GENERAL ASSEMBLY OF NORTH CAROLINA

2022 LEGISLATIVE SESSION, SENATE FLOOR

VOTE ON SB 744, SB 745 AND HB 980

FEBRUARY 17, 2022

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1 THE PRESIDENT: The Senate will come to
2 order. Sergeant-at-arms will close the doors.
3 Members will go to their seats. Members and
4 guests of the gallery will please silence all
5 electronic devices.
6 Leading the Senate in prayer, Senator
7 Paul Lowe, Forsyth county. All members and
8 guests in the gallery will please stand.
9 SENATOR LOWE: Let us pray. Thou who
10 art eternal, we thank you for this day, and we
11 thank you for all of our lives. We ask that you
12 would continue to help us as we do the work of
13 the Old North State. We ask that you would
14 encourage our hearts and our minds to do those
15 things that you have called us to do. These
16 things we pray in the Son in the Name of He that
17 orders our steps and meets us with mercy in the
18 Name of Jesus the Christ. Thank you, and all of
19 the people said.
20 THE PRESIDENT: Senator Berger is
21 recognized for a motion.
22 SENATOR BERGER: Thank you,
23 Mr. President.
24 The journal for February 16, 2022, has
25 been examined and has found to be correct. I

move that we dispense with the reading of the journal and that it stand approved as written.

THE PRESIDENT: Without objection, the journal for February 16, 2022, stands approved as written.

Leaves of absences are requested and without objection are granted for Senators Hise, Robinson, and Batch.

And we are on to our calendar.

First on our -- Senator Rabon, for what purpose do you rise?

SENATOR RABON: A series of motions, please, Mr. President.

THE PRESIDENT: You have the floor for your motions.

SENATOR RABON: Thank you, Mr. President.

I move that all bills voted out of the Senate today be sent to the House by special message. Senate Bill 745, Realign Congressional Districts 2022-CT -- CST 22-3 and House Bill 980, Realign NC House Districts 22/8 TU 22-4 were heard in committee today and reported favorably. Move that those bills be added to today's floor calendar for

consideration, please.

THE PRESIDENT: Without objection, so ordered.

SENATOR RABON: The conference report for Senate Bill 173, Free Smiles Act, has been handed in to the principal clerk, move that the bill be added to today's calendar for consideration.

THE PRESIDENT: Without objection, so ordered.

SENATOR RABON: Thank you, Mr. President.

Senator Harrington was not present for the floor session January 19, 2022. I move that Senator Harrington receive an excused absence for that day.

THE PRESIDENT: Likewise, without objection, that is so ordered.

We are on to our calendar.

There are a number of amendments need to be added to the dashboard, so we will stand at ease while that's taking place, just stand at ease.

(At ease.)

THE PRESIDENT: The Senate is back in

order. Members will return to their seats. Silence all electronic devices.

Before we go on to our calendar, I have one courtesy of the gallery upon the motion of Senator Ted Alexander of Cleveland, Lincoln, and Gaston counties. Courtesies are extended to Debbie and Mike Gates with Compassion to Act which is a nonprofit organization that combats human trafficking, something that is desperately needed in our time, sadly. So thank you very much for being here.

We are on to our calendar. First up on our calendar, we have public bill, second reading, Senate Bill 744. The clerk will read.

THE CLERK: Senate Bill 744, Realign NC Senate District 2022/SCH 22-4.

THE PRESIDENT: Senator Newton is recognized to explain the bill.

SENATOR NEWTON: Thank you, Mr. President.

Members, the proposed remedial Senate plan was explained in detail yesterday in committee, so I will not repeat the depth of that discussion unless you have a question, and I'm happy to do so, but back in November 2021,

1 we drew and passed what we thought was a
2 constitutional map. The majority of the
3 North Carolina Supreme Court has told us
4 otherwise and provided at least some guidance on
5 what presumptively constitutional -- a
6 presumptively constitutional map should be.
7 Specifically, the majority told us that
8 we should apply the mean-median and efficiency
9 gap tests against our remedial draw on a
10 statewide basis, and that if we pass those
11 tests, scoring sufficiently well, our remedial
12 map would be presumptively constitutional.
13 Although other possible tests were identified by
14 the Court, these two tests are particularly
15 appropriate because the formulas are not
16 proprietary or unique to a single expert witness
17 but are replicable. Democrats, plaintiffs, and
18 plaintiffs' counsel can run the remedial map
19 through these analyses and will get the exact
20 same results.
21 Now, you and I may have other preferred
22 methods, but in drawing maps -- in drawing maps
23 that pass both the mean-median and efficiency
24 gap test, we've done exactly what the majority
25 of the North Carolina Supreme Court told us to

1 do. This remedial map scored a negative
2 0.65 percent on the mean-median test and
3 therefore scores better than the required plus
4 or minus 1 percent.
5 This remedial map scored a negative
6 3.97 percent on the efficiency gap measure,
7 scoring better than the required plus or minus
8 7 percent. Nonpartisan central staff ran the
9 analysis, and their results were statistically
10 identical, with efficiency gap found to be
11 negative 3.98 percent which is statistically a
12 statistical insignificant difference. Thus the
13 remedial map is presumptively constitutional.
14 And you know, I think it's important to
15 know that early in the process, middle of last
16 week, the Senate GOP offered the Senate
17 Democrats to come join the Senate redistricting
18 chairs to draft the new map on a pod-by-pod
19 basis, and the Senate Democrats never took us up
20 on that offer. That's not to say that they
21 haven't acted in good faith with us; they have
22 acted in good faith. Both Republicans and
23 Democrats I believe did the very best they could
24 in the time that this Court gave us, but I just
25 want the record to reflect that we did offer to

1 sit down pod by pod, district by district, with
2 the Democrats and that was -- was not -- was not
3 accepted, that offer was not accepted.
4 One housekeeping matter that I would
5 like to clarify is that yesterday, in committee,
6 I was asked about whether we scored and perhaps
7 started our draw with the enacted map. The
8 enacted map was November 2021.
9 I want to be precise on that point. We
10 started with the enacted map. In terms of the
11 remedial map, we started with the enacted map,
12 but because it was already declared
13 unconstitutional, there was no need to score it.
14 We did not begin scoring until we had made
15 significant changes across the map resulting in
16 a presumptively constitutional map that we have
17 before us today.
18 In response to Senator Blue's questions
19 in committee, we ran the data on the enacted
20 map, and it performed very poorly. No surprise.
21 The efficiency gap was negative 8.1 percent, and
22 a negative number means it skews Republican.
23 That's outside the bounds of the 7 percent
24 prescribed by the Supreme Court majority.
25 The mean-median was negative

1 3.79 percent, outside the bounds of the plus or
2 minus 1 percent.
3 This new remedial map improves on both
4 those measures and falls within the range
5 prescribed by the Court.
6 Also, I want to clarify a point that
7 Senator Blue raised in committee yesterday. His
8 point seemed to be that in his view we had not
9 addressed the allegedly gerrymandered districts
10 challenged by the plaintiffs.
11 I want to say unequivocally that that
12 is not the case. We did address every single
13 district cited in the trial court's opinion.
14 Many of these districts were changed
15 substantially, some were changed slightly, but
16 all were changed. And every single district
17 that was changed was moved in the Democrats
18 favor. Let me repeat that point: Every single
19 district cited in the trial court's opinion was
20 changed and every single change favored
21 Democrats. Some competitive districts became
22 safe for Democrats. Some competitive seats
23 remained competitive but more -- but more in the
24 Democrats favor. Some safe Republican seats
25 became less safe. Some became competitive or

1 even leaning.
2 Changes to the proposed remedial plan
3 sorted out like this. The Daniel's seat in the
4 remedial plan, 2.4 points more Democratic. The
5 Krawiec seat, 6.6 points more Democratic. The
6 Berger seat, 5.1 points more Democratic. The
7 Jeff Jackson seat, 3.6 points more Democratic.
8 The Batch seat .8 points more Democratic. The
9 Crawford seat, 2.3 points more Democratic. The
10 Lee seat became 1.2 points more Republican.
11 That was not one of the disputed districts, but
12 it is slightly more Republican after the redraw,
13 and I wanted to point that out. And I'll
14 explain a little more here about that.
15 So Senator Blue and our colleagues on
16 the other side of the aisle clearly do not like
17 all of our changes and would prefer even more
18 seats to be moved into their column or changed
19 in a different way, perhaps, but it is not the
20 case that we didn't address all of the
21 challenged districts in the trial court's
22 opinion. The Democrats have seemed to simply
23 disagree with our reading of the Supreme Court's
24 ruling that the map as a whole was
25 unconstitutional, not a specific district.

