NORTH CAROLINA GENERAL ASSEMBLY

HOUSE REDISTRICTING COMMITTEE

FEBRUARY 16, 2022

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1 (Transcription from recorded video file.)
2 CHAIRMAN HALL: -- Sergeant at Arms for
3 the great work that they do. The Chair
4 apologizes for the delay. We had some printing
5 issues, and I think that we now have everything
6 that's to be passed out to the committee. The
7 remaining document is being passed out to all
8 committee members right now. You should have a
9 copy of both the congressional and state house
10 map and also a document that's being passed out
11 to you right now which is an expert report in
12 the pending litigation.
13 Members, I remind you -- we didn't do
14 this the last time when we were in this
15 committee, but I'll ask members to state your
16 name before you speak each time. Because while
17 we don't have a court reporter in here right
18 now, when they go back and try to transcribe
19 this, it's sometimes difficult for them to know
20 who's speaking. So when you're recognized to
21 speak, just say, I'm representative so and so.
22 You don't have to say where you're from. You
23 don't have to do all that. Just say I'm
24 representative so-and-so, so they can identify
25 you before you're speaking.

1 Members on the agenda, as you saw on
2 the congressional map is for discussion only
3 today. I will tell the members at this point
4 because we were so delayed in getting the other
5 documents out here -- and I know it's lunch --
6 the Chair does not anticipate having any
7 discussion on that congressional map during this
8 committee meeting. But watch your inbox. We
9 may have a meeting this evening after session,
10 and we will have some committee meeting at some
11 point tomorrow. But again, we're not going to
12 bring up that congressional map in today's
13 committee. We're only going to do the state
14 house map.
15 So, Members, with that, I will turn the
16 gavel over to Chairman Saine, and I will ask
17 Chairman Saine to recognize me to debate the
18 bill.
19 CHAIRMAN SAINE: Chairman Hall, you're
20 recognized.
21 CHAIRMAN HALL: Thank you,
22 Mr. Chairman.
23 Members, I'll try to be brief in my
24 opening so I can answer your questions and
25 hopefully not keep you in here too long today.

1 Members, as you know, the Supreme Court
2 held that our maps must, quote, give the voters
3 of all political parties substantially equal
4 opportunity to translate votes into seats across
5 the plan, and that's exactly what the map before
6 you today does. I will tell you that I have,
7 along with the speaker, we've worked with
8 Representative Reives where we could. We've met
9 quite a bit with Representative Reives to try to
10 come to some compromise. And I can tell you
11 that in a number of areas within the map, we've
12 incorporated ideas from Representative Reives
13 and from the Democrats. And I'll also tell you
14 that those discussions are ongoing today, and
15 this map could perhaps change before we even get
16 into session this afternoon.
17 So back to the map. So how do we --
18 how do we go about complying with the court's
19 order with the map that you see before you?
20 Well, we used the election data from 12
21 statewide races from 2016 and 2020 that were
22 utilized by the plaintiffs' expert,
23 Dr. Mattingly of Duke University.
24 And so what are the numbers on this
25 map? Under the map that you've got before you

1 today, Governor Cooper would have won 63 House
2 districts in 2020. So Governor Cooper would
3 have won a majority of the House districts in
4 the map before you in 2020. While former
5 President Trump under this dataset would have
6 won 62 House districts. Compare that to the
7 enacted map where Governor Cooper would have won
8 58 House districts and former President Trump
9 would have won 70 House districts.
10 The Supreme Court told us that there
11 are multiple reliable ways of demonstrating the
12 existence of an unconstitutional partisan
13 gerrymander. That's their quote. Their quote
14 also said, in particular, mean-median difference
15 analysis and efficiency gap analysis were two
16 important measurements. The map before you
17 today meets both of the measurements that the
18 Supreme Court gave us on those two analyses.
19 Specifically, this map scores within under a one
20 point mean-median difference analysis and under
21 a two point efficiency gap analysis.
22 The Court told us a mean-median
23 difference of one percent or less is
24 presumptively constitutional. This map meets
25 that. The Court also told us that an efficiency

1 gap analysis under 7 percent is presumptively
2 constitutional. And, again, this map easily
3 meets that threshold. Furthermore, the Court
4 told us that we needed to quote -- they -- the
5 Court said, quote, the map exhibited a selective
6 failure to preserve municipalities in the House
7 map based solely on considerations of partisan
8 advantage. The enacted map split 81
9 municipalities and this map contains only 49
10 splits in municipalities involving population.
11 The map also prioritizes keeping districts
12 compact. Specifically, we improve compactness
13 of the map overall compared to the enacted map
14 using both Reock and Polsby-Popper analysis,
15 which this committee is very familiar with.
16 Members, as you also know, the
17 Stephenson case requires, to the extent there is
18 legally significant racially polarized voting,
19 the drawing of majority-minority districts as
20 the first step in the process. However, the
21 analysis performed by Dr. Jeffrey Lewis of UCLA
22 determined that majority-minority districts are
23 not required.
24 And, Members, as a reminder, the
25 Supreme Court adopted the trial court's findings

1 of fact that, quote, In no district enacted or
2 in 2020 does it appear that a majority of BVAP
3 is needed for the district to regularly generate
4 majority support for minority-preferred
5 candidates in reconstituted elections.
6 And, Members, now I'll briefly go
7 through some of the groupings in the map that
8 are -- that are and have been the most heavily
9 debated in this Committee on the House floor and
10 the most heavily litigated. We'll begin with
11 Buncombe.
12 In Buncombe, the map before you today,
13 it changes from a one Republican and two
14 Democrat map to three Democratic districts that
15 split no municipalities except for Asheville,
16 which as you all know by now must be split
17 because of that city's sprawling geography
18 throughout Buncombe County. In Pitt County,
19 we've drawn two Democratic districts, which is a
20 change from the previous 1-1 Democrat-Republic
21 split in the enacted map.
22 We kept Winterville whole, where the
23 enacted map did not. And I know there was some
24 dispute about ECU being kept whole or not that
25 Representative Hawkins and I had talked some

about. And whatever the last map did, this one does not split ECU. In Guilford County, all six districts in this map were won by President Biden, every single one of them were won by President Biden. The map keeps Summerfield whole, where the enacted plan did not. In Cumberland, we've drawn compact maps that keep Hope Mills whole. Where the enacted plan had split Hope Mills, this map has three solid Democratic districts and one competitive district.

