

EXHIBIT A

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
No. 21 CVS 015426
No. 21 CVS 500085

NORTH CAROLINA LEAGUE OF CONSERVATION
VOTERS, INC., *et al.*,

Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, IN HIS OFFICIAL
CAPACITY AS SENIOR CHAIR OF THE HOUSE
STANDING COMMITTEE ON REDISTRICTING, *et al.*,

Defendants.

REBECCA HARPER, *et al.*,

Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, IN HIS OFFICIAL
CAPACITY AS SENIOR CHAIR OF THE HOUSE
STANDING COMMITTEE ON REDISTRICTING, *et al.*,

Defendants.

COMMON CAUSE,

Plaintiff,

v.

REPRESENTATIVE DESTIN HALL, IN HIS OFFICIAL
CAPACITY AS SENIOR CHAIR OF THE HOUSE
STANDING COMMITTEE ON REDISTRICTING, *et al.*,

Defendants.

**HARPER PLAINTIFFS’
SECOND SET OF
INTERROGATORIES TO
LEGISLATIVE
DEFENDANTS**

NOW COME PLAINTIFFS, by and through their undersigned counsel, and hereby serve upon the Legislative Defendants (“Defendants” or “You”) the following Plaintiffs’ Second Set of Interrogatories (“Request”) pursuant to Rules 26 and 33 of the North Carolina Rules of Civil Procedure. Unless otherwise stated, you are required to provide a complete written response to each interrogatory, under oath, within 30 days after the service of this Request, except that you may serve a response within 45 days after service of the Summons and Complaint upon you. If you object to a specific interrogatory, the reasons for the objection must be stated with particularity. If objection is made to part of an interrogatory, the part shall be specified.

You are required, when responding to this Request, to furnish all information available to you, to your attorneys or agents, or to anyone acting on your behalf or on behalf of your attorneys, or your agents.

For purposes of responding to this Request, you shall use the instructions and definitions contained herein. The Request shall be continuing in nature until the date of trial, and Defendants are required to serve supplemental responses as additional information may become available to them.

INSTRUCTIONS

For the purposes of this Request, the following instructions shall apply as set forth below except as otherwise required by context:

1. **BE ADVISED** that under Rule 37 of the North Carolina Rules of Civil Procedure, if you fail to respond to a request made herein under Rule 33, or if you give an evasive or incomplete response, the Plaintiffs may move for a court order compelling you to respond. If such motion is granted, the court may require you to pay the reasonable costs incurred in obtaining the order, including attorneys’ fees. Failure to comply with such a court order may result in further sanctions or in contempt of court.
2. Words used in the singular number shall include the plural number, and words used in the plural number shall refer to the singular number as well.
3. If any Request is objected to on the grounds of its being overly broad or unduly burdensome, state the manner in which it is overly broad or unduly burdensome and respond to the Request as narrowed to conform to such objection.
4. **If any documents, communications, ESI, or responses are withheld on the ground of any privilege**, identify the following:
 - A. the names and addresses of the speaker or author of the communication or document that forms the basis for the withheld response;
 - B. the date of the communication or document;
 - C. the name and address of any person to whom the communication was made or the document was sent or to whom copies were sent or circulated at any time;

- D. the type of document or communication (e.g., letter, memorandum, invoice, contract, etc.);
- E. the name and address of any person currently in possession of the document or a copy thereof; and
- F. the privilege claimed and specific grounds therefor.

DEFINITIONS

For purposes of these Requests, the following definitions shall apply except as otherwise required by context:

1. “Identify,” “identifying,” and “identification,” when referring to a person, mean to provide an identification sufficient to notice a deposition of such person and to serve such person with process to require his or her attendance at a place of examination and shall include, without limitation, his or her full name, present or last known address, present or last known business affiliation, home and business telephone number, title or occupation, and each of his or her business or employment positions or affiliations during the period of time in which the 2021 Plans were being created.
2. “2021 Plans Criteria” means the criteria for drawing the 2021 Plans adopted by the House Committee on Redistricting and Senate Committee on Redistricting and Elections on August 12, 2021.
3. “2021 Plans” mean the 2021 redistricting plans for the North Carolina House of Representatives, North Carolina Senate, and North Carolina delegation to the U.S. House of Representatives that were passed by the North Carolina General Assembly in November 2021.

INTERROGATORIES

1. Identify, **by 5 p.m. on December 23, 2021**, each person who, to your knowledge, took part in the drawing of the 2021 Plans, including each person who had any involvement in (a) the development, formulation, discussion, consideration, assessment, review, drawing, revision, negotiation, and/or adoption of the 2021 Plans and/or the 2021 Plans Criteria; (b) assisting Legislative Defendants, directly or indirectly, in conducting any of the activities described in subsection (a); or (c) providing input, directly or indirectly, to any Legislative Defendant, to their staff, or to employees of the General Assembly on the 2021 Plans and/or the 2021 Plans Criteria. This request covers individuals including, but not limited to, legislative staff members and contractors, legal counsel, members of political organizations, and outside consultants of any kind, including outside political consultants or outside mapmakers.

RESPONSE:

2. Identify, **by 5 p.m. on December 23, 2021**, all documents or data relied upon or otherwise considered by any Legislative Defendant or by any person identified in response to Interrogatory No. 1 above in connection with the creation of the 2021 Plans, including but not limited to draft redistricting plans (whether partial or complete), analysis of or relating to the 2021 Plans or drafts thereof, election or other partisan data, racial data, or any other data.

RESPONSE:

Dated: December 21, 2021

By: /s/ Burton Craige _____

PATTERSON HARKAVY LLP

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Narendra K. Ghosh, NC Bar No. 37649
Paul E. Smith, NC Bar No. 45014
100 Europa Dr., Suite 420
Chapel Hill, NC 27517
(919) 942-5200
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Counsel for Harper Plaintiffs

ELIAS LAW GROUP LLP

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**ARNOLD AND PORTER
KAYE SCHOLER LLP**

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(202) 954-5000
elisabeth.theodore@arnoldporter.com

Counsel for Harper Plaintiffs

**Pro hac vice motion pending*

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing *by email*, addressed to counsel for all other parties.

This the 21st day of December, 2021.

/s/ Samuel F. Callahan
Samuel F. Callahan (admitted pro hac vice)

EXHIBIT B

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
No. 21 CVS 015426
No. 21 CVS 500085

NORTH CAROLINA LEAGUE OF CONSERVATION
VOTERS, INC., *et al.*,

Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, IN HIS OFFICIAL
CAPACITY AS SENIOR CHAIR OF THE HOUSE
STANDING COMMITTEE ON REDISTRICTING, *et al.*,

Defendants.

REBECCA HARPER, *et al.*,

Plaintiffs,

v.

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CAPACITY AS SENIOR CHAIR OF THE HOUSE
STANDING COMMITTEE ON REDISTRICTING, *et al.*,

Defendants.

COMMON CAUSE,

Plaintiff,

v.

REPRESENTATIVE DESTIN HALL, IN HIS OFFICIAL
CAPACITY AS SENIOR CHAIR OF THE HOUSE
STANDING COMMITTEE ON REDISTRICTING, *et al.*,

Defendants.

**HARPER PLAINTIFFS’
FIRST SET OF REQUESTS
FOR PRODUCTION TO
LEGISLATIVE
DEFENDANTS**

NOW COME PLAINTIFFS, by and through their undersigned counsel, and hereby serve upon the Legislative Defendants (“Defendants” or “You”) the following Plaintiffs’ First Set of Requests for Production of Documents (“Request”) pursuant to Rules 26 and 34 of the North Carolina Rules of Civil Procedure. Unless otherwise stated, you are required to produce the following documents and things requested for inspection and copying at the offices of Patterson Harkavy LLP, 100 Europa Dr., Suite 420, Chapel Hill, NC 27517 within 30 days after the services of this Request, except that you may serve a response within 45 days after service of the Summons and Complaint upon you. The response to the Request must state that inspection, copying, and related activities will be permitted as requested with respect to each item or category of document, unless the request is objected to, in which event, the reasons for the objection must be stated with particularity.

You are required, when responding to this Request, to furnish all information available to you, to your attorneys or agents, or to anyone acting on your behalf or on behalf of your attorneys, or your agents. Unless stated otherwise, this Request calls for the production of all responsive documents in your possession, custody, or control without regard to where the documents may be physically located, and without regard to who prepared or delivered the documents.

For purposes of responding to this Request, you shall use the instructions and definitions contained herein. The Request shall be continuing in nature until the date of trial.

INSTRUCTIONS

For the purposes of this Request, the following instructions shall apply as set forth below except as otherwise required by context:

1. **BE ADVISED** that under Rule 37 of the North Carolina Rules of Civil Procedure, if you fail to respond to a request made herein under Rule 34, or if you give an evasive or incomplete response, the Plaintiffs may move for a court order compelling you to respond. If such motion is granted, the court may require you to pay the reasonable costs incurred in obtaining the order, including attorneys’ fees. Failure to comply with such a court order may result in further sanctions or in contempt of court.
2. Words used in the singular number shall include the plural number, and words used in the plural number shall refer to the singular number as well.
3. If any Request is objected to on the grounds of its being overly broad or unduly burdensome, state the manner in which it is overly broad or unduly burdensome and respond to the Request as narrowed to conform to such objection.
4. **If any documents, communications, ESI, or responses are withheld on the ground of any privilege**, identify the following:
 - A. the names and addresses of the speaker or author of the communication or document that forms the basis for the withheld response;

- B. the date of the communication or document;
- C. the name and address of any person to whom the communication was made or the document was sent or to whom copies were sent or circulated at any time;
- D. the type of document or communication (e.g., letter, memorandum, invoice, contract, etc.);
- E. the name and address of any person currently in possession of the document or a copy thereof; and
- F. the privilege claimed and specific grounds therefor.

DEFINITIONS

For purposes of these Requests, the following definitions shall apply except as otherwise required by context:

1. “Document” is used in its broadest sense and is intended to be comprehensive and to include, without limitation, a record, in whatever medium (*e.g.*, paper, computerized format, e-mail, photograph, audiotape) it is maintained, and includes originals and each and every non-identical copy of all writings of every kind, including drafts, legal pleadings, brochures, circulars, advertisements, letters, internal memoranda, minutes, notes or records of meetings, reports, comments, affidavits, statements, summaries, messages, worksheets, notes, correspondence, diaries, calendars, appointment books, registers, travel records, tables, calculations, books of account, budgets, bookkeeping or accounting records, telephone records, tables, stenographic notes, financial data, checks, receipts, financial statements, annual reports, accountants’ work papers, analyses, forecasts, statistical or other projections, newspaper articles, press releases, publications, tabulations, graphs, charts, maps, public records, telegrams, books, facsimiles, agreements, opinions or reports of experts, records or transcripts of conversations, discussions, conferences, meetings or interviews, whether in person or by telephone or by any other means and all other forms or types of written or printed matter or tangible things on which any words, phrases, or numbers are affixed, however produced or reproduced and wherever located, which are in Your possession, custody or control. The term “Document” includes electronic mail and attachments, data processing or computer printouts, tapes, documents contained on floppy disks, hard disks, computer hard drives, CDs, and DVDs, or retrieval listings, together with programs and program documentation necessary to utilize or retrieve such information, and all other mechanical or electronic means of storing or recording information, as well as tape, film or cassette sound or visual recordings and reproduction for film impressions of any of the aforementioned writings.
2. A request seeking production of communications between you and an individual or entity includes communications between you and the individual or entity’s agents, officers, members, employees, consultants, or representatives.

REQUESTS

1. Produce, **by 5 p.m. on December 23, 2021**, all documents and data identified in your response to *Harper* Plaintiffs' Interrogatory No. 2 to Legislative Defendants, served on December 21, 2021.

Dated: December 21, 2021

By: /s/ Burton Craige

PATTERSON HARKAVY LLP

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Narendra K. Ghosh, NC Bar No. 37649
Paul E. Smith, NC Bar No. 45014
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(202) 954-5000
elisabeth.theodore@arnoldporter.com

Counsel for Harper Plaintiffs
**Pro hac vice motion pending*

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing *by email*, addressed to counsel for all other parties.

This the 21st day of December, 2021.

/s/ Samuel F. Callahan
Samuel F. Callahan (admitted pro hac vice)

EXHIBIT C

Callahan, Sam

From: Jones, Stanton
Sent: Monday, December 27, 2021 8:25 PM
To: Phil Strach; Theodore, Elisabeth; Callahan, Sam
Cc: McKnight, Katherine L.; Steed, Terence; zzz.External.akhanna@elias.law; zzz.External.lmadduri@elias.law; zzz.External.jshelly@elias.law; zzz.External.gwhite@elias.law; allison@southerncoalition.org; Hilary H. Klein; Alyssa Riggins; Mitchell D. Brown; Katelin Kaiser; jeffloperfido@scsj.org; Adam Doerr; Narendra Ghosh; Brennan, Stephanie; Burton Craige; Erik R. Zimmerman; Majmundar, Amar; Paul Smith; Stephen Feldman; Tom Farr; Babb, Mary Carla (Hollis); Braden, E. Mark; Raile, Richard; Lewis, Patrick T.; John Branch; Schauf, Zachary C.; Hirsch, Sam; Amunson, Jessica Ring; Bracey, Kali N.; Mittal, Urja R.; Molodanof, Olivia; Boer, Tom; Martin Warf; Greg McGuire; Nate Pencook; Cella, John
Subject: RE: NCLCV v Hall (21 CVS 15426) -- Harper Pls 2d Interrogatories and 1st RFPs to LDs

Phil: In light of Rep. Hall's deposition testimony today, and for the avoidance of doubt, please note that our Interrogatory No. 1 clearly encompasses every person who participated in any way in Representative Hall's meetings with Dylan Reed and/or others outside the official mapdrawing room during the period Representative Hall was working on the House plan, as well as anyone who assisted in any way or provided input, directly or indirectly, to any such person regarding districts in the 2021 Plans. Similarly, our Interrogatory No. 2 and RFP No. 1 clearly encompass any electronic or hard copy documents related to any such meetings, including all records of what Rep. Hall described today as "concept maps" and any information or data related to such maps. This would include, without limitation, copies of all files or data or images on the computer(s) and/or smartphone(s) used in connection with those meetings, including any partisan or racial data, and any electronic records of any analysis of any concept maps, other draft maps, or the enacted House map. Needless to say, our requests also encompass any other persons or electronic or hard copy materials from any other work done by Legislative Defendants or others outside of the public mapdrawing room.

We look forward to receiving your responses tomorrow morning.

Regards,
Stanton

From: Jones, Stanton
Sent: Monday, December 27, 2021 3:39 PM
To: 'Phil Strach' <phil.strach@nelsonmullins.com>; Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; Callahan, Sam <Sam.Callahan@arnoldporter.com>
Cc: McKnight, Katherine L. <kmcknight@bakerlaw.com>; Steed, Terence <Tsteed@ncdoj.gov>; zzz.External.akhanna@elias.law <akhanna@elias.law>; zzz.External.lmadduri@elias.law <lmadduri@elias.law>; zzz.External.jshelly@elias.law <jshelly@elias.law>; zzz.External.gwhite@elias.law <gwhite@elias.law>; allison@southerncoalition.org; Hilary H. Klein <hilaryhklein@scsj.org>; Alyssa Riggins <alyssa.riggins@nelsonmullins.com>; Mitchell D. Brown <mitchellbrown@scsj.org>; Katelin Kaiser <katelin@scsj.org>; jeffloperfido@scsj.org; Adam Doerr <ADoerr@robinsonbradshaw.com>; Narendra Ghosh <nghosh@pathlaw.com>; Brennan, Stephanie <Sbrennan@ncdoj.gov>; Burton Craige <brcraige@pathlaw.com>; Erik R. Zimmerman <ezimmerman@robinsonbradshaw.com>; Majmundar, Amar <amajmundar@ncdoj.gov>; Paul Smith <psmith@pathlaw.com>; Stephen Feldman <SFeldman@robinsonbradshaw.com>; Tom Farr <tom.farr@nelsonmullins.com>; Babb, Mary Carla (Hollis) <MCBabb@ncdoj.gov>; Braden, E. Mark <MBraden@bakerlaw.com>; Raile, Richard <rRaile@bakerlaw.com>; Lewis, Patrick T. <plewis@bakerlaw.com>; John Branch <john.branch@nelsonmullins.com>; Schauf, Zachary C. <ZSchauf@jenner.com>; Hirsch, Sam <SHirsch@jenner.com>; Amunson, Jessica Ring <JAmunson@jenner.com>; Bracey, Kali N. <KBracey@jenner.com>;

Mittal, Urja R. <UMittal@jenner.com>; Molodanof, Olivia <olivia.molodanof@hoganlovells.com>; Boer, Tom <tom.boer@hoganlovells.com>; Martin Warf <martin.warf@nelsonmullins.com>; Greg McGuire <greg.mcguire@nelsonmullins.com>; Nate Pencook <nate.pencook@nelsonmullins.com>; Cella, John <John.Cella@arnoldporter.com>

Subject: RE: NCLCV v Hall (21 CVS 15426) -- Harper Pls 2d Interrogatories and 1st RFPs to LDs

Phil: As you know, Representative Hall testified at deposition today that he consulted “concept maps” in private meetings with his staff and others outside the public terminal room, which were drawn by a member of his staff, Dylan Reel, using an unknown computer and unknown redistricting software. Representative Hall testified that he relied on these concept maps when drawing district lines for the House map on the public terminal—and that in fact he viewed images of concept maps on Mr. Reel’s phone while drawing on the public terminal—but that none of the concept maps are publicly available, and none of the private meetings to discuss concept maps (or even a list of attendees) were publicly noticed or recorded.

In light of today’s testimony, is it still your position that our motion to compel is unnecessary because all of the information we have requested is “publicly available at www.ncleg.gov and YouTube (NCGA Redistricting - YouTube)”? Will you be withdrawing your representation to that effect at pages 5-6 of the opposition you filed this afternoon? Please let us know as soon as you can so that we can raise the issue to the Court if necessary.

Regards,
Stanton

From: Phil Strach <phil.strach@nelsonmullins.com>

Sent: Monday, December 27, 2021 8:13 AM

To: Jones, Stanton <Stanton.Jones@arnoldporter.com>; Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; Callahan, Sam <Sam.Callahan@arnoldporter.com>

Cc: McKnight, Katherine L. <kmcknight@bakerlaw.com>; Steed, Terence <Tsteed@ncdoj.gov>; zzz.External.akhanna@elias.law <akhanna@elias.law>; zzz.External.lmadduri@elias.law <lmadduri@elias.law>; zzz.External.jshelly@elias.law <jshelly@elias.law>; zzz.External.gwhite@elias.law <gwhite@elias.law>; allison@southerncoalition.org; Hilary H. Klein <hilaryhklein@scsj.org>; Alyssa Riggins <alysa.riggins@nelsonmullins.com>; Mitchell D. Brown <mitchellbrown@scsj.org>; Katelin Kaiser <katelin@scsj.org>; jeffloperfido@scsj.org; Adam Doerr <ADoerr@robinsonbradshaw.com>; Narendra Ghosh <nghosh@pathlaw.com>; Brennan, Stephanie <Sbrennan@ncdoj.gov>; Burton Craige <bcraige@pathlaw.com>; Erik R. Zimmerman <ezimmerman@robinsonbradshaw.com>; Majmundar, Amar <amajmundar@ncdoj.gov>; Paul Smith <psmith@pathlaw.com>; Stephen Feldman <SFeldman@robinsonbradshaw.com>; Tom Farr <tom.farr@nelsonmullins.com>; Babb, Mary Carla (Hollis) <MCBabb@ncdoj.gov>; Braden, E. Mark <MBraden@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>; Lewis, Patrick T. <plewis@bakerlaw.com>; John Branch <john.branch@nelsonmullins.com>; Schauf, Zachary C. <ZSchauf@jenner.com>; Hirsch, Sam <SHirsch@jenner.com>; Amunson, Jessica Ring <JAmunson@jenner.com>; Bracey, Kali N. <KBracey@jenner.com>; Mittal, Urja R. <UMittal@jenner.com>; Molodanof, Olivia <olivia.molodanof@hoganlovells.com>; Boer, Tom <tom.boer@hoganlovells.com>; Martin Warf <martin.warf@nelsonmullins.com>; Greg McGuire <greg.mcguire@nelsonmullins.com>; Nate Pencook <nate.pencook@nelsonmullins.com>; Cella, John <John.Cella@arnoldporter.com>

Subject: RE: NCLCV v Hall (21 CVS 15426) -- Harper Pls 2d Interrogatories and 1st RFPs to LDs

External E-mail

Stanton: Your email below is not a proper response to my response. We are simply following the North Carolina Rules of Civil Procedure (specifically N.C. R. Civ. P. 33(a), 34(b)). Please do the same. Thank you. Phil

PHILLIP J. STRACH PARTNER

phil.strach@nelsonmullins.com

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T 919.329.3812 F 919.329.3799

NELSONMULLINS.COM [VCARD](#) [VIEW BIO](#)

From: Jones, Stanton <Stanton.Jones@arnoldporter.com>

Sent: Sunday, December 26, 2021 5:42 PM

To: Phil Strach <phil.strach@nelsonmullins.com>; Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; Callahan, Sam <Sam.Callahan@arnoldporter.com>

Cc: McKnight, Katherine L. <kmcknight@bakerlaw.com>; Steed, Terence <Tsteed@ncdoj.gov>; akhanna@elias.law; lmadduri@elias.law; jshelly@elias.law; gwhite@elias.law; allison@southerncoalition.org; Hilary H. Klein <hilaryhklein@scsj.org>; Alyssa Riggins <alyssa.riggins@nelsonmullins.com>; Mitchell D. Brown <mitchellbrown@scsj.org>; Katelin Kaiser <katelin@scsj.org>; jeffloperfido@scsj.org; Adam Doerr <ADoerr@robinsonbradshaw.com>; Narendra Ghosh <nghosh@pathlaw.com>; Brennan, Stephanie <Sbrennan@ncdoj.gov>; Burton Craige <bcraige@pathlaw.com>; Erik R. Zimmerman <ezimmerman@robinsonbradshaw.com>; Majmundar, Amar <amajmundar@ncdoj.gov>; Paul Smith <psmith@pathlaw.com>; Stephen Feldman <SFeldman@robinsonbradshaw.com>; Tom Farr <tom.farr@nelsonmullins.com>; Babb, Mary Carla (Hollis) <MCBabb@ncdoj.gov>; Braden, E. Mark <MBraden@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>; Lewis, Patrick T. <plewis@bakerlaw.com>; John Branch <john.branch@nelsonmullins.com>; Schauf, Zachary C. <ZSchauf@jenner.com>; Hirsch, Sam <SHirsch@jenner.com>; Amunson, Jessica Ring <JAmunson@jenner.com>; Bracey, Kali N. <KBracey@jenner.com>; Mittal, Urja R. <UMittal@jenner.com>; Molodanof, Olivia <olivia.molodanof@hoganlovells.com>; Boer, Tom <tom.boer@hoganlovells.com>; Martin Warf <martin.warf@nelsonmullins.com>; Greg McGuire <greg.mcguire@nelsonmullins.com>; Nate Pencook <nate.pencook@nelsonmullins.com>; Cella, John <John.Cella@arnoldporter.com>

Subject: RE: NCLCV v Hall (21 CVS 15426) -- Harper Pls 2d Interrogatories and 1st RFPs to LDs

Phil: Your email below is not a proper response to our written discovery requests. Under the circumstances, Legislative Defendants cannot reasonably rely on the ordinary 30-day window to respond to discovery requests, which in this case would be after the trial is over; in any event, if Legislative Defendants intended to object on timing grounds, they should have let us know days ago when the requests were served. And substantively, simply pointing to the General Assembly's website and YouTube is plainly not an adequate response. We served an interrogatory and requests for production on all Legislative Defendants seeking information and materials that are not publicly available. Please provide proper responses and objections, as well as all responsive, non-privileged documents, by 9:30am tomorrow (Monday, December 27). If not, we will seek relief from the Court.

Regards,
Stanton

From: Phil Strach <phil.strach@nelsonmullins.com>

Sent: Friday, December 24, 2021 11:40 AM

To: Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; Callahan, Sam <Sam.Callahan@arnoldporter.com>

Cc: McKnight, Katherine L. <kmcknight@bakerlaw.com>; Steed, Terence <Tsteed@ncdoj.gov>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; zzz.External.akhanna@elias.law <akhanna@elias.law>; zzz.External.lmadduri@elias.law <lmadduri@elias.law>; zzz.External.jshelly@elias.law <jshelly@elias.law>

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Subject: RE: NCLCV v Hall (21 CVS 15426) -- Harper Pls 2d Interrogatories and 1st RFPs to LDs

External E-mail

Elisabeth:

The NCLCV optimized maps and associated data were required to be produced pursuant to the Scheduling Order. Under the North Carolina Rules of Civil Procedure, responses to written discovery responses are due 30 days after service unless the Court shortens the time. N.C. R. Civ. P. 33(a), 34(b). In any event, because of the historically transparent redistricting process used by the General Assembly the information requested in the discovery requests is publicly available at www.ncleg.gov and YouTube ([NCGA Redistricting - YouTube](#)).

Thanks.

Phil



PHILLIP J. STRACH PARTNER

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From: Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>

Sent: Friday, December 24, 2021 9:33 AM

To: Callahan, Sam <Sam.Callahan@arnoldporter.com>

Cc: McKnight, Katherine L. <kmcknight@bakerlaw.com>; Steed, Terence <Tsteed@ncdoj.gov>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; akhanna@elias.law; lmadduri@elias.law; jshelly@elias.law; gwhite@elias.law; allison@southerncoalition.org; Hilary H. Klein <hilaryhklein@scsj.org>; Alyssa Riggins <alyssa.riggins@nelsonmullins.com>; Mitchell D. Brown <mitchellbrown@scsj.org>; Katelin Kaiser <katelin@scsj.org>; jeffloperfido@scsj.org; Adam Doerr <ADoerr@robinsonbradshaw.com>; Narendra Ghosh <nghosh@pathlaw.com>; Brennan, Stephanie <Sbrennan@ncdoj.gov>; Burton Craige <bcraige@pathlaw.com>; Erik R. Zimmerman

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Subject: Re: NCLCV v Hall (21 CVS 15426) -- Harper Pls 2d Interrogatories and 1st RFPs to LDs

◀**External Email**▶ - From: prvs=9853f3c82=Elisabeth.Theodore@arnoldporter.com

Counsel:

We haven't heard back from you about our discovery requests, which were due yesterday and sought the same information you asked for and received about the NCLCV "optimized maps," namely a list of people who was involved in drawing the plans or assisting those who did, and source data and analysis of those plans. Obviously, if you are entitled to that information about a proposed alternative map, we are entitled to that information about the actual maps that are the subject of this litigation. Are you asserting legislative privilege?

Please let us know your position by today at noon. At minimum, we need this discovery by Sunday at noon so that we can review it before Rep. Hall's deposition.

Thanks,
Elisabeth

On Dec 21, 2021, at 11:15 AM, Callahan, Sam <Sam.Callahan@arnoldporter.com> wrote:

Counsel: Please find attached *Harper* Plaintiffs' Second Set of Interrogatories to Legislative Defendants and First Set of Requests for Production to Legislative Defendants.

Thank you,
Sam Callahan

Sam Callahan

Associate

Arnold & Porter

601 Massachusetts Ave., NW

Washington | District of Columbia 20001-3743

T: +1 202.942.5816

Sam.Callahan@arnoldporter.com | www.arnoldporter.com

From: Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>

Sent: Tuesday, December 21, 2021 10:54 AM

To: 'McKnight, Katherine L.' <kmcknight@bakerlaw.com>; Steed, Terence <Tsteed@ncdoj.gov>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Callahan, Sam <Sam.Callahan@arnoldporter.com>; zzz.External.akhanna@elias.law <akhanna@elias.law>; zzz.External.Imadduri@elias.law

EXHIBIT D

21 pleading or for any other purpose and may not be
22 filed with any court.

23

24

25



Page 2

1 P R O C E E D I N G S

2 - - - - -

3 THE VIDEOGRAPHER: Here begins disk number
4 one in the remote video deposition of
5 representative Destin Hall in the matter of North
6 Carolina League of Conservation Voters, et al.
7 versus Hall et al. in the General Court of Justice
8 Superior Court Division, case number 21 CVS
9 015426. Today's date is Monday, December 27th,
10 2021. The time on the video monitor is 9:11 a.m.
11 Eastern Time. The remote videographer today is
12 Michael Pietanza representing Planet Depos. All
13 parties of this video deposition are attending
14 remotely. Would counsel please voice identify
15 themselves and state whom they represent.

16 MR. CALLAHAN: Sure. This is Sam Callahan

17 from Arnold & Porter on behalf of the Harper
18 plaintiffs.

19 MR. JONES Stanton Jones from Arnold &
20 Porter, also on behalf of the Harper plaintiffs.

21 MS. BABB: This is Mary Carla Babb on
22 behalf of the State Board defendants.

23 MS. RIGGS: This is Allison Riggs from the
24 Southern Coalition of Social Justice on behalf of
25 the plaintiff Common Cause.

↑

Page 3

1 MS. KAISER: This is Katelin Kaiser,
2 attorney from Southern Coalition for Social
3 Justice on behalf of plaintiff Common Cause.

4 MS. MOLODANOF: This is Olivia Molodanof
5 from Hogan Lovells also on behalf of plaintiff
6 Common Cause.

7 MR. WHITE: Graham White from the Elias
8 Law Group on behalf of the Harper plaintiffs.

9 MS. KLEIN: Hilary Klein from the Southern
10 Coalition for Social Justice on behalf of Common
11 Cause.

12 MR. SHELLY: Jacob Shelly on behalf of the
13 Harper plaintiffs.

14 MS. BRACEY: Kali Bracey on behalf of the
15 North Carolina League of Conservation Voters from
16 Jenner and Block.

17 MS. MITTAL: Urja Mittal, also on behalf
18 of the North Carolina League of Conservation
19 Voters, from Jenner and Block.

20 MR. HAYES: Sam Hayes on behalf of the
21 House Speaker Tim Moore.

22 MS. McKNIGHT: Katherine McKnight on
23 behalf of legislative defendants from Baker
24 Hostetler.

25 MR. STRACH: And this is Phil Strach



Page 4

1 Nelson Mullins on behalf of legislative
2 defendants.

3 THE VIDEOGRAPHER: Thank you, counsel.
4 The court reporter today is Jan Hamilton
5 representing Planet Depos. Would the reporter
6 please swear in the witness.

7 -----

3 everything we say so we should try not to talk
4 over each other. I'll try not to the interrupt
5 you. I just ask that you do the same. Does that
6 sound good?

7 A Yes.

8 Q And your counsel may object but you should
9 answer the question even if your counsel objects
10 unless your counsel specifically instructs you not
11 to answer the question. Do you understand that?

12 A Sure.

13 Q Any reason that today you couldn't give
14 complete, accurate and truthful testimony?

15 A No.

16 Q And if you want to take a break, just let
17 me know but I'd ask that if a question is pending
18 if you could just finish your answer to that
19 question before taking a break, I would appreciate
20 that.

21 A Okay.

22 Q What did you do to prepare for this
23 deposition today?

24 A I generally just looked back through my
25 notes. I mean it's, it's been now I guess over a



1 month since we passed these maps.

2 Q And when you say your notes, what do you
3 mean by that? Could you be more specific?

4 A Just the notes that I use when we were
5 debating the bills in the committee and on the
6 House floor.

7 Q Were these notes about the enacted maps or
8 were they notes that you used just to prepare for
9 your speeches on the floor?

10 A They were just to prepare for speech he is
11 on the floor.

12 Q Did you consult any notes that you drew up
13 during the redistricting process itself before
14 your speeches?

15 A I don't understand that question. Ask me
16 again.

17 Q Sure. I'll try to be a bit more clear.
18 In preparing for this deposition did you consult
19 materials that you prepared while drawing or, you
20 know during the redistricting process in October
21 or earlier?

22 A Yes. Those notes would have been drafted
23 at some point during that process.

24 Q Okay. Did you conduct, did you review any
25 other documents in preparing for this deposition?



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1 A I looked at the maps that were, that were
2 enacted.

3 Q I just want to be sure I clarify one
4 thing. So do you have in your possession notes
5 that you prepared or that someone else prepared
6 that describe the district maps that were
7 ultimately enacted or that were used to evaluate
8 draft maps or anything of that nature?

9 A No no. I, these were just notes that were
10 used on the for floor speech purposes.

11 Q Okay. I thought just a bit earlier you
12 said that will there were notes that you prepared
13 maybe as early as October or before that. Is that
14 not the case?

15 A They would have been sometime during the
16 process, before I had to present them. I had to
17 present maps in, in the committee before they were
18 on the floor. So whenever we presented those in

19 the committee that those notes would have likely
20 been drafted at some point shortly before that.

21 Q And I guess just, just a more general
22 question. Did you have any notes during the map
23 drawing process?

24 A No. I don't, I don't recall taking any
25 notes during the process.



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1 Q Okay. Did you speak with anyone else
2 besides your attorneys in anticipation of this
3 deposition?

4 A No. Other than I spoke to the general
5 counsel for the speaker but of course he's an
6 attorney as well, I mean not general counsel
7 excuse me, the chief of staff for the speaker.

8 Q And what did you speak about generally?

9 A Again, just sort of general matters. You
10 know, I don't know that I you know can tell you
11 anything specifically other than you know we were
12 going to take a deposition and it was going to be
13 today, and that was about it.

14 Q And what was this individual's name?

15 A Neal Inman.

16 Q Sorry. Could you say that again?

17 A Neal Inman.

18 Q Neal Inman thank you, and you said general
19 matters. I mean could you just be a little bit
20 more specific? I mean were you talking about the
21 redistricting process? Were you talking about
22 what you anticipated I would ask today? Could you
23 just give me a little bit more detail?

24 A Yeah I mean we just talked about, you know
25 he, again what sort of to anticipate today. We



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1 talked about you know the process in general. You
2 know I was just trying to think back through the
3 timeline that we, that we laid out and, and you
4 know that was, that was essentially it. Mostly in
5 talking to kneel it was about working with Sam
6 Hayes who's on the call who's a lawyer, general
7 counsel for the speaker, you know to work with Sam
8 to talk about the process that we had, and again,
9 just to jog my memory for purposes of getting

10 ready for today.

11 Q So you also spoke with Mr. Haste in
12 preparation for the deposition today?

13 A Yes, but I considered him to be one of our
14 lawyers.

15 Q Is he representing you in this matter?

16 A He's the general counsel for the speaker.

17 Q I mean just to answer ask the question
18 again, is Mr. Hayes representing you in this
19 matter that we're here on today?