1 Let me quote the Supreme Court's
2 opinion again for the record.
3 Quote: The partisan gerrymandering
4 violation is based on the redistricting plan as
5 a whole, not a finding with regard to any
6 individual district. Certainly, it is possible,
7 as the plaintiffs and the trial court
8 demonstrated, to identify which individual
9 districts in the state legislative maps ignore
10 traditional redistricting principles to achieve
11 a partisan outcome that otherwise would not
12 occur. It is possible to identify the most
13 gerrymandered individual districts, but here the
14 violation is statewide because of the evidence
15 that on the whole the districts have been drawn
16 such that voters supporting one political party
17 have their votes systematically devalued by
18 having less opportunity to elect representatives
19 to seats compared with an equal number of voters
20 of the favored party -- in the favored party.
21 I also want to address a point
22 Senator Blue made yesterday about
23 Senate District 7 -- I alluded to it earlier --
24 in New Hanover county.
25 It is true that the plaintiffs did not

1 challenge this district and the trial court did
2 not weigh in on the merits of the draw here in
3 the enacted map. In creating this new remedial
4 district, in the process of refining it and
5 getting it scored in compliance with the court
6 ruling, we swapped out three precincts that were
7 in District 8 in New Hanover county for four
8 different ones. The net effect of this change
9 was to make the district approximately
10 1.2 points more Republican, closer to a 50/50
11 competitive district. Biden still won the
12 proposed Senate District 7 49.2 percent to
13 49 percent.
14 And as I stated yesterday in committee,
15 we changed this district, as well as a few
16 others elsewhere in the map, to produce an
17 overall product, a statewide map that scored
18 well on the mean-median and efficiency gap tests
19 as directed by the majority on the
20 North Carolina Supreme Court.
21 Senate District 7 could have been drawn
22 to be slightly more Republican, but we crafted
23 it to be a 50/50 competitive district, and this
24 configuration scored exceptionally well in the
25 context of the statewide plan that treats

1 Republicans and Democrats fairly.
2 Members, this map -- this remedial map
3 allows both parties, Democrats and Republicans,
4 an opportunity to compete for the majority.
5 That's what the Court said it wanted, that's
6 what the people asked for, and that's what we
7 have delivered. With good candidates and good
8 messages, either party can win the majority
9 under this remedial map.
10 And with that, Members, I do ask for
11 your support. Thank you.
12 THE PRESIDENT: Senator Chaudhuri, for
13 what purpose do you rise?
14 SENATOR CHAUDHURI: To speak on the
15 bill.
16 THE PRESIDENT: You have the floor.
17 SENATOR CHAUDHURI: Thank you,
18 Mr. President.
19 Mr. President, we believe that the
20 state Senate maps drawn by the governing
21 majority fails to meet the state's highest court
22 opinion and order, and we believe that the
23 governing majority failed to do so because the
24 process to draw such maps were never bipartisan
25 and collaborative, that such maps reflect the

1 governing majority's belief that its legislative
2 powers rise above our constitution and that the
3 remedial maps before us still remain
4 gerrymandered.
5 First, let me start with the
6 map-drawing process itself. Certainly, Senate
7 Democrats on our side remained hopeful that we
8 could craft a bipartisan set of maps. As
9 Senator Blue said in a joint release statement
10 with Senator Berger last week, it was his desire
11 that both sides would work together in hopes of
12 reaching a negotiated end product. However,
13 unlike our House colleagues, where a true
14 collaborative process took place, we were not
15 able to do so. And unfortunately, our hope
16 became hopeless because we continued to observe
17 major problems with the Senate maps that don't
18 comport with the finding of facts from the
19 bipartisan three-judge panel. Let me cite just
20 one example.
21 In the Harper opinion, the three-judge
22 panel makes clear, this governing majority's
23 decision to group Buncombe county with Burke and
24 McDowell counties to the east allowed more
25 Republicans to, quote, neutralize the Democratic

1 stronghold in and around Asheville.
2 The trial court also cites Dr. Duchin's
3 study, an expert in the case, who observed that
4 this Buncombe-Burke-McDowell cluster never
5 elected a Democrat in any of the 52 elections in
6 his study. And I should point out that in the
7 Court opinion that word never was italicized and
8 bolded. Not surprisingly, the trial court said
9 that this county cluster was the result of
10 intentional pro Republican partisan
11 redistricting, a phrase that is found 59 times
12 in the trial court's opinion.
13 The trial court also suggests that the
14 Buncombe county-Henderson county cluster seems
15 to be a better alternative. It states that
16 Henderson county has become a bedroom community
17 of Asheville, and the trial court said that the
18 alternative cluster would result in neutralizing
19 Democrats in Asheville to a lesser extent.
20 In the maps before us, the governing
21 majority refused to adopt the alternative
22 Buncombe-Henderson cluster.
23 Second, the governing majority has
24 publicly stated that our highest court has
25 become a policymaking body where it advances its

1 political ideals, something that should be left
2 to the legislature, yet it is important to make
3 two comments.
4 First, even though our country's
5 highest court refused to reject partisan
6 gerrymandering, Chief Justice John Roberts did
7 state that, quote, provision in state statutes
8 and state constitutions can provide standards
9 and guidance for state courts to apply.
10 And second, our state's highest court
11 did not engage in policymaking. Instead it
12 carried out its most important duty: protecting
13 the constitutional right of our people from
14 legislative overreach.
15 If we combine the governing majority's
16 approach with the three-judge panel's findings,
17 we would essentially live in a state where it's
18 legally valid to gerrymander 16 state Senate
19 districts; in other words, one out of three
20 state Senate districts would be legally
21 gerrymandered. We would live in a state where
22 partisan gerrymander trumps our citizen's state
23 constitutional rights.
24 And finally, as I've mentioned before,
25 we believe that these maps remain gerrymandered.

1 These state Senate maps are designed to lock in
2 Republicans as the governing majority for the
3 remainder of the decade that does not ultimately
4 reflect the will of the people.
5 The governing majority did not use the
6 ensembles of thousands of maps. As
7 Senator Clark inquired during yesterday's
8 committee meetings, they did not use the close
9 vote, close seat analysis as a part of its
10 analysis either. And in the end we still see
11 evidence of gerrymandering.
12 In one instance, contrary to what
13 Senator Newton has pointed out, we might argue
14 we've seen the governing majority carry out
15 almost the same gerrymander from almost three
16 years ago that a three-judge panel said was
17 gerrymandering. In 2019, in the Common Cause v
18 Lewis case, the panel pointed out that the
19 General Assembly cracked Democratic voters in
20 the two voting districts that's been called the
21 Wilmington notch. The Common Cause Court
22 pointed out that an expert's analysis, quote,
23 demonstrates that the moving of Democratic
24 voters in the Wilmington notch into
25 Senate District 8 made Senate District 9 as

1 favorable for Republicans as possible. And now
2 in 2022 the General Assembly has drawn yet
3 another Senate district in which the Wilmington
4 voting district's moved into the Senate
5 District 7 from Senate District 8, a concern
6 raised by Senator Blue in yesterday's committee
7 hearings. Three years later we see the return
8 of the Wilmington notch, and that appears to be
9 partisan gerrymandering.
10 We recognize and acknowledge that the
11 governing majority has put its best efforts, but
12 best efforts don't necessarily address the trial
13 court's findings of facts and our state's
14 highest court's opinion.
15 We are drawing maps for this year's
16 coming election day and for future election days
17 to come. The voters that go cast their ballots
18 do so because they want to feel like their votes
19 are meaningful. Unfortunately, the maps before
20 us still diminishes the will of our people.
21 And, Mr. President, if the opportunity
22 presents itself, I would also like to offer a
23 few amendments.
24 THE PRESIDENT: Are you sending forward
25 an amendment now?

1 SENATOR CHAUDHURI: Yes, Mr. President.
2 THE PRESIDENT: Send forward your
3 amendment.
4 SENATOR CHAUDHURI: Okay. So I want to
5 make sure that this is coordinated with the
6 amendments that we have on the dashboard,
7 Mr. President. I believe the first amendment
8 that I would like to offer is ABA 59 which is an
9 amendment that deals the New Hanover county
10 cluster.
11 THE PRESIDENT: Amendment Number 1 to
12 Senate Bill 744, the clerk will read.
13 THE CLERK: Senator Chaudhuri moves to
14 amend the bill.
15 THE PRESIDENT: You have the floor.
16 Explain your amendment.
17 SENATOR CHAUDHURI: Thank you,
18 Mr. President.
19 Mr. President, this amendment addresses
20 an issue that I just discussed, and that is the
21 fact that the governing majority had created
22 partisan gerrymandering that was similar to what
23 the Common Cause trial court pointed out in
24 which they had cracked Democratic voters in two
25 Democratic districts that's been called the

1 Wilmington notch.
2 The amendment that you see before you
3 now creates a more compact Senate district where
4 the Reock and Polsby-Popper scores are higher.
5 It also does away with the partisan
6 gerrymandering identified from the Common Cause
7 trial court. I encourage my colleagues to
8 support this amendment.
9 THE PRESIDENT: Senator Daniel, for
10 what purpose do you rise?
11 SENATOR DANIEL: Mr. President, to
12 Amendment 1 do lie upon the table.
13 SENATOR NEWTON: Second.
14 THE PRESIDENT: Senator Daniel has
15 offered a motion to table Amendment Number 1 to
16 Senate Bill 744 that was seconded by Senator
17 Newton.
18 This is a non-debatable motion and will
19 go straight to a vote. The question before the
20 body is the motion to table Amendment Number 1,
21 the Senate Bill 744. All in favor will vote
22 aye, all opposed will vote no. Five seconds
23 will be allowed for voting. The clerk will
24 record the vote.
25 27 having voted in the affirmative, 20

in the negative, Amendment Number 1 to Senate Bill 744 will lie upon the table, and we are back to the bill.

Is there further discussion or debate on Senate Bill 744?

SENATOR CHAUDHURI: Yes, Mr. President. I would like offer a second amendment.

THE PRESIDENT: Send forward your amendment.

SENATOR CHAUDHURI: I believe this amendment number is ATU 49.

THE PRESIDENT: Amendment Number 2 to Senate Bill 744, the clerk will read.

THE CLERK: Senator Chaudhuri moves to amend the bill.

THE PRESIDENT: You have the floor, sir.

SENATOR CHAUDHURI: Okay. Thank you, Mr. President.

Given the Senate's decision to vote down my first amendment, I now offer an amendment to do away with the Wilmington notch entirely. I view this amendment as slightly -- certainly the worst of the two amendments that were offered for this cluster.

However, this amendment does restore Senate District 7 and 8 back to the originally enacted set of maps proposed or passed by this body. I would encourage you to support it.

THE PRESIDENT: Senator Daniel, for what purpose do you rise?

SENATOR DANIEL: Mr. President, I move that Amendment 2 do lie upon the table.

SENATOR NEWTON: Second.

THE PRESIDENT: Senator Daniel moves Amendment Number 2 to Senate Bill 744 do lie upon the table. That was seconded by Senator Newton.