In Mecklenburg County, President Biden and Governor Cooper won all 13 districts under this map. The map before you is a compact plan. This splits no municipalities other than Charlotte and Huntersville, which must be split in this -- in the map.

In New Hanover, we drew an additional competitive district based in Wilmington. In Cabarrus we drew an additional competitive district, again won by Governor Cooper. In Robeson County, we drew one district much more competitive than the enacted plan. And in Wake County, especially in Wake County, we borrowed from a lot of the ideas from drafts provided to

1 us by the minority leader in our negotiations.
2 We kept Mooresville whole. We unsplit
3 Rolseville. Governor Cooper again won all 13
4 districts in Wake County under this map.
5 Members, in closing, using the data
6 that analyzed by the plaintiffs' own expert,
7 Dr. Mattingly of Duke, we've drawn a map under
8 which Governor Cooper would have won 63 House
9 districts in 2020. If that metric does not
10 comply with the Court's order, I'm not sure that
11 I know what does. Members, I also note that you
12 have the -- as to the racially polarized voting
13 study, you have the plaintiffs' expert report
14 that is before you that was passed out.
15 And, Mr. Chairman, I'm glad to stand
16 for any questions.
17 CHAIRMAN SAINE: Gentleman yields.
18 Representative Harrison. And remember
19 to state your name for the record.
20 REPRESENTATIVE HARRISON:
21 Representative Pricey Harrison, Guilford County.
22 Thank you, Mr. Chair and thank you, Chair Hall.
23 I -- just to start with, I appreciate
24 your succinct analysis of what the Court
25 ordered, but I wondered if we could get a little

1 bit more thorough on highlights from our staff
2 about the Court's ruling. Would that be
3 possible if we have some time?
4 CHAIRMAN SAINE: That --
5 REPRESENTATIVE HARRISON: I haven't --
6 I haven't had a chance to read the 200-page
7 opinion yet. And I know the order was easy to
8 digest, but there might be more to it.
9 CHAIRMAN SAINE: Representative
10 Harrison, hearing from staff back here, I'm not
11 sure that anyone is prepared for that
12 presentation at the moment, that they also would
13 like to be accurate when they present it, and
14 they're not ready for your question. So I don't
15 know how we resolve that here in the Committee
16 right now.
17 REPRESENTATIVE HARRISON: I appreciate
18 that. Follow up.
19 I appreciate that. I think it's
20 probably important to understand what the Court
21 was ordering in the context of looking at that
22 whether we are complying with the order. And I
23 guess specifically the point that -- and I know
24 everybody is working very hard and I appreciate
25 the back-and-forth between the majority party

1 and the minority party. But we just received
2 these maps, these draft maps, a couple hours
3 before the Committee meeting. And I don't think
4 that any of us, at least on our side of the
5 aisle, have had a chance to actually digest
6 them.
7 I've just reviewed the Court order
8 before the Committee meeting started, and I --
9 so I've been trying to understand about what it
10 means. You have said that this meets the -- the
11 Court says this meets the constitutionality that
12 a mean-median difference of under one point and
13 efficiency gap analysis. I understand there
14 were others that were offered, close votes,
15 close seats analysis, partisan symmetry
16 analysis. I guess -- I guess the Court was
17 saying we could choose whichever ones of
18 these -- these measuring tools. Is that -- is
19 that my -- is that correct?
20 CHAIRMAN HALL: I think that's a good
21 question that I wish the Supreme Court would
22 have more readily answered. But what I can tell
23 you, Representative Harrison, is that my reading
24 of it is the Court really focused on the
25 mean-median difference and the efficiency gap

1 analysis. They gave us some bright line rules
2 or at least something approaching bright line
3 rules on those two metrics. And as I said
4 earlier, we've met both of those, those -- those
5 metrics.
6 REPRESENTATIVE HARRISON: I appreciate
7 that. Follow up?
8 CHAIRMAN SAINE: You're recognized for
9 follow-up.
10 REPRESENTATIVE HARRISON: Thank you.
11 I -- and I appreciate that. I sure wish we had
12 a chance to spend a little bit more time and to
13 spend a little bit more time understanding the
14 impact as far as the Supreme Court's order goes.
15 But specifically with regard -- because this has
16 just come up from my constituents back home
17 about Guilford County.
18 It seems like the Mattingly analysis
19 shows that this is -- that the gerrymander is
20 extreme. And the Court found the Republican
21 gerrymander to be extreme in Guilford County.
22 And that -- I understand they're still using
23 non-compact districts to give Republicans a
24 chance of winning two seats. I know you say
25 that Biden won all six. But also it shows --

1 the Mattingly analysis shows five seats should
2 be solidly Democratic and one seat should be
3 highly competitive. I'm just wondering because
4 it seems like you sometimes follow the analysis
5 and sometimes not or -- Mattingly analysis.
6 CHAIRMAN HALL: Yeah. So I
7 respectfully disagree with the lady's analysis
8 of what we've done.
9 I think that what the Court told us
10 is -- is essentially we needed to look at these
11 metrics across the entire map. Guilford County
12 has districts that were all won by President
13 Biden and Governor Cooper.
14 You know, again -- and then let me
15 strike that. I know they were all won by
16 President Biden. I don't have in my notes what
17 the Cooper scores were. But, again, every one
18 of these districts were won by -- by President
19 Biden. So I don't -- I can't -- I don't know
20 that you can fairly say there are any
21 quote-unquote Republican districts in this
22 Guilford County map.
23 REPRESENTATIVE HARRISON: I appreciate
24 that. One more follow-up.
25 CHAIRMAN SAINE: You're recognized for

1 follow-up.
2 REPRESENTATIVE HARRISON: Thank you.
3 And I guess there are similar concerns
4 about the Forsyth County draw in the Mattingly
5 analysis shows that it would reliably elect a
6 Republican in an analysis analyzing statewide
7 results in a district that should vary between
8 close and strongly favoring a Democrat. So
9 we're probably going to respectfully agree to
10 disagree on that as well.
11 But I did want to raise that since they
12 are both close to home. And I'll just hold off.
13 I may have more questions. Thank you. And I
14 appreciate your work on this, Representative
15 Hall.
16 CHAIRMAN HALL: Thank you,
17 Representative Harrison. And for the court
18 reporter later on, that was myself,
19 Representative Destin Hall, and Representative
20 Pricey Harrison on that exchange. And I didn't
21 follow my own directions, so I apologize for
22 that.
23 CHAIRMAN SAINE: Thank you,
24 Mr. Chairman.
25 Questions for Representative --

