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Common Cause, et al. v. Cord Byrd

Audio Transcription

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

)

TRANSCRIPTION OF VIDEO RECORDING
PRESS AVAILABILITY WITH
HOUSE CONGRESSIONAL REDISTRICTING
SUBCOMMITTEE CHAIR TYLER SIROIS
FEBRUARY 18, 2022

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2 UNIDENTIFIED REPORTER: So what do you make
3 of the Governor's involvement in this?

4 CHAIRMAN SIROIS: Well, I mean, you know, I
5 -- I think the Governor has clearly indicated he is
6 got an opinion on the matter. We had a lot of other
7 folks here with us today who also had opinions that
8 they wanted to share with us. And I think what you
9 saw from our Committee was a willingness for us to
10 -- to accept all of that to ask questions, to be
11 engaged in the process, to work through it. And
12 today is one -- is the first stop in a process that
13 is still very much in its early stages.

14 UNIDENTIFIED REPORTER: Did you ask the
15 Governor's office to provide a witness or have
16 someone testify?

17 CHAIRMAN SIROIS: No. No.

18 UNIDENTIFIED REPORTER: Were you surprised?
19 Did you know?

20 CHAIRMAN SIROIS: No. I was not -- I was
21 not surprised by it. I mean, we have -- we have
22 seen all along that he has an interest in the
23 subject matter, but we have seen other stakeholders
24 throughout our Committee process that also have an
25 interest in the subject matter. So you know, that

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1 we had a publicly noticed meeting today, and I'm
2 pleased that people turned out to -- to share their
3 testimony with us.

4 UNIDENTIFIED REPORTER: Just to clarify,
5 you did get some notice that the Governor was going
6 that -- that he was going to be here?

7 CHAIRMAN SIROIS: Yes. I received --

8 UNIDENTIFIED REPORTER: Because people had
9 questions that were obviously prepared.

10 CHAIRMAN SIROIS: Yes. And I received the
11 written statement from Mr. Popper this morning.

12 UNIDENTIFIED REPORTER: Okay. And can we
13 get a copy of --

14 CHAIRMAN SIROIS: Certainly.

15 UNIDENTIFIED REPORTER: -- what he
16 submitted? I had a question. One of the things
17 that Ms. Kelly said, that is part of a question is
18 -- she said there needed to be a 50 percent "marker"
19 that would give an ability to elect a candidate of
20 their choice when you were speaking about CD10.
21 This is the -- and why you are arguing that -- that
22 is the basis there.

23 CHAIRMAN SIROIS: Uh-huh (affirmative).

24 UNIDENTIFIED REPORTER: On what ground are
25 you establishing this 50 percent --

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1 CHAIRMAN SIROIS: Right. Due to --

2 UNIDENTIFIED REPORTER: -- precedent.

3 CHAIRMAN SIROIS: -- the technical basis of
4 the question, I would like to get her involved.

5 REPRESENTATIVE SKIDMORE: Yes.

6 UNIDENTIFIED REPORTER: What's the legal
7 basis on which you're --

8 REPRESENTATIVE SKIDMORE: So -- so I can
9 provide you more information on background, but I
10 believe you're misquoting me. There are -- there
11 are very few actual definitive legal thresholds in
12 redistricting, including arbitrary voting age
13 population thresholds. What we were talking about
14 at the time was the concept of functional analysis.

15 The ability to elect, you know, in order to
16 control a primary or general election is often
17 dictated around that threshold. Anything further?
18 I would ask to coordinate --

19 UNIDENTIFIED FEMALE: Yeah. Let's keep the
20 questions for the chair for now.

21 CHAIRMAN SIROIS: Sure. Yeah.

22 UNIDENTIFIED FEMALE: Yeah.

23 UNIDENTIFIED REPORTER: You know, I know --
24 well, he --

25 CHAIRMAN SIROIS: Yeah.

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1 UNIDENTIFIED REPORTER: Okay. So there --
2 there was also some other questions relating to this
3 analysis you've had done regarding voting cohesion
4 and racial --

5 CHAIRMAN SIROIS: Well, I want to be clear.
6 I think it is important to be clear about that.

7 UNIDENTIFIED REPORTER: Okay.

8 CHAIRMAN SIROIS: We haven't had -- the
9 House of Representatives has not had that analysis
10 done.

11 UNIDENTIFIED REPORTER: So --

12 CHAIRMAN SIROIS: We have engaged -- we
13 have engaged legal counsel who is engaged outside
14 expert assistance with some of the statistical
15 analysis that we are doing in anticipation of
16 litigation.

17 And I want to expand. You know, from my
18 point of view, that's reasonable because, you know,
19 one of the things that -- that kind of happened as a
20 result of this process, before we even got out of
21 the gate, people were talking about litigation.

22 So I think, you know, when you look at the
23 situation here, you know, we're mindful of that
24 fact, and we engaged outside legal counsel to assist
25 the House through this process. And they've,

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1 obviously, engaged expert -- expert support.