This is a non-debatable motion and we'll go straight to a vote. The question before the body is the motion to table Amendment Number 2 to Senate Bill 744. All in favor will vote aye, all opposed will vote no. Five seconds will be allowed for voting, and the clerk will record the vote.

27 having voted in the affirmative, 20 in the negative, Amendment Number 2 to Senate Bill 744 will lie upon the table, and we are once again back to the bill.

Is there further discussion or debate?

1 SENATOR CHAUDHURI: Mr. President, I
2 would like to offer my final amendment.
3 THE PRESIDENT: Senator Chaudhuri, send
4 forward your amendment. Excuse me.
5 SENATOR CHAUDHURI: Thank you,
6 Mr. President.
7 I believe the amendment for this title
8 is ABW 32.
9 THE PRESIDENT: Amendment Number 3 to
10 Senate Bill 744, the clerk will read.
11 THE CLERK: Senator Chaudhuri moves to
12 amend the bill.
13 THE PRESIDENT: You have the floor.
14 SENATOR CHAUDHURI: This is -- this is
15 the Granville-Wake amendment, correct? Is that
16 what's appearing on the dashboard? Okay. Thank
17 you. Given that I'm 0 for 2 on amendments
18 today.
19 As I've mentioned, many of the clusters
20 remain partisan gerrymandered. Specifically
21 with regard to this amendment, it's important to
22 point out that the trial court's findings of
23 facts clearly lays out where partisan
24 gerrymandering takes place. The trial court
25 stated that the simulations of Dr. Mattingly and

1 Pegden confirm that Dr. Cooper's analysis, who
2 was another expert, had independently
3 established that the Wake-Granville groups is an
4 intentional pro Republican partisan
5 redistricting.
6 Furthermore, the trial court found that
7 the Democrats were cracked out of the two most
8 Republican Senate districts, including
9 Senate District 13 that's before us and packed
10 them into the most Democratic Districts 14, 15,
11 16, and 18. And not surprisingly, Dr. Pegden,
12 an expert in the case, found that the
13 Granville-Wake Senate county is more favorable
14 to Republicans than 99.99 percent of the maps
15 that his algorithm encountered.
16 And, Mr. President, I offer this
17 amendment as an alternative.
18 THE PRESIDENT: Senator Daniel, for
19 what purpose do you rise?
20 SENATOR DANIEL: Mr. President, I move
21 that Amendment 3 do lie upon the table.
22 SENATOR NEWTON: Second.
23 THE PRESIDENT: Senator Daniel moves
24 that Amendment Number 3 to Senate Bill 744 do
25 lie upon the table, seconded by Senator Newton.

1 This is a non-debatable motion and will
2 go straight to a vote. The question before the
3 body is the motion to table Amendment Number 3
4 to Senate Bill 744. All in favor will vote aye,
5 all opposed will vote no. Five seconds will be
6 allowed for voting, and the clerk will record
7 the vote.
8 27 having voted in the affirmative, 20
9 in the negative, Amendment Number 3 to
10 Senate Bill 744 will lie upon the table, and we
11 are once again back to the bill.
12 Is there further discussion or debate?
13 Senator Marcus, for what purpose do you
14 rise?
15 SENATOR MARCUS: To bring forward an
16 amendment.
17 THE PRESIDENT: Send forward your
18 amendment.
19 SENATOR MARCUS: I believe it's on the
20 dashboard, and I hope I have the letters right.
21 It should be ATU 50 dealing with the
22 Cumberland-Moore county clusters.
23 THE PRESIDENT: Amendment Number 4 to
24 Senate Bill 744, the clerk will read.
25 THE CLERK: Senator Marcus moves to

1 amend the bill.
2 THE PRESIDENT: You have the floor.
3 SENATOR MARCUS: Thank you,
4 Mr. President.
5 Keeping with the theme here of
6 attempting to improve this map to comply better
7 with the court order and to better reflect the
8 will of North Carolina voters, I'd like to draw
9 your attention to the Cumberland-Moore county
10 cluster dealing with Senate District 19 and 21.
11 The trial court found here, and the
12 Supreme Court affirmed, that this cluster in the
13 enacted map packs more Democrats in and around
14 Fayetteville and into Senate District 19,
15 leaving Senate District 21 decidedly more
16 Republican than it should be. And the map also
17 separates Fayetteville State University from its
18 namesake city.
19 So our amendment that I'm offering to
20 you today is the fair way to remedy the partisan
21 gerrymander that was identified by the Court by
22 putting Fayetteville State back with
23 Fayetteville, where it belongs, respecting other
24 communities of interest and making both
25 districts more competitive.

1 This amendment would make the map more
2 fair, more competitive and compliant with the
3 court order, and I ask for your support.
4 THE PRESIDENT: Senator Daniel, for
5 what purpose do you rise?
6 SENATOR DANIEL: Mr. President, I move
7 that Amendment Four do lie upon the table.
8 SENATOR NEWTON: Second.
9 THE PRESIDENT: Senator Daniel moves
10 that Amendment Number 4 to Senate Bill 744 do
11 lie upon the table, seconded by Senator Newton.
12 This is a non-debatable motion, and
13 we'll go straight to a vote. The question
14 before the body is the motion to table Amendment
15 Number 4 to Senate Bill 744. All in favor will
16 vote aye, opposed will vote no. Five seconds
17 will be allowed for voting, and the clerk will
18 record the vote.
19 Senator Britt is no. Or Senator Britt
20 is aye. Excuse me. Sorry. I don't want to do
21 that. Senator Britt is aye. I got bad eyes.
22 Senator Corbett. Senator Corbett is
23 aye.
24 27 having voted in the affirmative, 20
25 in the negative, Amendment Number 4 to

1 Senate Bill 744 will lie upon the table, and
2 we're once again back to the bill.
3 Is there further discussion or debate?
4 Senator Garrett, for what purpose do
5 you rise?
6 SENATOR GARRETT: To send forward an
7 amendment.
8 THE PRESIDENT: Send forward your
9 amendment.
10 SENATOR GARRETT: And it is
11 S744-ABW-35.
12 THE PRESIDENT: Amendment Number 5 to
13 Senate Bill 744. The clerk will read.
14 SENATOR CLARK: Senator Garrett moves
15 to amend the bill.
16 THE PRESIDENT: You have the floor.
17 SENATOR GARRETT: Thank you,
18 Mr. President.
19 The aim of the amendment before you is
20 fairly straightforward. The revision to the
21 Guilford county -- Guilford-Rockingham county
22 grouping creates three commonsense compact
23 districts which abide by the requirements set
24 forth by the Court. The map before you contains
25 no split VTDs, minimal splitting of

1 municipalities, and preserves historic
2 communities of interest. The first of these is
3 District 28 which would span the southern third
4 of Guilford county, including all of High Point,
5 Jamestown, Pleasant Garden and parts of
6 Greensboro. No incumbent senator resides in
7 this proposed district.
8 Second is District 27 which would cover
9 the northwest quadrant of Guilford county,
10 including Summerfield, Oakridge, Stokes, Dale,
11 and most of west Greensboro. Both I and Senator
12 Robinson reside in this proposed district.
13 Third, District 26 which would cover
14 all of Rockingham county and adjacent northeast
15 Guilford county and east Greensboro, virtually
16 following Church Street, a major road in
17 Guilford county, as a dividing line between
18 Districts 27 and 26. Senator Berger would
19 reside in this district.
20 I offer this to the proposed 2022
21 Senate map not because I believe it would
22 benefit me but because I believe it is the most
23 reasonable court-ordered compliant map that I
24 have seen for this county grouping to date. If
25 adopted, I know would break many of yours hearts

because it would mean the end of my Senate career as I would never run against my seat mate Senator Robinson. If we are truly here to do the work in the interest of the people we represent, rather than our own political careers, this is the way it must go sometimes.

Frankly, I see none of this sentiment in the 2022 remedial map before us today which was conjured in secret, using the same old bag of tricks last fall, and this amendment will right the wrong in my home county grouping, and I urge your support.

THE PRESIDENT: Senator Daniel, for what purpose do you rise?

SENATOR DANIEL: Mr. President, I move that Amendment 5 do lie on the table.

SENATOR NEWTON: Second.

THE PRESIDENT: Senator Daniel moves that Amendment Number 5 to Senate Bill 744 do lie upon the table, seconded by Senator Newton.

This is a non-debatable motion, and we'll go straight to a vote. The question before the body is the motion to table Amendment Number 5 to Senate Bill 744. All in favor will vote aye, all opposed will vote no. Five

1 seconds will be allowed for voting, and the
2 clerk will record the vote.
3 28 having voted in the affirmative --
4 Senator Woodard, for what purpose do
5 you rise?
6 SENATOR WOODWARD: Mr. President, I'm
7 sorry. I want to change my vote from an aye to
8 no.
9 THE PRESIDENT: Senator Woodard changes
10 to no. I wondered about that.
11 So we have 27 having voted in the
12 affirmative, 20 in the negative. Amendment
13 Number 5 to Senate Bill 744 will lie upon the
14 table, and we are once again back to the bill.
15 Further discussion or debate?
16 Senator Garrett, for what purpose do
17 you rise?
18 SENATOR GARRETT: To send forward a
19 second amendment, Mr. President.
20 THE PRESIDENT: Send forward your
21 amendment.
22 SENATOR GARRETT: It's S744-ABA-55.
23 THE PRESIDENT: Amendment Number 6 to
24 Senate Bill 744, the clerk will read.
25 THE CLERK: Senator Garrett moves to

amend the bill.

THE PRESIDENT: You have the floor, sir.

SENATOR GARRETT: This second amendment does a lot of what my first amendment does. However, I know you all tabled it because you don't want to see me go home, so I'm providing a different version that doesn't double-bunk incumbents.

It creates three districts: District 26, which would be all of Rockingham county and most of eastern and southeastern Guilford county; District 27, which would be High Point, Jamestown, and unincorporated Guilford county on the west; and a northern Greensboro and northwest district which would be Number 28. Again, I believe this rights some of the wrongs done to my home county grouping, and I would respectfully urge your support. Thank you.

