

# **EXHIBIT 13**

*Excerpts of September 16–17, 2024,  
Deposition of Ralph E. Hise, Jr.*

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

RODNEY D. PIERCE and MOSES MATTHEWS, )  
 )  
 Plaintiffs, )  
 vs. ) 4:23-CV-193-D  
 )  
 THE NORTH CAROLINA STATE BOARD OF )  
 ELECTIONS, et al., )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

DEPOSITION OF SENATOR RALPH E. HISE, JR.

VOLUME I

MONDAY, SEPTEMBER 16, 2024

10:03 A.M. to 5:17 P.M.

Taken by the Plaintiffs at:

Nelson Mullins Riley & Scarborough, LLP  
301 Hillsborough Street, Suite 1400  
Raleigh, North Carolina 27603

Reported by: Sophie Brock, RPR, RMR, RDR, CRR

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SHAUNA WILLIAMS, et al., )  
)  
Plaintiffs, )  
vs. ) 1:23-CV-1057

REPRESENTATIVE DESTIN HALL, in his )  
official capacity as Chair of the )  
House Standing Committee on )  
Redistricting, et al. )

Defendants. )  
\_\_\_\_\_ )

NORTH CAROLINA STATE CONFERENCE OF )  
THE NAACP, et al. )

Plaintiffs, )  
vs. ) 1:23-CV-1104

PHILIP BERGER, in his official )  
capacity as the President Pro Tempore )  
of the North Carolina Senate, et al. )

Defendants. )  
\_\_\_\_\_ )

DEPOSITION OF SENATOR RALPH E. HISE, JR.

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## A P P E A R A N C E S (Continued)

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ALSO PRESENT VIA VIDEOCONFERENCE:

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Odunayo Durojaye, Esq. - Hogan Lovells

Chris Shenton - Southern Coalition for  
Social Justice

Ariel Corn

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1 committee process, prior to the release of the maps.  
2 As a matter of fact, I know they've been out since --  
3 the poddings have stayed the same since the new census  
4 data has come out and has been fed into the system;  
5 and both of those districts, in particular, are drawn  
6 by the poddings within the state.

7 Q. Okay. And do you recall that the poddings,  
8 or the podding options, that you're describing came  
9 from a paper that was published, released by  
10 Dr. Maddingly from Duke?

11 A. The poddings I first received were what staff  
12 had put together of our listings of counties, and  
13 I recall that more as being confirmed by what  
14 Maddingly produced, that they were the optimal  
15 poddings.

16 Q. Okay. So your understanding was that  
17 Dr. Maddingly's paper that he released was consistent  
18 and aligned with what central staff had already told  
19 you were the optimal county clusters?

20 A. Yes.

21 Q. And that included some options for different  
22 clusters?

23 A. Yes.

24 Q. Okay. And those were the county clusters  
25 that you ultimately adopted? For the clusters where



1     there was no choice, you used those clusters; and  
2     where there was a choice between two or more different  
3     options, you chose one of those options?

4             A.    Yes.

5             Q.    Was racial data considered in the creation of  
6     this senate map from 2023 that's Exhibit 2?

7             A.    No.

8             Q.    Were any districts in this map drawn to  
9     comply with the VRA? That is, to give minority voters  
10    an opportunity to elect candidates of their choice?

11                MR. STRACH:  Objection.

12                Go ahead.

13                THE WITNESS:  No.

14    BY MR. JONES:

15             Q.    Am I right that the first step in creating  
16     this map, by you and the other redistricting chairs,  
17     was to start with the -- by applying the pyramid-like  
18     algorithm from Stephenson to create county clusters?

19             A.    In the Stephenson process, yes, that's the  
20     first thing we put together.

21             Q.    Okay. And in general, in the process of  
22     creating this map, am I right the first thing that you  
23     and the other chairs did was to apply the pyramid-like  
24     algorithm to come up with the county clusters?

25             A.    In the drawing portion, the first thing we

1 did is determine the county clusters. Now, some of  
2 that had happened in 2021. We did things like set the  
3 hearing schedules. We had conversations -- the chairs  
4 had made the decision at some point, it was their  
5 evidence, to create a VRA, and as we had nothing,  
6 I think we had on multiple occasions asked the  
7 committee, and in turn the public, for any evidence of  
8 such. That's with coming in. But as far as once  
9 we've uploaded the data, once we've put all that  
10 together, the first step is to do the podding in the  
11 counties, yes.

