

GENERAL ASSEMBLY OF NORTH CAROLINA

2017 LEGISLATIVE SESSION, SENATE FLOOR

SENATE BILL 691 SECOND READING

FRIDAY, AUGUST 25, 2017

Reported by:

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Legislative Defendants Trial

Ex.009

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1 [Reporter's Note: Proceedings in this
2 session began at 10:27 a.m.]

3 PRESIDENT PT BERGER: The Senate will
4 come to order. Sergeant-at-Arms will close the
5 doors. Members will go to their seats. Members
6 and guests will please silence all electronic
7 devices.

8 Leading the Senate in prayer is Senator
9 Jerry Tillman of Randolph County. All members
10 and guests will please stand.

11 SENATOR TILLMAN: Thank you,
12 Mr. President.

13 Ladies and gentlemen of the Senate, let
14 us enter into a moment of prayer, please. I like
15 to begin prayers, especially in our caucus and in
16 other places, with a good bible verse, and I
17 picked this one out for my good friend Reverend
18 Lowe back there. I'm hoping one day, when he
19 preaches again in Randolph County, he will preach
20 on maybe -- maybe he can use this verse as a
21 sermon title.

22 It's a verse I like from the Old
23 Testament: Unless the Lord buildeth the house,
24 those who would build it laboreth in vain. Lord
25 we pray that you will be our foundation through

1 the life we build and the homes we build; that we
 2 will build it on you and the spiritual lessons
 3 that you have taught us through the Good Book.
 4 Guide and direct our thinking today, Lord, that
 5 you will be here in our midst to help us to do
 6 the work of the people and to do it with your
 7 blessings and your foundation. Oh, God, we pray
 8 in Christ's name. Amen.

9 PRESIDENT PT BERGER: Senator Pate is
 10 recognized for a motion.

11 SENATOR PATE: Thank you,
 12 Mr. President.

13 The journal of August 24, 2017, has
 14 been examined and found to be correct. I move
 15 that we dispense with the reading of the journal
 16 and that it stand approved as written.

17 PRESIDENT PT BERGER: Without
 18 objection, the journal for August 24, 2017,
 19 stands approved as written.

20 Members' leaves of absence are
 21 requested and, without objection, are granted for
 22 Senators Cook, Jim Davis, Meredith, Tarte and
 23 Woodard.

24 Members, courtesies of the Chamber are
 25 extended to Denise Myers Byrd of Discovery Court

1 Reporters and Legal Videographers.

2 And also, Members, in the Chamber is
3 former Senator Buck Newton. I saw him a little
4 bit ago. Senator Newton, if you're still here --
5 in the back of the Chamber. Thank you for being
6 with us today.

7 And with that, Members, unless there's
8 something else, we'll go straight to the
9 calendar.

10 SENATOR RABIN: Mr. President.

11 PRESIDENT PT BERGER: Senator Rabin,
12 for what purpose do you rise?

13 SENATOR RABIN: A motion, please.

14 PRESIDENT PT BERGER: State your
15 motion.

16 SENATOR RABIN: Thank you,
17 Mr. President.

18 Mr. President, we move to reconsider
19 House Bill 140, Dental Plans Provider Contracts
20 and Transparency, and House Bill 770, Various
21 Clarifying Changes to Tuesday's floor calendar.
22 That's August 29th.

23 PRESIDENT PT BERGER: Without
24 objection --

25 SENATOR RABIN: Mr. President, also

1 move to suspend the rules and staff be allowed to
 2 sit with Senator Hise for today.

3 PRESIDENT PT BERGER: Without
 4 objection, so ordered.

5 Senate Bill 691. The clerk will read.

6 THE CLERK: Senate Bill 691, 2017
 7 Senate Redistricting Committee Plan.

8 PRESIDENT PT BERGER: And Senator Hise
 9 is recognized, but before he's recognized,
 10 Members, we also have a single volunteer page
 11 with us today. He was up here. Tanner Minton is
 12 a volunteer page today. He is Senator
 13 Randleman's grandson.

14 And Senator Hise is recognized to speak
 15 on to explain Senate Bill 691.

16 SENATOR HISE: Thank you,
 17 Mr. President.

18 Members of the Committee, there are a
 19 lot of individuals and staff and others and our
 20 committee members on the redistricting put a lot
 21 of hours in between in a definitely compressed
 22 timeline given to us by the Courts in order to
 23 get these maps to you today and be able to get
 24 them through the process before the deadline
 25 September 1st. I want to start by saying that I

1 am very grateful to all of them for the work they
2 put into this.

3 The maps that you have in front of you
4 that were amended in committee yesterday, we
5 began by establishing criteria on which those
6 maps would be drawn, and the maps that you have
7 presented meet those criteria. Just to go
8 through them briefly, what you have, and everyone
9 should have, a printout copy of this, actually.
10 I know there may be some challenges for how this
11 works on the dashboard, but the full map that
12 would be entitled 2017 Senate Redistricting
13 Committee Plan.

14 First is equal population. You will
15 see in your stat pack that each one of these 50
16 districts fall within the plus or minus 5 percent
17 of the ideal population that is established by
18 the Courts.

19 The contiguity, you'll find that each
20 of these maps have contiguous borders with
21 districts around them.

22 County groupings and traversals, which
23 is probably the most complex of this and may have
24 caused consternation. The rules for county
25 groupings and transversals were established in

1 Stephenson one and have been affirmed in many
 2 other cases. This is a requirement that we group
 3 counties into the smallest number of counties
 4 possible that would form a whole number of
 5 senators within that district. This map follows
 6 the county groupings formula that we've released
 7 several weeks ago. We have asked on multiple
 8 occasions for anyone who could submit a more
 9 optimal county grouping process, and I believe
 10 that none exist and we have received none in the
 11 committee.

12 Compactness. The committee adopted as
 13 a guide for compactness Reock and Polsby-Popper
 14 scores for drawing legislative districts that
 15 appear. The reason these two are selected, these
 16 methods and scores were adopted as a guide is
 17 because they're the only ones that have been
 18 cited by the Courts as being relevant to judging
 19 the compactness of districts. So when we look at
 20 previous court rulings, these are the two
 21 measures that determine compactness.

22 The scores themselves lead to a minimum
 23 for Reock of .15 and a minimum for Polsby-Popper
 24 of .05, and you will find that all of the
 25 districts that are there meet those scores as

1 well as the stated goal of this. This plan
2 improves the compactness of the districts as a
3 whole that is coming in, and the 2011 Senate
4 Plan -- compared to the 2011 Senate Plan and also
5 fares against any -- well against any maps that
6 have been produced by the Senate over the last
7 two decades.

8 The next one, fewer split precincts.
9 In response to public comment and others, the
10 committee adopted criteria to lower the number of
11 split precincts, which is what you will find in
12 this map. The 2011 Senate Plan split 257
13 precincts. The plan that you have before you now
14 only splits 9 precincts. Two of those were
15 retained from the New Hanover County, the
16 districts that were not redrawn. Two were made
17 to avoid double-bunking of senators. The other
18 splits were made in place that has zero
19 population divide which would improve the
20 compactness score or to follow a new precinct
21 line that has been established since 2011.

22 Municipal boundaries. The next
23 criteria the committee was asked to consider
24 municipal boundaries when drawing legislative
25 districts. Across this state, this plan splits

1 just 25 municipalities in places where there is a
2 population or the city does not naturally cross a
3 county line. Municipal boundaries are by no
4 means compact or limited under annexation to even
5 county borders which makes that a little more
6 complex, but by any measure, this plan splits
7 fewer municipalities than the one adopted in 2011
8 and fares historically well against senate plans
9 adopted by the General Assembly over the last two
10 decades.

11 Next is incumbency protection criteria
12 adopted by the committee. The map, in effect,
13 does double-bunk eight members. Three pairs are
14 Republicans and one cross-party pair. No pairs
15 of the minority party were double-bunked in these
16 maps.

17 Senator Randleman, Senator Ballard were
18 double-bunked by the necessity of their county
19 grouping. Senator Krawiec and newly elect
20 Senator Barrett were double-bunked by necessity
21 within their county grouping. Senator Alexander
22 and Senator Barefoot were double-bunked in Wake
23 County; however, it was made known to the
24 committee that Senator Barefoot announced that he
25 does not intend to run for reelection. And

1 Senator Smith-Ingram and Senator Cook were also
 2 double-bunked by necessity of the county
 3 groupings.

4 Election data. We did consider
 5 political considerations in election data
 6 results. In drawing these, you have the report
 7 of each of the ten races from 2010 senate, 2012
 8 presidential, governor, lieutenant governor, 2014
 9 senate, and 2016 senate, governor, lieutenant
 10 governor and attorney general. You will have the
 11 results of each of those races as part of your
 12 stat pack.

13 And importantly, the last consideration
 14 would be that there would be no consideration of
 15 racial data. Data identifying the race of
 16 individuals was not used in the drawing of these
 17 maps. It was not used to assign voters to a
 18 particular district on the basis of their race.

19 It complies with all of the committees'
 20 criteria and, most importantly, now complies with
 21 the court order. I would ask for y'all to
 22 support it and would be more than happy to answer
 23 any questions.

24 Sorry, Mr. President. I do have a
 25 technical amendment, if that would be possible.

1 PRESIDENT PT BERGER: Send forward your
 2 amendment. The clerk will read.

3 THE CLERK: Senator Hise moves to amend
 4 the bill.

5 PRESIDENT PT BERGER: Senator Hise is
 6 recognized to explain the amendment.

7 SENATOR HISE: Thank you,
 8 Mr. President.

9 Members of the Committee, apparently
 10 when transcribing this map for the new PCS, one
 11 of the line numbers was picked up in the copying
 12 and added in, so there's an extra 27 on Page 4.
 13 This would simply remove that.

14 PRESIDENT PT BERGER: Further
 15 discussion or debate on Amendment 1. Hearing
 16 none, the question before the Senate is the
 17 passage of Amendment 1 to Senate Bill 691. All
 18 in favor of the amendment will vote "aye," all
 19 opposed will vote "no." Five seconds will be
 20 allowed for the vote. The clerk will record the
 21 vote.

22 Senator Barrett "aye"; Senator Dunn
 23 "aye"; Senator Smith-Ingram "aye"; Senator
 24 Waddell "aye."

25 45 having voted in the affirmative and

1 none in the negative, Amendment 1 passes and the
2 bill is back before you. Further discussion or
3 debate on Senate Bill 691.

4 Senator Blue, for what purpose do you
5 rise?

6 SENATOR BLUE: To send forth an
7 amendment.

8 PRESIDENT PT BERGER: Send forward your
9 amendment. And, Senator Blue, my understanding
10 is you have two amendments on the deck already.
11 If you can identify which one.

12 SENATOR BLUE: I will. Thank you very
13 much, Mr. President. It is ATC-122, Version 1,
14 looks like, the Wake County amendment.

15 PRESIDENT PT BERGER: The clerk will
16 read.

17 THE CLERK: Senator Blue moves to amend
18 the bill.

19 PRESIDENT PT BERGER: And Senator Blue
20 is recognized to explain the amendment.

21 SENATOR BLUE: Thank you very much,
22 Mr. President.

23 The committee yesterday, and I
24 appreciated it, adopted an amendment that we had
25 done involving just two districts in Wake County,

1 Senator Chaudhuri's district and the district
2 that I represent.

3 And what the amendment failed to do was
4 accurately reflect the precincts that we thought
5 had been transferred. This corrects it. It only
6 involves those two districts. It's been
7 reviewed. I've talked to Senator Hise about it,
8 and basically it's technical in nature, but pulls
9 in the precincts that we thought were being
10 pulled in in the Senate amendment yesterday
11 afternoon. I move adoption of the amendment,
12 Mr. President.

13 PRESIDENT PT BERGER: Further
14 discussion or debate on Amendment 2.

15 Senator Bishop, for what purpose do you
16 rise?

17 SENATOR BISHOP: To ask Senator Blue a
18 question, if he'll yield.

19 PRESIDENT PT BERGER: Senator Blue, do
20 you yield?

21 SENATOR BLUE: I yield.

22 PRESIDENT PT BERGER: He yields.

23 SENATOR BISHOP: Senator Blue, you and
24 I had some interplay -- discussion yesterday in
25 the committee meeting about your amendment that

1 was adopted then. I wanted to ask at this point
 2 do you remain convinced that the Wake County
 3 districts as further amended by your proposed
 4 amendment are not racial gerrymanders?

5 SENATOR BLUE: Not who gerrymandering?
 6 Racial gerrymandering?

7 SENATOR BISHOP: Yes, not racial
 8 gerrymandering.

9 SENATOR BLUE: They are not racially
 10 gerrymandering. And as I explained in the
 11 committee, I think that the way that Wake County
 12 is cures the gerrymander that the Court found in
 13 Wake County, and the only other avenue for it to
 14 be a racial gerrymander is if you used -- if you
 15 used race in order to get a political
 16 gerrymander. That's the way you would analyze
 17 it. And I think given the makeup of the
 18 districts in Wake County that you cure the racial
 19 gerrymander problem, and I don't think you have a
 20 political gerrymander in Wake County.

21 SENATOR BISHOP: May I follow up?

22 PRESIDENT PT BERGER: Senator Blue, do
 23 you yield for a follow-up?

24 SENATOR BLUE: I yield.

25 SENATOR BISHOP: Do you believe that

1 the districts in Wake County, as you would
2 further amend them by this amendment, are legal
3 under all applicable legal theories?

4 SENATOR BLUE: Again, I think that with
5 the interchange of precincts, and they're all
6 whole precincts, between the two districts that
7 the committee had drawn that were Democratic
8 districts more adequately cures the racial
9 gerrymander.

10 Again, I have not done a total analysis
11 of whether or not you've got a political
12 gerrymander, but as I told you in the committee
13 yesterday, I think the creation of District 16 as
14 a competitive district, and it looks like a
15 Democratic-leaning district, cures the foundation
16 on which one would probably bring a political
17 gerrymander claim, but the map still has high
18 numbers of Democrats in a district and
19 Republicans in a district, separate districts,
20 and the way that the map is drawn has two strong
21 Democrat, two strong Republican and it looks like
22 a competitive leaning Democratic district.

23 And so from the chatter that I've heard
24 about this area, you probably couldn't sustain
25 that there's a political gerrymander specifically

1 in Wake County, but it does -- it does not
2 address the broader issue of whether the map as a
3 whole is a political gerrymander. You can't do
4 that without analyzing all of the districts
5 statewide.

6 SENATOR BISHOP: Thank you,
7 Mr. President.

8 PRESIDENT PT BERGER: Further
9 discussion or debate.

10 Senator Hise, for what purpose do you
11 rise?

12 SENATOR HISE: Speak to the amendment.

13 PRESIDENT PT BERGER: You have the
14 floor.

15 SENATOR HISE: Thank you, Mr.
16 President.

17 Members of the Committee, we discussed
18 this quite a bit in committee yesterday and as
19 well as had several conversations with Senator
20 Blue. It is my determination that these maps
21 were not drawn with the consideration of race,
22 but, however, Senator Blue's knowledge of certain
23 communities and where they fit and his claim that
24 this would not -- would alleviate or would not
25 create a racial gerrymander in Wake County.

1 Coming in, I would ask that the Members
2 of the Senate would support this clarifying
3 amendment to what was proposed yesterday.

4 PRESIDENT PT BERGER: Further
5 discussion or debate on Amendment 2. Hearing
6 none, the question before the Senate is the
7 passage of Amendment 2, Senate Bill 691. All in
8 favor will vote "aye," all opposed will vote
9 "no." Five seconds will be allowed for the
10 voting. The clerk will record the vote.

11 45 having voted in the affirmative and
12 none in the negative, Amendment 2 passes and the
13 bill is back before you.

14 Further discussion or debate on Senate
15 Bill 691. Further discussion or debate on Senate
16 Bill 691.

17 Senator Robinson, for what purpose do
18 you rise?

19 SENATOR ROBINSON: To send forth an
20 amendment.

21 PRESIDENT PT BERGER: Send forward your
22 amendment. The clerk will read.

23 THE CLERK: Senator Robinson moves to
24 amend the bill.

25 PRESIDENT PT BERGER: Senator Robinson

1 is recognized to explain the amendment.