1 Representative Hawkins, you're recognized.
2 Please state your name.
3 REPRESENTATIVE HAWKINS: Glad to
4 reintroduce myself. That's for you,
5 Representative Saine. I'm pretty sure you got
6 that reference.
7 CHAIRMAN SAINE: Thank you, sir.
8 REPRESENTATIVE HAWKINS: Representative
9 Zack Hawkins, Durham County. And here we are,
10 again, talking about maps that have gone through
11 litigation and hopefully will not have to be
12 done multiple times in a decade. So that's why,
13 you know, my questions -- that's sort of where
14 my questions will lead us to, hopefully.
15 So the first question that I have is
16 you, in your opening statement, Mr. Chairman,
17 you said where we could work with Representative
18 Reives. Could you elaborate on sort of that?
19 Give me a little more explanation to where that
20 went, like where we could. Like what -- what
21 was the tipping point for you in not being able
22 to work with such a fine gentleman such as
23 Representative Reives?
24 CHAIRMAN SAINE: Representative Hall,
25 you're recognized.

1 CHAIRMAN HALL: Representative Destin
2 Hall. You know, certainly I always enjoy
3 working with Representative Reives and you as
4 well, Representative Hawkins. You know, what we
5 did, we looked at what the Court said and they
6 told us statewide here are the metrics that you
7 have to meet. And so we felt like we drew a map
8 that met those metrics. And we didn't feel like
9 the Court told us we needed to go extreme one
10 way or the other within those body of metrics.
11 And so in my opinion, we are in a safe harbor
12 within those metrics of constitutionality,
13 considering, of course, all of the other factors
14 that we have to consider like compactness, for
15 example.
16 REPRESENTATIVE HAWKINS: Follow-up?
17 CHAIRMAN SAINE: You're recognized for
18 follow-up.
19 REPRESENTATIVE HAWKINS: Representative
20 Zack Hawkins. And one of the things that you --
21 that we -- you also mentioned was the fact that
22 Governor Cooper and President Trump I think
23 split 63/62 based on your analysis. Do you --
24 those are pretty high watermarks, because people
25 pay attention to the top of the ticket. I think

1 we all understand electoral politics and voter
2 sort of reaction and response to those offices.
3 What about the remainder of our
4 statewide candidates? Do we know how they
5 performed? I think that's also equally
6 important and probably pretty -- probably more
7 accurate for voter -- you know, voter
8 appetite/voter activity.
9 CHAIRMAN HALL: We do have that and
10 I --
11 CHAIRMAN SAINE: Chairman Hall, you're
12 recognized.
13 CHAIRMAN HALL: Thank you,
14 Mr. Chairman. Again, Representative Destin
15 Hall.
16 We have that. I don't know that it's
17 been passed out. I don't have the packet that
18 was passed out to Committee members, but we took
19 the ensemble of different elections. There were
20 12 statewide races that were considered and we
21 do have that. That was loaded into the computer
22 terminals. Of course, the Democrats had -- had
23 one, we have one. All that was loaded in there.
24 So, yes, we do have it. We can certainly get it
25 to you.

1 CHAIRMAN SAINE: Representative
2 Hawkins.
3 REPRESENTATIVE HAWKINS: Follow up.
4 CHAIRMAN SAINE: I'm sorry,
5 Representative Szoka.
6 REPRESENTATIVE SZOKA: (Unintelligible)
7 it's the packet that you passed out.
8 CHAIRMAN SAINE: Representative John
9 Szoka saying that it is in the packet.
10 Representative Hawkins, you're recognized.
11 REPRESENTATIVE HAWKINS: Yeah. And
12 so -- and so I guess one of the things with the
13 packets being multiple here, we took a little
14 time to sort of, you know, scan through these,
15 but -- and I'll come back to that question. But
16 I think that's relevant to, you know, our
17 discussion, right, related to how they decided
18 to lean. And I'm pretty sure that none of them
19 sort of met the mark of Cooper and -- and maybe,
20 you know -- maybe just looking at a few of them
21 could be more helpful in guiding our discussion.
22 So I'll go on and I'll come back to that and
23 I'll take Representative Szoka's suggestion of
24 looking at that in a -- in the sort of pile of
25 packets that we did get.

1 Follow up, Mr. --
2 CHAIRMAN SAINE: Representative Zack
3 Hawkins recognized for follow-up.
4 REPRESENTATIVE HAWKINS: Representative
5 Zack Hawkins. So one of the things that in
6 Cabarrus, I want to ask about what the breakdown
7 of Cabarrus and New Hanover competitiveness
8 looks like.
9 CHAIRMAN SAINE: Representative Hall.
10 CHAIRMAN HALL: Representative Destin
11 Hall. So in terms of competitiveness, here
12 where we're at -- and I'm looking at the map I
13 have of just Cabarrus County. I know that this
14 goes into other groupings. It looks like the
15 composite for all of those races in District 82,
16 which is the competitive district, was 52.08
17 percent Republican and 46.62 Democratic.
18 REPRESENTATIVE HARRISON: Okay. And
19 let me follow up.
20 CHAIRMAN SAINE: Representative Zack
21 Hawkins.
22 REPRESENTATIVE HAWKINS: Does your sort
23 of meaning of competitive change from district
24 to district or is that -- does that remain
25 consistent across what we determine as

1 competitive districts?
2 CHAIRMAN SAINE: Representative Hall.
3 REPRESENTATIVE HAWKINS: What's the
4 sort of range in the median of what the spread
5 is across, a quote-unquote, competitive
6 district?
7 CHAIRMAN SAINE: I apologize,
8 Representative Hawkins.
9 Representative Hall.
10 CHAIRMAN HALL: Representative Destin
11 Hall. I think it's in the eye of the beholder
12 of what a competitive district is, but it's more
13 so than that. It depends on a given election.
14 Certainly, you know, 52 percent, 46 percent
15 composite is a -- is a district that either side
16 could win in any given year. And in a good
17 Democrat year, they could win; in a good
18 Republican year, they would probably win.
19 CHAIRMAN SAINE: Representative
20 Hawkins, recognized for follow-up.
21 REPRESENTATIVE HAWKINS: Representative
22 Zack Hawkins, Durham County. So one of the
23 districts, of course, that I think my colleague
24 Representative Harrison may have alluded to it,
25 but it's looking at sort of the analysis,

