking to see also. So, the  
8 concern is the use of the geocoding and that's  
9 open for everybody to use.

10 And I want to thank you again for the  
11 very broad review, and certainly the legal  
12 review was very helpful. Thank you and we  
13 will follow up with a meeting between us.  
14 Thank you very much.

15 CHAIR RODRIGUES: I look forward to it.  
16 Okay, seeing no other public comment cards  
17 that concludes public comment. We're at the  
18 portion of the meeting where we can do final  
19 comments and thoughts. I have couple of  
20 things that I want to address before I move to  
21 the committee members.

22 The first is Senator Rouson, I  
23 appreciate the questions you had earlier  
24 regarding the op-ed that was out there. We  
25 were able to clarify a number of the

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 132

1 misrepresentations that were in that op-ed.  
2 Some of the other misrepresentations that were  
3 later clarified by the presentations from  
4 Staff Director Ferrin was the op-ed said that  
5 data could not be downloaded from our website  
6 and then uploaded into another third party  
7 application, and conversely data from a third  
8 party application could not be uploaded into  
9 our system as we learned when both of those  
10 systems were demonstrated. That is  
11 inaccurate, we can allow for the downloading  
12 of data and for the uploading of data. And so  
13 we have that ability.

14 Another inaccuracy that needs to be  
15 addressed was thankfully brought up by our  
16 speaker from the League Women Voters that we  
17 were able to address, the allegation that we  
18 were hiding data. We were not hiding data.  
19 And just to make sure that I'm completely  
20 clear with the answer I gave you, the 10-8 was  
21 when the data have been completely integrated  
22 into the software.

23 As soon as that data was integrated, it  
24 was uploaded. But prior to that, it had not  
25 been integrated into the software. And so, I

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 133

1 want to make sure I'm completely clear on  
2 that. But as soon as we had that, we made it  
3 available.

4 There was another allegation in that  
5 op-ed that we were asserting legislative  
6 privilege and telling FSU with our contract  
7 with them not to fulfill public records  
8 request, that is inaccurate. Public records  
9 request can be fulfilled, what is required is  
10 that FSU must notify us when a public records  
11 request has been received.

12 And the reason for that is, we are the  
13 custodians of the record, and the mere request  
14 of a public record, is in of itself a public  
15 record that would have to be maintained by us  
16 as well.

17 And so, we never asserted legislative  
18 privilege, we never told FSU to not fulfill  
19 any public records request, we just made it  
20 clear that should they receive those public  
21 records requests the legislature must be  
22 notified for us to fulfill our  
23 responsibilities under the Government Sunshine  
24 Statutes.

25 And so, I think that covers the



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 134

1           misrepresentations that were out there that we  
2           need to have clarified on the record. And at  
3           this point, I will turn to other members if  
4           there are any comments or other business that  
5           needs to be brought forward. Seeing none.  
6           Chair Broxson moves that we adjourn. Is there  
7           any objection? Seeing none, show the motion,  
8           adopted. We are adjourned. Thank you.

9                           (End of Video Recording.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 135

## 1 CERTIFICATE

2  
3 I, Wendy Sawyer, do hereby certify that I was  
4  
5 authorized to and transcribed the foregoing recorded  
6  
7 proceedings, and that the transcript is a true record, to  
8  
9 the best of my ability.

10  
11  
12  
13 DATED this 15th day of March, 2023.  
14  
15  
16  
17  
18  
19

20  
21   
22

23  
24 \_\_\_\_\_  
25 WENDY SAWYER, CDLT

<b>A</b>	<b>achieve</b> 46:7 47:11 51:21	66:25 69:23	<b>agendas</b> 19:16	31:25 33:1
<b>abandon</b> 93:15	<b>achieves</b> 80:13	<b>adherence</b> 75:5	<b>aggregated</b> 10:2	35:11,12,23
<b>Abbott</b> 51:11	<b>acres</b> 106:7,12	78:2,12	96:12	70:20 74:5,17
<b>ability</b> 4:13 30:1	<b>Acrobat</b> 23:19	<b>adhering</b> 86:11	<b>ago</b> 50:1	74:23 85:1
33:2 53:19	<b>acronyms</b> 117:4	<b>adjourn</b> 134:6	<b>agree</b> 7:22 22:24	103:7,14,18
57:11,19 58:6	<b>Act</b> 16:18 39:19	<b>adjourned</b> 134:8	23:1 70:7	104:9 105:16
63:7 70:22	45:22,23,24	<b>adjust</b> 78:13	129:18	105:19 126:25
71:19 72:3,10	51:25 52:9,10	81:10 95:19,22	<b>agreed</b> 87:22	<b>angle</b> 76:5
73:18,24 80:5	52:12,18,20,21	97:11,16,18	<b>ahead</b> 25:16 32:6	<b>annexations</b>
83:22 84:11,14	52:22 53:22	98:4	32:14 90:19	81:13 107:22
84:18 115:1	54:4 55:2,8	<b>adjustable</b> 96:20	103:16	<b>anonymity</b> 6:17
117:19 122:3	56:2,3,10,16	<b>adjusted</b> 92:1	<b>al</b> 1:2	<b>anonymous</b> 6:8
124:9 131:2	58:16 71:5 72:6	<b>adjustments</b>	<b>Alabama</b> 83:25	<b>anonymously</b>
132:13 135:9	72:17 73:3,6	89:14	<b>Alachua</b> 95:12,13	6:24 7:9
<b>able</b> 3:19 4:20	75:11 87:2	<b>Adobe</b> 23:19	<b>allegation</b> 8:19	<b>answer</b> 84:23
24:22 90:21	<b>active</b> 110:12	125:17	11:6 132:17	118:10 124:4
91:18 114:1	111:1	<b>adopt</b> 44:23 45:6	133:4	132:20
126:5,9 131:25	<b>acts</b> 67:24 125:23	80:12	<b>alleged</b> 127:16	<b>anti-retrogress...</b>
132:17	<b>actual</b> 10:15 14:5	<b>adopted</b> 17:7	<b>allow</b> 5:1 11:20	73:12
<b>abreast</b> 128:5	22:1 24:18	42:7 52:13	23:20 27:6	<b>anti-vote</b> 73:4
<b>abridging</b> 63:4	41:16 42:1 59:6	53:25 56:4	28:23 49:3,13	75:15
71:16	75:23 83:22	59:10 62:5	91:5 92:5	<b>anticipate</b> 124:4
<b>absolutely</b> 123:13	87:16	72:21 83:20	109:12 112:12	<b>anyplace</b> 11:25
<b>acceptable</b> 115:6	<b>add</b> 24:22 118:21	134:8	132:11	<b>apologize</b> 12:19
115:10	119:19,19	<b>adopting</b> 41:1	<b>allowed</b> 48:11	17:15 30:15
<b>accepted</b> 28:17	<b>added</b> 4:9 22:16	42:2 44:17	<b>allows</b> 92:25 93:6	97:13 98:24
<b>access</b> 3:23 4:1	56:17,20,21	<b>adopts</b> 45:8	98:13 110:23	111:8
4:10 5:4 6:1,19	126:25	<b>advantaged</b> 65:6	126:24	<b>appear</b> 94:13
6:23 13:2 22:15	<b>adding</b> 38:7 90:3	<b>adversary</b> 43:16	<b>alter</b> 35:3	<b>appearance</b> 3:5
24:2 37:17	118:22	<b>advocate</b> 126:1	<b>alternative</b> 96:11	18:25 19:1,6
70:12,16 71:8	<b>addition</b> 5:15	<b>affect</b> 16:23	96:12,16	<b>appearing</b> 19:2
88:10,15 90:11	73:20 90:21	84:11,13	<b>amend</b> 114:1	91:22
103:7	<b>additional</b> 13:23	<b>African</b> 83:8 84:3	115:3	<b>appendages</b>
<b>accessed</b> 105:3	31:22 47:9	96:9,13 119:2,7	<b>amendment</b> 51:2	80:24
<b>accessible</b> 127:4	<b>Additionally</b> 4:16	119:16	56:16 72:22	<b>apples</b> 110:4
<b>Accidentally</b>	<b>address</b> 6:21,22	<b>age</b> 29:19,20 30:5	129:14	<b>apples-to-apples</b>
116:15	11:21 34:25	30:22,25 31:5	<b>amendments</b>	120:23
<b>accommodate</b>	112:13,21	31:10,12,13,14	17:7 41:5 42:5	<b>applicable</b> 3:3
48:14 49:4	131:20 132:17	31:15,16 32:8	72:20 105:21	52:23 56:4,5
124:14	<b>addressed</b> 59:8	32:10,12,19,23	<b>American</b> 83:8	59:13
<b>account</b> 3:22 4:2	132:15	33:5,10 34:5,7	84:3 96:10,13	<b>application</b> 3:17
18:22 24:3,15	<b>addresses</b> 11:16	34:8 74:12 84:3	119:3,7,14,17	3:20,24 4:7
27:12,14 35:8	66:13 68:9	99:12,19,20	<b>amount</b> 106:19	5:17 7:8 11:14
81:21 88:13,13	<b>adds</b> 120:3	118:14,16,19,20	<b>analogous</b> 49:25	13:3 22:4,15
90:7,18,22	<b>adhere</b> 83:7,9	119:9	<b>analysis</b> 4:11	24:1,2,25 27:8
109:13	<b>adhered</b> 60:8,9	<b>agenda</b> 3:10 12:3	10:17 22:9	27:10,17 28:16
		38:16 124:22	25:12 26:19	32:3 56:15 57:2



87:9,17,23	arguments 70:10	audio 1:12 19:16	bad 25:13 104:22	109:14,14,25
88:10,19 89:10	77:22	author 5:13 26:6	balance 111:16	110:1 117:13
91:15 98:10	arrows 94:21	112:13,20	balanced 30:21	120:15,19
102:13 105:16	article 17:3,6	author's 29:11	balancing 85:18	121:8
126:24 132:7,8	39:25 40:11	authority 17:4	125:23	best 69:22 135:9
applications	42:11 46:25	39:15,23 40:9	ballot 72:22	Bethune-Hill
87:25 88:7	62:6,20,21	40:21 45:19	ballots 56:24	52:5
91:11	128:8	authorized 135:5	band 100:15	better 49:3 110:6
applied 54:3	articles 128:4	automated 122:4	101:1	114:13
57:21 75:11	artifacts 90:14	automatic 95:7	Bartlett 55:9	beyond 50:14
121:9	ascertainable	95:16	base 14:18 24:11	big 119:22
applies 64:21	81:23	automatically	95:25,25 96:4	bill 18:16,19
83:15	Asian 119:7,13	92:2 93:9 95:6	based 41:22	26:14 41:6 42:8
apply 16:18	asked 22:20	95:17 97:18	47:15 56:7,14	105:4,8 122:25
23:15 41:9 55:4	116:22 124:2	availability 46:13	57:1 58:17,20	binding 44:9
59:15 62:9,11	125:16	available 4:23 9:6	78:5,16,23	binoculars 93:24
75:16 83:4	asking 29:8	9:11 11:14,24	95:17 107:18	bit 16:2 20:11
85:14	117:22	14:12 22:4 23:3	113:18	39:10 48:24
apportion 40:14	aspect 34:5	23:8 25:10	basic 24:5 27:20	49:13 102:17
61:22	asserted 133:17	28:19 79:12	111:25	107:12,16
apportionment	asserting 133:5	90:15 96:19	basically 90:2	110:6
21:25 43:10,15	assertion 66:21	98:3 100:11	101:11	bizarre 79:6
44:6,9,12,16,24	assessing 79:9	102:15 103:3	basing 15:12	bizarrely 80:20
45:1,5,7,9,14	assign 92:8,22	103:24,25	basis 51:4 59:4	black 31:12,13,14
45:15 62:24	93:1,7,10,12	104:7 105:4,14	86:23	31:16 99:15,15
64:4,21	94:10	105:15 107:8	batches 23:3	99:16,18
appreciate 130:7	assigned 111:14	122:3 128:1	Bay 106:7	116:21 118:15
131:23	111:17	130:9 133:3	Bean 2:8,24	118:18,20,24,25
appreciated 87:6	assigning 51:4	avoid 75:3,7	bear 66:9,17	119:3,9,20,21
appropriately	53:16 86:22	avoided 86:7	beautiful 126:8	119:21
18:15 71:9	assignment 27:19		beg 129:14	blank 89:6
approval 41:13	41:17 52:2 91:3	<b>B</b>	beginning 2:1	109:15
42:9	92:5 93:5,18	back 17:23 18:10	7:17,23 104:24	block 10:7,11
approved 72:20	95:2 111:20	19:11,13,18	begins 79:1	21:23 27:19
April 35:5	112:2	20:16 21:4,8,9	belief 128:10,14	28:1,5,6,7
ArcGIS 28:25	assignments	21:10 23:23	believe 7:25 23:5	54:19 91:2,24
area 11:9 15:6,7	93:16	26:17 30:5 43:2	26:12,15 35:6	92:1,8,12 93:9
15:23 35:20	assist 79:8	83:3 94:24	36:4,21 37:8	blockers 107:14
54:4 66:10	associate 10:11	99:23 102:13	38:1 49:9 52:8	blocks 9:25 21:23
100:23 101:3,4	assumed 51:24	104:5 109:8	79:9 114:12,19	28:4,11 41:18
106:12 110:3	attempt 79:17	111:8 116:10	115:11 116:1	92:18,22 93:1
areas 39:13 94:2	attempting 33:8	116:25 117:10	126:4,18	95:18,20
96:5 109:23	attempts 72:8	120:12 121:14	129:21 130:24	blue 14:22
110:25 114:12	attendance 19:15	125:3 128:24	benchmark 36:9	Board 12:9 52:5
115:10	attention 5:10	130:2	36:17 73:25,25	bodies 76:8 81:25
argument 70:16	attorney 43:12	background 55:3	83:19 89:1,7,9	106:5,6
78:24 86:14	45:2 104:25	96:2	89:12,20	body 76:16

106:10 113:22 115:18 116:10 122:11 123:1,5 <b>bottom</b> 23:18 33:24 34:12 36:14 <b>bounce</b> 94:24 <b>boundaries</b> 48:16 61:11,20 66:25 67:8 69:23 75:6 77:3,7,17 78:9 80:15 81:5,6,7 81:8,11,13,20 81:21,22 82:7 82:15,17 85:15 100:22 101:2 105:23 106:14 106:24 107:12 107:15,17 108:16,18 109:2 <b>boundary</b> 25:12 26:19 75:24 81:10 82:3 105:16,19 106:19 107:2 108:24 <b>bounds</b> 105:14 <b>box</b> 90:5 94:20 126:16 <b>Bracey</b> 82:25 86:8 <b>Bracy</b> 2:8 60:1,3 60:6 61:2 82:22 82:24 83:2 85:2 86:10 87:3 112:25 113:2 113:23 115:16 116:11 <b>Bradley</b> 2:8,9 <b>break</b> 64:3 119:23 <b>breaking</b> 62:17 <b>breaks</b> 67:7 96:14 <b>briefed</b> 6:19 <b>bring</b> 5:9	<b>brings</b> 24:21 <b>broad</b> 67:24 131:11 <b>broken</b> 104:7,18 <b>brought</b> 68:22 105:20 129:10 132:15 134:5 <b>browser</b> 91:4 <b>Broxson</b> 2:7 134:6 <b>budget</b> 115:20 116:2 <b>budgets</b> 116:7 <b>burden</b> 6:1 57:17 <b>Bureau</b> 9:25 107:20 <b>Bureau's</b> 21:18 <b>Burgess</b> 2:10,11 <b>business</b> 113:4 134:4 <b>button</b> 22:16 92:15 98:17 102:15 109:12 <b>buttons</b> 36:15 99:23 <b>BVAP</b> 99:18 116:21 118:20 <b>Byrd</b> 1:6 <hr/> <b>C</b> <b>C</b> 26:8 <b>C0006</b> 25:15 <b>cabinet</b> 104:15 <b>calculate</b> 106:2 <b>calculated</b> 31:6,8 31:9 100:9,14 <b>calculates</b> 101:3 <b>calculation</b> 107:18 <b>calculations</b> 16:9 108:3 <b>calendar</b> 20:3 <b>call</b> 2:4 6:3 63:15 <b>called</b> 47:11 54:12 55:9 62:21 71:13 76:19 79:2	116:21 <b>calls</b> 9:17 11:5 <b>canceling</b> 51:7 <b>candidate</b> 33:3 44:1 54:21 58:8 72:3,10 73:24 <b>candidates</b> 4:13 4:15 57:12,20 58:7,9 73:19 74:8 <b>capture</b> 125:23 <b>capturing</b> 6:9 <b>card</b> 3:5 19:1,6 124:23,25 <b>cards</b> 18:25 131:16 <b>care</b> 20:8 94:11 <b>carry</b> 27:14 <b>case</b> 5:19 14:9 46:23 49:19 51:12 53:9 55:9 58:12 61:14 73:2 83:25 86:17 109:24 128:11,19 <b>cases</b> 46:6,10 52:19 <b>catches</b> 119:12 <b>categories</b> 96:15 103:8 106:17 <b>categorization</b> 118:11 <b>categorize</b> 118:6 120:2 <b>category</b> 119:12 119:18 <b>Cause</b> 1:2 50:10 <b>CDLT</b> 135:24 <b>Cecile</b> 125:1,5 <b>census</b> 9:25,25 10:7,7,11 14:6 15:22 17:11,22 21:18,22,24 22:2 28:1,3,5 30:8 34:19,23 35:3,6 40:8,14 95:15 107:20	107:23,24 108:19 116:23 117:24 118:4 118:23 121:9 <b>Center</b> 10:6 <b>certain</b> 35:14 53:21 56:5 61:25 62:1 75:1 79:7,14 83:6 84:12,14 86:25 <b>certainly</b> 32:10 38:6 65:23 131:11 <b>CERTIFICATE</b> 135:1 <b>certify</b> 135:3 <b>CFO</b> 104:21 <b>chair</b> 2:2,5,6,7,22 2:23 5:23 6:18 7:14,22 8:2,3 8:17 9:20 11:3 11:10 12:2 30:4 32:5,14 33:14 33:25 34:2,13 34:17 36:1,6 37:10,13,21 38:12,13,14,20 44:20 59:18,22 60:2,4,12 61:3 61:5 68:8,25 69:2,9 70:3,6 82:18,20,23,25 83:13 85:3,12 86:8,19 87:4,7 87:8 113:1,7 114:3 115:22 116:12,17 117:18 118:8 120:9,16 121:12,13,24 122:1,8 123:7 123:15,17,25 124:20 127:2,5 127:7,13,23 128:15 129:21 130:5,15,20 131:15 134:6	<b>chairman</b> 12:6 18:7 22:17 29:12 30:14 32:15 35:3 36:5 36:25 37:8,25 60:1,11 70:7 87:12 113:3 117:20 <b>chance</b> 87:18 97:15 <b>change</b> 14:19 15:15,18 20:24 24:11,16 57:9 81:13 92:10,14 96:4,21,22 97:21 108:16 117:15 128:10 <b>changed</b> 108:20 109:2 <b>changes</b> 57:18 90:3 108:24 117:23 125:17 125:20 <b>changing</b> 58:25 107:17 <b>Channel</b> 1:14 <b>Chapter</b> 41:6 42:6 <b>character</b> 25:22 26:7 28:8 <b>characteristics</b> 96:23 <b>charge</b> 113:16 114:6 122:22 <b>Charlotte</b> 49:14 <b>chart</b> 17:14 <b>charts</b> 17:12 <b>check</b> 3:3 110:15 111:13,22 130:11,25 131:2 <b>checking</b> 110:8 <b>checks</b> 111:9,12 111:20,22 <b>choice</b> 4:15 33:4 53:2 54:21 55:1 57:12,21 58:9
--	--	---	--	--



