

SENATE  
NORTH CAROLINA GENERAL ASSEMBLY  
2017 SESSION

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IN RE: SECOND READING OF  
HOUSE BILL 927  
2017 HOUSE REDISTRICTING  
PLAN A2  
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TRANSCRIPT OF PROCEEDINGS  
PHIL BERGER, PRESIDENT PRO TEMPORE PRESIDING  
Wednesday, August 30, 2017  
9:30 a.m.

PREPARED BY: Audra M. Smith, RPR, FCRR  
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Legislative Defendants Trial

APPEARANCES

PHIL BERGER, PRESIDENT PRO TEMPORE

BILL RABON, CHAIRMAN, RULES AND OPERATIONS OF THE SENATE

SARAH LANG, PRINCIPAL CLERK

TERRY RUMLEY, ADMINISTRATIVE CLERK

PHILIP KING, SERGEANT-AT-ARMS

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P R O C E E D I N G S

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SENATOR RABON: The Senate will come to order. Without objection, the Senate will stand in recess to reconvene today at 10 a.m.

(A recess was taken from 9:33 to 10:17 a.m.)

SENATOR BERGER: The Senate will come to order. Sergeant of Arms will close the doors. Members will go to their seats.

Members and guests, please silence all electronic devices. Leading the Senate in prayer is Senator Deanna Ballard of Watauga County. All members and guests will please stand.

(Prayer lead by Senator Deanna Ballard.)

SENATOR BERGER: Senator Pate is recognized for a motion. The Senate will come to order. Senator Pate is recognized.

SENATOR PATE: Thank you. The Journal of August 29, 2017 has been examined and found to be correct. I move that we dispense with the reading of the Journal and that it stand approved as written.

SENATOR BERGER: Without objection, the

1 Journal of August 29, 2017 stands approved as  
2 written.

3 Members' leaves of absence are  
4 requested, and without objection, are granted  
5 for Senators Barringer, Britt, Jim Davis,  
6 Ford and Meredith.

7 And, members, courtesies of the chamber  
8 are extended to Audra Smith of CaseWorks,  
9 Incorporated who is our court reporter today.

10 We are now prepared to go into the  
11 calendar unless there's further business  
12 before we get to that point.

13 House Bill 927, second reading. The  
14 clerk will read.

15 MS. RUMLEY: House Bill 927 2017 House  
16 Redistricting Plan A2.

17 SENATOR BERGER: Senator Hise is  
18 recognized to explain the bill.

19 SENATOR HISE: Thank you, Mr. President.  
20 Members of the Senate. Everyone should have  
21 on their desk a copy of the map as well as  
22 the appropriate the staff pack for the House  
23 maps that were drawn.

24 Briefly just to go over, this meets the  
25 criteria established by both House and Senate

1 committees for the drawing of the maps under  
2 Equal Population Contiguity Compactness, both  
3 of our standards are met there. Has fewer  
4 split precincts. Does much better at  
5 protecting municipal boundaries.

6 There are six double bunk -- double  
7 bunking of six members. For double bunk as a  
8 result of county grouping formula and two  
9 other members of the majority party.

10 You should have also in that staff pack  
11 the election data that's there, and I think  
12 it is important to note these maps were drawn  
13 without the consideration of race and that  
14 individuals were not assigned to districts on  
15 the basis of their race.

16 I'd be more than happy to answer any  
17 questions anyone may have, but as they are,  
18 the House maps, I'll present them to you and  
19 see what you need to know.

20 SENATOR BERGER: Further discussion or  
21 debate on House Bill 927?

22 Senator Bryant, for what purpose do you  
23 rise?

24 SENATOR BRYANT: To speak on the bill,  
25 Mr. President.

1           SENATOR BERGER: Will yield the floor.

2           SENATOR BRYANT: Mr. President and  
3 members, I want to point out to you several  
4 concerns about the House district plan.  
5 There are several concerns still in terms of  
6 the racial gerrymandering. My understanding  
7 in that in Guilford County there are three of  
8 the districts that are almost on the same  
9 footprint as they were in the original plan  
10 that has been struck down by the courts. I  
11 don't have the black VAP data in front of me,  
12 but I can provide that to you if you're  
13 interested, but I think there are some  
14 high -- there are some still some packing in  
15 those districts in Guilford County, so I just  
16 want to bring that to your attention and  
17 surely recommend a more thorough look at  
18 that.