1 especially, you know, racially polarized
2 analysis of Wayne County specifically. And so
3 in your mind, in this particular district, do
4 you think that there is equal opportunity for an
5 African American for -- well, specifically for
6 black voters to elect someone of their choice in
7 that district? Sort of the composite of that
8 district in a partisanship -- partisanship or
9 in -- from a racial perspective, do you think it
10 at least meets the criteria to even be eligible
11 for black voters to have the choice of their
12 candidate?
13 CHAIRMAN SAINE: Representative Destin
14 Hall recognized.
15 CHAIRMAN HALL: Thank you,
16 Mr. Chairman.
17 Representative Hawkins, as I said
18 earlier, my reading of the plaintiffs' expert is
19 that there are no VRA districts in
20 North Carolina because there is no legally
21 significant racially polarized voting. So I
22 think in that particular district we can't draw
23 a district to meet those requirements that you
24 may be talking about unless we first have the
25 evidence of racially polarized voting. It would

1 not be permissible for us to do that. And so I
2 do think that this district is legal and would
3 meet any legal standard.
4 REPRESENTATIVE HAWKINS: Okay. Next
5 question was --
6 CHAIRMAN SAINE: Representative
7 Hawkins, you're recognized for follow-up.
8 REPRESENTATIVE HAWKINS: Yep, thank
9 you.
10 CHAIRMAN SAINE: This is follow-up.
11 REPRESENTATIVE HAWKINS: Representative
12 Zack Hawkins, Durham County. Thank you for the
13 follow-up. And then last and then I'll yield to
14 other colleagues who may have questions around
15 the competitiveness in Cumberland County, what
16 the breakdown of that competitive district is in
17 Cumberland County.
18 CHAIRMAN SAINE: Representative Hall.
19 CHAIRMAN HALL: Representative Destin
20 Hall. So, again, that is three Democratic
21 districts. And one district is essentially a
22 toss-up. The composite -- and again, I think
23 all this is in that packet, but we can certainly
24 get it for members if it's not. So the one
25 toss-up district is a 50.06 Republican; 48.81

1 Democrat composite.
2 REPRESENTATIVE HAWKINS: And then last
3 question.
4 CHAIRMAN SAINE: Representative
5 Hawkins, you're recognized.
6 REPRESENTATIVE HAWKINS: Representative
7 Zack Hawkins, Durham County. And, you know, and
8 so as we are looking through Durham County
9 specifically -- I'm familiar with that area --
10 could you walk us through how the -- you or
11 whomever assisted in drawing that area sort of
12 decided on -- on the district outline.
13 CHAIRMAN SAINE: Representative Hall.
14 CHAIRMAN HALL: Representative Destin
15 Hall. Representative Hawkins, I'll tell, you
16 know, under the time crunch we had this time, I
17 had representative Saine, Representative
18 Stevens, and other members come in and help me.
19 And I don't believe that I was the person who
20 actually drew that. But I can tell you
21 generally, you know, in looking at those
22 standards that the Court gave us, we knew that
23 this had to be a Democratic district at the end
24 of the day. And so we drew it a clear
25 Democratic district. And I can say in your

1 district you're probably going to do really well
2 this election.
3 CHAIRMAN SAINE: Representative
4 Hawkins.
5 REPRESENTATIVE HAWKINS: I will likely
6 do well in any district. But I think the
7 follow-up for me is one of the things that's
8 pretty important, and I think we argued this.
9 It was argued through the trial, but then also
10 argued in -- you know, when we were doing the
11 redistricting, is that communities of interest
12 are very, very important for all areas.
13 And so even though in a partisanship
14 perspective, I think this district is -- right,
15 it will lean a certain way from, you know,
16 Democrat. But I think making sure that people
17 have the opportunity to -- again, you know,
18 someone like Representative Saine, of course,
19 they know who to go to for all the things that
20 are happening in their community, right?
21 And so I think just as we're thinking
22 through this. And of course, there are other
23 examples. Again, I'm going to yield for other
24 colleagues, but that is just an example and one
25 that you don't have control from a partisan

1 perspective where the issues of community
2 interest are not held intact.
3 So with that I'll pass along to someone
4 else. Thank you, Mr. Chairman.
5 CHAIRMAN SAINE: Thank you,
6 Representative Hawkins.
7 Other members of the Committee seeking
8 recognition now. Representative Harrison.
9 Representative Cooper next.
10 REPRESENTATIVE HARRISON: Thank you.
11 Pricey Harrison again.
12 And I wanted to follow up on a line of
13 questioning that Representative Hawkins raised,
14 because I'm reviewing while we're talking. So
15 we all received this letter from the Souther
16 Coalition of Social Justice. It was dated
17 February 15, 2022, yesterday.
18 And I haven't had a chance to give it
19 the debrief that I need to give it, but I was
20 comparing it to the requirement in the Supreme
21 Court order that's on page 8 about the
22 General Assembly must first assess whether using
23 current election and population data racially
24 polarized voting is legally sufficient in any
25 area of the state, such as Section 2 of the

1 Voting Rights Act requires the drawing of a
2 district to avoid diluting and -- the voting
3 right -- the voting strength of African American
4 voters.
5 And I -- it sounds like from SCSJ
6 letter that they indicate that this -- that
7 House District 10 satisfies Gingles criteria.
8 The report that you-all distributed is the
9 report that's dated December 28th during the
10 court -- the trial court proceeding. And I
11 guess I'm kind of confused if we are actually
12 complying with the Supreme Court order in that
13 regard since it looks like the SCSJ analysis
14 indicates that we do meet -- that the district
15 does satisfy the Gingles criteria and that a
16 racially polarized voting analysis should have
17 been done. And I guess I'm confused about how
18 that plays out.
19 CHAIRMAN SAINE: Representative Hall.
20 CHAIRMAN HALL: Representative Destin
21 Hall. To answer the first question, the
22 analysis is -- we've used the plaintiffs'
23 analysis in the case to show that there is no
24 legally significant racially polarized voting
25 that would require a VRA district.