THE PRESIDENT: Senator Daniel, for what purpose do you rise?

SENATOR DANIEL: Mr. President, I move that Amendment 6 do lie upon the table.

SENATOR NEWTON: Second.

1 THE PRESIDENT: Senator Daniel moves
2 that Amendment Number 6 to Senate Bill 744 do
3 lie upon the table, seconded by Senator Newton.
4 This is a non-debatable motion and will
5 go straight to a vote. The question before the
6 body is the motion to table Amendment Number 6
7 to Senate Bill 744. All in favor will vote aye,
8 all opposed will vote no. Five seconds will be
9 allowed for voting, and the clerk will record
10 the vote.
11 27 having voted in the affirmative, 20
12 in the negative, Amendment Number 6 to
13 Senate Bill 744 will lie upon the table, and we
14 are once again back to the bill.
15 Further discussion or debate?
16 Senator Blue, for what purpose do you
17 rise, sir?
18 SENATOR BLUE: To send forward an
19 amendment.
20 THE PRESIDENT: Send forward your
21 amendment.
22 SENATOR BLUE: Several amendments. But
23 the first one, Mr. President, is ATU 51.
24 THE PRESIDENT: Senator Blue, they
25 don't have that amendment.

1 SENATOR BLUE: It disappeared in the
2 ether, then. Let me ask staff because that's
3 the number I see on it. It involves the
4 Forsyth, Yadkin, Stokes, Wilkes, Alexander
5 split.
6 Mr. President, I'm informed by staff
7 that that one has not been sent forth, but they
8 will send it forward.
9 And while that is happening, then I
10 would ask for recognition to send forth
11 Amendment Number ABW 33.
12 THE PRESIDENT: Amendment Number 7 to
13 Senate Bill 744, the clerk will read.
14 THE CLERK: Senator Blue moves to amend
15 the bill.
16 THE PRESIDENT: You have the floor,
17 sir.
18 SENATOR BLUE: Thank you very much,
19 Mr. President.
20 Let me first begin by saying that
21 Senator Berger and I have talked and we issued a
22 joint statement that we plan to and hope to work
23 together to redraw these districts. And we had
24 several conversations, I thought very cordial,
25 and we laid out where we thought we would go.

1 On Friday -- I think it was Friday,
2 Thursday or Friday, after we had discussions, I
3 assembled some of my members to look at various
4 maps and to read the order as best we could at
5 the time trying to figure out where we ought to
6 go with these maps.
7 As you recall, the Court last week
8 issued an order, I think four or five pages or
9 20 pages or something, but didn't have an
10 opinion expressing some of the reasoning for the
11 order. And so by the end of the week, some folk
12 were still doing their day jobs, we had examined
13 most of the clusters that the Court had
14 questioned -- first the trial court in its
15 200-and-some-page order, I believe, it was a
16 very long order, and we read through all of
17 those, many of what you've heard about here on
18 the floor.
19 But in the Senate map, in the Senate
20 plan that the Court struck down, the trial court
21 found gerrymanders in and the Supreme Court
22 struck down, there was seven clusters and eight
23 districts. And the Court made specific findings
24 about each of those districts and the clusters,
25 and it found that because of decisions that were

1 made in putting together certain clusters that
2 the legislature had gerrymandered those
3 districts, and it made suggestions as to why
4 they found that these districts had been
5 gerrymandered. Seven clusters, eight districts.
6 We weren't changing any of the clusters
7 that Stephenson spat through the computer last
8 year, and what we found in each of those was a
9 roadmap for fixing them, at least a way to start
10 to fix them. And so Senator Berger and I had
11 talked about the obvious changes that clearly
12 you would have to make.
13 The cluster up in the northeastern part
14 of North Carolina, the Court said that that
15 cluster was purposefully chosen and was made a
16 partisan gerrymander. So the map that's before
17 you, that district was flipped. Senator Berger
18 agreed to flip that district without any further
19 discussion because the Court said that was a
20 gerrymander. I think it was District 1 or 2.
21 Also said that -- Senator Chaudhuri
22 pointed out what the findings were in Wake
23 county. This is a county that has six districts
24 now that it's paired with -- now that it's
25 paired with Granville county, and it said that

1 the district that was before the Court which
2 does not vary a whole lot with respect to the
3 Wake county cluster than the district before you
4 now. It said that that district had basically
5 packed all the Democrats in the four districts
6 in the core of the city and in the core of the
7 county. My district, Senator Chaudhuri's
8 district, and the other two districts here in
9 Wake county.
10 And it said that in the northern part
11 of Wake county they had chosen selectively
12 Republican districts to pair with Granville
13 county in order to get a district that was most
14 Republican. And the most Republican that you
15 could draw that district and had any criteria
16 was roughly a 50, 51 -- 50 percent Republican
17 district, 50, 51 percent.
18 And in the bottom of the county,
19 represented by Senator Batch, it said that all
20 of the Republicans in the southern part of Wake
21 county had been grouped together, and again the
22 districts bleached of Democrats and they were
23 pumped into the districts above them, making
24 these four Democratic districts, for the most
25 part, 60 plus, 70 percent, and some of them even

1 greater than that, performance Democratic
2 districts.
3 Now, they did all of the scientific
4 stuff, all of the technical discussion about how
5 you got there with histograms and all of those
6 other things that these expert witnesses, these
7 mathematicians used to show that they were
8 gerrymanders. And the percentage in those two
9 Republican districts in the map before you now
10 is pretty much the same as they were in the
11 districts that the Courts struck down.
12 So we said, okay, we'll change those
13 districts subject to certain rules. And so as
14 we moved along -- these are my conversations,
15 very open conversations -- we then looked at the
16 other districts. And the amendment that I'm
17 sending forth addresses one of them, and I'll
18 send another one that addresses the second one,
19 which led to the breakdown of any further
20 discussions about the districts.
21 Now, let me say this much: Senator
22 Newton said that every district was changed in
23 favor of Democrats. You studied the Wake county
24 districts. I don't need to tell you how to
25 interpret what the Court said, but you studied

1 the districts, and if they changed in
2 composition by a point, a half a point, I don't
3 think it answers the Court's inquiry.
4 Now, in the language that was released
5 just this Monday, Monday evening, in the Court's
6 opinion, Monday after 5:00, it talks about all
7 of these and the reasons that they found these
8 districts, again, to be gerrymanders. They
9 adopted every single finding, every single
10 finding of the trial court.
11 Now, you know, we like to talk about
12 how the courts are partisan and this and that
13 and the other, but those of us who earn and have
14 earned a living working in the courts really do
15 believe that there is some justice that runs
16 through them or we wouldn't be involved in them
17 all the time.
18 And this three-judge panel that this
19 case is going back to has already found these
20 districts to be gerrymanders. Now, the Supreme
21 Court might have some language in the opinion,
22 and there's a lot of other language in that
23 opinion, and I'll hit on that when I finish
24 these amendments, that you can harp on, one
25 sentence, one paragraph in a 200-some-page;

1 opinion, and they harp on that as the only thing
2 that you got to look at to determine whether or
3 not you still have gerrymanders in these maps.
4 And where we disagree, I think, and
5 where any further discussion broke down is that
6 the Court said in the district that I just
7 introduced an amendment for, the Forsyth -- here
8 it's the Forsyth-Yadkin district, the Court said
9 that in that pairing, you had two choices. And
10 you might remember we talked about the two
11 choices in these districts when we passed the
12 maps back in October. There were two choices in
13 four places in the state. Two choices in the
14 east, where you could change the first district
15 and I think the second district, and if you took
16 one of them, you would remove seven or eight
17 historically eastern majority black districts
18 and separate them and put some in one and some
19 in the other.
20 Well, the Court said that was a knowing
21 partisan gerrymander by the Republicans by not
22 choosing the first cluster which would have kept
23 those counties together. That was a partisan
24 gerrymander. And that's the one that I talked
25 about Senator Berger and I in our initial

1 discussions realized could be fixed by simply
2 flipping, but that's the same case in this
3 cluster as well.
4 It doesn't make it a Democratic
5 district if you flip the cluster. What the
6 Court said is that you have done a gerrymander
7 in two ways in the district that exist out
8 there. The first way that you've done a
9 gerrymander is that you chose the cluster that
10 enables you to gerrymander even further because
11 you chose Forsyth to be paired with Stokes
12 county, and you had a choice. You could have
13 paired Forsyth with Yadkin and maybe another
14 county out there, but I think it was just Yadkin
15 county. And if you had made that choice you
16 would have had a better chance to draw fair
17 districts. Didn't have to change the partisan
18 makeup of them. You could still have a
19 Democratic and Republican district, but you
20 would at least create a chance in that district
21 for a Democrat to win if in fact you had
22 Democratic majorities.
23 And that was the whole question behind
24 this case, that if Democrats get a majority of
25 the vote, then it's right to think that

1 somewhere or other you could district so that
2 they could get a majority of the districts. Not
3 a proportionality, but just sort of commonsense.
4 If you can get a majority of the votes, there
5 ought to be some circumstances in which you can
6 get a majority of the seats in this chamber, and
7 that's what's behind this whole lawsuit.
8 So you gerrymandered by not choosing
9 the right pair of counties. And secondly, even
10 after you chose the wrong pair of counties to
11 make this district, you gerrymandered further by
12 the way that you drew the lines within the
13 district you chose. Not my language, but that's
14 the intent of the language coming from the
15 three-judge panel and that was adopted and
16 embraced 100 percent by the Supreme Court in its
17 opinion and in its order. And it said
18 specifically, we adopt each and every finding of
19 the trial court.
20 Now, this is unusual in many ways in
21 that this case is going back to the very same
22 court, the same court that already said that
23 these gerrymanders exist and this is how they
24 exist. And we're not addressing how they say
25 those gerrymanders exist.