12 Q. Okay. And you said that the central staff  
13 determined the optimal podding; is that right?

14 A. I believe that they presented to us what it  
15 was. And in 2021, the committee voted to accept the  
16 podding, after the Manning [sic] decision. We  
17 continued that into the process of 2023, having  
18 received nothing in the interim that indicated there  
19 was a more optimal podding combination.

20 MR. STRACH: And by "Manning," you mean  
21 Maddingly?

22 THE WITNESS: Maddingly. Sorry.

23 BY MR. JONES:

24 Q. And in determining the optimal podding,  
25 central staff did not create any VRA districts where

1 also reported for the same voter tabulation district.

2 Q. And those are partisan voter performance,  
3 showing the percentage that the Democratic candidate  
4 received of the entire district and the Republican  
5 candidate and any other candidates?

6 A. And any other candidate, yes.

7 Q. Okay. That data is not broken down at all by  
8 the race of the voters in the stat pack; right?

9 A. The election data cannot be stored by the  
10 race of someone who voted.

11 Q. Okay. So going back to my question, do you  
12 have any understanding at all of whether Black voters  
13 in Senate District 1 from the 2023 map mostly vote for  
14 the same candidates? Or you don't have any view or  
15 understanding on that at all?

16 A. I don't have any specific correlation for how  
17 that occurs or for what level that occurs.

18 Do I know that Democrat candidates perform  
19 better in minority areas of District 1? Yes.

20 Q. Do you know that, in fact, Black voters in  
21 Senate District 1 in the 2023 map mostly vote for the  
22 same candidates; and those candidates are Democratic  
23 candidates?

24 MR. STRACH: Objection.

25 Go ahead.

1 THE WITNESS: Yeah, the conclusion  
2 I make would be on the same lines that I am aware that  
3 districts that are higher Black populations perform  
4 better for Democrat candidates.

5 BY MR. JONES:

6 Q. Okay. So I want to make sure I got --  
7 (Over-speaking.)

8 A. Whether or not a particular VTD meets that --  
9 I'm assuming you're saying 50 percent threshold -- I  
10 couldn't answer those specifics.

11 Q. Okay. I think I'm asking you a slightly  
12 different question.

13 I want to focus your attention on District 1  
14 in the 2023 map that's Exhibit 2 in front of you. You  
15 see that district?

16 A. Mm-hmm.

17 Q. Okay. Do you have any understanding or view  
18 as to whether Black voters in that district mostly  
19 vote for the same candidates?

20 A. To an individual level, I have no data that  
21 even exist as to how a particular minority votes.

22 Using the assumption that when you say  
23 "most," that means 50 plus 1 -- that's what "most"  
24 would be -- that there are clearly districts in  
25 District 1 who have high enough minority populations

1 that at least 50 percent of the Democrat vote would be  
2 attributed to the minority population.

3 Q. Do you have a view or any understanding of  
4 whether White voters in District 1 mostly vote for the  
5 same candidates, whether it's Democrats or  
6 Republicans? Do you have any knowledge or information  
7 or understanding about that?

8 MR. STRACH: Objection.

9 Go ahead.

10 THE WITNESS: Similarly, I would say  
11 that the more White a particular VTD is, the better  
12 Republican candidates perform in that district. That  
13 is a general statement.

14 And there are districts that as they become  
15 more predominantly White voters, that those White  
16 voters represent a majority of voters in that  
17 district, and would, as a result, be a majority of the  
18 votes a candidate would receive in that district.

19 BY MR. JONES:

20 Q. Okay. So I think I understand what you're  
21 saying now. I believe you are saying, within  
22 District 1, there are some VTDs that have a higher  
23 BVAP, and I believe you're saying your understanding  
24 is that Democrats would tend to perform better in  
25 those VTDs with higher BVAP?

1 A. Correct.

2 Q. Okay. And that's because you understand that  
3 higher BVAP means higher percentage of Black voters,  
4 and Black voters tend to vote for Democratic  
5 candidates?

6 A. That's a conclusion from the data. I am  
7 clear that the results show that the higher percentage  
8 exists in those districts.

