

Nov 22 2024

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GILDA COBB-HUNTER - DIRECT EXAMINATION

S.C. SUPREME COURT

1 this is why Section 2 was so important -- would have shown  
2 some kind of culture, you know, the similar cultures,  
3 communities, all of those kinds of things.

4 And, quite frankly, again, you're talking to somebody who  
5 serves a district that is one county, that's 1100 square  
6 miles. It just seemed to me totally unreasonable to expect  
7 people in North Charleston, voters in North Charleston, to  
8 have some degree of commonality with people in Richland  
9 County. That was a stretch, in my view. And it just seemed  
10 to me to suggest, well, you know, they're all black people, so  
11 it won't really matter.

12 JUDGE GERGEL: Representative Cobb-Hunter, I want to  
13 see if I can understand. Are you proposing that -- what are  
14 you proposing should be different about this map? I'm just  
15 confused what your -- would you want Charleston County whole?

16 THE WITNESS: Yes, sir.

17 JUDGE GERGEL: And in what district would you propose  
18 it in?

19 THE WITNESS: The First.

20 JUDGE GERGEL: Thank you. Okay.

21 THE WITNESS: Sorry, Judge. I appreciate that  
22 clarification. My concern with the map is that, with the  
23 exception of this plug out of Charleston County, that  
24 Charleston County should have been made whole just as Beaufort  
25 County was made whole. And I thought it odd that the request

**-- EXHIBIT 1 --**

*RICHARD HARPOOTLIAN - DIRECT EXAMINATION BY MR. FREEDMAN 877*

1 the 6th, White folks in the 2nd.

2 Q. So, I want to spend a little bit of time just unpacking  
3 that, just so that we're clear. The November 29th hearing  
4 we're talking about, that was just after Thanksgiving, right?

5 A. Correct.

6 Q. The Monday after Thanksgiving?

7 A. If you say so, sure. It was right after it -- whatever  
8 the first hearing was after Thanksgiving.

9 Q. What kind of reactions did the committee receive?

10 MR. FREEDMAN: Why don't we put 32 back up, just so  
11 the Senator can see it.

12 **BY MR. FREEDMAN:**

13 Q. Do you remember what kind of reactions the committee  
14 received at the hearing about this map?

15 A. Well, everybody from the Charleston area was outraged. I  
16 mean, except for a very few who kept talking about some sort  
17 of -- how Berkeley and Dorchester and Charleston had some sort  
18 of working economic. But very few people talked about that.

19 Almost everybody we heard from wanted Charleston kept  
20 whole and talked about how this split the county on a racial  
21 basis and put the Black folks in the 6th and the White folks  
22 in the 1st. And, again, just looking at how they split up  
23 other different counties, it was clear that it was done on a  
24 -- in my opinion, done on the basis of race.

25 Q. So, I just want to have you unpack this also. Did you

**-- EXHIBIT 1 --**

**-- EXHIBIT 1 --**

1 **BY MR. TYSON:**

2 Q. In your opinion?

3 A. Well, I think saying that it was a factor is an  
4 understatement. It was one of the most important factors.  
5 But the Senate was not going to pass a plan that sacrificed  
6 the 1st. And so, making sure that we retained the 1st was --  
7 I'm not going to say it was paramount, but it was pretty  
8 important.

9 Q. In the criteria that the Senate used, was politics listed  
10 as a factor for the Senate to consider?

11 A. I believe it was. I didn't look at those before coming  
12 in here today, but I looked at those criteria before, and  
13 politics was one of them that was indicated.

14 Q. And is partisanship a districting principle?

15 A. Yeah, absolutely. My recollection is -- and I'm  
16 certainly no expert on this, but I think the U.S. Supreme  
17 Court has even blessed that. So, we knew that going in. We  
18 knew that that was something that we could consider, and so we  
19 did.

20 Q. Senator, now that we've hit the high points, let's work  
21 our way back through. How long have you been a senator?

22 A. I was elected to the Senate in a special election in  
23 November 2007.

24 Q. And tell me again how many counties District 25  
25 encompasses?

**-- EXHIBIT 1 --**

1 looked at?