1 So the facts are still there. You can
2 read a quote out of the opinion, but the facts
3 are still in the three-judge panel, and the
4 Supreme Court knows what those facts were. And
5 unlike most of the stuff we do here, we already
6 know that it's going to be reviewed by next
7 Wednesday and they're going to see how we
8 reacted to what they found.
9 Now, so what this amendment would do,
10 Mr. President, is it would create the cluster.
11 And we had talked about creating it so that you
12 could preserve incumbency, if that was one of
13 the desires that we had. We didn't have to draw
14 a district -- a Republican district that was
15 50 percent Democratic, although you could. You
16 could draw two Democratic districts in the
17 cluster. We didn't propose that you draw them,
18 two Democratic districts, but at least draw
19 districts so that if in fact there was a
20 majority of votes by Democrats, this district
21 could perform accordingly and maybe be a
22 Democratic district.
23 And so that's what this does in the
24 version that is before you. It does not make
25 the second district a Democratic district. It

1 has a Democratic district and a Republican
2 district, and we think it meets the goals and
3 the instructions of the Court. And I would move
4 the adoption of the amendment, Mr. President.
5 THE PRESIDENT: Senator Daniel, for
6 what purpose do you rise?
7 SENATOR DANIEL: Mr. President, I do
8 move that Amendment 7 do lie upon the table.
9 SENATOR NEWTON: Second.
10 THE PRESIDENT: Senator Daniel moves
11 that Amendment Number 7 to Senate Bill 744 do
12 lie upon the table, seconded by Senator Newton.
13 This is a non-debatable motion, and
14 we'll go straight for a vote. The question
15 before the body is the motion to table Amendment
16 Number 7 to Senate Bill 744. All in favor will
17 vote aye, all opposed will vote no. Five
18 seconds will be allowed for voting, and the
19 clerk will record the vote.
20 Senator Perry -- Senator Perry is aye.
21 Senator Chaudhuri is no.
22 27 having voted in the affirmative, 20
23 in the negative, Amendment Number 7 to
24 Senate Bill 744 will lie upon the table, and
25 we're once again back to the bill.

1 THE PRESIDENT: Senator Blue, for what
2 purpose do you rise?
3 SENATOR BLUE: Send forth with another
4 amendment. I think you have it up there now.
5 Let's see. It's -- is that ATU 51.
6 THE PRESIDENT: I have it. Give me one
7 second, please. Amendment Number 8 to
8 Senate Bill 744. The clerk will read.
9 THE CLERK: Senator Blue moves to amend
10 the bill.
11 THE PRESIDENT: You have the floor
12 again, sir.
13 SENATOR BLUE: Thank you very much,
14 Mr. President.
15 And to my colleagues, I say to you the
16 comments about Stokes and the other districts I
17 can incorporate in this one, and I will just
18 simply read what the Court found the gerrymander
19 was and let you draw your own conclusions, but
20 we initiated a conversation about this district
21 and said that the Court found in the Buncombe
22 district, and these are their findings.
23 The Republican map plays around with
24 the district lines but largely remains a
25 partisan gerrymander, that is, in the

1 McDowell-Buncombe cluster, and that's Buncombe,
2 McDowell, and Burke counties, I believe. And it
3 said that you play around with the lines.
4 Instead of pairing Buncombe with Henderson
5 county, Republicans move blue Buncombe in with
6 Burke and McDowell to the east, clearly diluting
7 the voting power in the Asheville area. Those
8 are more heavily Republican counties than
9 Henderson county next door. The Republican map
10 does not fix the gerrymander which the Court
11 found based on the choice of county groupings.
12 And so I say to you that further, this
13 grouping resulted in neutralizing the Democratic
14 stronghold in and around Asheville to a greater
15 extent than the alternate grouping would have
16 done. And within the grouping you enact the
17 enacted plan maximizes Republican advantage by
18 drawing lopsidedly Democratic districts while
19 the rest is heavily reliably Republican.
20 District 46, a reliably Republican
21 district, never elects a Democrat in any of the
22 42 elections in Dr. Duchin's study.
23 Now, you need to understand that there
24 were millions, and I think even billions, of
25 maps drawn by these mathematicians to determine

1 whether or not a gerrymander existed. That was
2 the evidence before the Court. That's what they
3 used to determine that there was a gerrymander.
4 And they were saying that the reason for that
5 gerrymander wasn't that you didn't make a second
6 district majority Democrat but that you didn't
7 look at the grouping. You had a choice there to
8 choose a grouping that would have given you a
9 chance to draw districts that more accurately
10 reflected what the vote was and would give
11 Democrats an opportunity to be elected in that
12 district if in fact Democrats got a majority of
13 the votes. That's what they said.
14 And what this map does, it fixes that
15 far from a Democratic district in that cluster
16 that it fixes it with. It would simply leave a
17 Democratic district and a Republican district,
18 but the Republican district, nor the Democratic
19 district would be as lopsided as they are now.
20 Still over time they would probably perform
21 pretty much the same way, but they at least make
22 the opportunity to have a Democrat win the
23 district, in certain settings get a majority,
24 just like Republicans have the opportunity to
25 get a majority in several settings. That's all

it does. It tells you what fairness is all about and what our perception about it is.

And so, Mr. President, I move the adoption of that amendment.

THE PRESIDENT: Senator Daniel, for what purpose do you rise?

SENATOR DANIEL: Mr. President, I move that Amendment 8 do lie upon the table.

SENATOR NEWTON: Second.

THE PRESIDENT: Senator Daniels moves that Amendment Number 8 to Senate Bill 744 do lie upon the table, seconded by Senator Newton. This is a non-debatable motion, and will go straight to a vote. The question before the body is the motion to table Amendment Number 8 to Senate Bill 744. All in favor will vote aye, all opposed will vote no. Five seconds will be allowed for voting. The clerk will record the vote.

Senator Lowe is no.

27 having voted in the affirmative, 20 in the negative, Amendment Number 8 to Senate Bill 744 will lie upon the table, and we're once again back to the bill.

SENATOR BLUE: Mr. President.

1 THE PRESIDENT: Senator -- I'm sorry.
2 Senator Blue, for what purpose do you
3 rise?
4 SENATOR BLUE: Send forth an amendment.
5 THE PRESIDENT: Okay. Send forward
6 your amendment.
7 SENATOR BLUE: The amendment is ABA 57.
8 I don't know whether that means American Bar
9 Association. Maybe that's reminding me that
10 there's some law involved here. ABA 57.
11 THE PRESIDENT: Amendment Number 9 to
12 Senate Bill 744. The clerk will read.
13 THE CLERK: Senator Blue moves to amend
14 the bill.
15 THE PRESIDENT: You have the floor,
16 sir.
17 SENATOR BLUE: Thank you very much,
18 Mr. President.
19 And this wraps up the amendments that
20 we were talking about. This just puts them all
21 in a state map for the most part. There may be
22 some small variations in it, but this -- this
23 sets forth what we thought the initial approach
24 to solving these gerrymanders were. And this is
25 information that we exchanged as to what we

1 thought should be a starting point for
2 discussions on how we fix these gerrymanders.
3 And this is what as a result of it basically
4 indicated that it was a no starter because
5 certain changes weren't going to be made. Even
6 those that were set forth specifically in the
7 three-judge panel's opinion and findings and in
8 the Supreme Court order and now in its opinion.
9 So I won't be redundant, but I'll
10 simply say that it contains amendments to the
11 seven clusters that we talked about. I don't
12 think it -- it changed the New Hanover county
13 clusters because we didn't know that they were
14 going to be in play. And so when we drew these,
15 I think on Friday or Saturday, quite frankly,
16 when we drew these, we didn't know that
17 New Hanover, so it's not in that. And I just
18 wanted you to see what we had proposed were the
19 beginning points of what productive talks could
20 produce in these maps.
21 So you'll see, I think in the
22 deliberations that we see in this bill, that
23 there were some changes, as I said, in
24 District 1, or in the northeast cluster. There
25 were some changes in the Cumberland county

1 cluster. There were some changes -- the changes
2 you already heard about in the Wake county
3 cluster, but not material changes. Well, they
4 were material. They flipped Sarah Crawford into
5 the district up in Granville county. But other
6 than that there weren't any significant changes
7 in it with respect to percentages in either the
8 Democratic districts or the two districts that
9 are probably Republican districts.
10 It -- I think it did some minor
11 modifications in the Guilford district, but not
12 those along the line of what the three-judge
13 panel pointed out. And I will say to you that
14 the changes in the Guilford district were
15 changes made by a special master in the
16 litigation several years ago when Guilford was
17 coupled with Randolph and Alamance counties.
18 And so the special master configured the
19 district that Senator Robinson represents a
20 certain way so that he could address the issues
21 in that case. Nothing to do with this case,
22 nothing to do with partisan gerrymander the way
23 this one exists.
24 But I think that that's the fix in the
25 Guilford district in that map. And I point out

to you that in this map, I misspoke when I said it incorporates the changes. This district did not break down Guilford county the way the amendment -- the first amendment that was offered because this did not make the portion of Guilford county that Senator Berger represents -- I don't think it did, it wasn't intended to -- a majority Democratic district as the first map that was introduced regarding Guilford county, just showing you what is possible and what the Court could look at as it considers how to draw these maps.

And it made, again, I say -- I proposed changes in the cluster in Forsyth county and the cluster in Buncombe county, but again were offered for discussions on how we could satisfy fixing this gerrymander. That's what it does, and I move adoption of it.

THE PRESIDENT: Senator Daniel, for what purpose do you rise?

SENATOR DANIEL: Mr. President, I move that Amendment 9 do lie upon the table.

SENATOR NEWTON: Second.

THE PRESIDENT: Senator Daniel moves that Amendment 9 to Senate Bill 744 do lie upon

the table. This is a non-debatable motion, and we'll go straight to a vote. The question before the body -- I gotcha this time. Yes, I'm sorry.