19           There are also some State constitutional  
20 concerns with this map. First of all, just  
21 on the issue of compactness and the eyeball  
22 test, I just bring your attention to -- I  
23 think it is House District -- look at 10 and  
24 21. Look at that Greene and Wade, Sampson  
25 counties, that House District 21 is

1 interesting and probably could vary from some  
2 scientific study of some sort or another. So  
3 that's just one example of some areas where  
4 compactness is really challenged and serve as  
5 a partisan gerrymandering or I believe or  
6 perhaps some other purpose.

7 Also in Cabarrus County, and in that  
8 same Wayne/Greene cluster, there are some  
9 violations of the whole county provision. If  
10 you look at District 10, it crosses three  
11 counties when obviously it does not have to  
12 in order to meet to population requirements,  
13 and I think in Cabarrus County, if you look  
14 under -- that's District 83, 67, 83, 82.  
15 There -- Cabarrus County is carved up into  
16 three districts when of course the population  
17 requirements could be met without going into  
18 three districts. I think that surely begs  
19 the question of the whole county -- fidelity  
20 to the whole county provision.

21 And finally in Wake and Mecklenburg  
22 County in this map, there are districts that  
23 were changed that were not even affected by  
24 the court decision and not even affected by  
25 district that was -- even an adjacent

1 district as related to the court decision.  
2 They were just changed for no purpose other  
3 than perhaps improving the opportunities for  
4 the republican incumbents in those districts  
5 or some other reason. And our Constitution  
6 forbids redistricting outside of the 10-year  
7 cycle unless the court orders that to be  
8 done, and in this instance those districts  
9 are not ordered to be redistricted under  
10 this -- under the court order.

11 So on those matters, I would ask that we  
12 vote against these maps, that we take a  
13 little bit longer, or at least look at these  
14 concerns between second and third reading.

15 Why we would position ourselves for  
16 these challenges, I can't understand, given  
17 what we've been facing in terms of the cost  
18 of litigation and length of the litigation.  
19 We've already been through multiple courts  
20 who have struck down these maps under some of  
21 these same complaints. We're even adding new  
22 challenges to the ones we already have been  
23 ruled -- that we've already lost on. So I  
24 urge us to go against these maps and give  
25 these legitimate concerns further



1 consideration. Thank you.

2 SENATOR BERGER: Further discussion or  
3 debate?

4 SENATOR McKISSICK: Mr. President.

5 SENATOR BERGER: Senator McKissick, for  
6 what purpose do you rise? You have the  
7 floor.

8 SENATOR McKISSICK: To speak on the  
9 proposed plan.

10 SENATOR BERGER: You have the floor.

11 SENATOR McKISSICK: I think Senate  
12 Bryant shared some excellent observations in  
13 terms of concerns that many of us have about  
14 the plans here before us today, and this  
15 concern about going out and redrawing  
16 districts that were not impacted by the  
17 unconstitutional racial gerrymandering is  
18 certainly something to be concerned and how  
19 that violates our Constitution.

20 Just here in Wake County, that occurred  
21 in Districts 36, 37, 40 and 41 and down in  
22 Mecklenburg County down in District 105. So  
23 we should be very mindful of the scope and  
24 the extent to which we needed to take action  
25 based upon the ruling of the court, and I

1 think that going back and redrawing these  
2 unimpacted districts that are not contiguous  
3 with their having contact with some of these  
4 racial gerrymandering districts is, indeed,  
5 violation of our State Constitution and I  
6 encourage those to vote against this plan.

7 SENATOR BERGER: Further discussion or  
8 debate?

9 Senator Bryant, for what purpose do you  
10 rise?

11 SENATOR BRYANT: To speak briefly a  
12 second time, Mr. President.

13 SENATOR BERGER: You have the floor.

14 SENATOR BRYANT: Members, I forgot one  
15 additional point I wanted to bring to your  
16 attention and for the record. Overnight, I  
17 read -- it was brought to my attention a  
18 study that's been done by Dr. Elizabeth  
19 Saboko (phonetic) who is a genetic scientist  
20 who specializes in population variation --  
21 population connectivity and variation. And  
22 in her study, she looked at the county  
23 groupings and analyzed the bias, the partisan  
24 bias in the decision making for splits within  
25 the county grouping, and one of these -- her

1 observations concerned me, and that was the  
2 effect in rural North Carolina, and she found  
3 that there was an observable bias against  
4 democrats in nearly half of the county  
5 groupings.