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 4

63:8 70:23 71:20 72:3,11 74:8 <b>choose</b> 7:9 89:13 90:10 113:21 <b>chooses</b> 67:22 <b>chose</b> 88:1 <b>chosen</b> 47:2 122:15 <b>circle</b> 79:19,22 101:4,8,12 102:3 <b>circles</b> 101:14,16 <b>circular</b> 100:16 <b>circumference</b> 101:5 <b>circumstance</b> 85:14 <b>circumstances</b> 53:21 54:24 68:1 69:19 73:9 83:16 86:25 101:15 119:1 <b>circumstantial</b> 65:21 66:1,16 68:2 69:14,19 70:1 <b>cited</b> 51:10 61:21 66:3 <b>cities</b> 13:12 15:15 108:4,5,10 109:1,4,5 <b>citizenry</b> 126:2 <b>citizens</b> 44:10 51:4 130:10,24 <b>citizenship</b> 84:11 <b>city</b> 15:10 106:13 <b>claims</b> 49:23 50:3 50:13,20,23,24 51:9,14,15 52:11,12 64:10 72:7 <b>clarified</b> 132:3 134:2 <b>clarify</b> 131:25 <b>clarity</b> 123:8 <b>clause</b> 47:18 51:2	<b>CLE</b> 39:6 <b>clear</b> 129:9 132:20 133:1 133:20 <b>click</b> 13:22 25:11 29:24 36:10 89:23 92:21 93:1,16,18,21 94:3,10 112:7 <b>clicked</b> 15:16 95:11 <b>clicking</b> 91:19 92:13 93:2 <b>close</b> 79:18,21 80:21 <b>cloud-based</b> 88:14 <b>coalition</b> 37:16 37:18 38:8 55:15 73:21 125:16 129:10 <b>code</b> 28:4,8 96:18 <b>coded</b> 104:2,23 <b>coding</b> 13:15 <b>cohesion</b> 54:17 <b>coil</b> 102:4,8 <b>coincidence</b> 106:2,16,18 <b>Collier</b> 56:18 <b>color</b> 13:15 96:18 97:20 <b>color-coded</b> 96:7 <b>colorful</b> 65:14 <b>coloring</b> 27:15 <b>colorings</b> 98:3 <b>colors</b> 96:21 <b>Columbia</b> 33:16 <b>combat</b> 52:13 <b>combinations</b> 99:17 <b>combined</b> 44:3 98:18 <b>come</b> 2:3 18:19 29:10 39:1 42:24 54:9 89:23 90:4 93:10 96:3,10	97:7,10,16 98:15 112:6 114:20,24,25 116:10 <b>comes</b> 35:11 60:24 102:20 115:23 <b>comma</b> 28:8 <b>comment</b> 4:25 5:9 7:15 8:14 23:2 123:20,22 124:9,13,16,23 124:23,25 126:16 130:1 130:23 131:16 131:17 <b>comments</b> 5:2,5 7:18,25 8:1,6 22:21 23:2 130:3,17 131:19 134:4 <b>committee</b> 1:13 2:2 3:5,11 4:3 5:7,10 12:8,11 17:25 18:4,5 19:3,3,8,11,14 19:16 20:6 21:16 25:25 29:8 38:21 39:3 49:25 59:24 113:7 114:2,4,5 114:21 115:23 115:24 123:4 123:13,22 124:6,10,11,15 125:14 128:18 131:21 <b>committees</b> 17:25 19:10 36:20 41:11 114:22 <b>common</b> 1:2 50:10 76:5 101:25 <b>commonly</b> 28:24 80:8 81:23 <b>communicate</b> 4:20	<b>communicating</b> 15:21 <b>communities</b> 129:4,11,19 <b>community</b> 78:22 83:8 117:7 <b>compact</b> 53:11 54:14 55:22 77:1 79:5,14 108:6 <b>compactness</b> 26:20 27:1,2 48:15 66:24 75:1,5 77:5,16 78:19,21,21,23 78:25 79:8,9,16 79:21 80:3,6,10 80:14 99:24 100:1,8 101:18 101:22 102:1 102:14 105:9 105:10 108:13 <b>compare</b> 109:10 109:16 110:10 121:3 <b>compared</b> 15:12 <b>comparing</b> 109:25 110:3 <b>comparison</b> 89:11 109:18 111:3 120:23 <b>comparisons</b> 110:21 <b>compelling</b> 51:22 52:1 <b>compiling</b> 94:1 <b>complete</b> 25:3 28:2,3 <b>completed</b> 29:3 36:2 <b>completely</b> 132:19,21 133:1 <b>complex</b> 54:4 74:9 <b>compliance</b> 51:24 66:19 76:21	78:17 105:22 <b>compliant</b> 67:23 <b>comply</b> 52:9 <b>component</b> 70:19 <b>composed</b> 28:5 <b>composition</b> 65:5 <b>compromised</b> 75:3 <b>concavities</b> 100:21 <b>concept</b> 15:10 <b>concepts</b> 5:8 39:8 <b>concern</b> 9:12,14 9:15 130:23 131:4,8 <b>concerns</b> 123:19 <b>concert</b> 32:24 101:19 <b>concludes</b> 37:8 131:17 <b>conditions</b> 59:3 <b>conduct</b> 4:10 33:1 <b>conducting</b> 31:25 <b>confer</b> 116:9 <b>conference</b> 116:8 <b>configurations</b> 121:8 <b>configured</b> 20:22 <b>conflict</b> 63:20 77:11 <b>conflicts</b> 76:23 <b>conforming</b> 44:18 <b>confronting</b> 39:9 <b>Congress</b> 26:9 56:11 59:10 <b>Congress--</b> 61:8 <b>congressional</b> 13:12 14:2,9 16:10,11 20:17 21:12 39:22,24 40:7 41:3,4,7 42:4,14 46:7,19 58:2 60:21 61:10,19 62:10 86:1 88:24 89:4
--	--	--	---	--

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 5

89:17 97:15 109:25 <b>connect</b> 81:19 <b>connecting</b> 80:24 <b>connection</b> 87:15 <b>connectivity</b> 111:22 <b>consecutively</b> 40:16,18 <b>consensus</b> 114:23 <b>consider</b> 5:7 7:13 29:12 35:17 39:1 44:17 64:9 68:13 69:16 114:9 115:2 129:11 <b>consideration</b> 29:8,14 74:10 76:8 77:19 80:5 80:16,18 85:25 116:1 122:16 123:21 124:3 124:19 <b>considerations</b> 78:4,5 <b>considered</b> 7:10 29:9 33:19 34:9 51:13 56:14 68:11 70:1 121:18,22 <b>considering</b> 41:10 51:15 52:2 <b>considers</b> 45:4 74:24 <b>consist</b> 63:9,18 <b>consistent</b> 72:15 73:2 106:25 123:2 <b>constituents</b> 5:24 15:21 18:12 20:3 <b>constitute</b> 54:15 55:17,24 65:15 <b>constitution</b> 13:20 16:25 39:18,21 40:1	40:11 42:11,15 42:18 43:16 44:7,13 45:21 47:1 49:21 50:4 50:17 60:18,25 61:8,13,18,23 62:7,13,23 63:22 64:11,19 65:11,19 71:7 73:5,13 74:21 75:4 76:18 77:11,14,24 80:11,19 82:4 82:16 <b>Constitution's</b> 75:14 <b>constitutional</b> 38:24 39:14 41:8 42:22 45:25 46:2 50:12,20 52:11 60:20 61:9 64:14 65:1 78:6 78:15,17 81:1 82:4 111:25 <b>constitutionally</b> 67:23,24 <b>construct</b> 47:20 <b>construe</b> 72:13 72:14 73:1 <b>construed</b> 47:3 <b>consumption</b> 91:10 <b>contact</b> 4:2 18:15 29:11 36:18,19 75:23 97:8 <b>contain</b> 16:3 19:20 <b>contains</b> 21:14 22:13 <b>contest</b> 104:21 <b>contests</b> 104:15 104:15,16 <b>context</b> 84:4 94:23 <b>contiguity</b> 48:15 75:20,23,25	<b>contiguous</b> 62:2 63:10,18 76:11 76:15 106:6,11 112:3 <b>continue</b> 12:15 50:25 51:9 58:19 125:21 130:1,2,16 <b>contract</b> 8:10,16 8:20,22,25 9:3 9:5,11,13,16,17 9:23 10:23 11:4 11:9 133:6 <b>control</b> 84:18 <b>convened</b> 45:1 <b>convention</b> 25:17 25:21 26:16 <b>conversation</b> 125:21 126:20 128:16 129:25 130:21 <b>converse</b> 69:6 <b>conversely</b> 69:4 132:7 <b>convert</b> 130:22 <b>converted</b> 105:7 <b>convex</b> 80:7 100:16,20,24 102:9 <b>copy</b> 90:2 100:12 <b>Cord</b> 1:6 <b>corner</b> 76:5 <b>correct</b> 35:2 60:10 112:2 117:24 121:24 <b>corrected</b> 8:1 <b>correctional</b> 33:17 <b>correctly</b> 128:16 130:14 <b>correspondence</b> 18:6 <b>corresponding</b> 72:16 <b>corridors</b> 80:23 <b>cost</b> 88:11 <b>coughs</b> 19:5,12	<b>council</b> 38:17 <b>counsel</b> 5:18 101:13 113:9 125:10 <b>count</b> 109:4 119:3,8,24 <b>count--</b> 48:1 <b>counted</b> 34:15 35:4 119:9 <b>counterparts</b> 4:5 <b>counties</b> 13:12 14:17,20,21,23 15:1,11 21:22 48:3 49:4 56:13 56:17,20,23 57:3,19,24,25 58:10 75:12 78:8 81:9,10 82:9,11 95:21 95:23 <b>country</b> 80:2 <b>counts</b> 34:19 <b>county</b> 14:16 16:19 28:6 33:16 49:14 58:11 59:11 67:7 69:23 75:13 81:7,8,11 95:11,13 106:14 <b>couple</b> 36:4 82:12 113:25 126:22 131:19 <b>course</b> 39:6 52:13 77:10 78:12 81:14 128:4 <b>court</b> 7:6 42:17 43:4,5,6,13,15 44:4,8,11,19 45:3,3,9,10 46:5,23 47:7 50:2,6,10,21 51:12,16,23 55:11,19 57:16 58:5,12,14 59:1 59:9 60:16 64:9 64:12,23 65:11	65:15,20 66:2,7 66:11,18 67:12 67:20 68:1,12 68:19 69:6,15 70:15 72:12,18 72:20,24 73:1 75:22 77:22 78:1,20 79:1,25 80:23 81:21 86:17 113:11 129:8 <b>Court's</b> 44:5 <b>courts</b> 47:8 48:11 50:15,22,25 54:1 75:18 79:9 80:2,22 84:4,15 <b>cover</b> 24:7 96:25 <b>coverage</b> 16:21 58:15,23 59:9 59:10 <b>covered</b> 37:7 38:1 38:5 56:6,14,18 57:3,5,7,16 58:9,19 <b>covering</b> 39:14 104:17 <b>covers</b> 36:7 133:25 <b>COVID-19</b> 3:2 <b>cracking</b> 53:8,10 <b>create</b> 6:20,21 8:11 24:3,15 91:16 97:1 113:24 <b>created</b> 25:9 88:22 <b>creates</b> 109:22 <b>creating</b> 40:22 113:4 <b>creation</b> 9:17 18:23 32:21 73:6 <b>credentials</b> 3:25 88:12,16 <b>creek</b> 106:9 <b>crescent</b> 102:4 <b>criteria</b> 56:15
--	--	---	--	--



75:2 76:20 85:13 105:22 112:1 122:21 <b>cross</b> 109:22 110:18 <b>crosses</b> 76:9 <b>crossover</b> 73:21 <b>current</b> 46:13 58:18 59:2 93:20 117:13 <b>currently</b> 26:19 90:1 92:8 95:8 105:15 <b>custodian</b> 45:12 <b>custodians</b> 133:13 <b>cutoff</b> 107:23,24 <b>cycle</b> 16:15 21:6 43:8 44:22 49:6 51:10 55:11 58:14 61:16 64:25 66:3 68:15 70:11 78:24 80:1 81:15 84:16 87:23,24 106:1 <b>cycles</b> 10:20 46:17 129:2	70:25 71:9 74:13,13,14 103:7 104:9 105:2 108:19 113:8 116:19 116:19 118:24 120:2,18 121:7 121:9 127:9,10 127:16,18,19,21 127:25 128:2 132:5,7,12,12 132:18,18,21,23 <b>database</b> 8:11 9:18,21 <b>date</b> 107:23,24 <b>DATED</b> 135:13 <b>day</b> 3:16 35:6 135:13 <b>days</b> 43:10,18 44:15 45:10 <b>deannexations</b> 81:14 <b>debate</b> 115:2 <b>decade</b> 43:7 108:25 <b>decades</b> 27:23 <b>December</b> 9:9 <b>decennial</b> 40:8,14 <b>decide</b> 115:3,9 <b>decided</b> 46:5 55:11 <b>decides</b> 44:11 <b>deciding</b> 51:24 71:1 <b>decision</b> 41:14 51:18 60:16 64:8,13 75:14 124:7 128:23 131:6 <b>decisions</b> 43:5 46:14 47:5 51:23 <b>declaratory</b> 43:14 <b>default</b> 31:21 96:1 <b>defaults</b> 103:4	<b>defeat</b> 54:20 66:21 <b>deference</b> 67:21 67:25 <b>define</b> 32:16 105:23 <b>defined</b> 38:8 75:23 99:10 129:22 <b>delayed</b> 17:22 <b>delivered</b> 19:8 <b>demission—</b> 72:2 <b>democratic</b> 105:1 <b>demographic</b> 27:16 74:16 98:25 117:3 <b>demographics</b> 13:24 14:14 31:23 66:10,14 67:14 71:1 82:8 84:8 99:18 117:12,15,25 <b>demonstrated</b> 70:13 132:10 <b>demonstrates</b> 73:9 <b>demonstrating</b> 5:16 71:10 <b>demonstration</b> 87:10 90:7 <b>denominator</b> 10:1 <b>densities</b> 96:20 <b>denying</b> 63:4 71:16 <b>Department</b> 22:6 27:22 57:15 58:4 <b>depend</b> 115:5 <b>depending</b> 41:2 <b>depth</b> 16:2 24:7 <b>derive</b> 17:4 <b>describe</b> 41:23 80:6 <b>described</b> 39:11 103:14 <b>descriptions</b>	116:20 117:3 118:5 <b>descriptors</b> 116:23 <b>designate</b> 110:24 <b>designated</b> 112:21 <b>designed</b> 53:4 <b>designs</b> 79:6 <b>detail</b> 18:2 61:11 62:17 <b>detailed</b> 13:16 24:9 62:4 <b>determination</b> 74:10 <b>determine</b> 66:13 74:3,6 83:11,17 103:19 <b>determined</b> 122:13 <b>determines</b> 45:9 <b>determining</b> 43:14 44:8 <b>dev</b> 99:8 <b>developed</b> 25:20 61:15 <b>deviation</b> 14:4 48:24 49:3,16 78:7 98:3,4 99:4,6 111:18 <b>deviations</b> 48:12 48:19,20 49:8 78:10,16 <b>devices</b> 3:1 <b>dialog</b> 90:4 <b>difference</b> 14:5 16:14 <b>differences</b> 16:5 21:6 110:16,20 110:22 <b>different</b> 20:14 32:10 42:3 87:25 92:6 95:5 96:14,23 100:20 102:6 102:21 103:2 105:11 109:23	115:14 116:23 118:23 120:2 <b>differing</b> 107:16 110:25 <b>difficult</b> 101:14 <b>difficulty</b> 7:18 <b>digit</b> 28:4 <b>DIGITAL</b> 1:23 <b>digits</b> 26:2,10 <b>dilute</b> 53:6 <b>diluted</b> 73:11 <b>dilution</b> 51:6 55:14 71:25 72:8 73:4 75:16 <b>diminish</b> 53:19 57:19 58:6 63:7 71:18 73:17 <b>diminishing</b> 4:12 57:10 <b>diminishment</b> 16:24 60:24 72:2 74:2,4,25 75:15 83:21 84:5 <b>direct</b> 17:1 37:22 65:21,22 115:10 <b>directed</b> 44:14,23 122:21 <b>direction</b> 85:11 <b>directly</b> 5:2 94:8 128:22 130:18 <b>director</b> 5:3 34:18,25 43:23 79:10 87:10 132:4 <b>dis—</b> 33:23 69:12 <b>disadvantaged</b> 65:7 <b>disappear</b> 110:17 110:18 <b>discontiguities</b> 108:7,12 109:3 <b>discontiguous</b> 111:23 <b>discriminatory</b> 52:14
--	---	--	--	--