Before we move forward with that vote, a leave of absence is requested and without objection is granted for Senator Perry.

This is a non-debatable motion, and we'll go straight to a vote. The question before the body is the motion to table Amendment Number 9 to Senate Bill 744. All in favor will vote aye, all opposed will vote no. Five seconds will be allowed for voting, and the clerk will record the vote.

Senator Britt is aye. Senator Blue is no.

26 having voted in the affirmative, 20 in the negative, Amendment Number 9 to Senate Bill 744 will lie upon the table, and we're once again back to the bill.

SENATOR BLUE: Mr. President.

THE PRESIDENT: Yes, Senator Blue. For what purpose do you rise?

SENATOR BLUE: Debate the bill.

THE PRESIDENT: Excuse me. I'm sorry.

1 SENATOR BLUE: Debate the bill.
2 THE PRESIDENT: You have the floor.
3 SENATOR BLUE: Thank you.
4 And ladies and gentlemen, I know you're
5 glad I'm getting toward the end of this, and I
6 am. I'd like to say that some of the best
7 reading that you can do, not so much because of
8 this case but because of the way it discloses
9 North Carolina's rich history, is reading the
10 opinion in this case, the majority opinion
11 because it sets forth what liberty and
12 independence and fairness means under our state
13 constitution, but more importantly how we came
14 to the point of believing that these things were
15 important in setting forth the rights of the
16 people in this state.
17 It talks about the Declaration of
18 Rights, pointed out that our Declaration of
19 Rights predated the Bill of Rights, just like
20 our Declaration of Independence predated the
21 declaration in Philadelphia, but it goes through
22 the rich history of how we have these things as
23 North Carolinians.
24 We didn't put them there, but those who
25 were wise enough and came before us as they

1 contemplated a state government in the age
2 of -- in the 1700s reflecting on the glorious
3 revolution in England where people's rights
4 became important and where government couldn't
5 trod over the people and how they set forth all
6 of these protections against government and
7 against tyranny. Because they knew if you
8 didn't separate and provide for certain powers,
9 the nature of human beings is and has been since
10 we started keeping a recorded history of
11 ourselves is to seize power and seize power and
12 seize power. It's the whole reason that our
13 federal government is set up the way it is, our
14 state government, separation of powers so the
15 chambers can -- or departments, judicial
16 departments, executive departments and
17 legislative departments can check each other.
18 And with most of the power being vested
19 in -- all of the power of the people being
20 vested in the legislative branch of government
21 they were wise enough to set up a court to say,
22 no, we got to go back to this thing that pulled
23 us together in the first place, a constitution,
24 in this case a Declaration of Rights because
25 that's what they so richly cite from. And we

1 can pull the people that we represent back to
2 these basic core principles that underlie our
3 Declaration of Rights. We can even pull the
4 legislature back. They can't just go
5 willy-nilly and do what they want to, especially
6 when it comes to our fundamental liberties and
7 our fundamental rights, our civil rights.
8 And they found in this opinion that
9 these four rights were fundamental in our
10 Declaration of Rights. The Bill of Rights was
11 modeled somewhat on North Carolina's Declaration
12 of Rights. The Bill of Rights to the
13 constitution that North Carolina wouldn't sign
14 until they were put into the United States
15 Constitution because we put such faith and
16 confidence in this Declaration of Rights.
17 So regardless of how you vote or think
18 about what we're doing now, go back to that and
19 it will show you the reason that we're here
20 today. Because I believe that everybody on this
21 floor believes that history is important,
22 believes that democracy is important, and
23 believes that these fundamental documents define
24 who we are are things that we have to be
25 protective of, and that's what the Supreme Court

1 is saying in its opinion before you get to the
2 technical mumble jumble and stuff like that on
3 it, the stuff that lawyers like to read.
4 Now, I want to say that -- and I've
5 already outlined why I thought we sort of bogged
6 down and weren't able to go further because we
7 said that we would negotiate. There's no
8 absolutes when you enter into a negotiation
9 unless you're just crazy. I mean, you're not
10 going to get anything resolved if you don't
11 move, and you got to leave room to do that. And
12 in this case the mediator, if you will, or the
13 group that will determine whether you've moved
14 enough or whether we were too stubborn will
15 initially be the three-judge panel and I'm
16 pretty sure at the end the North Carolina
17 Supreme Court as they recommit themselves,
18 restate the rights under the Declaration of
19 Rights.
20 Now, this case was not brought -- and
21 as I pointed out, I'm not a litigant to it. I
22 don't represent anybody in it. I don't have a
23 lawyer in it or anything else, just is my
24 opinion. This case was brought and the Supreme
25 Court considered it as a way to ensure that an

1 identified party who receives a certain vote
2 should be able to get the same benefits over
3 time as another party who is organized and has
4 the same kind of numbers of votes. That's what
5 they were trying to fix in doing this case. I
6 don't believe that they did all of this to boil
7 it down to a formula that you look at whether or
8 not one test out of multiple tests say that you
9 haven't done a gerrymander.
10 Now, the Court said that there are
11 multiple ways you can do it. They happened to
12 choose the four tests that they listed in the
13 opinion because they had four experts who used
14 different tests to determine whether or not a
15 gerrymander existed, but if you are telling me
16 that commonsense tells you that you can take a
17 map where they found all of these gerrymanders,
18 take that map, create another gerrymander in
19 New Hanover county -- because it's clear why you
20 did it: to increase the Republican percentage in
21 that district in New Hanover county -- that you
22 can fix another gerrymander without directly
23 addressing the gerrymanders that they said you
24 had in the map and then come out with a formula
25 and say, well, it tests this on this test and so

1 there's no gerrymander there any more. That's
2 the sole reason that I mention that this same
3 court who is going to look at this case starting
4 Friday, I guess, is a court that decided that
5 the gerrymanders existed in all of these places.
6 Now, the Supreme Court did say you
7 don't have to look at specific districts to tell
8 it, but the districts tell you whether one is
9 there, and this Court opinion tells you that you
10 got to make a serious effort to fix it. It
11 doesn't say create more Democratic districts.
12 It talks a lot about districts in the middle so
13 that they can move certain ways depending on
14 what the vote looks like. And so we have
15 different ways of analyzing that.
16 In the material that's before you, they
17 chose 15 elections, I believe, in 2016 and 2020
18 to say how these districts possibly would
19 operate, but in 2022, the science and the math
20 and the computer capability is such that, again,
21 they can look at a trillion districts, using a
22 quantum computer, and say how these districts
23 still lie outside the norm and how they're still
24 partisan gerrymanders. And I'm hoping, you
25 know, as I see this, it's not déjà vu all over

again. Because I was here, and I think a couple of other people on the floor, Senator Berger was here, as we went through this process beginning in 2011.

I'm still reminded that the system belongs to the people. That's why I say it's exciting to read what the Court gave as its historical reason for doing what it did. And I believe that the Court is going to decide that you can arrange and rearrange the chairs on the Titanic so many times before you go down with the ship. That's one of the reasons that they showed little patience for letting this thing linger on and on through an entire decade. Because it took us eight years of a decade to fix the gerrymanders, one kind or another, first racial, then partisan gerrymanders, in the districts from 2011, and the Court has said that these are going to be fixed before we have the first elections on them.

So as I look at it, we keep pushing ourselves to a mandatory reform of the way this process is done. People are not going to keep tolerating it because that's whose rights we're trampling on.

1 And so as I think about 2019, following
2 that redistricting session, I issued a joint
3 statement with Senator Berger praising the
4 process as probably the most collaborative and
5 transparent in our state's history, and I still
6 stand by those comments, but if you want to test
7 how collaborative this process was, it was
8 collaborative in the beginning, but you have
9 just seen all of the amendments and all of the
10 discussions that we were trying to promote on
11 this map. And what did you do with every single
12 one of them? Think about that. What did you do
13 with every single discussion that are in that
14 big map that I introduced? You discarded them
15 like none of them had any relevance or any
16 importance. A broke clock is right twice a day.
17 So there had to be some value in it if we
18 engaged all of the minority membership in the
19 Senate in the discussions in trying to draw this
20 map.
21 Now, let me tell you one other thing
22 that you think about. We represent, as we are
23 right now, 44 percent of this legislature. You
24 tell me, where do we have 44 percent of the
25 influence on legislation? Just go back to the

1 budget and various other things.
2 And so what this does, if you really
3 looked at the performance that they've used in
4 these tests, you know, what would make sense at
5 the end of the day if you really worked hard and
6 you had great candidates and you had maps that
7 were fair, you get 52, 53 percent of the
8 electorate, of the vote which they cited the
9 governor I think in some of these or they cited
10 some of the people in the 15 examples. How
11 many -- how many of the seats would he have won?
12 Not 52 percent of them. Not half of them. How
13 many would the attorney general have won? He
14 won statewide. I think they said 22, 23 seats,
15 and two of them would have been real close.
16 That's why the Supreme Court has said that it's
17 gerrymandered in a partisan fashion, and you
18 don't give people the rights as guaranteed by
19 the Declaration of Rights.
20 I was optimistic after 2019. I was
21 optimistic in other efforts that we've made to
22 get things done collaboratively in this chamber.
23 We did some things collaboratively in the last
24 session, but we just can't seem to get our hands
25 on it in redistricting any more, even if the

1 Supreme Court is telling us that we ought to and
2 that we need to.
3 And, you know, I don't know, maybe it's
4 that we really do believe that the courts -- we
5 can get along without them, that they're
6 irritants, that they're in the way, that we
7 better know what the constitution provides and
8 how it ought to be interpreted than the court
9 itself. Because I think that what we are doing
10 in passing this map today is sticking our finger
11 up toward the courts, snubbing our nose at them,
12 that we're going to play a game on you, and you
13 put this language in there and we're going to
14 say that this is the language that determines
15 everything that you're going about doing.
16 And at the end of the day, if you look
17 at the projections in this map, if you change
18 Wilmington, you change the projected Democratic
19 senators in that map so that you create a
20 supermajority and an environment where almost
21 50 percent of the vote in the last election, if
22 you look at the different candidates, went to
23 Democrats and almost 50 percent went to
24 Republicans, and you reduce the Democratic
25 participation in this chamber below 40 percent

by the way that you've drawn these districts. Do your own analysis. You don't have to take my word for it. But I think by the end of next week we'll have somewhere -- some idea where it's going.