2 A. Yes.

3 Q. And if you could, for the Court, just read this first  
4 text message from Mr. Dennis into the record, please?

5 A. "After going through a dozen iterations, the truth is  
6 when all of Beaufort County is put with a significant portion  
7 or all of Charleston County, you get a 50/50 district because  
8 there isn't room for the portions of Dorchester and Berkeley  
9 that pull the first red. It is easy enough to do, but we need  
10 to settle on what our priorities are. Just good food for  
11 thought for both of you. No response --"

12 Q. Okay. And looking at this first page, can you explain  
13 what Mr. Dennis is saying in this text message to you and  
14 Representative Newton?

15 A. Yes. He's talking about the political realities of that  
16 area of the state.

17 Q. So, when he makes a reference to 50/50 district, what did  
18 you believe 50/50 to reference?

19 A. Republican/Democrat.

20 Q. So, nothing to do with race?

21 A. No.

22 Q. And the same with "pull the first red." What does that  
23 mean to you?

24 A. Republican.

25 Q. All right.

**-- EXHIBIT 1 --**

GEORGE CAMPSER, III - DIRECT EXAMINATION BY MR. MATHIAS 1862

1 Q. If Berkeley County, and Beaufort County, and Charleston  
2 County were all made whole in CD 1, that would exceed the  
3 population that was the ideal population for a congressional  
4 district, correct?

5 A. I believe that's correct. I did do that evaluation.

6 Q. And in this text message you were sending to  
7 Representative Newton, you're stating that it is a primary  
8 goal of yours to have Beaufort County and Berkeley County in  
9 Congressional District 1, correct?

10 A. Yes.

11 Q. And so, Charleston had to be split, correct?

12 A. Yes. And Charleston was currently split. It had been  
13 since the early '90s.

14 Q. And so, your primary concern was keeping Berkeley County  
15 whole and Beaufort County whole in the congressional district,  
16 correct?

17 A. No. No. My primary goal was to draw a Republican  
18 district while honoring redistricting principles as best as I  
19 could, because some of them are incongruent, you can't always  
20 honor all of them in every instance, and just to comply with  
21 applicable law. That was my goal.

22 Q. All right. And once Berkeley County and Beaufort County  
23 were made whole in the plan, you did not care where the line  
24 was drawn in Charleston County -- you cared more about the  
25 line being drawn in Charleston County in a way that benefitted

**-- EXHIBIT 1 --**

**-- EXHIBIT 2 --**

1 to interrupt your presentation. Could you  
2 back up your microphone just a little bit  
3 here? (Inaudible), try now.

4 CONGRESSMAN CUNNINGHAM: I want --

5 UNIDENTIFIED SPEAKER 3: I'm so sorry.

6 CONGRESSMAN CUNNINGHAM: -- yeah, I  
7 want to make sure they can hear me though.

8 UNIDENTIFIED SPEAKER 3: Yeah,  
9 (inaudible).

10 SENATOR RANKIN: (Inaudible) we can  
11 year you too much.

12 CONGRESSMAN CUNNINGHAM: Well, okay.

13 SENATOR RANKIN: (Inaudible).

14 CONGRESSMAN CUNNINGHAM: I -- I want to  
15 make sure that everybody can hear me,  
16 because this is important. The maps are  
17 awful. They are just -- they -- I mean,  
18 they make no sense, unless of course the  
19 sole purpose of these maps is to make it  
20 harder for a republican to lose. See, ten  
21 years ago, this body intentionally drew the  
22 first district to make it virtually  
23 impossible for a democrat to win. And  
24 although the district, you know, has always  
25 been based in Charleston, this body made

116. There was also a House version of a bill on Congressional redistricting – H. 4492. *See* HX 2 at 36.

117. However, debate adjourned on that bill on January 26, 2022 and it did not pass the General Assembly. *See* HX 4 at 14.

**F. House Staff Prepare And Release The Congressional House Staff Plan**

118. Patrick Dennis, Chief Counsel for the House and Chief of Staff to the Speaker of the House, with technical assistance from Thomas Hauger, former Data Director/GIS Director at the House, drew the initial Congressional House Staff Plan (“House Staff Plan”). HX 5; *see also* Hauger Dep. Vol. 2 at 58:5–11, 17–25; Dennis Dep. at 192:23-193:13; 195:20-196:17; 10/13/22 PM Tr. at 13:18-21 (J. Jordan).