20 MR. STRACH: Yeah objection. Mr. Haste is
21 would be considered legal counsel by us in this
22 matter just as much as I am legal counsel for
23 Representative Hall.

24 Q Has he been retained to represent the
25 witness in this litigation?

↑

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1 MR. STRACH: He's an employee of the
2 General Assembly.

3 Q So just to confirm, are you Representative
4 Hall going to refuse to answer any questions that
5 I ask about your communications with Mr. Hayes

6 general counsel for Speaker Moore?

7 MR. STRACH: Yes that is correct. I will
8 instruct him not to answer those questions.

9 MR. CALLAHAN: And is that on the basis of
10 attorney-client privilege.

11 MR. STRACH: It's on the basis of
12 attorney-client privilege and legislative
13 privilege.

14 Q To confirm whose legislative privilege is
15 being invoked to prevent the witness from
16 answering questions about communications with Mr.
17 Hayes?

18 MR. STRACH: At a minimum Representative
19 Hall's and other legislators that Mr. Hayes talked
20 to.

21 Q Representative Hall just to confirm you
22 are going to decline to answer questions about
23 communications with Mr. Haste on the basis of your
24 legislative privilege?

25 A And attorney-client privilege, yes.

↑

1 Q For each question that you refuse to
2 answer it will be both?

3 MR. STRACH: It depends on your question.

4 Q Okay. Actually moving on that's a nice
5 segue to talk a little bit about legislative
6 privilege. You're appearing here today
7 Representative Hall in response to a deposition
8 notice that the plaintiffs served on you, on your
9 counsel I should say; is that correct?

10 A It is.

11 Q And you're one of six legislators named as
12 a defendant in this case?

13 A That sounds right.

14 Q And in appearing today you have chosen to
15 waive legislative privilege or legislative
16 immunity; is that correct?

17 A Yes.

18 MR. STRACH: And that and let me clarify
19 that's correct as to his appearance. Legislative
20 privilege would entitle him to not appear today
21 and so he's waived legislative privilege as to his
22 appearance.

23 MR. CALLAHAN: Right to clarify you just
24 mentioned a few moments ago that you intended to
25 invoke your legislative privilege as to specific



1 questions about certain communications but you
2 have waived legislative privilege to appear here
3 today. Is that a fair summary.

4 MR. STRACH: Correct.

5 Q Okay. Can you tell me a bit about why you
6 decided to waive legislative privilege to that
7 extent I just described?

8 MR. STRACH: Objection. That's not
9 appropriate question.

10 MR. CALLAHAN: On what basis?

11 MR. STRACH: Because he's, he does not
12 have to talk about his internal personal
13 deliberations about why he waived privilege.
14 That's not required or permissible, and so I'm
15 going to instruct him not to answer that question.

16 Q Representative Hall are you invoking
17 legislative privilege as to the question of why
18 you decided to waive legislative privilege?

19 MR. STRACH: Objection. I'm instructing
20 him not to answer that question. That's an
21 inappropriate question.

22 MR. CALLAHAN: Can you explain to me on
23 what basis you are instructing the witness not to
24 answer the question?

25 MR. STRACH: He does not have to explain



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1 to you or to anyone else why he's invoking
2 privilege. That would not only be privileged
3 itself under legislative privilege but it would
4 also involve attorney-client privilege
5 discussions. He's not he's not required to
6 discuss that.

7 MR. CALLAHAN: I'm not asking the witness
8 about whether he had communications with attorneys
9 about whether to waive privilege. I'm asking the
10 witness why did you decide to waive legislative
11 privilege in this matter? Is there any objection
12 to that question beyond the fact that it's
13 inappropriate?

14 MR. STRACH: Yes. Legislative privilege
15 and attorney-client privilege, and so he won't be
16 answering that question.

17 Q Representative Hall you're aware that four
18 other legislative defendants in this case have not
19 waived legislative privilege, sentence I don't
20 remember Daniel Senator Newton Speaker Moore and
21 Senator Berger; is that right?

22 A I'm aware that Speaker Moore and Senator
23 Berger have not but I don't know about the areas.

24 Q Okay. Do you have any knowledge or
25 information about why senator Daniel has decided

↑

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1 not to waive legislative privilege?

2 MR. STRACH: Objection. Instruct the
3 witness not to anxious on the basis of legislative
4 privilege and attorney-client privilege.

5 Q Is this on the basis of legislative
6 privilege for the witness?

7 MR. STRACH: No it's on the basis of
8 legislative privilege for the other legislators
9 who've not waived privilege.

10 MR. CALLAHAN: Have those legislators
11 invoked legislative privilege as to my questions
12 about Representative Hall's knowledge.

13 MR. STRACH: Representative Hall does not
14 have the authority to waive the privilege as to
15 them, and he will not be doing that today.

16 MR. CALLAHAN: Okay.

17 Q Do you have any knowledge or information
18 about why Senator Newton has decided not to waive
19 legislative privilege?

20 MR. STRACH: Objection instruct the
21 witness not to answer same basis.

22 Q What about Senator Berger?

23 MR. STRACH: Objection. Instruct the
24 witness not to answer. Same basis.

25 Q Speaker Moore?



Page 15

1 MR. STRACH: Objection the instruct the
2 witness not to answer. Same basis.

3 MR. CALLAHAN: Okay just to clarify, this
4 is the legislative privilege of those individuals
5 I have just listed that is preventing the witness
6 from answering these questions?

7 MR. STRACH: As well as the

8 attorney-client privilege.

9 MR. CALLAHAN: Okay.

10 Q Some of the defendants I named would you
11 agree they have firsthand knowledge about the map
12 drawing process?

13 MR. STRACH: Objection. If you know what
14 knowledge they have, you can, you know speak
15 generally to it but.

16 A I mean obviously the Senate chair would
17 have some knowledge of it. I mean. I don't know
18 what knowledge Senator Berger or Speaker Moore
19 would have. You'd have to ask them.

20 Q Just to pin down a few of these points
21 Senator Daniel and Senator Newton are co-chairs of
22 the Senate Redistricting Committee; correct?

23 A Yes.

24 Q And Senator Newton was the primary sponsor
25 of the Senate plan that ultimately was enacted?

↑

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1 A I don't know who the primary sponsor of
2 the Senate plan was.

3 Q Was he was he one of the sponsors?

4 A He probably was since he was the chair.

5 Q And Senators Newton and Daniel they were
6 sponsors of the enacted congressional plan; is
7 that correct?

8 A I don't remember whose name was listed as
9 the actual sponsors of the bill.

10 Q Well these individuals as co-chairs of the
11 Senate Redistricting Committee you think would
12 probably have some knowledge about the maps that
13 ultimately were enacted in, at the House and
14 congressional and Senate level is that fair?

15 A I'm sure they would have some knowledge of
16 it yes.

17 Q Okay. Did you have any communications,
18 oral, wherein, individual, group, anything, with
19 any of the four individuals I've just listed about
20 whether you or they should invoke legislative
21 privilege or waive legislative privilege?

22 MR. STRACH: Objection. Instruct the
23 witness not to answer legislative privilege,
24 attorney client privilege.

25 Q Representative Hall you served as a state



1 representative since 2017; is that right?

2 A Yes.

3 Q Do you recall that in 2019 a three judge
4 panel struck down the House and Senate plans that
5 reps had drawn in 2017 on the basis that they were
6 unconstitutional gerrymanders?

7 A Yes.

8 Q And I understand that you weren't on the
9 Redistricting Committee then but is it fair to say
10 you were familiar with the process in 2017?

11 MR. STRACH: Objection. Which, which
12 process?

13 Q The redistricting process that led to the
14 enactment of the 2017 plans that were then struck
15 down in 2019?

16 A I was on the committee as a committee
17 member in 2017. So I, whenever that, initial
18 redraw took place in 2017 or 2018 I was on the
19 committee.

20 Q You were on the House Redistricting
21 Committee in 2017?

22 A Yeah. I was on it my first term.

23 Q And you voted in favor of the 2017 House

24 plan; is that correct?

25 A I think so.



Page 18

1 Q And the 2017 Senate plan?

2 A Yes, I think so.

3 Q Those 2017 plans were drawn in response to
4 a federal court ruling striking down the previous
5 district as unconstitutional racial gerrymanders;
6 correct?

7 A Yes.

8 Q Were you involved at all in the drawing of
9 the 2017 House plan?

10 A That point I was in my first term, and so
11 I would have had limited involvement with the
12 actual drawing of any of those maps. I've
13 obviously as a member of the committee had the
14 opportunity to review and debate and vote on them
15 but I don't recall having involvement in actually
16 drawing them.

17 Q Did you provide any input to those who had
18 more active involvement in drawing them?

19 A Other than legislators, you know I'm sure

20 I would have spoken to other legislators who were
21 on the committee and involved but I, I wouldn't
22 have spoken to anybody other than legislators, and
23 I don't recall any of those conversations. I mean
24 that was four years ago.

25 Q Did you speak with Representative Lewis



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1 during the map making process?

2 A Yeah, I was a first term leather he was
3 the rules chair. So I'm sure we didn't talk a
4 whole lot but I'm sure I spoke to him at some
5 point during that process but it wouldn't have
6 been very much.

7 Q Did you speak with any political
8 consultants about the 2017 maps?

9 A I, I don't remember ever doing that. I, I
10 seriously doubt at that point I would have been
11 speaking to anyone about those maps other than
12 legislators.

13 Q Did you have any communications with
14 Dr. Thomas Hofeller about the 2017 maps?

15 A No. I don't believe I ever met Mr.
16 Hofeller.

17 Q You're familiar with Mr. Hofeller however?

18 A Just as a general matter but I don't, I
19 don't believe I ever met him.

20 Q Just moving on for a moment. A
21 three-judge panel I'm going back to 2017-2016 a
22 three-judge panel granted an injunction blocking
23 use of the congressional map that Republicans drew
24 in 2017 on the grounds that it was an
25 unconstitutional. Do you recall that?



Page 20

1 A 20.

2 MR. STRACH: Objection you've got to the
3 clarify that Sam. I don't know that's correct.

4 Q Well, I apologize. The 2016 congressional
5 plan, in 2019 a three judge panel granted an
6 injunction blocking its use on the ground that it
7 is an unconstitutional gerrymander. Does that
8 sound familiar?

9 A Yes.

10 Q I apologize I might have misstated the

11 date. The 2016 congressional plan was drawn
12 because the federal court struck down the previous
13 congressional plan that Republicans drew in 2011
14 as an unconstitutional gerrymander. Is that also
15 correct?

16 A Yes.

17 Q And I understand you weren't in the
18 General Assembly at this time but are you
19 generally familiar with or have some knowledge
20 about the 2016 redistricting process?

21 A Very little. I probably know next to
22 nothing about what their process was, what limited
23 knowledge I would have had would have been simply
24 through reading the newspaper, and I don't
25 remember specifically reading anything about that



Page 21

1 process.

2 Q How about for the 2011 process? Do you
3 have any familiarity with that?

4 A No.

5 Q Would you agree with me that one of the

6 goals of the 2016 congressional plan was to
7 maximize partisan advantage?

8 MR. STRACH: Objection? Which plan the
9 2016 plan?

10 Q The 2016 congressional plan.

11 MR. STRACH: Objection. Answer if you
12 can.

13 A Again, I wasn't a part of the drawing of
14 the 2016 plan. So you know, I have no idea. I
15 wasn't privy to any conversations legislators may
16 have had.

17 Q Well one of the criteria adopted by the
18 joint select committee on redistricting in 2016
19 was quote partisan advantage. Are you aware of
20 that?

21 A Other than what you've just told me, no.

22 Q Do you have any reason to doubt that the
23 one R vote of 2016 criteria was partisan
24 advantage?

25 MR. STRACH: Objection. Answer if you

↑

1 can.

2 A That document speaks for itself, so I'm
3 sure it's out there somewhere. So if you say
4 that's what it said, then you know, the document's
5 there. We can go look at it.

6 Q And in fact one of the goals in the 2016
7 plan was to maintain ten Republican seats and
8 three Democratic ones; is that correct?

9 MR. STRACH: Objection. Answer it if you
10 can.

11 A I don't know. Again I wasn't part of that
12 process.

13 Q Okay. I'll just share my screen for one
14 moment I'm going to pull up what I've marked as
15 Exhibit 1. Can you see a PDF on the screen that
16 says 2016 continues congressional plan committee
17 adopted criteria?

18 A Yes.

19 Q And do you see the fourth underlined entry
20 partisan advantage is that what that says?

21 A Yeah. Can you zoom in a little bit?

22 Q Sure.

23 A Okay.

24 Q Have you ever seen these 2016 criteria
25 before that I'm showing you right now?



1 A Not that I recall.

2 Q Okay. Can you just read those two
3 sentences there for partisan advantage?

4 A Partisan makeup of the congressional
5 delegation under the enacted plan is 10
6 Republicans and three Democrats the committee
7 shall make reasonable efforts to construct
8 districts in the 2016 contingent congressional
9 plan to maintain the current partisan makeup of
10 North Carolina's congressional delegation.

11 Q Thank you representative call and just to
12 go back to a previous question would you agree
13 with me that one of the explicit goals of the 2016
14 redistricting process was to maintain ten
15 Republican seats and three Democratic ones?

16 MR. STRACH: Objection answer it if you
17 can.

18 A It looks like they were going to make
19 reasonable efforts to do that.

20 Q And in fact the 2016 criteria that I just
21 showed you, those freely allowed consideration of

22 partisan data; is that correct?

23 MR. STRACH: Objection. Go ahead.

24 A That appears so.

25 Q Okay. And is it also true in moving on to



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1 2017 where I know you were on the committee, the
2 state House and Senate criteria used in 2017 also
3 allowed use of election data; is that correct?

4 A I think that's the case but again I was a
5 first term law maker and wouldn't have had a ton
6 of involvement in it other than just being on the
7 committee.

8 Q Well you voted for those criteria;
9 correct?

10 A I, yes, I would have likely been there for
11 the vote on the criteria but I mean again it was
12 four years ago. So but I think, my recollection
13 is partisanship was allowed to be used.

14 Q Well you voted, just to clarify, you voted
15 in favor of those criteria; correct?

16 A I believe so, yes.

17 Q And one of those criteria was that

18 political considerations and election results data
19 may be used in the drawings of legislative
20 districts in the 2017 House and Senate plans.

21 Does that sound familiar?

22 A It doesn't, but I, you know, that probably
23 was something similar to what the criteria of on
24 partisanship was at that point.

25 Q Okay just to pull it up for one second.

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Page 25

1 Do you see PDF that says 2017 House and Senate
2 plans criteria?

3 A Yeah.

4 Q Does this look familiar to you? Have you
5 ever seen this document before?

6 A Yeah. I'm, I think that's the criteria we
7 would have voted on in 2017 but again it's been,
8 you know four years since we really over four
9 years since we voted on it so I don't remember
10 specifically what the criteria at that point were,
11 but yeah that looks that looks right.

12 Q And there's this criteria here down near

13 the bottom that says election data and that's what
14 just a few moments ago I read to you?

15 A That's right yeah.

16 Q So is it fair to say that at the time you
17 believed these criteria to be appropriate criteria
18 for the use in drawing legislative districts?

19 A Yeah, that's right.

20 Q You considered it appropriate for
21 legislators to use political considerations and
22 election results data in drawing districts?

23 A Yes.

24 Q Do you still believe that's appropriate
25 today?

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1 A Well, you know, in my opinion, you know
2 it's certainly legal to do it that way but we
3 voluntarily made the decision that we were not
4 going to use election results data or partisan
5 considerations in drawing these maps.

6 Q Just to restate my question, do you still
7 believe it's appropriate as you did in 2017 to use
8 election data and political considerations in

9 drawing district lines?

10 MR. STRACH: Objection. Asked and
11 answered.

12 MR. CALLAHAN: I asked the witness whether
13 he believed it was appropriate to do so.

14 Q Do you believe it's appropriate to use
15 partisan considerations to draw district lines?

16 MR. STRACH: And he answered your question
17 and you can answer it again if you like.

18 A I mean, again, I think the law allows it,
19 but you know we made the decision in this process
20 to not use that election data or any partisan
21 considerations, and as a general matter I think
22 that that's a better way to do it without using
23 any election results data or partisanship.

24 Q All right. Representative Hall you're now
25 the chairman of the House standing committee on

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1 redistricting; is that correct?

2 A Yes.

3 Q Does that mean tough leading role on the

4 House side for the 2021 redistricting process for
5 all three plans House Senate and congressional?

6 A I think that's fair statement.

7 Q And you personally drew the house plan
8 enacted in November; correct?

9 A I drew almost all of the state House plan
10 enacted, yes.

11 Q And is it correct that you personally
12 sponsored take a look legislation that enacted
13 that plan House Bill 976?

14 A Yes.

15 Q Is it also correct that you sponsored for
16 consideration in the House the congressional plan
17 that was ultimately enacted as Senate bill 740?

18 A Yes.

19 Q And so in other words you didn't
20 specifically draw the enacted congressional plan
21 but you evaluated it you were one of its
22 proponents in the House is that fair?

23 A Yes.

24 Q And at the November 4th House floor vote
25 is it correct that you called it quote the best



1 member submitted map that you saw?

2 A What, when you say it, what are you
3 talking about? Which map?

4 Q The congressional plan ultimately enacted
5 as Senate bill 740?

6 A I think I probably said that, yes.

7 Q And sit right that the enacted
8 congressional map was sponsored by Senators
9 Daniel, Newton and Berger?

10 A I don't know who the sponsors on the bill
11 were.

12 Q Was it your understanding that they were
13 responsible for drawing that map?

14 A Um.

15 MR. STRACH: Objection. Did you say
16 Berger or did you mean to say Hise?

17 Q I said Berger but I might have meant to
18 say Hise. I apologize?

19 MR. STRACH: Go ahead and answer.

20 A My understanding was the Senate chairs
21 were responsible for drawing most of the
22 congressional map.

23 Q Did you consult with any of those Senators
24 or their staffs at all as they drew that

25 congressional map?



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1 A Yes.

2 Q When did you do so?

3 A At some point before it was passed.

4 Q Did do you so multiple times?

5 A Yes.

6 Q Who specifically did you talk to?

7 A I would have talked to Senator Hise

8 Senator Daniel and Senator Newton.

9 Q Did you speak with each of them

10 individually?

11 A I don't think so. I think that we just

12 sort of met at a group.

13 Q So you did, just to clarify you spoke with

14 Senator Daniel, Senator Newton and Senator Berger

15 all together?

16 A You said Senator Berger.

17 Q I said Senator Berger. I meant Hise,

18 Senator Hise. My apologies.

19 A At some point in the process, yes.

20 Q You did not speak with, well let me start
21 with Senator Daniel did you speak with Senator
22 Daniel at all individually about the congressional
23 plan?

24 A He's my Senator, and so I see him a lot
25 I'm sure you know we've had general conversations,

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1 but I don't, you know, I don't, I don't recall us
2 sitting around talking about you know what a
3 specific map would look like, nor do I recall any
4 specifically conversations with individual of the
5 other chairs that you mentioned.

6 Q Okay. When did you meet with them to
7 discuss the congressional plan all together? You
8 mentioned a group conversation.

9 A It would have been some point before the
10 map was passed. It would have been after map
11 drawing was opened up and before these maps were
12 passed.

13 Q What did you discuss specifically?

14 MR. STRACH: Objection. Sam, we'll allow
15 Representative Hall to discuss what he said, what

16 he told them, but he will not be discussing
17 anything that they said back to him because that
18 would waive their legislative privilege so with
19 that caveat answer the question.

20 A The, so I had seen the map that, that they
21 had drawn in the Senate committee, and I had drawn
22 a congressional map as well in the House
23 committee, and I felt that, that their map was
24 better than the map that I had drawn. Their maps
25 swept fewer counties their map you know only split



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1 two municipalities across the entire state one of
2 which is Charlotte that has to be split. So they
3 drew a congressional map that effectively only
4 split one municipality which I thought was, was
5 quite a feat to be able to do. One of the changes
6 that I suggested that, that they make on that map
7 and that, that I could get behind a map if they
8 did make a change was to the finger counties in
9 northeastern North Carolina. We had heard a great
10 deal of public comment from folks in that area who

11 wanted those counties to be kept together. It
12 seemed to be something that we could pretty easily
13 do without having to make a ton of changes in the
14 map, and you know, I knew that those, those
15 counties have a lot of, of common interest with
16 one another, and so the, well anyway that's what I
17 said to the Senate chairs without going into you
18 know what they said to me in response.

19 Q Okay. To clarify, what you just relayed
20 was what you said to the Senate chairs. You are
21 refusing to disclose what they said to you on the
22 basis of legislative privilege; is that correct?

23 MR. STRACH: Correct. That's correct.

24 Q So just going back for a moment. When you
25 said that their map was better, did you conduct



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1 any analysis of that map yourself to determine
2 that it was better?

3 A Other than what I just described, no.

4 Q Well, did you speak with your staff about
5 the Senate, or the Senate drawn congressional map?

6 A I'm sure I probably did.

7 Q Do you recall the content of those
8 conversations?

9 A They would have been as a general matter
10 what I just told you. I thought the Senate map
11 was better than mine. It split very few counties
12 and very few cities.

13 Q Did you learn of any analysis done by
14 others of that Senate drawn congressional plan?

15 A You mean ever? Have I ever learned of any
16 analysis?

17 Q Well, at the time that the Senate drawn
18 congressional plan was being discussed and voted
19 on, did you become aware of any analysis done by
20 others of that congressional plan?

21 A I guess I would need to know, you know, a
22 more specific timeline, but obviously these maps
23 have been analyzed by a hundred different groups
24 since we've passed them, but at that point when I
25 was discussing it with the Senate chairs, at that

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1 point I don't believe I had seen any sort of

2 analysis.

3 Q So the only analysis that you had done of
4 this plan was your own and potentially your
5 staff's; is that correct?

6 A Yes.

7 Q Stepping back for one second. In early
8 August you and the Senate chairs proposed criteria
9 to govern the 2021 process; is that correct?

10 A Yes.

11 Q Before announcing those criteria did you
12 seek any input from Democratic members from either
13 committee either the House or Senate committee
14 about what the criteria should be?

15 A Well, we had several, we had the committee
16 meeting where Democrats were allowed to put forth
17 amendments and they were notified ahead of time
18 that they were going to have a chance to put forth
19 amendments, and as I recall they came up with
20 several amendments that, that they didn't, they
21 didn't submit until the very last minute. In fact
22 the morning of the committee meeting, so and it
23 was tough to really have a conversation when the
24 committee's already started. I mean obviously we
25 debated those proposed amendments, but no, no



1 Democrats that I recall ever asked me to have
2 input on the criteria until the morning of the
3 committee.

4 Q Do you recall when your proposed criteria
5 or a draft of those proposed criteria was first
6 sent around to the committee members?

7 A I don't recall the specific date, no.
8 Sometime in August.

9 Q So within the same month as their
10 enactment; is that correct?

11 A Yes, yeah. We of course, as I recall, the
12 census data was going to be released on the day
13 that we actually passed the criteria and you know
14 foreseeing that we would probably be spending some
15 time with you fine folks we decided, when I say
16 we, I mean the chairs, decided that we should go
17 ahead and pass the criteria before that census
18 data came out. That way no one would argue that
19 somehow we looked at the census data and reverse
20 engineered criteria to somehow benefit us.

21 Q Well, when you say we, did you write the
22 2021 proposed criteria that ultimately were

23 enacted on August 12th?

24 A I didn't sit down and actually type out
25 the words, but I, I spoke to the Senate chairs



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1 about what criteria should look like.

2 Q Are you responsible for all of the
3 criteria that ultimately were enacted?

4 A I don't know what you mean by responsible
5 for.

6 Q Did you come up with them?

7 MR. STRACH: Objection. Answer that if
8 you can.

9 A I didn't come up with all of the criteria.
10 Most of these criteria I guess in fact all of them
11 are, are just traditional redistricting criteria
12 other than the criteria to not use a partisan or
13 election data which of course we, we got from the
14 court in the 2019 Common Cause case, so I didn't
15 come up quote unquote come up with any of the
16 criteria.

17 Q Well, who wrote that specific criteria I

18 don't know about not using election data?

19 A I think it was Paul Ridgway.

20 Q Am I understanding correctly that you copy
21 pasted from the Common Cause opinion directly into
22 the criteria that were enacted on August 12th?

23 A I didn't, I didn't actually draft the
24 document, but staff would have drafted the
25 document, but that language I, I think is a

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1 literal quote from that 2019 Common Cause case.

2 Q So you didn't have any input into the
3 language of the criterion governing the
4 consideration of partisan considerations or
5 election data? Is that your testimony?

6 MR. STRACH: Objection. Answer if you
7 can.

8 A Yeah, I, sure, I mean I had input on
9 whether we should use, whether that particular
10 criteria should be adopted as criteria or not, and
11 we ultimately adopted the criteria.

12 Q Is it your understanding that other than
13 not using partisan advantage or election data the

14 2021 criteria are the same as previous ones?

15 MR. STRACH: Objection.

16 Q As the criteria used in redistricting?

17 MR. STRACH: Objection. What criteria,
18 which ones are you talking about? All of them?

19 Q Is it your understanding that they're
20 different than the 2017 House and Senate criteria?

21 MR. STRACH: Objection. Answer it if you
22 can.

23 A I don't know that they were different or
24 not. I mean obviously the election data and
25 partisan consideration was different. The local

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1 knowledge piece I think was different. I don't
2 know if they'd been used in the past or not, but I
3 think most of the criteria had, had been used in
4 the past.

5 Q Are you aware of any other differences
6 besides what you just mentioned?

7 MR. STRACH: Objection. I mean Sam with
8 all due respect he can't sit here and give you a

9 red line without seeing the documents in front of
10 him, and so I think this kind of question's
11 inappropriate but, but that's my objection.
12 Answer it to the extent that you can.

13 A You know I'm sure there are some
14 differences. You know, if I sat down and looked
15 at each document I'm sure there are differences
16 here and there. You know, I know obviously we
17 chose not to use racial data just as we had done
18 in 2019, but I know in the past and as a general
19 matter I know in the past in North Carolina they
20 did use racial data. I guess that's another
21 difference that this would have had, this criteria
22 would have had compared to, you know, the entire
23 history of redistricting in North Carolina. You
24 know, there, you know redistricting's been going
25 on here for a long time so I'm sure every year



1 it's been slightly different so I don't know how
2 to answer it other than to say I think as a
3 general matter this criteria's been long used.
4 The exceptional thing we did was, was voluntarily

5 decide not to use election data.

6 Q Well one thing is that the 2021 criteria,
7 those didn't restrict the number of times that a
8 given county could be split; is that correct?

9 A Well, I at this point they did. I think
10 they, you know in the language about Steve
11 convenient son, I think the effect of that was to
12 restrict that.

13 Q Well, did the criteria say you can't split
14 a county, for example, more than one time?

15 MR. STRACH: Objection. What, as to which
16 plan?

17 Q Did the, did the enacted criteria in 2021
18 prevent legislators or map drawers from split ago
19 county more than one time?

20 MR. STRACH: Objection. Asked and
21 answered. Answer it again.

22 A I mean again, I think it, the criteria
23 lays out the Steve convenient son case, and you
24 know, it's obviously clearly in there so.

25 Q Okay. I'm going to pull up Exhibit 1

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1 which you'll recall is the 2016 criteria I'm here
2 under the heading compactness. I'm just going to
3 read the last two sentences of that to just
4 confirm this is correct. It says division of
5 counties shall only be made for reasons of
6 equalizing population, consideration of incumbency
7 and political impact reasonable efforts shall be
8 made not to divide a county into more than two
9 districts; is that correct?

10 A Yes.

11 Q Okay. Is that specific portion I just
12 read in the 2021 criteria that you proposed and
13 enacted?

14 A I don't believe that specifically language
15 was in there for the congressional plan, no.

16 Q Well, is it in the there for any of the
17 plans?

18 A No but I thought you were asking me about
19 the criteria for the congressional plan, yeah.

20 Q Sure, sure. Why did you decide not to
21 include language like that in the 2021 criteria?

22 A You know, it -- I would have to have the
23 criteria in front of me. If I could look at our
24 specifically the congressional.

25 Q Sure?



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1 A Criteria we had this time to go back and
2 see what we did have.

3 Q Sure I'll pull those up. Those are
4 Exhibit 5. We see there the joint criteria August
5 12th criteria?

6 A Yeah, mm-hmm.

7 Q And just zooming in here counties
8 groupings and traversals do you see any language
9 like I read from the 2016 criteria here?

10 A Yeah so on the second paragraph on
11 counties groupings and traversals where it says
12 that divisions of the counties in the 2021
13 congressional plan shall only be made for reasons
14 of equalizing population and considerations of the
15 double bucking if a county is of sufficient
16 population size to contain an entire congressional
17 district within the county's boundaries the
18 committee shall construct a district entirely
19 within that county and so that I think that
20 language would have a similar effect of limiting

21 county traversals.

22 Q Is your position that that language
23 restricts the ability to divide a county more than
24 once like the 2016 criteria which I've just pulled
25 up again where it says reasonable efforts shall

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1 shall made not to divide a county into more than
2 two districts your position is that the 2021
3 criteria had that same restriction?

4 A No. It doesn't have that restriction.

5 Q Okay. So that last sentence here in the
6 2016 try tear I don't know does that mean that you
7 can split Wake County for example into two
8 districts but you shouldn't split it into three
9 districts?

10 A You're asking me to apply the 2016
11 criteria?

12 Q Correct. Correct.

13 A Well, you know, first I'll say, again, I
14 had no involvement -- are you showing necessity
15 2016 criteria right now on the screen?

16 Q Yes I apologize. I apologize
17 representative this is 2016 criteria I'm asking
18 you whether the final sentence, if you were
19 drawing a map using these criteria, am I correct
20 that you can split Wake County into two districts
21 but you should not split it into three districts?

22 MR. STRACH: Objection. Answer it if you
23 can.

24 A I mean it says reasonable efforts shall be
25 made, and the other, the other part of this is,

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1 you know, I wasn't there obviously in 2016. So I
2 don't know what the thinking was behind this
3 particular language, but my understanding is this
4 would have been adopted basically in a remedial
5 setting for the redrawing of these maps, and so
6 I'm sure there was a court order out there
7 somewhere that probably informed those legislators
8 at the time on what criteria they should adopt.
9 So you know again, I, it's difficult for me to
10 compare the old criteria that I had no involvement
11 with to the criteria that we voluntarily adopted

12 five years later.

13 Q You'd agree with me that all else equal a
14 map that under these 2016 criteria split a county,
15 for example, Wake County into three separate
16 districts would be less preferable on these
17 criteria than a map that split it into two
18 districts?

19 MR. STRACH: Objection. Answer it if you
20 can.

21 A I guess in some literal sense, you know,
22 if you, but here, the problem is this. I mean on
23 criteria and I'm sure, you know, if I read that
24 entire document there were other criteria there,
25 and so you can't just look at one criteria and



1 say, well if a map violates that particular
2 criteria, then the map is per se going to be worse
3 than a map that doesn't violate that particular
4 criteria, but again you said all else being equal
5 I think so if all else is being equal then you're
6 probably right.

7 Q Okay. And just to confirm so this
8 language was in the 2016 criteria and it was not
9 in the 2021 criteria. Do you have any knowledge
10 about why it was included in 2016 and not in 2021?

11 MR. STRACH: Objection. Answer if you
12 can.

13 A I don't know why it was in the 2016, of
14 course, and you know in terms of the 2021 I don't
15 recall reading through this to, to compare it.
16 Again, I wasn't involved in the 2016 draw.

17 Q So you've never seen this compactness
18 sentence that I'm showing you right now?

19 A I don't think so.

20 Q Okay. There are a couple other
21 differences. So the criterion on compactness was
22 also different in 2021 versus in 2017; is that
23 correct?

24 A I'm not sure.

25 Q Okay. I'm going to pull up Exhibit 3. So



1 looking at compactness here do you see that in the
2 center of the screen says the committees shall

3 make reasonable efforts to draw legislative
4 districts in the 2017 House and Senate plans that
5 improve the compactness of the current districts.
6 Is that what that says there?

7 A Yeah.

8 Q Okay. Did the 2021 enacted criteria
9 instruct map drawers to improve the compactness of
10 current districts?

11 A I would have to see the language again. I
12 know compactness was a criteria.

13 Q Sure. I'll pull it up. This is Exhibit
14 5, and zooming in here on compactness?

15 A Yeah. So.

16 Q Go ahead please?

17 A The difference is the 2017 or 2021 rather
18 criteria said to improve, and this is just saying
19 make reasonable efforts to draw the districts in a
20 compact way, and I think most of that difference
21 is explained by the fact that in 2019 we were
22 again in a remedial setting where we were
23 redrawing current districts. In the 2021 draw we
24 were starting with a blank slate. We weren't
25 redrawing anything. So there was really nothing,



1 nothing to improve.

2 Q To clarify you said 2019 but you meant
3 2017, the criteria I showed you which?

4 A That's right 2019, yeah.

5 Q Okay. So the 2021 criteria in your view
6 had no reason to try to improve the compactness of
7 districts?

8 A Well, in 2021 we were drawing completely
9 new districts, and so that's different than the
10 other criteria that you're showing me because in
11 those cases we're redrawing parts of a current map
12 and so you're improving on something that's
13 already there. So, and I guess sort of the
14 literal sense there was nothing to improve upon in
15 2021 in terms of, we weren't working off of an old
16 map sort of in every instance but you know, as a
17 general matter we still wanted to keep districts
18 as compact as we reasonably could taking into
19 consideration all the other criterion.

20 Q So the criteria I've been showing you from
21 2021, did Democrats in your committee offer their
22 own proposals on potential criteria or other sort

23 of procedural requirements you could use during
24 the process?

25 A Yes. So we had a committee meeting where



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1 members were allowed to submit whatever amendment
2 they wanted to. As I recall we passed one
3 Republican amendment and one Democratic amendment,
4 but as I said earlier, instead of getting
5 amendments drafted and coming to me and other, the
6 Senate chairs ahead of time to try to actually
7 talk through what amendments would look like, we
8 didn't receive any amendments until the morning of
9 the committee meeting. If I recall the committee
10 started at 8:30 or 9. I'm not sure that we even
11 had any amendments at the time the committee
12 started, but I remember we were significantly
13 delayed throughout much of the day as those
14 amendment was drafted. So it was, it was
15 difficult at that point again under the time
16 crunch of wanting to get criteria adopted with
17 before the census data came out it was difficult
18 really to sit down and have a reasoned discussion

19 with them about potential changes.

20 Q Well one of the proposed changes came from
21 representative Pricey Harrison; is that correct?

22 A She I recall her putting forth one or more
23 amendments in that committee but I don't remember
24 which ones.

25 Q I'm going to show you something marked as



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1 Exhibit 18 does this look familiar?