<b>discuss</b> 5:14 101:13	63:13 64:5,22 65:5,18 66:9,15	74:13 76:24 77:1 80:21,25	53:22 55:22 71:2 85:21	<b>Earth</b> 27:6 91:9
<b>discussed</b> 17:21 23:9 72:6 91:9 100:15 108:6	67:7,13 68:4,16 68:18,20,22 69:7,18,22,22	81:3 82:12 83:17 84:2 85:8 86:2,15 89:5	92:20 94:20 101:14 113:17 118:7 122:4,15	<b>easier</b> 41:23
<b>discussing</b> 66:23 88:17 90:14 91:1	73:7 74:7 75:25 76:2,3,9 77:1 78:11 79:2,5,14	94:5 97:11,17 97:20 98:6,12 98:13,14 100:1	<b>drawing</b> 3:23 4:7 6:6 11:16 13:3 24:19 32:13	<b>easily</b> 81:22
<b>discussion</b> 8:22 37:16 49:24 108:15 109:6 130:8	79:18,19 80:11 82:10 83:23,24 84:8 85:9 86:12 86:13,16,22,23	100:25 101:21 103:19 106:23 110:19 111:16 111:18 112:2	33:6,20 34:9 48:6 49:12 55:4 55:5 60:9,21	<b>edge</b> 93:4
<b>disfavor</b> 50:18 63:1,14 64:6,17 67:17 68:6 70:8	92:10 93:13 94:1 96:10 97:25 98:16,16	118:7 125:16 129:10,13 130:12	63:13 64:15 67:10 68:11 69:10 87:17	<b>educate</b> 128:6
<b>disfavoring</b> 69:14	98:18,18 99:3 100:22,23	<b>ditch</b> 106:10	89:6 91:15 96:6 96:9 97:12	<b>effect</b> 57:10 65:2 65:4,10,10
<b>dismissed</b> 9:12	101:2,4,6,9,11 106:19 107:2	<b>divide</b> 85:23 86:5	112:16 113:14 113:21 117:14	<b>effective</b> 32:22 53:18,24 83:18 83:22
<b>dispersion</b> 100:17	110:2 117:8,13 117:16,23	<b>dividing</b> 85:6	120:18 130:13	<b>effectively</b> 53:14
<b>display</b> 15:14 95:17	118:1 120:11 121:5,8 122:4 129:8 131:1,3	<b>division</b> 10:15 22:6,11 85:7	<b>drawn</b> 27:4,18 30:17 48:23	<b>effort</b> 31:18 47:19 67:17
<b>displayed</b> 27:17 97:24 105:8	<b>districting</b> 48:14 52:25	<b>document</b> 4:17 100:10 102:25	49:2,10 62:25 63:3 64:5 67:2	<b>either</b> 41:13 53:9 58:3 62:2 65:16 71:3 76:10 89:4 91:8 96:11
<b>disregard</b> 67:3	<b>districts</b> 4:12 13:14,17,23	<b>documentation</b> 32:17 103:15	68:21 69:4,7 71:15 100:2 131:4	102:25 115:3
<b>distance</b> 106:19	16:11,12,12 17:5 20:22,24	<b>documents</b> 4:18 37:4 100:7	<b>drive</b> 126:6	<b>elect</b> 4:15 33:2 53:1,20 54:25 57:11,20 58:7,8 63:7 70:22
<b>distinguishing</b> 62:14	21:1 27:3 32:22 37:16,18,18,23	<b>doing</b> 5:12 7:3 19:23 34:23	<b>driven</b> 84:7	71:19 72:3,10 73:18,24 83:18 83:22 84:11,14
<b>distribution</b> 120:24	39:24 40:8,10 40:16,19,23,24	53:19 73:17 89:16	<b>drop</b> 102:16	<b>elected</b> 18:10
<b>district</b> 5:24 13:24 14:2,3,9 20:17 26:5,20 26:25 27:15,15 28:8,10,12 30:15,18,20,23 30:25 31:1 32:11 33:2,9,11 33:20,23 34:4 34:10,11 35:13 35:23 38:8 47:14,15 48:21 49:8,10,12,15 50:5 51:4,20,20 52:3 53:12,17 53:20 54:16 55:18,23,25 57:16 61:10,19	40:24,25 41:4,7 41:19 42:4 45:15 46:7,19 46:21 47:7,10 47:16,16,20 48:1,2,4,7,13 48:24 49:2 52:3 53:12,23 54:8 55:5,6,16 61:25 62:1,10,11,25 63:3,9,18 71:2 71:14 73:15,16 73:21,21 74:11	<b>download</b> 22:2,8 23:19 27:13 32:2 90:17	<b>dropdown</b> 92:11 <b>dropped</b> 103:10 <b>dual</b> 111:13 <b>due</b> 101:15 <b>duly</b> 111:14	<b>election</b> 4:9 8:12 9:18 10:16 57:6 57:9,18 70:17 81:15 84:19,20 84:22 103:9,23 104:4,12,14
		<b>DOJ</b> 119:4	<b>E</b>	<b>elections</b> 10:3,9 10:15 22:7,10 40:2 44:2 52:6 52:15 66:12 103:25 104:1 104:13
		<b>double</b> 92:21 93:2	<b>e-mail</b> 7:16 18:22 103:1 112:13 112:21	<b>electoral</b> 35:19 53:14
		<b>downloaded</b> 132:5	<b>E-S-R-I</b> 11:4 126:24	<b>electronic</b> 3:1
		<b>downloading</b> 132:11	<b>earlier</b> 46:10 61:21 68:8 72:6 73:22 75:10 88:17 91:1 102:17 105:8 116:22 131:23	<b>electronically</b> 19:7
		<b>draft</b> 109:20 112:8		<b>element</b> 123:3
		<b>drafting</b> 117:22		<b>eligible</b> 35:9
		<b>drafts</b> 89:11		<b>eliminate</b> 7:4 73:14
		<b>dragging</b> 91:19		
		<b>draw</b> 3:19 17:4 22:16 33:8		



<b>emails</b> 7:21	86:3	104:20,22	<b>exported</b> 90:25	<b>feasible</b> 77:2,6
<b>embedded</b> 28:7	<b>equip</b> 39:7	107:8 110:5	<b>express</b> 14:7	81:4 82:7,15
29:1,2 108:18	<b>eradicate</b> 72:9	<b>examples</b> 81:24	66:19	85:16,17
<b>employed</b> 56:24	<b>Es--</b> 126:24	102:6	<b>expressed</b> 64:18	<b>feature</b> 18:17
<b>enact</b> 57:6	<b>especially</b> 66:6	<b>excel</b> 102:25	78:5 99:13,21	106:3
<b>enacted</b> 21:5	<b>Esri</b> 88:1,6	<b>excuse</b> 4:18 15:8	128:9	<b>features</b> 108:4,11
<b>enacting</b> 52:25	<b>essentially</b> 46:15	16:11 19:5,12	<b>expresses</b> 99:8	<b>federal</b> 39:16,18
<b>enclaves</b> 109:5	72:4 100:25	21:24 23:12	<b>extended</b> 55:14	45:16,18 46:1
<b>enclose</b> 100:24	102:11	76:3 79:15 99:5	58:24	47:8 48:18 50:4
<b>encompass</b> 76:19	<b>establish</b> 57:18	<b>excused</b> 2:24	<b>extent</b> 21:3 46:11	50:12,15,19,22
101:9	63:25 77:14	<b>execute</b> 93:17	75:7 77:4 85:16	50:25 52:11,11
<b>encourage</b>	<b>established</b> 41:5	<b>executed</b> 8:24 9:2	85:17,20 86:7	57:16 58:5 61:1
126:17	42:5 48:17 50:7	9:8,23	94:22	64:11,20 71:3
<b>enforce</b> 57:7,13	117:16	<b>executes</b> 93:19	<b>extents</b> 94:22	72:16 74:19,21
<b>enforceable</b>	<b>establishing</b> 41:7	<b>exempted</b> 8:14	<b>extraordinary</b>	76:24 77:10,10
60:15 75:18	61:9	<b>exempting</b> 8:12	44:16,24,25	77:25 125:24
<b>enforcing</b> 57:8	<b>et</b> 1:2	<b>exempts</b> 9:18	45:8	<b>feel</b> 123:1 125:18
<b>engaged</b> 37:1	<b>ethnic</b> 51:8	<b>exercise</b> 53:14,18	<b>eyes</b> 79:4	126:18
<b>engaging</b> 37:2	<b>ethnicity</b> 116:24	<b>exercised</b> 40:21		<b>Ferrin</b> 5:3,16
<b>English</b> 56:24	<b>evaluate</b> 70:21	<b>existence</b> 105:20	<b>F</b>	12:5,6 30:11,14
57:1	74:6	<b>existing</b> 10:12	<b>facilitate</b> 109:18	32:15 34:18,25
<b>enhance</b> 52:15	<b>evaluating</b> 68:13	18:11 77:2,6	<b>fact</b> 70:16 72:24	35:2 36:4,7
<b>enhancements</b>	80:3	78:8 81:4	74:18 88:6	37:25 38:3
4:6	<b>evaluation</b> 68:6	109:13,20	101:16	87:10,12
<b>ensure</b> 4:11 33:1	<b>event</b> 37:5 63:20	<b>exists</b> 123:3	<b>factor</b> 51:17	117:20 118:3
35:23 55:5	77:11	<b>expanded</b> 19:15	<b>factors</b> 35:18	118:10,13,18
60:23 83:19	<b>everybody</b> 107:7	<b>experience</b> 85:6	54:12,22 69:25	119:6,16 120:1
111:24 122:9	131:9	<b>expiration</b> 9:1	74:24 80:10	120:6,17 132:4
<b>enter</b> 102:23	<b>evidence</b> 1:23	<b>expired</b> 8:25 9:7	84:9,15 85:1,19	<b>field</b> 50:11 99:2
112:14	65:21,22 66:1,5	<b>explain</b> 25:16	<b>fails</b> 45:6	<b>fields</b> 27:16 31:20
<b>enters</b> 22:8 43:18	66:8,16 67:1,5	33:21 34:4,7	<b>Fair</b> 125:15 129:8	32:16,17 98:25
<b>entire</b> 75:17	68:2 69:14,19	37:19 60:14,17	129:10,13	99:9 103:2,11
115:17	70:1	<b>explained</b> 9:22	<b>faith</b> 47:19	103:12 112:10
<b>entirely</b> 49:14	<b>evil</b> 65:13	37:19	<b>fall</b> 11:22 119:17	<b>figure</b> 30:6 79:13
<b>environment</b>	<b>exact</b> 42:21 86:2	<b>explaining</b> 79:11	<b>fall's</b> 44:2	<b>figures</b> 120:21,22
5:18	<b>exactly</b> 9:22	<b>explains</b> 26:15	<b>familiar</b> 11:8	<b>file</b> 1:12 27:5,8,8
<b>equal</b> 13:19	24:10 86:5,21	32:9 49:7	<b>family</b> 130:12	27:13,19,20
47:18,21 51:1	<b>examination</b>	<b>explanation</b> 7:19	<b>far</b> 50:8,8 59:24	28:21,23,24
63:5 64:2 71:16	80:21	11:1 21:19	99:6	45:11 90:16
76:25 77:18	<b>examine</b> 35:22	<b>explicit</b> 78:15	<b>fashion</b> 30:3	91:3,6,7 97:3
78:2,15 83:4	<b>examines</b> 65:20	<b>explicitly</b> 82:5	<b>favor</b> 50:18 63:1	121:20
86:5 89:14	<b>examining</b> 54:8	<b>explore</b> 20:21	63:14 64:6,15	<b>filed</b> 121:22
101:5 120:7	<b>example</b> 25:11,13	<b>exponentially</b>	67:17 68:6,21	<b>files</b> 28:22 45:2
<b>equality</b> 46:3,8	49:5 67:9 68:15	14:23	69:12 70:8	<b>filing</b> 43:18
46:24 47:4,11	76:13 79:23	<b>export</b> 24:4,18	<b>favoring</b> 69:13	<b>fill</b> 3:5 97:22
48:8,13 77:4,16	83:24 84:1	28:14,18 91:8	<b>favoritism</b> 66:14	112:23 121:16
77:21,23 85:19	86:18 102:8	105:10	68:24	121:17

<b>fillable</b> 23:9	60:18 61:6,13	<b>formally</b> 41:5	<b>functionality</b>	<b>geometry</b> 95:5,10
<b>filled</b> 19:1	61:17 62:6	42:5	24:5,10	95:15 96:18
<b>filling</b> 22:20	64:19,23 65:20	<b>format</b> 27:9,20	<b>further</b> 38:15	100:25 108:3
<b>final</b> 75:19	70:15 71:7,23	27:23 28:13	87:4 91:25	<b>gerrymandering</b>
115:17 124:4	72:12 73:5,13	90:24 91:2,10	124:12	49:23 50:3,13
131:18	73:14 75:4,12	102:24 105:11	<b>furthest</b> 21:10	50:23,24 51:3
<b>finally</b> 4:22 18:24	75:14 76:7,12	<b>formats</b> 22:5		51:14 64:10
22:5 70:8	76:18 77:22,24	25:18 28:23	<b>G</b>	71:4 74:20
<b>find</b> 11:11 18:2	80:11,19 81:17	<b>formatted</b> 91:7	<b>GE20VT</b> 104:3	<b>getting</b> 7:20 9:23
18:10,14 37:5	82:3 87:21,22	<b>formula</b> 16:21	<b>general</b> 12:25	23:23 109:8
41:20 69:21	88:3,23 107:18	56:7 57:2 58:15	21:17 24:7 32:9	<b>Gibson</b> 2:12 5:21
94:2 97:7	107:21 113:10	58:24,25 59:2,9	43:12 45:2	5:22 6:18 30:4
<b>finding</b> 93:25	125:7 128:9	59:11	48:17 54:9	30:12 32:4,7
<b>fine</b> 25:13	<b>Florida's</b> 39:20	<b>forth</b> 82:1 94:14	84:21 103:15	33:12,15 34:1,6
<b>first</b> 7:2 8:6 25:22	59:15 64:14	94:25 113:12	103:25 104:1,4	34:14 37:11,13
36:13 45:21	65:1 101:15	130:2	104:7,21,25	38:2,10,13
58:13 61:17	108:5 120:24	<b>forward</b> 95:1	<b>generalized</b> 17:21	116:13,14,16
62:19 63:12	<b>Floridaredistri...</b>	113:18 129:10	<b>generally</b> 20:4	117:25 118:4,9
64:4,24 70:10	4:24 12:5	131:15 134:5	<b>generate</b> 105:12	118:12,17
72:12 88:19	<b>flow</b> 17:14	<b>found</b> 7:6 39:25	106:15,18	119:5,15,25
116:18,24	<b>flsenate.gov</b>	40:10 42:10	<b>generated</b> 102:18	120:5,8,10
118:13 121:18	18:12,17 19:19	58:14,15 62:5	<b>generates</b> 105:7	121:10,13,25
128:17 131:22	<b>focus</b> 83:16	62:12,20 68:17	<b>generic</b> 90:1	122:7 123:7,16
<b>five</b> 44:15 56:17	<b>folks</b> 33:21	69:5,11 74:20	<b>geocoding</b> 11:5,5	<b>GIS</b> 28:25 88:2,7
56:23 57:2 58:9	<b>follow</b> 11:1 18:20	75:25	11:6,13,18,23	91:11
75:11	32:4 33:12 78:8	<b>four</b> 26:10	11:24 130:9	<b>GIS-based</b> 28:23
<b>fixed</b> 7:20 74:16	92:19 106:20	<b>frankly</b> 130:23	131:8	<b>give</b> 6:14 15:18
81:8 91:2,9	106:24 113:23	<b>free</b> 3:22 13:2	<b>geographic</b> 80:9	16:7 25:18 75:6
<b>flaws</b> 79:17	121:10 131:13	18:21 23:19	80:15 105:23	87:13,17 89:24
<b>flexibility</b> 47:9	<b>followed</b> 17:17	88:11 113:19	106:24 107:1	122:22 126:20
82:5	106:11	<b>frequently</b>	108:9	<b>given</b> 43:22 62:23
<b>flooded</b> 122:6	<b>following</b> 40:13	108:17	<b>geographical</b>	97:14 113:19
<b>floor</b> 41:11	43:21 44:25	<b>Friday</b> 4:7	21:20 66:24	<b>giving</b> 54:5
115:25 116:3	75:13 114:6	<b>front</b> 12:18	75:6 77:3,7,17	<b>glad</b> 8:18
<b>Florida</b> 1:14 8:10	<b>footer</b> 23:17	<b>FSU</b> 133:6,10,18	78:9,21 79:15	<b>glass</b> 93:22
9:24 10:5 13:20	<b>footing</b> 64:2	<b>fulfill</b> 133:7,18,22	81:5,21 82:3,14	<b>glossary</b> 21:14
16:22,25 17:20	<b>forbids</b> 51:2,6	<b>fulfilled</b> 133:9	85:15 106:3	38:1,5,7
20:15 22:6	<b>foregoing</b> 135:5	<b>full</b> 114:4,21	108:4	<b>go</b> 6:2 7:8 12:13
39:19 40:11	<b>foreign</b> 4:21 37:6	<b>fully</b> 123:10	<b>geographically</b>	13:10 18:1
41:6,19 42:6,15	<b>forgot</b> 22:19	<b>function</b> 11:18	53:11 54:14	20:18 21:4,11
42:17 43:5,12	107:13	<b>functional</b> 4:11	55:22	22:2,7,14 23:18
43:13 44:3,5,13	<b>form</b> 22:21 23:1	10:17 22:9	<b>geography</b> 92:6	25:7,16 26:13
46:16,18 47:14	23:7,8,21 25:4	31:25 33:1	93:6,25 94:24	26:21 30:5 32:5
47:15 48:23	25:6 29:4,11	35:10,22 70:19	101:15 106:21	32:14 36:5,19
49:7 50:17	41:17 53:24	74:5,17,23	107:23,24	61:11 83:3
56:12,12,13,17	111:1 112:22	103:7,13,18	<b>geometrical</b>	87:13 90:19
58:1 59:17	121:16,17	104:9 126:25	79:16	92:16 94:13