1 But I would say as to the SCSJ -- I
2 think I've got that acronym right -- the SCSJ
3 letter that the Lady references, I have not had
4 time to study their submission in detail.
5 Obviously, others who are involved -- the
6 lawyers involved in the case have had some time
7 to do that. And I'll tell you, my reading of
8 it, my understanding -- again, not haven't -- I
9 candidly have not read the letter that you
10 reference, but I know the gist of it.
11 We do know that the majority-minority
12 districts they proposed in that letter, they're
13 not based upon compact minority population.
14 They closely resemble those 2011 racially
15 gerrymandered districts that were declared
16 illegal by the federal courts. So that's the
17 first problem.
18 The other one is the -- is that in
19 that -- in that letter, SCSJ, it's my
20 understanding that they used gerrymandered
21 majority-minority districts to attempt to
22 justify using race to draw what are called
23 crossover districts and which is prohibited by
24 the Bartlett SCOTUS, Supreme Court United
25 States, decision.

1 CHAIRMAN SAINE: Representative
2 Harrison, you're recognized for follow-up.
3 REPRESENTATIVE HARRISON: Follow-up.
4 Pricey Harrison still.
5 So I mean, I guess the map -- the
6 letter that they've sent us includes a map of a
7 district that they felt complied with the
8 Supreme Court --
9 CHAIRMAN SAINE: Representative
10 Harrison, excuse me one second.
11 Representative Hawkins, your microphone
12 is still on. Thank you very much, sir.
13 I apologize, Representative Harrison.
14 REPRESENTATIVE HARRISON: Oh, sure. So
15 it seems like the letter that they -- that they
16 distributed to us contains the proposed district
17 that seems to comply with the Supreme Court
18 order and meets the Gingles criteria and
19 satisfies that. I guess we're just going to
20 agree to disagree that there's no racially
21 polarized voting. All right. Thank you.
22 CHAIRMAN SAINE: Thank you.
23 Representative Cooper-Suggs.
24 REPRESENTATIVE COOPER-SUGGS: Linda
25 Cooper-Suggs, Wilson County. I just want to

1 follow up in regard to the racially polarized
2 discussion that we're having. And we know that
3 in the beginning we had asked for a racial
4 polarized analysis. So I just want to make sure
5 that I'm hearing you say that based on the
6 Court's ruling, because the Court just told
7 us -- instructed us to do this, did we do that?
8 Has that been done? And if so, where is it? Or
9 did you use some other resource? Is that what
10 I'm hearing?
11 CHAIRMAN SAINE: Representative Hall.
12 CHAIRMAN HALL: Yeah, Representative
13 Destin Hall. The report that you have in front
14 of you, that is the study that was completed.
15 Again, we're using the plaintiffs' expert in
16 that case, and we feel like that is really the
17 best evidence that we can possibly use.
18 Again, the plaintiffs are the folks who
19 are suing us and saying that our maps are
20 unconstitutional for a number of reasons. We're
21 using that expert report in terms of racially
22 polarized voting study because that really takes
23 away an argument that we have somehow made a
24 study that's more favorable to us than -- than
25 the facts would allow.

1 CHAIRMAN SAINE: Before I recognize you
2 for a follow-up, Representative Brockman, I see
3 you on the WebEx and we'll come to you next.
4 Representative Cooper-Suggs, you're
5 recognized for a follow-up.
6 REPRESENTATIVE COOPER-SUGGS: Linda
7 Cooper-Suggs. I guess my follow-up is in
8 regards to when the Court mandated, when they
9 sent their ruling and telling us to do this, to
10 do the racial polarized analysis, but yet still
11 we use the research from another person, from
12 the plaintiffs, then have we really complied
13 with what the Courts have asked us to do from a
14 legislative standpoint?
15 CHAIRMAN SAINE: Representative Hall.
16 REPRESENTATIVE COOPER-SUGGS: Thank
17 you.
18 CHAIRMAN HALL: Representative Destin
19 Hall. The short answer is yes. I believe, you
20 know, we've taken, again, the plaintiffs' own
21 report on this issue, and that's what we're
22 using to make our decision about drawing maps.
23 My understanding is, is that the
24 lawyers will also be submitting some other study
25 to the Court later on. But what -- we are using

1 the plaintiffs' expert to make the decision
2 about not drawing VRA districts.
3 CHAIRMAN SAINE: Thank you very much.
4 Representative Cecil Brockman on WebEx,
5 you're recognized.
6 REPRESENTATIVE BROCKMAN:
7 Representative Cecil Brockman. Thank you,
8 Mr. Chair.
9 I just want to take you back to
10 Guilford County. I see what -- Guilford County,
11 you have Jamestown, the town of Jamestown broken
12 up into two districts. As the current
13 representative of Jamestown, all of Jamestown
14 right now, can you talk to me a little bit about
15 how that decision was made and if you think it's
16 possible to keep Jamestown whole, as a community
17 of interest.
18 CHAIRMAN SAINE: Representative Hall,
19 you're recognized.
20 CHAIRMAN HALL: Representative Destin
21 Hall. Give me one minute. Let me pull my
22 Forsyth map.
23 MR. BROCKMAN: It's Guilford County.
24 CHAIRMAN SAINE: Thank you,
25 Representative Brockman.

1 The gentleman mentioned Forsyth. I
2 think it's on the same page as Guilford, so...
3 I'm not sure what you can see on WebEx, but he's
4 looking for that right now.
5 CHAIRMAN HALL: Yeah, Representative
6 Destin Hall. Again, I don't have the packet in
7 front of me, but my understanding is the part of
8 Jamestown that's split has no population in it.
9 CHAIRMAN SAINE: Representative
10 Brockman, were you able to hear that answer?
11 REPRESENTATIVE BROCKMAN: I did. Thank
12 you.
13 CHAIRMAN SAINE: Thank you, sir.
14 Other members of the Committee wishing
15 recognition.
16 Representative Hawkins, was that a --
17 and then Representative Harrison.
18 REPRESENTATIVE HAWKINS: Representative
19 Zack Hawkins, Durham County. So I want to go
20 back to the -- I got a chance to research just a
21 little bit with sort of who was able to win
22 statewide with the congressional districts. And
23 so would you -- can we talk about that at this
24 time, Mr. Chairman?
25 CHAIRMAN SAINE: Representative Hall.