2 SENATOR ROBINSON. Thank you,
3 Mr. President.

4 Ladies and gentlemen, you have before
5 you on the dashboard an amendment for the way
6 Guilford County, specifically Senate
7 Districts 27, 28, and I believe 26 is in there
8 somewhere, are drawn.

9 The approach to this was to develop
10 districts that comply foremost with the state and
11 federal law, particularly remedying the
12 constitutional flaws that were found by the Court
13 in the present districts we have. The Court
14 specifically found that the violations included
15 Senate District 28 which takes in part of
16 Guilford County. And you can see that because
17 every reference that you have heard about shape,
18 different from what Senator Hise said yesterday
19 in committee that there were no comments about
20 shape, but in the comments in Guilford County, it
21 was specifically about shape. And Senate
22 District 28 is the one that was pointed out in
23 terms of why the shape.

24 The proposal here remedies that
25 violation and includes due consideration of the

1 factors adopted by the Redistricting Committee.
2 This mapping proposal is more compact than the
3 original map in 2011 that was invalidated by the
4 Court as well as the proposal for the county that
5 was just released by your Republican majority.

6 What seems to be the driving
7 consideration, however, of your map in this
8 county cluster is the maintenance of incumbents
9 in their own districts. Your map also split more
10 precincts, one of which was 3 which was a high
11 voting precinct that's African American mostly.

12 The placement of incumbents in this
13 county makes for a possible conflict of
14 considerations like compactness. This amendment,
15 however, maintains each incumbent in a single
16 district, but it achieves a more normal shape.

17 Senate District 28, Guilford County,
18 invalidated, in the Court's opinion, has a more
19 compact shape under this amendment both in
20 comparison to the 2011 map where we are currently
21 serving and in the one you proposed. To
22 accommodate the concern of keeping incumbents
23 separated, however, sacrifices were made for
24 compactness. Rather than wrap around almost the
25 entirety of my district, Senate District 28,

1 which your map does, as this map has a more
2 normal shape. This map addresses racial
3 gerrymandering as required by the Courts.

4 While this committee -- your
5 Redistricting Committee takes a surprising view
6 that race should not be a consideration, we think
7 it's noteworthy that this version of Senate 28
8 drawn here has a black voting age population that
9 is lower than both the original 2011
10 unconstitutional plan and the Republican
11 proposal.

12 According to the State's measures, the
13 BVP is approximately 45 percent of this map as
14 opposed to yours which was 50.52 percent. And in
15 response to the overwhelming views expressed
16 during public hearings, the districts were drawn
17 with the goal of creating competitive districts.
18 The voters have a chance to select their
19 candidates and the outcome is not preordained.

20 There are many ways to have achieved a
21 more compact plan in Guilford that is both fair
22 to the voters and consistent with constitutional
23 standards. Unfortunately, your map simply
24 attempts to nuck and tuck your way to legality.
25 That is not a good strategy to achieve court

1 compliance.

2 I recommend the amendment for your
3 approval and your support.

4 PRESIDENT PT BERGER: Senator Bishop,
5 for what purpose do you rise?

6 SENATOR BISHOP: To ask Senator
7 Robinson a question, Mr. President.

8 PRESIDENT PT BERGER: Senator Robinson,
9 do you yield?

10 SENATOR ROBINSON: I do.

11 PRESIDENT PT BERGER: She yields.

12 SENATOR BISHOP: Senator Robinson, I
13 have little expertise in drawing maps. I was
14 intrigued by your first point that the shape -- I
15 believe you said the shape of 28 is more normal
16 under your map. Could you explain what you mean?

17 Well, let me say -- let me preface the
18 question with saying that if I look at 28 on the
19 map proposed by the majority and I look at the 28
20 on your map, they look similar to me. If I were
21 to describe what that Rorschach block looks like,
22 I'd say it looks sort of like a bird, but in
23 either event, the same structure of it just seems
24 similar. It's got -- yours has squiggly lines
25 with outcroppings. It has the two sort of wing

1 structures.

2 Can you explain to the body what you
3 mean when you say it has a more normal shape.

4 SENATOR ROBINSON: Sure.

5 Mr. President --

6 PRESIDENT PT BERGER: You may answer.

7 SENATOR ROBINSON: Senator Bishop, I
8 don't know where you get your context from.
9 However, if you compare this map with the one of
10 the redistricting, you will see that the far left
11 end curves farther up than the map that we
12 propose.

13 Now, what I indicated in my
14 presentation, too, is that -- and if you want to
15 look at the VTDs, you'll see which ones have been
16 dropped off, have been eliminated if you look at
17 the data, and so that makes it more compact. And
18 if we are looking at compactness according to
19 criteria, then it requires both for Senate
20 District 27 and 28 when you don't want to
21 double-bunk incumbents, according to your
22 criteria as well, that this map would still have
23 somewhat of a partial circular shape.

24 PRESIDENT PT BERGER: Senator Bishop,
25 for what purpose do you rise?

1 SENATOR BISHOP: Ask a further
2 question.

3 PRESIDENT PT BERGER: Senator Robinson,
4 do you yield?

5 SENATOR ROBINSON: Yes.

6 PRESIDENT PT BERGER: She yields.

7 SENATOR BISHOP: So if I understand,
8 the nature of the normal shape, though, is that
9 it doesn't -- yours doesn't rise as much on the
10 left; is that correct?

11 SENATOR ROBINSON: Do you see that?

12 SENATOR BISHOP: I see that it doesn't
13 rise as much on the left. And you're saying that
14 that means it's more normal.

15 SENATOR ROBINSON: I'm saying it's more
16 compact.

17 SENATOR BISHOP: Further question,
18 Mr. President.

19 PRESIDENT PT BERGER: Senator Robinson,
20 do you yield?

21 SENATOR ROBINSON: Yes.

22 PRESIDENT PT BERGER: She yields.

23 SENATOR BISHOP: And does the map of
24 Guilford County, as drawn in your amendment,
25 split more municipalities?

1 SENATOR ROBINSON: The map splits --
2 your map splits High Point -- splits High Point
3 and -- yeah, we split one other, Jamestown, in
4 addition to High Point. And then you've split
5 the far right end. As a matter of fact, your map
6 splits a precinct that our map does not. Your
7 map splits a major voting precinct.

8 SENATOR BISHOP: Further follow up.

9 PRESIDENT PT BERGER: Senator Bishop
10 asks if you yield for another question, Senator
11 Robinson.

12 SENATOR ROBINSON: Yes, Mr. President.

13 PRESIDENT PT BERGER: She yields.

14 SENATOR BISHOP: Do you split
15 Summerfield?

16 SENATOR ROBINSON: My map does not. I
17 need to look at it, but I'm pretty sure it
18 doesn't.

19 SENATOR BISHOP: How
20 about Kernersville?

21 SENATOR ROBINSON: Summerfield -- wait
22 a minute. Wait a minute. Let me look at a VTD.
23 No, it doesn't.

24 SENATOR BISHOP: Further question,
25 Mr. President.

1 PRESIDENT PT BERGER: Senator Robinson,
2 do you yield?

3 SENATOR ROBINSON: Yes.

4 PRESIDENT PT BERGER: She yields.

5 SENATOR BISHOP: I think I just asked
6 about Kernersville. Do you split Summerfield?

7 SENATOR ROBINSON: I said no.

8 SENATOR BISHOP: Further question.

9 PRESIDENT PT BERGER: Senator Robinson,
10 do you yield?

11 SENATOR ROBINSON: Yes.

12 PRESIDENT PT BERGER: She yields.

13 SENATOR BISHOP: So you're telling this
14 body that this map only splits one more
15 municipality that the majority map; is that
16 correct?

17 SENATOR ROBINSON: Based on the VTDs
18 that are listed here, most are in Greensboro.
19 And I do know my voting precincts in Guilford
20 County. High Point and then Jamestown is split
21 between 27 and 28.

22 PRESIDENT PT BERGER: Senator Bishop.

23 SENATOR BISHOP: A further question for
24 Senator Robinson.

25 PRESIDENT PT BERGER: Senator Robinson,

1 do you yield?

2 SENATOR ROBINSON: Yes.

3 PRESIDENT PT BERGER: She yields.

4 SENATOR BISHOP: Were you involved in
5 the preparation of this map, Senator Robinson?

6 SENATOR ROBINSON: Yes.

7 SENATOR BISHOP: Follow up,
8 Mr. President.

9 PRESIDENT PT BERGER: Senator Robinson,
10 do you yield?

11 SENATOR ROBINSON: Yes.

12 PRESIDENT PT BERGER: She yields.

13 SENATOR BISHOP: Did you work with
14 Kareem Crayton also in the development of this
15 map?

16 SENATOR ROBINSON: I worked with
17 Senator McKissick. I believe he worked with
18 Kareem Crayton.

19 PRESIDENT PT BERGER: Senator Bishop.

20 SENATOR BISHOP: I have a follow-up
21 question, Mr. President.

22 PRESIDENT PT BERGER: Senator Robinson,
23 do you yield?

24 SENATOR ROBINSON: Yes.

25 PRESIDENT PT BERGER: She yields.

1 SENATOR BISHOP: You said that the
2 black voting population of the map as amended is
3 45 percent.

4 SENATOR ROBINSON: Yes. A little less
5 maybe.

6 SENATOR BISHOP: A little less?

7 PRESIDENT PT BERGER: Further question?

8 SENATOR BISHOP: Yes, Mr. President.

9 PRESIDENT PT BERGER: Senator Robinson,
10 do you yield?

11 SENATOR ROBINSON: Yes, I do.

12 PRESIDENT PT BERGER: She yields.

13 SENATOR BISHOP: What evidence did you
14 rely upon to target that particular level of
15 black voting population?

16 SENATOR ROBINSON: Senator Bishop, I
17 relied on my own experience. The Senate
18 District 28, based on the current district and
19 the way you did it, is packed with African
20 Americans. And I know the precincts. So it
21 doesn't take a whole lot of research for me to
22 know. Plus, I can look at the data.

23 Now, the Court said -- and I was
24 sitting in the court -- when the issue was about
25 racial gerrymandering, and that's exactly what

1 you did. So if you talk about racial
 2 gerrymandering, you are automatically talking
 3 about how many black folk did you pack. So
 4 you're a lawyer; you ought to know.

5 SENATOR BISHOP: Follow-up question,
 6 Mr. President.

7 PRESIDENT PT BERGER: Senator Robinson,
 8 do you yield?

9 SENATOR ROBINSON: Yes.

10 PRESIDENT PT BERGER: She yields.

11 SENATOR BISHOP: Other than your
 12 personal experience, did you have any other
 13 evidence concerning racially polarized voting
 14 that you used in deciding to target that district
 15 at 45 percent?

16 SENATOR ROBINSON: Senator Bishop, I
 17 have the racial compositions of every precinct,
 18 every district, et cetera, and you ought to have
 19 it too. So it's very easy to look to see what
 20 the percentage of voting age populations by race
 21 is in this state.

22 SENATOR BISHOP: Further question,
 23 Mr. President.

24 PRESIDENT PT BERGER: Senator Robinson,
 25 do you yield?

1 SENATOR ROBINSON: Yes.

2 PRESIDENT PT BERGER: She yields.

3 SENATOR BISHOP: Yes, ma'am. I'm not
4 suggesting that the data is unavailable to
5 determine how many voters of what a particular
6 race might be in a district if someone sought
7 that information.

8 The question I asked is do you have
9 evidence about racially polarized voting beyond
10 what was available to this body when it last
11 redistricted which you used in making the
12 decision to target at 45 percent.

13 SENATOR ROBINSON: Let me say, I said
14 to you earlier that I worked with Senator
15 McKissick who worked with Dr. Crayton in
16 developing the prospectus behind this, so that
17 should have been sufficient.

18 SENATOR BISHOP: No more questions.

19 PRESIDENT PT BERGER: Further
20 discussion or debate on Amendment 3.

21 Senator Hise, for what purpose do you
22 rise?

23 SENATOR HISE: Speak to the amendment.

24 PRESIDENT PT BERGER: You have the
25 floor.

1 SENATOR HISE: Thank you, Mr. President
2 and Members of the Senate. A few things that I
3 felt like I wanted to address.

4 I think it's clear to any analysis or
5 anyone that says the district drawn in 28 here in
6 the new map is different and then the one in the
7 2011 map, it is different than the one in this
8 amendment that is coming forward.

9 The analysis being used to say that it
10 racially gerrymanders is somebody looked at it
11 and says, well, it kind of looks the same, and
12 since it kind of looks the same, we say it must
13 be a racial gerrymander, ignoring the fact that
14 the Greensboro city limits also continued to look
15 the same for all three maps and none of that area
16 has been changed.

17 It's also being claimed that there is a
18 split precinct. That is absolutely not accurate.
19 There is a voter tabulation district that existed
20 in 2011 that has been changed to reflect new
21 precincts that now exist in Guilford County, and
22 the borderline is now drawn along the new
23 precinct line. As voter tabulation districts no
24 longer exist in that process and new precincts
25 are in place, we follow precinct boundaries.

1 Most importantly, it violates the
 2 criteria set by the committee that we would not
 3 sort voters on the basis of race. Not only does
 4 it violate that criteria, we heard in committee
 5 yesterday that it goes one step forward by
 6 selecting a very specific target on race based on
 7 one person's opinion and what they thought would
 8 be good and basically made the purpose of we're
 9 going to draw the race to that new target,
 10 something the Courts have clearly determined is
 11 not allowed in racial gerrymanders.

12 Had someone had done an actual study of
 13 racially polarized voting and the result of that
 14 had to come out to this number and presented that
 15 to the committee, we may be inclined to follow
 16 that number and draw the districts in that
 17 manner. That did not occur. This is based on a
 18 single individual's opinion that is there.

19 I will also say that the analysis of
 20 our staff of this from yesterday is that it
 21 splits seven municipalities that was coming up
 22 when you look at the municipal borders compared
 23 to the previous map that split four
 24 municipalities, so it would increase the number
 25 of split municipalities by three.

1 For those reasons that it fails to
2 follow the criteria established by the committee,
3 I would ask that you reject the amendment.

4 PRESIDENT PT BERGER: Further
5 discussion or debate.

6 Senator Blue, for what purpose do you
7 rise?

8 SENATOR BLUE: For a statement.

9 PRESIDENT PT BERGER: You have the
10 floor.

11 SENATOR BLUE: Thank you,
12 Mr. President.

13 I would just like to refocus our
14 attention on two things relating to this
15 particular district. In the Courts' decision,
16 both at the -- after the United States Supreme
17 Court ruled on these districts, the three-judge
18 panel, consisting of two District Court judges
19 and a Court of Appeals judge, said that this
20 body, once redistricting was done, would inform
21 the Court as to any district where the BVAP,
22 meaning black voter age population, exceeded
23 50 percent.

24 Now, in order to answer the Court's
25 question, you've got to look and see whether any

1 of these nine districts exceed 50 percent BVAP.
2 And that's common sense. The Court says tell me
3 on any of the districts that you do why it went
4 beyond 50 percent.

5 This district goes beyond 50 percent
6 black population, black BVAP, as I understand it.
7 And so the Court is going to require in the
8 submission that you explain why that is. And if
9 you tell the Court, well, lady and gentlemen of
10 the Court, I don't know that it went beyond
11 50 percent because I didn't look at race in
12 determining how to cure what you told me had to
13 cure. We're going to look sort of strange saying
14 that. Now, maybe the Court will believe it,
15 maybe there's some explanation, but the Court is
16 also going to look at the fact that the fellow
17 who drew this district drew the unconstitutional
18 district in 2011.

19 And although, as we get older our
20 memories aren't what they are when we were
21 younger, and maybe his has changed tremendously
22 over six years, but I'm sure that if I were
23 redoing the job, I would go back and look at my
24 notes and I'd go back and look at why I did
25 things the way that I did them, especially since

1 the Court is going to want to know how.

2 If you look at the map of 2011 and you
 3 superimpose on it the map of 2017 that is before
 4 you now, this amendment, a third grader, or even
 5 a three-year-old, can tell you that they're very
 6 similar in outline. And so if the same person
 7 drew them, the Court is going to imply that it
 8 was the same intent in the way that you drew it,
 9 and so now you explain to me why it's like this,
 10 why isn't that a reasonable conclusion.