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 10

95:1 97:1,2,8 104:13 113:4 113:19 114:14 114:15 115:12 115:25 116:14 116:25 118:6 121:14 128:23 128:24 goes 18:6,21 24:6 35:19 43:2 45:3 104:5 115:15 going 7:12 8:21 15:14 16:3 17:16 19:13,20 20:4,12,15 21:7 24:8 25:9 26:3 26:4,12 29:25 30:16 35:22 79:10 87:8 88:19 89:19 91:14,15,23 92:3 96:25 99:22 101:8,10 103:12,17,19 105:5,12 106:2 106:17 107:5 109:21 110:6 110:17 111:13 111:24 112:10 112:11,18 113:3,8,12 114:19 115:5 117:10 120:22 126:5 130:9,16 good 21:19 47:19 52:7 59:19 Google 27:6 36:23 91:9 gotten 10:6,8 113:9 govern 45:20 governing 38:24 46:2 48:8 54:3 Government 133:23 governments 88:5	governor 41:13 42:9 44:14 governs 17:2 great 18:1 38:10 greater 48:21 49:10 56:25 106:6 grossly 67:8 grounded 46:24 grounds 78:10 group 1:23 28:7 35:21 54:11,18 55:16,23 56:22 57:11,20 70:21 74:14 91:24 92:18 93:12 group's 72:2,10 73:18 grouped 62:7,15 groupings 48:3 groups 21:23 53:23 54:23 73:23 84:17 grow 13:18 grown 14:22 growth 14:15 15:15,22 120:25 gubernatorial 104:16 guess 120:10 121:16 127:22 128:12 guidance 119:4 guide 5:20 23:24 23:25 38:25 97:4 guided 72:17 guy 128:17	107:15 happen 28:11 65:24 91:14 happened 7:6 44:21 108:24 happens 26:11 happy 129:24 Hardee 56:19 Harrell 2:13,14 hatches 109:22 HBVAP 118:18 118:21 hear 5:17 30:7,9 37:16 126:12 130:13 heard 5:24 30:6 101:13 125:19 126:19,23 130:24 hearing 113:8 124:10,15 126:4 128:20 hearings 124:1 124:18 heavily 50:17 51:1 held 46:14 47:5 50:2,11 64:25 help 23:24 24:6 32:18 37:3,4 86:14 97:4 99:11 103:14 111:24 helpful 15:23 32:12 125:9 128:3 131:12 helps 31:3 Hendry 56:19 hey 107:12 hidden 8:20 9:16 hiding 8:8 9:4,12 127:16 132:18 132:18 hierarchy 21:19 21:20 high 79:20 high- 39:5	high-level 54:5 higher 39:10 77:19 highest 80:13 highlighted 43:4 highly 54:4 67:14 highways 85:21 Hillsborough 56:19 Hispanic 31:13 31:13,15 96:13 99:15,15,19 118:18,22,24 119:17,21,21 historical 20:13 20:25 historically 73:16 hitting 98:17 Holder 16:20 58:11 59:11 75:13 holding 40:2 holes 108:7,12 109:4 home 12:23 13:5 15:9,25 125:18 honest 47:19 hope 12:11 65:23 house 3:13 4:6,17 13:11 16:12 18:3 19:24 20:16 21:13 26:1,8,13 40:24 41:12 42:8 47:15,16 48:4 49:9,14 62:1 68:19,22 69:7 87:21 88:24 89:4 115:19 116:4,9 House's 17:25 houses 47:20 48:9 HTML 102:25 Hull 80:7 100:16 100:20 102:9 HVAP 99:19	<b>I</b> idea 38:23 39:7 49:22 66:22 67:1 ideal 14:1,5,17 16:9,10,13 46:9 46:18 47:13 97:17 99:7 identical 62:2,8 identified 56:6 58:20 identifier 28:5 identify 11:15 26:5 101:21 106:23 ill 122:13 illustration 101:25 image 27:3 91:8 100:15 imagery 96:3,5 imagine 15:3 immediately 57:7 127:10 impacts 33:22 34:11 impermissible 67:2 71:25 72:1 72:7,9 implemented 4:25 import 24:17 28:15,18,24 91:1 important 6:12 126:1,12 127:13 importantly 110:22 imported 90:25 imposed 39:20 imposes 71:22 77:24 impressed 125:13 impression 126:21
--	--	--	---	--

<b>improper</b> 65:13 65:16,16,17 66:21 67:5,11 67:18 68:1,13 71:11	<b>incumbent</b> 11:16 63:2,15 64:7,16 64:17 65:6 66:14 68:5,7,8 68:23 70:9	113:18 114:11 114:14 128:24 128:25	72:19	26:17 102:13
<b>improperly</b> 53:5	<b>incumbents</b> 50:19 66:13 68:3 69:17	<b>inquiry</b> 83:16	<b>interpreted</b> 72:23	<b>jurisdiction</b> 57:5 57:8
<b>improved</b> 106:1 114:13 115:11	<b>indentations</b> 100:22	<b>instance</b> 28:12 31:2	<b>interpreting</b> 61:14 64:24	<b>jurisdictions</b> 16:22 56:6,13 56:14,18 57:3 57:17 58:19 59:5
<b>improvements</b> 12:16	<b>independent</b> 5:6 102:15	<b>institutions</b> 33:17	<b>introduction</b> 38:16,22 39:5	<b>Justice</b> 27:22 57:15 58:4
<b>improves</b> 115:15	<b>indicate</b> 33:7 35:12	<b>instructions</b> 3:25 23:15	<b>introductory</b> 39:11 44:21	<b>justifiable</b> 50:3
<b>inaccuracy</b> 132:14	<b>indicates</b> 30:24	<b>integrated</b> 132:21,23,25	<b>invalid</b> 44:12 45:10 48:22 65:18	<b>justifiably</b> 64:10
<b>inaccurate</b> 11:12 132:11 133:8	<b>indication</b> 117:14	<b>integrity</b> 111:9,9 111:12	<b>invalidated</b> 16:20	<b>justification</b> 51:5 67:9,15
<b>inaudible</b> 8:21 30:13 34:13 38:11 97:2 113:1 115:21 116:16 128:17	<b>individual</b> 62:25 64:5 117:10 119:6,13	<b>intent</b> 5:14 50:18 63:1,4,14 64:6 65:2,3,11,13,16 65:17,17,21,22 66:1,9,17,21 67:6,18 68:2,6 68:14 69:5,13 70:2,8,14 71:11 71:15 122:13	<b>invidiously</b> 51:7	<b>justified</b> 52:1 81:1 86:24
<b>incarcerated</b> 33:18 34:20,21 35:8	<b>individually</b> 64:23	<b>intention</b> 53:3	<b>involved</b> 22:13	<b>K</b>
<b>incarceration</b> 35:21	<b>individuals</b> 33:18 33:18 118:6	<b>intentional</b> 51:6	<b>involves</b> 43:24	<b>keep</b> 20:1 21:2 49:13 78:8 107:5 128:5 129:5
<b>include</b> 42:21,25 69:5 103:18 105:4 119:2 129:19	<b>inevitably</b> 65:4 82:13	<b>intentionally</b> 51:3 53:16 67:2 86:22	<b>irregular</b> 67:14	<b>keeping</b> 49:4
<b>included</b> 6:15 46:21 108:22	<b>infer</b> 68:1	<b>intently</b> 125:7	<b>isolated</b> 76:1 80:24	<b>key</b> 45:19
<b>includes</b> 29:1 66:9 90:9 99:16 106:4	<b>inferred</b> 67:18 68:20	<b>interact</b> 123:22	<b>isolation</b> 35:17	<b>Keys</b> 76:12
<b>including</b> 17:3 24:2 34:3	<b>influence</b> 80:10 131:6	<b>interaction</b> 12:21 126:9	<b>issue</b> 52:18 87:14	<b>kind</b> 22:21 24:12 25:20 26:23 35:16,25 36:17 55:15 93:6 94:6 94:23 95:16 99:1 101:24 102:2 107:11 108:8 110:3,14 111:1 112:5 117:4
<b>inclusion</b> 29:9 31:20	<b>inform</b> 16:17	<b>interactive</b> 11:19 11:20 12:21 13:6 15:9 20:20 29:23 30:3	<b>issues</b> 7:24 43:1	<b>KML</b> 91:8
<b>incorporated</b> 98:9	<b>information</b> 6:1 12:24 13:23 16:3,7,16 18:2 18:13 19:21,25 22:24 24:8 29:11 36:19 68:9 97:7 107:19 108:23 109:3 112:15 129:16	<b>interactively</b> 27:7	<b>item</b> 108:14	<b>KMZ</b> 27:5
<b>incorporates</b> 60:18	<b>initial</b> 33:6 66:6	<b>interest</b> 29:7 51:22 52:1 78:22 129:4,12 129:19	<b>items</b> 97:2	<b>know</b> 24:15 25:2 32:20 35:22 37:17 59:19 88:14 94:11 102:3 112:11 116:5 123:8,9 124:2 125:22 125:25 129:3 130:11
<b>incorporating</b> 5:8	<b>initiated</b> 43:10	<b>interim</b> 124:7	<b>iteration</b> 115:14	<b>knowledge</b> 39:8
<b>increase</b> 15:20	<b>inmates</b> 34:20	<b>interocular</b> 79:3 101:20	<b>iterations</b> 113:25	
<b>increased</b> 15:18	<b>input</b> 22:17	<b>interpret</b> 72:24	<b>jump</b> 36:11 110:25	
		<b>interpretation</b>	<b>jumping</b> 17:23	



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 12

<b>L</b>	<b>legal</b> 5:18 45:19 68:5 86:20 131:11 <b>legend</b> 13:16 <b>legislation</b> 18:20 41:10,16 42:1 115:2 122:24 <b>legislative</b> 17:18 39:15 40:9 41:20 42:2,4,13 43:25 45:15 47:6 48:7,13 58:3 60:22 61:10,19 62:11 133:5,17 <b>legislator's</b> 11:16 <b>legislature</b> 3:21 13:4 17:3 24:20 26:4 40:4,12,21 44:15 45:6 47:21 48:10 52:7 55:4 60:23 61:22 66:17 67:10,21 70:13 70:20,24,25 73:14 74:5 80:12,17 81:9 82:6,16 83:20 129:3,11 133:21 <b>legislature's</b> 51:18 77:18 <b>Legislatures</b> 12:9 <b>let's</b> 9:20 12:3,3 59:22 61:4 83:7 98:21 130:7 <b>letter</b> 25:23,25 26:7 <b>letting</b> 129:3 <b>level</b> 14:16 39:6 39:10 53:17 64:20 65:12 77:18 94:23 95:2,7,18,19,21 <b>levels</b> 95:15 96:18 <b>limited</b> 33:5 <b>line</b> 46:14 65:9	68:18 92:24 93:1 106:8 117:4 <b>lines</b> 32:13 41:24 65:3 66:10 69:11 85:21 91:22,23,24 92:1 95:22 97:21 <b>link</b> 18:10,16 19:11 20:6 21:18,24 22:1,5 23:17,23 29:24 <b>linked</b> 20:2 <b>links</b> 19:1,18 22:13 36:9 97:4 <b>list</b> 28:1 36:15 56:18 90:6 94:9 94:12 102:2 <b>listed</b> 14:2 28:12 31:5 54:13 98:25 103:5,13 103:16 <b>listened</b> 125:7 <b>listening</b> 125:14 125:15 <b>litigated</b> 75:21 76:7 <b>litigation</b> 70:11 129:9 <b>little</b> 16:2,18 20:10 39:10 49:13,16 93:18 94:4 100:4 102:17 107:11 107:16 110:6 111:22 <b>live</b> 3:15 12:8 20:7 23:5 <b>lived</b> 19:22 <b>load</b> 23:14 24:16 27:11,14 112:11 <b>loaded</b> 89:9 110:11 111:4 <b>local</b> 47:9 88:4 90:13,16	<b>locally</b> 90:23 <b>located</b> 89:1 <b>location</b> 91:6 <b>log</b> 18:19 32:1,2 88:13 <b>logged</b> 89:18 <b>logging</b> 3:25 <b>login</b> 18:18 <b>logs</b> 88:18 <b>long</b> 55:13 68:18 71:21 78:4 84:23 102:11 <b>longer</b> 16:21 48:6 50:20 59:2 128:19 129:6 <b>look</b> 21:1,2 29:10 38:6 41:19,25 66:5 70:24 79:3 79:4 102:2 107:7 117:8 121:1 122:2 128:25 131:5 131:15 <b>looked</b> 66:2,16 84:16 108:2,8 120:12 <b>looking</b> 18:13 32:23 33:9 79:1 94:25 96:8 110:7 117:12 121:7 122:19 131:7 <b>looks</b> 30:2 41:16 41:24 51:16 70:25 79:22 117:7 120:14 <b>lost</b> 14:21 15:1 <b>lot</b> 19:20 96:23 97:9 101:7 120:1 121:4 125:24,25 <b>low</b> 35:21 101:10 <b>lower</b> 35:15 47:8 98:5 <b>lowest</b> 10:1	<b>M</b> 1:24 <b>Ma'am</b> 130:15 <b>machine</b> 90:24 <b>made-up</b> 30:20 <b>magnifying</b> 93:22 <b>maintained</b> 133:15 <b>majorities</b> 53:24 <b>majority</b> 41:12 54:16,20 55:17 55:24 59:8 83:10 115:24 <b>majority-</b> 73:14 <b>majority-mino...</b> 73:7,20 <b>making</b> 5:17 45:13 90:2 111:15 123:9 131:6 <b>malevolent</b> 65:13 <b>manage</b> 94:22 <b>mandate</b> 78:16 <b>mandatory</b> 42:16 <b>maneuver</b> 27:7 30:1 <b>manner</b> 40:2 67:22 <b>manual</b> 23:25 24:6 32:18 97:5 99:11 <b>map</b> 3:23 4:7 5:16 7:10,11 13:3,6,11,11,12 13:13,25 20:21 24:11,11,18 29:23,24 30:2,2 41:24,25 65:25 67:1 87:16 91:15,18,19,22 94:1,15,18 95:9 96:1,1,4 97:10 109:25 110:1 115:15,23 117:9,11 121:14,17,18,20 121:21 122:12 122:15 123:23
----------	---	---	--	---

<b>mapping</b> 11:14 11:25 88:2	<b>medians</b> 94:4	<b>mere</b> 133:13	<b>moment</b> 87:13	<b>navigate</b> 24:10
<b>maps</b> 3:19 4:23 6:6,6 7:5 11:17 11:22 13:10,21 22:16 39:1 54:8 58:3,3 60:9,22 60:22 95:25 113:5,14,17,21 113:24,25 114:13,19,24,25 115:4,7,9,11,17 115:18 116:3,3 116:4,6,9 121:14,15 122:4,6 130:13	<b>meet</b> 83:6 114:7	<b>merely</b> 71:8	<b>Monroe</b> 56:19	<b>nearly</b> 47:21 76:25
<b>March</b> 135:13	<b>meeting</b> 2:25 3:12 5:11 7:2 8:7 12:8 13:7 16:4 19:4,8,15 20:7 21:16 83:11 100:3,7 114:4,18 128:18 129:23 131:13,18	<b>merge</b> 98:13,14 110:22	<b>months</b> 39:1 42:24 54:9	<b>neat</b> 20:23
<b>mark</b> 23:20	<b>meetings</b> 4:4 19:3 19:17 114:16	<b>message</b> 112:19	<b>motion</b> 134:7	<b>necessarily</b> 69:20 79:20 84:5
<b>marks</b> 109:22 110:18	<b>meets</b> 111:25	<b>met</b> 122:11	<b>motivating</b> 51:17	<b>necessary</b> 11:7 53:17 70:19 75:7 86:4
<b>massive</b> 126:8	<b>member</b> 3:6 5:6 5:13 26:3,6 54:16 55:24 65:22,24 68:21 122:11,25 123:1 125:1	<b>method</b> 28:18 80:6	<b>mouse</b> 91:20 94:19	<b>need</b> 9:22 10:17 13:18 67:9 128:12 129:15 134:2
<b>match</b> 116:4,6,7 118:1	<b>member's</b> 68:16 68:19 69:7	<b>methodology</b> 5:14 122:14	<b>move</b> 20:9 38:15 45:16 56:1 59:17 87:8 113:18 124:21 131:20	<b>needed</b> 4:11
<b>materials</b> 100:3,7 105:18 107:6,9	<b>members</b> 3:11,18 12:11 15:24 17:9 23:5 25:7 29:5 37:11 38:21 54:17,23 69:21 87:17 100:5,12 113:19 114:15 123:23 124:17 131:21 134:3	<b>methods</b> 80:7 92:6,17	<b>moves</b> 134:6	<b>needing</b> 37:5
<b>mathematical</b> 46:8 48:12 80:14 102:1	<b>membership</b> 18:5	<b>mid-</b> 56:16	<b>moving</b> 15:6 52:10 65:8 76:17 93:13 94:14	<b>needs</b> 122:10 132:14 134:5
<b>matica</b> 48:12	<b>memos</b> 18:6	<b>min--</b> 32:22	<b>multi-factor</b> 74:9	<b>neighbor</b> 85:9
<b>matter</b> 50:12,19 60:20 71:10 120:11	<b>mention</b> 17:10 29:23 42:19 107:13 109:10 111:6	<b>minimizing</b> 51:7	<b>multiple</b> 6:2 22:4 74:24	<b>neighborhood</b> 117:7
<b>matters</b> 120:19	<b>mentioned</b> 22:18 23:8 36:22,25 37:17 44:20 64:8 68:8 75:9 80:15 88:9 94:15 95:4 100:19 130:10	<b>minimum</b> 100:24	<b>multiracial</b> 119:2	<b>neighborhoods</b> 85:7
<b>maximum</b> 40:22 40:23 111:17	<b>mentions</b> 13:1 107:10 128:4	<b>minorities</b> 51:8 53:1 54:21 63:6 71:17 83:5 86:13 129:20	<b>municipal</b> 81:7 81:12 106:13 107:12,15,17 108:16,18	<b>neighboring</b> 53:20
<b>mean</b> 47:4 57:4 83:10 86:16 117:2,6,6		<b>minority</b> 4:13 32:22 33:8 37:17 52:15 53:4,6,10,13,19 53:23 54:11,14 54:18,23 55:16 55:23 56:21,22 57:11,20 58:7,8 63:16 70:21 71:6,13,23 72:2 72:10 73:10,15 73:16,18,23 74:8,11,12,14 78:12 80:9,17 84:12 85:19 86:12,16	<b>municipalities</b> 81:16 108:25	<b>neither</b> 53:12 56:12
<b>meaning</b> 54:18		<b>minority's</b> 33:3	<b>municipality</b> 81:18	<b>never</b> 116:7 133:17,18
<b>means</b> 104:3 105:13		<b>minus</b> 46:9,15	<b>mutually</b> 76:4	<b>new</b> 4:25 9:2 44:23 59:10 117:14
<b>measure</b> 50:8 56:3 79:18,21 80:5 105:21 106:25		<b>minutes</b> 107:3	<b>N</b>	<b>NHB</b> 118:21
<b>measurements</b> 79:7,16 101:18		<b>misleading</b> 11:13	<b>name</b> 7:1,10 89:24 102:22 102:23 112:12 125:5	<b>NHBVAP</b> 118:15
		<b>misrepresentat...</b> 132:1,2 134:1	<b>names</b> 97:22	<b>nifty</b> 14:13
		<b>Mississippi</b> 84:1	<b>naming</b> 25:17,18 25:21 26:16	<b>non-</b> 60:23 75:14
		<b>mistaken</b> 10:22	<b>narrow</b> 52:4,6	<b>non-compact</b> 67:8 80:20
		<b>modifying</b> 98:12	<b>narrowly</b> 51:21	<b>non-contiguous</b> 81:17
			<b>national</b> 88:7	<b>non-diminism...</b> 59:7 60:19
			<b>nationwide</b> 52:24 56:5	<b>non-Hispanic</b> 31:4,12 99:14 118:14,15,25 119:8,9,20
			<b>Native</b> 119:13	<b>non-map</b> 41:17
			<b>nature</b> 107:17	<b>nonexistent</b>