6 There's been a lot of talk about the  
7 democratic party not being competitive in  
8 parts of the state. But instead this shows  
9 that rural democrats, including  
10 African-American democrats, are being  
11 significantly harmed by the majority's  
12 proposed maps. It appears that rather than  
13 packing voters into the districts as was the  
14 complaint in the lawsuit, the plan now cracks  
15 voters by splitting them into districts based  
16 on race and party. So I just want to bring  
17 that to your attention.

18 And I look at my home district, Nash  
19 County for example on the House plan, the  
20 choices of going to the south in the Franklin  
21 County pairing, instead of to the north,  
22 creates that problem. And also there are  
23 other rural districts in the state where the  
24 choices of how to make the splits shows this  
25 pattern. So I wanted to bring this to your

1 attention and have this also stated for the  
2 record. Thank you.

3 SENATOR BERGER: Further discussion or  
4 debate? Is there further discussion or  
5 debate on second reading of House Bill 927?

6 Hearing none, the question for the  
7 Senate is the passage on second reading of  
8 House Bill 927. All in favor vote aye, all  
9 opposed will vote no. Five seconds will be  
10 allowed for the voting. The clerk will  
11 record the vote.

12 (Voting commenced.)

13 SENATOR BERGER: 30 having voted in the  
14 affirmative, and 15 in the negative. House  
15 Bill 927 has passed its second reading and  
16 will, without objection, be read a third  
17 time.

18 MS. RUMLEY: The General Assembly of  
19 North Carolina enacts.

20 SENATOR BERGER: Is there a discussion  
21 or debate on third reading on House Bill 927?

22 Hearing none, the question for the  
23 Senate is the third passage on third reading,  
24 and we are going to electronic vote third  
25 reading of this bill. Passage of third

1 reading of House Bill 927. All in favor vote  
2 aye, all opposed vote no. Five seconds will  
3 be allowed for the voting. Clerk will record  
4 the vote.

5 (Voting commenced.)

6 SENATOR BERGER: 30 having voted in the  
7 affirmative and 15 in the negative. House  
8 Bill 927 has passed its third reading and  
9 will be enrolled.

10 Members, this next order of business is  
11 the issue of recognition of the Little League  
12 team from Greenville and they are scheduled  
13 to be here at 11 o'clock. I would -- we'd  
14 entertain a motion that we stand at ease  
15 until 11 o'clock.

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

18 SENATOR RABON: Thank you, Mr.  
19 President. I have a motion.

20 SENATOR BERGER: State your motion.

21 SENATOR RABON: Mr. President, I move  
22 the Senate stand at ease until 11 o'clock.

23 SENATOR BERGER: All in favor say aye.  
24 All opposed, no. The Senate will stand at  
25 ease until 11 o'clock.

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(The Senate was at ease at 10:31 a.m.)

1 STATE OF NORTH CAROLINA )

2 COUNTY OF FORSYTH )

3 REPORTER'S CERTIFICATE

4 I, Audra Smith, Registered Professional  
5 Reporter in and for the above county and state, do hereby  
6 certify that the transcription of the proceedings and  
7 events was transcribed hereinbefore set forth; that the  
8 transcription was performed under my direction and  
9 supervision, and that this is, to the best of my knowledge  
10 and belief, a true and accurate transcription to the best  
11 of my ability.