9 You get to "why," and that's an individual  
10 decision.

11 Q. Yeah, I'm not trying to ask you any questions  
12 about what's in a person's mind, why anyone votes for  
13 a particular candidate. But setting that aside, you  
14 do understand that -- what you're telling me is that  
15 in a VTD in District 1 with a higher BVAP, the  
16 Democratic candidate will tend to perform better; and  
17 the reason for that is because higher BVAP means  
18 higher percentage of Black voters, and Black voters in  
19 this area tend to vote for Democrats?

20 MR. STRACH: Objection.

21 Go ahead.

22 THE WITNESS: Again, I would say that  
23 there -- it's clear to see that in districts there's a  
24 correlation, that in some districts that are large  
25 enough minority -- some VTDs, not districts -- that

1 are large enough minority candidates, it is absolute  
2 that a majority of a Democrat candidate's votes came  
3 from minorities within that district.

4 MR. STRACH: I don't want to interrupt  
5 your line of questioning, but whenever of you're ready  
6 to take a lunch break.

7 MR. JONES: Yeah, we can break now.

8 (Recess taken from 12:38 p.m. to 1:24 p.m.)

9 MR. JONES: Good afternoon, Senator  
10 Hise, how are you?

11 THE WITNESS: Good.

12 (Exhibit No. 4 was marked for identification.)

13 BY MR. JONES:

14 Q. I'm just showing you what's been marked as  
15 Hise Deposition Exhibit 4.

16 Do you recognize this as the 2021 senate map  
17 enacted by the General Assembly?

18 A. I believe so, yes.

19 Q. And you can see that it has the same  
20 configuration of Districts 1 and 2 as we saw in the  
21 2023 version, as we discussed earlier?

22 A. Mm-hmm.

23 Q. Is that right?

24 A. Yes.

25 Q. You can put that to the side.

1     STATE OF NORTH CAROLINA     )  
2     COUNTY OF ORANGE            )   C E R T I F I C A T E

3                   I, Sophie Brock, Registered Diplomate  
4     Reporter, Certified Realtime Reporter, and Notary Public  
5     of North Carolina, the officer before whom the foregoing  
6     proceeding was conducted, do hereby certify that the  
7     witness whose testimony appears in the foregoing  
8     proceeding was duly sworn by me; that the testimony of  
9     said witness was taken by me to the best of my ability  
10    and thereafter transcribed under my supervision; and  
11    that the foregoing pages, inclusive, constitute a true  
12    and accurate transcription of the testimony of the  
13    witness.

14                  I do further certify that I am neither counsel  
15    for, related to, nor employed by any of the parties to  
16    this action, and further, that I am not a relative or  
17    employee of any attorney or counsel employed by the  
18    parties thereof, nor financially or otherwise interested  
19    in the outcome of said action.

20                  This, the 23rd day of September, 2024.

21

22

23

24

25

Sophie Brock

Sophie Brock, RDR, CRR  
Notary Number: 200834000001



UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

RODNEY D. PIERCE and MOSES MATTHEWS, )  
 )  
 Plaintiffs, )  
 vs. ) 4:23-CV-193-D  
 )  
 THE NORTH CAROLINA STATE BOARD OF )  
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 Defendants. )  
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DEPOSITION OF SENATOR RALPH E. HISE, JR.

VOLUME II

TUESDAY, SEPTEMBER 17, 2024

9:03 A.M. to 6:53 P.M.

Taken by the Plaintiffs at:

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SHAUNA WILLIAMS, et al., )  
)  
Plaintiffs, )  
vs. ) 1:23-CV-1057

REPRESENTATIVE DESTIN HALL, in his )  
official capacity as Chair of the )  
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Redistricting, et al. )

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## A P P E A R A N C E S (Continued)

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Chris Shenton - Southern Coalition for  
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Social Justice

Mark Haidar, Esq. - Elias Law Group

Ariel Corn

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Exhibit 59	Dot Density Map of Race, 2023 District 1 Boundaries, and 2022 District 1 Boundaries, Oxford, NC Area	605
Exhibit 60	Dot Density Map of Race, 2023 District 1 Boundaries, and 2022 District 1 Boundaries, Northeast North Carolina	607

1 the terms are the same as they were in the senate,  
2 would you give, like, the same answers to the same  
3 questions?

4 A. Presumably I would, yes. I'm not aware of  
5 any differences.

6 Q. The main difference here is that there's no  
7 Stephenson clusters -- county clusters; right?

8 A. Yes. Those didn't exist. Now, whether they  
9 could have may be a different question.

10 Q. And just -- you know, that "Respect for  
11 Existing Political Subdivisions," for the counties, it  
12 says (as read):

13 "County lines, VTDs, and municipal  
14 boundaries may be considered."