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 14

126:16 <b>nonjusticiable</b> 64:20 <b>Norby</b> 38:18,19 38:20 60:11,13 61:5 69:10 70:7 83:14 85:13 86:20 87:7 <b>not</b> — 118:22 <b>note</b> 16:19,23 19:4 108:14 109:6 <b>noted</b> 66:18 <b>notes</b> 125:8 <b>notice</b> 35:14 89:21 91:21 93:3 <b>noticed</b> 108:5,10 <b>notices</b> 19:15 <b>notified</b> 133:22 <b>notify</b> 133:10 <b>null</b> 111:20 <b>number</b> 21:14 25:15 26:2,5,10 28:9,10 30:18 31:6 40:22,23 51:19 61:25 62:1 83:15 92:10 97:11,16 98:5 103:11 108:5,24 112:1 115:5 131:25 <b>numbered</b> 40:16 40:18 <b>numbering</b> 27:16 <b>numbers</b> 14:4 26:14 35:15 97:23 99:12,21 105:13 117:2 121:2 <b>numerical</b> 55:17 79:13 <b>NW</b> 1:24	66:15 129:12 <b>objectives</b> 48:15 112:15 <b>obligation</b> 40:6 <b>obtaining</b> 78:14 <b>obvious</b> 41:22 76:13 <b>obviously</b> 14:17 80:17 <b>October</b> 1:15 4:7 8:25 9:10 127:2 127:5,23 <b>odd</b> 26:13 <b>offer</b> 88:2 112:13 130:7 <b>offered</b> 72:20 <b>offering</b> 29:13 <b>office</b> 3:7 18:7,15 125:1 <b>officials</b> 18:11 <b>Oh</b> 38:2 60:2,4 82:23 107:12 <b>okay</b> 9:20 12:3 33:12 36:6 38:2 61:4 87:3,13 114:3 118:12 121:10,25 127:3,12 130:4 130:19 131:16 <b>once</b> 90:3 92:18 112:17 115:16 129:17 <b>one's</b> 21:25 <b>ones</b> 28:21 62:5 80:7 87:24 93:3 93:4 98:6 99:1 103:4 119:12 <b>ongoing</b> 125:21 <b>online</b> 88:2 <b>op-ed</b> 11:12 127:14 131:24 132:1,4 133:5 <b>open</b> 8:13 27:6,9 89:17,20 90:4 90:13,18 91:4 109:11,12,15 131:9	<b>operation</b> 7:5 122:10 <b>opinion</b> 59:8 66:3 <b>opportunity</b> 6:15 7:4 12:12 53:1 53:23 54:24 63:5 71:16 72:13 83:4,18 112:14 125:5 126:15 <b>opportunity-type</b> 55:15 <b>opposed</b> 87:24 <b>opposite</b> 53:15 <b>opted</b> 19:24 <b>option</b> 7:4 97:22 <b>options</b> 91:12 96:24 102:21 <b>oranges</b> 110:4 <b>order</b> 2:3 7:11 11:23 13:18 19:5 20:18 25:17 26:12 31:25 45:13 55:20 63:24 74:3 77:12 78:7 89:22 118:19 <b>original</b> 8:25 56:10 <b>originally</b> 8:23 75:11 <b>outlier</b> 101:21 106:23 <b>outlines</b> 110:19 <b>outside</b> 86:15 <b>over-</b> 13:6 <b>overall</b> 111:18 <b>overburden</b> 6:14 <b>overhead</b> 87:15 <b>overlapping</b> 62:2 <b>overlays</b> 96:8 <b>overpopulated</b> 13:14 <b>overview</b> 24:1 <b>overwhelmed</b> 122:18 <b>owed</b> 67:21	<b>P</b> <b>P</b> 25:23 99:8 104:23 <b>P0006--</b> 25:15 <b>pack</b> 86:12 <b>packed</b> 63:11 <b>packets</b> 19:15 <b>packing</b> 53:8,15 86:22 <b>page</b> 12:23 13:5 14:20 15:9,9,25 16:1 18:1,4,24 19:12,14,19,23 20:8,9,10,23 21:14 22:7,12 22:13 23:6,18 23:23 24:22,23 26:18 36:8,10 36:18 101:23 <b>pages</b> 17:24 <b>paired</b> 69:17,21 <b>pan</b> 91:19 93:22 94:7,16,18 <b>Panhandle</b> 15:4 <b>paper</b> 12:22 21:11 <b>Paragraph</b> 62:20 <b>part</b> 6:9 11:19 35:1,6 43:22 76:1 81:19 84:10 119:23 120:15 <b>participate</b> 4:14 54:25 63:6 71:17 <b>participation</b> 35:20 52:16 <b>particular</b> 14:9 29:5 32:21 41:18,18 43:4 51:20 53:7,16 68:21 74:22 83:15 84:17 107:1 109:24 117:16 <b>particularly</b>	13:25 45:22 86:1 <b>parties</b> 50:18 <b>partisan</b> 49:23 50:2,6,13,23 <b>partners</b> 4:17 <b>party</b> 63:1,14 64:6,16,17 65:6 67:18 70:9 84:13 86:15 104:8,19 132:6 132:8 <b>party's</b> 84:19,20 <b>passage</b> 41:12 43:11,21 105:20 <b>passed</b> 42:1 56:11 129:8 <b>passing</b> 17:18 <b>password</b> 18:23 24:16 <b>PDF</b> 22:22 23:8 102:25 <b>PDFs</b> 37:3 <b>pegged</b> 74:22 <b>people</b> 6:7,8 14:10 15:6 46:19 47:2 93:13 117:5 125:14,17 126:5,17 127:15 <b>percent</b> 14:11,12 14:25 15:19 31:1,8,9 48:19 48:22,25 49:3 49:18,19 56:25 74:22 83:9 84:2 84:6,6 96:17 120:4 <b>percentage</b> 14:8 30:19,24 31:7 35:14 74:16,23 83:6 84:6,25 99:9,13 <b>percentages</b> 78:14 99:21
---	---	--	---	--

<b>Perez</b> 51:11	41:3,4 52:25	49:22 50:14,23	78:11,14,15	<b>pre-cleared</b> 57:14
<b>perfect</b> 79:19	62:24 63:13	54:17,25 63:1,6	82:8 84:3,3	<b>precautions</b> 3:2
<b>perfectly</b> 116:4	64:4,22 65:19	63:14 64:6,10	85:20 86:5	<b>precedent</b> 43:1
<b>perform</b> 35:24	73:25 74:1,1	64:16,17 65:4,6	89:15 97:17	48:18 72:18
70:20 74:5,7	80:13 83:19	66:25 67:17	98:1 99:2,7,12	77:25
84:21 103:20	88:21 89:7,8,13	70:9,12,17 71:9	99:19,20 108:9	<b>precinct</b> 10:9,12
<b>performed</b> 10:18	89:22,22 90:1,4	71:18 73:10	111:14,15	10:16
<b>performing</b> 73:16	90:13,15,16,19	74:13 75:6 77:2	112:2 116:20	<b>precincts</b> 10:4
<b>perimeter</b> 101:5	90:23,23 100:2	77:6,17 78:9	118:15,16,19,21	<b>precious</b> 123:3
101:7 102:12	102:24 107:2	81:5,6,20 82:2	119:10 120:21	<b>precise</b> 46:7
<b>period</b> 9:7 32:11	109:11,12,16,16	82:14 84:12,18	120:22,25	<b>preclearance</b>
43:24 58:24	110:10,12	84:20 85:15	121:4	16:19,20 59:5
<b>permanent</b> 52:23	111:2,11,19,25	86:15 105:23	<b>populations</b> 13:7	128:11
81:12	112:6,12,16,18	106:24 107:1	16:10 74:11	<b>preconditions</b>
<b>permissible</b> 48:6	112:19,24	<b>Polsby-Popper</b>	80:24 84:12,14	73:8
78:10	117:22	100:17 101:1	86:3	<b>predetermined</b>
<b>permits</b> 43:16	<b>plans</b> 17:19 20:13	102:10	<b>portion</b> 11:11	74:16
<b>person</b> 46:9,15	20:15,17 21:5	<b>Polygon</b> 92:19,21	82:19 131:18	<b>predominant</b>
122:12	24:20,21,24	92:23 100:24	<b>position</b> 3:8	51:17
<b>persons</b> 131:5	25:20 26:12,13	106:8	<b>possession</b>	<b>preferred</b> 54:21
<b>perspective</b> 20:25	26:18,24 27:12	<b>poorly</b> 102:10	127:18	57:12 73:19,24
<b>petition</b> 43:18	27:21 28:14,15	<b>pop</b> 89:19 91:5	<b>possible</b> 55:22	<b>preformatted</b>
45:2,11	28:20 31:22	<b>pop-up</b> 99:25	85:20 86:7	89:6
<b>petitions</b> 43:13	36:8,9,17 41:2	107:14	122:5	<b>preload</b> 112:11
<b>Phoenix</b> 128:9	42:3,13,14 44:4	<b>populated</b> 98:7	<b>post</b> 18:6 25:5	<b>preparation</b> 19:2
<b>phonetic</b> 48:12	57:23 58:1,6	<b>population</b> 13:19	112:24	<b>prepare</b> 122:21
<b>physically</b> 126:11	59:13,16 64:15	14:1,1,3,6,14	<b>posted</b> 4:18 8:23	124:25
<b>pick</b> 12:3 93:3	67:23 68:12	14:14,18,21	20:7,14 26:18	<b>preparing</b> 122:20
<b>picking</b> 92:7	83:20 88:15,21	15:1,13,17,19	100:5	<b>prepopulated</b>
<b>piece</b> 41:9 115:1	89:1,9 90:6,7,8	16:13 29:2,16	<b>posting</b> 23:2	29:21 30:8,9
122:24	90:12,24 91:14	29:18,19,19,20	31:21	<b>prescribed</b> 40:3
<b>pink</b> 14:24	109:14,20,20	30:5,16,19,23	<b>potential</b> 51:8	<b>prescribes</b> 40:12
<b>pinker</b> 13:17	110:7 120:20	30:25 31:1,5,10	<b>potentially</b> 14:20	<b>present</b> 2:22
<b>place</b> 3:2 51:18	<b>please</b> 2:4,25	31:12,13,14,15	29:7 33:22	43:17 50:13
57:23 61:20	9:14 25:3	31:17 32:8,10	101:21 115:13	54:20 122:15
76:6	124:25 130:2	32:11,13,19,23	<b>power</b> 53:14,18	126:11
<b>places</b> 33:16 94:5	<b>plural</b> 114:8,20	33:6,10,20 34:3	73:10	<b>presentation</b>
<b>plan</b> 5:13 6:25	115:4	34:7,10,15 35:8	<b>practicable</b> 46:12	20:12 36:3
7:1 17:19 20:20	<b>plus</b> 46:8,15	35:13 46:4,8,9	47:22 76:25	39:12 42:20
20:21 21:9 24:4	<b>point</b> 27:23 33:6	46:18,24 47:4	77:5	49:25 60:17
24:4,4,17,17,18	74:17 75:24	47:10,12,14,21	<b>practical</b> 108:20	62:18 82:19
25:1,5,14,15,23	87:20 123:4	48:4,8,18,20	<b>practice</b> 19:9	87:6
25:23 26:3,8,10	124:19 134:3	49:8,11,16	47:24	<b>presentations</b>
27:3,4,7,8,13	<b>points</b> 102:6	53:10,13 54:15	<b>practices</b> 52:14	132:3
27:17,24 28:2,3	<b>police</b> 51:1	56:25 74:12	53:5 56:8 58:21	<b>presented</b> 39:2
29:6,13,17 30:1	<b>political</b> 4:14	76:25 77:4,16	<b>practicing</b> 125:12	59:24 125:9
30:17 32:2 36:8	31:24 48:16	77:21,23 78:2,7	<b>pre-</b> 88:21	<b>preserving</b> 123:2



<b>president</b> 86:2 125:6	17:13 98:23 105:5 110:21	<b>proposed</b> 4:12 93:11,15	17:9 22:17 23:4 25:10,22 26:2	113:2 117:21 118:23 123:18
<b>president's</b> 18:7	<b>procedures</b> 39:15	<b>protect</b> 37:23	26:11 27:12	123:25 124:18
<b>presidential</b> 104:14	41:1 42:2	53:4,4 71:22	32:9 37:20 38:9	126:13,14
<b>press</b> 128:17	<b>proceed</b> 6:12	74:24	88:11 113:5	129:7,14
<b>pressed</b> 51:9	12:3 61:4 70:6	<b>protected</b> 74:2	121:15,19	<b>questions</b> 4:1
<b>presumptively</b> 48:20,22 70:13	<b>proceeding</b> 43:20	<b>protection</b> 47:18	122:25 123:10	5:21 8:1,8 12:2
<b>pretty</b> 14:13	<b>proceedings</b> 135:7	51:1 63:16 71:6	123:20,21	36:2 37:11
30:21 38:5	<b>process</b> 4:14 5:20	71:14 80:9,17	124:9,11,22,23	38:15 50:14
<b>prevailing</b> 72:17	6:15 12:17,25	<b>protections</b> 55:21	127:4,17	59:20,23 61:3
77:25	16:7 17:2,17	78:13 85:19	128:20,24,25	70:3 82:21 87:5
<b>prevention</b> 71:25	18:3,21 25:5	<b>protects</b> 54:11	129:3,25	87:18 116:17
72:1	28:18 38:23	<b>prove</b> 58:5	131:16,17	124:20 126:22
<b>preview</b> 93:6	45:4,18,20	<b>provide</b> 4:6,21	133:7,8,10,14	130:17 131:23
<b>previous</b> 10:20	54:25 63:7	13:1 14:16	133:14,19,20	<b>quick</b> 23:24,25
<b>previously</b> 73:23	71:18,24 83:21	22:23 24:8	<b>publicly</b> 4:22 9:5	44:3 60:3 97:4
<b>primaries</b> 104:18	87:19 112:9	31:19 32:17	9:11	102:14 111:10
<b>primarily</b> 66:2	113:6 115:12	36:16 37:6 55:2	<b>pull</b> 26:21 105:11	<b>quickly</b> 36:11,16
81:6 129:2	115:18,19,22	67:5 69:18	120:2	98:14
<b>primary</b> 46:1	116:1 123:11	79:13 99:25	<b>pure</b> 82:8	<b>quite</b> 40:20 48:24
81:24 84:19,20	126:4	102:5 113:15	<b>purely</b> 71:1	51:1 60:13
104:1,6,23,24	<b>process-type</b> 57:22	114:11	<b>purpose</b> 11:8	<b>Quorum</b> 2:22
106:4	<b>produce</b> 116:9	<b>provided</b> 23:17	57:9 65:14,25	<b>quote</b> 36:13
<b>primer</b> 125:10	<b>produces</b> 44:6	47:8 67:23	67:3,11	46:22 47:17
<b>principal</b> 52:17	<b>product</b> 29:10	73:23 83:18	<b>purposes</b> 89:11	51:17 52:7 79:6
76:6	<b>products</b> 88:5	100:12 101:23	101:25 119:18	80:20
<b>principle</b> 48:9	<b>program</b> 28:25	119:10	<b>put</b> 6:25 9:3	<b>quoted</b> 128:8
55:3 60:8	88:2	<b>provides</b> 40:1	11:12,21 19:24	
<b>principles</b> 49:1	<b>progress</b> 12:16	42:15 44:7	23:20 34:24	<b>R</b>
49:21 59:14	21:7	52:25 61:18	82:11 100:4	<b>race</b> 29:20 31:4
67:4	<b>prohibit</b> 64:15	73:13	113:12 114:5,8	31:16 51:5,16
<b>print</b> 23:10,12,22	<b>prohibited</b> 57:8	<b>providing</b> 22:21	117:11 127:11	52:2,8 86:23
91:13	65:25 70:14	29:7 82:6 88:10	127:19,24	99:11 104:8
<b>printers</b> 125:18	<b>prohibition</b> 63:12	<b>provision</b> 52:23	128:2	116:25 118:5
<b>printing</b> 91:13	64:21	61:17 64:14,24	<b>putting</b> 126:16	118:11,14,23
<b>prior</b> 5:12 21:11	<b>prohibits</b> 52:24	65:1 71:21	<b>Q</b>	119:20
29:13 74:1,18	65:2,11	<b>provisions</b> 52:17	<b>Q&amp;A</b> 130:16	<b>racial</b> 4:13 33:3
87:24 111:11	<b>prompt</b> 88:20	55:14 56:20,22	<b>qualifying</b> 44:1	33:10 50:24
132:24	112:10	57:14,22 62:12	<b>quantitative</b> 79:7	51:3,8,13 53:1
<b>priority</b> 62:22	<b>prompted</b> 89:3	63:16 71:7	<b>question</b> 6:16	63:5 71:1,3,17
63:23,25 77:14	<b>proof</b> 57:17	72:13,15,16	8:19 11:2 32:5	71:22 74:20,23
<b>prison</b> 34:3	<b>propensity</b> 35:21	73:4,12 74:19	33:13 34:2 35:1	83:5 84:7,17
<b>privilege</b> 133:6	<b>proposals</b> 114:8	<b>public</b> 3:18 6:1,7	35:7 55:12 60:3	129:20
133:18	114:11,12	6:13 7:17 8:9	68:25 75:10	<b>railroads</b> 106:5
<b>probably</b> 15:3	<b>propose</b> 95:12	8:15,20 9:19	82:24 84:24	<b>railways</b> 82:1
		11:21 13:2	86:11 112:25	85:22
		15:24 16:17		<b>raised</b> 8:8,18