119. The House Staff Plan was provided by House Staff to the Ad Hoc Committee to serve as a starting point for the Ad Hoc Committee’s work. *See id.*

120. The House Staff Plan balanced population across all seven Congressional Districts. *See* HX 9.

121. The House Staff Plan largely tracked the 2011 Congressional Districts, but included Beaufort County in Congressional District 2. HX 5, 7; Dennis Dep. at 197:3-18; 214:9-215:11.

122. The House Staff Plan split 8 counties and 26 VTDs, although three of the VTD splits affected no population. *See* HX 8.

123. The House Staff Plan preserved 86.52% of the core of District 1, 66.11% of the core of District 2, 95.60% of the core of District 3, 98.94% of the core of District 4, 82.34% of the core of District 5, 64.42% of the core of District 6, and 99.37% of the core of District 7. *See* HX 7.

124. District 1’s BVAP percentage in the House Staff Plan was 20.27%. *See* HX 10.

**-- EXHIBIT 3 --**

133. This type of feedback “did not help” Chairman Jordan’s “standing in the republican community back home” at a time when he was running in a Republican primary race in the Florence area. 10/13/22 PM Tr. at 15:10-14 (J. Jordan).

134. Lynn Teague of the League of Women Voters of South Carolina commented that the map made Congressional District 1 politically “competitive.” PX 572 at 10:11-13.

135. The Trump vote share in Congressional District 1 in the House Staff Plan was only 50.8%. SX 92b.

136. Chairman Jordan received feedback opposing Beaufort County’s inclusion and Congressional District 2 based on the fact it is more of a community of interest with coastal South Carolina than central South Carolina. *See* HX 94.

137. Representative Newton, who resides in Beaufort County, also caught “a lot of flack” [sic] for the House Staff Plan because Beaufort County has “very little in common with Lexington [County] and share more in common with coastal areas.” HX 88.

138. Representative Newton received significant and meaningful public input expressing opposition to Beaufort County being in Congressional District 2. *See* HX 82, 83, 86, 87, 88; Newton Dep. Vol. 2 at 120:5–9.

139. Chief Counsel to the House Judiciary Committee Emma Dean had a “very rough count of around 450” emails sent from members of the public regarding the new map, most of which were critical of Beaufort County being included in Congressional District 2. HX 82; *see also* 10/13/22 PM Tr. at 13:22-14:1 (J. Jordan).

140. Specifically, Representative Newton received feedback from the Beaufort County Republican Party, from Kevin Hennelly, its chairman, and from Xiaodan Li, its State Executive Committee Member. *See* HX 83, 87.

**-- EXHIBIT 3 --**

141. Kevin Hennelly sent a text message to Representative Newton saying that there was lots of uproar about the House Staff Plan and “folks [were] not happy with Beaufort moving out of CD#1.” HX 87.

142. Xiaodan Li sent a text message to Representative Newton saying that “most [of the] base would want to stay in CD1 to make sure Joe Cunningham won’t succeed in 2022,” a reference to a Democratic candidate not winning Congressional District 1. HX 83.

143. Representative Newton also received text messages from Senator George E. “Chip” Campsen III (“Senator Campsen”) saying that Berkeley County and Beaufort County would be “asking to largely staying in 1st District – like we have in the Senate Staff plan.” HX 86.

144. Senator Campsen also stated that Beaufort and Berkeley Counties “will be allies in pushing for major elements of Senate Staff Plan.” *Id.*

145. This was because Beaufort and Berkeley Counties are solid Republican Counties. 10/13/22 PM Tr. at 103:9-24 (C. Campsen).

146. With the inclusion of Beaufort and Berkeley Counties in Congressional District 1, all of Charleston County could not be included in Congressional District 1 as well because it would exceed the equal population requirements. 10/13/22 PM Tr. at 104:23-105:2 (C. Campsen).

147. With Charleston County already split in the Benchmark Plan and its tendency to lean Democrat, Charleston County was a natural choice to split. 10/13/22 PM Tr. at 105:8-24; 138:13-16; 139:1-7 (C. Campsen).