15 Did you try to minimize county splits?

16 A. We intentionally did what we could to lower,  
17 I will say, in practicality, the number of counties  
18 that were divided.

19 Q. Okay. All right. Let's go to Document 30 --  
20 sorry. I'll just close this out.

21 Is there any other differences -- from all  
22 the questions I asked you about the senate, is there  
23 any differences that you can tell me about, with  
24 respect to the congressional plan criteria, that come  
25 to mind?

1           A. Largest difference is equal population. You  
2     have a 5 percent variance in legislative districts.  
3     Congressional districts have to be equal to the exact  
4     person. I vaguely remember it was eight and six:  
5     Eight districts could have one more person than the  
6     other six districts, is what's required for -- which  
7     shapes everything in what's required to divide VTDs,  
8     what's required to divide county lines, those kind of  
9     things, because you don't have that variance to work  
10    with.

11          Q. Okay. Did you try to minimize -- for the  
12    state senate, did you try to equalize population  
13    within clusters as much as possible?

14          A. So equal population is defined as plus or  
15    minus 5 percent, and we saw that as an absolute.  
16    Nothing in the district was ever put forward that had  
17    greater than 5 percent. But we did not look at plus 5  
18    and minus 5 as being somehow different.

19          Q. So you let other considerations come before  
20    minimizing it within 5 percent?

21          A. We have no criteria that identifies any equal  
22    population other than within plus or minus 5 percent.

23          Q. So, just to make sure I understand this, for  
24    example, if you wanted to make something more compact,  
25    and it was within 5 percent, you weren't looking at

1 whether it was -- you know, the districts were more  
2 equal when you were changing it back --

3 A. Correct.

4 Q. -- as long as it stayed within 5 percent;  
5 correct?

6 A. Correct.

7 Q. All right. Let's go to Doc 30, which will be  
8 Exhibit 22.

9 (Exhibit No. 22 was marked for identification.)

10 BY MS. HARRIS KLEIN:

11 Q. I'll represent this is an email provided by  
12 your counsel, sent by Ms. Cassandra Stokes to many  
13 legislators, including yourself. And she says in the  
14 cover email (as read):

15 "On behalf of NC Black Alliance  
16 and supporting organizations, we  
17 write in advance of the North  
18 Carolina General Assembly's  
19 upcoming redraw of our state's  
20 congressional state house and  
21 state senate voting districts."

22 And the date of it is October 3rd, 2023. So  
23 this was after you had finalized criteria; correct?

24 A. I believe so, yes.

25 Q. And she attaches a letter. And we're not

1 final-enacted -- fair to say you were kind of  
2 outweighed in preferring CBP-5?

3 A. I ultimately agreed with my other chairs that  
4 this would be the best direction for us to go as a  
5 state.

6 Q. And when you say "this," you mean?

7 A. The enacted map.

8 Q. Why?

9 A. Because of its better performance on other  
10 redistricting criteria, particularly on divided  
11 counties. It performed better on that. It performed  
12 better, as I recall, on compactness scores and others.  
13 And was an easier map to explain to individuals across  
14 the state.

15 MS. HARRIS KLEIN: All right. I'd like  
16 to take just a brief break, if you don't mind, just  
17 one or two minutes, and we're going to move on to the  
18 senates.

19 MR. STRACH: Okay.

20 (Recess taken from 2:21 p.m. to 2:30 p.m.)

21 BY MS. HARRIS KLEIN:

22 Q. You understand you're still under oath?

23 A. I do.

24 Q. And other than talking with your counsel  
25 about issues of privilege, did you have any

1 substantive discussions about what we're talking about  
2 today with anybody?

3 A. I did not.

4 Q. I'd like to go back to an exhibit that was  
5 entered yesterday, Exhibit 4. And it should be,  
6 actually, right in front of you, in one of the two  
7 piles. It's one of the maps. I'll say that. And it  
8 is the 2021 --

9 A. Enacted map. Senate map.

10 Q. Yes. So why did you not just come back to  
11 using this senate map and introducing it, if you were  
12 going off the same census data?