11 And I'm just being honest with you in
 12 the way that you would approach somebody who told
 13 you. The design of the map in 2011 in this
 14 district looks eerily close to the design of the
 15 map in 2017.

16 So what Senator Robinson was trying to
 17 do in changing the 1st, taking it below 50
 18 percent, so that unless something called it to
 19 the Court's attention in another way, it didn't
 20 have to be explained further.

21 What we've tried to do is give you some
 22 indication as to how you cure these gerrymanders.
 23 Not trying to gain partisan advantage, not trying
 24 to gain racial advantage, but at the end of the
 25 day, it is a Court, the third branch of

1 government, which interprets what we do and what
2 laws do across the country that tells us what
3 they want to see in order to determine that this
4 problem that they've identified has been fixed.

5 All Senator Robinson has tried to do is
6 fix it, and so the BVAP goes from 50 point
7 whatever it is in the Senate plan down to 45, I
8 think you said, in this plan. And that's simply
9 saying that this is how we propose that you fix
10 the gerrymander.

11 Oddly enough, oddly enough, in the
12 Alabama case which gave rise to all of this
13 litigation that went to the Supreme Court, in the
14 Court's opinion, when it went back to the
15 three-judge court in Alabama -- one member of
16 whom, by the way, was one of the top three
17 contenders to be appointed to the U.S. Supreme
18 Court by President Trump. When it went back to
19 the Alabama three-judge panel, Federal Court, the
20 reason that they determined that there weren't
21 gerrymanders or that some of them had been fixed
22 is because the members representing some of those
23 districts had agreed that this is a reasonable
24 percentage for this plurality black district.

25 I keep saying again that the magic of

1 this place is that when we all work together, you
2 can fix these problems, but you need to listen to
3 the opinions of the folk who got 190,000 people
4 in their districts, just like you've got 190,000
5 in your districts. That's the whole beauty of
6 this legislature, at least the concept behind it
7 that you bring people together from different
8 backgrounds and different places and they work
9 through the things that vex the state.

10 And so that's how the 45 percent makes
11 sense, Senator Bishop. Because in the Alabama
12 case, some senators had districts that went in
13 excess of 60 percent African American, but
14 because they agreed with the redistricting folk,
15 they were able to design those districts and have
16 an impact in the districts around them.

17 And those who are really interested in
18 the political angle so much, I really do believe
19 that we ought not play politics so deeply in
20 this, but those who really believe in a political
21 angle -- in Alabama they still ended up with huge
22 majorities of Republicans, but they worked
23 through it, again, because the members decided
24 that this is not a gerrymander based on my
25 experience with this district, and that is what

1 Senator Robinson was trying to share with you.
2 That's it in a nutshell.

3 And in Guilford County, a county with
4 half a million people, in Guilford County with
5 two complete senate districts and then part of
6 two other counties pulled in, there are plenty of
7 other ways that you can shape the remaining three
8 districts to try to accomplish whatever your ends
9 are other than having districts that are
10 competitive. But at least you fix the
11 gerrymander in Guilford County that the Court at
12 the Supreme Court level has said exists, and you
13 save millions and millions and millions of
14 taxpayer dollars from defending the
15 undefensible -- the indefensible. That's the
16 only point that she's trying to make.

17 PRESIDENT PT BERGER: Senator Hise.

18 SENATOR HISE: See if Senator Blue will
19 yield for a question.

20 PRESIDENT PT BERGER: Senator Blue, do
21 you yield?

22 SENATOR BLUE: Yes, sir, I yield.

23 PRESIDENT PT BERGER: He yields.

24 SENATOR HISE: Thank you, Senator Blue.

25 On multiple occasions now you or other members

1 have stated what the percentage of the black
2 voting age population is in a particular
3 district. And as you're aware, the committee as
4 a whole has not seen that information and others,
5 and I would ask simply what is your source for
6 that information and are you planning to submit
7 that at some point?

8 SENATOR BLUE: Thank you for that
9 question, Senator Hise. I thought that it was
10 part of the stat pack that had been submitted
11 with these plans. It should have been. Because
12 in order for them to analyze the districts the
13 way they analyzed them, you had to know what the
14 racial data was. And it's an attempt on the part
15 of these members to address the particular racial
16 gerrymander.

17 So, yes, race was looked at in these --
18 the only way I could determine that there was --
19 that the racial gerrymander in Wake County has
20 been fixed is in looking at what the Court said
21 was a racial gerrymander. In Wake County, the
22 Court said that it was a racial gerrymander when
23 the African American percentage in the district
24 that I represent exceeded 41 percent because that
25 had never been necessary. When the 2003

1 redistricting occurred, the BVAP was somewhere in
 2 the 40, 41 percent area. And I did not draw the
 3 senate district that I represent.

4 And so one of the ways that you do the
 5 Gingles analysis, which is the case that's
 6 controlling in a Section 2 case, which Wake
 7 County would have been, it was not a Section 5
 8 county, that is, anything in happening in Wake
 9 County didn't have to get pre-cleared under
 10 Section 4 of the Voting Rights Act which was
 11 declared unconstitutional by the U.S. Supreme
 12 Court. We are a Section 2 county, as every
 13 county in the United States is.

14 And so the standard by which racial
 15 gerrymanders are determined under Section 2 is a
 16 case called Gingles, a North Carolina case, that
 17 was decided in 1984 that basically made us divide
 18 North Carolina into single-member districts
 19 across the state, at least started the process.
 20 And Gingles says there are three factors that
 21 have to be satisfied before you can use race in
 22 the drawing of a legislative, congressional,
 23 municipality, any kind of district, water
 24 district or anything.

25 You have to show, number one, that

1 there's enough compactness to draw a district.

2 Number two, you have to show that
3 there's polarization among the non-minority
4 voters so that they won't vote for an African
5 American or a member of the minority.

6 And number three, you have to show a
7 cohesiveness within those groups so that the
8 minority can elect their candidate of choice. It
9 doesn't have to be a minority candidate, but it
10 has to be a candidate who's a choice of the
11 minorities who live in that district so they have
12 some influence on who's being elected.

13 And so in 2003, the Court looked at it,
14 the State Supreme Court, by the way, looked at it
15 and said that these Gingles factors exist in
16 these districts that you just looked at. So they
17 decided to set Wake County at the 40, 41 percent
18 level. It was not a majority district. Said in
19 some of the counties they went over 50 percent
20 because of voting history and voting records.
21 That's how these percentages were set.

22 In looking at it, the 2011
23 Redistricting Plan took Wake County from 41 to 50
24 plus percent African American in that district.
25 There was no justification for it. First, there

1 was no disparity voting study done, but secondly,
2 there was no justification anyhow because the
3 district had been electing a minority in it
4 before you used race for ten years. And so the
5 Court would have determined that that is a
6 sufficient level. And if you exceed that, then
7 you got to have some compelling reason for having
8 done it because the remedy, once you find it,
9 under Gingles is, yes, you can use race, you can
10 use race to determine how this district ought to
11 look, but it's got to be narrowly tailored, that
12 is, you've got to use the least intrusive method
13 considering race that is possible to solve this
14 issue that you got because there is a compelling
15 state interest involved.

16 And so in an analysis of using Gingles
17 on these districts, which is what the Court did,
18 they said that you haven't shown this overriding
19 need, but the Court also said -- the trial court
20 also said we're not saying that you can't look at
21 some of these districts to determine whether you
22 ought to do it.

23 Now, you can do it with studies or you
24 can do it with the members who represent those
25 districts. You didn't have to spend tens of

1 millions of dollars to do these disparity
2 studies. It's all about consulting with the
3 people who represent them who can tell you what
4 they're about.

5 In the trial, I think the Court asked a
6 congressman in at least the congressional -- no,
7 in the state case, asked a congressman who
8 represented one of the congressional districts
9 what do you think at least in your area part of
10 the reasonable minority participation ought to
11 be. It was not in urban North Carolina. He said
12 maybe, you know, what you can achieve with 46,
13 47 percent. And they wanted to know because they
14 wanted the feeling of somebody who represented
15 the district.

16 Remember that the goal ultimately is to
17 get away from the use of race and to make this
18 place race neutral sometime down the road. And
19 so the Court is not going to freeze in place
20 using race to develop these issues. These
21 districts are not paying attention to race to let
22 them exist in perpetuity because that wouldn't be
23 the goal of trying to create a race neutral,
24 colorblind society.

25 And I think that that's what most of us

1 want to aspire to, and so that's why they are so
2 sensitive with the way you determine that you've
3 got to use race in developing these districts,
4 and that's what the case is, would at least teach
5 me, and if you read the cases especially through
6 the South that have developed over the last five
7 or six years, I think that that's a fair
8 statement of it.

9 PRESIDENT PT BERGER: Senator Hise, for
10 what purpose do you rise?

11 SENATOR HISE: Follow up.

12 PRESIDENT PT BERGER: Senator Blue, do
13 you yield for a follow-up question?

14 SENATOR BLUE: Yes, sir. And I
15 apologize. I didn't mean to go as long as I did.

16 PRESIDENT PT BERGER: He yields.

17 SENATOR HISE: And that's why I was
18 going to try to bring you back to the original
19 question.

20 So you have requested the racial data
21 from our staff and are planning to submit that?

22 SENATOR BLUE: Yes, sir. They have --
23 they have prepared it. I know that it was
24 available yesterday. They have it and can make
25 it available. They can submit it to the -- to

1 our clerk and she can put it on the dashboard so
2 it's part of the discussion.

3 PRESIDENT PT BERGER: Further
4 discussion or debate on Amendment 3.

5 Senator Bryant, for what purpose do you
6 rise?

7 SENATOR BRYANT: To ask Senator Hise a
8 question.

9 PRESIDENT PT BERGER: Senator Hise, do
10 you yield for a question?

11 SENATOR HISE: I yield.

12 PRESIDENT PT BERGER: He yields.

13 SENATOR BRYANT: Senator Hise, you
14 referenced having some data that correlated the
15 precincts, updated precincts to VTDs, and I was
16 wondering is that available on the website or to
17 members. I've been requesting precinct data for
18 the longest, and all I've been given is VTDs
19 which I've had to try to correlate to precincts
20 as best I can. So is there some data that is
21 available to all of us in that regard?

22 SENATOR HISE: There is. We can get
23 that put together, the staff can, provide you a
24 precinct listing --

25 SENATOR BRYANT: That would help me --

1 SENATOR HISE: -- for a layer, and I
2 think it's a layer for Maptitude as well.

3 PRESIDENT PT BERGER: Follow up.

4 SENATOR BRYANT: I just want to make a
5 comment to say thank you, and that will help the
6 community members who have had trouble making
7 that county correlation. Thank you.

8 PRESIDENT PT BERGER: Further
9 discussion or debate on Amendment 3.

10 SENATOR McKISSICK: Mr. President.

11 PRESIDENT PT BERGER: Senator
12 McKissick, for what purpose do you rise?

13 SENATOR McKISSICK: Speak on the
14 amendment.

15 PRESIDENT PT BERGER: You have the
16 floor.

17 SENATOR McKISSICK: First I would like
18 to thank Senator Robinson for sending forth this
19 amendment. I think it represents a fair, legal
20 and competitive plan for Guilford County, and
21 that's what it's all about, something where
22 voters are provided options when it comes to
23 choices.

24 And I think the committee, when it
25 first established criteria, failed to include

1 race as a consideration. By failing to include
2 race as a consideration, it made it impossible
3 without doing detailed independent analysis,
4 which we have certainly done, to determine the
5 black voting age population in these various
6 districts.

7 When you are looking at a case that was
8 based upon an unconstitutional racial
9 gerrymandering, it is impossible to come up with
10 a cure without considering race or by doing it in
11 a vacuum.

12 In this particular case you've got a
13 district that was and still remains a
14 majority-minority district. That is something
15 that the Court will scrutinize very, very
16 closely. That could have been avoided had race
17 been one of the variables that was being
18 considered.

19 The other thing that you failed to do
20 was to write the various priorities in criteria
21 that you established. You know, it's hard for me
22 to know whether splitting municipalities is more
23 important than incumbency. It's hard for me to
24 know whether compactness is more important than
25 the other variables. If you would establish and

1 write the criteria, it would have been far easier
2 to evaluate plans.

3 Now the plan that is before you is a
4 very compact plan. Could it have been done
5 differently? Well, yes, it could have been done
6 in a number of ways, but certainly incumbency
7 protection being one of the things that was in
8 the criteria dictated the way this map was drawn,
9 and we respected that criteria in drawing this
10 particular map.

11 Now, in terms of looking at whether
12 these districts are competitive districts today,
13 I would go and say looking at the political data
14 that was part of the stat pack that they're
15 clearly competitive districts. Of the four
16 districts we're looking at, if you go back and
17 look at the Walter Dalton race when he was
18 running for governor, he would have won only one
19 of those four. If you look at Kay Hagan and Tom
20 Tillis, two of them would have gone for Tillis,
21 two of them would have gone for Hagan.

22 Those are competitive districts.
23 That's what people want in our state. They want
24 a choice. They want an opportunity they know
25 that when they go in and cast their vote there's

1 not already a predetermined outcome based upon
2 the way the district lines have been drawn, that
3 they've been gerrymandered perhaps in a partisan
4 way.

5 In this case there's no admission of
6 considering partisan advantage as part of the
7 criteria, but when you go out and establish
8 incumbency protection and those very incumbents
9 are serving as a result of racially gerrymandered
10 districts as found by the courts, then you have
11 an inevitable outcome where you're protecting the
12 illegal, improper games that occurred as a result
13 of the unconstitutionally racially gerrymandered
14 districts. That's a problem. Incumbency pretty
15 much did that.

16 If it had not been for incumbency, this
17 district could have been drawn differently and
18 many others. And the thing that of I don't know
19 when it counts and when it doesn't count in the
20 rankings is that we can go down and look at
21 Senator Smith-Ingram and Senator Horner, they are
22 double-bunked. Well, I guess in that situation
23 it was different. I don't know why we don't
24 have over in Guilford County perhaps a
25 double-bunking that could have created some

1 different districts there.

2 If the criteria were established in a
3 way that made sense, are there perhaps a few
4 district boundaries and municipalities that are
5 split a little different, I'd be the first to
6 admit a few of them are split a little different,
7 but if we get more competitive districts that the
8 voters want so that they can have a choice to
9 choose their elected representatives rather than
10 we choosing them, then it's the right direction
11 for us to move in.

12 PRESIDENT PT BERGER: Senator Bishop,
13 for what purpose do you rise?

14 SENATOR BISHOP: To speak to the
15 amendment.

16 PRESIDENT PT BERGER: You have the
17 floor.

18 SENATOR BISHOP: What I think we hear
19 is that traditional redistricting criteria are
20 being subordinated to a racial target. The
21 target being 45 percent as opposed to 50 percent,
22 I don't believe makes the difference.

23 Senator McKissick has said several
24 times, well, we could have subordinated
25 incumbency, but we didn't. Okay, that's one.

1 But another one is keeping municipal boundaries
2 together. And you've decided to subordinate
3 that, splitting more, giving leeway to the
4 criteria that must predominate.

5 And with all due respect, the Court's
6 opinion is crystal clear that there is a
7 prerequisite for that. And you're right, Senator
8 Blue, it's one of the Gingles criteria. You must
9 have a strong basis in evidence that there is
10 racially polarized voting on a district-by-
11 district basis. And again, with all respect, I
12 don't believe that is provided by the gut of a
13 member who happens to be elected from that
14 district. So this doesn't solve a problem. It
15 does exactly what the three-judge panel and the
16 United States Supreme Court said can't be done.

17 PRESIDENT PT BERGER: Further
18 discussion or debate.

19 Senator Hise, for what purpose do you
20 rise?

21 SENATOR HISE: Mr. President, if I
22 could request if we could take a recess for about
23 ten minutes to make sure that we can get the data
24 into the system and up and that we can provide
25 the precinct data that they have asked for before

1 we continue in the debate.