148. Members of the South Carolina federal delegation, including Congressman Jeff Duncan and Congressman Joe Wilson, expressed to Chairman Jordan directly and indirectly that

**-- EXHIBIT 3 --**

the South Carolina federal delegation was “unanimous in support of the Senate Congressional Map,” which was “better for the 1<sup>st</sup> for sure.” HX 93; *see also* HX 90, 95; 10/13/22 PM Tr. at 19:14-23:7 (J. Jordan).

149. Representative Phillip D. Lowe, Chairman Jordan’s seatmate, sent a text message to Chairman Jordan saying that Congressman Joe Wilson “wants a more central district,” not a district that went “all the way to Hilton Head,” as drawn in the House Staff Plan. HX 90; 10/13/22 PM Tr. at 19:14-20:12 (J. Jordan).

150. Chairman Jordan was of the opinion that if six Republican incumbent Congresspeople were against the House Staff Plan, it would have been “virtually impossible” for that plan to pass the House or General Assembly as a whole. 10/13/22 PM Tr. at 51:21-24 (J. Jordan).

151. Mr. Dennis sent Chairman Jordan and Representative Newton a text message saying that “after going through a dozen iterations, the truth is, when all of Beaufort [C]ounty is put with a significant portion or all of Charleston County you get a 50/50 district because there isn’t room for the portions of Dorchester and Berkeley that pull [Congressional District 1] red,” meaning Republican leaning. HX 81; 10/13/22 PM Tr. at 15:15-19:8 (J. Jordan).

152. These statistics referred to party preference, not race. *See* HX 81.

153. Representative Newton responded that all of Charleston County was not in Congressional District 1 previously, meaning it was already split between Congressional districts. *See id.*

154. Representative Newton stated that the Senate would support a version of their plan with a forecasted 53.5% Republican vote share in Congressional District 1. *See id.*

155. These statistics again referred to party preference, not race. *See id.*

156. Mr. Dennis responded, “At this point, I’m ready to just adopt [the Senate’s] plan.”

*Id.*

157. The Guidelines include factors such as communities of interest (encompassing “[c]ounty boundaries,” “political beliefs,” and “voting behaviors”), public input, and incumbency consideration. PX 175 at 2-3.

158. The Court finds that respecting communities of interest, receiving public input, and considering incumbent feedback are all race-neutral factors and traditional redistricting principles.

**H. House Staff Prepare And Release The Congressional House Staff Plan Alternative 1**

159. Based on the overwhelming negative public feedback received from citizens and members of Congress regarding the House Staff Plan; a realization that, when Beaufort and Charleston are wholly within the same Congressional District, a swing district is created; and an understanding that the Senate would only support a version of their plan with a forecasted 53.5% Republican vote share in Congressional District 1, Chairman Jordan decided to propose an alternative Congressional plan. 10/13/22 PM Tr. at 23:8-23 (J. Jordan); *see also* HX 81.

160. Chairman Jordan’s “chief concern” was having a plan that would pass the General Assembly. 10/13/22 PM Tr. at 23:17-23 (J. Jordan).

161. Chairman Jordan did not believe that the House Staff Plan would have passed the House. 10/13/22 PM Tr. at 23:17-24:13 (J. Jordan).

162. Mr. Dennis, again assisted by Thomas Hauger, drew the Congressional House Staff Plan Alternative 1 (“House Staff Alternative Plan”), with “a lot of input” from Chairman Jordan. HX 12; Dennis Dep. at 232:22-233:21; 10/13/22 PM Tr. at 23:8-23 (J. Jordan).

445. For example, the Senate Staff Plan had not been drawn by someone in Washington, D.C. *Id.* at 93:13–18 (W. Roberts).

446. District 1 was also the lowest-BVAP district in the Benchmark Plan upheld in *Backus*. *See* SX 28b.

447. The Benchmark Plan also split the Charleston Peninsula and Charleston County, as well as other counties along the district line between Districts 1 and 6. SX 28a.

448. Upon investigation, Senate staff learned that West Ashley, the Charleston Peninsula, and Deer Park are predominantly Democratic and are not predominantly black. 10/12/22 AM Tr. at 94:16–95:6 (W. Roberts).