Now, lastly, people want to believe in their elected officials. They want to believe in us. They certainly want to believe in their courts. And it's our advantage that people believe in their courts. There's got to be somewhere where they know that they're going to get a fair deal, that it's not a deal based on partisanship, it's not a deal based on favorites and stuff, but it's a place where that lady of justice, holding the balances and with a blindfold over her eyes is going to be fair to everybody, and that's what the Court was trying to obtain in its opinion on these districts.

I think that a lot of folk, some in here have been stoking fears about election fraud and all of those things so we break their reliance on the courts, we break their beliefs in what we do and how we do it because we convince them that our elections somewhere or other resulted because of fraud. And that's

1 what you're doing when you pass maps that tells
2 them that they have a fair shot to get something
3 done and they can see the results and see that
4 they can't get something done.
5 If we want to protect the integrity of
6 our elections, as all of my colleagues up front
7 would say that you do, then we need to bring
8 integrity back to this redistricting process.
9 The House has shown us this time how to
10 do it. We showed them the last time. And I
11 don't think it was beyond this Senate to do the
12 same thing in time.
13 I close with a very instructive quote
14 from the opinion, very instructive. It's at
15 paragraph 223 of the opinion.
16 It is the sincere hope of this Court
17 that these new maps -- talking about the maps
18 they were hoping we would draw -- ensure that
19 the channelling of political power from the
20 people to their representatives in government
21 through elections, the central democratic
22 process envisioned by our constitutional system,
23 is done on equal terms so that ours is a
24 government of right that originates from the
25 people and speaks with their voices.

The amendments that we offered would have taken us along that path. The path that we have chosen, I'm afraid, takes us in the opposite direction.

THE PRESIDENT: Before we go any further, a leave of absence is requested and without objection is granted for Senator Crawford.

Is there any further discussion or debate on Senate Bill 744?

Hearing none, the question before the Senate is the passage of Senate Bill 744 on second reading. All in favor will vote aye, all opposed will vote no. Five seconds will be allowed for voting, and the clerk will record the vote.

26 having voted in the affirmative, 19 in the negative, Senate Bill 744 passes its second reading and without objection will be read a third time.

THE CLERK: The General Assembly of North Carolina enacts.

THE PRESIDENT: Is there further discussion or debate?

Hearing none, all in favor of the

passage of Senate Bill 744 on its third reading will vote aye, all opposed will vote no. Five seconds will be allowed for voting, and the clerk will record the vote.

26 having voted in the affirmative, 19 in the negative, Senate Bill 744 passes its third reading and will be sent to the House by special message.

SENATOR RABON: Mr. President.

THE PRESIDENT: Senator Rabon, for what purpose do you rise?

SENATOR RABON: A motion, please, sir.

THE PRESIDENT: You have the floor for your motion.

SENATOR RABON: Thank you, sir.

Mr. President, I move that Senate Bill 173, Free the Smiles, be moved to the top of today's calendar.

THE PRESIDENT: Without objection, so ordered. So that would be next on our calendar, Senate Bill 173.

(SB 173 was not transcribed by the court reporter.)

THE PRESIDENT: Next on the calendar, we have Senate Bill 745. The clerk will read.

1 THE CLERK: Senate Bill 745, Realign
2 Congressional Districts 2022/CST 22-3.
3 THE PRESIDENT: Senator Daniel has the
4 floor to explain the bill.
5 SENATOR DANIEL: Thank you,
6 Mr. President.
7 Members, the map before you was drawn
8 to comply with the Supreme Court's order. It
9 contains what we believe will be four of the
10 most highly competitive congressional districts
11 in the country.
12 According to redistricting expert Dave
13 Wasserman, there have been only 19 congressional
14 districts in the country drawn during this
15 year's ongoing redistricting process with an
16 election result in the Biden-Trump race with a
17 less than 5 percent margin of victory.
18 This map will make North Carolina home
19 to four additional highly competitive
20 congressional districts. We believe the map is
21 constitutional. We believe it is fair to all
22 candidates, voters, and political parties in our
23 state. It follows the Court's order, and it
24 will reflect the will of the people.
25 The map scores well within the ranges

for measuring mean-median and efficiency gap announced by the Court in its opinion. The Court set a baseline of plus or minus 1 percent for the mean-median score. This map scores minus 0.61 percent. The Court set a baseline of plus or minus 7 percent for the efficiency gap score. This map scores minus 5.3 percent.

I'll briefly go through a description of the 14 districts.

District 1 remains a district that is rooted in mostly rural counties in northeastern North Carolina. We have consistently been told during the process that it is important to keep the counties forming the belt along the northern border of the state together. This district does that.

District 2 is contained wholly within Wake county, adhering to our original criteria. Wake county is split only once in this map. It has one incumbent in it, and she has announced her intention to seek reelection this year.

District 3 is a district taking in much of eastern North Carolina, including the majority of the state's coastline and counties with close proximity to the coast. The district

1 contains one incumbent.
2 District 4 contains all of Caswell,
3 Durham, Orange, and Person counties, and most of
4 Alamance and Granville counties. This
5 configuration forms a highly compact district in
6 northern central counties in the state.
7 District 5 is based in the northwestern
8 corner of North Carolina and is made up of six
9 whole counties. Those are Allegheny, Ashe,
10 Forsyth, Stokes, Surry, Watauga, and Wilkes.
11 Most of Rockingham county and a portion of
12 Yadkin make up the rest of the district.
13 There's only one incumbent in the district.
14 District 6 contains all of Chatham,
15 Harnett, Lee, Randolph counties and also
16 contains most of Guilford and parts of Alamance
17 and Rockingham. This district contains one
18 incumbent, and will be one of the most
19 politically competitive congressional districts
20 in the country.
21 District 7 is a district based in
22 southeastern North Carolina that takes in the
23 rural counties south of Harnett county and joins
24 them to the remaining coastal counties. It
25 contains all of Bladen, Brunswick, Cumberland,

1 and New Hanover counties, and a portion of
2 Columbus county. This district contains one
3 incumbent member of congress. It, too, will be
4 one of the most politically competitive
5 congressional districts in the country.
6 District 8 is a district taking in
7 mostly counties and cities located between the
8 Triad and Charlotte. It contains all of
9 Cabarrus county and portions of Davidson, Rowan,
10 and Guilford counties, and this district is home
11 to one incumbent.
12 District 9 contains nine whole
13 counties. Those are Anson, Hoke, Montgomery,
14 Moore, Richmond, Robeson, Scotland, Stanly, and
15 Union. It also contains portions of Columbus
16 and Davidson counties. There is not an
17 incumbent in this district.
18 District 10 is a western North Carolina
19 based district stretching from Forsyth west into
20 the mountains. It keeps eight counties whole.
21 Those are Alexander, Avery, Burke, Caldwell,
22 Catawba, Davie, Iredell, and Lincoln. It also
23 contains parts of McDowell, Rowan, and Yadkin
24 counties. There is one incumbent in the
25 district.

1 District 11 is a western North Carolina
2 mountain based district. It contains the whole
3 of the 14 westernmost counties in
4 North Carolina. It also contains parts of
5 McDowell and Rutherford. There is one incumbent
6 currently residing in the district.
7 District 12 is a district containing
8 the northeastern sections of Mecklenburg county,
9 including the majority of Charlotte. The areas
10 in and around Charlotte are too large to be
11 wholly contained in one congressional district.
12 Mecklenburg county is split only once in this
13 map, and there is currently one incumbent living
14 in District 12.
15 District 13 is the new open seat
16 created as a result of North Carolina receiving
17 an additional congressional seat after the 2020
18 census. It contains all of Duplin, Johnston,
19 and Sampson counties and parts of Wake and Wayne
20 counties. This will again be one of the most
21 highly competitive congressional districts in
22 the country.
23 And District 14 is a seat taking in the
24 remainder of Mecklenburg county and stretching
25 west across the southern boundary of the state

1 into Rutherford county, taking in all of
2 Cleveland and Gaston counties. It's a very
3 compact district with only one incumbent.
4 District 14 will likewise be among the most
5 politically competitive congressional districts
6 anywhere in the United States.
7 We believe that this map is highly
8 politically competitive, that it follows the
9 Court's order, and that it will represent the
10 will of the people if adopted by the Court in
11 the course of the ongoing litigation. I would
12 ask for your support for this bill. Thank you.
13 THE PRESIDENT: Senator Clark, for what
14 purpose do you rise, sir?
15 SENATOR CLARK: To send forth an
16 amendment.
17 THE PRESIDENT: Send forward your
18 amendment.
19 Amendment Number 1 to Senate Bill 745.
20 The clerk will read.
21 THE CLERK: Senator Clark moves to
22 amend the bill.
23 THE PRESIDENT: You have the floor to
24 explain your amendment, sir.
25 SENATOR CLARK: Thank you,

1 Mr. President.
2 Senators, the bill that is presented
3 before us for consideration still has problems.
4 There was an attempt made to remedy some of the
5 metrics, more specifically the mean-median and
6 efficiency gap. However, there were more
7 problems with the original map than those.
8 First of all, the Court did chide this
9 body for not complying with its own standards.
10 One of those happened to be in the area of split
11 VTDs. In this particular map here that we're
12 being asked to support, 15 VTDs have been split.
13 Now, the minimum necessary in order to comply
14 with our own requirements of a minimum split of
15 VTDs is 13. So one might ask, well, why are we
16 splitting 15? Because essentially what we have
17 is essentially a gateway to a gerrymander.
18 In the amendment I have before you, and
19 hopefully you've seen the map on the screen,
20 there are only 13 VTDs split, the minimum
21 required in accordance with our own standard to
22 split no VTDs for a reason other than population
23 equality. Likewise, if we look at the map here,
24 we see that we violated our own standard against
25 splitting counties.