2 A Can you zoom in a little bit?

3 Q Sure.

4 A And can you just scroll down. Let me see
5 the other page. Yeah I think that was, I think
6 that was one of her proposed amendments.

7 Q And Representative Harrison sent copies of
8 this to you and other committee members before the
9 joint meeting on August 18th; is that correct?

10 A If she did, I don't recall that. I don't
11 remember her, certainly don't remember her calling
12 me or speaking to me about it ahead of time. So I
13 can't say that she didn't send it to you know my

14 e-mail, but you know, as the rules chair in the
15 House and the House redistricting chair especially
16 as rules chair I get a lot of e-mails. So it's
17 really difficult for me to monitor it all.

18 Q But you just said you've seen this
19 document; correct? It's familiar to you?

20 A I think I would have -- well again, I
21 think. So I'm not saying definitively. I'm
22 saying in the context of you telling me that that
23 was probably an amendment put forth I think it was
24 and I would have seen it in the committee room
25 this morning, but again I think there were like 12

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1 or 13 amendments that I was given you know just
2 mere minutes to review and, and to decide upon.

3 Q And Representative Harrison asked for a
4 vote on this proposal during your August 18th
5 meeting; is that correct?

6 A She would have because we voted on every
7 amendment that a member put forth we took a vote
8 on.

9 Q But you didn't hold a vote on this

10 proposal during the meeting or afterwards, did
11 you?

12 A If she put it forth as an amendment we
13 voted on it. Now some members did have, have, I
14 remember Democratic members some had amendments
15 drafted that they ultimately with drew for reasons
16 unknown, but if Representative Harrison put this
17 forth as an amendment, I would have ensured as
18 chair of the committee that it got a vote as I did
19 for every other amendment put forth by Democrat or
20 Republican.

21 Q Either way these proposed amendments did
22 not pass. Am I correct?

23 A No.

24 Q And one of them you can see the top of
25 your screen for example was to disclose third

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1 parties involved in redistricting the committee
2 should immediately disclose all consultants and
3 counsel to members and committees of either House
4 of the General Assembly it goes on a bit? That's

5 one of these proposed criterion?

6 A Yes.

7 Q Can you explain why you decide not to
8 adopt that C specifically?

9 A No again I don't even, I don't recall this
10 amendment specifically. I had 12 or 13 amendments
11 that morning so I, you know, I don't know. Off
12 the top of my head I can't tell you why exactly we
13 voted this entire amendment down.

14 Q Well looking back now just looking at that
15 disclosing third parties, do you think this that
16 would have been a good idea, you know, in
17 retrospect?

18 MR. STRACH: Objection. Answer that if
19 you can.

20 A I don't think it would have made any
21 difference.

22 Q If the goal of a redistricting process is
23 transparency do you think it improves transparency
24 to disclose third parties involved in
25 redistricting?



1 MR. STRACH: Objection.

2 A I guess, you know, to some degree that is
3 in the literal sense of the word would be
4 transparent.

5 Q And one of the other criteria just looking
6 here disclose initial draft maps, and it says
7 after receiving and incorporating public comment
8 draft maps should be released online for
9 additional public comment?

10 A Yes.

11 Q Would you agree that that criterion would
12 have improved the transparency of the
13 redistricting process in 2021?

14 MR. STRACH: Objection.

15 A You know, I don't think it would have
16 because, because and I'm informed by what actually
17 happened, and what actually happened was I drew a
18 map state House map and the Senate chair through a
19 Senate map and we sort of collectively they drew
20 the congressional map and I suggested the change
21 that I you know already told you about today, and
22 the Democrats didn't put forth any maps for public
23 comment. So they had plenty of time to do that.
24 I spent a great deal of time in that committee
25 room by myself just drawing the state House map,



1 so I don't think it would have made any difference
2 because they didn't, the Democrats didn't put
3 forth any attentive maps for the public to view.

4 Q Well, do you remember that generally in
5 drawing district lines or other legislation that
6 offering an opportunity for public comment
7 generally increases transparency?

8 A Sure. That's why we did it.

9 Q Moving to a slightly different topic. You
10 understand that under the North Carolina
11 constitution the house and Senate maps need to be
12 broken into county clusters or groupings in which
13 individual districts are drawn; is that correct?

14 A Yeah, I understand it as that as a
15 general matter the Stevenson case that is what's
16 required.

17 Q Am I right that in this 2021 process the
18 committees did not actually debate or vote on
19 which county clusters to use?

20 A Well, we did vote on which groupings to

21 use in the sense that the, the proposed, all
22 proposed amendments must have selected some
23 grouping. Now sometimes the grouping of course is
24 you know there's no real choice because the
25 population just is what it is, but obviously in



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1 the final map choices were made and we voted on
2 those, so yes we voted on the groupings.

3 Q Okay. You're saying that in an individual
4 map there was a choice made about county
5 groupings, but you as a committee did not debate
6 and vote before maps were drawn about the
7 groupings to use; is that correct?

8 A Yeah, that's right. You know, I thought
9 as chair the committee that really the best way to
10 handle it would be just to let members draw using
11 whatever groupings they, they wanted to. You
12 know, I, I didn't know if the Democrats might
13 choose other groupings. There may be other
14 Republican members who chose a grouping different
15 from what I chose, and so instead of limit that
16 upfront we just allowed that to be one of the

17 options in drawing the map for members.

18 Q Would you agree with me that the choice of
19 which counties to group together could have
20 significant partisan implications for a given map?

21 MR. STRACH: Objection. Go ahead.

22 A I guess that's possible you know depending
23 on, on what the, what which grouping was chosen
24 but again we didn't use any election data nor
25 partisan considerations in choosing in drawing or

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1 choosing groupings.

2 Q All right. Just going back for a moment
3 to the 2021 criteria that we've been discussing.
4 So one of those criteria you'll recall states
5 partisan considerations and election results data
6 you shall not be used in the drawing of districts.
7 Does that sound right?

8 A It sounds right, yes.

9 Q Okay. So I understand that based on that
10 criterion, the method of software on those
11 official terminals, they didn't allow uploading

12 election data. That's right?

13 A That's right.

14 Q Okay. So you couldn't measure the
15 partisanship of the districts you were drawing
16 while sitting there at the official terminal as
17 the process was going. Is that fair?

18 A That's right.

19 Q But under your interpretation of the
20 criteria a member could freely draw maps outside
21 the official room that were drawn using elections
22 data?

23 A Well, are you asking me could they
24 literally and physically do that?

25 Q I'm saying that if a member drew a map



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1 outside the official map drawing room using
2 elections data and then brought it into the room
3 and just copied the district lines, in your view
4 would that violate the criteria that I just read
5 to you from the 2021 enacted criteria?

6 A I think so, but again that's not what
7 happened here on the map that I proposed anyway.

8 I can't tell you in terms of others, but obviously
9 the map that I put forth that didn't happen.

10 Q And when you say the map that you put
11 forth, are you talking about the House map?

12 A The state House map, yes.

13 Q The state House map?

14 A Yeah.

15 Q Okay. Well, going back to the question of
16 what would violate the criteria. What about maps
17 drawn by another person? Could a member take a
18 map that he or she knew was drawn by someone else
19 using election data?

20 MR. STRACH: Objection.

21 Q Use that as the basis for drawing a map in
22 the public terminal room?

23 MR. STRACH: Objection.

24 A I think the criteria says no election
25 results data will be used and so if a member



1 explicitly knew that somebody was simply drawing a
2 map using election results data and went and tried

3 to go and copy that as a carbon copy then yes that
4 would probably at least in the spirit of that
5 criteria would violate it.

6 Q Okay when you say a carbon copy. What if
7 it was used as a template but maybe some small
8 change was made would that still violate the
9 spirit of the criteria?

10 A Yeah, I mean I, you know at that point
11 they wouldn't really be using an outside map but
12 I, and again that didn't happen in this case
13 either on any maps that I worked on. So.

14 Q Well as the redistricting House chair, if
15 you learned that someone had taken a map drawn by
16 an outside person using partisan data and came in
17 and used it as the template for drawing a map in
18 the public terminal room and made a few minor
19 changes, in your view would that violate the 2021
20 enacted criteria that you adopted?

21 MR. STRACH: Objection. Asked and
22 answered. Go ahead.

23 A Yeah, I, it probably would, but you know
24 as the chair of the committee, you know, if I knew
25 that, we, you know, there's a good chance we



1 wouldn't have taken the map up as a, as a
2 committee, and that would have been of course a
3 reason for folks to vote against it if we did take
4 it up.

5 Q Well, beyond that consequence of maybe not
6 voting for it what other consequences would you have
7 imposed if you had learned that?

8 MR. STRACH: Objection. Asked and
9 answered.

10 A Everybody there is elected. I don't have
11 the you know ability to impose the quote up quote
12 consequences on them.

13 Q Well are you saying your committee could
14 properly take on much those maps that I just
15 described that was drawn, you know, essentially
16 election data by proxy and?

17 A Again, it didn't happen in the House
18 committee.

19 Q If it did, would it be proper for the
20 House committee to pass that map?

21 MR. STRACH: Objection. Again answer if
22 you can and Representative Hall make sure that Sam
23 gets his full question out before you.

24 A Oh sorry. Sorry about that Sam. No again
25 we did not want to use any maps drawn using, using



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1 election results data, and so in my opinion we
2 would -- a map that was drawn using election
3 results data would not be a map that complied with
4 our criteria.

5 Q But it would be up to the committee just
6 voting for the map to decide whether the pass the
7 map. There were no additional restrictions on the
8 ability of people to do that procedure that I just
9 described?

10 MR. STRACH: Objection.

11 A You know, other than, you know, as the
12 chair of the committee, you know, I have some
13 discretion about what bill goes before the
14 committee, but, you know, it's a, it's a
15 deliberative body and so if members want to put
16 things forth, they generally can but I can tell
17 you as the chair of the committee if I had
18 knowledge a map was drawn using election results

19 data, then I just wouldn't have put it before the
20 committee.

21 Q Okay. So every map you put before the
22 committee you did not have any knowledge that
23 there was any partisan data that went into it even
24 outside of the map drawing room. Is that how I'm
25 understanding what you just said?



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1 A That's right.

2 Q Sort of a related question. Based on your
3 understanding of the 2021 criteria could a member
4 look at voting data outside the map drawing room
5 and just write down or memorize which VTDs to
6 include in a particular district to maximize
7 partisan advantage?

8 A No. I think that would be using election
9 results data.

10 Q And what about if a member used their
11 prior knowledge about the voting history of an
12 area when drawing district lines?

13 A Well, you know, obviously you can't remove
14 what what's in your head you know in drawing a

15 given map, and so you know, again our criteria was
16 not to use election results data or partisan
17 considerations, but obviously folks who were in
18 there drawing those maps are human, they might
19 know in general what the effect of a, of a given
20 draw would be.

21 Q So if someone had very detailed knowledge
22 of how various municipalities or VTDs or things
23 like that voted and then drew district lines with
24 the goal of maximizing partisan advantage, that
25 would comply with the 2021 criteria?



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1 A No, I don't think it would because if
2 you're putting partisanship ahead of the other
3 criteria and your question was if that was your
4 goal to maximize it, you're not going to comply
5 with the other criteria.

6 Q Well, assuming you complied with the other
7 criteria and you had the goal of maximizing
8 partisan advantage as you drew lines, would that
9 map comply with the 2021 criteria?

10 A I think if you had a, if your goal was
11 just pure partisan maximization you're not going
12 to comply with the other criteria. Just in the
13 sense that you know if you're putting that ahead
14 of everything else you're not complying with the
15 criteria. So that map would not be a, a map that
16 complied with the criteria that was adopted.

17 Q I'll just ask one more time assuming that
18 you did comply with the other criteria and your
19 goal in drawing district lines was to improve your
20 party's political position in the map, your view
21 is that that would comply with the 2021 criteria;
22 correct?

23 MR. STRACH: Objection asked and answered.

24 A No.

25 MR. STRACH: Answer it again.

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1 A No. Yeah, no I don't think that would
2 comply with the, in the way it was asked, no, I
3 don't think that would comply with the 2021
4 criteria.

5 Q Okay. Thank you. And in fact some

6 members of your committee raised concerns during
7 your committee hearings that members could do some
8 of the things like we've been discussing using
9 election data. You recall that; correct?

10 A Yes.

11 Q Okay. For example at the October 5th
12 hearing Representative Harrison asked whether
13 there was a way to prevent having election or
14 racial data with you even if not actually loaded
15 into the software. Does that sound familiar?

16 A It does.

17 Q And do you recall responding that members
18 were, quote, free to handle those issues as they
19 see fit?

20 A I don't remember my exact, my exact quote,
21 but I remember my, my general answer was, you
22 know, the folks in this, in the body of the
23 legislature, they're all elected and, you know, I
24 don't have the ability to go and, you know,
25 monitor them 24/7. You know, we adopted criteria.

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1 Only maps that were drawn in the committee room
2 would be adopted and, you know, I thought that
3 unto itself is unprecedented, and doing that in a
4 voluntary way. So I was comfortable with the
5 setup that we had.

6 Q And in fact you explained that you really
7 had no interest in checking what materials people
8 were using when drawing maps. Is that fair?

9 MR. STRACH: Objection.

10 A I, if I recall, I think I didn't have any
11 interest in, in checking in members' bags and not
12 that I remember briefcases and in their pockets,
13 you know. It wasn't simply that I, you know, I
14 don't care you know what you do outside of the
15 room as long as you don't do it in here. That
16 wasn't the point of whatever it was I said at the
17 time.

18 Q So your concern was purely practical. If
19 you had had a way to check what people were
20 bringing in, you would have done so?

21 A Well, my concern was purely practical, and
22 I don't believe there was a practical way for me
23 to go and check folks, quote-unquote, check
24 members as they walked in the room. You know
25 again these folks are all elected by the voters



1 just like I am, and you know, it's not, it's
2 really, I don't believe that in my power to make
3 them consent to a frisk search every time they
4 walk into a committee room.

5 Q When Representative Harrison wasn't the
6 only one to express these concerns.
7 Representative Reives said during the October 5th
8 hearing whether, he asked whether you could at
9 least prevent people from bringing in a physical
10 map to draw from. Does that sound familiar?

11 A I think he did, but again, you know, the
12 same problem. I'm not going to, what am I going
13 to do? Physically remove, grab it out of their
14 hands and take it from them? These folks are
15 elected. They deserve, you know, a certain faith
16 in them to -- they've been elected by the voters
17 of their district to go up there and do things the
18 way they see fit, and so I wasn't going to, you
19 know, shuffle through their pockets and
20 pocketbooks and briefcases every time they walked
21 in the room.

22 Q Well, in response to these concerns you
23 could have just told the members of your committee
24 don't bring in predrawn maps and use them at the
25 public terminals. Could you not have done that?



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1 A I didn't do that, and you know one of the
2 reasons why is at the time, this was before
3 drawing really took place, I envisioned a process
4 similar to what we had in 2019, and in 2019 in
5 almost all cases on that redraw Democrats and
6 Republicans sat at terminals together drawing the
7 maps. In fact I think the Mecklenburg County draw
8 in 2019 was basically a tie early drawn by
9 Democrats. So I envisioned that being the case.
10 I didn't really see it as a problem because my, my
11 hope was that Democrats would be in there the
12 whole time, and you know they certainly could
13 have. I mean any Democratic member or frankly
14 their staffers for that matter could have come in
15 at any time and sat down with me and any or any
16 other member who was in there drawing and that was

17 really the vision that we had before the committee
18 at the time, and so I don't think it was a real
19 issue because you know members had the opportunity
20 to come in and watch other members, sit behind
21 them or work with them if they want to. I mean I
22 would have been glad to have had any Democratic
23 member who came and sat beside me I would have sat
24 right there with them and welcomed them there but
25 unfortunately most of them decided to basically do

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1 nothing.

2 Q Well, but you in fact did not examine what
3 members brought into the room during the map
4 drawing sessions, did you?

5 A I think I've made that pretty clear so
6 far. No I didn't do that, nor would I do that.

7 Q And to your knowledge did anyone examine
8 what members brought into the room with them when
9 they went to draw maps at the official terminals?

10 A I think some of the activists who, you
11 know, were recording much of the time you know
12 they sat back and tried to, and I guess they were

13 trying to see what folks brought in with them.

14 Q Representative, have you watched any
15 footage of the public video feed of that map
16 drawing room in the House?

17 A No.

18 Q Okay. And I'm going to just pull
19 something up marked as Exhibit 7 here.

20 Do you see an image on my screen?

21 A Yes, I do.

22 Q Okay. So I'll represent to you that this
23 is a screenshot taken from about five hours and 14
24 minutes into the October 7 House video. This is
25 on the General Assembly's YouTube page?

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1 A Right.

2 Q I'll represent to you this is the same
3 angle it's the same angle shown on tall
4 redistricting videos you see the three of the map
5 making terminals here are being used?

6 A Yeah, I don't know if they are or not
7 because staff would sit at each terminal even when

8 there was no member present generally staff, and
9 this was the central staff of the General Assembly
10 would be sitting there and I'm not sure they're
11 being used or not.

12 Q Do you see that there are folks kind of
13 gathered at several of the computer stations and
14 they have some, some things with them on the desk
15 is that a fair description?

16 A Yes but again those may be central staff.
17 The only way I would know if they were drawing is
18 to look at the other cameras to see if drawing was
19 taking place at the time.

20 Q Okay. Well, do you see up on the
21 projector screen that there are sort of four panes
22 and three of them are white and one is blue on
23 the --

24 A Yes.

25 Q -- projector screen? Okay. Would you



1 agree with me that usually when they're in use
2 they're showing what looks more like the white
3 screen and when they're inactive they're showing

4 the blue screen?

5 A I really don't know. That's probably the
6 case but.

7 Q And `so I'm looking here at the desk right
8 in the center of the room. Can you see any of the
9 materials on the desk there?

10 A I mean it looks like there, there is some
11 material on the desk.

12 Q Do you think from this angle and I'll zoom
13 in just to make sure that you could see if someone
14 was using a predrawn map at the desk here?

15 A I don't think you could see it from, from
16 that particular angle, no.

17 Q And so if this was the angle in all of the
18 public redistricting videos, a member of the
19 public watching on this feed couldn't tell if
20 someone was using a predrawn map, could they?

21 A Not from simply looking at that feed, but
22 you know, again, any member of the General
23 Assembly all the Democrats could have come in at
24 any time and sat with Republicans as we were, as
25 I, you know, basically drew the map at the state



1 House.

2 Q But members of the public didn't have that
3 opportunity, did they?

4 A Well, no, but I mean members of the
5 public, you know, generally don't, whenever we're
6 having a committee meeting on you know other bills
7 they don't just come and walk around the committee
8 room and come sit with legislators.

9 Q So my next set of questions, I'm going to
10 refer to the redistricting process generally. The
11 2021 redistricting process, and just to set this
12 up when I use that term I'm talking about all of
13 the sort of procedural steps we've been talking
14 about, choosing criteria drafting plans, analyzing
15 the drafts, deciding which maps to support and
16 then actually getting them passed, and I'm talking
17 about you know House, Senate, Congress. Can you
18 confirm that you can understand how I'm using that
19 term in this next set of questions?

20 A I understand that generally but we'll see
21 what the questions are.

22 Q And that's all I -- that's all I ask. And
23 I understand you've referred to some

24 communications with some of the Senators earlier
25 in this deposition, but I'm going to ask you about

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1 some communications with various individuals about
2 this process and it's going to be a little bit
3 broader because of this preface I just gave you.
4 Did you have any communications in any form, oral
5 or written or individually or in a group with
6 Senator Daniel in any way related to the 2021
7 redistricting process?

8 MR. STRACH: Objection. I guess I'm a
9 little confused now, Sam. By process do you mean
10 the drawing, the criteria, something before the
11 criteria? Is there a time frame?

12 Q I mean the choice of the 2021 criteria,
13 the drafting of the plans, analyzing drafts that
14 have been submitted, deciding which maps to
15 support, and then deciding whether to vote on
16 those ones that were proffered?

17 MR. STRACH: Okay. You can answer it.

18 A Yes.

19 Q Okay. When did you have your first

20 communication with Senator Daniel about the
21 process?

22 A You know, again without going in to what
23 he told me because I don't think that I had
24 ability to waive his privilege, the first time
25 that I would have spoken to him about the process?

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1 You know, I couldn't tell you a date. My guess is
2 we probably met sometime as the chair, we probably
3 met around July or so trying to sort of sketch out
4 what, what the process would look like, you know
5 with the census results data being delayed. I
6 mean we knew there was no real reason for us to
7 get together when the census results were not
8 going to be to us until, you know July or August
9 anyway. So I, my guess is that we would have met
10 around July to go over what the plan, what the
11 process would look like.

12 Q Did you discuss the choice of the criteria
13 that you were going to use with him?

14 A And I want, I want to be clear because you

15 may have asked me if I met with him individually,
16 and I, I just simply don't recall that I met with
17 him individually. All of them, as far as I recall
18 all the meetings that I have would have been with
19 the other Senate chairs sort of as a group and not
20 individually, to clarify that. Will you ask your
21 last question again?

22 Q Sure. Well, actually I do want to go back
23 for a second. Did you meet with these people in
24 person?

25 A Yes.



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1 Q Okay. And you said you thought maybe in
2 July?

3 A It probably would have been in July, but I
4 mean again, we have been in session, you know,
5 essentially since the beginning of the year. I'm
6 also the rules chair which, I mean every bill in
7 the House goes to the Rules Committee. So I mean
8 I'm constantly meeting with House and Senate
9 members. So I'm just trying to, as best I can
10 recall, I think it would have been around July or

11 so, and we met in, I know we met in person a few
12 times. I'm not saying in July. I just mean
13 throughout this process. And we, we also had I
14 think we had some phone conferences with the
15 chairs throughout the process as well.

16 Q Okay. And in these meetings did you
17 discuss the choice of the 2021 criteria?

18 A At some point obviously before a criteria,
19 before we put it out, yeah, we met to go over what
20 our proposed criteria would look like.

21 Q Can you give me some more detail? I mean
22 what was the content of your discussion about the
23 criteria specifically?

24 A Well, you know, I think for me it was
25 just, you know, essentially going through what

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1 criteria would look like, I think staff had, had
2 some things drafted, and I, you know, when I say
3 staff I think that's both House and Senate staff
4 who had some proposals drafted, and, and so
5 generally we just discussed any potential changes

6 that would be made. I don't recall, you know,
7 specific debates about specific criteria. Again
8 almost all of this criteria we didn't really come
9 up with it's been around for a long time, and, so
10 obviously you know we, I do recall having a
11 discussion, again saying what I just said about,
12 about the Common Cause case in 2019 and using that
13 criteria.

14 Q You mentioned drafts. Do you have those
15 drafts in your possession?

16 A I don't, no.

17 Q Does someone on your staff have drafts of
18 the criteria in their, in your office?

19 MR. STRACH: Objection. Answer it if you
20 can.

21 A I don't know.

22 Q Do you recall the content of these drafts
23 at all?

24 A I, they were, they were very similar, if
25 not the same, as the criteria that, you know, we

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1 ultimately adopted.

2 Q Do you recall discussing any changes that
3 were made between the drafts and what you proposed
4 in early August?

5 A Well, I know we put forth an amendment to
6 the criteria, the criteria regarding racial data.
7 We didn't want to use any racial data at all, but
8 I, you know, we of course had heard from
9 Democratic members about their concerns about
10 potential Section 2 violations, and so as I
11 recall, the amendment that we had, it opened the
12 door for members to put forth evidence that, that
13 VRA districts were required but of course nobody
14 put that forth.

15 Q And just to be more clear. Sorry. Do you
16 recall discussions about the initial drafts before
17 you even came up with the proposed criteria that
18 you proposed to the committee, do you recall
19 discussing anything in those initial drafts that
20 ended up being changed in the version you actually
21 proposed?

22 A Well, I, to be clear, I think that really
23 the order of, of operations here was that I met
24 with the Senate chairs, we sort of generally
25 discussed what criteria would look like, and I



1 think it was after that that staff sort of based
2 on those discussions started a draft, and I mean
3 all of the, the criteria that was discussed it was
4 all traditional redistricting criteria.

5 Q And just to confirm something we discussed
6 earlier. When you're talking about these
7 conversations with me right now, you're giving me
8 only what you said in these conversations because
9 you've invoked legislative privilege as to what
10 the other legislators in the conversation said; is
11 that correct?

12 MR. STRACH: Objection. It's half
13 correct. What he, more precisely, Sam, what he's
14 doing is he's not waiving their privilege. He's
15 not invoking privilege for them. He's just not
16 waiving their privilege.

17 A So I, with that said I'm not saying
18 anything that other legislators told me.

19 Q On the basis of their legislative
20 privilege?

21 A That's right.

22 Q And so if I wanted to know what they said,
23 I would have to ask them?

24 A That's right.

25 Q Going back to these conversations, did you



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1 discuss the choice of the county clusters for the
2 House and Senate with, we've been talking about
3 Senator Newton. I understand there might have
4 been others present, but with Senator Newton and
5 others in this meeting?

6 A I don't think we had any sort of real
7 substantive discussions about groupings because of
8 course, you know, I was going to draw the state
9 House map and they were going to draw the state
10 Senate map, and you know as a traditionally you
11 know the state House gives deference to the Senate
12 in drawing a Senate map and the Senate does the
13 same for the House. So for us it wasn't really,
14 we weren't concerned about the other chambers'
15 groupings it wouldn't have been something we spent
16 a lot of time talking about.

17 Q Well, did you discuss the general question

18 of whether you would predecide groupings versus
19 whether you would leave it to individual map
20 drawers to choose the groupings?

21 A Yes, yeah, and you know, I told them I was
22 going to allow individual map drawers to, to
23 select.

24 Q We discussed this a little bit earlier but
25 in your view what was the advantage of allows

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1 people to select county groupings understanding
2 that the choice could have partisan implications?

3 A Well, the choice was to give members the
4 maximum possible ability to draw what they felt
5 like was the best map possible under our criteria,
6 and so for me to limit what the possibilities were
7 sort of right off the bat I thought was, was not
8 wise.

9 Q At any point during the map drawing
10 process when folks were actually submitting maps,
11 did you discuss any of the specific districts or
12 sort of broader issues with the House map with

13 Senator Newton or the others that you've referred
14 to?

15 A The question's pretty broad, did I discuss
16 anything about the House maps. I'm sure I
17 discussed something about the House maps but we,
18 we didn't, I didn't sit down and say, you know,
19 here's what I think the map's going to look like.
20 I didn't have any idea at the time what would it
21 look like.

22 Q Well, once you started drawing the map or
23 once others started drawing maps did you consult
24 about any choices you were going to make in the
25 drawing of district lines?

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1 A No, no. They, you know, essentially they
2 were up -- they were down in the Senate committee
3 room I was up in the House committee room, and you
4 know, they -- we didn't have, sit down as far as I
5 recall discussions about what the House map was
6 looking like or the Senate map was looking like.

7 Q Is that true also for all we've been
8 discussing you know the choice of the criteria,

9 the clusters, the decisions on district lines, did
10 you have any communications in any form with
11 Senator Berger on those subjects?

12 A Well, not that I recall. I don't recall
13 speaking to Senator Berger about any, any
14 districts, no.

15 Q Do you recall speaking to him about the
16 choice of redistricting criteria?

17 A No.

18 Q Do you recall speaking with him on the
19 issue of county clustering?

20 A No. I don't recall having any
21 conversations with Senator Berger about
22 redistricting.

23 Q Did you have any communications of any
24 form of the type we've been discussing with
25 Speaker Moore related to the 2021 redistricting

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1 process?

2 A The conversations, you know, that I would
3 have had with Speaker Moore would have essentially

4 been you know updates on the how the process was
5 going, when we thought it would be done, you know
6 when we expected to have floor votes that sort of
7 thing.

8 Q So you didn't have any conversations with
9 him about choosing the criteria that were used?

10 A I don't recall talking to him about
11 criteria. I'm sure at some point I probably told
12 him about criteria but I don't even recall that
13 specifically.

14 Q Do you recall when you would have told him
15 about the criteria vaguely, like before they were
16 proposed?

17 A No. I don't know. I don't know when I, I
18 mean it wasn't an eventful conversation if I had
19 it. I'm just saying that I, I think I probably
20 would have talked to him about the criteria we
21 were proposing at some point.

22 Q And did you discuss with him the issue of
23 county clustering at all?

24 A I don't recall. It's certainly possible
25 but if I did it wasn't, again, it wasn't any sort



1 of eventful conversation.

2 Q Do you have any communications of this
3 type with Senator Hise related to the 2021
4 redistricting process besides those you've already
5 mentioned?

6 A Are you asking me if I had conversations
7 with Senator Hise about, about anything related to
8 the 2021 House redistricting process?

9 Q Well, let me ask it -- let me ask it this
10 way. Did you have any individual conversations
11 with Senator Hise about the 2021 redistricting
12 process one on one?

13 A I don't think so. As I've said, the
14 meetings that I recall were with the Senate chairs
15 and me.

16 Q Do you have any written communications
17 with any of these individuals -- Senator Newton,
18 Senator Berger, Speaker Moore, Senator Hise -- at
19 all relating to the 2021 redistricting process?

20 A I would have to go back and, and look
21 through my e-mail and texts to see to say for
22 sure.

23 Q Do you think it's likely that you have
24 written communications about the 2021

25 redistricting process with these individuals?



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1 MR. STRACH: Objection.

2 A I, I think it's possible. If I have,
3 there's, I don't expect there to be a lot there.
4 Obviously I don't know off the top of my head. So
5 if there is anything there, I don't think there's
6 much there.

7 Q Do you recall any particular written
8 communications of the type I've been asking about?

9 A I don't off the top of my head but I mean
10 obviously there are committee notices that go out
11 from my office. I mean there's going to be
12 e-mails regarding that. I know that, but other
13 than that, you know, I'm sure at some point along
14 the way there's some e-mail, you know, out of my
15 office whether from me or staff member or to my
16 office so, but I don't know any specifics.

17 Q Okay. I'm going to ask you just the same
18 question for other committee members who aren't
19 defendants and I'm asking again about oral,

20 written communications any kind about the 2021
21 process. Did you have any of these conversations
22 or communications with Representative Saine?

23 A Well Representative Saine is the vice
24 chair of the Redistricting Committee. So we would
25 have talked about procedure because he was going

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1 to be chairing the committee when I, when I
2 presented various maps to the House committee. So
3 that would have been it.

4 Q So did you discuss the, when you say
5 procedure, did you discuss the choice of criteria
6 with him?

7 A I don't believe so, no.

8 Q Did you discuss the choice of county
9 groupings?

10 A I don't believe so.

11 Q Did you discuss anything about the actual
12 district lines as they were being drawn or before
13 they were being drawn?

14 A I don't think so.

15 Q Same question for Representative Torbett?

16 A Same with him. I don't think I had any
17 discussions with him about those things.

18 Q Representative Adams?

19 A I, I don't think so. I mean
20 Representative Adams is my neighbor, so I mean,
21 you know, other than like what -- what's the
22 question again? What.

23 Q The question is whether -- did you have
24 any conversations or communications, whether oral
25 or written, with these individuals about either

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1 the choice of criteria, the choice of whether to
2 cluster counties a certain way, the district lines
3 that were actually being drawn or anything about
4 the 2021 process in that vein?

5 A Okay. I at some point spoke to
6 Representative Adams without going into what he
7 said to me, you know I seem to recall giving him
8 general prediction sort of what in general his
9 district would look like.

10 Q When you say in general what his district

11 would look like, do you mean the shape of the
12 district?

13 A Yes. I mean I knew what the grouping was
14 and how many members were, you know, in the, were
15 in that particular grouping and you could see
16 where they lived. So I mean, again, it was just
17 as a general matter, I mean the knowledge of
18 individual members about a redistricting ranges
19 from quite a bit to very little, and so obviously,
20 you know, I'm going to have -- not, not saying
21 that's what happened in this case but obviously
22 you know some members are going to, you know, ask
23 me questions about what their district may look
24 like.

25 Q Was the question related to his ability to



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1 get elected in that district?

2 A I'm not going to say anything about what
3 Representative Adams said to me.

4 Q Well, have you had conversations with
5 Representative Adams about your decision not to
6 tell me what he said during these conversations?

7 MR. STRACH: Objection. Instruct the
8 witness not to answer.

9 Q You're not answering this question on the
10 basis of Representative Adams' legislative
11 privilege; is that correct?

12 MR. STRACH: Right.

13 Q Okay. Besides that conversation about the
14 content of Representative Adams's district do you
15 recall any other conversations with him?

16 A No, I don't think so.

17 Q Any other written or oral communications?

18 A No.

19 Q I realize we've been going for a good 90
20 minutes or so and I thought I would just offer if
21 you want to break for a moment. Otherwise we can
22 keep going.

23 MR. STRACH: Sure. Let's take just a few,
24 you know, five, five, seven minutes.

25 MR. CALLAHAN: That sounds good. I

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1 appreciate it.

2 THE VIDEOGRAPHER: We are going off the
3 record. The time is 10:52 a.m.

4 (A recess was taken.)

5 THE VIDEOGRAPHER: We are back on the
6 record. The time is 11:04 a.m.

7 BY MR. CALLAHAN:

8 Q Thank you very much. So Representative
9 Hall, before we broke we were talking about
10 communications you had that were in any way
11 related to the 2021 redistricting process and
12 you'll recall by process I meant things like the
13 choice of criteria, the drafting of the plans,
14 analyzing any drafts, deciding which maps to
15 support and then actually deciding whether to vote
16 on a particular map. So with that in mind did you
17 have any communications with any, anyone at all
18 who was not a legislator, any person, people, a
19 group, besides a legislator in any way related to
20 the 2021 redistricting process?

21 A You know, I talked to a lot of people.
22 You know, obviously the redistricting is in the
23 news in North Carolina, and so I, it's impossible
24 for me to really say with certainty all the folks
25 that I, that I spoke to. But obviously, and I,



1 you know, I would have spoken to some legislators,
2 but I didn't speak to anybody in an interactive
3 way in terms of, of a consultant or anyone like
4 that helping me draw a map.

5 Q Well, setting aside helping you draw a map
6 did you speak with anyone besides a legislator
7 about the choice of criteria that you ultimately
8 enacted?

9 A I, I mean I'm sure I would have spoken to
10 staff members who are lawyers and would have
11 spoken to other lawyers.

12 Q When you say other lawyers, could you
13 specify what you mean?

14 A I would have spoken to the lawyers who at
15 least some of the lawyers who represent us in this
16 case.

17 Q To clarify, you spoke with lawyers who now
18 represent you in this litigation about which
19 criteria to choose for the 2021 plans?