13 A. There was additional data available,  
14 including the results of another election, that we  
15 could consider for political considerations, and there  
16 are choices we made that we still believed in in 2021  
17 that we wanted to -- initially, that we wanted to make  
18 sure were part of the 2023 map after the courts'  
19 requirements.

20 Q. Taking the first part of what you said,  
21 adding the additional 2022 election data, fair to say  
22 you thought the more updated election would reflect  
23 the more updated voting patterns of different areas?

24 A. I think that is true. But it is also true  
25 that we always consider incumbency; and the results of

1 the 2022 election meant that there were different  
2 members serving in different areas of the state.

3 Q. And the second part of what you had answered  
4 before, what choices in the 2021 senate map were ones  
5 you wanted to preserve for the 2023 map?

6 A. What we had originally passed for Districts 1  
7 and 2 that we have always felt would be the better  
8 options for those podding considerations.

9 Q. Anything else you can think of?

10 A. Not specifically.

11 Q. All right. We'll go to Exhibit 43. This is  
12 going to be Map 22C. And I will hand that over to  
13 you.

14 (Exhibit No. 43 was marked for identification.)

15 BY MS. HARRIS KLEIN:

16 Q. And I'll -- so this is labeled CSM-1. You  
17 can see in the lower right-hand corner it was produced  
18 by your counsel in this matter. And you can see that  
19 timestamp: September 29th, 2023.

20 Do you recall working on any senate maps  
21 before September 29th?

22 A. For this particular iteration, later in  
23 September when we were working on the maps.  
24 I couldn't put a specific date on, but we have worked  
25 on senate maps in 2021 and 2022 while under the same

1 data.

2 Q. But as far as the 2023 redistricting  
3 process -- I'll just say it this way: This is the  
4 earliest version that your counsel has produced for us  
5 that I can find. Do you have any reason to believe  
6 there's any earlier versions?

7 A. Not complete versions. I would assume  
8 there's not any complete versions.

9 Q. Do you think you started this by uploading  
10 the shapefile for the 2021 map?

11 A. We would have -- I believe that we would have  
12 uploaded the podding for the 2021 maps. That's with  
13 coming in. And may have recreated east/west some of  
14 those same boundaries. But I believe it would have  
15 not been the draw within the pods that were uploaded,  
16 but would have been the groupings that would have been  
17 uploaded.

18 Q. Let's look at the New Hanover County, the  
19 Wilmington area.

20 A. Yes.

21 Q. How was that drafted?

22 A. So one of the closer counties in the state to  
23 being a whole district is New Hanover, but  
24 New Hanover's whole does not fall within the plus or  
25 minus, so there are parts of the county that have to



1 be removed.

2 We ultimately decided -- don't know that the  
3 decision is at this level, as that doesn't match the  
4 final. The final decision was that we picked the  
5 precincts that in the presidential race had performed  
6 least well for Republicans and removed them from -- or  
7 most well, depending on which side of that aisle  
8 you're on -- and removed them from New Hanover County.

9 Q. So the precincts that were the most heavily  
10 Democratic, you moved them over so SD8?

11 A. Specifically the precincts that had voted  
12 least heavily for Donald Trump.

13 Q. Was Donald Trump the candidate of choice for  
14 Black voters?

15 MR. STRACH: Objection.

16 THE WITNESS: We've been through this a  
17 couple of times. I think to the concept of saying did  
18 the majority of Black voters vote for Donald Trump,  
19 I think the answer is clearly no.

20 BY MS. HARRIS KLEIN:

21 Q. So I see a black number and a red number in  
22 that area. Can you tell me what those are?

23 A. The black number -- I am almost positive that  
24 that is a deviation from normal percentages. So we're  
25 looking to say is it between minus 5 or plus 5 for

1 THE WITNESS: I made no calculations or  
2 considerations that involved race. I would not make a  
3 type of conclusion like that on data I did not have or  
4 did not use.

5 BY MS. HARRIS KLEIN:

6 Q. I guess what I'm asking is was it just a  
7 coincidence that it seems to have so much less high  
8 BVAP districts than its surrounding districts?

9 MR. STRACH: Objection.

10 Go ahead.

11 THE WITNESS: We drew the map on the  
12 data that we had and we utilized. We knew where the  
13 two municipalities were and placed them into a  
14 district, and then selected the districts whose  
15 political performance was beyond that. I had no data  
16 or anything else to consist [sic] that it could have  
17 been anything other than that.