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 17

129:7	128:1,25	28:14,15 29:3	regards 125:17	111:9
range 67:25	133:11	29:17 32:20	126:23	represent-- 73:22
111:19	receiving 7:16	38:17,18,22	register 3:22	representative
rank 77:20	45:11	39:5,6,16,17,19	registered 103:9	18:14 40:18,25
rapid 43:20	recognition 65:8	39:23 41:2,4,16	103:24	representatives
rates 52:16 56:9	recognize 34:18	42:3,13,14 43:2	registering 6:4	40:3 47:2 53:2
58:22 84:9,10	recognized 5:21	43:8 44:22	registration 4:8	55:1 63:8 70:22
84:11,13	8:4 27:22 33:14	45:17,20 46:3	35:15 52:16	71:19 131:4
ratio 100:23	37:12 38:19	47:24 49:6	56:8 58:22	represented 48:1
101:3,9	60:5,12 69:2,9	51:10,13 52:19	66:12 70:18	48:2 72:23
rationally 67:16	74:2 83:1,13	55:11 57:23	74:14 84:9,13	represents 51:25
raw 22:8 99:12	85:4,12 86:9,19	58:1,13 59:13	103:22	79:14
99:21	87:11 116:15	59:16,18 61:6	regular 40:13	request 5:9 8:15
reach 5:13 50:14	118:8 120:9,16	61:16 64:25	reject 9:4	133:8,9,11,13
reached 40:8	121:12	66:3,20 67:4	rejected 70:15	133:19
reaching 29:13	recognizes 82:5	68:10 70:11	77:22	requests 8:13
read 3:8 89:22	recommendation	71:24 75:2,16	related 5:19 15:5	9:19 133:21
112:7	114:18,22	76:20 78:3	109:7	require 18:18
Reader 23:20	recommending	79:12 80:1,4,13	relates 18:8 72:7	44:3 49:5 80:12
real 24:5 102:14	114:20	87:9,23 88:3,22	relation 67:12,13	80:21
111:10	reconvene 44:14	112:22 113:12	68:4 108:8	required 6:25
really 71:21	record 3:9 98:20	128:13 129:2	relationships	13:19 49:24
98:23 117:3	124:16 127:8	redraw 13:20	21:22	58:2 60:23
120:11,12	133:13,14,15	redrawing 65:3	relatively 24:1	65:15 88:17
125:7,10,13,25	134:2 135:7	redrawn 50:5	relevant 68:5	129:6 133:9
125:25 126:1	recorded 135:5	reduce 84:5	85:25 101:17	requirement
126:12,12	Recording 2:1	refer 42:24	remain 6:8 75:17	39:23 42:10
reapportionment	134:9	reference 17:1,8	remainder 62:18	46:2,25 52:4,6
1:13 2:3 16:6	records 2:24 8:13	42:23 53:8	remaining 107:6	60:19,24 61:22
19:13 20:5 44:1	8:15 9:19 45:12	61:14 102:6	remedy 55:2	63:9,17 64:18
reason 65:9 78:13	133:7,8,10,19	108:23	remove 95:22	75:19,20 77:25
81:11 122:1	133:21	referenced 64:13	Reock 80:6	78:2,19 80:19
133:12	recount 128:16	73:22	100:16 101:10	81:2 128:20
reasonable 48:11	rectangle 92:17	references 17:1	102:9	requirements
reasonably 102:9	red 14:24 93:16	referred 80:23	report 25:12	39:17,20 41:9
reasons 41:22	redder 13:17	refers 72:8 81:6	26:19,20 27:1	42:22 45:17
52:8 122:9	redistrict 39:24	refined 105:24	29:15,16,17,21	46:1 55:7 59:6
rebutts 67:1	40:7,9	reflect 2:24	31:19,21 32:3	59:7,18 61:7
recall 7:2	redistricting 3:16	reflected 59:2	102:18 103:3	63:11,21,23
receive 25:25	5:19 7:7 10:20	reflects 67:19	105:9,11 107:8	71:4,5,6,22
26:1 112:17	11:8 12:10,25	refresh 94:10,12	reported 107:19	74:21 75:5,15
129:16 133:20	16:2,6 17:12,18	regard 32:21	reports 24:19	75:16,22 77:8,9
received 3:24	18:9,13 19:19	regarding 85:11	25:9 26:18,23	77:9 113:10
4:23 7:24 9:24	20:14 21:17,21	86:11 100:15	27:1 36:17	requires 17:11
23:3 25:2,8,19	22:3,14,25	113:9 131:24	102:16 103:5	18:22 34:22
121:17 127:10	23:21 25:1,4	regardless 35:24	105:3,3,14	47:18 53:22
127:19,22,24	27:9,21,24	65:3	106:15 109:9	73:6 74:10



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 18

82:16 84:25 86:2 <b>resembles</b> 79:18 <b>reserves</b> 88:14 <b>residence</b> 68:5,17 <b>residents</b> 35:4 <b>resolution</b> 42:7 42:16 43:11,21 44:17,23 45:7 66:8 <b>Resources</b> 20:9 <b>respect</b> 48:16 66:24 68:3,23 77:16 <b>respective</b> 17:24 <b>respectively</b> 72:6 <b>respond</b> 25:1 112:20 <b>response</b> 75:9 126:13 <b>responses</b> 119:2 <b>responsibilities</b> 133:23 <b>responsibility</b> 40:7 <b>rest</b> 76:1 <b>restate</b> 72:4 <b>restrict</b> 50:18 <b>result</b> 4:9 15:7 59:1 60:15 63:4 71:15 84:18 128:19 <b>results</b> 9:18 10:16 15:22 21:25 35:11 70:17 103:10,23 104:12 <b>retrogression</b> 72:9 74:4,6 75:3,8 <b>return</b> 23:11,12 112:23 <b>revelation</b> 6:3 <b>reverse</b> 20:18 <b>review</b> 5:6,15 23:4,4 25:8 42:16 43:9 44:3	44:5 66:7 78:25 99:22 101:20 102:16 109:11 114:10 120:19 131:11,12 <b>reviewed</b> 66:11 124:17 <b>reviewing</b> 29:6 120:20,21 <b>Reynolds</b> 47:17 47:23 48:5 <b>right</b> 55:10 60:14 76:5 92:5,15 112:1,1 127:6 <b>Rights</b> 16:18 39:19 45:22,23 45:24 51:25 52:9,10,12,18 52:20,21,22 53:22 54:4 55:2 55:7 56:2,3,10 56:16 58:16 71:5 72:5,17 73:3,6 75:11 87:1 <b>river</b> 76:9,10 106:7,10 <b>rivers</b> 69:23 81:25 85:22 <b>road</b> 92:21 94:4 <b>roads</b> 69:24 81:25 106:4 <b>roadshow</b> 128:21 129:15 <b>roadway</b> 76:14 92:20 <b>Rodrigues</b> 2:2,5 2:6,23 6:18 7:22 8:3,17 9:20 11:3,10 12:2 32:5,14 33:14,25 34:2 34:13,17 36:1,6 37:10,21 38:12 38:14 59:22 60:2,4,12 61:3 68:25 69:2,9	70:3,6 82:20,23 82:25 83:13 85:3,12 86:8,19 87:4,8 113:1,7 114:3 115:22 116:12 117:18 118:8 120:9,16 121:12,24 122:1,8 123:15 123:17,25 124:20 127:2,5 127:7,13,23 128:15 129:21 130:5,15,20 131:15 <b>Rodriguez</b> 2:15 2:16 <b>roll</b> 2:4 <b>rolled</b> 127:8 <b>roughly</b> 14:10 <b>round</b> 7:6 58:13 70:10 113:11 <b>Rouson</b> 2:17,18 8:2,5 9:15 10:25 11:4 12:1 69:1,3 70:4 123:17,19 131:22 <b>Rousson</b> 116:14 <b>rubber</b> 100:14,25 <b>Rucho</b> 50:9 <b>Rucho's</b> 64:8 <b>rule</b> 48:17 85:6 <b>run</b> 24:19 99:24 107:4 111:12 <b>running</b> 31:21 107:4,6 112:5	90:19,21,22 <b>saved</b> 89:21 90:3 90:11 <b>saving</b> 6:6 <b>Sawyer</b> 135:3,24 <b>saying</b> 11:11 60:7 <b>says</b> 47:1 78:20 103:13 104:2 <b>scan</b> 23:11,12 <b>scanner</b> 23:16 <b>Scoon</b> 125:1,4,5 127:3,6,12,21 128:3 129:18 130:4,6,19,22 <b>scooped</b> 68:19 <b>score</b> 79:20 100:17,18,21 101:1,10,18 102:3,9,10 <b>scores</b> 27:2 80:14 100:1,14,16 101:19 102:1 108:13 <b>scratch</b> 89:7 <b>screen</b> 12:19,23 41:15,23 42:19 96:19 117:1 <b>scroll</b> 20:24 21:8 <b>seat</b> 97:15 <b>seats</b> 16:10 <b>second</b> 9:13 35:1 35:6 40:13 45:2 45:22 63:15 72:1 89:7 122:17 <b>secondary</b> 81:25 106:4 <b>Secretary</b> 45:13 <b>section</b> 17:3 39:25 40:11 42:11 45:23,23 47:1 52:20,21 52:22,24 53:3 53:21 54:10,10 55:1,7,14,20 56:1,2 57:6 58:15,23 59:6	59:12,14 60:7 60:14,17,19 62:6,20,21 63:21 72:5,5,7 72:8 73:2,3,5 75:10 87:1 124:14 <b>sections</b> 16:17 17:6 <b>securely</b> 88:15 <b>see</b> 9:6 11:22 12:14,18,23 13:13 14:8 15:16 18:20 20:5,19,22 21:4 21:6 28:10 29:18 30:2 59:22 87:18 88:20 89:2,19 90:5 91:24,25 93:8,11 95:18 95:21 96:5 98:21 102:3 103:8 104:2 110:1,16 117:4 117:19 120:13 130:8,11 131:5 131:7 <b>seeing</b> 38:12,14 59:24 82:21 87:4 124:21 131:16 134:5,7 <b>seen</b> 127:15 <b>segregated</b> 10:2 <b>select</b> 3:7 36:24 88:20 89:3 91:6 92:6,18 95:9 96:11,16 102:20 103:2 114:10,21 <b>selectable</b> 95:24 103:17 <b>selected</b> 31:20 93:9 95:10 <b>selecting</b> 98:16 <b>selection</b> 92:4,17 92:23,24 93:20
---	--	---	--	---

93:21,23 95:7	131:22	shooting 46:20	130:18	specified 32:25
Senate 1:13 3:13	Senatorial 40:16	short 24:1 43:24	site 12:16 18:12	106:21
13:11 16:12	40:24 61:25	84:24	18:17 19:19,24	spelled 129:13
18:4 19:3,9,11	senators 3:22	shorter 97:24	19:25 20:1	split 82:2
19:18,22 20:1,3	100:5 122:20	shortly 59:15	23:14 36:25	splitting 53:11
20:4,8,16,19	123:5 131:5	66:23	113:20 117:11	82:14
25:24 26:8,13	send 112:18	shot 68:18	situations 75:1	spoke 56:25
38:17 40:22	sense 25:19 33:21	show 5:4 17:16	size 108:9,9	sponsor 72:22
42:8 44:22	35:25 118:9	26:22 30:16	slide 47:13 62:16	122:10 123:1
47:14,16,25	separate 53:12	95:20,23 98:1,5	slider 95:20	sponsoring 7:13
48:1,2 82:10,12	62:12	128:13 134:7	sliders 95:16	square 79:20
87:22 88:25	September 3:12	showing 95:6	slides 13:8	squares 102:5
89:5 104:15	3:15 127:25	97:20 110:2	slideshow 12:20	squiggly 101:2
110:1,7 115:17	sergeant's 3:6	shown 17:13	slivers 94:4	SRWVAP 99:10
115:25 116:3	125:1	97:10,23 98:1	111:22	118:13
senator 2:7,8,8,9	serial 26:9	shows 13:16 16:9	smallness 17:15	stack 101:17
2:10,11,12,12	series 24:13 46:6	27:4 99:6	so-called 61:12	staff 4:3,5,19 5:2
2:14,15,16,17	service 11:13,23	shrunk 14:24	software 11:25	5:7 29:10 34:18
2:18,19,19,21	36:23 37:3 88:6	side 18:3 33:23	22:15 68:10	34:25 43:23
2:24 4:1 5:21	services 11:5,6,7	34:11 76:10	79:12 80:4	79:10 87:10
5:22 6:18 7:12	37:2	85:8,23,24	109:8 132:22	113:15,17,24
7:13,14,23 8:2	session 40:13	110:7,8	132:25	114:1,6,7,11
8:3,5,17 9:15	43:25 44:16,21	sign 22:14 24:3	somebody 7:12	115:10 122:18
10:25 11:4 12:1	44:24 45:1,8	88:12	somewhat 17:21	123:4 132:4
25:24 30:4,12	set 17:19 28:22	signature 23:15	soon 124:5	stand 59:12
30:15 32:4,7	47:25 62:4,19	significant 49:22	132:23 133:2	standard 16:24
33:12,15,25	63:24 67:4	51:18 106:5	sorry 22:19 87:14	19:9 25:21
34:1,6,14 37:11	71:12 77:13	significantly 53:3	89:3 116:13	27:23 44:13
37:13 38:2,10	105:13,17	silence 3:1	sort 28:13 48:25	46:3,11 50:7
38:13 60:1,3,6	129:23	similar 18:4	78:22 86:6 93:8	53:25 54:3 81:3
60:13 61:2 69:1	settings 97:9,18	47:25 98:8	100:14 120:18	83:7,9,12 96:11
69:3,10 70:4	shaded 14:22	115:12 116:2	sorts 67:25 86:5	96:14
73:22 82:22,24	shades 14:22	similarities 110:9	sounds 7:19	standardize
82:25 83:2,14	shadow 7:5	similarity 101:11	sources 17:5	25:18 121:6
85:2,3,5,13	122:10	similarly 68:3	45:19	standardized
86:8,10,20 87:3	shape 28:22 66:9	69:17 104:23	speak 7:12	31:19
112:25 113:2	67:13 68:4 79:1	simple 83:10	speaker 37:7	standards 38:25
113:22,23	shaped 80:20	simply 91:19	132:16	54:10 61:9,12
115:16 116:11	shapefile 91:10	92:13 96:3	speakers 4:22	61:13,15,18
116:12,13,14,14	shapefiles 28:22	98:16	speaking 3:7	62:4,8,9,10,19
116:16 117:25	shapes 101:25	Sims 47:17,23	specific 54:8	62:22,24 63:22
118:4,9,12,17	shared 90:8	48:5	84:25 98:24	63:24 64:1
119:5,15,25	Shelby 16:19	single 31:4 54:16	specifically 8:10	66:20,22 71:12
120:5,8,10	58:11 59:11	55:24 81:18	8:12 49:12 69:4	71:14 72:4
121:10,13,20,23	75:13 128:11	99:11 118:14	95:9 121:2	76:18,22,23
121:25 122:7	128:19,22	119:20	128:24	77:13,15 78:6
123:7,16,17,19	shifts 121:4	sit 19:7 129:24	specifics 24:9	78:18 83:3



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 20

113:13,16 129:13 <b>standpoint</b> 108:21 <b>stands</b> 64:2 <b>Stargel</b> 2:19 <b>start</b> 5:23 8:21 9:21 23:24,25 89:12,13 97:4 <b>started</b> 6:4 91:22 116:25 <b>state</b> 5:25 8:11 9:24 10:5 14:15 17:18 20:15 28:1,6 34:22 40:4,15,23 41:3 42:4 43:12 44:8 44:10 45:12,13 45:15 46:16 47:6,9,14,16,18 48:2,3,6,9,13 49:9 52:5,24 56:12 58:3 60:20,22,25 61:7,23,24 62:1 62:11 65:24 75:17 84:10 85:21 88:4 94:7 125:24 126:8 <b>State's</b> 22:6 <b>stated</b> 72:14 <b>statement</b> 70:4 <b>states</b> 39:24 40:1 43:6 45:21 46:5 46:12,23 47:3,7 47:24,25 49:2,5 49:20 50:2,10 50:21 51:11 52:1 53:22 55:19 56:11 58:12,14 59:1 60:16 61:24 64:9,12 72:17 74:19 76:21 <b>statewide</b> 30:19 58:1,2 104:11 104:13	<b>stating</b> 65:23 <b>statistics</b> 29:17 <b>statute</b> 17:10 34:22 <b>statutes</b> 41:6,20 42:6 133:24 <b>statutory</b> 38:24 52:12 56:7 <b>stay</b> 126:6 <b>steps</b> 6:2 <b>Stewart</b> 2:20,21 7:13,14,23 85:3 85:5 <b>stop</b> 59:19 <b>store</b> 90:23 <b>stored</b> 90:12 <b>storms</b> 15:5 <b>straight</b> 93:1 <b>stream</b> 106:9 <b>street</b> 1:24 85:7,8 85:10,23,24 96:1 <b>streets</b> 86:6 <b>strength</b> 53:6 <b>Strickland</b> 55:10 <b>strict</b> 66:18 78:1 <b>stricter</b> 77:24 <b>strong</b> 67:9 <b>strongly</b> 126:3 <b>struggling</b> 125:22 <b>stuck</b> 97:7 <b>sub</b> 120:6 <b>subcommittee</b> 114:15 <b>subcommittees</b> 39:2 114:7,9,10 114:17 115:6 115:13 <b>subdivisions</b> 48:17 <b>subgroups</b> 120:7 <b>subject</b> 41:8 <b>subjecting</b> 59:4 <b>subjective</b> 78:23 <b>subjects</b> 24:14 <b>submission</b> 5:8 25:3 41:13	121:15 123:12 <b>submissions</b> 5:5 25:8,10 36:14 122:19 <b>submit</b> 3:19 5:1 6:21,25 7:5,9 19:5 23:1,22 24:20,25 58:2 111:6,7 112:6,7 112:9,17 124:11 <b>submitted</b> 4:22 19:7 22:9 24:21 24:24 25:14,24 26:17,23 28:19 29:6,25 31:22 36:8 42:9 112:19 121:19 122:12 124:24 <b>submitter</b> 27:5 30:17 <b>submitting</b> 7:18 111:11 123:23 <b>subordinate</b> 77:8 <b>subsection</b> 76:22 76:23 <b>subsequent</b> 47:4 <b>subsidy</b> 62:8 <b>substantial</b> 47:11 48:7 <b>sufficient</b> 51:5 54:15 <b>suggest</b> 5:12 46:10 <b>suggested</b> 29:12 107:21 <b>suggestion</b> 22:25 23:21 25:4 29:4 112:22 <b>suggests</b> 39:4 <b>Suite</b> 1:24 <b>summary</b> 29:16 102:18 103:5 111:14 <b>Sunshine</b> 133:23 <b>superseding</b> 80:18	<b>supervisors</b> 10:3 10:8 22:10 <b>support</b> 4:21 37:6 <b>supported</b> 115:24 <b>Supreme</b> 42:17 43:5,6,13,15 44:4,5,8,18 45:3,3 46:5,23 47:7 50:2,10,21 51:11 55:11,19 58:12,14 59:1,9 60:16 64:9,12 64:23 65:20 66:11 70:15 72:12,18 75:22 77:22 78:20 79:1 113:11 <b>sure</b> 7:16 37:15 38:3,5,8 86:4 111:15 115:4 116:12 120:3 123:9 132:19 133:1 <b>surprisingly</b> 40:10 <b>sus-</b> 116:6 <b>suspect</b> 116:7 <b>system</b> 87:15 109:21 126:18 132:9 <b>systems</b> 132:10  <b>T</b> <b>tab</b> 12:4 38:4,15 87:9 91:16 93:11 97:3,3 98:22 99:22 109:11 111:7,7 124:22 <b>table</b> 16:8 36:12 101:24 <b>tailored</b> 51:21 <b>tailoring</b> 52:4,6 <b>take</b> 10:6 12:7 15:19 19:13 29:25 38:6	50:22 94:11 100:4 107:7 111:1 113:8 114:14 126:6 128:23 130:6 <b>taken</b> 81:20 <b>takes</b> 20:8 107:3 <b>talk</b> 6:11 12:15 20:10 21:16 38:23 50:16 54:7 59:15 61:6 61:8 90:20 98:23 100:13 111:8 126:10 <b>talked</b> 16:4 19:21 87:20 94:15 102:17 116:24 <b>talking</b> 21:21 <b>talks</b> 13:6 107:16 <b>Tallahassee</b> 126:7 <b>target</b> 99:3,3,6,8 <b>technology</b> 88:8 122:3 <b>tell</b> 9:13 96:17 <b>telling</b> 133:6 <b>template</b> 24:16 88:20,21 89:4 89:19,20 90:1 <b>templates</b> 90:9 109:15 <b>temporary</b> 56:3 <b>ten</b> 49:25 104:12 <b>tend</b> 54:18 81:8 81:12 108:10 <b>term</b> 86:21 <b>terms</b> 5:25 6:4 21:15 22:20,25 32:18 39:22 41:24 45:25 47:6,10 66:19 77:21 101:22 103:15 116:23 <b>territory</b> 62:3 63:10,19 76:2,3 81:18 93:14 111:14,21
---	--	---	---	---