2 UNIDENTIFIED REPORTER: I guess they are
3 just -- are Florida taxpayers paying for that legal
4 counsel?

5 CHAIRMAN SIROIS: Well, the Florida House
6 of Representatives has engaged legal counsel. So,
7 yes.

8 UNIDENTIFIED REPORTER: So Florida tax --
9 so if they are producing data that is then being
10 used by the Florida House, why isn't that made a
11 public record?

12 CHAIRMAN SIROIS: Well, for a law firm to
13 engage expert assistance, is a very normal -- that
14 is a very normal course, and that is not typically
15 something that is available to public record. And I
16 think I -- I think even more so when you have the
17 prospect of litigation involved.

18 UNIDENTIFIED REPORTER: Obviously,
19 Mr. Popper is an expert in compactness and that kind
20 of thing. So are you aware of any federal law
21 requirements for compactness, or is that only a
22 state requirement?

23 CHAIRMAN SIROIS: No, I'm not -- I'm not
24 aware of any federal law, but one of the things that
25 he even talked about in his testimony is there are a

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1 variety of different -- different tests that examine
2 compactness. And you know, it was interesting that
3 he even got pressed by our Committee members a
4 little bit on any, you know, imperfections or
5 deficiencies in his own scoring method and I don't
6 -- to me, he seemed to think it was a perfect
7 method, which I disagree.

8 You're going to look at all of this stuff
9 kind of in totality and at face value. And
10 compactness scores -- you know, you have Polsby-
11 Popper; you have Reock; you have the eyeball test,
12 which the Florida Supreme Court, you know, has
13 referred to previously.

14 I think you have to look at all of those in
15 context at the whole map and use it, not any single
16 test, you know, as an end all be all but in the
17 context of the bigger picture.

18 UNIDENTIFIED REPORTER: Are you concerned
19 about the veto threat from the Governor's office?

20 CHAIRMAN SIROIS: No. I'm not. As I said
21 before, we are at the -- we are at the beginning
22 stage of this process, and what I would remind you
23 is just like any other bill. You know, if you think
24 of it, the text of any other bill, it works through
25 committee process. And sometimes the bill that you

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1 have when you start is not necessarily the same text
2 that you end up with when you finish.

3 Now, I am not saying that always happens.
4 Sometimes it does, but we are at a first
5 subcommittee meeting today. We go to the next
6 Redistricting Committee, then the floor, and then we
7 have to reconcile with the Senate. So we're a long
8 way off before I think that is a concern.

9 UNIDENTIFIED REPORTER: There have been a
10 lot of folks to testify over this process, and you
11 guys had multiple, fairly pointed questions for --
12 for Mr. Popper. Is there anything to be read there
13 about how the Committee is receiving sort of
14 Governor -- you know, the Governor getting someone
15 to come testify before your Committee? Because the
16 tone of the questions in the back and forth just
17 seem different than some past folks who give public
18 testimony?

19 CHAIRMAN SIROIS: You know, I'm not going
20 to speculate on that. I think that what you have
21 seen is that all of the Committee members are
22 engaged. As I said in my closing remarks, this is a
23 subject that, you know, invokes a lot of passion and
24 interest. So you know, I have been fortunate, you
25 know, to work with members who are engaged and

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1 passionate about this, and you've seen that all
2 along.

3 UNIDENTIFIED FEMALE: Last question.

4 UNIDENTIFIED REPORTER: And I wanted to get
5 you to clarify a little bit. He -- he did --
6 Mr. Popper kind of made the point that when it comes
7 to some of these black minority majority districts,
8 he says at one point it's unclear that a 43 percent
9 black VAP district would actually get more
10 representation than 4, 10 percent black districts.
11 That -- that seems to be an indication of how they
12 think about voting representation and preserving.
13 What do you make of that?

14 CHAIRMAN SIROIS: I'm not going to presume
15 to speak to their map.

16 UNIDENTIFIED REPORTER: Do you agree?

17 CHAIRMAN SIROIS: I'm not -- I'm not going
18 to -- I'm not going to speak to his testimony. What
19 I will tell you is what you saw pass out of this
20 Committee today is a legally compliant map.

21 UNIDENTIFIED REPORTER: Kind of on the fly
22 here --

23 UNIDENTIFIED FEMALE: Thank you, guys.

24 UNIDENTIFIED REPORTER: -- the Governor's
25 office is saying that you guys asked for them to

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1 provide a witness. You're saying you didn't. Was
2 there any interaction about this before the meeting?
3 I'm just texting with the communications director,
4 and they're saying you guys asked for a witness.

5 CHAIRMAN SIROIS: I can't speak to that.

6 UNIDENTIFIED REPORTER: Okay. All right.

7 UNIDENTIFIED FEMALE: Thank you.

8 (END OF VIDEO FILE)

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1 CERTIFICATE OF TRANSCRIPTIONIST

2 I certify that the foregoing is a true and
3 accurate transcript of the digital recording
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5 I do further certify that I am neither a
6 relative, nor employee, nor attorney of any of the
7 parties to this action, and that I am not
8 financially interested in the action.

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Julie Thompson, CET-1036

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