18 BY MS. HARRIS KLEIN:

19 Q. Let's look at the stat pack. So if you go  
20 back to the front of the map, and then you can see --

21 A. Back to 44? The front of 44?

22 Q. The front of 44; correct.

23 A. Okay.

24 Q. And you can see there's placeholders for the  
25 files produced by your counsel, and then the stat pack

1 starts; do you see that?

2 A. I do.

3 Q. Let's look at the population deviation report  
4 on Bates stamp 0004. And look at 7 and 8. And you  
5 can see District 7 is coming right up to negative  
6 4.94, so it's almost negative 5 percent; right?

7 A. So we're jumping back to New Hanover and  
8 Brunswick/Columbus County for 7 and 8.

9 Yes. It's at minus 4.94 percent.

10 Q. Did that give you any concerns that you were  
11 coming up very close to the 5 percent?

12 A. It's within plus or minus 5. That's the  
13 limits of our -- we have accomplished our goal.

14 Q. 7 and 8 are in the same pod; right? -- county  
15 pod?

16 A. Yes.

17 Q. And so if, hypothetically, you had been  
18 trying to equalize population, you would have probably  
19 ended up with slightly negative in both districts;  
20 right?

21 A. Yes.

22 Q. Did you ever consider doing that?

23 A. No.

24 Q. Were you ever worried that by including less  
25 people in District 7, all the way up to almost

1 reaching that negative 5 percent, that the folks that  
2 were put into 8 would have less voting power because  
3 there's just more people in 8 than 7?

4 MR. STRACH: Objection.

5 Go ahead.

6 THE WITNESS: As I would categorize  
7 what we've seen from the courts, from Stephenson and  
8 others, the courts selected the 5 percent. You could  
9 have selected a lower number or a higher number. It  
10 would change the entire podding and the map of the  
11 entire state to do so.

12 Senator Blue had suggested that we both add  
13 a plus or minus for congressional and reduce the one  
14 for the legislature, but that would be a completely  
15 different process than what we're in.

16 Our look at whether things are equal  
17 population, I believe we always meet those standards  
18 if we are plus or minus 5 percent.

19 BY MS. HARRIS KLEIN:

20 Q. And so the answer is no, you weren't  
21 particularly concerned about that?

22 A. No.

23 Q. Same question for if you go down and look at  
24 Districts 37 through 42. And I'll represent that  
25 those are the Iredell and Mecklenburg districts.

1 A. Okay.

2 Q. You can see that 37 through 41 are all around  
3 and above 4 percent. And 39 even goes 4.95; you see  
4 that?

5 A. I do.

6 Q. But then 42, the district we were just  
7 looking at, is all the way down at 1.26 percent. So  
8 it has a lot less -- you know, it has less population  
9 than the others; right?

10 Did that give you any concern?

11 A. No. It's a 2.3 difference there. The  
12 court's allowance for us is a 10 percent total  
13 difference among the districts.

14 Q. And then if we go to page 55 of this stat  
15 pack -- so you'll see on the bottom, the Bates will  
16 end in 55 -- you see this the municipality district  
17 report?

18 A. Mm-hmm.

19 Q. And if you look at Wilmington, what does it  
20 tell you about Wilmington?

21 A. Actually, I've got -- 55?

22 Q. 55. LD Map 55.

23 A. I've got 155. That will be the problem.

24 Okay.

25 Q. What does that tell you about Wilmington?

1           A. It tells me that Wilmington is divided into  
2           District 7 and 8. Tells me how much of the  
3           municipal -- the district population is for 7 and for  
4           8: 198 to 214. And the divided municipality, 88 to  
5           27.

6           Q. Were you concerned that Wilmington was split  
7           up this way between the two districts?

8           A. We selected based on those performances for  
9           those political considerations. There were --  
10          Wilmington covers most of New Hanover County, and so  
11          we also -- it is also important to note that we cannot  
12          do a double-traversal. So you cannot enter into  
13          New Hanover in two separate places to pull those. So  
14          once you've crossed, that is your crossing point. You  
15          can make it wider or narrower, but that is your  
16          crossing point. You can't do it twice.

17          Q. If you turn a few pages earlier to page 49.  
18          I think Mint Hill is one of the neighborhoods in  
19          Senate District 42 that you mentioned?