## **VII. SENATE AMENDMENT 1/THE ENACTED PLAN**

### **A. Senator Campsen Becomes The Sponsor Of Senate Amendment 1 And Considers Population And Politics, But Not Race**

449. Following the November 29, 2021 meeting and the staff investigation into former Congressman Cunningham’s allegations, the Senate staff began drafting Senate Amendment 1, which eventually became the Enacted Plan. 10/12/22 AM Tr. at 95:7–14 (W. Roberts).

450. Senator Campsen became the sponsor of Senate Amendment 1. *Id.* at 95:11–96:11, 98:13–99:20; 10/13/22 PM Tr. at 82:18–23 (C. Campsen).

451. Senator Campsen wanted to ensure that Senate Amendment 1 made District 1 more Republican-leaning and conveyed this instruction to the Senate staff. 10/12/22 AM Tr. at 95:22–96:28, 98:13–99:20 (W. Roberts); 10/13/2022 PM Tr. at 80:1–81:24 (C. Campsen).

452. Senator Campsen also conveyed to the Senate staff that any plan that did not make District 1 more Republican-leaning would not pass the Republican-controlled General Assembly. 10/12/22 AM Tr. at 98:13–99:5 (W. Roberts); 10/13/2022 PM Tr. at 78:5–12, 79:19–21 (C. Campsen).

# -- EXHIBIT 4 --

## VIDEO TRANSCRIPTION

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1 I see Representative Bernstein is now with us.  
2 Thank you Representative Bernstein for joining  
3 us. And with that I know we have a few people  
4 signed up to speak this morning. First up, right  
5 here in the Blatt building is Ms. Lynn Teague of  
6 the League of Women Voters.

7 MS. TEAGUE: Thank you very much and we meet again.  
8 Okay so I have previously addressed your first  
9 draft and I testified in the Senate hearing on  
10 the Senate proposal and that testimony is up on  
11 our website. I can send a copy to your  
12 Committee. So today I'm mainly going to address  
13 the alternative that was recently proposed. We  
14 believe that is an obvious racial impartisan  
15 (sic) gerrymander and should be rejected. In  
16 most respects its very similar to the map that  
17 was initially proposed in the Senate, although  
18 the Senate subcommittee has so far wisely chosen  
19 not to act on that map. This alternative scores  
20 worse on competitiveness, proportionality,  
21 compactness, and splitting than the first map  
22 considered by this Committee and much worse than  
23 the league proposal. The plan also scores badly  
24 when considering efficiency gap at 20.61 percent  
25 and rank votes declination at 25.87 percent --

Garber Reporting  
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-- EXHIBIT 4 --

**-- EXHIBIT 5 --**

1 forth, it hurts this institution that we all  
2 say we care and love.

3 So, while we may be up here voting for  
4 these maps today, what do we send -- or what  
5 message do we send to the general public  
6 when we can't even follow the rules in which  
7 we have established in our committees and in  
8 this chamber? But we'll sit up here and  
9 make laws to put people in jail when they  
10 don't follow the rules of this state.

11 Mr. Speaker, I think it's dangerous. I  
12 think it's dangerous when we have rules that  
13 we circumvent to bring a congressional map  
14 out here. But more importantly, a  
15 congressional map that does nothing but  
16 empowers one particular party for the next  
17 10 years. Take away the race and how you  
18 packed and cracked black districts, but more  
19 importantly, why you made -- I -- I'm  
20 concerned about every South Carolinian being  
21 able to have an opportunity to run for which  
22 ever party they run in, but have a fair  
23 chance. A fair chance, and an opportunity  
24 to run for office and not be voted down  
25 before they even put the name as a

**-- EXHIBIT 5 --**

1 registered person to run for office.