1 REPRESENTATIVE HAWKINS: I believe --
2 so I don't know if you got a chance to look at
3 it. So we -- if you're looking at -- I think,
4 believe, it's 47, 47 Democratic seats for Yvonne
5 Holley, who was a candidate for Lieutenant
6 Governor, and 55 for Jessica Holmes, who ran for
7 Secretary of Labor. And so I -- you know, so
8 given sort of those -- and I just want to make
9 sure I'm -- anyone can help me verify these
10 numbers, because I just sort of glanced because
11 I wanted to get back to this discussion as soon
12 as we could.
13 With that portion of it, are we
14 still -- are we still confident that we've not
15 only sort of done what the Courts have asked us
16 to do but also are drawing maps in good faith
17 and from a racial perspective and from a
18 partisan perspective, given the numbers that
19 Yvonne Holley won 47 compared to, you know, Roy
20 Cooper for all intents and purposes, who has
21 been on the ballot since the year 2000. And so
22 I don't know if he is an accurate description
23 nor a presidential candidate that had over a
24 hundred million dollars spent.
25 Does that make sense? So I think more

1 accurate is to look at the 47 and the 55 versus
2 those high watermarks that you gave. And so I
3 want to make sure that given that data -- and
4 we're, you know, sort of out in the open about
5 that now -- if we really think that we're moving
6 in the right direction.
7 CHAIRMAN SAINE: Representative Destin
8 Hall.
9 CHAIRMAN HALL: Thank you,
10 Mr. Chairman.
11 Representative Destin Hall, and I
12 appreciate the gentleman's question. And the
13 answer is, yes, I do think we're complying with
14 the Court's order because they gave us the
15 metrics, and we're using those metrics. You
16 know, efficiency gap sort of is what it is,
17 whether, you know, you look at those particular
18 races or not.
19 And mean-median, again, another study
20 that I -- again, Mr. Chair, may want to -- if
21 staff may want to be recognized to describe that
22 if they possibly can. But I think that those
23 two -- those two measurements, as outlined by
24 the Supreme Court, solve that issue and we are
25 within the safe harbor that they gave in the

1 case.
2 CHAIRMAN SAINE: Thank you,
3 Representative Hall.
4 Any member of staff like to attempt to
5 answer that question.
6 CHAIRMAN HALL: And, Mr. Chairman,
7 while we wait, I think if staff just could
8 confirm that with mean-median, that it's not
9 really a factor in terms of those individual
10 races that are across. I think it's a statewide
11 average in terms of total votes, I think. So it
12 doesn't really look at race by race each
13 campaign, the way we're talking about right now.
14 But we're all learning this at the same
15 time, Representative Hawkins. So --
16 MS. CHURCHILL: Mr. Chair, I'm going to
17 try that one.
18 CHAIRMAN SAINE: Okay.
19 MS. CHURCHILL: This is Erika
20 Churchill. And so with the Maptitude reports
21 for mean-median, they can be run race by race;
22 however, we at central staff have not run those
23 on any of the plans before the committee today.
24 REPRESENTATIVE HAWKINS: Follow-up,
25 Mr. Chairman?

1 CHAIRMAN SAINE: Representative
2 Hawkins, you're recognized for follow-up.
3 REPRESENTATIVE HAWKINS: Thank you for
4 that clarification. And I would say that it
5 will be important to me, as a member of the
6 committee and someone who, of course, has
7 invested, just like all of us, the time and the
8 will to get these maps right for the people of
9 North Carolina, because just because the data
10 isn't available doesn't mean someone doesn't
11 know that data and is able to use that data.
12 Because it's easy to throw out that 63,
13 you know, votes were won by Cooper. Again, he's
14 been on the ballot since the year 2000. The
15 voters of North Carolina know that particular
16 person, regardless of is it's a partisanship.
17 So I think -- just because we know that that
18 number is the case, were we working from that
19 number or were we knowing -- do we know that,
20 again, these other candidates didn't do as well,
21 and what we're using, sort of Trump and Cooper
22 as exemplars, right, knowing that that's not
23 sort of the real level of voter activity, nor is
24 it really sort of based on, you know, the true
25 election status, right, or what we potentially

1 could look forward to in '22 and '24.
2 So anyway, I just want to make sure
3 that I ask that particular question that, are we
4 working off of the fact that we knew that Cooper
5 win -- won 63, or are you working off other data
6 just like I gave you, knowing that, again, you
7 know, those two races are exemplars and not the
8 norm.
9 CHAIRMAN SAINE: Representative Hall.
10 CHAIRMAN HALL: Representative Destin
11 Hall. And I think I understand the gentleman's
12 question, you know, and my answer to it is, you
13 know, we -- obviously both sides in this thing
14 have experts who will look at and calculate that
15 kind of measurement that the Supreme Court has
16 given us. And our maps have been sent to an
17 expert to tell us whether we meet mean-median,
18 whether we meet efficiency gap. And I'm told
19 that we do meet both of those thresholds.
20 My understanding of both of those is it
21 would not be affected by the analysis that the
22 gentleman is putting forth. And I understand
23 that, you know, while Roy Cooper may have done
24 very well, another Democratic candidate down the
25 ballot maybe did not do so well. But, you know,

1 I think that's why that efficiency gap,
2 mean-median sort of accounts for those
3 discrepancies in the data as you run down the
4 list.
5 But the other thing that I'll say is
6 that I think this has been the crux of a lot of
7 partisan gerrymandering cases across the
8 country, as I understand it, is the argument
9 that, well, you know, people vote for one party
10 for president and they just go down the ballot
11 these days. That's been, you know, one of
12 the -- one of the main contentions is that you
13 can predict all these races because whoever you
14 vote for for president, you're going to vote for
15 that same party for down ballot races.
16 Now, whether we agree or disagree with
17 that analysis, that's been largely the argument,
18 is that that's why, you know, Courts say they
19 have to get involved because we can predict, you
20 know, so well what's going to happen in the
21 future. I happen to disagree with that because
22 I know, you know, back in the last -- or the
23 decade of the 2010 election, Democrats had drawn
24 that map and Republicans won on it. And so we
25 know that over time elections change. So that's