2 PRESIDENT PT BERGER: Without
3 objection, the Senate will stand in recess ten
4 minutes.

5 Will that be enough, Senator Hise?

6 SENATOR HISE: That will be enough.

7 PRESIDENT PT BERGER: Ten minutes.

8 (Recess.)

9 PRESIDENT PT BERGER: The Senate will
10 come to order. Members will return to their
11 seats.

12 Members, I am advised that the
13 information that was to be loaded onto the
14 computer is also going to be made available in
15 print copy and that will take a little while
16 longer. So without objection, the Senate will
17 stand in recess until 12:00 noon. The Senate
18 stands in recess.

19 (Recess.)

20 PRESIDENT PT BERGER: The Senate will
21 come to order.

22 Members, I believe when we went into
23 recess we were on Amendment 3 and no one at that
24 time had the floor. So with that, is there
25 further discussion or debate on Amendment 3?

1 Senator Robinson, for what purpose do
2 you rise?

3 SENATOR ROBINSON: Thank you,
4 Mr. President. To make a comment. I'd like
5 to -- after some consultation with Senator Hise
6 and Blue, I would like to withdraw the amendment.

7 PRESIDENT PT BERGER: The sponsor of
8 the amendment requests withdrawal of the
9 amendment, and the amendment is withdrawn.

10 So we are back on the bill, Senate
11 Bill 691. Further discussion or debate.

12 Senator Hise, for what purpose do you
13 rise?

14 SENATOR HISE: See if Senator McKissick
15 will yield for a question.

16 PRESIDENT PT BERGER: Senator
17 McKissick, do you yield?

18 SENATOR McKISSICK: Yes.

19 PRESIDENT PT BERGER: He yields.

20 SENATOR HISE: Senator McKissick, I
21 believe that you had -- in the interim there have
22 been some data submitted regarding the districts
23 at your request. I was wondering if you would
24 explain what that data is.

25 SENATOR McKISSICK: Sure. Data that's

1 been presented is certainly what I call a
 2 complete stat pack dealing with the Mecklenburg
 3 County amendment that was introduced yesterday in
 4 committee as well as the Guilford County
 5 amendment that was entered in committee
 6 yesterday. It's identical to the Guilford County
 7 amendment that was considered and entered into
 8 the record today and is withdrawn by Senator
 9 Robinson.

10 It should provide good comparative data
 11 and analysis, including black voting age
 12 population as well as the more traditional data
 13 that would be included in this type of stat pack,
 14 including performance with certain select races
 15 that were used as benchmarks, some of which I
 16 referred to earlier in my comments related to the
 17 discussion in Guilford County.

18 PRESIDENT PT BERGER: Further
 19 discussion or debate on Senate Bill 691.

20 Senator Bishop, for what purpose do you
 21 rise?

22 SENATOR BISHOP: To ask a question of
 23 Senator McKissick.

24 PRESIDENT PT BERGER: Senator
 25 McKissick, do you yield?

1 SENATOR McKISSICK: Sure.

2 PRESIDENT PT BERGER: He yields.

3 SENATOR BISHOP: Thank you, Senator
4 McKissick, for yielding. The data that you
5 furnished, is the source of this data central
6 staff?

7 SENATOR McKISSICK: Central staff
8 was -- we provided central staff with some of the
9 data. It looks as if when central staff put it
10 on their system everything correlates with what
11 was initially projected.

12 SENATOR BISHOP: Further question to
13 Senator McKissick.

14 PRESIDENT PT BERGER: Senator
15 McKissick, do you yield?

16 SENATOR McKISSICK: Yes.

17 PRESIDENT PT BERGER: He yields.

18 SENATOR BISHOP: In my interchange with
19 Senator Robinson, she made reference to a
20 prospectus, I believe, that you developed
21 together with Dr. Crayton. Is there such a
22 prospectus? Does that documentation exist and
23 have you submitted it as well?

24 SENATOR McKISSICK: I would not say
25 there's been a prospectus. It was just

1 discussion and conversation which occurred.
2 There wasn't a written prospectus in terms of a
3 document, just ongoing dialogue and
4 communication, looking at the shape and
5 configuration of the districts, looking at the
6 municipal boundaries, looking at incumbency
7 issues, looking at compactness criteria, looking
8 at what could be done to perhaps make the
9 district somewhat more competitive in Guilford
10 County, to take down the black voting age
11 population below that 50 percent which the Court
12 identified previously as being problematic.

13 SENATOR BISHOP: One further question
14 for Senator McKissick.

15 PRESIDENT PT BERGER: Senator
16 McKissick, do you yield?

17 SENATOR McKISSICK: Yes.

18 PRESIDENT PT BERGER: He yields.

19 SENATOR BISHOP: Would you be willing
20 to submit that data that was furnished to central
21 staff so that anyone who is interested in it
22 could the comparisons that you've indicated you
23 made.

24 SENATOR McKISSICK: I believe they
25 already have it.

1 SENATOR BISHOP: I beg your pardon.

2 SENATOR McKISSICK: I believe central
3 staff already has all that data.

4 SENATOR BISHOP: One follow-up, then,
5 Mr. President.

6 PRESIDENT PT BERGER: Senator
7 McKissick, do you yield?

8 SENATOR McKISSICK: Sure.

9 PRESIDENT PT BERGER: He yields.

10 SENATOR BISHOP: Would you be willing
11 for it to be shared with the membership.

12 SENATOR McKISSICK: Yes, absolutely.
13 That has been previously authorized, so it should
14 be among the documents that either have been
15 distributed to you or will be distributed to you
16 shortly. And they were available at the time of
17 the committee meeting yesterday.

18 SENATOR BISHOP: Thank you, Senator.

19 PRESIDENT PT BERGER: Further
20 discussion or debate on Senate Bill 691.

21 Senator Horner, for what purpose do you
22 rise?

23 SENATOR HORNER: Mr. President, I rise
24 to speak to the bill.

25 PRESIDENT PT BERGER: You have the

1 floor.

2 SENATOR HORNER: I will address the
3 county groupings using solely a mathematical
4 formula. I think that clearly ignores a
5 community of interest that exists throughout our
6 state, and I submit it does a disservice to the
7 people we serve.

8 Let me share specifically how this
9 formula-driven groupings affect two counties and
10 their communities of interest. My home county of
11 Wilson, it's grouped with Edgecombe and Halifax,
12 and it's split from Nash County.

13 Senate maps from 1868, a century and a
14 half, 150 years, with the exception of two years.
15 In 2000, the interim Senate plans had put these
16 two counties together. That to me appears to
17 be -- I don't want to be self-serving, but a
18 pretty darn good historical precedent, but the
19 same thing occurs in Beaufort County, Senator
20 Cook's county.

21 Since 1868, Beaufort County has been
22 connected to Hyde, Tyrell, Dare, or Pamlico, all
23 coastal counties as Beaufort County is, of the
24 inner coast, if you accept that definition of
25 coastal.

1 The farthest north Beaufort County has
2 ever been was in '84 when it joined Martin. What
3 Beaufort County has in common with Vance, Warren
4 or North Hampton as a current optimal
5 mathematical groupings do is beyond my
6 comprehension. I don't see how anyone can
7 logically say this makes any sense.

8 As Senator Blue pointed out yesterday
9 in committee, the Season case allows for
10 flexibility in using optimal groupings of
11 counties, but because of the acrimony, I guess,
12 and the fear of rebuke, we can't come together to
13 do our jobs and do these things and overlook
14 these discrepancies that the computer won't take
15 care of. That might be why I don't buy my
16 insurance or my stocks online. I like to look at
17 a man that I can work with and work things out.

18 But if we let these computers drive
19 these groupings, we're going to have these
20 communities disjointed, and I simply think that
21 it just does a disservice. And it's no one's
22 fault that these groupings are the same, whether
23 it's the current groupings, I think the exact
24 same groupings that Common Cause and Southern
25 Coalition came up with, but they're just computer

1 groupings. They're blind to the realities of
 2 local communities, and that's not -- that just
 3 doesn't fit with historical context and the
 4 public's interest.

5 And I believe the people lose. These
 6 groupings, they hurt Wilson County and it hurts
 7 Beaufort County as well and where they are
 8 paired. And for that reason, I can't support
 9 this bill. Thank you.

10 PRESIDENT PT BERGER: Further
 11 discussion or debate.

12 Senator Bryant, for what purpose do you
 13 rise?

14 SENATOR BRYANT: I rise to debate the
 15 bill.

16 PRESIDENT PT BERGER: You have the
 17 floor.

18 SENATOR BRYANT: I want to discuss the
 19 continuing mantra that we've been engaging in
 20 about the consideration of race in the
 21 redistricting process and the rightness or
 22 wrongness of it. And there are three points I
 23 think are important to make or that I would like
 24 you to hear about that.

25 I'm assuming that there is some belief

1 underlying the choice of the criteria that by
 2 choosing a criteria to not look at race, that
 3 principle itself would somehow eliminate any
 4 finding of discrimination or illegal
 5 consideration of race or impact of race in these
 6 maps. And I would, of course, challenge that
 7 belief, that underlying belief.

8 I don't think just the adoption of a
 9 posture of not looking at race or principle to
 10 not use race eliminates the negative impact or
 11 the potential impact for racism to infect the
 12 process when there's so many other proxies for
 13 race, as we have been discussing in here are
 14 political results, geography, personal knowledge
 15 of the area, drawing illegal districts in the
 16 same places they existed before.

17 Many of you have mentioned proxies
 18 for -- on considering race, even having a
 19 principle that we will not consider race which
 20 means we won't consider race data, I guess, by
 21 precincts or otherwise in the drawing of the
 22 districts and assign people according to that.
 23 So I don't believe that principle itself means
 24 you're not discriminating, that's number one, and
 25 would challenge you to think about that.

1 Number two is there's a social science
2 dynamic called modern racism or symbolic racism,
3 and it's using a non-race-related posture to
4 continue your advantage from previously using
5 race for a discriminatory result. So having been
6 found to have used race in ways that are unlawful
7 and because they are harmful to the black
8 community in this instance pretty much, you are
9 symbolically turning the tables on us to suggest
10 that we are now being unlawful to use race to
11 correct the problem that harmed us. As you can
12 see, that's a double bind that we could never get
13 out of in order to get relief from the racism we
14 have found to have been experiencing.

15 And then thirdly, there is a legal
16 principle at stake. In a Texas appellate case
17 involving a voting rights, in that instance there
18 were Latino communities involved in that, the
19 Court was clear that a Section 2 analysis is
20 infected when the offending entity is using
21 traditional redistricting principles that they
22 have prioritized as a way to preclude a
23 meaningful review of the dilutive effect, if any,
24 of those same principles that they have enacted,
25 which is the same circular logic that I was

1 complaining of in the social science dynamic in
2 number two, in other words, using a non-race-
3 related posture to preclude us from reviewing
4 whether or not there is still a discriminatory
5 effect to the criteria you have enacted.

6 And I believe those factors -- I would
7 want you to take those factors into consideration
8 as you continue to recite this mantra of we have
9 enacted this criteria to not consider race and
10 therefore any concerns you have about race are
11 irrelevant, unlawfully inappropriate because we
12 have this criteria. I hope at least hearing
13 these three principles can help you back off of
14 that mantra, if you will. Thank you.

15 PRESIDENT PT BERGER: Senator Horner,
16 your light is still on.

17 Senator Jeff Jackson, for what purpose
18 do you rise?

19 SENATOR JACKSON: To send forth an
20 amendment.

21 PRESIDENT PT BERGER: Send forward your
22 amendment. The clerk will read.

23 THE CLERK: Senator Jackson moves to
24 amend the bill.

25 PRESIDENT PT BERGER: Senator Jackson

1 is recognized to explain the amendment.

2 SENATOR JACKSON: Thank you,
3 Mr. President. This is the same amendment that
4 Senator Blue offered in committee yesterday
5 pertaining only to Mecklenburg. I think we can
6 more fully satisfy the criteria that had been
7 established. In particular, compactness. I
8 think this amendment does that. It significantly
9 increases the compactness particularly of
10 Districts 41 and 39.

11 PRESIDENT PT BERGER: Further
12 discussion or debate on Amendment 4.

13 Senator Bishop, for what purpose do you
14 rise?

15 SENATOR BISHOP: To ask a question of
16 Senator Jackson.

17 PRESIDENT PT BERGER: Senator Jackson,
18 do you yield?

19 SENATOR JACKSON: I do.

20 PRESIDENT PT BERGER: He Yields.

21 SENATOR BISHOP: Senator Jackson, did
22 you also work through Senator McKissick on this
23 map?

24 SENATOR JACKSON: I did.

25 PRESIDENT PT BERGER: Senator Bishop,

1 do you have a further question?

2 SENATOR BISHOP: I do.

3 PRESIDENT PT BERGER: Senator Jackson,
4 do you yield?

5 SENATOR JACKSON: I do.

6 PRESIDENT PT BERGER: He yields.

7 SENATOR BISHOP: Senator McKissick,
8 that is, worked with Dr. Kareem Crayton to
9 develop this, but you did not work directly with
10 Dr. Crayton?

11 SENATOR JACKSON: That's correct.

12 SENATOR BISHOP: Follow up.

13 PRESIDENT PT BERGER: Senator Bishop,
14 you have a follow-up?

15 SENATOR BISHOP: Yes, Mr. President.

16 PRESIDENT PT BERGER: Senator Jackson,
17 do you yield?

18 SENATOR JACKSON: I will yield for all
19 subsequent questions, Mr. President.

20 PRESIDENT PT BERGER: He yields to a
21 series of questions.

22 SENATOR BISHOP: Thank you,
23 Mr. President.

24 Senator Jackson, does this amended map
25 split Matthews?

1 SENATOR JACKSON: I believe it splits
 2 some precincts in Matthews, yes. I believe it
 3 may also split some precincts in Mint Hill.

4 My understanding, in anticipation of
 5 any further question along this line, is that
 6 those are the only two municipalities that are
 7 split.

8 And if I said it splits the precincts,
 9 what I meant to say is it takes a precinct that
 10 traverses the boundary of Charlotte and Matthews
 11 and Charlotte and Mint Hill, so we would have had
 12 to have split a precinct in order not to have
 13 split that municipality is my understanding. I
 14 was not involved in the preparation of the map.

15 SENATOR BISHOP: Mr. President, to
 16 debate the amendment.

17 PRESIDENT PT BERGER: Senator Bishop,
 18 you have the floor.

19 SENATOR BISHOP: Thank you, sir.

20 If you first consider the leadership of
 21 the proposed map of Mecklenburg County and you
 22 compare it to this proposed amendment, the
 23 proposed amendment, I submit, draws five Democrat
 24 Senate districts non-competitive.

25 The leadership map has three Charlotte

1 districts that are in-town districts, if you
2 will, in the heart of Charlotte, and it has a
3 district that unites the outer beltway suburban
4 communities mainly along the Catawba River and
5 the Lakes Norman and Wylie on the western border
6 of Mecklenburg County. It has one district,
7 District 39, that includes the remaining rural
8 part of northeastern Mecklenburg County, the
9 eastern Mecklenburg suburbs and some of
10 Charlotte, most importantly Matthews and
11 Mint Hill. The map does not double-bunk any
12 sitting Mecklenburg County senator. Every member
13 is placed into a district they have a chance to
14 win.

15 And the politics indicate that if
16 Republicans campaign really hard, they might have
17 an opportunity to win two districts in
18 Mecklenburg, while the Democrats, with the right
19 candidates and the right message and the right
20 campaigns, have an opportunity to win all five.
21 So those districts in the map -- unamended map
22 give all Mecklenburg County residents, whether
23 they're Democrats or Republicans, residents of
24 the suburbs or of the heart of Charlotte a chance
25 to have their voice heard.

1 But this proposed amendment, I said
2 yesterday, it's shattered Charlotte like a
3 mirror. I think that's apt. You could also say
4 it slices up Charlotte -- or Mecklenburg County
5 like a pizza. So, for instance, Senator Jackson,
6 who's from 37, would represent the very uptown
7 area and now a fractured -- a more fractured
8 Matthews. Senator Waddell would represent the
9 university area as well as Mint Hill. There are
10 different interests there, and they deserve to be
11 taken into consideration.