2 It's not a good day in South Carolina,  
3 it's a sad day in South Carolina. And  
4 Representative Gilliard and I, a few years  
5 ago, for the members who were not here,  
6 when then Governor Nikki Haley made it a  
7 part of her administration to have everyone  
8 answer the phone, "it's a great day in South  
9 Carolina." We put up a bill that said, "no,  
10 it's not." It's not a great day in South  
11 Carolina, and I'm not going to pretend like  
12 it is. We've got children suffering in this  
13 state. We've got old folk that can't even  
14 keep their homes, because we're taxing them  
15 out. And Wendy Brawley, Representative  
16 Brawley, puts up something that would help  
17 those folk, and we vote it down. But we'll  
18 rush a bill that gives Republicans more  
19 power in this state. We're fast to change  
20 the rule when you're afraid of who maybe the  
21 chair. All I have to do is follow the  
22 rules, I have to conduct the meeting, what  
23 more can I do? But you want to answer the  
24 phones, "it's a great day in South  
25 Carolina," when you have segments of this

**-- EXHIBIT 5 --**

**-- EXHIBIT 5 --**

1 community, of this state, who feel left out?  
2 Who feel unappreciated? And we're up here  
3 drawing maps that will affect people for  
4 years to come, and then you wonder why  
5 private loan don't want to move to South  
6 Carolina? Or better yet, when we have  
7 people who are here in South Carolina, who  
8 want to stay here, they have to leave  
9 because they don't have opportunities, or  
10 they don't feel like they have  
11 opportunities, to want to stay here.

12 We come up here every year and argue  
13 about how many students come here from out  
14 of state, and go to different institutions  
15 around this state, and then they leave, and  
16 we have given them scholarships and they  
17 don't stay in South Carolina. It's because  
18 of the craziness we do in this room. People  
19 don't want to come to a state where we're  
20 divided and can't do things right. People  
21 are looking at us. I've been in South  
22 Carolina my entire life, I love this state,  
23 when I graduated from Morehouse, I had job  
24 offers all over the country, as most men of  
25 Morehouse have, because that's what they

**-- EXHIBIT 5 --**

1 pride themselves on.

2 UNIDENTIFIED SPEAKER 13: Excuse me.

3 REPRESENTATIVE KING: And while you may  
4 laugh, honestly, they focus on that, career  
5 planning and placement. But I chose to come  
6 back home, because I love South Carolina.  
7 South Carolina has been good to me, it's  
8 been good to my family, but I can't say the  
9 same for my nieces and my nephews in  
10 reference to staying in this state.

11 We have to do better. And to vote for  
12 these gerrymandered maps, which pack and  
13 crack African American areas of this state,  
14 it's not right. Absolutely, not right.  
15 There's no way if you look at this map, you  
16 can make Beaufort whole, go down, take all  
17 the black folk, put them in Congressional  
18 District 6. Crack it, divide it, whatever  
19 you want to call it, so that you weaken the  
20 voices of the people of District 1. All  
21 because there's been a Democrat there  
22 before, we've got to go in there and we've  
23 got to make sure that no Democrat don't win  
24 that congressional seat no more. Make it  
25 competitive, as it was. Heck, a Democrat

**-- EXHIBIT 5 --**

**-- EXHIBIT 5 --**

1 had it, Republican had it. Then it went  
2 back to the Republican. It was a  
3 competitive district.

4 So, those that are listening, who are  
5 preparing to sue South Carolina? Yes, this  
6 is party driven lines. And how did they do  
7 it? Cracked the black districts and packed,  
8 and put them all in Congressional 6. Now, I  
9 respect my congressman, but I think he needs  
10 competition over in Congressional District  
11 5. I believe that we all should have an  
12 opportunity, regardless of if you are a  
13 Democrat or Republican, to run for those  
14 seats and not be counted out before you even  
15 start. I'm pretty sure Congressman Clyburn  
16 wouldn't mind giving up some black folk to  
17 make other districts competitive in this  
18 state, because he's under the belief that  
19 he's done a great job. People have seen his  
20 work, and they'll vote for him. But it  
21 seems as if Republicans are afraid of  
22 competition. Do your job, people vote for  
23 you, regardless of if your Democrat or  
24 Republican. There are some Democrats and  
25 some Republicans that are in heavy

II.B, Beaufort County has the lowest BVAP (14.7%) of any County in CD 1 in the Enacted Plan, and is among the whitest counties in the state; the inclusion of all of Beaufort County in CD 1 had an outsize impact on keeping the BVAP of CD 1 lower than *any* other district in the state.