12 I further certify that I am neither of  
13 counsel to either party nor interested in the events of  
14 this case.

15 IN WITNESS WHEREOF, I have hereto set my  
16 hand this 6th day of September, 2017.

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19 Audra Smith, RPR, FCRR

20 Notary Number: 201329000033

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<p style="text-align: center;"><b>A</b></p> <p><b>a.m</b> 1:14 3:5,7 14:1</p> <p><b>A2</b> 1:7 4:16</p> <p><b>ability</b> 15:11</p> <p><b>absence</b> 4:3</p> <p><b>accurate</b> 15:10</p> <p><b>action</b> 9:24</p> <p><b>adding</b> 8:21</p> <p><b>additional</b> 10:15</p> <p><b>adjacent</b> 7:25</p> <p><b>ADMINISTR...</b> 2:6</p> <p><b>affirmative</b> 12:14 13:7</p> <p><b>African-Amer...</b> 11:10</p> <p><b>allowed</b> 12:10 13:3</p> <p><b>analyzed</b> 10:23</p> <p><b>answer</b> 5:16</p> <p><b>APPEARAN...</b> 2:1</p> <p><b>appears</b> 11:12</p> <p><b>appropriate</b> 4:22</p> <p><b>approved</b> 3:24 4:1</p> <p><b>areas</b> 7:3</p> <p><b>Arms</b> 3:9</p> <p><b>Assembly</b> 1:2 12:18</p> <p><b>assigned</b> 5:14</p> <p><b>attention</b> 6:16 6:22 10:16,17 11:17 12:1</p> <p><b>Audra</b> 1:22 4:8 15:4,19</p> <p><b>August</b> 1:13 3:21 4:1</p> <p><b>aye</b> 12:8 13:2,23</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>back</b> 10:1</p> <p><b>Ballard</b> 3:13,16</p> <p><b>Barringer</b> 4:5</p> <p><b>based</b> 9:25 11:15</p>	<p><b>basis</b> 5:15</p> <p><b>begs</b> 7:18</p> <p><b>belief</b> 15:10</p> <p><b>believe</b> 7:5</p> <p><b>BERGER</b> 1:12 2:3 3:8,17,25 4:17 5:20 6:1 9:2,5,10 10:7 10:13 12:3,13 12:20 13:6,20 13:23</p> <p><b>best</b> 15:9,10</p> <p><b>better</b> 5:4</p> <p><b>bias</b> 10:23,24 11:3</p> <p><b>bill</b> 1:6 2:4 4:13 4:15,18 5:21 5:24 12:5,8,15 12:21,25 13:1 13:8</p> <p><b>bit</b> 8:13</p> <p><b>black</b> 6:11</p> <p><b>boundaries</b> 5:5</p> <p><b>briefly</b> 4:24 10:11</p> <p><b>bring</b> 6:16,22 10:15 11:16,25</p> <p><b>Britt</b> 4:5</p> <p><b>brought</b> 10:17</p> <p><b>Bryant</b> 5:22,24 6:2 9:12 10:9 10:11,14</p> <p><b>bunk</b> 5:6,7</p> <p><b>bunking</b> 5:7</p> <p><b>business</b> 4:11 13:10</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p><b>C</b> 3:1</p> <p><b>Cabarrus</b> 7:7,13 7:15</p> <p><b>calendar</b> 4:11</p> <p><b>Carolina</b> 1:2 11:2 12:19 15:1</p> <p><b>carved</b> 7:15</p> <p><b>case</b> 15:14</p> <p><b>CaseWorks</b> 4:8</p>	<p><b>certainly</b> 9:18</p> <p><b>CERTIFICA...</b> 15:3</p> <p><b>certify</b> 15:6,12</p> <p><b>CHAIRMAN</b> 2:4</p> <p><b>challenged</b> 7:4</p> <p><b>challenges</b> 8:16 8:22</p> <p><b>chamber</b> 4:7</p> <p><b>changed</b> 7:23 8:2</p> <p><b>choices</b> 11:20,24</p> <p><b>clerk</b> 2:5,6 4:14 12:10 13:3</p> <p><b>close</b> 3:9</p> <p><b>cluster</b> 7:8</p> <p><b>come</b> 3:3,8,19</p> <p><b>commenced</b> 12:12 13:5</p> <p><b>committees</b> 5:1</p> <p><b>compactness</b> 5:2 6:21 7:4</p> <p><b>competitive</b> 11:7</p> <p><b>complaint</b> 11:14</p> <p><b>complaints</b> 8:21</p> <p><b>concern</b> 9:15</p> <p><b>concerned</b> 9:18 11:1</p> <p><b>concerns</b> 6:4,5 6:20 8:14,25 9:13</p> <p><b>connectivity</b> 10:21</p> <p><b>consideration</b> 5:13 9:1</p> <p><b>Constitution</b> 8:5 9:19 10:5</p> <p><b>constitutional</b> 6:19</p> <p><b>CONSULTING</b> 1:23</p> <p><b>contact</b> 10:3</p> <p><b>Contiguity</b> 5:2</p> <p><b>contiguous</b> 10:2</p> <p><b>copy</b> 4:21</p> <p><b>correct</b> 3:22</p>	<p><b>cost</b> 8:17</p> <p><b>counsel</b> 15:13</p> <p><b>counties</b> 6:25 7:11</p> <p><b>county</b> 3:14 5:8 6:7,15 7:7,9,13 7:15,19,20,22 9:20,22 10:22 10:25 11:4,19 11:21 15:2,5</p> <p><b>course</b> 7:16</p> <p><b>court</b> 4:9 7:24 8:1,7,10 9:25</p> <p><b>courtesies</b> 4:7</p> <p><b>courts</b> 