20 A I'm not going to get into you know what we
21 spoke to our lawyers about, but you know you just
22 asked me who, who we spoke to generally about

23 redistricting.

24 Q But that was before, just to clarify, that
25 was before this litigation began?



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1 A Yeah, well, and that may be, but again we
2 were getting legal advice.

3 Q Oh I'm sorry. I'm sorry. I was just
4 clarifying for the record.

5 A Okay.

6 Q When you spoke with lawyers about the
7 choice of criteria, was that before you proposed
8 and enacted the criteria?

9 MR. STRACH: Objection to the extent that
10 you're asking him about legal advice. I mean
11 you're asking him that whether he talked with
12 lawyers about the choice of criteria. I think
13 what he was saying is he got legal advice from
14 lawyers.

15 MR. CALLAHAN: I apologize. I
16 misunderstood your, your response.

17 Q Going back for a moment though. Did you

18 speak with any folks who are not legislators or
19 legislative staffers about the choice of county
20 groupings or how to conducted the county grouping
21 process?

22 A I don't think so.

23 Q Did you have any communications with
24 anyone who is not a legislator about the choice of
25 how to draw specific district lines?

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1 A It just would have been legislators and
2 staff to the best of my recollection.

3 Q Once members had proposed maps did you
4 speak with anyone besides legislators about sort
5 of what the maps looked like or deciding which
6 maps to support or anything like that about the
7 actually drawn maps?

8 A After the maps were out, you know, I would
9 have spoken to, you know, various media outlets
10 about those maps which I mean you can Google all
11 that of course. So yeah I would have spoken to a
12 lot of folks after the maps were out.

13 Q Did you speak to anyone besides the media

14 about the maps once they were released besides
15 legislators or the media?

16 A I'm sure I did, but again I -- you know,
17 these would have been -- everybody at the
18 legislature was focused on -- basically all we
19 were doing at the time was redistricting and so,
20 you know, folks who were at the building may have
21 asked me about it but there were no significant
22 conversations that I recall.

23 Q Just drilling down a little bit more
24 specifically did you have any communications with
25 any representative of the North Carolina

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1 Republican party in any way related to the 2021
2 redistricting process in North Carolina?

3 A Do you mean before the maps were enacted?

4 Q Well let's start with that yes before the
5 maps were enacted.

6 A Okay. I don't recall speaking to anyone
7 at the party before the maps were enacted.

8 Q And what about after the maps were

9 enacted?

10 A I have seen the chairman, Michael watt Lee
11 on a couple occasions since then, and but I mean
12 we would just talk about you know general matters,
13 you know we got sued, for example, and you know he
14 was just, he I think asked me about, you know,
15 what, what the timeline was on the lawsuit and
16 that sort of thing, but we didn't get into any,
17 you know district level discussion.

18 Q Do you have any records of that
19 conversation?

20 A No, no. It was, it was in person, and I
21 think it was a couple of, a couple of occasions
22 since then.

23 Q Can you approximate about how many times
24 you've spoken with him?

25 A I think twice. Sorry I didn't mean to cut

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1 you off.

2 Q No, no.

3 A But I think twice.

4 Q Okay. What about anyone at the national

5 Republican redistricting trust?

6 A I didn't speak to anybody there before
7 these maps were drawn. Since the maps have been
8 enacted and drawn I went to a, a dinner, but I
9 think it was the like the national Republican
10 lawyers group, and I seem to remember somebody
11 being there who said they were from this, the, I
12 don't know, the name that you just mentioned the
13 redistricting trust from the Republican party, but
14 I don't remember their name at all and we didn't
15 have any sort of substantive discussion about
16 maps.

17 Q Okay. What about the Republican State
18 Leadership Committee?

19 A I'm not even sure that I know who's on the
20 Republican State Leadership Committee.

21 Q Okay. To your knowledge did you have any
22 conversations with anyone affiliated with that
23 committee before the maps were enacted?

24 A I don't know who's on that. I mean
25 there's any number of committees at the party.

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1 You know some of which I'm probably a member of
2 and don't even know it but I mean there's a bunch
3 much committees. I would have to know who's on
4 there, but you know, I can just say as a general
5 matter I don't recall speaking to anybody who, who
6 I regularly associate with the Republican party
7 before the maps were drawn.

8 Q So that's true also of the Republican
9 National Committee?

10 A Yes. Yeah. I don't recall having any
11 sort of redistricting discussions with, with
12 anyone associated with the party. I, you know
13 somebody at from a, from my local party or from
14 another local party at some point along the line
15 they may have asked me sort of timeline and when
16 you know maps would be out. I'm sure my local
17 folks asked me that, and so I just would have told
18 them you know basically what was already public
19 and that is you know we had the, at the time we
20 felt we had to get it done by the beginning of
21 November but we knew we ultimately had to get it
22 done at the beginning of November.

23 Q Besides what was publicly available did
24 you discuss anything about the choice of criteria

25 or the choice of county clusters or anything about



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1 the district lines that you were anticipating
2 drawing or that were drawn with your, with local
3 Republican folks?

4 A I, you know, I may have -- the only thing
5 that I would have discussed with local folks would
6 have been what our area would very likely look
7 like and you know in my area the groupings are,
8 you know, what largely draw the districts
9 themselves, and so I probably you know gave them
10 some I would have given them a forecast of what
11 our state House and state Senate district would
12 look like, you know, as far as Congress goes you
13 know I didn't know what district we would wind up
14 in and where I'm at geographically it could have
15 been any number of districts. So that would have
16 been the extent of my conversation with the folks
17 locally. We -- I wouldn't have had any in depth
18 discussions with them about criteria and other
19 issues like that.

20 Q To go back to the congressional map for a

21 moment. Did you speak with them about what you
22 expected the congressional district that
23 encompasses your county to look like?

24 A Yeah, as I said, I didn't know what it
25 would look like at that point, and, you know, I

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1 knew that it could have we could have been in, you
2 know, one of, of many districts just again because
3 where we are geographically, and so I would have
4 told my, my local party folks that if they asked
5 me, you know, what congressional you know district
6 are we going to be in and I would have said well
7 you know, I don't know yet. It's going to be any
8 number of districts.

9 Q And just to corn firm because we've been
10 talking a little bit about communications after
11 enactment and before enactment. Did you have any
12 conversations about the choice of criteria, the
13 choice of county groupings, the city lines that
14 were going to be drawn or that were drawn in draft
15 maps or the choice of which maps that have been

16 proposed, were preferable or that you should vote
17 on anything like that, any conversations at all
18 before the enactment of the maps with anyone
19 besides legislators?

20 A I mean again, and I, I think I've answered
21 it a number of times but I also talked to staff.
22 I would have, you know, talked to, as I said,
23 local party folks, but again, I didn't talk to
24 each one of these people about every one of the
25 things that you mentioned. Obviously as you know

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1 you've asked me a really broad question, basically
2 did I talk to anybody else about redistricting at
3 all and I'm sure I did, but I, you know it's
4 difficult for me to, to pin down who but I know I
5 would have spoken to staff, my local party folks
6 would have been asking me questions about what was
7 going on, but other than that I don't really
8 recall, medial outlets, and you know, again, I
9 probably I know I gave some interviews before the
10 maps were enacted so I would have been talking to
11 them. That -- that's all I can recall off the top

12 of my head.

13 Q Sure, and recognizing the question is
14 broad let's talk specifically about the district
15 lines that, you know, were actually drawn in the
16 House map. Did you speak with -- who did you
17 speak with particularly that was not a legislator,
18 not a staff, not a media person about the actual
19 district lines of the map that you were drawing in
20 the House?

21 A You know, as best I can recall, the only
22 discussions I really had outside of legislators
23 and staff and media would have been my local party
24 folks, and it would have been solely about our
25 area and you know, they're not really concerned

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1 with what the other districts in the state look
2 like.

3 Q Did they make, did they have any input or
4 make any recommendations or any analysis or any
5 data or anything like that?

6 A No.

7 Q What those district lines would look like?

8 A No. The only request that I recall is,
9 you know, some folks wanted to keep Virginia Fox
10 as our Congress woman. Other folks wanted us to
11 be in Patrick McHenry's district and I think some
12 other folks wanted us to be in another district.
13 So I mean it was just a general request. It
14 wasn't a, in large part you know talking to folks
15 who, they don't they don't have a huge amount of
16 knowledge about the redistricting process because
17 you know they've never really participated in it.

18 Q Did you take these requests into account
19 when you were drawing the district lines?

20 A Well, you know, I guess in the sense that,
21 you know, I knew that they had you know requested
22 those things, but you know, there was no way to,
23 you can't make everybody happy so there's no way I
24 can give us -- I couldn't give Caldwell county you
25 know more than one Congressperson.



1 Q Other than those discussions with your

2 local party folks in your area did you receive any

3 input from anyone about the House district lines
4 before you began drawing the enacted House map or
5 while you were drawing it?

6 A No, not, not that I recall, but again I,
7 you know, it's possible, you know, some lobbyist
8 or someone at the General Assembly gave me some I
9 guess just come and said what they thought a
10 district should look like but I didn't take any of
11 that into account and I didn't have any consultant
12 or anything who's you know behind the scenes
13 drawing and telling me how to draw the map.

14 Q I apologize for interrupting you.

15 A Yeah.

16 Q Do you recall any particular conversations
17 with you said a lobbyist or a party representative
18 or anything like that of the county which you
19 discussed?

20 A And I'm sorry, I cut you off now I
21 apologize. No I don't recall any of those
22 specific conversations, and I, it's because they
23 would have been nonconsequential conversations. I
24 didn't really take any of that into, to account.
25 I had too much else going on.



1 Q Do you think there are any written records
2 of any meetings you might have had along those
3 lines?

4 A I would be shocked if, if you know any of
5 those folks went and made a memo after talking to
6 me. I know I didn't make any sort of written
7 memorialization of those conversations if they
8 happened.

9 Q And I asked you this question about the
10 House lines but I know you also drew and proposed
11 a congressional map; is that correct?

12 A Yeah, I did.

13 Q And so same question about the
14 congressional map. Did you have any conversations
15 with anyone besides the local party folks we just
16 discussed, any input at all into the congressional
17 district lines either before you began drawing
18 them or while you were drawing those lines?

19 A And my answer's the same. Yeah, I did
20 have conversations with folks other than local
21 party folks but again it would have been
22 legislators it would have been staff members, and

23 you know again, it's, it's, I don't want to
24 foreclose the possibility of somebody who was at
25 the General Assembly whether a member of the

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1 public or a lobbyist or someone came by and said
2 something about redistricting but again it's not
3 significant enough for me to remember the
4 conversation or who it was with.

5 Q So to your knowledge did Senator Daniel
6 have any communications of the type we've been
7 discussing with any of these nonlegislator,
8 nonstaff individuals, consultants, any party
9 officials, anything like that?

10 A I have no idea.

11 Q So you don't know one way or the other?

12 A I don't have any knowledge that he had
13 those conversations but you know, I'm not with him
14 24/7, so I can't say definitively whether he did
15 or not.

16 Q I would need to ask him that question? Is
17 that fair?

18 A I don't, I don't think you need to. You

19 might want to.

20 Q If I were to get -- sorry to interrupt you
21 if I were to get, if I wanted to get the
22 information that I just asked you, would I need to
23 ask Senator Daniel whether he had any of those
24 conversations?

25 A Presumably he would be the one who knows.



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1 So.

2 Q Okay. What about Senator Newton? Do you
3 have any knowledge about any communications he had
4 with any consultants, any Republican party
5 officials or representatives, anyone besides
6 legislators or legislative staff at all about the
7 2021 redistricting process?

8 A I don't have any knowledge of that.

9 Q Do you have any knowledge of any such
10 communications from Speaker Moore?

11 A I don't have any knowledge of, of who
12 Speaker Moore talked to.

13 Q Do you have any knowledge of any of these

14 conversations or communications with involving
15 Senator Berger?

16 A No, I don't.

17 Q Senator Hise?

18 A No.

19 Q Any of the House committee members who are
20 not defendants in this case? I mentioned a few of
21 them before but I'm sure you know, you probably
22 know better than I do, but Representative Saine,
23 Torbett, Adams, Dixon, Hardister, Hastings, Jones,
24 Mills, Rogers, Szoka, Warren, Zachary, to your
25 knowledge did any of those individuals have any

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1 communications with nonlegislators, nonstaff about
2 anything about the process?

3 A Not to my knowledge.

4 Q To your knowledge did any of the
5 individuals I've listed so far that's your
6 committee -- Newton, Daniel, Berger, Moore,
7 Hise -- did any of those individuals use partisan
8 data when drawing or analyzing proposed district
9 plans for either the House, the Senate or

10 Congress?

11 A Not to my knowledge.

12 Q To your knowledge did any of these
13 individuals rely on maps drawn outside the map
14 drawing room in drafting maps or in evaluating any
15 maps that were proposed?

16 A Not to my knowledge but I, again I wasn't
17 in the Senate room, the Senate committee room. I
18 would have been down in the House committee room.

19 Q Did any much these individuals draft maps
20 or discuss proposed maps with any political
21 consultants or any Republican party officials
22 along the lines of what you know what types of
23 folks we've been discussing?

24 A Not to my knowledge.

25 Q So you don't know one way or the other

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1 whether any of these folks talked to anyone
2 besides you about the redistricting process?

3 A Again, I'm sure they spoke to the their
4 staff I'm sure they spoke to media outlets but

5 other than that I don't know.

6 Q Did you or any much these individuals I've
7 listed discuss anything about the 2021 process
8 with any members of the North Carolina
9 congressional delegation or their staffs?

10 A I don't know what other members did but I
11 spoke to congressional members.

12 Q Oh, what did you speak about with
13 congressional members?

14 A Well, yeah, I think, can you narrow that
15 question a little bit? I mean.

16 Q Sure. Did you speak with any members of
17 the North Carolina congressional delegation prior
18 to enactment of the House or Congressional map
19 about the district lines that were drawn in those
20 maps?

21 A Yes.

22 Q What was the content of your conversation
23 about the district lines?

24 A Well, in one instance I spoke to
25 Congressman Murphy, Greg Murphy. It was, as I



1 recall, it was just essentially we heard a great
2 deal in public comment about the finger counties
3 in northeastern North Carolina being kept together
4 and, and he supported keeping those, those
5 together. The, the other member that I recall
6 talking to would have been Representative or
7 Congressman Dan Bishop, and his, I don't recall
8 him asking really for any lines to be changed or
9 anything. He just, I remember I think he told me
10 he was moving somewhere, I think closer to Union
11 County, but, but that was, that was the extent of,
12 of our conversation about what the district then
13 would look like as far as I recall.

14 Q Were those the only two conversations with
15 members of the North Carolina congressional
16 delegation that you recall?

17 A Yes, that I recall. I'm sure I very
18 likely spoke to Virginia Fox at some point. Well,
19 it's possible I spoke to her throughout at some
20 point in the process but I don't recall talking to
21 her at all about redistricting. She's my
22 Congresswoman and so from time to time I see her
23 and talk to her but I don't recall having any
24 conversation at all with her about redistricting.

25 Q And just to confirm is that those three



1 conversations those are the only ones you recall
2 prior to enactment of the districts?

3 A And you're asking me conversations about
4 redistricting, right?

5 Q Conversations about the this redistricting
6 process, yes.

7 A Yes. Those are the only representatives,
8 Dan Bishop, Greg Murphy are the only two that I
9 recall talking to about the redistricting process.

10 Q Are there any records of either of those
11 conversations?

12 A I, I don't think so. I mean the
13 conversations that I remember occurred either in
14 person or on the phone.

15 Q And to be clear, did you exclusively with
16 those individuals discuss the congressional
17 district lines or did your conversation also
18 involve either the state legislative or state
19 Senate districts?

20 A To be clear my last answer, you know,

21 obviously I have to go back and look through my
22 texts. I don't specifically remember any texts
23 but obviously I've got the ability to go look.
24 And then your last question, I don't think I spoke
25 to either of those congressional members about the

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1 state House or state Senate districts.

2 Q Have you been made aware off a discovery
3 request that the plaintiffs served in this case
4 asking for communications about the redistricting
5 process?

6 A I, I am generally aware that you all have
7 served a discovery request.

8 Q Have you compiled or are you in the
9 process of compiling materials that are responsive
10 to that request?

11 A No. I've just found out about it I guess
12 yesterday evening, and of course I haven't had
13 time to, to do much since then.

14 Q Is your impression that the materials
15 we've been discussing like text messages from
16 individuals about the 2021 redistricting process

17 or the types of things that we've requested?

18 MR. STRACH: Objection. That's going to
19 involve privileged advice that we've given him so
20 I'm going to instruct him not to answer that.

21 Q I want to move on to talk a bit about the
22 maps that were actually enacted. So let's start
23 with the House map, and just to kind of get our
24 bearings. You testified earlier that you drew the
25 map that was ultimately enacted?

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1 A I drew almost all of it, yes.

2 Q When you say almost all of it could you
3 clarify a little bit? What, what portions did you
4 not draw and who drew those portions?

5 A As far as I recall, the only portion that
6 I did not wholly draw would have been the, the
7 district in Wayne, Wayne and Duplin Counties, and
8 with that district I drew essentially the initial
9 district, and it's my understanding that
10 Representative John Bell made some tweaks to that
11 particular district but again I drew the sort of

12 the initial district that he changed. Other than
13 that I think that I, I think that I drew the rest
14 of the map.

15 Q And I take it you approved of the change
16 that Representative Bell made to that district or
17 those districts?

18 A Yes.

19 Q Did you consult with him at all about the
20 changes he was making while he was doing so or, or
21 thereafter?

22 A I don't think I can waive his privilege,
23 so I'm not going to you know, discuss anything
24 that he told me.

25 Q Well, did you communicate to him about the

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1 content of the changes that he made?

2 A I know I spoke to him, you know, at some
3 point about that particular grouping and, and so
4 you know, I probably just would have communicated
5 to him that I was okay with changing it.

6 Q What was your understanding, and I
7 understand you're not going to tell me what he

8 said because of legislative privilege but what was
9 your understanding of the reason that he made the
10 changes that he did to your districts?

11 MR. STRACH: Objection. That's
12 legislatively privileged. It's just indirectly
13 trying to get at what would be, you can't ask
14 directly, so I'm going to instruct him not to
15 answer that.

16 Q Representative Hall, I'm asking you when
17 you saw the changes that Representative Bell made,
18 what was your understanding of the purpose of
19 those changes? I'm not asking you to tell me
20 anything about what Representative Bell told you
21 about those changes.

22 MR. STRACH: No. I mean it's the same
23 objection. You're just simply trying to do
24 indirectly what you can't do directly so we'll
25 stand on that objection.



1 Q Okay. Well, Senator Hall, to clarify,
2 you're not answering that question based on

3 legislative privilege?

4 A That's right.

5 Q Okay. Whose legislative privilege sorry
6 just to confirm? Yours?

7 MR. STRACH: Representative Bell's.

8 A Representative Bell's.

9 Q Representative Bell's legislative
10 privilege, okay. Going back. So let's set aside
11 the cluster we just discussed briefly. Everything
12 else about the map. You drew it at the computer
13 terminal in the legislative building; is that
14 correct?

15 A Yes.

16 Q And your map drawing there was video
17 recorded and live streamed on the Internet?

18 A Yes.

19 Q Is that your understanding?

20 A Oh sorry. Yes, that's right.

21 Q Before you began drawing the map in that
22 room did you talk to anyone about what the map
23 could or would look like?

24 A I'm sure before drawing began because the
25 groupings, as I recall the groupings had, had come



1 out I think Duke University had done the groupings
2 and published those online, and so, you know,
3 obviously if you, you know what the groupings are
4 you can reasonably foresee what many of the
5 districts would like, not all districts but many
6 of them, and so I would have, you know, likely I
7 had spoken to my staff, you know, I would have
8 spoken to speaker staff, you know, and again this
9 is just generally about for time purposes what
10 the, what the process would look like and you know
11 how much work we actually had to do. Obviously if
12 it, you know, if there's one county grouping, that
13 doesn't take hardly any time. Lincoln County
14 comes to mind. It's a county that can fit one
15 state House district within it and so it you know
16 we know that takes almost no time to do. So we
17 would, I know we've at some point had some
18 discussions about different areas of the state we
19 would have to have to work on just by virtue of
20 the groupings, but before we started you know just
21 it was that was just a general conversation I just
22 described.

23 Q Okay. Before you started working on the

24 computer terminal had you done any work beforehand
25 on the district lines?



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1 MR. STRACH: Objection.

2 Q Oh go ahead.

3 MR. STRACH: Just objection. I don't know
4 what the word work means but go ahead and answer
5 it.

6 A I think my last answer applies, yeah I
7 would have spoken to staff members and, and at a
8 minimum I would have spoken to staff members
9 about, about what the process would look like and
10 you know where we would have to work at.

11 Q Anyone besides staff or legislators?

12 A I'm sure when groupings came out members
13 would have questions, you know again, you know
14 some members know a lot about redistricting.
15 Other members who maybe have not served on the
16 committee they may not know as much, and so you
17 know, when they see on the news or online that
18 groupings have come out they're curious about what

19 their district may look like, and you know, I, I
20 am sure that I heard from a number of legislators
21 probably heard from some Democrats but you know
22 again it was these were nonconsequential
23 conversations, so I don't recall them.

24 Q Did any of these conversations in any way
25 discuss the partisan implications of particular

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1 groupings?

2 A No. I, I didn't discuss with any members
3 about partisan implications.

4 Q You didn't discuss with any members but
5 it's are you saying that members potentially had
6 discussed that with you?

7 A Well, as you know, I am not going to
8 breach the privilege that other members have
9 legislative privilege so.

10 Q Representative, I haven't asked you about
11 any particular legislator. I'm asking did anyone
12 raise concerns to you about the partisan
13 preliminary indications of any county groupings
14 that have been announced?

15 MR. STRACH: Yeah, that's asking him to
16 disclose conversations by the legislators on a
17 particular topic so that's we would consider that
18 privileged and so we're going to instruct him not
19 to answer that.

20 MR. CALLAHAN: Okay. Thank you.

21 Q Did you -- and returning to the question
22 about work beforehand. Did you start drawing any
23 of the district lines before you started at the
24 public terminal?

25 A No.



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1 Q Okay. Did you draw the map in multiple
2 session or were you in the terminal room the whole
3 time you drew it in one sitting?

4 A Well, as you know, I was in there at
5 multiple sessions.

6 Q And between the sessions, did you speak
7 with anyone outside the map drawing room about the
8 district lines as you were drawing them?

9 A Yes.

10 Q And who did you speak with?

11 A I would have spoken to my staff. I would
12 have spoken to again members of the speaker's
13 staff. I, you know, members, you know, may have
14 come by and asked me, you know, what their
15 districts were going to look like and, you know, I
16 would frequently print out whatever latest draft
17 we had so that they could take it with them and
18 whatever they wanted to do with it. Other than
19 that I, you know, other than quoting my previous
20 answer about media and, you know, if some lobbyist
21 or somebody happened to be at the building come by
22 I can't say I didn't speak to anybody else but it
23 primarily would have been staff and legislators.

24 Q Did anyone provide you any written
25 materials during this map drawing process between

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1 the sessions in the terminal room?

2 A No. I don't think anybody gave me written
3 material.

4 Q To your knowledge did anyone give your
5 staff any written material?

6 A Not to my knowledge.

7 Q And just to go back for a moment which I
8 neglected to ask so between when the county
9 groupings were released and when you first sat
10 down at the terminal to start drawing the district
11 lines, did anyone speak with you, did you receive
12 any input whatsoever from anyone other than a
13 legislator or his or her staff about the district
14 lines?

15 A Again, not that I recall, but you know, I
16 chair the committee and I'm sure other folks, you
17 know, maybe asked me what districts would probably
18 look like and that sort of thing, but it was --
19 I certainly had nobody who was a, you know, like I
20 said, a consultant or anybody who was, you know,
21 advising me on, on drawing the maps other than the
22 folks we've already discussed.

23 Q Did any of these conversations in any way
24 relate to the partisan implications or when you
25 say what the districts would look like, do you



1 mean how likely they would be to elect a
2 particular person or a person from a particular
3 party into the House?

4 A No. It would have, it would have been
5 things like, you know, where members, some of the
6 concerns that I, you know, would be heard would be
7 double bunking and that sort of thing, but I took
8 precautions not to discuss any sort of election
9 data or partisan data.

10 Q You took precautions not to discuss those
11 things. Did anyone, again besides legislators or
12 their staffers I understand we're not talking
13 about those right now but did any of these people
14 between the release of the county groupings and
15 when you started drawing district lines bring to
16 you election data or partisan conversations in
17 their conversations with you? Did they raise
18 those topics?

19 A I don't recall any conversations like
20 that.

21 Q You mentioned double-bunking. Did any of
22 them raise particular concerns about trying to
23 either avoid or ensure that incumbents were
24 double-bunked?

25 A You're asking me again other than staff



1 and legislators?

2 Q Correct, correct, correct.

3 A No, I don't recall anyone discussing that
4 with me.

5 Q So when you mentioned double-bunking, you
6 were talking only about conversations with
7 legislators and their staff, not with anyone else?

8 A Yeah. I mean you can exclude, so yes.

9 Q Okay. So you had no conversations with
10 any outside individuals outside of the legislature
11 about election results, partisan data, the
12 district lines, double, whether they would double-
13 bunk incumbents or anything of that nature?

14 A No one other than the folks I previously
15 described.

16 Q Okay.

17 A That I recall.

18 Q Do you recall about, you mentioned
19 multiple sessions do you recall about how long it
20 took you to draw this map in terms of the time you
21 actually spent sitting at the terminal?

22 A Yeah. It took a long time. I was in
23 there probably about three weeks or so. I was
24 typically there Monday through Thursday through,
25 you know, huge parts of the day, you know.



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1 Obviously I have other responsibilities as rules
2 chair I have to deal with. I have a law practice
3 at home that I'm you know constantly having to
4 deal with of course, and so I was, it was from the
5 time that a drawing opened I mean it essentially
6 took just about the whole time to draw the state
7 House map just because it's, you know it's a lot
8 of work. There are 120 districts. They're
9 smaller of course population-wise than the state
10 Senate districts, and so it took, it took just
11 about the whole time that we had the terminals
12 open.

13 Q At any point when you were sitting at the
14 terminal or during breaks or anything like that
15 did you ever consult any political or election
16 data at any point when drawing these district

17 lines?

18 A No.

19 Q Did you consult any political or election
20 data at any point in preparing for the process
21 that would begin in October even if it was before
22 it started?

23 A No.

24 Q Did you consult any political or election
25 data at any point when you were analyzing your map

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1 once it was drawn?

2 A You're asking before it was enacted?

3 Q Correct.

4 A No.

5 Q Did anyone on your staff do any of the
6 things that I just described, whether it was
7 consulting any political or election data while
8 you were drawing, in preparing for your drawing or
9 in analyzing the map that you actually drew?

10 A Not to my knowledge.

11 Q Well, did you take any steps to guard
12 against that from happening from your staff?

13 A Well, I chaired a committee where I
14 proposed criteria that said we would not use
15 election data and my staff obviously was well
16 aware of that. So I believe they knew and
17 understood that we were not using any sort of
18 election data so they I believe that they didn't
19 look at it.

20 Q Your basis for saying that is the enacted
21 criteria which prohibited the use of elections
22 data but you're saying that you never asked them
23 specifically not to use election or partisan data?

24 MR. STRACH: Objection. Go ahead.

25 A You know, I don't recall specifically, you

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1 know, directing them not to do that, but at the
2 same time I think it was clearly understood based
3 upon the criteria that was passed.

4 Q Did you ever ask them whether they had in
5 fact consulted any party or elections data?

6 A I didn't have reason to. Even, I believe
7 that they know they knew that we were not using

8 election data, and so I didn't have any reason to
9 ask them if they did.

10 Q Did you at all rely on any map that was
11 drawn outside the public terminal room, not just
12 by you but by anyone, as either like a draft or a
13 template or a starting point or anything like that
14 for something that you drew in the terminal room?

15 A The only thing that I would have, have
16 seen would have been this sort of concepts that,
17 that staff had put together, and that was on a
18 just a few, a few times for purposes mainly of you
19 know, I couldn't be there for you know another
20 month drawing the map. We were, you know,
21 essentially running out of time, and so of course
22 I had to have some help from staff to help get the
23 map drawn.

24 Q Do you know which computers your staff
25 used to draw those draft maps?

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1 A No. I don't know which computer.

2 Q Were they drawn in the public terminal
3 room?

4 A Those, the particular maps that we're
5 discussing right now, no, they wouldn't have been.
6 I don't think so anyway.

7 Q So the maps that your staff prepared were
8 not subject to the restriction of loading
9 elections or partisan data into the computer?

10 A Well, again, you know, my staff knew we
11 were not using election data, and, and I certainly
12 never saw any elections data myself and I don't
13 believe that my staff used any elections data.

14 Q I'll ask my question again. Your belief
15 aside, the computers used to draw draft maps by
16 your staff were not subject to the software
17 restriction that prevented election data for being
18 loaded into the terminal; is that correct?

19 A I don't know the answer to that. I can
20 just tell you any map that I saw did not have
21 elections data on it and I don't believe they used
22 any elections data.

23 Q Who gave you the specific draft map that
24 you used as the basis for your map?

25 MR. STRACH: Objection. That's not what



1 he said, what he testified to, but you can answer
2 that if you can.

3 A Nobody gave me a base map for the state
4 on, state House districts or any other districts.

5 Q Well, you just testified a moment ago that
6 you used as you might have said a template or a
7 shell, I forget the exact word you used but you
8 consulted a draft map when you were drawing the
9 district map that you actually used; correct?

10 MR. STRACH: Objection.

11 A So I think that what you have in mind is a
12 statewide map of all the House districts, and I've
13 never had anything approaching that. What I'm
14 talking about were specific groupings.

15 Q Okay. The draft map of a particular
16 grouping, who prepared that draft?

17 A It would have been the lawyer in my office
18 Dylan Reel.

19 Q You said Mr. Reel?

20 A That's right.

21 Q Okay. And your understanding is that
22 Mr. Reel prepared that map using a computer other
23 than a official redistricting terminal in the

24 public terminal room; is that correct?

25 A Yes.

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1 Q Okay. Did Mr. Reel prepare more than one
2 of these maps?

3 A Yes.

4 Q Okay. Do you recall about how many he
5 prepared?

6 A I think probably four or five, somewhere
7 along those lines.

8 Q Do you still have those maps?

9 A No. I, I didn't have them at the time. I
10 just saw them.

11 Q You just saw them, just to clarify. You,
12 did you bring those maps into the terminal room
13 when you drew the map?

14 A No, no. I didn't I didn't bring any maps
15 in the room when I was drawing maps.

16 Q Do you believe that Mr. Reel still has
17 those maps?

18 A I have no idea.

19 Q Did you view them on hard copy?

20 A No, no. They were I just saw them on a
21 screen.

22 Q Were they on his screen, his computer?

23 A I don't know. It wasn't my computer.

24 Q Okay. Well where were you when you viewed
25 these maps?

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1 A I was just outside the committee room.

2 Q Was anyone else there with you?

3 A At various times the, the speaker's chief
4 of staff would have, would have been over there
5 with us, and I, you know there may have been other
6 folks in and out, but I don't recall anybody
7 specifically other than that, yeah.

8 Q Is the chief of staff, is that Mr. Hayes
9 someone you mentioned before?

10 A No. Mr. Hayes is the general counsel, the
11 chief of staff is Neal Inman who's also an
12 attorney who was there to give advice.

13 Q Were any Democratic members or Democratic
14 staff in that room with you as you were viewing

15 the draft maps?

16 A They largely didn't participate at all.

17 If they had been there, I would have been glad to

18 talk to them and showed them exactly what was on

19 there, but they, they for whatever reason decided

20 not to really participate.

21 Q Okay. It's just a yes or no question.

22 Were there any Democratic members or any

23 Democratic staff members that viewed these draft

24 maps outside the terminal room?

25 MR. STRACH: Objection. If you can answer



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1 yes or no but you can certainly explain your

2 answer.

3 A Like I said, not to my knowledge but you

4 know it's because they didn't ask and they weren't

5 there. They didn't show up most of the time.

6 Q And you never asked Mr. Reel either way

7 what type of information he had consulted in

8 preparing the draft map; is that correct?

9 A Like I said, I didn't need to. The staff

10 knew what our criteria were and so there was no

11 necessity to do that and I had no reason to
12 believe that that's, that any election data was
13 being considered.

14 Q Did this meeting where you viewed these
15 drafts -- well, I'm sorry. Let me ask one
16 question. Did you view all of the drafts in a
17 single meeting or were there multiple meetings?

18 A It would have been multiple meetings.

19 Q Okay. Was the first of these meetings
20 before you first sat down to the terminal to start
21 drawing the district lines?

22 A I don't think so, no. You know, initially
23 I just you know was simply going in and drawing
24 you know starting with the one county groupings
25 and moving on to county and so on and so forth but



1 as you get into the process it's more and more
2 difficult to draw these maps it just takes longer
3 just by you know the sheer number of districts
4 that must be drawn, and so with our tight
5 timeline, you know, it became clear we were not

6 going to have time for me to just sort of go in
7 there and figure it out, you know, without any
8 sort of plan at all in drawing these districts.
9 So again, knowing that because what the board of
10 elections had told us we had to have these maps
11 done really by early November I look at the
12 timeline there was no way we were going to be able
13 to finish. At the same time I wanted to draw a
14 congressional map as well and of course the Senate
15 has three chairs, and their Senate maps are, they
16 don't take as long to draw as the state House map,
17 and so you know they could essentially finish
18 their state Senate map or at least their proposed
19 map and they were working on congressional maps
20 and I wanted to be able to do some of that as well
21 on the House side. So you know that, that was the
22 purpose of the, of having staff work on concepts
23 you know again with just giving a heads up of hey
24 here's where a given city is we want to keep
25 cities whole; we want to keep a school maybe, you



1 know, we want to keep a college or some university

2 together. That way I wasn't just going in there
3 blind.

4 Q So to be sure I'm understanding the timing
5 of everything you would sit down for a given
6 session in the public room and draw some lines and
7 then step out from the public room and consult in
8 another room close by you said near the committee
9 room and go over these maps you described as
10 concept maps that your staff had drawn and then
11 you would go back in and draw lines at the public
12 terminal? Is that a fair summary of what you just
13 said?