533. Senator Campsen was the primary author and sponsor of Senate Amendment 1. Tr. 67:7–16 (Campsen, Oct. 13 PM). Senator Campsen primarily worked on Senate Amendment 1 with Mr. Terreni, Mr. Fiffick, Mr. John, and Mr. Roberts. Tr. 50:3–4 (Campsen, Oct. 13 PM); Terreni Dep. Tr. 332:16–334:4; Tr. 79:20–80:5 (Roberts, Oct. 12 AM). And Senate staff took direction from Senator Campsen. Fiffick Dep. Tr. 270:25–271:25.

534. Senator Campsen and members of the Senate core team acknowledged that Senate Amendment 1 was a modification of the Senate’s initial staff plan and the House’s Alternative Plan 1 (which was, in turn, based on the initial Senate staff plan). Terreni Dep. Tr. 331:17–21; Tr. 65:7–19 (Campsen, Oct. 13 PM).

535. Senator Campsen claimed he did not want to see racial demographic numbers during the technical drawing of Senate Amendment 1 on Maptitude. Tr. 76:15–17 (Campsen, Oct 13 PM). But as described above and below, the core redistricting team, including Mr. Fiffick, Mr. Terreni, Ms. Benson, and Mr. Roberts, could see BVAP data in Maptitude as they were making changes to draft plans. *See supra* Section II(E) and *infra* Section III(F)(i); Tr. 30:16–31:5 (Roberts, Oct. 12 PM). BVAP data were “actually displayed . . . at the bottom of the screen the entire time we were drawing.” Tr. 30:19–22 (Roberts, Oct. 12 PM). Mr. Roberts, Mr. Fiffick, and anyone else in the map room could “definitely” see BVAP displayed on the screen. Tr. 31:15–23 (Roberts, Oct. 12 PM). And Senator Campsen acknowledged he (and others) reviewed BVAP statistics after each iterations of the plan were completed. Tr. 75:22–76:4 (Campsen, Oct 13 PM).

536. Because the Senate's staff plan served as the basis for Senate Amendment 1, Mr. Roberts confirmed that the core redistricting team applied the same set of public and private criteria and guidelines used to develop Senate Amendment 1, including the same levels of prioritization for application purposes. Tr. 41:14–21 (Roberts, Oct. 12 PM).

537. As described above, the Senate's core redistricting team, including Mr. Roberts when he publicly presented the staff plan on November 29, never disclosed the specific private instructions they used in developing the Senate's staff plan, including the priority Mr. Roberts testified during trial he gave to members of Congress. *See supra* Section III(C)(i). As noted earlier, this was directly contrary to what Mr. Roberts said during the Senate Redistricting Subcommittee's November 29 hearing, when Mr. Roberts disclaimed significant input by members of Congress, explaining that Congressmen had only "very little" input. PX No. 95 26:25-27:21, 28:11-13.

538. According to Senator Campsen, Congressional members' instructions and views were given "little" to "no weight at all." Tr. 100:5–13 (Campsen, Oct. 13 PM).

539. Mr. Fiffick corroborated Senator Campsen's testimony that any input from Congressional members was given little to no weight. Mr. Fiffick characterized the two- to three-minute conversations he had with Congressmembers as being so inconsequential that he considered any of their requests as "anecdotes." Fiffick Dep. Tr. 82:10–83:4, 95:15–22. He went further to explain that they did not act on any except Congressman Timmons' request to keep Congressional District 7 similar to the 2011 plan. Fiffick Dep. Tr. 95:15–22. Regarding the purported meeting with Mr. Tresvant, Mr. Fiffick recalled that Mr. Tresvant "didn't seem like he had any sort of message" and "just wanted to see what maps looked like." Fiffick Dep. Tr. 82:10–83:4, 95:15–22. Nor did Mr. Fiffick recall that Mr. Tresvant represented that

**-- EXHIBIT 7 --**

1 low for black voters in CD 1, in Amendment  
2 1. 17% compared to about 25. It also --  
3 this tends to suggest, it would dilute the  
4 black voting influence there. In addition,  
5 CD 1, as drawn, receives poor ratings in  
6 proportionality, compactness, efficiency,  
7 and other standard redistricting measures.

