



# UNDERSTANDING REDISTRICTING

## What is Redistricting?

Most of our elected political representatives are sorted into voting districts. Redrawing the boundary lines for these districts is called redistricting. Redistricting happens after every decade's U.S. Census to adjust the districts and make them roughly equal in population.

## How Does Redistricting Affect Me?

The way district lines are drawn may include or exclude certain people, affecting who gets heard, whose interests are represented, and who can win the next election. When politicians control redistricting, it can become a way for them to pick their preferred voters and secure their own power.

## What is Gerrymandering?

Gerrymandering is the deliberate drawing of districts in a way that maximizes the power of politicians. Gerrymandering may result in oddly-shaped districts designed to greatly increase or decrease a certain kind of voter (e.g., Black voters or Republican voters). Racial gerrymandering places voters in districts based on race. Partisan gerrymandering places voters in districts based on which party they have historically voted for, with a similar intent of reducing competition and benefiting one party.

## How Can We Improve the Redistricting Process?

At Democracy North Carolina, we believe redistricting should be a fair and transparent process that:

- protects voters of color by drawing districts that reflect the requirements of the Voting Rights Act and the Equal Protection Clause of the 14<sup>th</sup> Amendment;
- includes public comment and invites robust debate from community members, academics, and other stakeholders, and incorporates that feedback in the creation of districts; and
- eliminates partisan or racial gerrymandering of voting districts.

## What's the Latest on NC's Districts?

**Congressional Districts.** In 2016, the U.S. Supreme Court found that North Carolina's 1st and 12th Congressional districts were illegal racial gerrymanders, requiring the N.C. Legislature to draw new districts. But those new legislatively-drawn maps, used by voters in 2016, were then challenged as partisan gerrymanders in *Common Cause v. Rucho*.

In January 2018, a federal court ruled in favor of the *Common Cause v. Rucho* plaintiffs and ordered the legislature to draw new districts. But the U.S. Supreme Court stayed (stopped) that order, so it could hear similar cases from Maryland and Wisconsin. Unfortunately, the Court refused to set a standard for measuring the legality of a partisan gerrymander and *Common Cause v. Rucho* was sent back to the lower court for reconsideration. In August 2018, the federal court again found N.C.'s Congressional district maps to be an unconstitutional partisan gerrymander, but in June 2019, a 5-4 majority of the U.S. Supreme Court

once again refused to put limits on partisan gerrymandering. This time, the Court held that partisan redistricting is a political question that federal courts cannot decide and deferred to state-level action.

In late September 2019, a new lawsuit (*Harper v. Lewis*) was filed by the The National Redistricting Foundation in state court to challenge North Carolina's congressional districts. The suit alleged that the General Assembly created a partisan gerrymander when it drew districts in 2016. On October 28, 2019, a three-judge panel ruled that the Congressional districts, which are skewed in Republicans' favor, likely violates the North Carolina Constitution and may not be used in the 2020 election. The court also made clear that it is willing to delay the scheduled March 2020 primary to guarantee a lawful election.

**State Legislative Districts.** In 2018, N.C. voters elected state legislators from new districts, redrawn in response to a 2017 U.S. Supreme Court decision in *Covington v. North Carolina*. In *Covington*, a federal court found that 29 N.C. legislative districts were illegal racial gerrymanders. When the N.C. Legislature redrew the maps to comply with *Covington*, they also redrew districts in Wake and Mecklenburg counties that did not need to be altered, violating the N.C. Constitution's prohibition on mid-decade redistricting. In 2018, Democracy NC, NAACP, the League of Women Voters, A. Philip Randolph Institute, and individual plaintiffs challenged the four Wake County legislative districts in a new state court case, *NAACP v. Lewis*. In November 2018, the courts agreed with plaintiffs that those four districts violated the North Carolina Constitution, and the legislature subsequently redrew these maps.

Unfortunately, following the *Covington* decision, the legislature still drew the 2017 legislative maps in ways that favored one party's voters. As a result, in November 2018, Common Cause, the N.C. Democratic Party, and a group of individual voters, filed another lawsuit, *Common Cause v. Lewis*, which challenged those statewide legislative districts as partisan gerrymanders that violate the N.C. constitution. On September 3, 2019, the court held that the maps did violate the state constitution and may not be used in the 2020 elections. The three-judge panel in Wake County Superior Court gave lawmakers until September 18, 2019 to enact new district lines for the 2020 elections. N.C. legislators redrew new districts in late September. On October 28, 2019, the court approved the newly-drawn legislative districts for use in 2020.

## **What does this mean for 2020?**

**Congressional Districts.** North Carolinians *will* see new Congressional voting maps in time for the 2020 elections. At the time of this writing, it remains a question as to whether these districts will be drawn by state lawmakers or a court-appointed special master. It also remains to be seen whether the redistricting process will delay the Congressional primary or push the March primary altogether.

**State Legislative Districts.** North Carolinians *will* see new state legislative voting maps in time for the 2020 elections. At the time of this writing, legislative districts drawn by lawmakers during the 2019 long session have been approved for use in the 2020 elections. (*Updated October 30, 2019*)