12 In the discussion in committee
13 yesterday that Senator Jackson has essentially
14 adopted, the admission was that race was used as
15 the predominant factor in drawing those
16 districts. So the idea of having Matthews and
17 Mint Hill be represented in accordance with their
18 interests is subordinated again to a racial
19 target. That is not what we should do.

20 So I would urge that you defeat this
21 amendment.

22 PRESIDENT PT BERGER: Senator Jackson,
23 for what purpose do you rise?

24 SENATOR JACKSON: To speak to the
25 amendment.

1 PRESIDENT PT BERGER: You have the
2 floor.

3 SENATOR JACKSON: Just to correct the
4 record on a few points of Senator Bishop's
5 remarks by saying this draws five Democratic
6 districts, that is inaccurate. It draws a
7 district that is going to lean strongly
8 Republican, that being 39, it's got two that are
9 going to lean strongly Democrat, and it has two
10 that are going to be highly competitive,
11 including mine, by the way. It takes me from a
12 75 percent district to about a 55 percent
13 district.

14 So this is a more competitive map,
15 certainly more competitive than the one that is
16 being proposed in which there would only be one
17 competitive district of the five senate districts
18 in Mecklenburg.

19 Now, it's also -- will Senator Bishop
20 yield for a question, Mr. President?

21 PRESIDENT PT BERGER: Senator Bishop,
22 do you yield?

23 SENATOR BISHOP: I yield.

24 PRESIDENT PT BERGER: He yields.

25 SENATOR JACKSON: Senator Bishop, my

1 original remarks pertained exclusively to
2 compactness. And you made some visual metaphors
3 regarding how these districts look now, the
4 shattered mirror. What metaphor would you use
5 for how District 41 looks under the proposed map?
6 Not this amendment, but the proposed map. How
7 does that district strike you as far as adhering
8 to the criteria of compactness?

9 SENATOR BISHOP: Thank you for the
10 question, Senator Jackson. I'd say District 41
11 looks like it combines communities of interest
12 around the western boundary of the community just
13 like I described it.

14 I think that -- you know,
15 compactness -- I guess when you say they're more
16 compact, if you look at 37 and it splinters all
17 the way down from the core of the city -- or the
18 core of the city of Charlotte all the way down to
19 the eastern border of -- with Union County,
20 that -- you know, I understand there's all these
21 technical measures of compactness. I've also
22 seen when courts are reviewing that say the
23 eyeball can tell you as much as you need to know
24 or it's very hard to make heads or tails of some
25 of that statistical data, but common sense is

1 what ought to drive it.

2 And is 41 the most compact district?

3 No, at least according to my -- looking at it
 4 with my eye, but I think the other districts
 5 appear to me to be more compact in the
 6 senate -- in the leadership map than in these
 7 five here. And when you consider in conjunction
 8 with another traditional criteria, I think you
 9 see a perfect example of why it is so easy to
 10 exploit -- if someone seeks to demagogue an
 11 issue, exploit the redistricting process to cast
 12 aspersions that are unjustified.

13 Because it's a balancing process, and
 14 it involves common sense and it involves some
 15 politics amid the other criterion, but that -- in
 16 addition to looking like five Democrat districts
 17 to me, it is -- the thing that pops out about the
 18 map that you're proposing by amendment is that
 19 you're seeking to subordinate, and that cannot be
 20 seen in any other way than seeking to subordinate
 21 the voice, to diminish the voice of the ring
 22 count in Mecklenburg County, and I don't think
 23 that's what we're called to do.

24 SENATOR JACKSON: Follow up.

25 PRESIDENT PT BERGER: Senator Bishop,

1 do you yield for a follow-up?

2 SENATOR BISHOP: I yield.

3 PRESIDENT PT BERGER: He yields.

4 SENATOR JACKSON: So you admit 41 fails
5 the eyeball test when it comes to compactness.

6 SENATOR BISHOP: I wouldn't say that.
7 I think it looks -- it looks less compact to me,
8 but others look more compact.

9 SENATOR JACKSON: Follow up.

10 PRESIDENT PT BERGER: Senator Bishop,
11 do you yield?

12 SENATOR BISHOP: I yield.

13 PRESIDENT PT BERGER: He yields.

14 SENATOR JACKSON: Senator Bishop, you
15 alluded to some technical measures for
16 compactness in addition to the eyeball test. So
17 it's your understanding that there are several
18 technical measures for compactness as well as
19 just the eyeball test?

20 SENATOR BISHOP: I've heard them
21 referred to in committee, a couple of them have
22 been referred to and were adopted, and I
23 understand the majority's map complies with them.
24 I understand that there are others. I don't know
25 anything in detail about the two that are part of

1 the committee criteria. I certainly don't know
2 anything in detail about the other numerous
3 statistical measures.

4 SENATOR JACKSON: Follow up.

5 PRESIDENT PT BERGER: Senator Bishop,
6 do you yield?

7 SENATOR BISHOP: I yield.

8 SENATOR JACKSON: Related to those
9 technical measures, would you be surprised to
10 learn that of the two adopted technical measures
11 for compactness, your district -- the proposed
12 district for 39 is less compact than the
13 current -- the enacted map? In both of those two
14 different technicals, the Reock and the
15 Polsby-Popper, your district -- your proposed
16 district is less compact than it is currently.
17 Are you aware of that?

18 SENATOR BISHOP: I'm not surprised nor
19 unsurprised or aware of it, no, I'm not. I have
20 not compared nor studied the statistical numbers
21 to see what those numbers would be. If I did
22 create -- compare them to see which one was
23 higher or lower, it wouldn't mean anything to me
24 if I did.

25 The only thing I can do is look at the

1 face of the map, as I said, the eyeball test, and
2 as a group, they're superior to the ones that
3 you're proposing.

4 SENATOR JACKSON: Follow up.

5 PRESIDENT PT BERGER: Senator Bishop,
6 do you yield?

7 SENATOR BISHOP: I yield.

8 PRESIDENT PT BERGER: He yields.

9 SENATOR JACKSON: So it doesn't concern
10 you, then, that -- by your language it sounds
11 like 41 likely fails the eyeball test, and by the
12 technical measures adopted by your party, your
13 district fails the technical test. So we have
14 two districts in our county that are failing the
15 compactness test. That doesn't concern you?

16 SENATOR BISHOP: It concerns me less
17 than the idea that you would make voiceless
18 Matthews and Mint Hill.

19 SENATOR JACKSON: Follow up.

20 PRESIDENT PT BERGER: Do you yield,
21 Senator Bishop?

22 SENATOR BISHOP: I yield.

23 PRESIDENT PT BERGER: He yields.

24 SENATOR JACKSON: How do we do that?

25 SENATOR BISHOP: I think I've explained

1 that fully.

2 SENATOR JACKSON: Follow up.

3 SENATOR BISHOP: I yield.

4 PRESIDENT PT BERGER: He yields.

5 SENATOR JACKSON: Do you agree that we
6 could do a better job with compactness for
7 Mecklenburg County than this proposed map?

8 SENATOR BISHOP: I haven't seen all
9 possibilities, but based on what I've seen, no.

10 SENATOR JACKSON: Thank you.

11 PRESIDENT PT BERGER: Further
12 discussion or debate on Amendment 4.

13 Senator Hise, for what purpose do you
14 rise?

15 SENATOR HISE: Speak to the amendment.

16 PRESIDENT PT BERGER: You have the
17 floor.

18 SENATOR HISE: Thank you,
19 Mr. President.

20 Members of the Senate, to address a few
21 areas on this amendment to consider, there are
22 only two measures that we have found that have
23 been utilized and recognized by the Courts to
24 measure compactness. As I said before, those are
25 the Reock and the Polsby-Popper measures.

1 This is -- as interpreted by the
2 committee and research, these are pass/fails, do
3 they meet compactness, do they not meet
4 compactness. And what you will find is in a
5 Reock score, any score over .15 or in the
6 Polsby-Popper, any score over .05 would meet that
7 requirement. All the districts being discussed
8 here meet the requirements of being compact
9 districts.

10 So now we may get into all kinds of
11 consideration about what's more compact or what
12 could be a higher score than this one or even,
13 quite frankly, we can get into a discussion about
14 what's the significance of the difference between
15 the two, but what I actually think you'll find is
16 that both meet the standard of compactness that
17 are set out in literature and was set forth in
18 the results by this committee.

19 When you look at this district as a
20 whole, what you're going to see is there are two
21 purposes. Number one: Is this used as pinwheel
22 technique to continue to divide the city of
23 Charlotte in such a way that looks like a pizza
24 pie or a pinwheel, or whatever you call it, to
25 make sure that the surrounding communities

1 outside of Charlotte -- you've heard some of them
2 mentioned: Mint Hill and Matthews -- have no
3 voice in the legislature, we're going to divide
4 Charlotte in such a way that no one else gets a
5 voice. This is also designed to make sure that
6 Republicans have no voice in Mecklenburg County.
7 I picked those races. Look at the last
8 governor's race. Look at the race between two
9 state senators, Josh Stein and Buck Newton, who
10 was here earlier. All five carried by the
11 Democrats. They want it all. They have become
12 uncompetitive in the rest of the state is
13 actually what it comes down to.

14 Democrats are really only competitive
15 in about 15 percent of the state, a small number
16 of the counties. And so what they have to do to
17 try to even their numbers up, they need to take
18 them all in Mecklenburg or they want to try to
19 take all of the seats in Wake. Because, quite
20 frankly, if you look at the progressions in the
21 state, they're becoming less competitive than the
22 entire rest of the state. So they want you to
23 reward them with the urban areas so that they can
24 take full representation in the urban areas to
25 show the areas that -- quite frankly, their

1 message just isn't competitive in this state, and
2 so they want to take the small areas where it is
3 and create a partisan advantage for them. That's
4 exactly what this map does in Mecklenburg County.

5 I would also note that this is drawn
6 using race as a consideration, divides more
7 municipalities than needed to be drawn. So I
8 would ask that you reject the amendment.

9 PRESIDENT PT BERGER: Senator Waddell,
10 for what purpose do you rise?

11 SENATOR WADDELL: To speak to this
12 amendment.

13 PRESIDENT PT BERGER: You have the
14 floor.

15 SENATOR WADDELL: You know, on Tuesday
16 we asked the counties to come and to give their
17 comments, and I sat there about seven hours in
18 Mecklenburg County, and speaker after speaker
19 came up and talked about the unfairness of what
20 they saw in these maps, the maps that were
21 presented by this committee.

22 So what are we going to do as a result
23 of what we heard? I heard maybe two positive
24 things and all the other 48 speakers had
25 concerns. If we ask people to come together, and

1 I think it's important that we consider the
2 things that they have presented to us.

3 Secondly, I've heard a lot here about
4 the eyeball test. And here I'm looking at two
5 maps and thinking about what you just said about
6 the eyeball test and what it tells us. It tells
7 us that this county's maps are more significant
8 of the problems found unconstitutional by the
9 Court and that you would think that this General
10 Assembly would work hard to ensure that this part
11 of the map would strictly comply with the Court's
12 order. So I urge you to support this amendment.
13 Thank you.

14 PRESIDENT PT BERGER: Further
15 discussion or debate on the amendment.

16 Senator Clark, for what purpose do you
17 rise?

18 SENATOR CLARK: Thank you,
19 Mr. President. To ask Senator Bishop to yield
20 for a question.

21 PRESIDENT PT BERGER: Senator Bishop,
22 do you yield?

23 SENATOR BISHOP: I yield.

24 PRESIDENT PT BERGER: He yields.

25 SENATOR CLARK: Senator Bishop, I

1 believe in part you said that the current -- or
2 that the District 41 was represented in the
3 Senate Plan here should be preserved as a result
4 of protecting communities of interest.

5 SENATOR BISHOP: That's correct.

6 SENATOR CLARK: Are you aware that --

7 PRESIDENT PT BERGER: Follow-up
8 question.

9 SENATOR CLARK: Will you yield for a
10 follow-up?

11 PRESIDENT PT BERGER: He yields.

12 SENATOR CLARK: Are you aware that
13 Redistricting Committee rejected our
14 recommendation that communities of interest be
15 preserved as one of the criteria for the
16 Redistricting Committee?

17 SENATOR BISHOP: Well, you know, I
18 think the problem with the communities of
19 interest, as I recall the discussion -- and
20 perhaps my terminology was the wrong one to use
21 because I specified the common interest I was
22 talking about.

23 Communities of interest, unfortunately,
24 can be a very vague term, and so if the committee
25 were to adopt that as a criterion, it would be

1 opening Pandora's box in terms of what that could
2 mean. It could mean -- in some member's view, it
3 could end up contradicting the criterion of not
4 considering race. And in fact, what's been done
5 here, if you look at this as a whole, is that's
6 what the committee questioning yesterday revealed
7 is that race was the predominant consideration
8 and subordinated traditional considerations.

9 The consideration, as I've articulated
10 it with respect to 41 and those communities that
11 are represented that have common interest, that's
12 a narrowing of the communities of interest idea
13 and it explains why it would be appropriate to
14 consider it in my view in describing 41, albeit
15 not as a vague, general term appropriate for the
16 committee to have adopted.

17 SENATOR CLARK: Follow up.

18 PRESIDENT PT BERGER: Senator Bishop,
19 do you yield for a follow-up?

20 SENATOR BISHOP: I yield.

21 PRESIDENT PT BERGER: He yields.

22 SENATOR CLARK: Senator Bishop, I'm
23 having a little bit of difficulty here
24 distinguishing between a community of interest
25 and common interest. I figure a community of

1 interest have interests in common. So could you
 2 explain a little bit more about how those differ.

3 SENATOR BISHOP: Well, I'm not
 4 suggesting that there's a distinction between
 5 common interest and community of interest.

6 What I was saying was that the notion
 7 of a community of interest in itself is not very
 8 descriptive. It can mean a wide variety of
 9 things. When I was describing the interest in
 10 connection with 41, it is -- I was rather
 11 specific about the things that it does reflect,
 12 that it unites the outer beltway, suburban
 13 communities mainly along the Catawba River, Lakes
 14 Norman and Wylie on the western border of
 15 Mecklenburg County. There are similarities that
 16 have to do with the geography of that area in
 17 interest that I can specifically point to.

18 That's -- I see nothing wrong with that
 19 consideration. In fact, I don't even know, there
 20 may have been some reference to this in the
 21 criteria. I don't have them before me, but it
 22 would also account for the fact that I can't -- I
 23 don't believe anyone -- we had a long discussion
 24 about it in the committee meeting about what
 25 communities of interest mean and don't mean, and

1 I think people were disinclined to be pinned down
2 about what they meant, but some still wanted to
3 make it a criteria and that's what the committee
4 rejected. That's a different ball game than what
5 I'm talking about.

6 SENATOR CLARK: Follow up.

7 SENATOR BISHOP: I yield.

8 PRESIDENT PT BERGER: He yields.

9 SENATOR CLARK: Senator Bishop, did the
10 committee adopt criteria saying that we would
11 respect a common interest?

12 SENATOR BISHOP: Senator Clark, you may
13 have them before you. I don't have the list of
14 criteria in front of me.

15 SENATOR CLARK: We do not.

16 PRESIDENT PT BERGER: Senator Clark,
17 for what purpose do you rise?

18 SENATOR CLARK: Ask Senator Hise to
19 yield for a question.

20 PRESIDENT PT BERGER: Senator Hise, do
21 you yield?

22 SENATOR HISE: I yield.

23 PRESIDENT PT BERGER: He yields.

24 SENATOR CLARK: Senator Hise, you've
25 referred to a specific standard numerical values

1 for the criteria of compactness. The first time
 2 we heard of those values were in the committee
 3 meeting yesterday, so I take -- I do not agree
 4 with your assertion that those values were
 5 approved by the committee. As a matter of fact,
 6 even after yesterday's committee meeting I asked
 7 that those values be provided to me since I had
 8 not seen them before, and I'm still waiting to
 9 receive them. Hopefully we could obtain those
 10 values.

11 PRESIDENT PT BERGER: Senator Clark, is
 12 there a question there?

13 SENATOR CLARK: Okay. I'll state it in
 14 the form of a question. At what point did the
 15 criteria approve those values?

16 SENATOR HISE: The criteria of the
 17 particular test are innate in the performance of
 18 the test themselves. So coming in we have the
 19 research documentation on those, and that's been
 20 available to the committee and we can resubmit
 21 that to you if necessary.