6:10 8:19</p> <p><b>cracks</b> 11:14</p> <p><b>creates</b> 11:22</p> <p><b>criteria</b> 4:25</p> <p><b>crosses</b> 7:10</p> <p><b>cycle</b> 8:7</p> <hr/> <p style="text-align: center;"><b>D</b></p> <p><b>D</b> 3:1</p> <p><b>data</b> 5:11 6:11</p> <p><b>Davis</b> 4:5</p> <p><b>day</b> 15:16</p> <p><b>Deanna</b> 3:13,16</p> <p><b>debate</b> 5:21 9:3 10:8 12:4,5,21</p> <p><b>decision</b> 7:24 8:1 10:24</p> <p><b>democratic</b> 11:7</p> <p><b>democrats</b> 11:4 11:9,10</p> <p><b>desk</b> 4:21</p> <p><b>devices</b> 3:12</p> <p><b>DIAL</b> 1:24</p> <p><b>DIRECT</b> 1:24</p> <p><b>direction</b> 15:8</p> <p><b>discussion</b> 5:20 9:2 10:7 12:3,4 12:20</p> <p><b>dispense</b> 3:22</p> <p><b>district</b> 6:4,23 6:25 7:10,14 7:25 8:1 9:22 11:18</p> <p><b>districts</b> 5:14</p>	<p>6:8,15 7:16,18 7:22 8:4,8 9:16 9:21 10:2,4 11:13,15,23</p> <p><b>doors</b> 3:10</p> <p><b>double</b> 5:6,6,7</p> <p><b>Dr</b> 10:18</p> <p><b>drawing</b> 5:1</p> <p><b>drawn</b> 4:23 5:12</p> <hr/> <p style="text-align: center;"><b>E</b></p> <p><b>E</b> 3:1,1</p> <p><b>ease</b> 13:14,22,25 14:1</p> <p><b>effect</b> 11:2</p> <p><b>either</b> 15:13</p> <p><b>election</b> 5:11</p> <p><b>electronic</b> 3:12 12:24</p> <p><b>Elizabeth</b> 10:18</p> <p><b>enacts</b> 12:19</p> <p><b>encourage</b> 10:6</p> <p><b>enrolled</b> 13:9</p> <p><b>entertain</b> 13:14</p> <p><b>Equal</b> 5:2</p> <p><b>established</b> 4:25</p> <p><b>events</b> 15:7,13</p> <p><b>examined</b> 3:21</p> <p><b>example</b> 7:3 11:19</p> <p><b>excellent</b> 9:12</p> <p><b>explain</b> 4:18</p> <p><b>extended</b> 4:8</p> <p><b>extent</b> 9:24</p> <p><b>eyeball</b> 6:21</p> <hr/> <p style="text-align: center;"><b>F</b></p> <p><b>facing</b> 8:17</p> <p><b>favor</b> 12:8 13:1 13:23</p> <p><b>FCRR</b> 1:22 15:19</p> <p><b>fewer</b> 5:3</p> <p><b>fidelity</b> 7:19</p> <p><b>finally</b> 7:21</p> <p><b>First</b> 6:20</p> <p><b>Five</b> 12:9 13:2</p> <p><b>floor</b> 6:1 9:7,10 10:13</p>
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<p><b>footprint</b> 6:9  <b>forbids</b> 8:6  <b>Ford</b> 4:6  <b>forgot</b> 10:14  <b>formula</b> 5:8  <b>FORSYTH</b> 15:2  <b>forth</b> 15:7  <b>found</b> 3:22 11:2  <b>Franklin</b> 11:20  <b>front</b> 6:11  <b>further</b> 4:11              5:20 8:25 9:2              10:7 12:3,4              15:12</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>G</b> 3:1  <b>General</b> 1:2              12:18  <b>genetic</b> 10:19  <b>gerrymanderi...</b>              6:6 7:5 9:17              10:4  <b>give</b> 8:24  <b>given</b> 8:16  <b>go</b> 3:10 4:10,24              8:24  <b>going</b> 7:17 9:15              10:1 11:20              12:24  <b>granted</b> 4:4  <b>Greene</b> 6:24  <b>Greenville</b>              13:12  <b>grouping</b> 5:8              10:25  <b>groupings</b> 10:23              11:5  <b>guests</b> 3:11,14  <b>Guilford</b> 6:7,15</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>half</b> 11:4  <b>hand</b> 15:16  <b>happy</b> 5:16  <b>harmed</b> 11:11  <b>Hearing</b> 12:6,22  <b>hereinbefore</b>              15:7</p>	<p><b>hereto</b> 15:15  <b>high</b> 6:14  <b>Hise</b> 4:17,19  <b>home</b> 11:18  <b>House</b> 1:6,7              4:13,15,15,22              4:25 5:18,21              6:4,23,25              11:19 12:5,8              12:14,21 13:1              13:7</p> <hr/> <p style="text-align: center;"><b>I</b></p> <hr/> <p><b>impacted</b> 9:16  <b>important</b> 5:12  <b>improving</b> 8:3  <b>including</b> 11:9  <b>Incorporated</b>              4:9  <b>incumbents</b> 8:4  <b>individuals</b> 5:14  <b>instance</b> 8:8  <b>interested</b> 6:13              15:13  <b>interesting</b> 7:1  <b>issue</b> 6:21 13:11</p> <hr/> <p style="text-align: center;"><b>J</b></p> <hr/> <p><b>Jim</b> 4:5  <b>Journal</b> 3:20,23              4:1</p> <hr/> <p style="text-align: center;"><b>K</b></p> <hr/> <p><b>KING</b> 2:7  <b>know</b> 5:19  <b>knowledge</b> 15:9</p> <hr/> <p style="text-align: center;"><b>L</b></p> <hr/> <p><b>LANG</b> 2:5  <b>lawsuit</b> 11:14  <b>lead</b> 3:16  <b>Leading</b> 3:12  <b>League</b> 13:11  <b>leaves</b> 4:3  <b>legitimate</b> 8:25  <b>length</b> 8:18  <b>litigation</b> 8:18              8:18  <b>little</b> 8:13 13:11</p>	<p><b>longer</b> 8:13  <b>look</b> 6:17,23,24              7:10,13 8:13              11:18  <b>looked</b> 10:22  <b>lost</b> 8:23  <b>lot</b> 11:6</p> <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>M</b> 1:22  <b>majority</b> 5:9  <b>majority's</b> 11:11  <b>making</b> 10:24  <b>map</b> 4:21 6:20              7:22  <b>maps</b> 4:23 5:1              5:12,18 8:12              8:20,24 11:12  <b>matters</b> 8:11  <b>McKISSICK</b>              9:4,5,8,11  <b>Mecklenburg</b>              7:21 9:22  <b>meet</b> 7:12  <b>meets</b> 4:24  <b>members</b> 3:10              3:11,14 4:7,20              5:7,9 6:3 10:14              13:10  <b>Members'</b> 4:3  <b>Meredith</b> 4:6  <b>met</b> 5:3 7:17  <b>mindful</b> 9:23  <b>motion</b> 3:18              13:14,19,20  <b>move</b> 3:22 13:21  <b>multiple</b> 8:19  <b>municipal</b> 5:5</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>N</b> 3:1  <b>Nash</b> 11:18  <b>nearly</b> 11:4  <b>need</b> 5:19  <b>needed</b> 9:24  <b>negative</b> 12:14              13:7  <b>neither</b> 15:12  <b>new</b> 8:21</p>	<p><b>north</b> 1:2 11:2              11:21 12:19              15:1  <b>Notary</b> 15:20  <b>note</b> 5:12  <b>Number</b> 15:20</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>O</b> 3:1  <b>o'clock</b> 13:13,15              13:22,25  <b>objection</b> 3:4,25              4:4 12:16  <b>observable</b> 11:3  <b>observations</b>              9:12 11:1  <b>obviously</b> 7:11  <b>occurred</b> 9:20  <b>ones</b> 8:22  <b>OPERATIONS</b>              2:4  <b>opportunities</b>              8:3  <b>opposed</b> 12:9              13:2,24  <b>order</b> 3:4,9,19              7:12 8:10              13:10  <b>ordered</b> 8:9  <b>orders</b> 8:7  <b>original</b> 6:9  <b>outside</b> 8:6  <b>Overnight</b> 10:16</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>P</b> 3:1  <b>pack</b> 4:22 5:10  <b>packing</b> 6:14              11:13  <b>pairing</b> 11:21  <b>partisan</b> 7:5              10:23  <b>parts</b> 11:8  <b>party</b> 5:9 11:7              11:16 15:13  <b>passage</b> 12:7,23              12:25  <b>passed</b> 12:15              13:8</p>	<p><b>Pate</b> 3:17,19,20  <b>pattern</b> 11:25  <b>performed</b> 15:8  <b>PHIL</b> 1:12 2:3  <b>PHILIP</b> 2:7  <b>phonetic</b> 10:19  <b>plan</b> 1:7 4:16              6:4,9 9:9 10:6              11:14,19  <b>plans</b> 9:14  <b>please</b> 3:11,14  <b>point</b> 4:12 6:3              10:15  <b>population</b> 5:2              7:12,16 10:20              10:21  <b>position</b> 8:15  <b>prayer</b> 3:13,16  <b>precincts</b> 5:4  <b>prepared</b> 1:22              4:10  <b>present</b> 5:18  <b>President</b> 1:12              2:3 4:19 5:25              6:2 9:4 10:12              13:19,21  <b>PRESIDING</b>              1:12  <b>PRINCIPAL</b>              2:5  <b>PRO</b> 1:12 2:3  <b>probably</b> 7:1  <b>problem</b> 11:22  <b>proceedings</b>              1:11 15:6  <b>Professional</b>              15:4  <b>proposed</b> 9:9              11:12  <b>protecting</b> 5:5  <b>provide</b> 6:12  <b>provision</b> 7:9,20  <b>purpose</b> 5:22              7:6 8:2 9:6              10:9 13:16</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>question</b> 7:19</p>
---	---	---	---	--