14 A Well, I think generally, but I, you know,
15 what I did was essentially, you know, we would
16 have, I would talk to staff about, you know,
17 whatever grouping we were going to work on and,
18 you know, if it was one that was going to be
19 difficult or, you know, we were just running out
20 of time, they would maybe work on, again, a
21 concept, and but I, you know, it wasn't that I,
22 you know, went in and just simply copied, you
23 know, whatever could be September they had. You
24 know, I just generally had in mind, you know,
25 where the towns were and where the population



1 might be in a given grouping, gave me some frame
2 of reference to work off of and I, I think for
3 anybody who's ever sat down and used the Maptitude
4 software they'll understand that it is really
5 difficult to go in in some of these groupings and
6 just sit down and just draw from scratch without
7 any sort of plan in place, and what can happen is
8 you can easily sort of just get the map get the
9 districts so jumbled up that they're not exact
10 they're splitting municipalities and, you know,
11 you're trying to obviously create the ideal
12 population size. So it is a, it's a time-
13 consuming process and especially when you're
14 wanting to do it right and follow the criteria
15 that we put forth.

16 Q Are there any records, to your knowledge,
17 of these concept maps?

18 A Not to my knowledge.

19 Q Okay. Were you, you mentioned Maptitude
20 were these concepts drawn using Maptitude?

21 A I don't know. I don't know what

22 particular software was used.

23 Q For give my ignorance of the location of
24 various rooms in the House, but was this, was this
25 room one of your offices?



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1 A No. It was another member's office.

2 Q Oh. Whose office was it?

3 A I think it was Grey Mills' office, but I
4 I, I don't believe he was there for probably any
5 of the time that, that we were using his office.

6 Q Did you schedule these meetings so that
7 folks could attend if they wanted to? Did you
8 schedule them in advance or give any notice of
9 where they were going to be?

10 A What meetings are you talking about?

11 Q The meetings to, to analyze or discuss
12 these concept maps between the public sessions of
13 drawing maps?

14 A None of them were scheduled at all. I
15 mean it was just a, just a stream of, you know,
16 when we got done with one grouping we would go on
17 to the next one.

18 Q So the public couldn't view these, these
19 meetings?

20 A Well, I mean if they were out in the
21 hallway or, you know, they presumably could have,
22 but no, we didn't we didn't notice them but they
23 were again, you know, in my mind nonconsequential
24 meetings. It was just sort of a strategy session
25 to make the map drawing process more efficient.

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1 Q Did you use this process for all of the
2 county clusters?

3 A No. Like I said, I, I don't remember
4 specifically how many but I think it was around
5 five.

6 Q Which county clusters do you recall using
7 this process for?

8 A As best I can remember, I think perhaps
9 Wake. I mean again some of the more difficult
10 draws. I recall Pitt County, Pitt County had
11 changed quite a bit in terms of their grouping so
12 that was going to be tough, a tough draw with two

13 incumbents there and try not to double-bunk them.

14 Q I don't mean to interrupt your thought.

15 A I'm just trying to recall if there were
16 any more. There may have been one or two others
17 but I, again, I don't recall, and that's because
18 it was more so just kind of like looking at a
19 grouping, you know, outside of a room and just
20 imagining in one's mind what a district may look
21 like inside of that grouping. That's really what
22 that was for, for my staff and me. It was just so
23 I sort of had a general concept in mind of where
24 the towns and cities and populations were so that
25 I can you know go in and at least have some game

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1 plan in place for how to draw the given districts.

2 Q Right. So you mentioned Wake which is you
3 said a come indicated draw you know Mecklenburg
4 has a lot of districts is that one of them where
5 you used this process?

6 A You know, I, it may have been but with
7 Mecklenburg, you know, I essentially took the
8 current districts that, that again the Democrats

9 drew in 2019 and I basically took those current
10 districts. Mecklenburg added one district because
11 of the census, and I put that district in
12 Mecklenburg. So those districts are largely the
13 same, and I, you know, I knew that was my game
14 plan on Mecklenburg, so I don't know there was
15 anything in terms of the concept drawn for
16 Mecklenburg that I recall just because we knew
17 because there was only one seat being added that
18 you know we could pretty easily keep districts
19 very similar to what a court had already upheld
20 and the Democrats themselves had essentially drawn
21 and so we thought that was the best, best path to
22 go. So I don't know that I really needed any sort
23 of guidance before drawing that one.

24 Q Well, so is your testimony that you did
25 not consult outside of the public map drawing room



1 about how to draw the Mecklenburg districts in the
2 House?

3 A As I said I don't remember seeing -- well,

4 let me back up. You said consult anyone. Yeah of
5 course I spoke to staff about, you know, what,
6 what we would do but I don't remember if there had
7 been any sort of, of concept map drawn by staff
8 for Mecklenburg and I seem to recall we really
9 didn't need to because we knew we were going to
10 try to keep the districts the same.

11 Q Did you do that same thing of trying to
12 keep the districts the same for Wake County?

13 A Not as much because they added two
14 districts, and so it really wasn't going to be
15 workable to try to keep them same although I think
16 in large part we did that with many of the
17 districts but there was really no way to, you
18 couldn't do it as uniformly as, as it was done in
19 Mecklenburg.

20 Q So the purpose of redrawing the Wake
21 districts using a concept map was because there
22 were two new districts to draw in Wake? Is that
23 your testimony?

24 A Well, I wouldn't say that was the only
25 purpose. I mean the purpose was, you know, it



1 would take hours to go, it takes a long time to go
2 draw a county that has where they have I think 13
3 districts. So, and it was going to be tough to
4 really keep the districts very similar to what
5 they were. So that was, the purpose was to, to
6 help me get it drawn in an efficient manner.

7 Q Did you use this process of concept maps
8 for Guilford County?

9 A No, I don't believe so. Not that I
10 recall, and again that's another one where we were
11 trying to basically do a least change approach
12 because Guilford had been so heavily litigated
13 over the years, and I want to say I only changed
14 like two or three precincts in Guilford for
15 purposes of population, so I don't think, as I
16 recall, I really didn't need, have a need for any
17 sort of, of help in terms of, you know, looking at
18 a concept ahead of time.

19 Q And what about Forsyth, Forsyth-Stokes I
20 think was the cluster?

21 A I, with Forsyth you know again we wanted
22 to keep it as similar as we could, and I think
23 that I, I think I saw, you know, what we're sort
24 of calling a concept map ahead of time, but I, I

25 don't even, I don't know that the one week that I



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1 wound up with was anything close to that you know
2 because again the goal with Forsyth was to keep it
3 as trim as possible. The problem with Forsyth
4 that we didn't have with Guilford is Forsyth had
5 changed its grouping from it had previously been
6 Forsyth and Yadkin and now it switched over to
7 Forsyth and Stokes, and you know of course again
8 if anybody who's ever sat down with Maptitude and
9 used it knows that you switch a grouping around
10 like that you're throwing a lot of different
11 variables, new variables in that made it really
12 difficult to, to keep it as similar to the current
13 map as we did with Guilford but we still I think
14 did a pretty good job of keeping it similar to
15 what the current map has.

16 Q But you did review a concept map for
17 Forsyth Stokes before drawing it in the public
18 terminal room?

19 A Again, I think so. I think I did, but

20 again that's, I don't know for sure. It was it
21 was nonconsequential to me in drawing that map.

22 Q It was nonconsequential, do you mean that
23 you would have drawn the exact same district
24 boundaries either way?

25 A Yeah, yeah, I think so, because I, you

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1 know, like I said, I don't even know that whatever
2 I saw because I don't remember what the concept
3 even looked like, I don't know that what I drew
4 was even whatever was on the concept.

5 Q So the process was to enhance efficiency
6 but you didn't actually really look at the concept
7 map; is that correct?

8 A No, that's not what I said.

9 Q Okay. Well, you just testified that you
10 didn't actually consult or you didn't use the
11 district lines in the concept map some of the that
12 not what you just said?

13 A No. I said I don't recall what that
14 concept map really looked like, but again in that
15 particular grouping I knew basically the plan was

16 to try to keep things as similar as, as possible,
17 and so really, you know, that's the main thing I
18 had in my mind in going in to draw was keep things
19 as similar as to the current districts as I could.

20 Q What about Buncombe County? Did you use a
21 cluster map for that cluster or that county I
22 should say?

23 A You know I don't remember on Buncombe
24 because I know with Buncombe I drew a couple of
25 different maps in the room and you know there

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1 Asheville is a smaller city in compared to some of
2 the others that we talked about, and you know we
3 wanted to keep municipalities whole and so really
4 what I was trying to do is keep Asheville as whole
5 as I could and it can't be kept completely whole
6 and I think we did that we kept it I want to say
7 90-some percent whole. The first map that I drew
8 it was, it didn't really -- it didn't look good.
9 It looked compact, and so I basically started over
10 from scratch, went back in and drew another map,

11 but I don't recall specifically seeing any sort of
12 concept map for Buncombe, and the fact that I went
13 in and drew again makes me think I probably didn't
14 have one, but again I don't specifically remember
15 one.

16 Q Okay. Did you use this process of
17 consulting draft maps for the congressional map
18 that you drew as well?

19 A No. With the congressional map that I
20 drew, you know, I essentially just, just kind of
21 did it, sat down and I, and in fact what I did got
22 to basically the middle of the state and, and took
23 a break, and again knowing the time constraints I
24 was under for the state House map, Sarah Stephens
25 Representative Sarah Stephens, she came in and



1 actually finished the congressional map that, that
2 I, that I you know, quote-unquote, drew I guess it
3 was a member-submitted map by me. She went in and
4 drew, I said, I said the eastern half but I'm not
5 sure she was -- I don't know it was that much. I
6 had drawn a large part of that map, and I think

7 primarily what she did was she went in and zeroed
8 out the populations for the deviation purposes.

9 Q I see. And to your knowledge did any
10 other legislators who drew maps use a process
11 similar to what you've described of using either a
12 draft or a template drawn by staff and evaluating
13 that outside of the public terminal room?

14 A Yes. The Democrats did.

15 Q Okay. I guess I'll rephrase my question.
16 To your knowledge did any Republican members do
17 this process?

18 A Not to my knowledge.

19 Q So only you on the Republican side?

20 A Yes, as far as I know.

21 Q Okay. I'd like to move to looking at some
22 of the actual districts. Actually please --

23 MR. STRACH: Yeah. Do you want to take a
24 lunch break now?

25 MR. CALLAHAN: Well, that was -- that was

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1 where I was going. I was going to offer this up

2 as a natural breaking point if you'd like to but
3 it's up to you.

4 MR. STRACH: Yeah. That's fine with me.
5 You want to just come back at, I don't know, maybe
6 10 till 1, 12:50.

7 MR. CALLAHAN: Yeah. You know I'm, I'm
8 definitely not going to need that much time but
9 happy to do so if that's okay.

10 MR. STRACH: All right. Let's take a
11 little over 30 minutes.

12 MR. CALLAHAN: All right. You said 12:50.
13 Okay. Let's plan on that.

14 THE VIDEOGRAPHER: We are going off the
15 record. The time is 12:12, 12:13 p.m.

16 (A lunch recess was taken.)

17 THE VIDEOGRAPHER: We are back on the
18 record. The time is 12:54 p.m.

19 BY MR. CALLAHAN:

20 Q Thank you, and thanks Representative Hall.
21 So just before we broke we were discussing what
22 you refer to as strategy sessions where you
23 reviewed and discussed some things I think you
24 described them as concept maps that were drawn on
25 computers outside the public terminal room. I



1 just wanted to clarify a few points about these
2 strategy sessions we've been discussing. Can you
3 list every individual who was in any one of these
4 strategy sessions for me?

5 A You know, as far as I recall it would have
6 been Dylan Reel who's a general counsel in my
7 office or was a general counsel in my office at
8 that time, and Neal Inman the Speaker's chief of
9 staff. You know, at some point my legislative
10 assistant, Lucy Harrill probably would have come
11 by or come in although she didn't have any real
12 part in discussions about redistricting. I mean
13 she just you know would have been dealing with
14 other matters for me. You know, in terms of those
15 meetings I'm not sure who else would have, would
16 have come by in one of those meetings. I'm sure a
17 number of other members would have come by just,
18 you know, sort of wandering around that we would
19 have met with, but other than that I think that's
20 about it.

21 Q Do you recall any specific other members
22 who attended any of these meetings?

23 A I am pretty sure Jay Adams came by at some
24 point. Again none of these members are taking
25 part in, the other members that came by weren't



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1 taking part they weren't taking part in any sort
2 of substantive discussions about what, what
3 districts would, would look like.

4 Q Any, anyone besides representative Adams
5 that's coming to mind in terms of?

6 A And yeah, to be clear we're talking were
7 the meetings I discussed earlier sort of outside
8 the committee room?

9 Q That's right.

10 A That's what you're talking about? Yeah.
11 No members that I recall. I seem to recall
12 talking to Frank Iler, Representative Frank Iler
13 in just outside the committee room. I think
14 representative Allen McNeill came by.
15 Representative Jamie Boles would have come by, and
16 I'm just trying to think through anybody else
17 that, that would have, would have come by. Those

18 are all that I remember.

19 Q Could you remind me, you said your
20 legislative assistant. What is the name of your
21 legislative assistant?

22 A Lucy Harrill.

23 Q Can you spell that?

24 A L-U-C-Y, Harrill, I think it's
25 H-A-R-R-I-L-L.

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1 Q And could you spell Mr. Reel's last name
2 as well?

3 A REEL.

4 Q And he is one of your staff members?

5 A Yes. He's the he was the general counsel
6 at the time.

7 Q General counsel. General counsel of your
8 staff, that's right. And, and the speaker's chief
9 of staff. I'm sorry, the names are, you know,
10 escaping me a little bit merchant moment. The
11 Speaker's chief of staff who also attended, what
12 was the chief of staff's name?

13 A Neal Inman, I-N-M-A-N.

14 Q Thank you. Thank you. Any other
15 legislators or legislative staff coming to mind
16 who attended any of these strategy sessions?

17 A I don't think so, but again you're
18 characterizing it as attending strategy session,
19 and I've just given you a list of folks who I
20 remember being over there, period. You know,
21 other than Dylan Reel and there really, and for
22 the most part it was just Dylan Reel who was
23 involved with me in talking about you know what
24 the draw would look like, and I mean that was, he
25 was predominantly the one who would be talking to

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1 me about that.

2 Q But others were present in the room while
3 he was talking with you?

4 A No, no, it wouldn't have been. You know,
5 some of the other members who came by, they were
6 not there to discuss maps that I was about to go
7 out in the room and draw.

8 Q Was anyone besides and Mr. Reel present in

9 those discussions about the maps that you were
10 about to go draw?

11 A There were times when Neal Inman was
12 there.

13 Q In the room?

14 A Yes.

15 Q Do you recall on about how many occasions
16 he would have been there?

17 A You know, I don't. He would have been
18 there for several. I was there for three weeks,
19 almost you know every, almost every business day.
20 So he would have been there several times.

21 Q Did you have one of these sessions at
22 least once every business day that you were there?

23 A I'm not sure that we did it every day.
24 You know, especially early on. Like I said, when
25 I started, I just went in the room and, and drew



1 it drew the map you know sort of as quickly as I
2 could, but as time goes on you reach some of the
3 more and more difficult draws in terms of time
4 consumption and just again getting population

5 grouping and when you get those I really needed
6 some more help at that point, and you know when
7 that was I'm going to say probably into the, well
8 into the second week, I think when we would have
9 started you know sort of having a more after game
10 plan before I went in to draw, but, but I, you
11 know, I don't know, I can't sale with any
12 specificity.

13 Q Can you estimate the total number of times
14 you met to discuss these concept maps?

15 A To discuss concept maps?

16 Q Yes.

17 A Well, as I said earlier I think I saw
18 maybe five or so of those maps. So it would have
19 been that, that number or fewer times.

20 Q Well, let me clarify. Did you have these
21 strategy sessions with Mr. Reel and others to
22 discuss things other than the concept maps?

23 A Sure, yeah.

24 Q And how many times total during the time
25 that you were drawing the House map did you meet



1 to have what you've described as strategy sessions
2 outside the public hearing room?

3 A Well, I would have, you know, consulted
4 with my staff and that mainly being Dylan Reel. I
5 mean essentially every day the drawing process you
6 know we would have discussions about the process
7 and I mean, you know, just about every matter
8 regarding redistricting.

9 Q Would you meet in the same room where you
10 met to discuss these concept maps every time you
11 met with Mr. Reel?

12 A No.

13 Q And so when Mr. Inman was with you, was
14 that always in the same room?

15 A No. You know, I would meet with them
16 either in my office, some I think we may have met
17 in Mr. Inman's office, but that, in general I
18 think those were the only other two places where
19 we would meet.

20 Q Did Mr. Inman view any of the concept maps
21 you've referred to?

22 A I don't know.

23 Q Do you recall him being in any of the
24 sessions where you discussed the concept map?

25 A He may have been but I, you know, again, I



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1 can't say for sure. This was just a few times,
2 and like I said, it was a nonconsequential meeting
3 for me so it's not very memorable.

4 Q When you were viewing concept maps, was
5 that always in the same room?

6 A I think that I, you know, saw them in the
7 room we've been talking about, and I probably
8 also, I maybe, I may have seen some of them in my
9 office as well but I think that would have been
10 it.

11 Q We talked a little bit about the computer
12 that you viewed these on and I just want to be
13 clear for the record. Whose computer was it on
14 which the concept maps were displayed that you
15 were looking at?

16 A I don't know whose it was. It wasn't
17 mine, as I said earlier.

18 Q Was it Mr. Reel's computer?

19 A As I said I don't, I assume, I assume. So
20 I didn't ask him.

21 Q Was it a laptop computer?

22 A Yeah, I think, yeah I think so.

23 Q Was it a laptop that to your knowledge was
24 issued by the legislature?

25 A I don't know.

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1 Q Did it look similar to laptops that are
2 issued by the legislature?

3 A I mean, I don't know, I don't know the
4 answer I mean they're all you know most laptops
5 are black and they have screens but I don't know.
6 I didn't I didn't look to see what sort of, what
7 the make and model of the laptop was.

8 Q Well, was it a, was it a Windows computer?

9 A I don't know, I don't know the answer to
10 that. I'm not sure.

11 Q Okay. So if we wanted to review the
12 contents of this computer or these concept maps,
13 who do you think would be the best person to get
14 in touch with? Who do you think most likely has
15 this computer?

16 MR. STRACH: Objection. Go ahead and
17 answer.

18 A I don't have any idea who has the
19 computer.

20 Q Do you think it's most likely that
21 Mr. Reel has the computer give than he was the one
22 showing you the concept maps?

23 MR. STRACH: Objection. Go ahead.

24 A I have no idea if he still has the
25 computer or not.

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1 Q Do you know what software, we discussed
2 this a little bit before I just want to make sure
3 I'm clear. Do you know what redistricting
4 software was used to draw the concept maps?

5 A No.

6 Q When you were viewing it were you viewing
7 it in a software application, or were you viewing
8 something like a PDF that had been created from
9 the software?

10 A Yeah, I'm really not sure. I just saw,
11 you know, those, those maps. So I didn't really

12 look to see what software was or, you know, if it
13 was a PDF or not.

14 Q Mm-hmm. What, were the maps you were
15 looking at did they have VTD's showing?

16 A It seems like some of them did I think so,
17 yeah.

18 Q Was there any shading or information that
19 gave you any more specific information about what
20 VTDs you were looking at, VTD number for example?

21 A No. I don't remember seeing any other
22 identification of the VTDs other than just the,
23 the lines themselves.

24 Q And so you're aware that there are
25 multiple different softwares that you can use to



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1 draw district lines, aren't you?

2 A Yes.

3 Q And you know that some of them have
4 election data preloaded on to them?

5 A Sure.

6 Q You're aware of software used for

7 redistricting that has election data preloaded?

8 A I'm aware that that exists. I don't use
9 it and I have never used any software that uses
10 election data.

11 Q Are you familiar with Dave's
12 Redistricting? It's a web application used for
13 drawing district lines?

14 A I've heard of it, yes.

15 Q Are you aware that Dave's Redistricting
16 has election data preloaded on to it?

17 A Yes, generally, yes.

18 Q Are you aware that Dave's Redistricting
19 also has racial data preloaded on to it?

20 A I'm not sure. Like I said I've never used
21 it, but you know, it might.

22 Q Can you say with certainty that the maps
23 you were looking at were not drawn with Dave's
24 Redistricting?

25 MR. STRACH: Objection. Go ahead.

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1 A I've already answered the question. I
2 don't know what application or software was used

3 on drawing the map.

4 Q Did the map look similar in form to the
5 software that you were using on the public
6 terminals?

7 MR. STRACH: Objection. Go ahead.

8 A I don't know if I understand.

9 Q Let me try to be more clear. Did the
10 format of the map you were looking at that you've
11 referred to as a concept map that you were viewing
12 outside the public terminal, did that look
13 different in form to the maps drawn on the public
14 terminals?

15 MR. STRACH: Objection.

16 A And I think it's basically the same
17 question but I mean they looked like maps that
18 had, you know, districts that were different
19 colors drawn in them, and of course to be clear
20 when I say different colors, it was just the
21 district itself. There was no election data none
22 of the shading or anything of that nature on
23 there. It was a grouping with some districts
24 inside of it that were color, you know, green or
25 yellow. So I mean in that sense, you know, it was



1 similar to that, but I, I didn't see any, in fact
2 there was no population deviation listed there was
3 nothing listed on there that I saw on those maps.

4 Q But population deviation was listed on the
5 public terminals that used Maptitude; correct?

6 A Well, you had to turn it on, so it wasn't
7 just automatically on there and sometimes it
8 wouldn't be on there and I would ask to put it up
9 because I found it easier to draw districts if
10 that number was shown for each change.

11 Q I won't belabor this too much longer. You
12 drew a map over, you know, multiple weeks in the
13 public terminal room using Maptitude; correct?

14 A Yes.

15 Q Okay. Did the maps you were looking at,
16 the concept maps, did that look like Maptitude,
17 the same software you had been using in the public
18 terminal?

19 MR. STRACH: Objection. Go ahead.

20 A Like I said, I don't I don't know if it
21 was the same software or not. I just, you know, I
22 don't know, again I think I've answered the

23 question the best I can. I simply don't know what
24 their software application was.

25 Q Okay. Were there any cameras in the room



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1 where you were draw -- or sorry -- where you were
2 viewing these concept maps?

3 A No.

4 Q So unlike in a public terminal room where
5 there were cameras and live streams there wasn't
6 any live stream of the discussion or viewing of
7 the concept maps?

8 A No.

9 Q Forgive me, this is really a basic
10 question, but in the public hearing room is it
11 true that anyone on a legislator's staff would be
12 allowed into the public hearing room to sit with
13 you at the terminal?

14 A Yes. I think that's generally true.

15 Q Okay. Any legislator obviously could be
16 in the room but also anyone on a legislator's
17 staff or, for example, you know, Speaker Moore's
18 chief of staff, anyone like that could be in the

19 public hearing room; is that correct?

20 A Yeah, sure. If any member had one of
21 their staffers in there, I would have I would have
22 allowed that and as I told you previously I, I
23 expected that. I'm not, I'm still to this day
24 really not sure why Democrats chose not to
25 participate in this process.

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1 Q So Mr. Reel could have come with you into
2 the public hearing room freely?

3 A As could the staff for the Democratic
4 leader in the House or any other Democratic
5 member.

6 Q Did Mr. Reel come in with you into the
7 public hearing room?

8 A Yeah, at times.

9 Q Mm-hmm. So I guess just to clarify.
10 There was no one in your strategy sessions that
11 would have been forbidden in the public hearing
12 room; is that correct?

13 A Yeah, that's right.

14 Q And the concept maps that you were
15 viewing, am I correct in saying that if you just
16 printed one out you could have just brought into
17 it the public hearing room and consulted it; is
18 that correct?

19 A I could have but I didn't, I didn't print
20 anything and bring it in there.

21 Q But there's no restriction on you printing
22 out a concept map in physical hard copy or even
23 for that matter bringing a laptop in and just
24 consulting the concept map in the public hearing
25 room?



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1 A No. There's no restriction on that.

2 Q Okay. Did you ever bring, I think you
3 just said this but I want to clarify, you didn't
4 bring in either an electronic version or a
5 physical version of a concept map into the public
6 hearing room, did you?

7 A No.

8 Q Okay. So why did you not discuss and look
9 at the concept maps in the public hearing room as

10 opposed to in these private rooms?

11 A Well, there's really no reason to because,
12 you know, like I said, it was, it wasn't something
13 that I was going to go in and copy. It was just a
14 general idea of what districts may look like. So
15 I, I didn't see it as something to go in and copy.
16 It was just sort of an idea of where towns and
17 municipalities population areas are to sort of
18 help me more efficiently draw the map.

19 Q If it was a general guide, why not bring
20 it into the public hearing room?

21 A I just, I didn't see any need to do that.
22 Yeah, I.

23 Q What, what was the need to have it be in a
24 private room?

25 A I don't guess there really was a need to

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1 do that I mean that's just where we met to discuss
2 it.

3 Q I mean looking back do you wish you would
4 have done it in the public room as opposed to the

5 private room?

6 MR. STRACH: Objection.

7 A No.

8 Q Okay. Well, you just said there wasn't
9 any reason to do it in the private room and I just
10 wanted to confirm. There was -- if you had done
11 it over again, you would have done this in the
12 private room as opposed to the public room?

13 MR. STRACH: Objection. Go ahead.

14 A I don't see any reason to change. I
15 didn't use any election data. I didn't use any of
16 the data or anything else that goes against our
17 criteria.

18 Q But is it fair to say that if you had
19 reviewed these maps in the public room the public
20 would have been better able to verify that you did
21 not use election data or partisan considerations?
22 Is that fair to say?

23 MR. STRACH: Objection. Go ahead.

24 A I don't know that that helps the public
25 one way or the other. I mean it's kind of like if



1 I sit around and think of a map in my mind, you
2 know what it might look like and it would be like
3 saying, well, I have to immediately dictate that
4 out and Tweet it out so that everyone can know
5 what's going on in my head every second. You
6 know, again, we didn't use anything that the
7 criteria disallowed, so no, I don't see any reason
8 I would have done it differently.

9 Q Okay. I just want to be sure if someone
10 wanted to know about what happened in these
11 strategy sessions where you discussed these
12 concept maps there's no place I can find any
13 information about that on the General Assembly's
14 website; correct?

15 A I don't suppose so, no.

16 Q Okay. So you know I can go to the General
17 Assembly's website and I can download member
18 proposed maps but I can't download your concept
19 maps; correct?

20 A No.

21 Q And I can't view a video like on YouTube
22 or the General Assembly's website of the
23 discussions of these concept maps; correct?

24 A No, you can't.

25 Q And so if I wanted to get more information



1 about these strategy sessions, I would need to get
2 that information from you or someone present; it's
3 not publicly available; is that correct?

4 A I guess if you wanted that information,
5 yes.

6 Q And there's no way from public information
7 that I can learn the identities of the staff
8 members present in these strategy sessions? Of
9 course I've asked you on the record about that but
10 there's no publicly available information on the
11 Internet about that, is there?

12 A No.

13 Q And you didn't disclose in any of the
14 House or joint Redistricting Committee meetings or
15 in any public setting for that matter your
16 participation in the strategy sessions where you
17 evaluated concept maps, did you?

18 A No, but I don't recall anybody asking me
19 every step that I took in the process.

20 Q Sure. Could I pull up something I've

21 labeled as Exhibit 19? This is a transcript of
22 the October 5th redistricting hearing committee,
23 your committee. I'm going to go to page 15.

24 A I have it pulled up.

25 Q I've got it now. Sorry about that. Are



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1 you seeing my screen here? It's showing a PDF of
2 a transcript?

3 A Yeah.

4 Q So starting on line 15, could you read
5 just that paragraph there, please I can zoom in?

6 A This is a rule that I want to make sure
7 all members are clear on --

8 MR. STRACH: Hold on. Read it a little
9 more slowly for the court reporter.

10 A Yeah. Okay. And this is a rule that I
11 want to make sure all members are clear on, but
12 this committee and the House as a whole will only
13 consider naps are drawn in this committee room, on
14 one of the four stations. So if a map is not
15 drawn on one of these four stations in this
16 committee room during those committee hours that

17 the committee is open, then those maps will not be
18 considered for a vote by this committee and of
19 course will not be considered for a vote by the
20 House.

21 Q So in light of what we're discussing do
22 you think that drawing, using unknown computers on
23 unknown software what you've called concept maps
24 outside the public hearing room, discussing those
25 in a private room that's not videoed or

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1 transcribed in the concept maps are not available
2 to the public and then using those as a baseline
3 to draw district lines in the public terminal
4 room, do you think that's consistent with the rule
5 that you announced there on October 5th at that
6 Redistricting Committee hearing?

7 MR. STRACH: Objection. Go ahead and.

8 A Yes.

9 Q Okay. Explain that to me.

10 A I think it's consistent with the rule that
11 I just read.

12 Q You think that using a privately drawn
13 concept map drawn on a computer that you don't
14 know what software was used that did not have a
15 restriction on the use of election or partisan
16 data and that was not made publicly available to
17 anyone is consistent with the rule that the House
18 will, quote, only consider maps that are drawn in
19 this committee room on one of the four stations?

20 MR. STRACH: Objection. Go ahead.

21 A Yeah it's consistent with that, and I
22 think part of your question sort of
23 mischaracterized the situation. I never saw any
24 election data at all. So I think you mentioned
25 somehow something that could, your question in

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1 some way left open the door in my opinion that
2 this could have been election data. I didn't see
3 any election data. Any maps that were put forth
4 on the committee for vote on the committee on the
5 House floor were drawn completely by me in the
6 committee room.

7 Q Well, let me be very clear. You've

8 testified that the concept maps that you
9 considered outside of the public hearing room,
10 that that informed how you drew the district lines
11 in the public hearing room. You do not know what
12 computer those were drawn on, what software they
13 were drawn on and you cannot ensure to me that
14 they were not drawn using election data or
15 partisan considerations; is that correct?

16 MR. STRACH: Objection.

17 A Yeah, I don't have any reason to believe
18 election results data was used my staff knew that
19 we were not using election results data, and so I
20 certainly never saw any election results data at
21 all and again, I drew all the maps that I drew on
22 the public terminal.

23 Q But you have no reason to know that the
24 maps that you were viewing were not drawn using
25 partisan considerations or data besides the



1 general existence of a criterion that for bad the
2 use of election data?

3 MR. STRACH: Objection.

4 A Yeah, I, that in my staff's general
5 understanding of, of what was going on in the
6 process and the fact that we had decided not to
7 use election results data.

8 Q Okay. Stepping aside from the rule that
9 you announced at this October 5th hearing. Do you
10 think that drawing or should I say considering
11 predrawn concept maps that are then going to
12 inform the district lines drawn in public view but
13 doing that outside of public view, do you think
14 it's consistent with the spirit of transparency
15 that we've been discussing that I believe you
16 referred to earlier in our deposition?

17 MR. STRACH: Objection. Go ahead.

18 A Sure. I think that what we undertook was
19 literally the most transparent process for
20 redistricting in this state's history and keep in
21 mind as I did through this process that you know
22 we weren't required to follow any of these
23 transparent processes that we did, and so yes, I
24 am completely comfortable with that for the first
25 time in the history of this state the legislature



1 voluntarily viewed these districts out in the
2 public for full public view which is much more
3 than has ever been done in the past, and so yes, I
4 think it is in line with the spirit of that rule.

5 Q Well, ask it a slightly different way do
6 you think the process would have been more
7 transparent that instead of meeting in a private
8 room outside of the video feed and discussing maps
9 that were drawn on nonpublic terminals using
10 unknown software on an unknown computer, do you
11 think that instead if you had done that in the
12 public hearing room that the process would have
13 been more transparent?

14 MR. STRACH: Objection.

15 A I don't think it would have made any
16 difference at all. You could sit there and watch
17 me draw districts and often I would explain why
18 the district was being drawn the way that it was
19 drawn. So no, I don't think it would have had any
20 real impact on transparency.

21 Q You don't think it would have been more
22 transparent to do it the way I said versus the way
23 you did?

24 MR. STRACH: Objection. Answer again.

25 A Yeah, again, I've already answered the



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1 question, but the other thing I'll add to it is
2 the Dem completely failed to participate in the
3 process they could have come and sat with me the
4 entire time frankly they could have come in any
5 room with me that they wanted to come into but
6 they didn't participate in the process.

7 Q Did you show the concept maps to any
8 Democratic member or any Democratic staff?

9 A They didn't ask me.

10 Q Did you tell them that these even existed
11 in the abstract that you were using concept maps
12 outside the public view?

13 A No, but I didn't see them really to tell
14 them about it. They weren't there.

15 Q If you had seen them, you would have
16 disclosed it to them?

17 A Sure. If they had asked me to, to go talk
18 about what a map might look like I would have been

19 glad to have done that with any Democratic member.

20 Q And you didn't again disclose this at any
21 of the hearings where multiple members, Democratic
22 members in particular, raised concerns
23 specifically about the use of maps that were drawn
24 outside of the room, the public room; is that
25 correct?



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1 A I think they were mainly concerned about
2 improper data being used outside of the, the
3 public room, but no. I didn't discuss any of that
4 in those meetings because I didn't think that it
5 was relevant to their concerns, just like every
6 thought that passes through my mind about
7 redistricting the public can't see that and
8 Democrats can't see that either but I don't think
9 anybody reasonably expects me to like I said
10 earlier memorialize everything that crosses my
11 mind.

12 Q Well crossing your mind aside think we
13 discussed earlier that Representative Reives for
14 example, you know, raised a concern at the October

15 5th about just preventing the bringing in of maps
16 drawn on the outside, and you testified earlier
17 that you for practical reasons didn't think that
18 you could check everyone's stuff as they came into
19 the room. You don't think that the consultation
20 of maps drawn outside the public hearing room and
21 using them as the basis for maps drawn inside the
22 public room would be material to someone's
23 concerns about relying on outside maps is that
24 your testimony?

25 MR. STRACH: Objection.



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1 A You know, I don't know what would be
2 material to them, but again, I don't think that it
3 hurt the transparency of the proceedings any more
4 than legislators talking to each other outside the
5 committee room about what districts would look
6 like.

7 Q Let's move on to the, to the enacted House
8 map. So we've talked I know quite a bit about
9 sort of the process that led to this map that's in

10 fact what we've been discussing at length just now
11 but I wanted to talk a bit about some of the
12 actual districts and I'm going to start with
13 pulling up a map that I've marked here as Exhibit
14 8. You'll just have to give me one moment. Okay.

15 Do you see a map here of Guilford County?
16 It's labeled map 35 in the upper left-hand corner?

17 A Yes.

18 Q Okay. So I'll just represent to you this
19 is map 35 from an expert report of Dr. Christopher
20 Cooper. He's one of the plaintiffs' experts in
21 this case. This is from his report that was
22 disclosed on December 23rd, and just a bit about
23 what you're seeing. Well, I should start actually
24 with the question.