8 So, Amendment 2. Amendment 2 shows  
9 that it's possible, in fact, to have a CD 1  
10 that more accurately reflects that  
11 Lowcountry region and its population. And  
12 as a consequence, has a voting minority  
13 population that you would expect from that  
14 area. And it's consistent with real  
15 regional relationships in our state. When  
16 you look at standard measures of  
17 redistricting maps, it scores much better  
18 than Amendment 1 on essentially every  
19 measure. So, we ask you to consider  
20 Amendment 2, and also the League proposal  
21 earlier, and other options that are less  
22 damaging to voter rights than Amendment 1.  
23 And please, reject the temptation to prevent  
24 voters from choosing their representative in  
25 November. Thank you.

## -- EXHIBIT 7 --

1 anyway, this is just one of many examples of  
2 bizarre choices, that do not follow  
3 traditional redistricting criteria. The  
4 Whole County Map doesn't do that. And more  
5 closely adheres to contiguity objectives  
6 under the Committee's guidelines.

7 As to communities of interest, the  
8 Whole County Map more closely hues to the  
9 regions -- the distinct regions, of the  
10 state. Specifically, by drafting District 1  
11 and District 7 with minimal splits. And  
12 again, there's only six county splits  
13 statewide in this plan. The coastal region  
14 is more cleanly and directly represented.  
15 By having two districts that representing --  
16 that represent the high-growth corridor of  
17 the upstate, that region, is directly  
18 represented. The midlands is directly  
19 represented. The north central portion of  
20 the state is directly represented.  
21 Moreover, the map as drawn closely hues to  
22 traditional congressional districts in the  
23 history of our state. For instance,  
24 District 1 is drawn (inaudible) very closely  
25 to the old Mendel Rivers, Mendel Davis

## -- EXHIBIT 7 --

1 district. District 7 is drawing hues very  
2 closely to the old Tommy Hartnett, Henry  
3 Brown, first Congressional Service period of  
4 Congressman Sanford District. The addition  
5 of West Central South Carolina counties to  
6 the 2nd District, connects those districts  
7 with Aiken County, which were traditionally  
8 associated with Aiken for decades. So, in  
9 that sense, the plan adheres closely to  
10 communities of interest.

11 It preserves district cores.  
12 Specifically, District 1, under the Whole  
13 County Map retains 65.9% of its population.  
14 District 2 retains 66.56% of its population.  
15 District 3 retains 72.8% of its population.  
16 District 4 retains 71.5% of its population.  
17 District 5 retains 54.84% of its population.  
18 District 6 retains 61.46 of its population.  
19 And District 7 retains 56% of its  
20 population.

21 With respect to minimal county splits,  
22 clearly the Whole County Map is preferable  
23 in this sense to Amendment 1 or to the plan  
24 passed by the House, which have 10 county  
25 splits, that is not necessary. To adhere

**-- EXHIBIT 8 --**

1 But what is happening with packed Districts that  
2 are gerrymandered -- and I'm talking to the Fourth Circuit  
3 now because that's where we going, and that's my final  
4 point. We got a gerrymandered District by the people in  
5 Washington, D.C., the Republican National Convention, and  
6 under this map we got a plus 17 Republican. That ain't no  
7 competitive District. We weakening the people and the  
8 voices of South Carolina.

9 And so as I take my seat -- and I might be off  
10 one or two percentage points -- but as I take my seat, we  
11 headed to Richland. We headed to the Fourth Circuit, and  
12 so every argument that has been made on here will be in  
13 the record.

14 I'm going to commend you and I'm going to ask the  
15 general counsel, Mr. Moffitt, to pass around when we get  
16 ready -- I'll move for unanimous consent -- the Ohio  
17 Supreme Court opinion. Mr. Moffitt, Mr. President.

18 PRESIDENT ALEXANDER: Senator from Charleston.

19 SENATOR KIMPSON: Unanimous consent to distribute  
20 the Ohio Supreme Court opinion at the earliest available  
21 time it's ready to be distributed to this body.

22 PRESIDENT ALEXANDER: Distributing material to  
23 the body. Any objection? Hearing none, so ordered.

24 SENATOR KIMPSON: And I offer that to you as I  
25 take my seat. I'm going back up to the balcony but I