22 SENATOR CLARK: At what point were
 23 those innate values provided to the committee?

24 SENATOR HISE: In the criteria it is
 25 specifically referred to as the Voting Rights

1 evaluating election district appearances after
2 Shaw versus Reno '93. The reference to it is
3 specifically listed at the bottom of Number 4 in
4 the criteria of the committee.

5 PRESIDENT PT BERGER: Follow up.

6 SENATOR CLARK: Follow up.

7 Where do those values exist for the
8 committee to make themselves -- for the committee
9 members to find them?

10 SENATOR HISE: The literature reference
11 to those values are specifically listed on the
12 committee -- the new procedure adopted by the
13 committee and presented to the --

14 SENATOR CLARK: Follow up.

15 PRESIDENT PT BERGER: Senator Hise, do
16 you yield?

17 He yields.

18 SENATOR CLARK: So you're saying you
19 expect us to go out externally to find the
20 literature to determine what the values are
21 instead of the committee being -- having the
22 values provided to us and place them to our
23 folders on the website?

24 SENATOR HISE: I would marginalize this
25 to say it would be significant to say if you were

1 performing any other statistical test and you
2 were using a .05 value for statistical
3 significance or others, those are innate within
4 the measures themselves.

5 PRESIDENT PT BERGER: Senator Clark,
6 for what purpose do you rise?

7 SENATOR CLARK: Follow up.

8 PRESIDENT PT BERGER: Senator Hise, do
9 you yield for a follow-up?

10 SENATOR HISE: I yield.

11 PRESIDENT PT BERGER: He yields.

12 SENATOR CLARK: Well, you talked about
13 innateness of values, but I haven't seen any
14 values, period.

15 SENATOR HISE: The reference to what
16 are utilized for those values -- I can repeat
17 again -- were in the references given to the
18 committee, and that is the appropriate use of the
19 test in a pass/fail manner of compactness or
20 non-compactness.

21 PRESIDENT PT BERGER: Senator Clark,
22 for what purpose do you rise?

23 SENATOR CLARK: No more questions, sir.

24 PRESIDENT PT BERGER: Further
25 discussion or debate.

1 Senator Jackson, your light is still
2 on.

3 Senator McKissick, yes or no?

4 SENATOR McKISSICK: Yes.

5 PRESIDENT PT BERGER: For what purpose
6 do you rise?

7 SENATOR McKISSICK: Speak on the
8 amendment.

9 PRESIDENT PT BERGER: You have the
10 floor.

11 SENATOR McKISSICK: I want to thank
12 Senator Jackson for bringing this amendment
13 forward. It's a very good amendment in terms of
14 the configuration for Beaufort counties.

15 Like all measures of compactness, all
16 traditional measures, these districts which are
17 crafted and shown on this particular plan would
18 be considered far more compact, far more compact
19 than 2011.

20 Furthermore, in terms of
21 competitiveness, it gives voters options. These
22 are not drawn to be Democratic districts.
23 Senator Bishop, I'd have to take issue with you.
24 And in fact, if you were to look back when
25 McCrory was running for governor and Dalton was

1 his opponent, out of these five districts, Dalton
 2 was defeated in three of them.

3 Okay. So if we have a Democrat running
 4 for governor and is defeated in three, I would
 5 not consider these to be the types of districts
 6 that necessarily are going to end up being some
 7 type of performance district for Democrats.

8 So I think what you have to do is
 9 look --

10 SENATOR BISHOP: Mr. President.

11 PRESIDENT PT BERGER: Senator Bishop,
 12 for what purpose do you rise?

13 SENATOR BISHOP: To ask Senator
 14 McKissick a question.

15 PRESIDENT PT BERGER: Senator
 16 McKissick, will you yield?

17 SENATOR McKISSICK: I yield.

18 PRESIDENT PT BERGER: He yields.

19 SENATOR BISHOP: Do you know where Pat
 20 McCrory is from, Senator McKissick?

21 SENATOR McKISSICK: There are several
 22 answers that I could reply to that, but I'll be
 23 politically correct. He originated from
 24 Mecklenburg County.

25 SENATOR BISHOP: One follow up,

1 Mr. President.

2 PRESIDENT PT BERGER: Senator
3 McKissick, do you yield for a follow-up?

4 SENATOR McKISSICK: Yes.

5 SENATOR BISHOP: Are you aware that the
6 presidential candidate in the most recent time,
7 Donald Trump, would have lost every one of these
8 districts, In fact, come no higher than
9 43 percent?

10 SENATOR McKISSICK: I think what it
11 would show is that you have an enlightened
12 populous in Mecklenburg County, and I respect
13 their intelligence.

14 I mean, what I would like to see is
15 districts which are competitive districts.
16 That's what voters want to see, districts that
17 are competitive districts, and that's what this
18 particular map provides, districts are
19 competitive districts.

20 We tried to respect voter tabulation
21 districts in drawing these maps. We tried to
22 minimize any breaks of municipal boundaries.
23 There are only two little breaks of municipal
24 boundaries reflected in the map.

25 And when it comes to race, the only

1 thing we did was to look at what you had in your
2 proposed plan in terms of black voting age
3 population. Now, we did not find on this
4 particular map that you had any district drawn
5 with black voting age populations that exceeded
6 50 percent that were majority-minority districts
7 which the Court ruled against. So if you look at
8 that and I think you satisfy that criteria by
9 making that examination, then you don't have to
10 go back and start making any kind of changes with
11 race in mind, so that was not done when you look
12 at this map.

13 What you do see is a map that reflects
14 compact districts, you see competitive districts,
15 you see districts where people in the city of
16 Charlotte will be able to elect candidates of
17 choice. And that's what it's all about. That's
18 what they want. These are not partisan drawn.

19 Now, what you presented to us were
20 partisan drawn and they produce a majority of
21 Republican districts, and you took advantage of
22 partisan advantage, but you called it incumbency.

23 There wasn't a single person
24 double-bunked here. Everybody has a district to
25 run from. They just have to get out there and

1 compete. They have to get out there and prove
 2 they're the better candidate. If it happens to
 3 be a Republican is the better candidate, a
 4 Republican will win that district. If a Democrat
 5 is a more competitive candidate, perhaps that
 6 Democrat is going to win that district.

7 But we haven't drawn these in a way
 8 that are going to necessarily provide anybody a
 9 safe district. I think there's one there that's
 10 probably more Democratic than the others. I
 11 don't even know if that member is coming back.
 12 He is an incumbent. I don't think those
 13 questions were ever asked. Perhaps that should
 14 have been asked of all the people serving in this
 15 chamber if we were going to use incumbency as a
 16 criteria.

17 None other criteria were ranked, so you
 18 could randomly pick and choose what you wanted to
 19 do when you got to a cluster. That's
 20 problematic.

21 I would encourage you to support this
 22 map, support fair, legal and competitive
 23 districts.

24 SENATOR BISHOP: Mr. President.

25 PRESIDENT PT BERGER: Senator Bishop,

1 for what purpose do you rise?

2 SENATOR BISHOP: Would Senator
3 McKissick yield for a question?

4 PRESIDENT PT BERGER: Senator
5 McKissick, do you yield?

6 SENATOR McKISSICK: Yes, I will.

7 PRESIDENT PT BERGER: He yields.

8 SENATOR BISHOP: So, Senator, are you
9 saying that political considerations were the
10 basis of the way this map looks?

11 SENATOR McKISSICK: I'm saying that
12 what we wanted to do when we came and drew
13 districts, we were trying to make certain that
14 districts are drawn so that they would be
15 competitive districts.

16 SENATOR BISHOP: Politically.

17 SENATOR McKISSICK: Competitive
18 districts.

19 SENATOR BISHOP: Follow-up question.

20 PRESIDENT PT BERGER: Senator
21 McKissick, do you yield for a question?

22 SENATOR McKISSICK: Yes.

23 PRESIDENT PT BERGER: He yields.

24 SENATOR BISHOP: Politically
25 competitive.

1 SENATOR McKISSICK: Politically
2 competitive and offer voters choices and options,
3 but that's ultimately up to the candidates who
4 run any particular year to know exactly who will
5 run. I don't know if you're running for
6 reelection. If Senator Rucho had run, he might
7 have different characteristics and attributes to
8 voters in terms of appeal than you might and
9 whoever might run in that district in the future
10 might have different attributes than you.

11 In Senator Clark's district, he's
12 certainly been in a district over the years
13 that's been somewhat a competitive district, more
14 so than your own.

15 SENATOR BISHOP: Follow up,
16 Mr. President.

17 PRESIDENT PT BERGER: Senator
18 McKissick, do you yield for a follow-up question?

19 SENATOR McKISSICK: Yes.

20 PRESIDENT PT BERGER: He yields.

21 SENATOR BISHOP: I think you said a
22 moment ago, you conceded that political
23 considerations were taken into account, but I
24 think you said that it was unnecessary to take
25 racial considerations into account, you believed,

1 in these districts, but it appears to me, if I
 2 look at the data, the racial data that you have
 3 just submitted, that Districts 38 and 40 appear
 4 to have been targeted 45 percent. Is that not
 5 true?

6 SENATOR McKISSICK: They were not
 7 targets.

8 SENATOR BISHOP: Follow up.

9 PRESIDENT PT BERGER: Senator
 10 McKissick, do you yield for a follow-up?

11 SENATOR McKISSICK: Yes.

12 PRESIDENT PT BERGER: He yields.

13 SENATOR BISHOP: Is it coincidence,
 14 then, that 38 has a black voting age population,
 15 according to your data, of 45.18 percent and
 16 District 40 has a black voting age population,
 17 according to your data, of 45.48 percent?

18 SENATOR McKISSICK: The numbers which I
 19 see here which were a part of the original
 20 submission. And one thing you have to
 21 understand, Senator Bishop, when you draw those
 22 maps and you import them into a different
 23 database, the results might be slightly
 24 different.

25 Originally, what I'm seeing for Senate

1 District 38 was 46.17 percent. I think yours
2 originally had 48.46 percent for that very same
3 district according to the database that was used.

4 SENATOR BISHOP: No further questions.

5 PRESIDENT PT BERGER: Senator Brown,
6 for what purpose do you rise?

7 SENATOR BROWN: To ask Senator
8 McKissick a question.

9 PRESIDENT PT BERGER: Senator
10 McKissick, do you yield?

11 SENATOR McKISSICK: Yes.

12 PRESIDENT PT BERGER: He yields.

13 SENATOR BROWN: Senator McKissick, I
14 know you had some help in drawing these maps, and
15 listening to the debate with Senator Bishop, are
16 you trying to tell, I guess, the Senate that you
17 and the individual that helped you draw these
18 maps didn't draw these maps to favor the
19 Democrats? Are you saying that?

20 SENATOR McKISSICK: The maps were drawn
21 in a way to provide competitive districts,
22 competitive districts meaning districts where a
23 Democrat might win or a Republican might win.
24 There are certain concentrations of voters in
25 certain areas. So, I mean, and that's just by

1 the lay of the land. But having said that, they
2 were not drawn to be districts that would perform
3 one way or another except provide a more
4 competitive opportunity to voters to select a
5 candidate of preference.

6 When we saw districts that were drawn
7 disproportionately to provide partisan advantage
8 in the maps that were proposed, so since they
9 were drawn to provide partisan advantage in terms
10 of what we saw based upon the comparative data
11 that we received, we wanted to go back and see
12 what alternative configurations there were. And
13 I might say we received that data very late. I
14 think the map came out on Sunday afternoon or
15 evening. We didn't get the data until sometime
16 on Monday. I think public hearings were Tuesday,
17 and, you know, we had to get somebody involved
18 quickly to analyze the details, analyze the facts
19 and come up with some potential viable
20 considerations that would be available to this
21 body for consideration.

22 SENATOR BROWN: Follow up,
23 Mr. President.

24 PRESIDENT PT BERGER: Senator
25 McKissick, do you yield?

1 SENATOR McKISSICK: Sure.

2 PRESIDENT PT BERGER: He yields.

3 SENATOR BROWN: Senator McKissick, I
4 think Senator Bishop said President Trump got --
5 43 percent I think is the most he said that he
6 got in any of these districts.

7 So you're saying that you and the
8 individual who helped you draw these maps felt
9 like that 43 percent for Republican made these
10 districts competitive, and if that's the case,
11 then any district across the state where the
12 loser of that particular district, if they could
13 get 43 percent, then that's a competitive
14 district and I guess that it's just up to a good
15 candidate to make a difference in that particular
16 district.

17 Is that what you're saying?

18 SENATOR McKISSICK: No, I've never made
19 that statement. That would be a
20 mischaracterization of any words which I spoken.
21 I never suggested that at all.

22 There's a benchmark of races here. You
23 go back and you look at the Tillis race. You go
24 back and look at the Dalton race. You go back
25 and look at the Obama race. You can look at a

1 variety of races. I mean benchmark races. You
 2 go back and look at Elaine Marshall's race.
 3 Elaine Marshall's race would give you a good
 4 indication the way performance is sometimes. And
 5 then you kind of look at a composite and you kind
 6 of base it upon all of that data that might be
 7 available to you to say, you know, hey, how might
 8 these districts be drawn.

9 We certainly felt that the districts
 10 that we saw, particularly with the Tarte
 11 district, District 41, going all the way around
 12 the outer borders of Mecklenburg County, it
 13 appeared to be certainly an effort to maintain
 14 that district as a Republican district. It
 15 seemed as if the goal based upon the maps we saw
 16 were to give all Republican incumbents a chance
 17 of returning, notwithstanding the fact that many
 18 of them perhaps are in those seats today because
 19 of the racial gerrymandering that occurred. If
 20 it had not been for that racial gerrymandering
 21 when the maps were adopted back in 2011 then
 22 District 41 probably wouldn't look like it looked
 23 and Tarte might not have been there.

24 SENATOR BROWN: One more, if I could,
 25 Mr. President.

1 PRESIDENT PT BERGER: Senator
2 McKissick, do you yield?

3 SENATOR McKISSICK: Sure.

4 PRESIDENT PT BERGER: He yields.

5 SENATOR BROWN: Senator McKissick, I
6 think the way that the maps that are proposed are
7 drawn, those districts create three what I would
8 say are Democratic districts and two other
9 districts that are very competitive. Your map
10 draws five districts that are pretty much going
11 to be Democratic districts.

12 So are you saying that a map that has
13 five Democratic districts is a better map than
14 three Democratic districts and two competitive
15 districts?

16 SENATOR McKISSICK: What I'm saying is
17 based that upon the parameters that this body
18 adopted in terms of looking at compactness, in
19 terms of looking at incumbency, in terms of
20 looking at respecting municipal borders, in terms
21 of trying to come up, not splitting the voter
22 tabulation districts, that this is a better plan
23 and a more viable plan and the type of plan that
24 voters would prefer to see to elect candidates of
25 choice.

1 PRESIDENT PT BERGER: Senator Brown,
 2 for what purpose --

3 SENATOR BROWN: I've got one more after
 4 that response.

5 PRESIDENT PT BERGER: Senator
 6 McKissick, can you do one more?

7 SENATOR McKISSICK: This will be the
 8 last one.

9 PRESIDENT PT BERGER: He yields.

10 SENATOR BROWN: Are those voters the
 11 Democratic voters?

12 SENATOR McKISSICK: No. No. They
 13 allow Republicans to vote in Mecklenburg County.

14 SENATOR BROWN: Just checking.

15 SENATOR McKISSICK: We want them to
 16 vote. They just need to be enlightened.

17 PRESIDENT PT BERGER: Further
 18 discussion or debate on Amendment 4.

19 Senator Clark, your light is on.

20 Okay. Further discussion or debate on
 21 Amendment 4. Hearing none, the question before
 22 the body -- before we get to that, the clerk
 23 reminds me Senator Curtis is allowed an excused
 24 absence for the remainder of the session.

25 With that, further discussion or

1 debate. Hearing none, the question before the
2 Senate is the passage of Amendment 4 to Senate
3 Bill 691. All in favor of the amendment will
4 vote "aye"; all opposed will vote "no." The
5 clerk will record the vote. Five seconds will be
6 allowed for the vote.