1 a long way of saying I think the mean-median and
2 efficiency gap do deal with what you're talking
3 about.
4 CHAIRMAN SAINE: Representative
5 Hawkins, you're recognized for a follow-up.
6 REPRESENTATIVE HAWKINS: Last
7 follow-up. And it's just worth noting that in
8 order for Republicans to win on maps in 2010,
9 they had to be fair maps. So I'll just -- I'll
10 leave that last little piece for you there.
11 Thank you, Mr. Chairman.
12 CHAIRMAN SAINE: Representative
13 Harrison, I had you next.
14 REPRESENTATIVE HARRISON: Thank you,
15 Chair Saine and Chair Hall. I apologize.
16 Pricey Harrison still from Guilford County.
17 I apologize for the barrage of
18 questions today. I know y'all have worked
19 really hard, and the Court has given us a very
20 truncated schedule, so there hasn't been a lot
21 of time.
22 But I will just repeat that I think
23 that it's really important before we vote on
24 these maps that we all have sufficient time to
25 analyze, because I'm still trying to understand

1 the import of these maps that we got this
2 morning.
3 And I have heard some concerns about
4 some of these drawings, if I could ask you
5 specifically about them. One is House District
6 83. It seems that -- I'll try to pull up my
7 questions. It seems like the Kannapolis --
8 Kannapolis is split more than in the previous
9 map.
10 CHAIRMAN SAINE: Representative Hall,
11 you're recognized.
12 CHAIRMAN HALL: Representative Destin
13 Hall here. I don't have in front of me, you
14 know, what's more or less. I can just go -- I
15 can go off what the Supreme Court told us, and
16 that is try to make this map better, look at
17 these factors. I can tell you the map as a
18 whole is more compact than the enacted map.
19 REPRESENTATIVE HARRISON: I appreciate
20 that, and I don't want to --
21 CHAIRMAN SAINE: Representative
22 Harrison, you're recognized.
23 REPRESENTATIVE HARRISON: Thank you,
24 Chair Saine.
25 I don't want to belabor the point, and

1 we've got session in an hour. As I said, I hope
2 we have some more time to look at this map
3 before we vote it. It seems like the
4 Onslow-Pender County grouping -- and this was a
5 concern with the first set of maps -- still
6 splits the most Democratic precincts with higher
7 black populations in Jacksonville in the eastern
8 part of the city. That was in -- I believe that
9 was also in the previous map.
10 And it looks like in District 53,
11 Harnett-Johnston county line seems to be shaped
12 kind of oddly and changed quite a bit from the
13 previous version. Do you have any recollection
14 of what happened there?
15 CHAIRMAN HALL: Yeah, again, just an
16 effort to make the more -- the map more compact.
17 CHAIRMAN SAINE: And that was
18 Representative Hall, for the record.
19 Representative Harrison --
20 REPRESENTATIVE HARRISON: I think --
21 CHAIRMAN SAINE: -- you're recognized
22 for follow-up.
23 REPRESENTATIVE HAWKINS: I do think
24 this is the last follow-up. Pricey Harrison.
25 So I appreciate these improvements to

1 the previously enacted map that was found to be
2 an extreme partisan gerrymander. I think
3 there's still a better way to do this. I think
4 that the House District 10, I think that it's
5 clear based on the information that the SCSJ
6 lawyer sent us that we need to draw a district
7 that has enough Black voting age population to
8 allow equal opportunity to avoid vote dilution.
9 And I guess I should just make one
10 other point because you have mentioned several
11 times the plaintiffs' own experts, and I assume
12 you're talking about the Mattingly report. And
13 just so folks know, we do not have that in front
14 of us. We do have the Lewis report, but we do
15 not have the Mattingly report.
16 CHAIRMAN HALL: Mr. Chairman, if I may
17 too --
18 CHAIRMAN SAINE: Representative Hall,
19 you're recognized.
20 CHAIRMAN HALL: I want to clarify one
21 thing I said. What we passed out, what we're
22 looking at is the Dr. Lewis report, which is not
23 the plaintiffs' expert, and I apologize for my
24 misstatement earlier.
25 And I will say because the last time we

1 were in here and we were getting amendments, you
2 know, sort of at the end, and I, you know, said
3 that was sort of frustrating, and I am
4 frustrated with this process this time around
5 that we have so little time, and I wish we had
6 more time for everyone to look at these maps.
7 And if you'll remember, we did try to delay the
8 primary further knowing it looked like we were
9 going to have to redraw with the hope of -- and
10 nobody wanted to delay the primary. But, I
11 mean, it was one of those things that if we
12 needed to have more time to redraw, we were
13 going to have to delay the primary.
14 And we all know, you know, what a long
15 process this is in this committee. And you
16 think, well, you know, if you've got two weeks,
17 you ought to do it. As the lady knows, two
18 weeks in -- on the redistricting committee is
19 really, is really no time. And so we're having
20 to sort of throw things together as best we can.
21 But with that said, I can tell you, we have
22 spent a ton of time drawing this map, to try to
23 meet the Court's requirement. We met with
24 Leader Reives quite a bit, the Speaker and
25 myself, and tried to do what we could in the

1 Court's truncated timeline with, you know,
2 really an unprecedented decision in
3 North Carolina, and trying to really understand
4 what the metrics mean that they're trying to
5 give us.
6 And so I will say I wish we had more
7 time to look at it. But as the lady knows,
8 we've got to submit these maps before Friday and
9 try to do all we can to meet that deadline. So
10 I appreciate the lady's patience.
11 CHAIRMAN SAINE: Any other members
12 wishing recognition?
13 The chair sees none and none on WebEx.
14 Representative Hawkins.
15 REPRESENTATIVE HAWKINS: Representative
16 Zack Hawkins, Durham County. I did want to
17 follow up with the staff request that I made
18 earlier about when I potentially could receive
19 that information. Is it possible to do that
20 before session, because I'm assuming we're
21 supposed to still go in at 2:00 p.m.
22 CHAIRMAN SAINE: And Mr. Chairman.
23 CHAIRMAN HALL: Representative Destin
24 Hall. I will make sure that you get that
25 information before we go into session. My guess