20          A. Mm-hmm.

21          Q. This shows -- this municipality district  
22          report shows that actually there's a slight population  
23          of Mint Hill that's in District 35; right?

24          A. There are six people.

25          Q. And then I think the other neighborhood you

1 mentioned was Matthews. That's on page 48. That's  
2 wholly within District 42; right?

3 A. I believe that it is. I haven't found it  
4 yet, but --

5 Q. We can wait.

6 A. There it is.

7 MR. STRACH: Just to be clear,  
8 municipalities, not neighborhoods.

9 MS. HARRIS KLEIN: Municipalities,  
10 yeah.

11 THE WITNESS: We also have in Mint  
12 Hill -- we have a technical divide that we tend to  
13 count that exists zero population. So it's always --  
14 because towns do satellite annexation, so they may go  
15 pick up a factory that nobody lives at to keep it --  
16 or a school, or whatever it may be, within theirs, but  
17 as no one resides in that, we generally to not  
18 consider those divisions.

19 BY MS. HARRIS KLEIN:

20 Q. So you see Matthews is wholly within 42.  
21 What were the other municipalities you mentioned  
22 wanting to keep in Senate District 42?

23 A. I believe that's the only two other  
24 municipalities in Charlotte, but someone with more  
25 familiarity with Mecklenburg County could answer that

1 for me.

2 Q. Let's look at the next exhibit. This will be  
3 Exhibit 45. It will be Map 24.

4 (Exhibit No. 45 was marked for identification.)

5 THE WITNESS: Finished with these?

6 BY MS. HARRIS KLEIN:

7 Q. Yes. And if you could make sure to keep that  
8 last map included with that. Thank you.

9 And I'm also going to add on to the end of  
10 this exhibit.

11 So I'm going to represent that this was  
12 produced by your counsel. It's titled STU-1. And the  
13 timestamp is 10/5/2023; so it's a few days later than  
14 the map that we just looked at.

15 But does it look like this is a continuation  
16 of the map we just looked at?

17 A. It has similar poddings. When the edits  
18 would have been done, I don't -- it was printed  
19 afterwards.

20 Q. Any reason to think it wasn't a continuation  
21 of it?

22 A. We -- different chairs, myself and others,  
23 would start and stop or return to the base map on a  
24 regular basis. So I couldn't delineate the timeline  
25 if we had done that and came back to this map or if



1 we'd started with the previous map and got to this  
2 map.

3 Q. You just don't remember?

4 A. Nn-hnn.

5 (Exhibit No. 46 was marked for identification.)

6 BY MS. HARRIS KLEIN:

7 Q. All right. Marked as Exhibit 46 is a zoom-in  
8 again of the Mecklenburg area, and it was generated  
9 the same way as before: We took a shapefile that was  
10 produced by your counsel; we put it into Dave's  
11 Redistricting App; and then we took screenshots, just  
12 for demonstrative purposes here.

13 A. Okay.

14 Q. And if you compare this with the one we were  
15 looking at in Exhibit 44, you can see just a few --  
16 there's a border change between 39 and 42, and that  
17 you added a little notch into -- you added some space  
18 into 39 from 42, right near where 40 also is coming  
19 in; do you see that?

20 A. So we did -- it appears we did at the top of  
21 42, and then also down -- about a third of the way  
22 down the district.

23 Q. Do you know why that adjustment was made?

24 A. Not specifically. I will say that, again,  
25 it's likely that that is looking at election

1 performance in those.

2 I will also assume that those are whole VTDs  
3 that got moved. I can't necessarily think of a reason  
4 we would have divided them. Can't say we didn't, but  
5 it's likely we selected a whole VTD, and that's what  
6 forms the shape.

7 Q. So you're thinking political performance?

8 A. I think that would have been -- yes.

9 Q. If we go to the population deviation report  
10 in the stat pack of Exhibit 45 -- and I'll wait for  
11 you to get there. It's Bates-stamped 685 at the  
12 bottom. It's the population deviation report. Are  
13 you at the population deviation report?

14 District 42 has now gone down to .28 percent  
15 from -- it was at -- you know, before, I think we  
16 established it was at 1.26 percent. So the deviation  
17 went even further down; right?

18 A. It is closer to the standard deviation for a  
19 district. So it was 1 percent -- 1.2 percent above  
20 standard deviation for a district; it's now much  
21 closer to the standard deviation, .28.