25 Have you seen this map or maps that look

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1 like this with this kind of red-blue shading?

2 A Have I ever seen maps that -- are you
3 asking have I ever seen a map that has red or blue
4 shading on it?

5 Q I'll be a little more clear. Have you

6 seen Dr. Cooper's report that he submitted in this
7 case?

8 A No.

9 Q Okay. Have you ever seen a map that's
10 shaded in this way where individual VTDs are
11 shaded either red or blue?

12 A I have at some point in life, yes, seen
13 these.

14 Q Have you somewhat recently like in the
15 past year or so?

16 A I didn't look at them during the
17 redistricting process but obviously since that
18 time a number of groups have analyzed these and
19 they're you know things like this are all over
20 Twitter so I mean I generally understand what that
21 means, but I didn't, to be clear I did not consult
22 any map with election or partisan data on it in
23 drawing the maps that were enacted.

24 Q Sure. Just a little bit of information
25 then about what particular, you know, shading



1 format this is using. So you'll see here that
2 these kind of thin lines within each district
3 those are VTD boundaries and they're shaded using
4 election results from the secretary of labor and
5 Attorney General races from 2020, and so when a
6 given VTD is a very dark shade of blue, that means
7 that particular VTD in those races voted more
8 heavily in favor of the Democratic candidate, and
9 so vice versa, darker shade of red means a more
10 heavily Republican. Does that generally make
11 sense?

12 A Yes.

13 Q And just to be clear because this can be a
14 little bit confusing the shading is done using the
15 absolute difference in number of votes and so when
16 something is really heavily shaded either blue or
17 red, that can reflect differences in population of
18 the VTD; it doesn't necessarily mean that like the
19 vote share percentage was disproportionately
20 higher in that particular VTD? Does that sound
21 familiar?

22 A Sure.

23 Q Sorry to go over the basics like that.
24 Okay. So with that in mind let's just look at
25 Exhibit 8 here. So this is House districts 57,



1 58, 59, 60, 61 and 62 and these are all within
2 Guilford County; right?

3 A All of those are within district, in
4 Guilford County but are you saying are those the
5 districts from the enacted plan?

6 Q Yes.

7 A Okay. They look to be, but yes that all
8 looks like it's in Guilford County.

9 Q Okay. Yes, and to be very clear this
10 Exhibit 8 here is taken from the enacted House
11 plan that you drew; right?

12 A Yeah.

13 Q So you know, up about this map here splits
14 the City of High Point?

15 A Are you asking me that?

16 Q Yes.

17 A I'm not sure if it does or not.

18 Q Oh okay. Let me, let me go quickly to
19 another exhibit. This is Exhibit 9 which is
20 another map from Dr. Cooper's report. This is map
21 36 going to it here.

22 A Okay. Yeah.

23 Q Okay. So you see this, the way this map
24 works is it has the municipal boundaries in kind
25 of colored shading? I'm just trying to be clear



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1 for the record. I know you can see it. So you've
2 got High Point here in purple and Greensboro here
3 in green, and this shows the district boundaries
4 relative to the municipal boundaries?

5 A Yes.

6 Q With that in mind, you would agree that
7 High Point is split here on this map?

8 A Yes.

9 Q And you'd agree that it looks like
10 Greensboro is a little bit of it is in every
11 district right it's split six ways?

12 A Yes. It's -- well, I don't know about six
13 ways, but it's split several ways.

14 Q So you'll see that there's part of
15 Greensboro part of that green of Greensboro is in
16 every one of the districts in this map. Does that

17 look right?

18 A Yes.

19 Q Okay. So just going back now we've
20 established that about the municipalities just
21 going back to Exhibit 8 for a second this is back
22 to the red-blue shading. So all of the parts of
23 High Point in Guilford County here, they could
24 have been kept in the same House district; right?

25 A I guess that's possible but I mean again I

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1 would have to play with Maptitude and the various
2 populations to make sure.

3 Q Well, as the principal drafter of this map
4 you weren't aware of any particular reason that
5 you had to split High Point; right? It wasn't
6 required somehow?

7 A I don't know. I didn't spend a lot of
8 time on Guilford County and trying to move many
9 precincts around. As I've said before on Guilford
10 County it had been litigated quite a bit and
11 basically the map that you see in front of you
12 which I think almost all of it was drawn by Nathan

13 Perselli or Persily perhaps I don't know the
14 pronunciation of the last name, but it was an
15 expert in one of the prior he was the court's
16 experts in one of the prior cases, and he drew
17 this map and all I did I went in and I think I
18 changed, I don't know, two or three precincts
19 maybe just for population purposes because a
20 couple of districts were over plus or minus 5
21 percent and that was the extent of my work in
22 Guilford County.

23 Q Do you recall which VTDs you changed?

24 A I don't off the top of my head because I
25 literally just sat down and pulled up the

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1 populations of VTDs and had the staff, the central
2 staff that is click on the ones that, that sort of
3 made sense populationwise, and that was it.

4 Q But looking at what we have here, what
5 kind of came out of that process, you agree that
6 generally when you were drawing the map were you
7 trying to minimize municipality splits; right?

8 A I think that's generally true but I also
9 think it's generally true that where districts
10 have been previously heavily litigated I did what
11 I could to, to keep those districts very similar
12 to what courts had already upheld.

13 Q So in your view is that a general
14 principle; it's better to preserve a district line
15 that had been already drawn and litigated than to
16 avoid a municipality split?

17 A Well, you know, I don't want to say one's
18 better than the other, but obviously I would like
19 to see the enacted map withstand legal scrutiny
20 and so in those areas that had been previously
21 heavily litigated I thought it safest to keep
22 those districts as similar as possible.

23 Q Litigation aside, do you agree that
24 generally all else being equal you're trying to
25 split as few municipalities as you can?

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1 A Yeah, I mean of course that's one of our
2 criteria, yes.

3 Q Mm-hmm. We'll just go back for a second

4 is your understanding of the criteria that you
5 should minimize municipality splits?

6 A I think for municipalities the way I view
7 it is you want to try to keep municipalities as
8 whole as you can.

9 Q Just looking for a moment at the district
10 boundaries around High Point which we've been
11 discussing you'd agree with me that the darkest
12 blue VTDs in High Point the sort of you know
13 southwestern corner of this map the most heavily
14 Democratic VTDs those are all in district 60 as
15 opposed to the bordering district of 62; right?

16 A Yeah, I mean I think there are obviously a
17 lot of very dark blue districts closer to the town
18 of Greensboro as well but there are several there
19 in district 60, yes.

20 Q In fact all of the dark blue VTDs are in
21 60 and not in 62?

22 A Yes, and if I recall that's the way the
23 court's own expert drew that particular line in,
24 in a previous round of litigation.

25 Q And looking across that boundary at 62,



1 the vast majority of the VTDs there are Republican
2 leaning; right?

3 A Yes. Again that's, that is the way that
4 the special master previously drew it.

5 Q So to the best of your recollection you
6 preserved this line exactly as it had been drawn
7 by the special master?

8 A I think so. And again I know I only moved
9 three or four precincts, and I, I seem to recall
10 it was more district 59 that had the, that changed
11 some because it seems like maybe district 61 and
12 58 had weight, their populations had become too
13 high. So I think 62 is the same but it's possible
14 that one of the precincts there was changed as
15 well.

16 Q And you see how 62 unlike 60 it has some
17 blue VTDs but none of them are as dark as the ones
18 in 60. Is that fair?

19 A Can you ask that again?

20 Q Sure. District 62 you'll see in the
21 southwestern part near you know in High Point and
22 more toward the center of the map there are some
23 blue VTDs there but none of them are as dark blue

24 as those in district 60; right?

25 A None of them are as dark blue as the

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1 several there in district 60, yeah.

2 Q Right. So 62 does not include any of the
3 most Democratic leaning VTDs in this part of the
4 map?

5 A Well, according to, you know, whatever
6 your data said is here yes I guess that is the
7 case.

8 Q Sure, sure. And kind of the same thing
9 with 59; right? So you see there's very, very
10 heavily Democratic leaning VTDs in District 61 and
11 District 58 but none of those are included in
12 District 59; right?

13 A Yeah. That's generally what the special
14 master did.

15 Q And in fact 59 picks up all of these red
16 VTDs sort of at the northern northeastern part of
17 this map but all of the blue ones in 57 are put
18 into 57; is that right?

19 A Yeah, again, in a based upon what the

20 special master did.

21 Q Mm-hmm. So let's just look at another one
22 of these maps. If you just give me one moment.

23 This is another map Exhibit 10 this is
24 another map from Dr. Cooper's report, map 30.
25 This is showing the enacted House plan all the



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1 enacted districts for Mecklenburg County. That's
2 showing up on your screen; correct?

3 A Yes.

4 Q Okay. You'd agree that overall this is a
5 really blue looking map that's heavily Democratic
6 just eyeballing it?

7 A I mean I would agree with that in the
8 center of it but not on the, certainly on the
9 northern part or the what appears to be the I
10 guess the southeastern part.

11 Q Well, would you agree that overall for the
12 county I guess there are a lot more blue and
13 especially dark blue VTDs than there are red ones?
14 Is that fair?

15 A I mean that's, yeah I believe that's true.

16 Q And looking at these individuals districts
17 you see how in that in District 92 here in the
18 southeast, or sorry, southwest, there are no
19 Republican leaning VTDs?

20 A Yeah. 92 looks like one of them, one of
21 the districts is not shaded at all. I guess that
22 means it's sort of the 50-50 area, but yes.

23 Q Right. So no red in 92 and similarly no
24 red in 101, no Republican leaning VTDs in 101?

25 A Yeah.



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1 Q And in fact that's also the case it looks
2 like with 99, 100, 101, 102, 106, 107 and 112.
3 Those seem to all have all Democratic leaning
4 VTDs; is that correct?

5 A Yes, but I mean of course those in the
6 center, Charlotte I mean you can't draw them any
7 other way. The population's so dense there that
8 there's no way to extend it out to try to, if you
9 were trying to touch one of those red areas, it
10 would be very difficult to do.

11 Q Sure. But 1-0 -- am I right that 101 and
12 107 similarly don't have any red VTDs?

13 A That's right, but still those are still
14 getting down to -- I mean Charlotte spreads across
15 most of Mecklenburg County and those are in the
16 City of Charlotte. Both of those are in the City
17 of Charlotte.

18 Q You see there's no boundary between
19 District 100 and 103 kind of in the southwestern
20 part here. Do you see that?

21 A Yes.

22 Q And you see how all of the dark blue VTDs
23 there are in District 100 and 103 has some
24 Democratic leaning VTDs but they're much lighter
25 shaded meaning less Democratic?



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1 A Yes.

2 Q How were you able to draw that line like
3 that without using any partisan data?

4 A Well, as I said earlier, the Democrats
5 drew most of this map in 2019 and I essentially

6 started with the map that they had again as I did
7 in other parts of the map that I previously talked
8 about I tried to keep some of the, I tried to keep
9 municipalities whole when I could, and if I recall
10 Mint Hill was, is a municipality in that area that
11 had been split in a prior map, and so I unsplit
12 Mint Hill and I'm generally aware that Mint Hill
13 and Matthews are towns that have a lot of, they're
14 common interest, so to speak. I mean they're
15 close together, and so again trying to keep some
16 of the municipalities together and not, not being
17 swapped out or connected to some of the larger
18 cities the resulting map if you keep Mint Hill and
19 Matthews together and basically keep all the
20 other, the Democrats' changes, that's what you get
21 at 103.

22 Q Can you remind me, was this one of the
23 maps where you had a template based on that had
24 been drawn outside the public room?

25 A You know, as I said earlier I, I don't

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1 really recall that. If I did, I didn't spend any

2 time or much time looking at it because, again, I,
3 what I do recall is the goal in this map was just
4 go in and make, you had to add one district to
5 basically the grouping the Democrats had drawn in
6 2019 so I just went in and added that district to
7 the grouping and in large part kept everything
8 else the same except for the Matthews Mint Hill
9 change that I just described.

10 Q And just to clarify, was that change what
11 became District 103 there?

12 A Yes. I mean that's where I think that's
13 where Matthews and Mint Hill are located.

14 Q Okay. I'm just going to go to the next
15 one of these. Do you see there what I've marked
16 as Exhibit 11 this is map 37 from the Dr. Cooper's
17 report this is the enacted map and it shows the
18 three districts within Buncombe County?

19 A Yes.

20 Q You see here how well this contains city
21 of Asheville; correct?

22 A Buncombe County does contain the City of
23 Asheville.

24 Q And Asheville's sort of the blue looking
25 Democratic leaning VTDs more toward the center of



1 Buncombe County?

2 A It is near the center of the county.

3 Q Do you see how nearly all of the dark blue
4 VTDs, the most Democratic leaning ones, are
5 divided into two Districts, 114 and 115?

6 A Yeah. Most of them are in those two
7 districts.

8 Q And you see how 116 it does have a couple
9 of Democratic VTDs but it looks like it's a lot
10 more red than 114 or 115. Is that fair?

11 A I mean I would say it looks a lot more red
12 than 114 and it looks it looks more red than 115,
13 but I don't know if I would characterize it as a
14 lot more red.

15 Q Sure. And just going back we were talking
16 about how Asheville here is in the center of the
17 map. From sort of a communities of interest
18 perspective which I know is something you'd
19 mentioned as being important when you're drawing
20 district lines, what was the community of interest
21 reason to put Asheville with the northeastern part

22 of this county as opposed to what was just to the
23 west of it or to the northwest of it?

24 A Well, the map can really be explained by
25 the goal of trying to keep municipalities whole,



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1 and with Asheville, unlike a lot of other cities
2 in North Carolina, it's just not as large and so
3 it's more easily put into fewer districts than
4 other cities might be and in fact in this map I
5 think almost all of Asheville is included in
6 District 114 and 115. There are I think there are
7 some areas that are maybe annexed areas or, or
8 because of the weird shape of those precincts are
9 maybe outside, but almost all of it is inside
10 those two districts.

11 Now, you know, your question was, you
12 know, why is Asheville, you know, more connected
13 sort of to the north/northeast and in this map
14 really Asheville's connected basically to the
15 eastern side of Buncombe County. If you go back
16 and I, you can see on the video when I started
17 this district, I sort of drew it the other way

18 around. I was trying to keep Asheville, like I
19 said, in this, in this as whole as possible which
20 in this case I was trying to keep it in two
21 districts. It's not possible to keep it in one
22 because of population and it's possible to
23 essentially keep it in two. So I, I had it
24 flipped the other way, and the map that I had
25 drawn previously when I printed out and looked at

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1 it and it just didn't look very exact to me and so
2 I basically just started from scratch and went
3 back in and drew the map that you see before you
4 for the reasons I just explained.

5 Q Did you discuss that first try with
6 Mr. Reel in one of these strategy sessions?

7 A I don't remember that specifically, but
8 I'm sure that I, I probably did discuss with him,
9 you know it would have been just hey what do you
10 does this look like it's exact to you, that sort
11 of thing.

12 Q So the only thing you discussed was

13 compactness?

14 A Yes. I did not discuss election data nor
15 consult election data and frankly you know looking
16 at this thing now if I had election data and that
17 was my goal, and it looks like I would have done
18 it a little bit differently than what I did.

19 Q Well, explain that. How would you have
20 done it differently?

21 A Well I mean you know you can see it's in
22 district 116 it takes in some of those darker blue
23 areas that are next to the areas you have shaded
24 heavily red, and I, you know, I don't know what
25 the, the total district performance might be, but

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1 I mean it, you know you can clearly see here there
2 would have been relatively easy changes to be made
3 to make that a more Republican district it appears
4 to me anyway.

5 Q And you just have to remind me, was this
6 one of them where you consulted a concept map
7 between the drawings of your first and second
8 attempt at this district?

9 A You know and as I said earlier I really, I
10 don't remember. I somewhat think not just because
11 I remember going in and drawing it one way and
12 then sort of flipping it around and I would, there
13 was just, there's just there are just three
14 districts there in Buncombe so I just went in and
15 played with it and so I don't recall seeing sort
16 of a concept map for this one.

17 Q But the main goal just to go back to
18 something you said earlier was to try to preserve
19 Asheville in as few districts as you could?

20 A Well, I wanted to keep Asheville as whole
21 as possible which in this case necessitates it
22 being put into two districts.

23 Q I see. Well, moving on to one more of
24 these House maps this is Exhibit 12 this is map 43
25 from Dr. Cooper's report, and this shows



1 Cumberland County. So those Democratic leaning
2 VTDs in the center of this map the ones that are
3 shaded pretty blue, that's the City of

4 Fayetteville; right?

5 A Yes, generally yes.

6 Q And you see how all these dark blue VTDs
7 they're split across four different districts in
8 this map, all four of them I should say 42, 43,
9 44, 45; is that right?

10 A Yeah. I mean they're not split evenly but
11 I mean they're in a literal sense split between
12 those four districts.

13 Q Right. So Fayetteville is split across
14 four districts; right?

15 A Yes.

16 Q And you'll see that District 43, the one
17 at the northeast, it combines the reddest, the
18 most Republican VTDs in Fayetteville with the
19 fainter red ones in more of the eastern part of
20 the county; is that right?

21 A Some of them but not all of them.

22 Q Right to. Almost all of them; right? Do
23 you see maybe there's one Republican VTD in 44 but
24 almost all of them are in 43; is that right?

25 A Almost all of the red in or around



1 Fayetteville are in 43, yes.

2 Q Right. And on the other hand, with the
3 exception of that one VTD we were just discussing
4 42 and 44, those are almost exclusively blue and
5 fairly dark blue at that; right?

6 A Yes.

7 Q You testified that your main goal was to
8 split Asheville as little as possible or to keep
9 it as whole as possible you said?

10 A That's right.

11 Q So what was the goal here of splitting
12 Fayetteville four ways?

13 A Well, this is another map that had been
14 drawn by a special master in prior litigation, and
15 so Cumberland County's been heavily litigated and
16 just as I did in Guilford County I thought it best
17 to make as few changes as possible. I think I've
18 changed two or three precincts from the special
19 master's map, again the court's own special
20 master. I made two or three precinct changes for
21 population purposes because due to population
22 noted they were, they were out of the deviation,
23 the allowable deviation, and those are the only
24 changes that were made.

25 Q Did you at least evaluate whether it be



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1 possible to split Fayetteville less?

2 A No. I don't think I did because again on
3 that one, you know, because of prior litigation,
4 you know, essentially we, that had been upheld in
5 court and I thought it prudent to simply keep it
6 as similar to the current map as we possibly could
7 so that's what I did.

8 Q And is this one of the ones where you had
9 a concept map for Cumberland County?

10 A No, I don't think that I would have for
11 Cumberland. I don't remember that but I don't
12 think I would have because, again, I know just as
13 in Guilford the goal was just simply to make as
14 few changes as, as reasonably necessary to correct
15 for population.

16 Q But it's possible you don't recall for
17 sure whether you used one of those concept maps?

18 MR. STRACH: Objection. Go ahead.

19 A Yeah. I don't think, I don't think that I

20 did, and I, I only I believe that caveat of maybe
21 just because I, I certainly didn't rely on it
22 enough to where it's in my memory and I know the
23 goal behind drawing Cumberland County the way that
24 I did, but you know I mean I, there's a lot going
25 on in those three weeks and now this has been a

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1 couple of months ago now and I've slept since then
2 but I don't believe I ever saw any sort of concept
3 map for Cumberland.

4 Q And when you were in the official
5 redistricting room how did you recreate exactly
6 what the special master districts looked like in
7 terms of the specific VTD configurations?

8 A So I would direct central staff again the
9 nonpartisan staff to bring up the current
10 districts and they had an overlay that they could
11 bring up that would bring up the current versions
12 of districts.

13 Q Did you do that same thing for every
14 cluster that or every district or cluster that the
15 special master had drawn in prior litigation?

16 A I think so. I don't remember all the
17 districts the special master drew but I know I did
18 it in Cumberland. I did it in Guilford, did it in
19 Forsyth. The problem I think with Wake, and I,
20 again, I don't remember if Wake was one of the
21 special master districts or not but if it was, the
22 reason that I couldn't do that was that they had
23 two new, Wake had two new House districts so it
24 wasn't going to really be possible to keep those
25 districts very similar.

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1 Q And to confirm when you were presented
2 with the choice of whether to split a municipality
3 several times like with Fayetteville or to just
4 stick with a special master your choice was the
5 special master district should be preserved?

6 A Yeah, I think that's generally the case
7 across the map.

8 Q Let's move to the congressional map. I
9 think I've taken that exhibit down, right? Okay,
10 great. Just a few preliminary questions on this.

11 You did not draw the enacted congressional map but
12 you sponsored it for consideration in the House;
13 is that right?

14 A That's right.

15 Q And you had drawn or you and I guess you
16 in tandem with another legislator had drawn
17 another congressional map. Was that the one
18 labeled CBA-2; do you recall?

19 A I have no idea what it was labeled. I
20 don't remember the label.

21 Q If I bring it up do you think might be
22 able to recognize it? I'll --

23 A You probably should.

24 Q We'll give it a shot. This is Exhibit 15.
25 This is, you know, the official General Assembly

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1 version of the map, the congressional map labeled
2 CBA-2, and does this one look familiar to you?

3 A Yes. I think it's the map that I actually
4 drew or I drew most of. As I said earlier,
5 Representative Sarah Stephens finished part of it
6 mainly zeroing out the populations across the map.

7 Q Great. And you testified earlier that
8 despite drawing this map you decided in the end
9 that the map sponsored by the Senate chairs was
10 better?

11 A Yes.

12 Q And is it right that at the House floor
13 vote you refer it to as the best member submitted
14 map that you saw? Does that sound right?

15 A Yes.

16 Q Before the House voted to pass the Senate
17 drawn map on November 4th am I right that you
18 spoke on the floor about how the enacted map
19 complied with the various redistricting criteria?

20 A Are you asking about the congressional map
21 still?

22 Q Yes. I'm asking about the congressional
23 map.

24 A Yes. I said something along those lines.

25 Q And so you're generally familiar with the



1 enacted congressional map and the attributes of

2 all of its districts given that you sponsored it
3 for consideration in the House and spoke on its
4 favor?

5 A Yeah. I'm generally, I have a general
6 understanding of what the congressional map is but
7 in terms of, you know, drilling down on specifics,
8 you know, one of the Senate chairs is going to
9 have more knowledge than I would about many of the
10 specifics. Again, I've spent almost the entire
11 time drawing the state House map because it's so
12 much more time consuming and, you know, I have, I
13 was the only chair in the House and they had three
14 Senate chairs, so, you know, it takes three
15 Senators to do what one House members can do, but
16 even House members have their limits. So you
17 know, essentially they had drawn their
18 congressional map and I, I didn't participate in
19 sort of the day-to-day in drawing that map other
20 than the suggestion that I made to them that they,
21 that they actually accepted which was putting the
22 finger counties together in northeastern North
23 Carolina. Of course I was trying to answer your
24 question as best I can.

25 Q I appreciate that. And to confirm were



1 there any of these strategy sessions with the
2 Senate chairs about the congressional map that
3 ultimately got enacted?

4 A No. I don't think so. No. We, you know,
5 we sort of broke and, and for that two or
6 three-week period when map drawing were open they
7 were downstairs in their room and I was upstairs
8 in my room and, you know, I didn't pay a whole lot
9 of attention to what they were doing during that
10 time other than, you know, I would see things on
11 Twitter from time to time, and they didn't really
12 come up to my committee room either. So we
13 didn't, I don't recall having any strategy
14 sessions with them at all about the congressional
15 map that was ultimately enacted.

16 Q And do you have any knowledge of any of
17 the Senate chairs viewing anything that is similar
18 to what you described as a concept map for any of
19 the congressional districts?

20 A No. I don't have any knowledge of that.

21 Q Okay. So I'd have to ask them. I wanted
22 to hear about a process if there was one similar

23 to what we've been discussing?

24 A I guess they would be the ones to know. I
25 don't know.



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1 Q Great. So I want to talk about just a few
2 of the particular districts in this congressional
3 map similar to what we've been discussing with the
4 House map so I'm going to pull up Exhibit 14
5 first. All right. You see this PDF it's marked
6 as Exhibit 14. This is map 15 from Dr. Cooper's
7 report. It's the same red-blue shading
8 configuration we've been discussing with the
9 House. This shows just one district but it also
10 shows the bordering district CD 12 and CD 10 and
11 CD 14 this is all from the enacted congressional
12 plan. Is that showing up on your screen?

13 A It is.

14 Q Okay, great. Are you generally familiar
15 with the part of North Carolina referred to as the
16 Piedmont Triad?

17 A Yes. I'm, you know, from the Piedmont

18 area and I've lived in the Piedmont Triad
19 previously.

20 Q And why is it called the Piedmont Triad?

21 A Well, it's in the Piedmont, and it's in
22 the Triad.

23 Q What three cities make up the Piedmont
24 Triad?

25 A Winston, Greensboro and I guess High

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1 Point.

2 Q So we're seeing those three cities here on
3 the map; right?

4 A Yes.

5 Q And am I right that each of them is in a
6 separate congressional district so Winston-Salem's
7 in CD 12. High Point is in CD 10 and Greensboro
8 in CD 11; is that right?

9 A Sure.

10 Q Looks like most of Greensboro I should say
11 is in CD 11?

12 A Yes.

13 Q And each of those three districts I just

14 named, do you agree that it pairs the city, so for
15 example CD 12 with Winston-Salem with very
16 Republican leaning areas to the west of that city?

17 A I mean according to the shading on your
18 map, yeah, it appears that, you know, again based
19 on whatever data you have sort of here it would be
20 Greensboro with a lot of the red on the map.

21 Q You'd agree that each of these districts
22 10, 11 and 12 just looking at the map based on the
23 shading are overall Republican leaning?

24 A Well, I mean I can't see all of 10 and 12
25 but I, you know, as a general matter, you know,

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1 they, again using past results which, you know,
2 doesn't promise anything for tomorrow, they
3 probably would be Republican leaning.

4 Q And just looking at this same map, this is
5 splitting Guilford County into three separate
6 districts; right? And CD 11 is one of those
7 districts?

8 A Yes.

9 Q And one of the criteria that you were,
10 that you enacted and that you were hoping to
11 follow is to minimize the number of counties that
12 were split; is that right?

13 A Yes.

14 Q And you recall we discussed the 2016
15 criteria. Those prohibited splitting a county
16 more than two ways; is that right?

17 A I don't think they prohibited it. I think
18 they made it a goal not to split it more than two
19 ways.

20 Q Fair enough. The 2016 criteria made it a
21 goal not to split a county more than two ways but
22 the committees didn't include that this time; is
23 that right?

24 A No. We didn't include that, that
25 particular provision, no.



1 Q Right. So if those 2016 criteria were
2 still in place it would not be preferable you
3 would say to use this map that splits Guilford
4 County three different ways; is that correct?

5 A No, I don't think you can say that because
6 again, you know, criteria you've got to look at
7 holistically and if you just look at one
8 particular piece of criteria and say well it
9 doesn't do a job, good job of meeting that
10 criteria, therefore it's a bad map, I don't think
11 that that's how it works. You've got to look at
12 all the criteria and try to harmonize it together.

13 Q If you were drawing the congressional map
14 under those criteria, would you have split
15 Guilford County three ways?

16 MR. STRACH: Objection.

17 A As I said, I think this was the best
18 member submitted map that I have seen, and so I
19 think it's a good map. I submitted it myself
20 basically a copy of what the Senators drafted, and
21 I didn't, I didn't see any others that, that were
22 any better. I don't, I don't even recall if the
23 Democrats submitted one ultimately they may have
24 at the very end. They may have submitted some
25 amendments, but this was -- that's one that I saw.

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1 Q You say it's the best one you saw. In
2 fact you drew a map and submitted it we were just
3 looking at it called CBA-2?

4 A Yes.

5 Q Your map didn't split Guilford County
6 three ways, did it?

7 A No, but my map split more counties and
8 split a lot more municipalities across the state
9 and again, you know, looking at the criteria
10 holistically and, you know, not just the City of
11 Greensboro or the County of Guilford and the great
12 folks there, but you know, you have to look across
13 the state to look at, well, how many counties and
14 how many municipalities are we splitting and this
15 map that was enacted split far fewer counties than
16 municipalities in my map.

17 Q So the general goal was to split fewer
18 counties and municipalities, but Guilford isn't
19 the only county that was split two ways, was it?
20 That was also true in Wake and Mecklenburg
21 Counties; right?

22 A Yes.

23 Q So the enacted congressional map split
24 Guilford, Wake and Mecklenburg Counties three ways

25 each?



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1 A Yes.

2 Q Do you recall whether your map split those
3 counties three ways each or I should say Wake --
4 did you -- did your map split Wake County three
5 different ways?

6 A I don't remember. I'd have to see my map
7 again to, I think it might but I have to look at
8 it.

9 Q Let's take a quick look back at Exhibit
10 15.

11 A Yeah.

12 Q You see Wake County there mostly in
13 District 10 and some in District 9?

14 A Yeah. So I split Mecklenburg three ways
15 in my map.

16 Q Right.

17 A And Wake was split twice.

18 Q What about Wake?

19 A Twice.

20 Q It's split into two districts just to be

21 clear on the terminology; right?

22 A Yes.

23 Q Okay. So your, you preferred the enacted
24 map you said based on municipal splits and county
25 splits but your map only split Wake once, only

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1 split Guilford once and in fact it looks like
2 Guilford is all almost all within one
3 congressional district within District 8. Is that
4 fair?

5 A Yeah. It's almost all within one just
6 like the enacted plan is all, all within one, but
7 I split more municipalities across the map and
8 more counties than the enacted plan.

9 Q And you said you know you have to look at
10 the criteria holistically but in terms of
11 compliance with the criteria that was in force in
12 2016 about not splitting counties into more than
13 two districts, your map would have done quite a
14 bit better than the enacted map. Is that fair?

15 MR. STRACH: Objection.

16 A No, I don't think it is. I mean you said
17 quite a bit better. Again that was just, if
18 you're asking just about that one criteria which
19 again is not how any of this works you've got to
20 look at all the criteria, but if you if you just
21 look at one piece of criteria, I split one county
22 three ways and they split three counties three
23 ways, and so I, you know, I don't know that I
24 would characterize that as their map being a lot
25 worse just based on that particular criteria

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1 because again you've got to look at the criteria
2 as a whole.

3 Q And that's helpful. Thank you. Oh I
4 guess one more thing about your map actually.
5 Your map complied with all the other redistricting
6 criteria, right, like population and count
7 traversals things like that that we haven't been
8 discussing?

9 A As far as I know, I think so.

10 Q And it's true that your proposed map
11 didn't pair any incumbents within the same

12 district; is that right?

13 A I again I don't think so but I'd have to
14 see the layer but I don't think it did.

15 Q Sure.

16 A That seems --

17 Q Yeah. No problem.

18 A -- the incumbency layer.

19 Q Sure. Just to confirm I'm going to pull
20 up Exhibit 16 which is the incumbent report from
21 the stat pack for the CBA-2 map we've been
22 discussing?

23 A Yeah.

24 Q So just looking at this stat pack report
25 it looks like every incumbent has his or her own

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1 district; is that right?

2 A That's right, yeah.

3 Q Okay. And the enacted map, that was not
4 the case; right?

5 A No. I think they double-bunked two
6 members.

7 Q I wanted to go back for a second to just
8 the map that we were looking at of CD 11. This is
9 Exhibit 14.

10 A Yep.

11 Q So you see how this includes most of the
12 City of Greensboro over in that very eastern part
13 of this long district that stretches over to, you
14 know, through Stokes and Surry and Alleghany and
15 Ashe?

16 A Yes.

17 Q And this district includes pretty far
18 western counts. It includes Caldwell and
19 Alexander Counties as well; right?

20 A You know, recognizing that you're not from
21 here, no, I wouldn't characterize that as far
22 western counties. Those are counties in the
23 Piedmont. Now, you know they're, they're not far
24 western, you know, but that's I guess in the eye
25 of the beholder.



1 Q Fair enough. Let me rephrase the
2 question. Those counties are quite far west from

3 the City of Greensboro. Is that fair?

4 A I mean I guess it depends on, you know,
5 what you mean by far. I know that Greensboro from
6 Caldwell County, where I live Greensboro is about
7 an hour and 50 minute drive which as congressional
8 districts goes really not that far.

9 Q Those counties that are in the western
10 part of this congressional district, would you say
11 it's fair to characterize them as, you know,
12 either rural or somewhat mountainous counties
13 generally?

14 A Well, I would characterize Ashe,
15 Alleghany, maybe a little bit of Surry, a little
16 bit of Wilkes as mountainous counties the rest of
17 those counties are not really mountainous.
18 There's, you know, sort of the mountains begin in
19 the northern part of Caldwell there, but most of,
20 you know, people live down not in the mountains
21 there. So I, you know, I know maybe being
22 characterized as something that a bunch of
23 counties that don't have anything in common but
24 you know, I'm from that neck of the woods and, you
25 know, my opinion those counties have quite a bit



1 in common. Those are all very similar counties
2 sort of the northwestern North Carolina. I mean
3 even the northern part of Guilford County is more
4 rural. So I think they do have quite a bit in
5 common.

6 MR. STRACH: Hey, Sam.

7 MR. CALLAHAN: Sure.

8 MR. STRACH: Can I think something of the
9 court reporter? I think she's not on mute, and I
10 think there's sound coming from her computer or
11 something. Jan?

12 THE REPORTER: Yes, sir.

13 MR. STRACH: Would you mind muting because
14 I think I'm hearing something coming from your
15 computer.

16 No. Maybe somebody else is not -- are you
17 around traffic or something, Sam?

18 MR. CALLAHAN: No, I'm not.

19 MR. STRACH: All right. I'm just like
20 hearing like, I don't know whether it's traffic or
21 something in the background. Maybe it's my
22 imagination. Oh, I just -- anybody who's not

23 muted, if you'd please mute. But so thanks, Sam.

24 Sorry about that.

25 MR. CALLAHAN: Oh no. That's okay. If



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1 it's still happening, please. I thought -- okay.

2 Q So you were just saying that the counties
3 in the western more part of this district you
4 would characterize as having things in common. I
5 guess my question is does Greensboro have more in
6 common with Caldwell County or with the City of
7 High Point?

8 A Well, you know, obviously High Point being
9 so close it would have probably more in common
10 with High Point, but again you know you can't just
11 drill down on one particular city and say, well,
12 you know, we have to meet every single criteria to
13 the max for that one particular city because, you
14 know, it ultimately precludes you from doing that
15 in other areas across the map, and again that's
16 why it's about harmonizing the criteria, and one
17 of the criteria is keeping cities as whole as
18 possible, and Greensboro here was kept very whole.