112:4	86:6 100:2,20	9:7 12:7 21:4	<b>touch</b> 20:13 76:4	92:20 105:21
<b>test</b> 79:3 99:24	105:15 111:13	40:20 43:24	76:10,12,13	105:22 118:10
101:1 102:14	128:6 131:20	44:21 50:1	<b>touched</b> 107:11	121:2,6
112:6	<b>think</b> 6:12,16,16	52:20 55:13	<b>touching</b> 75:24	<b>trying</b> 6:13,14
<b>tested</b> 49:1	9:21 20:11 33:7	59:19 61:21	92:22	30:6 86:14
<b>testify</b> 3:4	35:10 36:7	64:3,24 123:4	<b>tours</b> 129:1	92:19 128:5
<b>testimony</b> 124:11	49:17 67:19	124:21 126:14	<b>track</b> 19:14 20:4	<b>turn</b> 34:24 35:15
<b>tests</b> 100:19,21	84:24 94:1	127:9,18	30:8 91:23	56:8 70:17
101:11	100:6 104:16	<b>timeline</b> 17:19	<b>tracked</b> 28:6	74:13 84:9
<b>Texas</b> 70:5	104:17 109:1	<b>timelines</b> 43:22	<b>tracker</b> 18:16,20	103:21 107:13
<b>Texas'</b> 51:12	116:18 117:9	<b>times</b> 90:11	<b>tracking</b> 120:13	110:10 134:3
<b>text</b> 17:16 91:2,6	117:21 124:12	<b>title</b> 39:4 102:22	<b>tracks</b> 21:22	<b>turnout</b> 4:8 103:9
105:4,7	130:10 133:25	<b>to--</b> 120:6	41:18	103:22,25
<b>thank</b> 2:23 5:22	<b>third</b> 3:3 63:17	<b>today</b> 5:14 8:7	<b>traditional</b> 48:14	104:3,7
5:22 6:17 7:14	114:17 132:6,7	12:7,14 20:5	67:4 75:2 76:20	<b>turnouts</b> 58:21
7:21 8:5 10:25	<b>Thompson</b>	21:2 31:24	<b>traditionally</b>	<b>tutorials</b> 24:14
12:1,6 30:4,11	116:13	38:18,21 39:14	19:22 33:7	<b>two</b> 17:24 44:2
32:15 33:15	<b>Thornburg</b> 54:1	59:12 87:6	48:23 75:21	45:19 50:6
37:13,14,25	<b>thought</b> 15:23	107:11 113:9	80:1 129:22	52:17 53:7
38:13,14,20	120:14 123:21	126:23	<b>transcribed</b>	62:12,15 71:22
60:6 61:2,5	<b>thoughts</b> 131:19	<b>today's</b> 2:25	135:5	72:4 76:22 80:7
69:3 83:2 85:2	<b>thousands</b> 122:6	<b>toggle</b> 110:14	<b>transcript</b> 135:7	88:25 89:5
85:5 86:10 87:5	122:18	<b>told</b> 133:18	<b>TRANSCRIPT...</b>	110:7 118:5
87:7,12 116:11	<b>three</b> 26:2 39:13	<b>tool</b> 5:1 14:13	1:12	122:8 129:1
116:16 117:20	63:11 88:23	15:20 18:11	<b>translate</b> 12:22	<b>two-stage</b> 93:5,21
121:13 123:7	103:8 116:17	79:24,24 92:7	36:23,24 37:3	<b>TXT</b> 27:19
123:16 125:4,4	<b>three-and-a-half</b>	92:24 93:5,19	<b>translated</b> 4:19	<b>type</b> 22:23 26:8
125:10,13	49:17	94:16 98:8	<b>translates</b> 14:11	88:6 89:5 92:23
128:3 130:5,6	<b>three-judge</b>	102:19 106:22	<b>translation</b> 37:2	106:3,16 107:2
131:10,12,14	57:15 58:4	109:10 110:10	<b>translator</b> 4:20	108:11 112:5
134:8	<b>throw</b> 121:5	111:5	<b>transparency</b> 8:7	<b>types</b> 51:15
<b>thankfully</b>	<b>ticket</b> 105:1	<b>tools</b> 24:19 92:3,5	37:14 96:22	105:14 106:20
132:15	<b>tied</b> 10:9,13,14	94:14,19 95:1	<b>transparent</b>	
<b>themes</b> 95:25	13:25 48:4	95:24 97:1 98:2	37:15	<b>U</b>
96:7	128:22	98:11	<b>traveling</b> 128:13	<b>U.S</b> 104:15
<b>theoretically</b>	<b>tier</b> 61:12,12	<b>top</b> 20:10 33:23	128:21 129:15	<b>Um-hum</b> 118:17
122:5	62:22 63:12,17	36:10	<b>treat</b> 119:1	119:5,15,25
<b>theory</b> 115:7	63:22,23,24	<b>topic</b> 38:21 49:24	<b>treated</b> 118:22	120:5 122:7
<b>thereof</b> 40:4	64:1 66:19,22	<b>topics</b> 24:7	<b>treating</b> 122:23	<b>unassign</b> 92:12
<b>thing</b> 3:3 20:23	67:5 71:12 75:4	125:11	<b>triangle</b> 102:5	95:12
24:12 29:22	75:4,19 76:17	<b>total</b> 13:25 14:2	<b>tried</b> 42:20,25	<b>unassigned</b> 92:9
31:11 50:5	76:20 77:8,12	29:18 30:16,22	<b>triggered</b> 55:21	92:14 93:12,14
88:19 107:10	77:13,15 78:20	30:24 31:9 99:2	<b>trouble</b> 117:1	93:25 94:3,6,12
111:6 123:12	81:3 83:3	99:2 119:22	<b>true</b> 15:2 54:22	110:25 111:21
<b>things</b> 3:11 8:9	125:23,23	120:7	69:8 135:7	112:3
33:9 36:5 44:2	<b>till</b> 59:21	<b>totality</b> 54:23	<b>truly</b> 73:10	<b>unbending</b> 78:1
64:12 85:22	<b>time</b> 3:8 4:4 7:3	73:9	<b>try</b> 31:2,18 66:13	<b>unchange</b> 97:21