7 14 having voted in the affirmative and
8 30 in the negative, Amendment 4 fails and the
9 bill is back before you.

10 Further discussion or debate on Senate
11 Bill 691?

12 Senator Blue, for what purpose do you
13 rise?

14 SENATOR BLUE: To send forth an
15 amendment.

16 PRESIDENT PT BERGER: Send forward your
17 amendment. The clerk will read.

18 THE CLERK: Senator Blue moves to amend
19 the bill.

20 PRESIDENT PT BERGER: Senator Blue has
21 the floor.

22 SENATOR BLUE: Thank you,
23 Mr. President.

24 In case I get the question, the
25 sergeant-at-arms staff will be handing out these

1 stat packs. I asked them to delay it because
2 you've got a lot of them building up on your
3 desk, and I wanted you to see the one relating to
4 this, but I begin my comments.

5 This amendment is a statewide plan for
6 North Carolina, and the reason that I submit it
7 to you is that I've read a letter that was sent
8 to Senator Hise and Representative Lewis by the
9 lawyers for the plaintiffs in this case. And
10 that letter had -- it must have been dated on
11 Wednesday, I guess -- had looked at the plans
12 that the statistics were made available for on
13 Monday, that is, the proposed Senate Plan, and
14 had listened to the public comments, and the
15 lawyers had analyzed those things and, more than
16 likely, talked with their clients.

17 And the letter suggested to Senator
18 Hise and Senator Lewis that they still found
19 flaws in the proposed Senate Plan and they made
20 certain suggestions, at least broad observations
21 about the Senate Plan and ways that it could be
22 addressed. And so I then called staff and asked
23 them to allow the lawyer to send -- oh, and in
24 the letter she also said they had drawn some
25 proposed districts. So I called staff and asked

1 them to receive this packet from the lawyers so
2 that we could analyze it under the system that we
3 have devised in the General Assembly that analyze
4 these plans as well as to analyze it for the
5 criteria in the stat packs, stat packs that you
6 are being handed now.

7 And upon receipt of it, I looked at it,
8 and I think that it made me realize that the
9 reason we're here on this Friday afternoon is
10 because the Supreme Court unanimously determined
11 that the plan that we operating under had 28
12 racially gerrymandered districts, and so it made
13 sense to me that the people who had convinced the
14 Court that the districts were racially
15 gerrymandered could have some useful information
16 on how you address the gerrymander since that's
17 what we are here to do. We can talk about all of
18 the other things, but we're here to address the
19 gerrymanders because the Court told us to address
20 it.

21 So these are the districts that they
22 proposed that would address the racial
23 gerrymander in the nine areas where senate
24 districts were determined to be racially
25 gerrymandered. It observed the same cluster

1 arrangement. It did not challenge any of the
2 clusters or does not challenge any of the
3 clusters. And it addresses these gerrymanders
4 primarily in the four urban counties -- major
5 urban counties, biggest urban counties in the
6 state: Wake, Mecklenburg, Cumberland and
7 Guilford.

8 This is what it does. And you'll
9 notice that in many ways that it doesn't really
10 overlap the districts that we've talked about,
11 even some of those that we've offered. The ones
12 that have been offered on Guilford, that was
13 withdrawn, as well as Mecklenburg show that there
14 are different alternatives for looking at these
15 districts based on the criteria that the
16 committee adopted as its criteria.

17 These maps also look at that criteria,
18 but they also look at it from the prism of what
19 they consider to be required to bring these
20 districts into compliance.

21 So let me share two quick things
22 because I know that this is where the questions
23 will be.

24 If you've had a chance to review
25 briefly the stat pack, you will find that these

1 districts aren't drawn for partisan advantage. I
2 analyzed it. I think when you count the
3 districts based on the performance in past
4 elections, in these proposed districts, the
5 Democratic presidential candidate won 18 and the
6 U.S. Senate race, the Democratic senatorial
7 candidate won 17, and then the governor's race,
8 the gubernatorial candidate won 21.

9 So you can't argue that they have been
10 designed for partisan purposes. You can't argue
11 realistically that it's a partisan gerrymander.
12 The only Democrat who won a majority of districts
13 in this iteration was the secretary of state
14 who's been running for that office for 20 plus
15 years, and she managed to eke out a victory in 26
16 of the 50 sitting candidates under this proposal.

17 And so I learned a long time ago -- I
18 grew up on a farm, but I learned a valuable
19 lesson, and that is that pigs get fat and hogs
20 get slaughtered, and the amazing thing is that
21 sometimes you reach too far. And these folk have
22 offered a plan that solves the racial
23 gerrymandered, which is why we're here, and at
24 least it's a plan that should be considered as a
25 way to get through this judicial crisis.

1 It does not stack the deck unfairly
2 against the majority party in here, but it
3 addresses this issue of a racial gerrymander. It
4 only double-bunked sitting senators, I think, in
5 two or three districts other than the ones that
6 were required to be double-bunked because of the
7 way the clusters were drawn. It even has in it
8 districts that have high percentages of
9 Democratic votes, some of them as high as 70 or
10 80 percent vote in the district.

11 So partisan politics was the last thing
12 that would enter into this map. I think it is
13 something that ought to be reviewed. I mean, I
14 know that redistricting is a very private thing
15 for those who serve, but it seems to me that
16 they're trying to achieve some kind of broader
17 goal in it, and I think it's the kind of plan
18 that would lead to legal districts, the kind of
19 plans that show that race was not unnecessarily
20 relied on. I think that you'll find throughout
21 this map that it addressed the racial gerrymander
22 in each district, and in all but one I believe it
23 took the racial percentage down, which is what
24 created the problem of the racial gerrymander in
25 the first place.

1 And so if you haven't addressed the
2 issue specifically set forth in the way that the
3 plaintiffs have addressed it, I think in the way
4 they deal with some of these districts, I think
5 we're setting ourselves up. And maybe in order
6 to grab 35 or 34 or whatever the advantage might
7 be, partisan advantage in the map that you
8 submitted, that you're setting yourself up to
9 maybe having a federal judge or a federal panel
10 or a special master draw these districts in the
11 affected area with implications and ramifications
12 far beyond what you've considered in trying to
13 perhaps get a bigger piece of the cake that is
14 justified under the circumstances.

15 I recommend this to you and hope that
16 you'll consider it.

17 PRESIDENT PT BERGER: Senator Bishop,
18 for what purpose do you rise?

19 SENATOR BISHOP: To ask a question of
20 Senator Blue.

21 PRESIDENT PT BERGER: Senator Blue, do
22 you yield?

23 SENATOR BLUE: Yes, sir.

24 SENATOR BISHOP: Is this map devised
25 for the purpose of double-bunking incumbent

1 Republican senators in order to -- in
2 circumstances that would be unfavorable to them
3 in order to defeat them?

4 SENATOR BLUE: I don't see how it is.
5 It's double-bunked -- I'm trying to see the
6 places. There may be a double-bunk down in your
7 territory, Senator Bishop. There's a double-bunk
8 in your territory. I see a double-bunk -- there
9 was one in Wake and one in Guilford. I think
10 those are the three double-bunks.

11 SENATOR BISHOP: Further question.

12 PRESIDENT PT BERGER: Senator Blue, do
13 you yield for a follow-up?

14 SENATOR BLUE: I yield.

15 SENATOR BISHOP: So if you look,
16 Senator Blue, at 37, there in the heart of
17 Mecklenburg, 37 is currently occupied by Senator
18 Jeff Jackson over there, and the little red dot
19 that's now in 37 happens to be me.

20 And so Senator Jackson and I are
21 double-bunked, but we're not double-bunked down
22 in southern Mecklenburg County or over towards
23 Matthews. We're double-bunked in Plaza-Midwood,
24 east Charlotte. Is that not devised to take out
25 a Republican incumbent?

1 SENATOR BLUE: No, I wouldn't say that
2 that's what it's devised to do. Because if you
3 look at the plaintiffs' senate map, again, they
4 have three of the same pairings of double-bunking
5 that the committee map does, and that was not
6 devised to take out incumbents. It was devised
7 to meet the criteria that you had set forth, and
8 that was unavoidable.

9 And again, in Wake, Mecklenburg and
10 Guilford counties, there were racial
11 gerrymanders, and the plaintiffs are suggesting
12 that the way that you go about fixing it first is
13 to devise or at least develop these basic
14 districts. You can then move people out of --
15 out of -- I think in most of them, I seem to
16 remember that the members were close to the line.
17 And so just as with the plaintiffs' map, and I
18 think that -- the map that's before you, just
19 like with that map people got creative and moved
20 Senator Alexander into another district to
21 prevent his being double-bunked, and you notice
22 that in my revise in Wake County, I allowed for
23 that. If you look at the basis of the map, then
24 there are places that you can adjust it to
25 address those specific problems.

1 SENATOR BISHOP: Follow-up question.

2 PRESIDENT PT BERGER: Senator Blue, do
3 you yield?

4 SENATOR BLUE: I yield.

5 PRESIDENT PT BERGER: He yields.

6 SENATOR BISHOP: Just to sort of extend
7 the picture here beyond what I described about
8 Senator Jackson and me, if you look in Guilford
9 County, I think I described it as the bird
10 district, it looks a little similar to me. It's
11 Greensboro, as I understand it. Senator
12 Robinson's District 28, there's a red dot there.
13 That happens to be Senator Wade, as I understand.
14 So Senator Wade is double-bunked with Senator
15 Robinson not out in an area that Senator Wade is
16 represented but in -- on territory that would be
17 unfavorable to her.

18 And if you look over at Wake County,
19 the double-bunking up in 15, 15 being Senator
20 Chaudhuri's district, is, as I understand it,
21 Senator Barringer, it might be Senator Alexander,
22 but in either event, in all three cases it's
23 true, isn't it, that the Republican incumbent is
24 at a disadvantage in that double-bunking.

25 SENATOR BLUE: In this map I think

1 Senator Alexander is in the district with Senator
2 Chaudhuri, but in the map that we amended,
3 they're not in the same. So I'm saying that once
4 you take the basic form that you want to fix the
5 gerrymandering, you can deal with those issues
6 because if you want incumbency to be one of the
7 criteria, it is a criteria after you've dealt
8 with the gerrymander.

9 Senator Bishop, I can't tell who's in
10 this district in Guilford County. I see a blue
11 dot and a red dot. I don't know whether -- I
12 guess Senator Robinson is on the edge of her
13 district. And we can deal with Guilford County
14 in such a way that you can try to deal with the
15 incumbency question, but you got to deal with the
16 gerrymandering aspect of it first.

17 And you in Mecklenburg, I don't know
18 where you live and where Senator Jackson lives,
19 but since you're moving whole precincts, you can
20 deal with those things and still observe the
21 other criteria, the compactness -- you admit that
22 the plan that's before us by the committee had
23 deviated from the compactness standards because
24 it goes all the way around the county.

25 So if you are then trying to

1 accommodate the question of incumbency, then that
2 justifies you moving this incumbent out into
3 another area that might be friendlier.

4 The map in and of itself is our first
5 go at it without being concerned about incumbency
6 and those things. Our first concern was to
7 address the gerrymanders, and it's those four
8 counties that you talked about that you find the
9 double-bunking. It's been solved in Wake County,
10 we're working on it in Guilford County, and
11 that's the only way I know how to answer you.

12 SENATOR BISHOP: Further question,
13 Mr. President.

14 PRESIDENT PT BERGER: Senator Blue, do
15 you yield?

16 SENATOR BLUE: I yield.

17 PRESIDENT PT BERGER: He yields.

18 SENATOR BISHOP: So the committee
19 accepted your amendment yesterday to Wake County
20 and then today you came in with a further
21 perfecting amendment to that to fix it. This, as
22 I understand it, this statewide map hasn't been
23 changed from the -- among other things the
24 double-bunkings that I pointed out yesterday in
25 committee as you're proposing it today, and if

1 the amendment were to be accepted, it would
2 supersede the amendment that you've worked on
3 twice for Wake County, correct?

4 SENATOR BLUE: That's correct. And if
5 I had had time, if I had had time, I would have
6 incorporated the Wake County amendment into this
7 map.

8 SENATOR BISHOP: A further question.

9 PRESIDENT PT BERGER: Senator Blue, do
10 you yield?

11 SENATOR BLUE: I yield.

12 PRESIDENT PT BERGER: He yields.

13 SENATOR BISHOP: Would it be fair to
14 say that you don't really expect this amendment
15 to be adopted. It's offered as a function of the
16 litigation.

17 SENATOR BLUE: I do expect it to be
18 adopted because it fixes the gerrymander, and if
19 it's adopted, then I will then amend it to fix
20 Wake County the way that we fixed it because
21 there has to be more than one configuration that
22 can address these issues.

23 This is one possibility, and I would
24 reconcile it with what we've done in Wake County
25 and attempt to reconcile it with fixing the

1 issues that you address of double-bunking in
 2 Mecklenburg County, in Guilford County, and I
 3 forget where the other one was. Maybe that's it.
 4 Those are the three outside of the ones that were
 5 mandated by the clustering.

6 PRESIDENT PT BERGER: Further
 7 discussion or debate on Amendment 5.

8 Senator Hise, for what purpose do you
 9 rise?

10 SENATOR HISE: Speak to the amendment.

11 PRESIDENT PT BERGER: You have the
 12 floor.

13 SENATOR HISE: Thank you, Mr. President
 14 and Members of the Senate.

15 I think you have before you an
 16 amendment litigation strategy for the court
 17 cases. I think that Senator Blue even inasmuch
 18 admitted yesterday that his choice would not have
 19 been to do the double-bunks and told us if we
 20 were working together to develop these that we
 21 could have come up with different solutions. And
 22 it's been clear that this is not a map developed
 23 by a member of the General Assembly but a map
 24 developed by a litigation group, a group that
 25 sued us.

1 But I think it offers a lot of insight
2 into what this is all about. And I don't believe
3 it's a racial gerrymander or other. It's about a
4 group who represents the Democrats who have
5 become uncompetitive in most of the State of
6 North Carolina. I think they're down to winning
7 20 or so counties in a presidential race on some
8 other ballot initiatives we've had. I think they
9 were down to about seven counties that their
10 policies could carry, and they want to draw the
11 map so they don't have to change those policies
12 or what they're promoting, but we'll take the
13 areas where they are and they should have total
14 domination.

15 Look at Guilford on this map. Look at
16 Wake County on this map. Look at Mecklenburg
17 County on this map. Any district drawn
18 completely in that county the Democrats carry.
19 Look at the presidential race and others. They
20 might find some 60/40 race where they didn't win
21 them all but -- that occurred several years ago,
22 but if you want to look at the presidential
23 races, the governor's races, this is the clean
24 sweep of the urban counties for the Democrats so
25 that they can continue their far left message and

1 try to be competitive statewide. That's
2 literally what this entire map is about.

3 There's an actual report that's in your
4 stat pack that tells us what members are
5 double-bunked together. So when Barringer and
6 Chaudhuri are bunked together for, as we've
7 shown, no good reason, when Senator Wade and
8 Robinson are bunked together, no good reason, for
9 Bishop and Jeff Jackson all in ways to benefit
10 the Democrat incumbents, as well as you'll see
11 the blank areas in which they're creating open
12 Democrat seats in this state. It's what it's all
13 about for this group.

14 Now, they found an argument about how
15 race is used, and we've addressed that argument
16 by not using race. They said we used it
17 excessively; we've addressed it by not using it
18 at all. But they're still upset because they
19 didn't get everything they wanted in the urban
20 areas which requires total domination in those
21 results.

22 So they also ignored what
23 municipalities. They clearly would divide
24 municipalities as they saw fit in addition to
25 those challenges.

1 It's the responsibility of the General
2 Assembly to draw districts. Now, I don't deny
3 that it's not the right of a member to pick
4 someone else's map and bring it forward, but this
5 obviously in no way, even in these areas,
6 represents the values of the Senate or the
7 General Assembly as a whole. Pick each one of
8 those urban counties. When the members offered a
9 solution, it was very different from what this
10 solution was that you had here, particularly even
11 for the same issues.