19 It's only one of two cities across the state that
20 were split, and that's why we're talking about it
21 so much obviously, but it was still kept
22 reasonably whole.

23 Q Right. And it looks like could have been
24 kept pretty much reasonably whole and paired with
25 High Point; is that fair? There's nothing --

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1 there was no population-based reason that
2 prevented Greensboro and High Point for being
3 placed in the congressional district; right?

4 MR. STRACH: Objection.

5 A You know, it's a better question for the
6 Senate chairs who drew it, but yeah, I mean if you
7 go in there and start drawing that, High Point's
8 got, you know, a relatively larger population than
9 the other parts of that district and it's going
10 to, it's going to very quickly make you have to
11 start changing the other counties throughout that
12 district and not keeping them whole if you put
13 High Point in that district.

14 Q So your position is that if you put
15 Greensboro and High Point together would
16 necessarily require splitting another county?

17 A I think if you're on the current map if
18 you just went in and said, okay, I'm going to
19 extend the line down and put High Point in this
20 district, yeah, you're going to have to change the
21 district. One of the other counties that are kept
22 completely whole throughout that district which
23 they all are essentially other than Guilford
24 County and that little piece of Watauga that's
25 done for incumbency purposes, yeah, you would have

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1 to start changing the, the lines across the
2 counties.

3 Q Right. So my question was a bit
4 different. If you, you're not testifying that
5 it's impossible to put Greensboro and High Point
6 in the same district without splitting an
7 additional county, are you?

8 A No. It's not impossible.

9 Q Okay. And to your knowledge have

10 Rockingham County and Caldwell County ever been
11 paired together in the same congressional
12 district?

13 A I don't know that they ever have or not.
14 I just don't know the answer to that.

15 Q Have they in your -- you're from Caldwell
16 County; right?

17 A Yes.

18 Q And you don't in your lifetime or your
19 recollection you don't recall them ever being in
20 the same congressional district, do you?

21 A I don't think so, you know not, not that I
22 recall.

23 Q Did something change about the character
24 of the communities or anything like that that
25 warranted putting them in the same congressional

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1 district?

2 A I think that what changed was the
3 population of North Carolina exploded and we got a
4 14th congressional district and so, you know, all

5 the districts had to change.

6 Q And you already alluded to this a bit but
7 looking over at the western part of the district
8 you see that little chunk you mentioned you
9 thought it was for incumbency purposes that cuts
10 into District 14 in Watauga?

11 A Yeah. That's just a precinct that
12 Virginia Fox lives in.

13 Q Right, right. And as a result of that
14 little carveout, is it true that Representative
15 Fox is now in the same district as the Democratic
16 incumbent from Greensboro Kathy Manning?

17 A I think that's the case, yes.

18 Q And you were aware when you sponsored this
19 map in the House and supported its passage that
20 the map would do that double-bunking; right?

21 A Yes. I mean, you know again, obviously
22 everybody understands, understanding that
23 congressional members don't have to live in their
24 districts, but I understood that the district has
25 grown covered what I understood to be the current



1 residents of both of those members.

2 Q And your proposed map we discussed earlier
3 did not do that double-bunk, did it? It kept
4 every incumbent in his or her own separate
5 district?

6 A Yeah, that's right.

7 Q Can you explain to me what traditional
8 redistricting criterion double-bunking using that
9 little boot-shaped addition served?

10 A Well, I mean again I think you have to
11 look at the map as a whole and what it served is
12 drawing a statewide map, 14 districts across North
13 Carolina that only split two cities Charlotte had
14 to be split, so you can't even count that, and
15 Greensboro that's kept I think 90-some percent
16 whole. You know, however you slice the pie anyone
17 can admit if you sat down in front of Maptitude to
18 try to do that it is very difficult to draw 14
19 congressional districts in North Carolina and only
20 split two cities across the map, and so you know
21 in my opinion that's what the public expects to
22 see. They want to see these cities kept whole as
23 best we can.

24 The counties are kept whole. The number I
25 think is maybe 10 or so counties across that map



1 that are split at all. Very few VTDs across this
2 map precincts, I think the number was like 24, and
3 when you compare that to the past with what both
4 Republicans did and especially Democrats before
5 them they would have thousands of precinct splits
6 across the map. This map has 24 and it keeps all
7 but two cities completely whole, and so I think
8 you have to look at it in a, in a context in a
9 holistic way, and it was, when you, when you put
10 it on the scale in and weighing all of those
11 things I just mentioned and you say but you've got
12 to double-bunk Virginia Fox and Kathy Manning, it
13 was, it was a decision I was willing to make in
14 drawing the map.

15 Q So your position is that it was necessary
16 to double-bunk Virginia Fox and Kathy Manning in
17 order to serve all of those other purposes that
18 you just enumerated?

19 A Well, we didn't have a consultant, we
20 didn't have anybody drawing with a computer

21 algorithm somewhere. So you know, to say was it
22 possible to do it otherwise? I don't know but I
23 didn't have anybody, like I said, it that was a
24 consultant or somebody drawing maps somewhere that
25 could sit down and just do this, you know, using

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1 some sort of computer algorithm. This was done by
2 the Senate chairs and their committee, excuse me
3 in their committee room and so, you know, in terms
4 of just humans sitting down and drawing a map I
5 don't think it can get a whole lot better in terms
6 of following our criteria than what we have.

7 Q You testified just a moment ago that a lot
8 of these decisions were that were based on the
9 fact that North Carolina has had an explosion of
10 population over the last decade. Is that what you
11 said?

12 A Yeah. I mean I of course I just said that
13 that was one, one explanation for the changes in
14 districts of course.

15 Q Right, right. But so that growth is what
16 led to that 14th congressional seat; is that

17 right?

18 A Yes. That coupled with the, the loss of
19 population in other states.

20 Q Sure. And do you know whether the
21 population that growth that occurred in North
22 Carolina occurred primarily Democratic leaning
23 areas or more in Republican leaning areas?

24 A Well, you know, I don't know the answer to
25 that. I mean I know that, you know, obviously

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1 Raleigh and Charlottes are the big cities, are
2 bigger, bigger cities, probably they grew more
3 than other areas and as we talked about today and
4 seen on here in general those large cities and
5 their urban cores tend to vote Democratically, so
6 that would be some evidence that those, quote-
7 unquote, Democratic areas grew more.

8 Q And one more thing you testified earlier
9 about is that you thought it was better and you
10 weren't legally required but it was better not to
11 use election data or partisanship in drawing

12 districts. Do you recall that testimony earlier
13 today?

14 A Yes.

15 Q Can you explain to me why you think it's
16 better to not use election data or partisanship
17 when drawing district lines?

18 A Well, I think it's just become a political
19 football and I think that, you know, we've
20 litigated these cases well before my time in the
21 General Assembly and since I've been here it's
22 been nothing but litigation since I've been
23 serving the General Assembly, and I think that
24 the, you know, average member of the public I
25 think they prefer that lines be drawn without

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1 using election data.

2 Q Do you think it's more fair to the
3 citizens of North Carolina to not use any election
4 data partisan considerations in drawing district
5 maps?

6 MR. STRACH: Objection.

7 A You know, I mean fair is in the eye of the

8 beholder, but what I think is that the average
9 citizen, they want to keep cities and towns whole.
10 They want to keep counties whole. Obviously they
11 want to have districts that have equal population.
12 If you really hone in and focus on those key
13 factors, I think you draw something that makes
14 most, makes sense to most people in the state.

15 Q Thank you, Representative Hall. You know
16 I was hoping to take just a quick break. I think
17 we're close to the end here but I just wanted to
18 grab a glass of water and things. Would you be
19 amenable to maybe a five or ten-minute break?

20 MR. STRACH: That's fine, Sam. We'll be
21 back. We'll be back when you're back.

22 MR. CALLAHAN: Okay. Great. Much
23 appreciated.

24 THE VIDEOGRAPHER: We're going off the
25 record. The time is 2:25 p.m.



1 (A recess was taken.)

2 THE VIDEOGRAPHER: We are back on the

3 record. The time is 2:44 p.m.

4 MR. CALLAHAN: All right. Thank you,
5 Representative Hall, for your time today. No
6 further questions from the Harper plaintiffs.

7 THE WITNESS: Thanks Sam.

8 EXAMINATION BY COUNSEL FOR
9 PLAINTIFF COMMON CAUSE

10 BY MS. RIGGS:

11 Q Good afternoon, Representative Hall. I'm
12 Allison Riggs from the Southern Coalition for
13 Social Justice representing plaintiff Common
14 Cause. Can you hear me okay?

15 A I can hear you well.

16 Q All right great. Nice to meet you.

17 A And you too.

18 Q Representative Hall, you testified in the,
19 in front of the entire House on the House floor
20 that there were no outside consultants that you
21 used at all in any way in the drawing of the House
22 map; is that correct?

23 A I think that's right, yes.

24 Q You spoke with Mr. Callahan a little bit
25 about Mr. Dylan Reel. There is a few follow-up



1 questions I'd like to ask you about him.

2 A Okay.

3 Q Did I understand your testimony that he
4 was general counsel to you as chair of the Rules
5 Committee?

6 A That's right.

7 Q Did he have any formal role in the
8 redistricting process?

9 A Yes. I mean he's just a general counsel
10 for my office.

11 Q Okay. When did you hire Mr. Reel for that
12 role?

13 A Around the time that I became rules chair.
14 So that would have been August of 2020.

15 Q Okay. And was Mr. Reel hired for that
16 role specifically to provide legal advice and
17 strategy in the redistricting process?

18 A Not specifically for that but that, it was
19 for that among other things.

20 Q What was Mr. Reel's background in
21 redistricting?

22 A He had been an intern at the General
23 Assembly before in David Lewis's office who of

24 course was the former chair of the Redistricting
25 Committee.



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1 Q And when was that?

2 A That would have been, if he came to my
3 office in August of 2020, I think he had been an
4 intern in the Rules Office for a couple of years
5 before that.

6 Q He had been, when you say an intern, does
7 that mean an unpaid role?

8 A No. I think he was paid. He was in law
9 school at the time, and so he wasn't working full
10 time as an intern of course but I think he was
11 being paid for at least part of that time.

12 Q Okay. So your testimony is he worked for
13 Representative Lewis while in law school?

14 A Yes.

15 Q Okay. And do you know when Mr. Reel
16 graduated from law school?

17 A In May of 2020.

18 Q Do you know what kind of training besides

19 working as an intern in Representative Lewis's
20 office that Mr. Reel had in redistricting or
21 election law?

22 A Not sure if he had much more than that. I
23 mean similar to the, to me as the redistricting
24 chair, my experience was, was being a member of
25 the committee when Representative Lewis was the

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1 chair.

2 Q Okay. Do you know, did Mr. Reel ever
3 attend any NC -- not -- NCSL redistricting
4 training events and do you know -- and NCSL I
5 believe stands for National State Legislatures
6 something -- Council? Committee?

7 A Yeah, I'm familiar with the organization,
8 but I won't try to guess the name either but I
9 don't know if he did or not. He may have but I
10 just simply don't know.

11 Q Okay. Do you know if Mr. Reel ever met
12 independently from you with members of the
13 Republican National Committee staff?

14 A I don't believe that he did. I certainly

15 don't have any knowledge of that, and he would
16 have told me in my opinion he would have told me
17 if he, if he would have done that.

18 Q Why do you believe he would have told you?

19 A Well, Dylan and I, he's the general
20 counsel in my office. You know, in my opinion
21 he's got a duty to me just by virtue of that, but
22 in addition to that we're friends and you know we,
23 he, the Rules Office is very busy and it deals
24 with every single bill in the entire General
25 Assembly there's no way that I can do that by my



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1 myself. I've got a law practice that I've got to
2 deal with at home, and so he basically ran the
3 office when I was away and we talked very
4 frequently about matters in the Rules Office. I
5 generally would talk to him just about every day
6 especially when we're in session, and I know him,
7 and through that process, and it's my opinion that
8 had he, had he met with the RNC or really any
9 other political consultants he would have told me

10 that.

11 Q Did you ever explicitly ask Mr. Reel if he
12 had met with anyone from the RNC?

13 A No, no. And again I didn't see any reason
14 to do that. I didn't have any evidence that that
15 had happened.

16 Q Did you ever explicitly ask Mr. Reel if he
17 met with anyone from the National Republican
18 Congressional Committee?

19 A Again same answer. No, I didn't ask him
20 that but I didn't have any reason to.

21 Q Okay. Did you ever explicitly ask
22 Mr. Reel whether he met with anyone from the
23 Republican State Leadership Committee about
24 redistricting?

25 A No. Same answer. Didn't ask him that but

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1 as I said I didn't have any reason to ask him
2 about those things.

3 Q Did you ever explicitly ask Mr. Reel to
4 confirm to you that he never utilized outside
5 consultants in any way in the drawing of the House

6 map?

7 A No, and again same answer. I didn't have
8 any reason to believe that he had done that.

9 Q How did you think he -- strike that.

10 Did Mr. Reel contribute to the drawing of
11 these concept maps that you spoke about with
12 Mr. Callahan?

13 A Yes.

14 Q On what basis did you believe he had the
15 expertise to draw concept maps for the North
16 Carolina state House plan?

17 A Oh, probably the same basis as every other
18 chair of the committee. We're a part-time
19 legislature. I mean there's nobody there who
20 comes into it as some sort of expert in
21 redistricting like many of you folks are who
22 litigate these cases. We have to come into it and
23 learn by doing and, you know, just as I learned by
24 being a member of the committee Dylan had learned
25 some of the some of the rules and how the process

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1 works through his work as an intern in the prior
2 chair's office, and then now working of course in
3 my office.

4 Q And you relied on the advice, the legal
5 advice of a gentleman who graduated from law
6 school in 2020 for the drawing of the state House
7 map?

8 A Yes.

9 Q Did you ever explicitly ask Mr. Reel to
10 confirm to you that he never utilized any outside
11 consultants in the drawing of any of the concept
12 maps that he showed you?

13 A No, but again I didn't have any reason to
14 ask him that. So I didn't ask him.

15 Q Same question but applicable to all your
16 staff besides Mr. Reel. Did you explicitly ask
17 your staff to confirm to you that they never used,
18 utilized any outside consultants in the drawing of
19 or support for you in the drawing of state House
20 districts?

21 A And same answer. I had no reason to ask
22 them that. I had no evidence that had happened
23 and I don't believe that happened.

24 Q Did you ever ask any of your staff to
25 explicitly confirm to you that they did not use



1 Dave's Redistricting app?

2 A No, no. I didn't ask them that and as I
3 said earlier I don't know what app was used in the
4 concept maps.

5 Q You didn't ask what app was used in the
6 creation of the concept maps?

7 A No. As I've answered many times I don't
8 know what app it was.

9 Q Why didn't you ask?

10 A I, I didn't think it the really mattered.
11 My staff knew we were not using election data just
12 as I did, and so I saw no election data at all in
13 any of these maps. Again it was in the context of
14 talking to staff about the time constraints that
15 we were under and knowing that we had to get an
16 entire state House map drawn, and you know it was
17 done purely on data that was allowed under our
18 criteria.

19 Q Did Mr. Reel ever show you a concept map
20 or a portion of a concept map on his phone?

21 A Yes I think he at some point did show me

22 that.

23 Q Do you know if he took screenshots of the
24 concept maps on his phone?

25 A I don't know the answer to that.



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1 Q So you don't know whether he had a program
2 on his phone or if it was a screenshot on his
3 phone when he showed you his phone?

4 A Right.

5 Q Okay. Did Mr. Reel ever show you any maps
6 on his phone while he was in the public terminal
7 room with you?

8 A Yes.

9 Q And when did he show you concept maps in
10 the public terminal room?

11 A Again, it was probably a couple of times.
12 I don't remember the specific dates, and I don't
13 even really remember which districts it were that
14 we were talking about at the time, but again there
15 was no election results or partisan data on any of
16 those maps.

17 Q Did the concept maps that Mr. Reel showed
18 you on his phone inform how you independently drew
19 district lines on the public terminal computer?

20 A I think in a general way it did, but you
21 know not in a really specific way because, you
22 know, I didn't, and it wasn't like I went in and
23 tried to memorize precinct by precinct or tried to
24 you know look at a picture precinct by precinct
25 and turn around and draw it. I just had a general

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1 concept in mind and you know basically used that
2 to sort of start off whatever given map I was
3 doing and I had to go in and make the tweaks as
4 necessary, but again I, you know, that as I said
5 earlier, I think there were five or fewer concept
6 maps that I ever saw. I think there were only a
7 couple of times that I ever saw any map that he
8 had, you know, in the room.

9 Q So I understood that you testified earlier
10 that you never brought any maps into the public
11 terminal room with you, but it's your testimony
12 now that you did look at maps on Mr. Reel's phone

13 while he was with you in the public terminal room;
14 correct?

15 MR. STRACH: Objection. Go ahead and
16 answer.

17 A And as I said earlier, I didn't bring any
18 maps inside the room, and so the second part of
19 your question, did Mr. Reel, and I've answered
20 that question.

21 Q Mr. Reel no longer works for you; is that
22 correct?

23 A That's right.

24 Q He is now a lobbyist and consultant at
25 McGuire Woods?

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1 A That's right.

2 Q And he left your office just this month;
3 is that correct?

4 A Yes.

5 Q Do you know when he first began
6 conversations about his intended move to McGuire
7 Woods, a lobbying firm?

8 A No, I don't know a specific date.

9 Q Well, you were friends; right? When did
10 you first find out that he was planning on moving?

11 A I found out -- I would have to go back and
12 look at the calendar. I want to say we were in
13 session, and so that may have been sometime around
14 the, I don't know, the second half of November I
15 think, and so he was he was there for I think
16 several weeks after that roughly till, till mid
17 December.

18 Q You mentioned Neal Inman was involved in
19 reviewing the concept maps. Can you, I'm sorry if
20 I missed this, but can you restate what
21 Mr. Inman's role is specifically to Speaker Moore?

22 A Well, he's a lawyer but he is the -- his
23 title is chief of staff.

24 Q And were there other people from Speaker
25 Moore's staff besides Mr. Inman who reviewed

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1 concept maps?

2 A Not that I recall.

3 Q Who do you recall as serving on Speaker

4 Hall's -- sorry. I just promoted you.

5 A Yeah.

6 Q -- Speaker Moore's staff at the time
7 besides Mr. Inman?

8 A If you will ask that one more time.

9 Q Besides Miss -- I just want to go through
10 on who was on Speaker Moore's staff. So besides
11 Mr. Inman who would have qualified as the staff of
12 Speaker Moore?

13 A Well, I mean he has a staff of several I
14 mean more than ten. I don't know how many staff
15 members he has. Not even sure I know all of his
16 staff members.

17 Q Okay. Which ones can you remember?

18 A Just as, you're asking me just purely
19 who's on Speaker Moore's staff that I can name?

20 Q That's right.

21 A Well, you've got Sam Hayes who's the
22 general counsel who I think's on this call or
23 deposition. Just trying to think down the hallway
24 Dan Gurley who I, I think is the assistant chief
25 of staff, deputy chief of staff, Cory Bryson,



1 Britt Bryson, they're policy advisors I think is
2 the title they have. Grace Irvin is the
3 legislative assistant. Then there are, I mean
4 there are probably at least five or six others
5 Beth Friedrich is the, I think her title is the
6 assistant general counsel to the speaker. You
7 know, I'm probably -- well, Chris Pittman who's
8 also a staff member. Trafton Dinwiddie who's also
9 on the speaker staff. Julie Lisella, she handles
10 boards and commissions. You know and I'm sure I'm
11 leaving some out but those are all that I can
12 recall right now.

13 Q That's fine. It's not a memory test. So
14 having gone through those names and maybe
15 refreshed your recollection a bit do you ever
16 recall reviewing concept maps with Dan Gurley?

17 A No, I don't.

18 Q Do you ever remember reviewing concept
19 maps with Cory Bryson?

20 A No.

21 Q Do you ever remember reviewing draft maps
22 with Bren -- and I think you meant Woodcox?

23 A No. No Brent is a -- he's a Senate

24 staffer.

25 Q Oh, he's in the Senate. Sorry.

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1 A Yeah.

2 Q Do you ever remember reviewing concept
3 maps with Sam Hayes?

4 A I don't think so, no.

5 Q Is it your understanding, who, who
6 ultimately had possession and controlled the
7 concept maps that we've discussed today?

8 A You know, I would -- to the extent anybody
9 you know had possession or control I would say
10 Dylan Reel.

11 Q Do you know, did Dylan, did Mr. Reel ever
12 meet with anyone from Speaker Moore's office to
13 the best of your knowledge?

14 A Yeah. I mean he was the general counsel
15 of the Rules Office. He often met with people
16 from Speaker Moore's office, but I, I mean if you
17 want to clarify it down to a time period or
18 subject.

19 Q During the redistricting process so from

20 August to November, did Mr. Reel ever outside the
21 presence of you meet with members of the staff of
22 Speaker Moore's office?

23 A I don't know that for sure. I don't know.

24 Q Did you ever ask Mr. Reel if he showed the
25 concept maps to members of Speaker Moore's staff?



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1 A No. I didn't ask him that.

2 Q Did you ever review concept maps for
3 Congress with anyone from Senator Berger's staff?

4 A No.

5 Q Did during the redistricting process so
6 roughly from August through November did Mr. Reel
7 ever show concept maps to any members of Senator
8 Berger's office?

9 A Not that I'm aware of, no.

10 Q Did you ask him if he did?

11 A No, because I had no reason to think that
12 he did that.

13 Q What prevented your partisan -- sorry.
14 Strike that.

15 What presented -- what prevented your
16 staffers from looking at racial or partisan data
17 on Twitter or Dave's Redistricting app at any time
18 and having that affect the concept maps that
19 informed your drawing?

20 A Well, I mean just their understanding that
21 we had adopted criteria not to use those pieces
22 of, of data and they knew that I was careful to
23 stay away from any data like that, for example, I
24 believe you sent me an e-mail at some point that
25 had racial data in it and I didn't read the letter



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1 because I didn't want to, I didn't want to read
2 any of that data. We went to that sort of extreme
3 limit to try to prevent that sort of data from
4 corrupting the process. And so they knew I was
5 doing that, and again I know my staff and I
6 believe they were doing the same thing.

7 Q Okay. Well, we'll certainly get to that
8 letter. Did you ever issue any warnings to your
9 staff that if they consulted any partisan data
10 outside what was in Maptitude loaded on the

11 General Assembly system that you would fire them?

12 A No. You know again, as I've said I had no
13 reason to do that. They understood we were not
14 using election data.

15 Q So aside from election data did any of
16 your Republican legislative colleagues request
17 specific precincts be moved in and out of their
18 districts?

19 MR. STRACH: Allison, I think we're going
20 to object to that on the basis of legislative
21 privilege. If you're asking about other incumbent
22 members having conversations with Representative
23 Hall about their districts we're going to object
24 and instruct him not to answer that.

25 Q Okay. Representative Hall, did you ever

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1 make any changes to the maps that you drew, I know
2 you talked about Wayne and Duplin with
3 Mr. Callahan, but did you ever make any changes to
4 the state House map that wasn't of your own
5 initiative?

6 A Well no. I drew every map that was every
7 district in the map except for the one you just
8 discussed.

9 Q And when you say you drew every map, we
10 understand that you mean you also were informed by
11 a concept map that you didn't draw; correct?

12 MR. STRACH: Objection.

13 A Yeah, at limited times I saw a concept map
14 but again it, I didn't go in and copy it. So I
15 drew the maps other than the one that we
16 previously discussed in the Wayne-Duplin grouping.

17 Q But at various times Mr. Reel had a copy
18 of the map on his phone while he sat next to you
19 in the public terminal room; correct?

20 A Like I said a couple of times that
21 happened.

22 Q Do you know who Jim Blaine is?

23 A Yes.

24 Q Was Jim Blaine ever in the legislative
25 building during the redistricting process?

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1 A If he was I didn't see him.

2 Q Did you ever meet with him during the
3 legislative sorry the redistricting process?

4 A Yes. I had dinner with him and other
5 folks but not about redistricting.

6 Q So you never -- did you ever speak with
7 Mr. Blaine about redistricting in the period of
8 starting August 1st through the enactment of the
9 House, the redistricting plans in November?

10 A The only time I recall speaking to
11 Mr. Blaine was at dinner and it was at some point
12 during that process, and to the extent we talked
13 about redistricting it would have merely been, you
14 know, how is it going when do you all think you'll
15 be done in that sort of thing. We certainly
16 didn't have any discussions about election data.
17 He didn't give me any advice on how to draw
18 districts, nothing of the sort.

19 Q Representative Hall, if we take a break
20 for you to consult your calendar, can you tell us
21 the date on which this dinner happened?

22 A Maybe.

23 Q Can we take a one minute break for you to
24 do that?

25 MR. STRACH: Want to just look at it right



1 now?

2 A Yeah, just...

3 MR. STRACH: We'll just stay on. Let him
4 look at it.

5 A Okay.

6 Okay. It looks like it was October 12th.

7 Q Who else was at that dinner?

8 A Representative Brendan Jones and a fellow
9 who I don't know who was a friend of
10 Representative Jones I think from Columbus County.
11 As far as I know he wasn't like a political
12 consultant or anything of that nature.

13 Q Are you aware, so besides Representative
14 Jones who was with you at that dinner are you
15 aware of any other members of the North Carolina
16 General Assembly meeting with Mr. Blaine during
17 the redistricting process?

18 A Not to my knowledge.

19 Q Did you meet with anyone who works with
20 Mr. Blaine during the redistricting process?

21 A No.

22 Q Do you know who works with Mr. Blaine at
23 his consulting company now?

24 A I know Ray Martin that's what I was trying
25 to think of you know who all works for him. I



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1 think Ray Martin does. I don't recall seeing Ray
2 at all through the process, and there is I think
3 they've got some younger guy who works there now
4 who I don't know, I don't know really well. So
5 yeah Zach Almond is his name but I don't recall
6 seeing him or meeting with him at all during this
7 process.

8 Q Okay. Are you aware of any other members
9 of the General Assembly who would have met with
10 Mr. Martin or Mr. Almond during the redistricting
11 process?

12 A Not to my knowledge.

13 Q Have you ever visited the website of
14 Mr. Blaine's consulting company, it's called
15 Differentiators?

16 A Yes, at some point, yes.

17 Q Are you aware that they have posted for

18 lack of a better word blogs about redistricting
19 this cycle?

20 A Yes.

21 Q Did you read those?

22 A I don't know that I read all much them. I
23 don't know how many were there but to my knowledge
24 the only one that I recall seeing during this
25 process was the, there was one about groupings

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1 which was essentially the same thing, Duke
2 University had put out, but I don't recall reading
3 any other blogs that, that they put out.

4 Q Was there data was there political data on
5 the county groupings that was published on the
6 Differentiator website?

7 A Not that I recall seeing on there.

8 Q But you did read the blog about county
9 groupings about when Duke released its county
10 groupings analysis?

11 A Well, I looked at the groupings just
12 thinking back on when it went out as best I can.

13 I simply looked at the maps that the groupings
14 that they had. I don't know that I read through
15 the whole article as much as I just looked to see
16 looked at the groupings to see you know what those
17 groupings were going to look like.

18 Q But you didn't immediately shut it down if
19 there was political data on that blog, did you?

20 A I don't recall seeing political data on
21 there but again I was pulling it up to look at the
22 grouping maps, not to read an article from Jim
23 Blaine.

24 Q And I know you talked with Mr. Callahan,
25 Callahan a little bit about Buncombe County House

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1 districts and I just have a few follow-up
2 questions.

3 You worked at a public terminal on
4 district lines for Buncombe House county districts
5 on multiple different dates. Isn't that correct?

6 A I don't know if it was multiple dates or
7 not but I know I had I went, at one point I drew
8 it one way and then I changed it later on so I

9 don't remember if that was on the same date or
10 not.

11 Q All right. So would it refresh your
12 recollection if I told you the first date was
13 October 14th and the second map was on October
14 18th?

15 A Not really but I won't dispute that. I
16 drew two different Buncombe maps.

17 Q Okay. And in between the time that you
18 drew those two different Buncombe maps who, with
19 whom did you have discussions about the Buncombe
20 House districts?

21 A You know, it would have been, if I had
22 discussions about it, and I'm sure I did before we
23 went to go and change it, and this would have been
24 sort of immediately before, it would have been
25 like we met for, if that was the correct time



1 limits you made we wouldn't have been meeting for
2 four days about that. It would have been Dylan
3 Reel and it maybe Neal Inman speaker's office.

4 Q Indicate Lynn can you push pull up the
5 first screenshot from the public terminal when
6 Representative Hall was drawing state House
7 districts in Buncombe County. We've marked this
8 exhibit as Exhibit 34, and I'll represent to you
9 this is the day that you were walking in to draw
10 Buncombe House county districts. We marked it as
11 34 because we weren't sure when the how many
12 exhibits our co-counsel or co-plaintiffs would
13 have, but can you tell me is this you and
14 Mr. Reel?

15 A That appears to be.

16 Q Okay. Katelin, can you pull up the next
17 picture from the Buncombe districts? Okay. We've
18 marked this as Exhibit 35. Representative Hall,
19 is this you and Mr. Reel again in front of a
20 public terminal?

21 A It looks like it, yes.

22 Q Okay. And do you see that Mr. Reel is
23 holding something that appears to be a telephone
24 in his hand?

25 A It looks like we're both looking at our



1 phones.

2 Q Okay. Do you, do you remember what you
3 were looking at on your phones at that point?

4 A I don't but I know that I never had any
5 maps on my phone. So the chances are I was
6 looking at Twitter or Facebook or I was checking
7 my legislative e-mail or my law firm e-mail or my
8 personal e-mail or I was looking at how the stock
9 market was doing or I was reading my local
10 newspaper online, any number of things, and there
11 was a lot of down time in the room and the fact
12 that he and I are sitting there both sort of
13 looking ought our phones leads me to believe we
14 were probably waiting on central staff to load
15 whatever map we were trying to draw on or we were
16 waiting on them to press something.

17 Q You mentioned that Mr. Reel at least more
18 than one occasion showed you one of the concept
19 maps on his phone while you were in the public
20 terminal room. Do you recall if he showed you the
21 concept maps while you were drawing Buncombe
22 County House districts?

23 A You know, as I said earlier, I don't think
24 so. I don't recall specifically, but you know

25 Buncombe's just three districts, and you know the



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1 challenge there of course is you're trying to keep
2 municipalities as whole as possible. So if the
3 real problem as I testified earlier was the first
4 version that I drew just didn't look right it
5 didn't look very exact and so that was really the,
6 the genesis for going in to change it was just to
7 try to make it a bit more exact and, and I think
8 we did that.

9 Q When you first drew the three districts
10 House districts in Buncombe County, do you
11 remember what corner of the county you started
12 from?

13 A I don't, no.

14 Q Okay. Katelin, can you show the
15 comparison maps.

16 Representative Hall, I'll represent to you
17 that what is marked as Exhibit 36 here is a
18 comparison of the two different maps that you drew
19 at the public terminal for Buncombe County. In

20 the -- do you recognize these maps? Let me, the
21 shapes of the districts that is?

22 A I think your characterization is correct.

23 Q Okay. So Representative Hall, I'll
24 represent to you that the video record from the
25 public terminal would reflect that in the map on

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1 the left you started drawing the two blue
2 districts first in the southwestern part of the
3 county. Do you recall that?

4 A I don't. As I said earlier, I don't
5 remember which part of the county that I started
6 in. I know -- well, I don't know which one I
7 started with on either of these.

8 Q When you came back and drew the map on the
9 second, so the map on the right, so the second map
10 the enacted version of the Buncombe County,
11 Buncombe County House districts, I'll represent to
12 you that you again started with the blue districts
13 this time on the eastern part of the county. Do
14 you recall that?

15 A No. I don't remember which ones I started

16 with on either of these. I just know that my goal
17 on the second draw was basically to flip it around
18 because it seemed to me that it was going to wind
19 up being more exact and that District 31 sort of
20 wound around the whole county and we were trying
21 to avoid that.

22 Q So sitting here today you don't know why
23 you decided to each time draw the Democratic
24 districts first in the map?

25 A Well, I didn't decide to draw any



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1 Democratic or Republican districts, but in terms
2 of why I started where I started in the county
3 there was no rhyme or reason to it. It was you
4 have to start somewhere and again if you've ever
5 used Maptitude and sat down and drawing districts
6 you know a lot of times it's easier to start on
7 the outsides of the districts and trying to keep
8 districts looking compact and sort of work inward
9 and so if I started outside that may have been
10 why.

11 Q And does looking at, do looking at these
12 maps refresh your recollection about what the
13 concept maps that you viewed both on Mr. Reel's
14 phone in the public terminal room and in the
15 adjacent office to the public terminal space what
16 the concept map looked like for Buncombe County?

17 A Again, as I've said I don't recall there
18 being a concept map for Buncombe County at all. I
19 can't say for sure that there was not but I don't
20 recall seeing it. Buncombe County was a
21 relatively easier district to draw. It was just a
22 matter of trying to get it as compact as possible.

23 Q Did you check the compactness scores on
24 these, both of these maps?

25 A What I checked just simply the



1 visualization compactness test. I mean I didn't
2 actually get out the Reock and all those scores
3 but I just looked at them and they looked more
4 compact to me. District 31 is in the first map
5 just appeared to be too noncompact and it wrapped
6 around the whole county and so I, you know, in

7 attempt to make it look better we drew the map
8 that we drew.

9 Q Why didn't you utilize the Polsby-Popper
10 or Reock test?

11 A I didn't think I needed to. I looked at
12 it and felt like it looked more compact the second
13 time around so I didn't really need to do that.

14 Q All right. Representative Hall, you're an
15 attorney; correct?

16 A Yes.

17 Q Have you read the North Carolina Supreme
18 Court opinions in the Stevenson line of
19 redistricting cases from the 2000s?

20 A I haven't read all of them. They're
21 obviously very long but I have read at least
22 portions of that opinion you know. I don't
23 remember consider myself to be an expert as the
24 attorneys in this deposition might be, but I
25 probably know more than the average person knows

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1 about it.

2 Q What do you understand to be the first
3 step in a state legislative redistricting process
4 or the drawing of state legislative districts as
5 compelled by the North Carolina Supreme Court in
6 Stevenson?

7 MR. STRACH: Objection. Calls for a legal
8 opinion but if you can answer it.

9 A Well, I think as the opinion lays it out
10 it says that you first look at, you draw any VRA
11 districts that you have to draw.