12:6,22 <b>questions</b> 5:17	<b>RUFFIN</b> 1:23 <b>ruled</b> 8:23 <b>RULES</b> 2:4 <b>ruling</b> 9:25 <b>RUMLEY</b> 2:6 4:15 12:18 <b>rural</b> 11:2,9,23	<b>set</b> 15:7,15 <b>shared</b> 9:12 <b>shows</b> 11:8,24 <b>significantly</b> 11:11 <b>silence</b> 3:11 <b>six</b> 5:6,7 <b>Smith</b> 1:22 4:8 15:4,19 <b>sort</b> 7:2 <b>south</b> 11:20 <b>speak</b> 5:24 9:8 10:11 <b>specializes</b> 10:20 <b>split</b> 5:4 <b>splits</b> 10:24 11:24 <b>splitting</b> 11:15 <b>staff</b> 4:22 5:10 <b>stand</b> 3:5,15,24 13:14,22,24 <b>standards</b> 5:3 <b>stands</b> 4:1 <b>state</b> 6:19 10:5 11:8,23 13:20 15:1,5 <b>stated</b> 12:1 <b>struck</b> 6:10 8:20 <b>study</b> 7:2 10:18 10:22 <b>supervision</b> 15:9 <b>surely</b> 6:17 7:18	6:23 7:13,18 9:11 10:1 <b>third</b> 8:14 12:16 12:21,23,23,24 12:25 13:8 <b>thorough</b> 6:17 <b>three</b> 6:7 7:10 7:16,18 <b>time</b> 10:12 12:17 <b>today</b> 3:5 4:9 9:14 <b>transcribed</b> 15:7 <b>TRANSCRIPT</b> 1:11 <b>transcription</b> 15:6,8,10 <b>true</b> 15:10 <b>two</b> 5:8	<b>want</b> 6:3,16 11:16 <b>wanted</b> 10:15 11:25 <b>Watauga</b> 3:13 <b>Wayne/Greene</b> 7:8 <b>We're</b> 8:21 <b>we've</b> 8:17,19,23 <b>Wednesday</b> 1:13 <b>WHEREOF</b> 15:15 <b>WITNESS</b> 15:15 <b>written</b> 3:24 4:2 <b>WWW.RUFF...</b> 1:25
<hr/> <b>R</b> <hr/> <b>R</b> 3:1 <b>Rabon</b> 2:4 3:3 13:16,18,21 <b>race</b> 5:13,15 11:16 <b>racial</b> 6:6 9:17 10:4 <b>read</b> 4:14 10:17 12:16 <b>reading</b> 1:6 3:23 4:13 8:14 12:5 12:7,15,21,23 12:25 13:1,8 <b>really</b> 7:4 <b>reason</b> 8:5 <b>recess</b> 3:5,6 <b>recognition</b> 13:11 <b>recognized</b> 3:18 3:19 4:18 <b>recommend</b> 6:17 <b>reconvene</b> 3:5 <b>record</b> 10:16 12:2,11 13:3 <b>redistricted</b> 8:9 <b>redistricting</b> 1:7 4:16 8:6 <b>redrawing</b> 9:15 10:1 <b>Registered</b> 15:4 <b>related</b> 8:1 <b>reporter</b> 4:9 15:5 <b>REPORTER'S</b> 15:3 <b>republican</b> 8:4 <b>requested</b> 4:4 <b>requirements</b> 7:12,17 <b>result</b> 5:8 <b>rise</b> 5:23 9:6 10:10 13:17 <b>RPR</b> 1:22 15:19	<hr/> <b>S</b> <hr/> <b>S</b> 3:1 <b>Saboko</b> 10:19 <b>Sampson</b> 6:24 <b>SARAH</b> 2:5 <b>scheduled</b> 