1 is we're probably going to be delayed a little
2 bit on the session. We don't want to -- I don't
3 know that the staff has time to get this bill
4 out of here and get to session by 2:00.
5 The other thing I'll say is keep in
6 mind that we did a composite number of all of
7 those elections. So numbers I was reading you
8 earlier, those were composites of those 12
9 elections. So they sort of take -- took into
10 account both, you know, Roy Cooper's election
11 and, you know, somebody way down the ballot --
12 or not -- I shouldn't say way down. In another
13 race who may have been Democrat who didn't do as
14 well, those were composite scores. So it tries
15 to deal with that data that may not always line
16 up between members of the same party.
17 So, I mean, we'll make sure that you
18 get that. And I'll work with staff and work
19 with you to make sure I understand exactly what
20 you want. We'll get it.
21 REPRESENTATIVE HAWKINS: Yeah. I'd
22 like to follow up.
23 CHAIRMAN SAINE: Represent Hawkins for
24 follow-up.
25 REPRESENTATIVE HAWKINS: And the sort

of the trend that I'm looking at just in sort of, you know, pulling together the back of the napkin is that especially for statewide minority candidates of color that ran, they did not do well in the outlying map, and so they're underperforming. Whereas, again, you took the composite that looks like 63, but when you disaggregate that, it -- you know, potentially -- and, again, we'll find out when she sends the data -- that statewide candidates of color did not do well in these individual maps. And so, again, I'd love to talk to you about it further, but I wanted to make sure we had all that data. Thank you.

CHAIRMAN SAINE: Any other members of the committee seeking recognition? The Chair sees none. I'm sorry, Representative Stevens.

REPRESENTATIVE STEVENS: For a motion.

CHAIRMAN SAINE: You're recognized for a motion.

REPRESENTATIVE STEVENS: Move for favorable report to House Bill 77, and back to the floor.

CHAIRMAN SAINE: Okay. You heard the motion. All those in favor will signify

1 by saying aye.
2 COMMITTEE MEMBERS: Aye.
3 CHAIRMAN SAINE: Those opposed.
4 COMMITTEE MEMBERS: No.
5 REPRESENTATIVE HARRISON: Can I have
6 division?
7 CHAIRMAN SAINE: Division has been
8 called.
9 CHAIRMAN HALL: Mr. Chairman, if you
10 will do a roll call vote with the clerk.
11 CHAIRMAN SAINE: The Chair will honor
12 that, and the clerk will call the roll.
13 THE CLERK: Representative Adams?
14 REPRESENTATIVE ADAMS: Aye.
15 THE CLERK: Representative Adams, Aye.
16 Representative Brockman?
17 REPRESENTATIVE BROCKMAN: No.
18 THE CLERK: Representative Brockman,
19 no.
20 Representative Carney?
21 REPRESENTATIVE CARNEY: No.
22 THE CLERK: Representative Carney, no.
23 Representative Cooper-Suggs?
24 REPRESENTATIVE COOPER-SUGGS: No.
25 THE CLERK: Representative

1 Cooper-Suggs, no.
2 Representative Dixon?
3 REPRESENTATIVE DIXON: Yes.
4 THE CLERK: Representative Dixon, yes.
5 Representative Hardister?
6 REPRESENTATIVE HARDISTER: Aye.
7 THE CLERK: Representative Hardister,
8 aye.
9 Representative Harrison?
10 REPRESENTATIVE HARRISON: No.
11 THE CLERK: Representative Harrison,
12 no.
13 Representative Hawkins?
14 REPRESENTATIVE HAWKINS: No.
15 THE CLERK: Representative Hawkins, no.
16 Representative Brenden Jones?
17 REPRESENTATIVE JONES: Aye.
18 THE CLERK: Representative Brenden
19 Jones, aye.
20 Representative Mills?
21 REPRESENTATIVE MILLS: Aye.
22 THE CLERK: Representative Mills, aye.
23 Representative Reives?
24 REPRESENTATIVE REIVES: No.
25 THE CLERK: Representative Reives, no.

1 Representative Rogers?
2 CHAIRMAN SAINE: Representative Rogers
3 is on WebEx and -- Representative Rogers.
4 UNIDENTIFIED SPEAKER: Mr. Chair, he
5 did a thumbs up.
6 CHAIRMAN SAINE: Representative Rogers,
7 the Chair did not see that. If you intend to
8 vote in favor, you can use a thumbs up/thumbs
9 down and the Chair can reasonably discern what
10 you mean. Or you can turn on your microphone.
11 I see a thumbs up. Other members of
12 the Committee can verify that as well as an aye.
13 THE CLERK: Representative Rogers, aye.
14 Representative Szoka?
15 REPRESENTATIVE SZOKA: Aye.
16 THE CLERK: Representative Szoka, aye.
17 Representative Warren?
18 REPRESENTATIVE WARREN: Aye.
19 THE CLERK: Representative Warren, aye.
20 Representative Zachary?
21 CHAIRMAN SAINE: The Chair does not see
22 Representative Zachary in the room.
23 THE CLERK: Okay. Representative
24 Stevens?
25 REPRESENTATIVE STEVENS: Aye.

1 THE CLERK: Representative Stevens,
2 aye.
3 Representative Bell?
4 Representative Richardson?
5 REPRESENTATIVE RICHARDSON: No.
6 THE CLERK: Representative Richardson,
7 no.
8 Representative Saine?
9 CHAIRMAN SAINE: Aye.
10 THE CLERK: Representative Saine, aye.
11 Representative Torbett?
12 REPRESENTATIVE TORBETT: Aye.
13 THE CLERK: Representative Torbett,
14 aye.
15 Representative Destin Hall?
16 CHAIRMAN HALL: Aye.
17 THE CLERK: Representative Destin Hall,
18 aye.
19 CHAIRMAN SAINE: The clerk is
20 tabulating the vote, and we'll give you that
21 count shortly.
22 By a vote of 12 to 7, the motion does
23 pass. And we stand adjourned. Thank you.
24 (House Redistricting Committee was
25 adjourned.)

STATE OF NORTH CAROLINA

COUNTY OF BURKE

C E R T I F I C A T E

I, TAURA J. VULCANO, RPR, do hereby certify that the transcription of the recorded House Redistricting Committee, held on February 16, 2022, was taken down by me stenographically to the best of my ability and thereafter transcribed under my supervision; and that the foregoing pages, inclusive, constitute a true and accurate transcription of said recording.

Signed this the 18th day of February 2022.

Taura J. Vulcano

TAURA J. VULCANO, RPR