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 22

<b>unconstitutional</b> 58:16 59:3	<b>use</b> 4:10,20 10:17 17:11 21:20	35:14,17 96:12 96:14 99:16	66:12 70:18 74:14 84:9	12:4 37:9 <b>want</b> 6:22,23
<b>undercut</b> 66:20	22:15 23:16	102:17 103:5	103:9,21,21,22	7:10 93:15 94:2
<b>underpopulated</b> 13:15,18 14:10	24:18 34:23 36:22 52:8 77:6	116:22 119:12 119:18	104:3 116:21 127:9,10 128:2	95:18,21 96:17 97:1 98:4 109:9
<b>understand</b> 35:16 102:7 113:5 117:5,21 123:11	82:7,16 85:15 87:22 88:3,11 88:22 89:6,10 92:15 94:17,18	<b>variety</b> 51:23 <b>vary</b> 41:2 <b>vernacular</b> 21:17 <b>version</b> 23:19 97:25	<b>voter's</b> 53:19 <b>voters</b> 51:19 52:3 53:5,16 54:11 58:8 62:5 71:23 86:23 103:9,24 125:2,6 132:16	110:16,24 116:18 120:3 120:13 122:17 123:6 125:10 125:13,21 126:17 129:4 131:10,20 133:1
<b>understanding</b> 43:2	96:2,17 107:1 108:15 110:9	<b>versions</b> 89:5 <b>veto</b> 41:14 42:10 <b>viable</b> 50:21	<b>voters'</b> 73:10 <b>voting</b> 16:18 29:19,19 30:5 30:12,22,25 31:5,10,12,13 31:14,15,16 32:8,10,12,19 32:23 33:5,10 34:4,7 39:18 45:22,23,24 51:8,25 52:9,10 52:12,14,18,20 52:21,22 53:6 53:13,18,22 54:4,19 55:2,7 56:2,3,7,10,16 57:21 58:16,21 63:16 71:5,6,14 72:5,16 73:3,6 74:12 75:10 78:13 84:2 85:19 87:1 99:11,19,20,20 118:14,16,19,20 119:9	126:17 129:4 131:10,20 133:1 <b>wanted</b> 12:7 29:22 83:2 92:7 92:14 93:17,20 96:2 98:14 121:14 126:3 <b>wants</b> 27:11 105:10 <b>Washington</b> 1:24 <b>watch</b> 20:6 <b>water</b> 76:8,16 82:1 106:5,6 <b>way</b> 10:11 12:15 20:16 21:8,9 22:22 26:14 27:25 31:7,8 32:3 48:6 54:19 67:10 68:21 69:12,20 72:24 72:25 75:6 86:24 93:2 101:20 104:2,5 105:25 106:22 109:21 110:23 119:11,23 121:21 124:8 <b>ways</b> 120:2 <b>we'll</b> 45:16 89:17 <b>we're</b> 6:13,14 7:3 9:23 19:23 26:12 31:21 33:5 34:3,23 37:1 46:20 54:8 83:11 87:8 108:14 109:6
<b>understands</b> 6:13 122:14 123:10	116:22 129:16 130:24 131:8,9	<b>view</b> 15:24 18:19 54:5 94:24 97:9 98:22 110:15 <b>views</b> 43:17 <b>violate</b> 55:6 71:2 71:3 74:20 87:1 <b>violates</b> 44:12 82:3 <b>Virginia</b> 52:5 <b>virtual</b> 124:1,18 <b>virtually</b> 126:10 <b>virtue</b> 82:8 <b>visibility</b> 95:3 97:19 110:15 <b>visible</b> 95:8 <b>visit</b> 12:12 <b>visiting</b> 6:5 <b>visual</b> 101:20 <b>visualize</b> 14:19 117:23 <b>visualizing</b> 14:13 <b>vocabulary</b> 39:9 <b>vote</b> 33:19 34:8,8 34:16 35:9 41:12 51:6 54:19 55:14 71:25 72:8 114:23 115:7 115:18 116:3 <b>voted</b> 74:15 <b>voter</b> 4:8,8 56:8	<b>vs</b> 46:22 47:17,23 48:5 50:9 51:11 52:5 54:1 55:9 58:11 59:11 75:13	
<b>understood</b> 34:17 67:16 81:23	<b>useful</b> 15:20 <b>user</b> 24:25 27:11 36:10 88:18 89:18 90:16 92:2,25 97:10 102:20 103:17 105:10 110:24 111:7	<b>Vice</b> 2:7 <b>video</b> 2:1 19:16 24:13 134:9		
<b>undo</b> 92:15,15 93:17	<b>users</b> 4:9 5:1 20:20 22:2,7,14 22:23 23:10,18 24:14,24 25:7 27:6 28:14,23 36:19,24 38:9 89:10,21 90:4 90:10 91:5,13 91:17 93:6 96:21,24 97:6 103:6 105:6 109:12 111:11 112:6	<b>view</b> 15:24 18:19 54:5 94:24 97:9 98:22 110:15 <b>views</b> 43:17 <b>violate</b> 55:6 71:2 71:3 74:20 87:1 <b>violates</b> 44:12 82:3 <b>Virginia</b> 52:5 <b>virtual</b> 124:1,18 <b>virtually</b> 126:10 <b>virtue</b> 82:8 <b>visibility</b> 95:3 97:19 110:15 <b>visible</b> 95:8 <b>visit</b> 12:12 <b>visiting</b> 6:5 <b>visual</b> 101:20 <b>visualize</b> 14:19 117:23 <b>visualizing</b> 14:13 <b>vocabulary</b> 39:9 <b>vote</b> 33:19 34:8,8 34:16 35:9 41:12 51:6 54:19 55:14 71:25 72:8 114:23 115:7 115:18 116:3 <b>voted</b> 74:15 <b>voter</b> 4:8,8 56:8		
<b>undoable</b> 98:19	92:2,25 97:10 102:20 103:17 105:10 110:24 111:7	<b>view</b> 15:24 18:19 54:5 94:24 97:9 98:22 110:15 <b>views</b> 43:17 <b>violate</b> 55:6 71:2 71:3 74:20 87:1 <b>violates</b> 44:12 82:3 <b>Virginia</b> 52:5 <b>virtual</b> 124:1,18 <b>virtually</b> 126:10 <b>virtue</b> 82:8 <b>visibility</b> 95:3 97:19 110:15 <b>visible</b> 95:8 <b>visit</b> 12:12 <b>visiting</b> 6:5 <b>visual</b> 101:20 <b>visualize</b> 14:19 117:23 <b>visualizing</b> 14:13 <b>vocabulary</b> 39:9 <b>vote</b> 33:19 34:8,8 34:16 35:9 41:12 51:6 54:19 55:14 71:25 72:8 114:23 115:7 115:18 116:3 <b>voted</b> 74:15 <b>voter</b> 4:8,8 56:8		
<b>unenforceable</b> 75:12	102:20 103:17 105:10 110:24 111:7	<b>view</b> 15:24 18:19 54:5 94:24 97:9 98:22 110:15 <b>views</b> 43:17 <b>violate</b> 55:6 71:2 71:3 74:20 87:1 <b>violates</b> 44:12 82:3 <b>Virginia</b> 52:5 <b>virtual</b> 124:1,18 <b>virtually</b> 126:10 <b>virtue</b> 82:8 <b>visibility</b> 95:3 97:19 110:15 <b>visible</b> 95:8 <b>visit</b> 12:12 <b>visiting</b> 6:5 <b>visual</b> 101:20 <b>visualize</b> 14:19 117:23 <b>visualizing</b> 14:13 <b>vocabulary</b> 39:9 <b>vote</b> 33:19 34:8,8 34:16 35:9 41:12 51:6 54:19 55:14 71:25 72:8 114:23 115:7 115:18 116:3 <b>voted</b> 74:15 <b>voter</b> 4:8,8 56:8		
<b>uneven</b> 14:15 120:24	<b>username</b> 6:20 6:22 112:12 <b>users</b> 4:9 5:1 20:20 22:2,7,14 22:23 23:10,18 24:14,24 25:7 27:6 28:14,23 36:19,24 38:9 89:10,21 90:4 90:10 91:5,13 91:17 93:6 96:21,24 97:6 103:6 105:6 109:12 111:11 112:6	<b>view</b> 15:24 18:19 54:5 94:24 97:9 98:22 110:15 <b>views</b> 43:17 <b>violate</b> 55:6 71:2 71:3 74:20 87:1 <b>violates</b> 44:12 82:3 <b>Virginia</b> 52:5 <b>virtual</b> 124:1,18 <b>virtually</b> 126:10 <b>virtue</b> 82:8 <b>visibility</b> 95:3 97:19 110:15 <b>visible</b> 95:8 <b>visit</b> 12:12 <b>visiting</b> 6:5 <b>visual</b> 101:20 <b>visualize</b> 14:19 117:23 <b>visualizing</b> 14:13 <b>vocabulary</b> 39:9 <b>vote</b> 33:19 34:8,8 34:16 35:9 41:12 51:6 54:19 55:14 71:25 72:8 114:23 115:7 115:18 116:3 <b>voted</b> 74:15 <b>voter</b> 4:8,8 56:8		
<b>United</b> 40:1 43:6 45:21 46:5,23 47:7,25 49:20 50:1,10,21 51:11 55:19 56:11 58:12,14 58:25 60:16 61:24 64:9,12 72:17	<b>uses</b> 88:5 91:1 100:22 <b>utilize</b> 77:2 81:4	<b>view</b> 15:24 18:19 54:5 94:24 97:9 98:22 110:15 <b>views</b> 43:17 <b>violate</b> 55:6 71:2 71:3 74:20 87:1 <b>violates</b> 44:12 82:3 <b>Virginia</b> 52:5 <b>virtual</b> 124:1,18 <b>virtually</b> 126:10 <b>virtue</b> 82:8 <b>visibility</b> 95:3 97:19 110:15 <b>visible</b> 95:8 <b>visit</b> 12:12 <b>visiting</b> 6:5 <b>visual</b> 101:20 <b>visualize</b> 14:19 117:23 <b>visualizing</b> 14:13 <b>vocabulary</b> 39:9 <b>vote</b> 33:19 34:8,8 34:16 35:9 41:12 51:6 54:19 55:14 71:25 72:8 114:23 115:7 115:18 116:3 <b>voted</b> 74:15 <b>voter</b> 4:8,8 56:8		
<b>universal</b> 28:13	<b>valid</b> 44:9 48:20 80:16,18 <b>validity</b> 16:24 43:14 44:4 45:5 <b>VAP</b> 29:16 31:6	<b>view</b> 15:24 18:19 54:5 94:24 97:9 98:22 110:15 <b>views</b> 43:17 <b>violate</b> 55:6 71:2 71:3 74:20 87:1 <b>violates</b> 44:12 82:3 <b>Virginia</b> 52:5 <b>virtual</b> 124:1,18 <b>virtually</b> 126:10 <b>virtue</b> 82:8 <b>visibility</b> 95:3 97:19 110:15 <b>visible</b> 95:8 <b>visit</b> 12:12 <b>visiting</b> 6:5 <b>visual</b> 101:20 <b>visualize</b> 14:19 117:23 <b>visualizing</b> 14:13 <b>vocabulary</b> 39:9 <b>vote</b> 33:19 34:8,8 34:16 35:9 41:12 51:6 54:19 55:14 71:25 72:8 114:23 115:7 115:18 116:3 <b>voted</b> 74:15 <b>voter</b> 4:8,8 56:8		
<b>universally</b> 28:17 91:7	<b>valid</b> 44:9 48:20 80:16,18 <b>validity</b> 16:24 43:14 44:4 45:5 <b>VAP</b> 29:16 31:6	<b>view</b> 15:24 18:19 54:5 94:24 97:9 98:22 110:15 <b>views</b> 43:17 <b>violate</b> 55:6 71:2 71:3 74:20 87:1 <b>violates</b> 44:12 82:3 <b>Virginia</b> 52:5 <b>virtual</b> 124:1,18 <b>virtually</b> 126:10 <b>virtue</b> 82:8 <b>visibility</b> 95:3 97:19 110:15 <b>visible</b> 95:8 <b>visit</b> 12:12 <b>visiting</b> 6:5 <b>visual</b> 101:20 <b>visualize</b> 14:19 117:23 <b>visualizing</b> 14:13 <b>vocabulary</b> 39:9 <b>vote</b> 33:19 34:8,8 34:16 35:9 41:12 51:6 54:19 55:14 71:25 72:8 114:23 115:7 115:18 116:3 <b>voted</b> 74:15 <b>voter</b> 4:8,8 56:8		
<b>University</b> 8:11 9:24 10:5	<b>valid</b> 44:9 48:20 80:16,18 <b>validity</b> 16:24 43:14 44:4 45:5 <b>VAP</b> 29:16 31:6	<b>view</b> 15:24 18:19 54:5 94:24 97:9 98:22 110:15 <b>views</b> 43:17 <b>violate</b> 55:6 71:2 71:3 74:20 87:1 <b>violates</b> 44:12 82:3 <b>Virginia</b> 52:5 <b>virtual</b> 124:1,18 <b>virtually</b> 126:10 <b>virtue</b> 82:8 <b>visibility</b> 95:3 97:19 110:15 <b>visible</b> 95:8 <b>visit</b> 12:12 <b>visiting</b> 6:5 <b>visual</b> 101:20 <b>visualize</b> 14:19 117:23 <b>visualizing</b> 14:13 <b>vocabulary</b> 39:9 <b>vote</b> 33:19 34:8,8 34:16 35:9 41:12 51:6 54:19 55:14 71:25 72:8 114:23 115:7 115:18 116:3 <b>voted</b> 74:15 <b>voter</b> 4:8,8 56:8		
<b>unmentioned</b> 99:17	<b>valid</b> 44:9 48:20 80:16,18 <b>validity</b> 16:24 43:14 44:4 45:5 <b>VAP</b> 29:16 31:6	<b>view</b> 15:24 18:19 54:5 94:24 97:9 98:22 110:15 <b>views</b> 43:17 <b>violate</b> 55:6 71:2 71:3 74:20 87:1 <b>violates</b> 44:12 82:3 <b>Virginia</b> 52:5 <b>virtual</b> 124:1,18 <b>virtually</b> 126:10 <b>virtue</b> 82:8 <b>visibility</b> 95:3 97:19 110:15 <b>visible</b> 95:8 <b>visit</b> 12:12 <b>visiting</b> 6:5 <b>visual</b> 101:20 <b>visualize</b> 14:19 117:23 <b>visualizing</b> 14:13 <b>vocabulary</b> 39:9 <b>vote</b> 33:19 34:8,8 34:16 35:9 41:12 51:6 54:19 55:14 71:25 72:8 114:23 115:7 115:18 116:3 <b>voted</b> 74:15 <b>voter</b> 4:8,8 56:8		
<b>unsettled</b> 55:12	<b>valid</b> 44:9 48:20 80:16,18 <b>validity</b> 16:24 43:14 44:4 45:5 <b>VAP</b> 29:16 31:6	<b>view</b> 15:24 18:19 54:5 94:24 97:9 98:22 110:15 <b>views</b> 43:17 <b>violate</b> 55:6 71:2 71:3 74:20 87:1 <b>violates</b> 44:12 82:3 <b>Virginia</b> 52:5 <b>virtual</b> 124:1,18 <b>virtually</b> 126:10 <b>virtue</b> 82:8 <b>visibility</b> 95:3 97:19 110:15 <b>visible</b> 95:8 <b>visit</b> 12:12 <b>visiting</b> 6:5 <b>visual</b> 101:20 <b>visualize</b> 14:19 117:23 <b>visualizing</b> 14:13 <b>vocabulary</b> 39:9 <b>vote</b> 33:19 34:8,8 34:16 35:9 41:12 51:6 54:19 55:14 71:25 72:8 114:23 115:7 115:18 116:3 <b>voted</b> 74:15 <b>voter</b> 4:8,8 56:8		
<b>update</b> 3:11	<b>valid</b> 44:9 48:20 80:16,18 <b>validity</b> 16:24 43:14 44:4 45:5 <b>VAP</b> 29:16 31:6	<b>view</b> 15:24 18:19 54:5 94:24 97:9 98:22 110:15 <b>views</b> 43:17 <b>violate</b> 55:6 71:2 71:3 74:20 87:1 <b>violates</b> 44:12 82:3 <b>Virginia</b> 52:5 <b>virtual</b> 124:1,18 <b>virtually</b> 126:10 <b>virtue</b> 82:8 <b>visibility</b> 95:3 97:19 110:15 <b>visible</b> 95:8 <b>visit</b> 12:12 <b>visiting</b> 6:5 <b>visual</b> 101:20 <b>visualize</b> 14:19 117:23 <b>visualizing</b> 14:13 <b>vocabulary</b> 39:9 <b>vote</b> 33:19 34:8,8 34:16 35:9 41:12 51:6 54:19 55:14 71:25 72:8 114:23 115:7 115:18 116:3 <b>voted</b> 74:15 <b>voter</b> 4:8,8 56:8		
<b>updated</b> 58:17	<b>valid</b> 44:9 48:20 80:16,18 <b>validity</b> 16:24 43:14 44:4 45:5 <b>VAP</b> 29:16 31:6	<b>view</b> 15:24 18:19 54:5 94:24 97:9 98:22 110:15 <b>views</b> 43:17 <b>violate</b> 55:6 71:2 71:3 74:20 87:1 <b>violates</b> 44:12 82:3 <b>Virginia</b> 52:5 <b>virtual</b> 124:1,18 <b>virtually</b> 126:10 <b>virtue</b> 82:8 <b>visibility</b> 95:3 97:19 110:15 <b>visible</b> 95:8 <b>visit</b> 12:12 <b>visiting</b> 6:5 <b>visual</b> 101:20 <b>visualize</b> 14:19 117:23 <b>visualizing</b> 14:13 <b>vocabulary</b> 39:9 <b>vote</b> 33:19 34:8,8 34:16 35:9 41:12 51:6 54:19 55:14 71:25 72:8 114:23 115:7 115:18 116:3 <b>voted</b> 74:15 <b>voter</b> 4:8,8 56:8		
<b>updates</b> 43:7	<b>valid</b> 44:9 48:20 80:16,18 <b>validity</b> 16:24 43:14 44:4 45:5 <b>VAP</b> 29:16 31:6	<b>view</b> 15:24 18:19 54:5 94:24 97:9 98:22 110:15 <b>views</b> 43:17 <b>violate</b> 55:6 71:2 71:3 74:20 87:1 <b>violates</b> 44:12 82:3 <b>Virginia</b> 52:5 <b>virtual</b> 124:1,18 <b>virtually</b> 126:10 <b>virtue</b> 82:8 <b>visibility</b> 95:3 97:19 110:15 <b>visible</b> 95:8 <b>visit</b> 12:12 <b>visiting</b> 6:5 <b>visual</b> 101:20 <b>visualize</b> 14:19 117:23 <b>visualizing</b> 14:13 <b>vocabulary</b> 39:9 <b>vote</b> 33:19 34:8,8 34:16 35:9 41:12 51:6 54:19 55:14 71:25 72:8 114:23 115:7 115:18 116:3 <b>voted</b> 74:15 <b>voter</b> 4:8,8 56:8		
<b>updating</b> 124:13	<b>valid</b> 44:9 48:20 80:16,18 <b>validity</b> 16:24 43:14 44:4 45:5 <b>VAP</b> 29:16 31:6	<b>view</b> 15:24 18:19 54:5 94:24 97:9 98:22 110:15 <b>views</b> 43:17 <b>violate</b> 55:6 71:2 71:3 74:20 87:1 <b>violates</b> 44:12 82:3 <b>Virginia</b> 52:5 <b>virtual</b> 124:1,18 <b>virtually</b> 126:10 <b>virtue</b> 82:8 <b>visibility</b> 95:3 97:19 110:15 <b>visible</b> 95:8 <b>visit</b> 12:12 <b>visiting</b> 6:5 <b>visual</b> 101:20 <b>visualize</b> 14:19 117:23 <b>visualizing</b> 14:13 <b>vocabulary</b> 39:9 <b>vote</b> 33:19 34:8,8 34:16 35:9 41:12 51:6 54:19 55:14 71:25 72:8 114:23 115:7 115:18 116:3 <b>voted</b> 74:15 <b>voter</b> 4:8,8 56:8		
<b>uploaded</b> 132:6,8 132:24	<b>valid</b> 44:9 48:20 80:16,18 <b>validity</b> 16:24 43:14 44:4 45:5 <b>VAP</b> 29:16 31:6	<b>view</b> 15:24 18:19 54:5 94:24 97:9 98:22 110:15 <b>views</b> 43:17 <b>violate</b> 55:6 71:2 71:3 74:20 87:1 <b>violates</b> 44:12 82:3 <b>Virginia</b> 52:5 <b>virtual</b> 124:1,18 <b>virtually</b> 126:10 <b>virtue</b> 82:8 <b>visibility</b> 95:3 97:19 110:15 <b>visible</b> 95:8 <b>visit</b> 12:12 <b>visiting</b> 6:5 <b>visual</b> 101:20 <b>visualize</b> 14:19 117:23 <b>visualizing</b> 14:13 <b>vocabulary</b> 39:9 <b>vote</b> 33:19 34:8,8 34:16 35:9 41:12 51:6 54:19 55:14 71:25 72:8 114:23 115:7 115:18 116:3 <b>voted</b> 74:15 <b>voter</b> 4:8,8 56:8		
<b>uploading</b> 132:12	<b>valid</b> 44:9 48:20 80:16,18 <b>validity</b> 16:24 43:14 44:4 45:5 <b>VAP</b> 29:16 31:6	<b>view</b> 15:24 18:19 54:5 94:24 97:9 98:22 110:15 <b>views</b> 43:17 <b>violate</b> 55:6 71:2 71:3 74:20 87:1 <b>violates</b> 44:12 82:3 <b>Virginia</b> 52:5 <b>virtual</b> 124:1,18 <b>virtually</b> 126:10 <b>virtue</b> 82:8 <b>visibility</b> 95:3 97:19 110:15 <b>visible</b> 95:8 <b>visit</b> 12:12 <b>visiting</b> 6:5 <b>visual</b> 101:20 <b>visualize</b> 14:19 117:23 <b>visualizing</b> 14:13 <b>vocabulary</b> 39:9 <b>vote</b> 33:19 34:8,8 34:16 35:9 41:12 51:6 54:19 55:14 71:25 72:8 114:23 115:7 115:18 116:3 <b>voted</b> 74:15 <b>voter</b> 4:8,8 56:8		
<b>upwards</b> 14:25	<b>valid</b> 44:9 48:20 80:16,18 <b>validity</b> 16:24 43:14 44:4 45:5 <b>VAP</b> 29:16 31:6	<b>view</b> 15:24 18:19 54:5 94:24 97:9 98:22 110:15 <b>views</b> 43:17 <b>violate</b> 55:6 71:2 71:3 74:20 87:1 <b>violates</b> 44:12 82:3		

10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 23

110:3 113:8,12 113:19 117:3 117:10 120:17 120:18,20 123:2,2 128:5 130:15 131:17 <b>weaken</b> 53:5 73:15 <b>web</b> 6:21,22 8:23 9:2,3 25:5 29:24 88:14 112:24 <b>web-based</b> 88:2 <b>website</b> 3:14 4:19 5:2,4,15 6:5,5 6:20,23 11:19 11:20 12:10,20 12:24 13:2,9 16:1 17:23 18:8 28:20 36:23 37:8,22 90:15 90:17 97:5,8 98:9 100:6 103:6 124:13 127:1,8,11,18 127:20,24 128:2 132:5 <b>week</b> 39:11 114:4 122:22 124:5,6 <b>weeks</b> 39:1 42:23 54:9 <b>Welcome</b> 125:2 <b>Wendy</b> 135:3,24 <b>went</b> 3:15 7:2 103:15 115:13 127:19,25 <b>Wesberry</b> 46:22 <b>wheel</b> 91:20 94:20 <b>white</b> 31:4 99:11 118:14 119:20 <b>whoops</b> 94:16 <b>Wildwood</b> 15:16 15:17 <b>window</b> 91:5 99:25 <b>wish</b> 6:24 113:16	<b>wishes</b> 124:15,24 <b>wishing</b> 3:4 <b>withdrawn</b> 50:11 <b>Women</b> 125:2,6 132:16 <b>word</b> 97:25 <b>work</b> 6:10 27:25 37:24 38:25 95:8 102:7 110:6,6 113:4 123:5 126:6 <b>worked</b> 21:15 105:25 <b>working</b> 4:5,16 89:12,25 92:11 94:7 96:9 109:17 110:12 111:2 113:20 115:19 123:6 <b>works</b> 87:19 89:2 110:23 111:5 119:11 <b>worth</b> 107:10 <b>wrapped</b> 102:12 <b>wrong</b> 65:25 <b>www.floridare...</b> 3:14  <b>X</b> <b>X</b> 91:9 93:16  <b>Y</b> <b>Yeah</b> 59:22 <b>year</b> 8:24 9:10,10 16:14 40:13 43:25 58:24 <b>years</b> 43:3 50:1 104:12 <b>yield</b> 78:3 120:22  <b>Z</b> <b>zip</b> 28:21 <b>zoom</b> 13:13 20:21 24:11 31:2 91:18,20,21,24 91:25 93:20 94:19,21 95:17	110:20 <b>zoomed</b> 95:19 <b>zooming</b> 95:5 <b>zooms</b> 92:2  <b>0</b> <b>00</b> 25:16 <b>000</b> 26:3 <b>04</b> 14:12  <b>1</b> <b>1</b> 30:18 39:25 46:25 61:12 62:22 63:17,23 63:24 71:12 75:19 77:9,12 83:3 98:14,16 98:18,18 108:19 110:2 125:23 <b>10</b> 14:25 42:6 48:19,22,25 49:2,18 106:7 106:12,12 <b>10-8</b> 132:20 <b>100</b> 120:4 <b>101121</b> 1:13 <b>11</b> 1:15 <b>120</b> 40:17,25 47:15 <b>13</b> 117:17 <b>134</b> 15:19 <b>14</b> 117:17 <b>14th</b> 51:2 <b>15</b> 14:25 28:4,7 43:10 117:17 <b>15,730</b> 15:18 <b>15th</b> 135:13 <b>16</b> 17:3 40:11 42:11 117:17 <b>1730</b> 1:24 <b>18</b> 119:10 <b>1960s</b> 46:6 56:4 58:20,22 <b>1964</b> 46:23 56:9 <b>1965</b> 52:13 <b>1970s</b> 56:17,23	58:21,23 <b>1982</b> 20:16 21:9 <b>1986</b> 54:2 <b>1A</b> 76:23 <b>1st</b> 9:10 35:5 107:25,25  <b>2</b> <b>2</b> 38:15 45:23 47:1 52:20,22 52:24 53:3,21 54:10,10 55:2,7 61:12 63:22 66:20,22 67:5 72:5,7 73:2,5 75:4,4 76:17,20 77:13 78:20 81:3 87:1 98:15 98:16,18 125:24 <b>2's</b> 55:14,20 <b>20</b> 17:6 62:6,20 <b>20--</b> 72:21 <b>200</b> 109:1 <b>2002</b> 21:7 <b>20036</b> 1:24 <b>2006</b> 58:23 <b>2009</b> 55:9 <b>2010</b> 14:18 15:12 15:16 16:13 17:7 62:5 72:21 105:21 107:22 107:23,25 120:22 121:2 <b>2012</b> 66:2,11 67:20 72:14 104:6 105:25 117:17 129:9 <b>2013</b> 58:12 <b>2014</b> 104:21 <b>2016</b> 20:19 <b>2018</b> 51:12 <b>2019</b> 50:9 <b>202</b> 1:25 <b>2020</b> 14:3,6,19 15:17 16:13 35:5 104:4,14	107:24 108:1 108:19,19 120:18,20 121:3,7,9 <b>2021</b> 1:15 <b>2022</b> 87:9 104:6 <b>2023</b> 135:13 <b>20th</b> 3:12 <b>21</b> 17:6 62:6,21 <b>225</b> 93:13 <b>22nd</b> 3:15 127:25 <b>232-0646</b> 1:25 <b>25</b> 58:24 <b>28</b> 46:19,21  <b>3</b> <b>3</b> 14:9 17:3,6 28:12 40:11 42:11 62:6,20 62:21 87:9 93:13 125:11 <b>3,500</b> 107:22 <b>30</b> 40:15 43:18 <b>3000</b> 14:10,10 <b>30th</b> 97:14  <b>4</b> <b>4</b> 14:11 39:25 58:15,23 <b>4:22-cv-109</b> 1:4 <b>40</b> 40:15,24 47:16 <b>412</b> 109:2 <b>4th</b> 51:2  <b>5</b> <b>5</b> 45:24 52:21 56:1,2,25 57:6 59:6,12,14 60:7 60:14,20 72:5,8 73:3 75:10  <b>6</b> <b>6</b> 26:11 <b>6,709</b> 15:17 <b>60</b> 45:10 84:6  <b>7</b> <b>7--</b> 84:2
---	---	--	---	--



10/11/2021

Common Cause, et al. v. Cord Byrd

Audio Transcript

Page 24

**70** 43:3 84:2,6**75** 83:8**769,221** 46:19**78** 31:1

---

**8****8** 41:6**80** 40:17 43:3**812** 1:24**8th** 127:2,5,23**8thm** 4:8

---

**9****9,000** 15:18**92** 21:8**96** 21:8