12 So I ask that you reject this
13 amendment. The outside groups are not the ones
14 drawing their districts in the State of
15 North Carolina. The General Assembly is. That
16 is our obligation under the state constitution.
17 That is our obligation under the federal
18 constitution, and we don't hand that to outside
19 groups for that purpose.

20 And for that, among many other reasons,
21 including the use of race, once again, I would
22 ask that you reject this amendment.

23 PRESIDENT PT BERGER: Senator Bryant,
24 for what purpose do you rise?

25 SENATOR BRYANT: To speak on the

1 amendment.

2 PRESIDENT PT BERGER: You have the
3 floor.

4 SENATOR BRYANT: I was wanting to
5 respond to one comment that Senator Hise
6 mentioned about the purpose of this proposal and
7 this proposed amendment being to have domination
8 in urban areas for the Democratic Party or for
9 far-left ideas.

10 And I wanted to emphasize that what I
11 care about in this proposal and in the case
12 against racial gerrymandering is racial
13 discrimination against my racial group in order
14 to maintain political power for far-right ideas.

15 And I'm from a rural area. I don't
16 benefit under any of these plans, personally
17 speaking, in terms of my political options.
18 However, I have a great concern about racial
19 discrimination and unconstitutional legislative
20 and political actions being taken that harm my
21 racial group and our communities across the
22 state. And this is not just an urban issue.
23 It's also a rural issue.

24 And for that reason I would want to ask
25 us to strongly consider this amendment. I agree

1 with Senator Blue there are some changes that
2 have been raised, some issues that have been
3 raised can be addressed. And I took this same
4 position when Democrats were in power. I
5 similarly fought. I was a part of helping with
6 the Gingles cases and the other discriminate --
7 redistricting discrimination cases that have been
8 brought in the state, because I also didn't like
9 being discriminated against for the purposes of
10 the domination of Democrats as well.

11 And so I just want to be clear on the
12 record that my purpose is not that for -- as
13 described by Senator Hise, and I sort of don't
14 like a broad attribution to all our purposes in
15 the manner that he did. And I know that the
16 plaintiffs in this case who are from my area,
17 their goal is not -- surely not power in urban
18 areas and is not perpetuation of a left-wing
19 agenda. It is fighting against the racial
20 discrimination that we feel in our communities.

21 So I don't like him casting
22 aspersions -- negative aspersions against the
23 plaintiffs in the case who are 30 or 40 some
24 citizens around the state, as well as the lawyers
25 and professionals involved in helping to move

1 this litigation forward that has been affirmed
2 unaniously by the Court of Appeals and the
3 Supreme Court. So I guess they want a left-wing
4 agenda in North Carolina as well. Thank you.

5 PRESIDENT PT BERGER: Further
6 discussion or debate.

7 Senator Van Duyn, for what purpose do
8 you rise?

9 SENATOR VAN DUYN: To speak on the
10 amendment.

11 PRESIDENT PT BERGER: You have the
12 floor.

13 SENATOR VAN DUYN: I would have to
14 agree with Senator Hise that it is our
15 responsibility to draw these maps, and I think we
16 made a very responsible step when we decided to
17 take public comment before we drew the maps. And
18 what we heard almost unaniously from that public
19 comment was that what the people of
20 North Carolina want is exactly what these maps
21 represent and that is fair, legal, competitive
22 Senate districts.

23 These maps did double-bunk people
24 because that was not a criteria. That was one of
25 our criterias, never one that we heard through

1 public comment. I think we have done a
2 tremendous disservice to the people of
3 North Carolina by consistently and over and over
4 and over again refusing to listen to the people
5 of North Carolina who made their voices heard
6 very clearly, very clearly that what they wanted
7 was fair, competitive districts, and that's what
8 the plaintiffs are asking for and that's why I
9 urge you to support this amendment.

10 PRESIDENT PT BERGER: Further
11 discussion or debate on Amendment 5. Hearing
12 none, the question before the Senate is the
13 passage of Amendment 5 to Senate Bill 691. All
14 in favor of the amendment will vote "aye"; all
15 opposed will vote "no." Five seconds will be
16 allowed for the voting. The clerk will record
17 the vote.

18 14 having voted in the affirmative and
19 30 in the negative, Amendment 5 fails and the
20 bill is back before us.

21 Further discussion or debate on Senate
22 Bill 691.

23 Senator Hise, for what purpose do you
24 rise?

25 SENATOR HISE: Send forth an amendment.

1 PRESIDENT PT BERGER: Send forward your
2 amendment.

3 SENATOR HISE: Sorry. Maybe I need to
4 physically send it forward. Senator Tillman's
5 got the page duties today.

6 PRESIDENT PT BERGER: The clerk will
7 read.

8 THE CLERK: Senator Hise moves to amend
9 the bill.

10 PRESIDENT PT BERGER: Senator Hise has
11 the floor to explain Amendment 6.

12 SENATOR HISE: Senators, what this
13 amendment simply does is that as we're getting a
14 lot of submissions in and others so that we
15 can -- this will all go to the courts and so we
16 can clarify when something was submitted and
17 others. This was an amendment, because we
18 accepted other amendments today, to change the
19 title of the bill that will denote that this was
20 the second reading. We will need a similar
21 amendment if we amend it on Monday so it shows
22 that the change occurred in the third reading of
23 the bill, but this will show that those changes
24 occurred. It merely changes the short title of
25 the bill.

1 PRESIDENT PT BERGER: Further
2 discussion or debate on Amendment 6. Hearing
3 none, the question before the Senate is the
4 passage of Amendment 6 to Senate Bill 691. All
5 in favor of the amendment will vote "aye"; all
6 opposed will vote "no." Five seconds will be
7 allowed for the voting. The clerk will record
8 the vote.

9 Tillman "aye"; Bryant "aye"; McKissick
10 "aye"; Ford "aye."

11 44 having voted in the affirmative and
12 none in the negative, Amendment 6 passes and the
13 bill is back before you.

14 Further discussion or debate on Senate
15 Bill 691.

16 Senator Blue, for what purpose do you
17 rise?

18 SENATOR BLUE: To debate the bill.

19 PRESIDENT PT BERGER: You have the
20 floor.

21 SENATOR BLUE: Thank you,
22 Mr. President.

23 And I just want to make a very few
24 observations because I think that we ought to
25 seize upon teaching moments. We've been through

1 this process. The Court says that we have
2 discriminatory districts, nine of them in the
3 Senate, and they're discriminatory because of the
4 racial makeup and what was done to create the
5 racial makeup in those districts.

6 I'm hoping that having passed out these
7 stat packs that show what the racial makeup is of
8 the districts that you've now created will enable
9 you to tell the Court how you've addressed the
10 discrimination that they found in the original
11 maps that you passed here.

12 I don't see how it can when you haven't
13 considered race in solving the racial problems in
14 the map. I mean, it just is anti-intuitive that
15 you can fix a problem without addressing the
16 problem. And that's what we've done here.

17 And it might be that you're sending a
18 message to this three-judge panel that you don't
19 take judicial orders very seriously, and that --
20 that is not a message that I want to be a part of
21 it, not because I'm a member of the legislature
22 but because I highly respect this third and
23 co-equal branch of government because it's what's
24 made this country, the whole concept of judicial
25 review what it is, and so I hope that that's not

1 the message that you're trying to send.

2 But more importantly, I hope that we
 3 don't do a disservice to the citizens of this
 4 state by telling them that we've remedied this
 5 problem when we really haven't. There are some
 6 places in this map where that issue has been
 7 resolved. And, you know, the amazing thing is it
 8 was resolved not by what we did but to some
 9 degree because the clusters dictated that it be
 10 done that way.

11 And that sort of machine like, as was
 12 said earlier, we got free will, we're sentient,
 13 we can do things and think about them and change
 14 them, and again, that's the magic about this
 15 place. And I say that not because it's going to
 16 change anybody's mind but simply because it needs
 17 to be said.

18 And I say that I hope that it's been a
 19 teaching moment and this provides a teaching
 20 opportunity because half of you will be here the
 21 next time redistricting comes around, if you
 22 don't have -- well, you won't have to come back
 23 and solve these because if you haven't solved it,
 24 the three-judge panel will solve it for you, but,
 25 you know, the next regularly scheduled

1 redistricting round is two elections away, four
2 years, and if history is any lesson, half of you
3 will be here, the other half won't because of
4 retirement, some voluntary, some involuntary.
5 There are various other reasons.

6 We've already started preparing for the
7 2020 census all over the country, the way the
8 Census Bureau is trying to get people to prepare
9 VTDs in place of precincts and all of those
10 things, the way the computers are beginning to be
11 configured. I mean, it's a national discussion
12 going on, and it's a discussion going on that
13 pays no attention to party divide. There are
14 just things that we need to do to make this
15 redistricting work.

16 So it's right around the corner, and a
17 good number of you will be here to do it in four
18 years. And so I hope that the takeaway and the
19 real lesson that we get from this teachable
20 moment is it needs to be a cooperative process,
21 it needs to be an inclusive process, and it needs
22 not be focused solely on political advantage and
23 using anything that might give us that political
24 advantage.

25 In this case, unfortunately, the Courts

1 determined that race is what gave you the
2 political advantage. Who knows what the issue
3 will be next year, the year after next, but
4 certainly in 2020. Who knows whether there will
5 be some decision from the Supreme Court trying to
6 add clarity into what goes into redistricting.
7 Who knows whether it will be some decision, some
8 modification on the Stephenson standards by the
9 State Supreme Court. I don't know.

10 I said we're sentient. I'm not
11 prescient and omniscient. I can't see into the
12 future that far, but there will be things that
13 we're not factoring in that will affect the 2021
14 redistricting, and I'm just asking you to take
15 what you've learned from those who are here to
16 inform us as to how we ought to go about the 2021
17 redistricting.

18 It can be far less painful, it can be
19 much more cooperative, and it can satisfy the
20 citizens of this state who are telling us in
21 every way that they can that they're tired of all
22 the partisan way in which we go about doing this,
23 that they want to participate in the process and
24 they just assume that the legislature not have
25 anything else to do with it, whether it's an

1 independent commission or some other kind of way,
 2 that they would prefer something else. So I hope
 3 that we can register that.

4 Again, I don't believe that these maps
 5 directly address the specific issues in several
 6 places that the Court told us to address, and for
 7 that reason I think that this whole exercise has
 8 to be looked at, but what we learn from it as
 9 opposed to what it does to address that broader
 10 problem.

11 I invite you to share with certainly
 12 the members on the back row as you go in to
 13 preparing this process. You never can tell, the
 14 members on the back row might be the members on
 15 the front row regardless of what you say is
 16 happening across the state. This state is still
 17 a very fluid state, it's a rapidly changing
 18 state.

19 And the lesson that I again take away
 20 from most of the things that I do is one that I
 21 learned in the sandboxes, but it was underscored
 22 to me my first year in law school by my real
 23 property professor. He said, you know, the only
 24 way that you can guarantee that something will be
 25 fair, if it's to be split between people, you let

1 the one who draws out different people's
 2 portions -- he was talking about basically
 3 dividing up black acre or white acre, however you
 4 described the farm at the time -- is you let the
 5 one who's going to choose first not draw them,
 6 but you let the one who chooses last draw the
 7 maps, draw the division.

8 That's been wise advice over the years
 9 for me, and I suggest to you that sometimes you
 10 might want those that you think that you're
 11 punishing to participate in how you mete out that
 12 punishment because at the end of the day you
 13 might be the one receiving it.

14 We need to think about that with
 15 respect to these maps, and I hope that somewhere
 16 or other those lessons won't be lost on us.

17 PRESIDENT PT BERGER: Further
 18 discussion or debate.

19 Senator Hise, for what purpose do you
 20 rise?

21 SENATOR HISE: To speak a second time.

22 PRESIDENT PT BERGER: You have the
 23 floor.

24 SENATOR HISE: Thank you,
 25 Mr. President.

1 Members of the Senate, I want to start
2 by rebuffing what I think is an argument that
3 somehow we don't care about what the Courts have
4 said or what they did. We're all here today at a
5 time that's not necessarily of our choosing, on a
6 timeline not of our choosing to address a court
7 order on a set of maps that Eric Holder and the
8 Obama Justice Department pre-cleared before we
9 ever passed them. Now they've run across the
10 country and complain about these things, but they
11 cleared them. We met all those standards. Some
12 of the rules changed, parts of the Voting Rights
13 Act are gone, and we're back here today once
14 again.

15 But I will tell you in the drawing of
16 these maps we have placed a lot of respect into
17 what the Court says, beginning with the most
18 recent ruling that we overutilized race in
19 creating districts. So we have a solution for
20 that. We will not use race in the creation of
21 districts. Now, somebody's going to try to make
22 some claim that by not using race we still used
23 it and by the some standard we still overused
24 race.

25 But we followed also the State Court

1 ruling and Stephenson and how they're written. I
2 don't know that anyone believes that it was my
3 intent to move Senator Cook's district or to put
4 Senator Randleman or Ballard in the same district
5 or to move Senator Horner in a district. Those
6 were required under the Court rulings and we've
7 accepted those and that's part of this map.

8 We've done those to respect the rulings
9 of the Courts and how they've interpreted our
10 constitutions. We put that process together.
11 We've taken areas like Wake County where, in
12 general, Republicans receive 40 percent of the
13 votes in those counties, and you'll see that the
14 proportions now fall out to, all likely,
15 40 percent of the seats in those counties. You'd
16 see the same in Mecklenburg. We now have one
17 competitive district with probably three
18 Democratic districts and one Republican district,
19 and how that compares -- that was what you would
20 see in historic vote totals. We've taken those
21 in the state. No, that's not enough for our
22 opposition.

23 But we've taken in respect to what the
24 Court says and what the law says and our
25 responsibility to draw these maps given to us by

1 the people of this nation by our constitution to
2 this body to draw these maps. We have answered
3 the Court's questions with these maps, and we are
4 prepared to move forward now with elections under
5 these maps.

6 It's been a long process. I don't
7 think anybody thinks the legal fight is over, but
8 we have answered the legal questions that have
9 been presented on those with these maps, and we
10 continue to stand by that decision and we'll
11 continue to fight anyone who tries to claim that
12 it is not our authority under the constitution to
13 draw the maps of the State of North Carolina.

14 I thank you all and I ask for your
15 support for this and for the -- thanks for this
16 long process that we continue to go through.

17 PRESIDENT PT BERGER: Further
18 discussion or debate.

19 Senator Tillman has an excused absence
20 for the remainder of the session.

21 Further discussion or debate on Senate
22 Bill 691. Hearing none, the question before the
23 Senate is the passage on the second reading of
24 Senate Bill 691. All in favor will vote "aye";
25 all opposed will vote "no." Five seconds will be

1 allowed for the voting. The clerk will record
2 the vote.

3 27 having voted in the affirmative and
4 16 in the negative, Senate Bill 691 has passed
5 its second reading.

6 And, Senator Hise, for what purpose do
7 you rise?

8 SENATOR HISE: To object to third
9 reading

10 PRESIDENT PT BERGER: Third reading
11 having been objected to, the bill will remain on
12 the calendar.

13 Senator Hise, do you have a further
14 motion?

15 SENATOR HISE: And to also ask that the
16 amendments be engrossed before the presentation
17 of the third reading.

18 PRESIDENT PT BERGER: Without
19 objection, so ordered, the amendments will be
20 engrossed between second and third reading.

21 Members, that's all we have on our
22 calendar. And are there any notices or
23 announcements? Is there further business to come
24 before the Senate? If not, Senator Pate is
25 recognized for a motion.

1 SENATOR PATE: Thank you,
2 Mr. President.

3 I move that the Senate do now adjourn
4 subject to Senate Rule 24.1 and the receipt of
5 House messages, to reconvene on Monday,
6 August 28, 2017, at 5:00 p.m.

7 PRESIDENT PT BERGER: Motion is that
8 the Senate do now adjourn subject to the
9 stipulations stated by Senator Pate to reconvene
10 on Monday, August 28, 2017, at 5:00 p.m.
11 Seconded by Senator Hise. All in favor say
12 "aye."

13 "Aye."

14 PRESIDENT PT BERGER: All opposed "no."
15 The "ayes" have it and the Senate
16 stands adjourned.

17 [Reporter's Note: Proceedings in this
18 session ended at 1:51 p.m.]

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