12 Q Do you recall that it says any districts
13 compelled by the VRA?

14 A I don't remember that language. I just
15 know as a general matter it says do the VRA
16 districts first.

17 Q And what is your understanding of what a
18 VRA district is?

19 A Well, again my, my understanding is it's a
20 district again not being expert on the matter, and
21 I know you're asking me for a legal conclusion
22 again, but my general understanding is it's a
23 district where there is legally sufficient
24 racially polarized voting.

25 Q And you know I want to understand your



1 understanding of the law. So what do you
2 understand to be legally significant racially
3 polarized voting?

4 MR. STRACH: So Allison, I'm going to
5 instruct him not to answer this. He's not
6 qualified or able to give legal advice to you or
7 opinions about these VRA issues. Obviously they
8 rely on their own outside lawyers to advise them
9 on stuff like that, and so I'm uncomfortable that
10 this is going to lead to disclosure of attorney-
11 client privileged advice and he's also just not
12 qualified to speak to this. So I'm not going to
13 allow, make him sit here and try to give you a
14 treatise on the VRA. That's just not going to
15 happen today.

16 MS. RIGGS: So you understand that he
17 talked about this in public in committee meetings
18 and on the floor; correct?

19 MR. STRACH: If you want to ask him about
20 what he said, that's fine, but we're not going to
21 sit here and provide a treatise on the VRA. Not
22 going to do that.

23 Q Okay. Representative Hall, you
24 represented to members of your committee and to
25 the members of the North Carolina House of



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1 Representatives that you had complied with the
2 VRA. Please explain what you meant by that when
3 you stated it publicly to the members of your
4 committee and the members of the House.

5 A Well, as I said then and I'll simply
6 repeat what I said at that point, which of course
7 you know, you could go read the transcript on
8 that, but you know essentially it, it was our
9 opinion that due to the Covington case that we
10 believe said there was not sufficient evidence of
11 racially polarized voting in North Carolina that
12 we did not have to use race, but in our criteria
13 as amended, by the way, we amended it to say we
14 would comply with Section 2 of the Voting Rights
15 Act. We made it clear to members I along with
16 other, the other Senate chairs made it clear that
17 if any member had evidence of, of legally

18 significant racially polarized voting that might
19 trigger a VRA issue that they should bring that to
20 us, and that never happened, you know. We had
21 some members just make the conclusory remark that
22 we had to draw VRA districts but no member ever
23 put forth any evidence of that.

24 Q Didn't you in one committee meeting also
25 suggest that members of the public could bring

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1 that information to you as well?

2 A I don't remember if I did that or not.

3 Q All right. Well, we may pull that up to
4 confirm that, but what in, as the chair of the
5 Redistricting Committee what would have been
6 sufficient evidence to you to have drawn a VRA
7 district?

8 A I would not have made that decision on my
9 own. If anybody sent me that sort of analysis I
10 would have forwarded it on to the attorneys
11 representing the legislative defendants and asked
12 them for an opinion on what we should do.

13 Q Okay. Well, that brings me -- well, first

14 before I go to the letter, did you read the
15 Covington opinion?

16 A I have read part of it but it's been some
17 time, so it's been long enough to where I, I
18 don't, I haven't read it in a meaningful way to be
19 able to sit here and talk to you about it today.

20 Q Do you know what data informed the
21 racially polarized voting analysis in the
22 Covington case?

23 A I assume data from the Census Bureau.

24 Q Do you understand that a racially
25 polarized voting analysis involves looking at both

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1 race data and election data?

2 A I am not an expert on racially polarized
3 voting analysis, so I don't know. I've told you
4 just about the extent of my knowledge on the
5 analysis of whether a VRA district's required or
6 not.

7 Q Okay. Well, would it surprise you to know
8 that the only statewide elections analyzed by

9 legislative defendants' experts in the Covington
10 case reviewed by the Covington court were from
11 2004 and 2008?

12 MR. STRACH: Objection. Answer it if you
13 can.

14 A Would it surprise me? No it wouldn't
15 surprise me because I don't have a frame of
16 reference to know what data specifically should be
17 looked at. My guess is it's not clear in the law
18 which data should be specifically looked at but I
19 don't know that so I don't, I can't say that would
20 surprise me.

21 Q Okay. But you'd agree with me, wouldn't
22 you, that that's not recent data; right?

23 MR. STRACH: Objection.

24 A No, I wouldn't. I mean I think recent's
25 in the eye of the beholder. I don't know what in



1 terms of the case law on those matters what recent
2 is.

3 Q What is your definition of recent?

4 A I don't think it matters because I'm not

5 making a Supreme Court decisions or Federal
6 Appellate Court decisions, so I, you know, in the
7 context of -- it depends on, and if you ask me
8 virtually it depends on what context you ask me
9 in, but if you ask me for a legal conclusion of
10 recent, I think you just need to consult the case
11 law.

12 Q You'd agree with me, wouldn't you, that
13 you couldn't use 2010 census data in doing, in
14 engaging in decennial census, decennial
15 redistricting in 2021; correct?

16 A No, I wouldn't agree with that at all.

17 Q You wouldn't agree that you need to use
18 2020 census data?

19 A Well, you said you couldn't use 2010 data,
20 and no, I wouldn't agree with that. Again we're
21 talking about legal conclusions here and I, you
22 know, as I said, I don't know the answer to what
23 the cases say about that.

24 Q Okay. Apologize for double negatives.

25 You used 2020 census data in the 2021



1 redistricting process; correct?

2 A No. We used the we used the 2020 census
3 data in the redistricting process.

4 Q Sorry. I thought that was what I said.
5 You used the 2020 census data in the 2021
6 redistricting process; correct?

7 A That's right, but of course we did not
8 consider racial data from any time period.

9 Q Katelin, if you can find it while I'm
10 we're talking in my notes I remember that it was
11 the August 12th committee meeting where
12 Representative Hall talked about accepting
13 information from the public about Section 2 cases.
14 So maybe you can bring that up to refresh his
15 recollection in a minute, but first let me show
16 you a letter that SCSJ sent to you. Katelin, can
17 you put that up first?

18 Representative Hall, I'm going to let
19 Katelin scroll through this document. First is
20 the cover e-mail. You can go probably a little
21 faster.

22 Do you, do you recall receiving this
23 letter, Representative Hall?

24 A I think that's the letter that I

25 referenced earlier, yes.



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1 Q Okay. And let's go back to the e-mail
2 transmittal cover. Towards the top that's your
3 e-mail address in the -- trying to find what line
4 it is -- if you can highlight it,
5 Destin.hall@ncleg.gov?

6 A That's mine.

7 Q Okay. So you received this e-mail; is
8 that correct?

9 A Yes.

10 Q Okay. And what did you do with this
11 letter upon receiving it?

12 A Well, I got it via the e-mail of course
13 and so when I, I looked at it and I think I opened
14 the attachment and in one of the first few lines I
15 think it became clear that you had included racial
16 data, so I immediately closed it and, and I didn't
17 read the rest of it.

18 Q Did you forward it to anyone?

19 A I don't think so.

20 Q Did you discuss it with anyone?

21 MR. STRACH: You can answer that to the
22 extent that you don't discuss any conversations
23 with counsel.

24 A No.

25 Q I don't want you to reveal the

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1 conversations with counsel, but did you discuss it
2 with counsel?

3 MR. STRACH: Okay. You can --

4 A Yes.

5 Q Do you remember when you had those
6 conversations? Again don't tell me what they
7 were.

8 A It would have been right around the time
9 that the e-mail was sent.

10 Q Do you know, did Mr. Reel receive a copy
11 of this?

12 A I don't know if he's listed on there or
13 not but and so I don't know if he subsequently got
14 a copy of it.

15 Q Representative Hall, not having read the

16 letter but having invited information about
17 potential Voting Rights Act districts required,
18 how would you have liked to have received evidence
19 to induce you to examine whether or not VRA
20 districts were required?

21 A Well, you know, I think it goes without
22 saying, yeah, you obviously know that you often
23 represent plaintiffs in these cases and so right
24 off the bat when I see you send me an e-mail in a
25 redistricting case nothing against you personally

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1 but I think would you do the same thing if you
2 were in my shoes you're going to steer clear of
3 that, and so that's, again, not against you
4 personally, but it's not your advice that I'm
5 going to take on those issues, but you know, one
6 of the methods that, that we would have preferred
7 if Representative Robert Reives said come to me
8 and said look, here's the analysis we've got to go
9 through or Senator Blue had come to me and said
10 this, you know, that would have been the starting
11 point. Obviously counsel for both sides would

12 have to be involved with that but you know the,
13 the person who I expected to be the plaintiffs'
14 lawyer suing me would not be the person that I
15 would expect to receive such things from.

16 Q Do you understand that if Representative
17 Reives or Senator Blue had come to you to talk
18 about a VRA district it would have by necessity
19 required a discussion of racial data and political
20 data?

21 MR. STRACH: Objection.

22 A Yeah again, I, you know, I'm not an expert
23 on, on the VRA, you know, that's why we have
24 attorneys representing us.

25 Q Katelin, were you able to find the August

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1 12th committee hearing?

2 Okay. Representative Hall, I'll represent
3 to you that this is an August 12th committee
4 meeting and you are responding to Representative
5 Hawkins on how you determined whether black voters
6 were packed or not, and Katelin, can you highlight

7 the part about accepting information from the
8 public starts on line 13?

9 Representative Hall, does that refresh
10 your recollection about what you said publicly?

11 A Not really but I have no reason to doubt
12 that transcript. I probably did say that.

13 Q Okay. And do you know if I am a North
14 Carolina voter?

15 A I don't know that.

16 Q I'll represent to you that I am and the
17 letter, as I understood you just testified you
18 shut down that letter the second you saw racial
19 data involved in it; correct?

20 A Yes, I did, and again you know, and
21 obviously as you know it's not anything against
22 you personally. I don't know you personally but I
23 did know and expect that you were going to be a
24 plaintiffs' lawyer, and I don't believe you have
25 the best interests of my viewpoint on these



1 matters because obviously you're on the other
2 side, and that's fair. So you know that received

3 going to be taken in a little bit different light
4 than it might be if it came from one of the
5 members, and the other thing I'll say is no member
6 ever took any initiative on this as far as I'm
7 aware. I think some members maybe in committee
8 discussions they probably mentioned it but the
9 Democratic party in the state has a bunch of money
10 and they could have taken whatever time to do the
11 analysis they wanted to do. They didn't do that.
12 I can't tell you why they didn't do it but they
13 never did any sort of analysis whatsoever. They
14 never asked the nonpartisan staff of the General
15 Assembly to do such an analysis whatsoever and so
16 I don't know why they didn't do that.

17 Q Representative --

18 A I'm sorry. Go ahead.

19 Q Sorry to interrupt. Representative Hall,
20 Senator Blue had asked nonpartisan legislative
21 staff to look at racial data for a racially
22 polarized voting analysis. Isn't it true that you
23 would have instructed them that that violated the
24 criteria you set forth for this redistricting
25 process?



1 A I don't think that's the case, and you
2 know part of it is at the General Assembly the
3 nonpartisan staff doesn't work for one side or the
4 other and so if a member asked a nonpartisan staff
5 member to do something that unless it's illegal or
6 unethical or outside of their power to do, they'll
7 do that, and it's my understanding had they asked
8 nonpartisan staff to do that then they probably
9 would if it's within their capability and I don't
10 know if it is or not, but I know they are, the
11 Democratic party certainly has the ability to go
12 do that if they want to and none of those folks
13 chose to do that.

14 Q So despite repeated exhortations that,
15 that racial data and electoral data were
16 prohibited for use in this redistricting process
17 it is your testimony now that other members in the
18 legislature were supposed to know that they could
19 go to nonpartisan staff and request that which you
20 expressly prohibited?

21 MR. STRACH: Objection. That's not what
22 he said. Answer the question.

23 A Again, I think it's to the extent I'm
24 answering what I, what I said Senator Blue,
25 Representative Reives any many members of the



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1 Democratic party who are very smart folks and have
2 been there for some time they know what they can
3 and can't do with staff, and you know, whether,
4 whether staff, whether they asked them or not I
5 don't know and I'm not aware that they did that,
6 but again our criteria allowed for us to comply
7 with the Voting Rights Act and that was for a
8 reason and the reason was in case members put
9 forth evidence that we needed to draw VRA
10 districts, and nobody ever put forth any evidence
11 that we needed VRA districts and nobody to my
12 knowledge ever put forth an actual proposed VRA
13 district.

14 Q You never did any analysis yourself to
15 ensure that no VRA districts were required isn't
16 that correct?

17 MR. STRACH: Objection.

18 A Well, I mean again to the extent you're

19 asking me to make a legal conclusion I'm not going
20 to do that, but I'll just say what gave me the
21 decision to do to draw the way we I did was
22 informed by former cases I was informed by
23 Covington case. I was informed by Common Cause
24 case in most instances where we didn't use racial
25 data at all, and those were upheld.

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1 Q That wasn't my question. Representative
2 Hall, you, you did not perform any type of
3 analysis to determine whether current racially
4 polarized voting patterns and demographic racial
5 demographic patterns required the drawing of any
6 districts compelled by the Voting Rights Act.
7 Isn't that correct?

8 A My --

9 MR. STRACH: I'm sorry. Objection. Go
10 ahead.

11 A My analysis, analysis was just as I
12 described.

13 Q The old court cases?

14 MR. STRACH: Objection.

15 A Yes.

16 Q And that's it?

17 A You know, again, I without going into
18 legal conclusion, with legal conclusions yes, or
19 breaching any sort of privy may have, that's it.

20 Q And you acknowledged though in that
21 committee meeting that my colleague just had up
22 that the decision on whether or not a VRA district
23 was required might require racial data; correct?
24 Do you need me to put that back up?

25 A Again I'm not going to make a legal

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1 conclusion. I'm not an expert on VRA. I don't
2 know all the requirements.

3 Q Okay. You stated -- Katelin, can you
4 scroll up so that we can see that this is
5 Represent -- Chairman Hall speaking? Chairman
6 Hall, you would agree with me that you said in
7 this October -- sorry -- August 12th committee
8 meeting that members of the committee and members
9 of the public are welcome to gather whatever

10 evidence and put forth evidence that might fall
11 under Section 2 of the Voting Rights Act that that
12 may require some use of racial data. Did I read
13 your public statement correctly?

14 A Yeah, which is in line with what I just
15 said, that it may require it. I don't know
16 whether it does or not. I'm not an expert on VRA.

17 Q And your testimony was that you did not
18 look at the letter sent by Southern Coalition for
19 Social Justice because you saw that there was
20 racial data in there?

21 A I didn't see the racial data. I remember
22 seeing something towards the beginning of the
23 letter that led me to believe there was going to
24 be racial data in that letter and so I closed it.

25 MS. RIGGS: Okay. I have no further

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1 questions. Thank you for your time Representative
2 Hall.

3 THE WITNESS: Thank you.

4 EXAMINATION BY COUNSEL FOR PLAINTIFF

5 NORTH CAROLINA LEAGUE OF CONSERVATION VOTERS

6 BY MS. MITTAL:

7 Q Good afternoon. My name is Urja Mittal
8 and I'm here on behalf of the North Carolina
9 League of Conservation Voters. I have just one
10 follow-up question, if that's all right, following
11 up on Miss Riggs.

12 You explained that you have the, you made
13 a decision not to consider racial data in the 2021
14 redistricting process for all the reasons you just
15 set forth. Did you think that that decision was a
16 good idea, and if so, why?

17 MR. STRACH: Objection.

18 A Again, I don't have anything to add to
19 what I previously said because I think in large
20 part it's a legal conclusion and to this date I'm
21 not aware that anyone's put forth any evidence
22 that this map did not, did not comply with Section
23 2 of the Voting Rights Act, so at this point, yes,
24 I think that was a good idea.

25 MS. MITTAL: All right. Thank you.



1 That's all.

2 THE WITNESS: Thank you.

3 MR. STRACH: I think that covers all the
4 plaintiffs' groups, and we don't have any further
5 questions. So Sam, do you agree with me that the
6 deposition is now over?

7 MR. CALLAHAN: From my perspective it is
8 over.

9 MR. STRACH: All right. Well, Mr. Court
10 reporter, or madam court reporter, or technician,
11 if you can close this out and we'll --

12 THE VIDEOGRAPHER: Stand by. This marks
13 the end of the deposition of Representative Destin
14 Hall. We are going off the record at 3:44 p.m.

15 THE REPORTER: Counsel, I will take
16 transcript orders now, please.

17 MR. STRACH: Yeah. We'll take it however
18 expedited rough you can get. We've got deadlines
19 at the end of the week, so the quicker the better
20 and we'll take one.

21 THE REPORTER: Okay. Would you like a
22 rough draft later today and then final transcript
23 by the end of this week? Is that what I'm
24 hearing?

25 MR. STRACH: Yeah, if it's even possible



1 to get it even earlier this week. We have some
2 findings due on Friday this week, so I know that's
3 probably rough but, you know, to whatever extent
4 you can get us something earlier than Friday we
5 would appreciate.

6 THE REPORTER: Is Thursday morning
7 sufficient?

8 MR. STRACH: Yeah. We can live with that
9 if we get a rough today.

10 MR. CALLAHAN: We would ask the same for
11 the Harper plaintiffs, a rough later today and a
12 final by Thursday morning, if that's at all
13 possible.

14 THE REPORTER: That's fine. And other
15 counsel, Ms. Mittal and -- I don't see her now --
16 Ms. Riggs, are you all -- you're nodding, but I
17 don't know what that means.

18 MS. KAISER: Yes, Miss Hamilton. We would
19 also like the same as the Harper plaintiffs as
20 well as the legislative defendants.

21 MS. MITTAL: And us as well. Thank you.

22 (Off the record at 3:47 p.m.)

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EXHIBIT E

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
21 CVS 015426
21 CVS 500085

NORTH CAROLINA LEAGUE OF
CONSERVATION VOTERS, et al.,

Plaintiffs,

vs.

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

Defendants.

REBECCA HARPER, et al.,

Plaintiffs,

vs.

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

Defendants.

**LEGISLATIVE DEFENDANTS' OBJECTIONS AND RESPONSES TO PLAINTIFFS'
SECOND SET OF INTERROGATORIES**

Defendants Representative Destin Hall, Senator Ralph E. Hise, Jr., Speaker of the North Carolina House Timothy R. Moore, and President Pro Tem of the North Carolina Senate, Philip E. Berger, Senator Warren Daniel, and Senator Paul Newton ("Defendants"), by and through undersigned counsel, serve their objections and responses to Plaintiffs' Second Set of Interrogatories as follows:

GENERAL OBJECTIONS

Defendants make the following answers, responses, and objections to Plaintiffs' Second Set of Interrogatories ("Interrogatories"). Each of the following responses is made subject to any and all objections as to competence, relevance, or other grounds that would require exclusion of such statement if made by a witness present and testifying in court. Any and all such objections and grounds are expressly reserved and may be interposed at the time of trial.

The responses are based on Defendants' present knowledge, information, and belief, as derived from (a) the knowledge and information of present employees or agents of Defendants gained in their capacity as such and (b) a review of the documents and materials maintained by Defendants that would be likely to contain the information called for by the Interrogatories. These responses are subject to amendment and supplementation as Defendants acquire additional information and complete their review and analysis and made without prejudice to Defendants' right to use subsequently discovered or developed information. Defendants state that their responses to the Interrogatories were prepared in consultation with their attorneys and may not exactly match the words or phrases that may be used by individuals in the course of this litigation to describe events, policies, and practices discussed herein.

No incidental or implied admissions are intended by these responses. The fact that Defendants respond or object to any Interrogatory should not be taken as an admission that Defendants accept or admit the existence of any facts assumed by such Interrogatory or that such Response or objection constitutes admissible evidence as to any such assumed facts. The fact that Defendants respond to part of or all of any Interrogatory is not intended to be, and shall not be, construed as, a waiver by Defendants of any part of any objection to any Interrogatory.

Defendants will respond to Plaintiffs' Document requests in accordance with Rules 26 and 33 of the North Carolina Rules of Civil Procedure and will not provide responses or documents to the extent such responses or production would exceed the requirements of those Rules. Defendants only respond to these discovery requests with information or documents in their possession, custody or control.

Since the North Carolina Rules of Civil Procedure prohibit discovery of privileged matters, Defendants have attempted to interpret each Document Request to call for discoverable matter only. To the extent any response or produced document contains or refers to matters otherwise protected from discovery by the work product doctrine, the attorney-client privilege, or the legislative privilege, no waiver is intended; nor is any waiver intended as to any other matters that are or may be subject to such protection or otherwise privileged.

These responses are provided solely for the purpose of and in relation to this action

Responses and Objections to Specific Interrogatories

1. Identify by 5 p.m. on December 23, 2021, each person who, to your knowledge took part in the drawing of the 2021 Plans, including each person who had any involvement in (a) the development, formulation, discussion, consideration, review, drawing, revision, negotiation, and/or adoption of the 2021 Plans and/or the 2021 Plans Criteria; (b) assisting Legislative Defendants, directly or indirectly, in conducting any of the activities described in subsection (a); or (c) providing input, directly or indirectly to any Legislative Defendant, to their staff, or to employees of the General Assembly on the 2021 Plans and/or the 2021 Plans Criteria. This request covers individuals including, but not limited to, legislative staff members and contractors, legal counsel, members of political organizations, and outside consultants of any kind, including outside political consultants or outside mapmakers:

RESPONSE: Defendants object to this interrogatory to the extent it calls for the production of information protected by the attorney-client privilege, legislative privilege, or the work-product doctrine.¹ Defendants further object on the grounds that this request seeks information beyond Defendants’ knowledge. Legislators could have spoken to staff members, other legislators, or members of the public without the knowledge of Defendants. Subject to and without waiving these objections, Legislative Defendants identify:

Rep. Destin Hall	Rep. William Richardson	Rep. Jason Saine
Rep. John Torbett	Rep. Jay Adams	Rep. Cecil Brockmam
Rep. Becky Carney	Rep. Linda Cooper-Suggs	Rep. Jimmy Dixon
Rep. Jon Hardister	Rep. Pricey Harrison	Rep. Kelly Hastings
Rep. Zack Hawkins	Rep. Brenden Jones	Rep. Grey Mills
Rep. Robert Reives	Rep. David Rogers	Rep. John Szoka
Rep. Harry Warren	Rep. Lee Zachary	Sen. Ralph Hise
Sen. Warren Daniel	Sen. Paul Newton	Sen. Dan Blue
Sen. Jay Chaudhuri	Sen. Ben Clark	Sen. Don Davis
Sen. Chuck Edwards	Sen. Carl Ford	Sen. Kathy Harrington
Sen. Brent Jackson	Sen. Joyce Krawiec	Sen. Paul Lowe
Sen. Natasha Marcus	Sen. Natalie Murdock	Sen. Wiley Nickel
Sen. Jim Perry	Sen. Bill Rabon	Sen. Gladys Robinson

¹ Defendants have not withheld any information in response to this Interrogatory on the basis of these objections.

Legislative Defendants further identify all members of the General Assembly who voted on the Redistricting bills. The roll calls are publicly available on the General Assembly Website.

Legislative Defendants further identify the following staff members and third parties:

- **All individuals who spoke at public hearings**
- **Neal Inman**
- **Brian Fork**
- **Joshua Yost**
- **Sam Hayes**
- **Brent Woodcox**
- **Dylan Reel**
- **Nathan Babcock**
- **Jonathan Mattingly**
- **Attorneys at Nelson Mullins and Baker Hostetler provided legal advice in connection with the 2021 redistricting.**
- **Non-Partisan Central Staff Members**

2. Identify, by 5 p.m. pm December 23, 2021, all documents or data relied upon or otherwise considered by any Legislative Defendant or by any person identified in response to Interrogatory No. 1 above in connection with the creation of the 2021 Plans, including but not limited to draft redistricting plans (whether partial or complete), analysis of or relating to the 2021 Plans or drafts thereof, election or other partisan data, racial data, or any other data.

RESPONSE: Defendants object to this interrogatory to the extent it calls for the production of information protected by the attorney-client privilege, legislative privilege, or the work-product doctrine.² Defendants further object that this request is duplicative of Request for Production of Document No. 1. Subject to and without waiving these objections, Defendants state that no partisan or racial data was used or relied upon by Defendants. Defendants cannot speak for Dr. Mattingly, or the other third parties identified above. Defendants further state that they relied upon Dr. Mattingly's county groupings, which are publicly available, the 2020 census data (excluding any racial or political data), and incumbent addresses (which have already been produced to Counsel). Defendants also consulted publicly available remedial maps, and court opinions, including the special master reports of Nathan Persily drafted in *Covington v. North Carolina*. As a further response, Defendants refer Plaintiffs to Defendants' Objections and Responses to Request for Production of Document No. 1.

Defendant Hall states that during the truncated map-drawing period he relied on a staff member, Mr. Dylan Reel, to help prepare draft concept maps to develop options for a limited number of districts in a limited number of county groupings while complying with redistricting criteria. Defendant Hall would sometimes review these concept maps while drawing plans but the concept maps did not dictate map drawing and often Defendant Hall ignored them altogether. Defendant Hall and Mr. Reel did not use any racial or political data in preparing these concept maps. Neither Defendant Hall nor the

² Given the broad sweep of this Interrogatory it could conceivably cover documents created or prepared by attorneys containing legal analysis or documents otherwise covered by legislative privilege. However, Defendants have not to their knowledge withheld any documents or data based on these objections.

other Legislative Defendants have copies of these concept maps or any information or data related to such maps.

Submitted, this the 28th day of December, 2021.

/s/ Phillip J. Strach

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CERTIFICATE OF SERVICE

It is hereby certified that on this the 28th day of December, 2021, the foregoing was served on the individuals below by email:

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EXHIBIT F

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
21 CVS 015426
21 CVS 500085

NORTH CAROLINA LEAGUE OF
CONSERVATION VOTERS, et al.,

Plaintiffs,

vs.

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

Defendants.

REBECCA HARPER, et al.,

Plaintiffs,

vs.

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

Defendants.

**LEGISLATIVE DEFENDANTS' OBJECTIONS AND RESPONSES TO PLAINTIFFS'
SECOND SET OF RFP'S**

Defendants Representative Destin Hall, Senator Ralph E. Hise, Jr., Speaker of the North Carolina House Timothy R. Moore, and President Pro Tem of the North Carolina Senate, Philip E. Berger, Senator Warren Daniel, and Senator Paul Newton ("Defendants"), by and through undersigned counsel, serve their objections and responses to Plaintiffs' Second Requests for Production of Documents as follows:

GENERAL OBJECTIONS

Defendants make the following answers, responses, and objections to Plaintiffs' Second Requests for Production of Documents ("Document Requests"). Each of the following responses is made subject to any and all objections as to competence, relevance, or other grounds that would require exclusion of such statement if made by a witness present and testifying in court. Any and all such objections and grounds are expressly reserved and may be interposed at the time of the trial.

The responses are based on Defendants' present knowledge, information, and belief, as derived from (a) the knowledge and information of present employees or agents of Defendants gained in their capacity as such and (b) a review of the documents and materials maintained by Defendants that would be likely to contain the information called for by the Document Requests. These responses are subject to amendment and supplementation as Defendants acquire additional information and completes their review and analysis and made without prejudice to Defendants' right to use subsequently discovered or developed information. Defendants state that their responses to the Document Requests were prepared in consultation with their attorneys and may not exactly match the words or phrases that may be used by individuals in the course of this litigation to describe events, policies, and practices discussed herein.

No incidental or implied admissions are intended by these responses. The fact that Defendants respond or object to any Document Request should not be taken as an admission that Defendants accept or admit the existence of any facts assumed by such Document Request or that such Response or objection constitutes admissible evidence as to any such assumed

facts. The fact that Defendants respond to part of or all of any Document Request is not intended to be, and shall not be, construed as, a waiver by Defendants of any part of any objection to any Document Request.

Defendants will respond to Plaintiffs' Document requests in accordance with Rules 26 and 34 of the North Carolina Rules of Civil Procedure and will not provide responses or documents to the extent such responses or production would exceed the requirements of those Rules. Defendants further object that under the North Carolina Rules of Civil Procedure, these requests are premature, as no discovery is permitted until a Rule 26(f) conference has been conducted. Defendants only respond to these discovery requests with information or documents in their possession, custody or control.

Since the North Carolina Rules of Civil Procedure prohibit discovery of privileged matters, Defendants have attempted to interpret each Document Request to call for discoverable matter only. To the extent any response or produced document contains or refers to matters otherwise protected from discovery by the work product doctrine, the attorney-client privilege, or the legislative privilege, no waiver is intended; nor is any waiver intended as to any other matters that are or may be subject to such protection or otherwise privileged.

These responses are provided solely for the purpose of and in relation to this action.

Objections and Responses to Specific Requests

1. Produce, by 5 p.m. on December 23, 2021, all documents and data identified in your response to *Harper* Plaintiffs' Interrogatory No. 2 to Legislative Defendants, served on December 21, 2021.

RESPONSE: Defendants object to this Document Request to the extent it requests documents protected by the attorney-client privilege, work product doctrine, or legislative privilege.¹ Defendants further object that this request is duplicative of Interrogatory No. 2. Subject to and without waiving this objection, Defendants refer Plaintiffs to the following publicly available documents/data:

- **Meeting Minutes and Documents found at:**
<https://www.ncleg.gov/Committees/CommitteeInfo/HouseStanding/182#Documents>
- **Meeting Minutes and Documents found at:**
<https://www.ncleg.gov/Committees/CommitteeInfo/SenateStanding/154#Documents>
- **Reports, Maps, Shapefiles, and Block Assignment files found at:**
<https://www.ncleg.gov/redistricting/>
- **Committee Hearings and videos of map drawing sessions found at:**
<https://www.youtube.com/channel/UCxkfibwax95Q0ORobYVWaOA/videos>
- **Dr. Persily's Special Master Report and accompanying data found at:**
<https://www.ncleg.gov/Redistricting/SpecialMasterReport2017>
- **2020 Census Data (excluding any racial or political data).**
- **The Incumbent Address file already produced to counsel.**
- **Dr. Mattingly's County Groupings, publicly available, or equally available to Plaintiffs via their expert witness.**
- **Adopted Amendments submitted by Sen. Marcus and Sen. Clark; produced contemporaneously with these responses.**

Submitted, this the 28th day of December, 2021.

/s/ Phillip J. Strach

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¹ Given the broad sweep of this Interrogatory it could conceivably cover documents created or prepared by attorneys containing legal analysis or documents otherwise covered by legislative privilege. However, Defendants have not to their knowledge withheld any documents or data based on these objections.

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CERTIFICATE OF SERVICE

It is hereby certified that on this the 28th day of December, 2021, the foregoing was served on the individuals below by email:

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EXHIBIT G

Callahan, Sam

From: Jones, Stanton
Sent: Tuesday, December 28, 2021 11:27 AM
To: Alyssa Riggins; McKnight, Katherine L.; bcraige@pathlaw.com; nghosh@pathlaw.com; psmith@pathlaw.com; zzz.External.akhanna@elias.law; Theodore, Elisabeth; Callahan, Sam; dbradford@jenner.com; 'abranh@elias.law'; zzz.External.Imadduri@elias.law; zzz.External.jshelly@elias.law; zzz.External.gwhite@elias.law; Steed, Terence; Stephen Feldman; Hirsch, Sam; 'Schauf, Zachary C.'; Amunson, Jessica Ring; Bracey, Kali N.; Mittal, Urja R.; Adam Doerr; Erik R. Zimmerman; Allison Riggs; Hilary Harris Klein; Mitchell D. Brown; Katelin Kaiser; Boer, Tom; Molodanof, Olivia
Cc: Phil Strach; Tom Farr; Braden, E. Mark
Subject: RE: Legislative Defendants' responses to discovery requests

Alyssa:

If we understand correctly, only Rep. Hall and Sen. Hise will be verifying Legislative Defendants' interrogatory responses because only Rep. Hall and Sen. Hise provided substantive responses to the interrogatories, whereas the other four Legislative Defendants objected and refused to provide any substantive responses on the basis of legislative privilege. If this is the case, then we understand the substantive responses attributed to "Legislative Defendants" or "Defendants" to be provided solely on behalf of Rep. Hall and Sen. Hise. For instance, we understand the response stating, "Defendants state that no partisan or racial data was used or relied upon by Defendants," to be provided solely on behalf of Rep. Hall and Sen. Hise, and we understand that the other four Legislative Defendants are making no such representation. To the extent the substantive responses are instead provided on behalf of all Legislative Defendants, including the four who previously invoked legislative privilege to secure a protective order blocking their depositions, they have now waived the privilege, and accordingly they need to provide signed verifications and we demand to depose them before trial (including over the weekend, if needed) and will seek other appropriate relief from the Court. Please advise immediately whether the substantive responses to the interrogatories are provided solely on behalf of Rep. Hall and Sen. Hise, and not any of the other four Legislative Defendants.

Regards,
Stanton

From: Alyssa Riggins <alyssa.riggins@nelsonmullins.com>
Sent: Tuesday, December 28, 2021 10:59 AM
To: McKnight, Katherine L. <kmcknight@bakerlaw.com>; bcraige@pathlaw.com; nghosh@pathlaw.com; psmith@pathlaw.com; zzz.External.akhanna@elias.law <akhanna@elias.law>; Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Callahan, Sam <Sam.Callahan@arnoldporter.com>; dbradford@jenner.com; 'abranh@elias.law' <abranh@elias.law>; zzz.External.Imadduri@elias.law <Imadduri@elias.law>; zzz.External.jshelly@elias.law <jshelly@elias.law>; zzz.External.gwhite@elias.law <gwhite@elias.law>; Steed, Terence <Tsteed@ncdoj.gov>; Stephen Feldman <SFeldman@robinsonbradshaw.com>; Hirsch, Sam <SHirsch@jenner.com>; 'Schauf, Zachary C.' <ZSchauf@jenner.com>; Amunson, Jessica Ring <JAmunson@jenner.com>; Bracey, Kali N. <KBracey@jenner.com>; Mittal, Urja R. <UMittal@jenner.com>; Adam Doerr <ADoerr@robinsonbradshaw.com>; Erik R. Zimmerman <ezimmerman@robinsonbradshaw.com>; Allison Riggs <AllisonRiggs@southerncoalition.org>; Hilary Harris Klein <hilaryhklein@scsj.org>; Mitchell D. Brown <mitchellbrown@scsj.org>; Katelin Kaiser <katelin@scsj.org>; Boer, Tom <tom.boer@hoganlovells.com>; Molodanof, Olivia <olivia.molodanof@hoganlovells.com>
Cc: Phil Strach <phil.strach@nelsonmullins.com>; Tom Farr <tom.farr@nelsonmullins.com>; Braden, E. Mark <MBraden@bakerlaw.com>
Subject: RE: Legislative Defendants' responses to discovery requests