22 Q. And you can see -- all right. We can move  
23 on.

24 Let's go to what we'll mark as Exhibit 47.  
25 This is Map 26.

1 (Exhibit No. 47 was marked for identification.)

2 BY MS. HARRIS KLEIN:

3 Q. So I'll represent this was also produced by  
4 your counsel. It's titled SCJ-1. And I'll represent  
5 that this is the same name as the final version that  
6 was first filed of the Senate Map SCJ-1. And you can  
7 see the timestamp says October 13th, 2023.

8 So fair to say this was -- this first draft  
9 of the senate map was finalized the same day as the  
10 first draft of the two congressional maps that were  
11 posted; right?

12 A. They were printed on there, yes.

13 Q. Did that just happen by coincidence, or did  
14 you have an idea that "Okay, we need to finalize these  
15 on October 13th"?

16 A. I would assume that once we had finalized  
17 everything in the system, there would have existed a  
18 time that we all went in and printed everything, laid  
19 it out as a final to prepare it for -- review it and  
20 prepare it for staff.

21 Q. Did you have October 13th as a deadline for  
22 yourselves at any point?

23 A. There are clearly options that we had a few  
24 days. We could have gone a little further into that.  
25 But once we had finished everything, that we were

1 prepared to make sure and give adequate time to staff  
2 at that point.

3 Q. In the week leading up to it, when people  
4 were saying "Hey, the map's done," did you tell  
5 anybody "Hey, I think we're going to finish by the  
6 13th"?

7 A. I generally wouldn't have used a date like  
8 that. I would have told them we will finish soon,  
9 we're probably looking to finish this week and have  
10 something out. Once I knew what dates things would be  
11 posted, I would have told people dates, but...

12 Q. Is there a reason you just didn't give  
13 yourself a deadline and tell everybody "Look, we're  
14 going to have these by October 13th"?

15 A. We had a deadline from the State Board of  
16 Elections, and we were in position to meet that  
17 deadline always.

18 Q. Do you remember announcing that deadline  
19 publicly anywhere?

20 A. I tend to recall they sent it in a letter.  
21 But I could be mistaken. They've sent a lot of stuff,  
22 so --

23 Q. Do you recall putting it on, like, the public  
24 portal anywhere?

25 A. I have no recollection of putting that on the

1 public portal. Although them sending a letter to the  
2 General Assembly would have been public record in and  
3 of itself.

4 Q. Do you recall it being announced at any of  
5 those three public hearings that there was this  
6 deadline that would have to be met?

7 A. There were no pressures on the deadline.  
8 I don't know that we did.

9 Q. SCJ-1. If you look at the population  
10 deviation report in this Exhibit 47 --

11 A. What page?

12 Q. It ends in 205. The Bates number ends in  
13 205.

14 You can see the deviation for Districts 37  
15 through 42. The District 42 deviation is the same  
16 that we just talked about; right? .28?

17 A. It is .28.

18 Q. And the deviations for 7 and 8 are the same,  
19 as well: negative 4.94 percent and 2.76, as what we  
20 had looked at initially?

21 A. Yes. All plus or minus 5 percent.

22 Q. All right. I think we can put that away.  
23 And we can either keep going or take a brief break?

24 A. I'd prefer to take at least just a few  
25 seconds.

1 STATE OF NORTH CAROLINA )  
2 COUNTY OF ORANGE ) C E R T I F I C A T E

3 I, Sophie Brock, Registered Diplomate  
4 Reporter, Certified Realtime Reporter, and Notary Public  
5 of North Carolina, the officer before whom the foregoing  
6 proceeding was conducted, do hereby certify that the  
7 witness whose testimony appears in the foregoing  
8 proceeding was duly sworn by me; that the testimony of  
9 said witness was taken by me to the best of my ability  
10 and thereafter transcribed under my supervision; and  
11 that the foregoing pages, inclusive, constitute a true  
12 and accurate transcription of the testimony of the  
13 witness.

14 I do further certify that I am neither counsel  
15 for, related to, nor employed by any of the parties to  
16 this action, and further, that I am not a relative or  
17 employee of any attorney or counsel employed by the  
18 parties thereof, nor financially or otherwise interested  
19 in the outcome of said action.

20 This, the 23rd day of September, 2024.

21

22

23

24

25

Sophie Brock

Sophie Brock, RDR, CRR  
Notary Number: 200834000001