13:12 <b>scientific</b> 7:2 <b>scientist</b> 10:19 <b>scope</b> 9:23 <b>seats</b> 3:10 <b>second</b> 1:6 4:13 8:14 10:12 12:5,7,15 <b>seconds</b> 12:9 13:2 <b>see</b> 5:19 <b>Senate</b> 1:1 2:4 3:3,4,8,12,18 4:20,25 9:11 12:7,23 13:22 13:24 14:1 <b>Senator</b> 3:3,8,13 3:16,17,17,19 3:20,25 4:17 4:17,19 5:20 5:22,24 6:1,2 9:2,4,5,5,8,10 9:11 10:7,9,11 10:13,14 12:3 12:13,20 13:6 13:16,18,20,21 13:23 <b>Senators</b> 4:5 <b>September</b> 15:16 <b>Sergeant</b> 3:9 <b>SERGEANT-...</b> 2:7 <b>serve</b> 7:4 <b>SESSION</b> 1:3	<hr/> <b>T</b> <hr/> <b>take</b> 8:12 9:24 <b>taken</b> 3:6 <b>talk</b> 11:6 <b>team</b> 13:12 <b>TEMPORE</b> 1:12 2:3 <b>terms</b> 6:5 8:17 9:13 <b>TERRY</b> 2:6 <b>test</b> 6:22 <b>Thank</b> 3:20 4:19 9:1 12:2 13:18 <b>think</b> 5:11 6:13	<hr/> <b>U</b> <hr/> <b>unconstitutio...</b> 9:17 <b>understand</b> 8:16 <b>understanding</b> 6:6 <b>unimpacted</b> 10:2 <b>urge</b> 8:24	<hr/> <b>X</b> <hr/> <hr/> <b>Y</b> <hr/> <b>yield</b> 6:1
			<hr/> <b>V</b> <hr/> <b>VAP</b> 6:11 <b>variation</b> 10:20 10:21 <b>vary</b> 7:1 <b>violates</b> 9:19 <b>violation</b> 10:5 <b>violations</b> 7:9 <b>vote</b> 8:12 10:6 12:8,9,11,24 13:1,2,4 <b>voted</b> 12:13 13:6 <b>voters</b> 11:13,15 <b>voting</b> 12:10,12 13:3,5	<hr/> <b>Z</b> <hr/> <b>0</b> <hr/> <b>1</b> <hr/> <b>10</b> 3:5 6:23 7:10 <b>10-year</b> 8:6 <b>10:17</b> 3:6 <b>10:31</b> 14:1 <b>105</b> 9:22 <b>11</b> 13:13,15,22 13:25 <b>15</b> 12:14 13:7
			<hr/> <b>W</b> <hr/> <b>Wade</b> 6:24 <b>Wake</b> 7:21 9:20	<hr/> <b>2</b> <hr/> <b>201329000033</b> 15:20 <b>2017</b> 1:3,7,13 3:21 4:1,15 15:16 <b>21</b> 6:24,25 <b>252-243-9000</b> 1:24 <b>29</b> 3:21 4:1

<hr/> <b>3</b> <hr/> <b>30</b> 1:13 12:13 13:6 <b>36</b> 9:21 <b>37</b> 9:21 <hr/>				
<hr/> <b>4</b> <hr/> <b>40</b> 9:21 <b>41</b> 9:21 <hr/>				
<hr/> <b>5</b> <hr/>				
<hr/> <b>6</b> <hr/> <b>67</b> 7:14 <b>6th</b> 15:16 <hr/>				
<hr/> <b>7</b> <hr/>				
<hr/> <b>8</b> <hr/> <b>82</b> 7:14 <b>83</b> 7:14,14 <hr/>				
<hr/> <b>9</b> <hr/> <b>9:30</b> 1:14 <b>9:33</b> 3:6 <b>927</b> 1:6 4:13,15 5:21 12:5,8,15 12:21 13:1,8 <hr/>				