1 Now, in the previous map, the one that
2 was enacted, we split 10 counties a total of 14
3 times because we trisected three of those. In
4 this amendment before you, only 13 counties are
5 split for a total of 13 times. So then again
6 you may ask, well, why is this map that we're
7 being asked to support, why does it split
8 counties 14 times? Because, again, that's a
9 gateway to a gerrymander. We don't need to do
10 that.
11 Now, we've talked about the metrics.
12 We've talked about the mean-median, the
13 efficiency gap. And like the proposed map that
14 has been submitted for our consideration, the
15 amendment scores exceptionally well on those
16 also and meets the standard that they claim the
17 Court is requiring in terms of their values, but
18 I caution you, because we're computing that
19 mean-median and the efficiency gap based upon a
20 single index comprised of about I think it's 12
21 elections which is significantly inefficient.
22 You're never going to rely on a value computed
23 based upon an index consisting of 12 elections.
24 And they indicate, yes, correctly so,
25 that Dr. Mattingly used those elections as well.

He did but not as a composite index used within an efficiency gap or a mean-median measure to determine whether or not our maps were constitutional -- actually, whether or not they were free of extreme gerrymandering, and neither should we.

And although they did not specifically cite a measure called declination, I ran that value as well, or I should say the staff did, and the map that I'm asking you to support has an exceptional declination score.

Let's see. Okay. They talked about performance. During the committee meeting it was stated that the map we're being asked to vote on was highly competitive and that essentially it would elect six Republicans, four Democrats and have four competitive seats.

Well, the amendment that I have before you would elect six Republicans and, depending on what your measure of competitiveness is, six Democrats and have two highly competitive seats, or five Democrats and have three competitive seats, again, depending on what your definition of competitiveness is.

But all that being said, you know,

1 sometimes you get a feel that you want to use
2 the numbers to try to generate some kind of
3 result for a partisan advantage and ultimately
4 end up with a map that is not a map that the
5 state of North Carolina deserves.
6 I remember when I first talked to
7 Senator Blue about getting in this business. I
8 made it clear that I would never put my
9 signature to a map that I believe to be a
10 partisan gerrymander in favor of anybody, not
11 the Democrats, not the Republicans, and this
12 amendment that is -- that I'm asking you to
13 support does neither of that. And if you look
14 at that map -- I'm not going to provide an
15 explanation of the different districts because,
16 when you look at it, I think it's probably quite
17 clear to you what it is.
18 You know, we have major geocultural
19 regions in this state that we all understand.
20 We all recognize -- we know where the Triad is,
21 we know the Triangle, the Sandhills, at least
22 the folks in the Sandhills know, and we know the
23 northeast. We know the -- we know those things,
24 and when you look at that map that I'm asking
25 you to support in place of the one we're asking

to vote on, it is clear what is going on. No one has to tell you. So I won't waste your time telling you.

But those who served in the military at some time or another, we understand this concept of pursuing the commander's intent. When the commander gives us an order, it could be a five-page order, six-page, 10, 20, whatever, the Court has given us an order. Now, when you're in the military, you don't go nitpicking that order to try to find some sort of loophole to do what you want to do. You read it in its entirety, you understand the intent of that order, and you make sure you achieve that intent.

Now, the intent of that order that the Court provided to us was to provide the state of North Carolina with fair maps. Nothing less, nothing more. This amendment that I'm asking you to support does just that: It provides the state of North Carolina with fair maps.

THE PRESIDENT: Senator Daniel, for what purpose do you rise?

SENATOR DANIEL: Mr. President, I move that Amendment 1 do lie upon the table.

1 SENATOR NEWTON: Second.
2 THE PRESIDENT: Senator Daniel moves
3 that Amendment Number 1 to Senate Bill 745 do
4 lie upon the table. It was seconded by Senator
5 Newton.
6 This is a non-debatable motion and will
7 go straight to a vote. The question before the
8 body is the motion to table Amendment Number 1
9 to Senate Bill 745. All in favor will vote aye,
10 all opposed will vote no. Five seconds will be
11 allowed for voting, and the clerk will record
12 the vote.
13 Senator Ballard is aye.
14 UNIDENTIFIED SPEAKER: Aye.
15 THE PRESIDENT: Senator Britt is aye.
16 27 --
17 SENATOR CHAUDHURI: Mr. President.
18 THE PRESIDENT: Senator Chaudhuri, yes,
19 for what purpose do you rise?
20 SENATOR CHAUDHURI: Change my vote from
21 aye to no.
22 THE PRESIDENT: I'm sorry. That would
23 make the count 26 having voted in the
24 affirmative, 19 in the negative. Amendment
25 Number 1 to Senate Bill 745 will lie on the

1 table, and we are back to the bill.
2 Any further discussion or debate? No,
3 no further -- okay, that's great. I'm sorry,
4 guys, I lost my place here. Excuse me. Here we
5 go.
6 Hearing none, the question before the
7 body -- the question before the Senate is the
8 passage of Senate Bill 745 on second reading.
9 All in favor will vote aye, all opposed will
10 vote no. Five seconds will be allowed for
11 voting. The clerk will record the vote.
12 Senator Britt is aye. I'm sorry.
13 Senator Chaudhuri. Senator Chaudhuri is no.
14 26 having voted in the affirmative, 19
15 in the negative, Senate Bill 745 passes its
16 second reading and without objection will be
17 read a third time.
18 THE CLERK: The General Assembly of
19 North Carolina enacts.
20 THE PRESIDENT: Is there further
21 discussion or debate?
22 Hearing none, all in favor of the
23 passage of Senate Bill 745 on its third reading
24 will vote aye, all opposed will vote no. Five
25 seconds will be allowed for voting, and the

clerk will record the vote.

Senator Sawyer -- Senator Britt is aye. Leave of absence is requested and granted for Senator Sawyer.

25 having voted in the affirmative, 19 in the negative, Senate Bill 745 passes its third reading and will be sent to the House by special message.

Senator Rabon, for what purpose do you rise?

SENATOR RABON: To send -- bring forth the committee report, please.

THE PRESIDENT: The clerk wants to know if we can pause that for just a second.

Message from the House, the clerk will read.

THE CLERK: Mr. President, it's ordered that a message be sent to the Senate informing that honorable body that conferees for House Bill 797, Senate Committee Substitute, Third Edition, a bill to be entitled An Act Authorizing a Board of County Commissioners to Delegate to a Hearing Officer the Determination of Whether a Taxpayer has Overpaid the Excise Tax on Conveyances have been Dismissed and New

1 Conferees have been Appointed. Speaker Moore
2 has appointed Representative Kidwell chair.
3 Respectfully, James White, Principal Clerk.
4 (HB 797 was not transcribed by the
5 court reporter.)
6 THE PRESIDENT: Next on our calendar,
7 we have House Bill 980. The clerk will read.
8 THE CLERK: House Bill 980, Realign NC
9 House Districts 2022/HTU 22-4.
10 THE PRESIDENT: Senator Newton is
11 recognized to explain the bill.
12 SENATOR NEWTON: Thank you,
13 Mr. President.
14 Members, this is the House
15 redistricting map. The map passed 115 to 5 in
16 the House last night. On the floor, six
17 Democrat amendments were accepted including four
18 from the minority leader.
19 The Supreme Court in its opinion stated
20 a map has to -- that has under 1 percent
21 mean-median difference is presumptively
22 constitutional. This House plan has a
23 mean-median difference of .71 percent, so it's
24 presumptively constitutional. The Supreme Court
25 in its opinion stated that a map under 7 percent

efficiency gap is presumptively constitutional. This House map is .84 percent efficiency gap. Governor Cooper would have won well over 60 seats on this map.

This House map has 30 fewer splits of municipalities involving population than the enacted maps, and the House plan improves considerably on the compactness compared to the enacted map. This map improves on the Reock/ Polsby-Popper metrics compared to the enacted map.

I commend the bill to you and ask for your support on behalf of the House. Thank you.

THE PRESIDENT: Is there further discussion or debate?

Hearing none, the question before the Senate is the passage of House Bill 980 on its second reading. All in favor will vote aye, all opposed will vote no. Five seconds will be allowed for voting. The clerk will record the vote.

Senator Craven is aye. Senator Clark is aye. Senator Blue is aye. Senator Britt is aye. I think we have it.

41 having voted in the affirmative, 3

in the negative, House Bill 980 passes its second reading and without objection will be read a third time.

THE CLERK: The General Assembly of North Carolina enacts.

THE PRESIDENT: Is there further discussion or debate on House Bill 980?

Hearing none, all in favor of the passage of House Bill 980 on its third reading will vote aye, all opposed will vote no. Five seconds will be allowed for voting, and the clerk will record the vote.

Senator Britt -- Senator Davis, Senator Chaudhuri are aye. Senator Britt is aye. Senator Foushee is aye. Senator Fitch is aye. Senator Woodard is aye. Senator Mohammad is no. Senator Craven -- Senator Craven is aye.

41 having voted in the affirmative, 3 in the negative, House Bill 980 passes its third reading and will be sent -- will be enrolled and I guess sent to the governor. No, it will just be enrolled. Yes, just enrolled, not sent to the governor.

That concludes our calendar.

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

I, DENISE MYERS BYRD, Stenographic Court Reporter, CSR 8340, do hereby certify that the transcription of the recorded Senate Session held on February 17, 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.

Denise Myers Byrd
Denise Myers Byrd
CSR 8240, RPR, CLR 102409-2