

Balanced Democracy

FAIR ELECTIONS ACTION TEAM

LWVNC

http://www.lwvnc.org/Fair_Elections.html

Gerrymandering: A Primer



“There is no issue that is more sensitive to politicians of all colors and ideological persuasions than redistricting. It will determine who wins and loses for eight years.”

- Ted Arrington, political science chair, UNC-Charlotte quoted during Shaw v. Hunt trial, March 1994

What IS Gerrymandering?

Merriam Webster defines gerrymandering as [the act] of dividing (a territorial unit) into election districts to give one political party an electoral majority in a large number of districts while concentrating the voting strength of the opposition in as few districts as possible. Here in North Carolina, voters experience more than our share of this currently legal practice. Yes, that’s right, gerrymandering is legal.

The NC state legislature is responsible for drawing district maps after every census or as required by court decisions or federal mandates. It is customary that members of the party in power often attempt to draw map boundaries in

order to benefit themselves or their political party.

Partisan gerrymandering has been practiced by BOTH parties for years. New software assisted map-drawing and data-driven voter analysis methods have created “gerrymandering on steroids,” enabling the party in charge to pinpoint and isolate opposition voters. The graphic below dramatizes a North Carolina gerrymander where the lawmakers drew district lines to ensure as many democrats would be confined to only four districts, thus guaranteeing that Republicans would secure nine districts. In 2016, Republicans hold 10 districts.

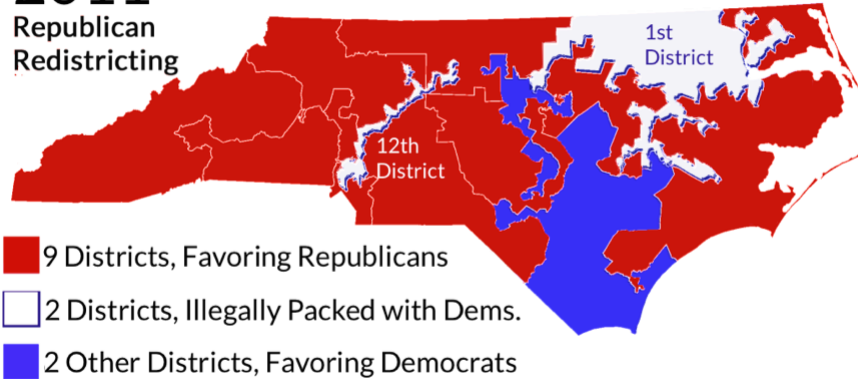
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In past elections, the Democrats created partisan-gerrymandered districts in North Carolina. Since the 2012 election, the first major election following the 2010 census,

2011 Republican Redistricting



gerrymandering has been under increased scrutiny, with ongoing Federal litigation

In multiple states including North Carolina, some current court cases involve racial gerrymandering, which violates Voting Rights Act and/or Fourteenth Amendment. Other cases, including the League of Women Voters of North Carolina v. Rucho, involve partisan gerrymandering. Federal courts have ruled against North Carolina and other gerrymanders repeatedly and are currently considering five NC cases and 11 cases nationwide challenging its constitutionality.

Why should I Care about gerrymandering?

There are 3 big reasons to care about gerrymandering.

1) Gerrymandering greatly reduces officeholder accountability to the voters because they are in safe districts, as shown by the very high percentage of those who face no challenger in the primary, general election, or both. According to

Common Cause of North Carolina, 30% of the 2016 state legislative seats had NO primary or general elections opposition. And 40% of the 2016 state legislative seats had NO OPPOSITION in the general election.

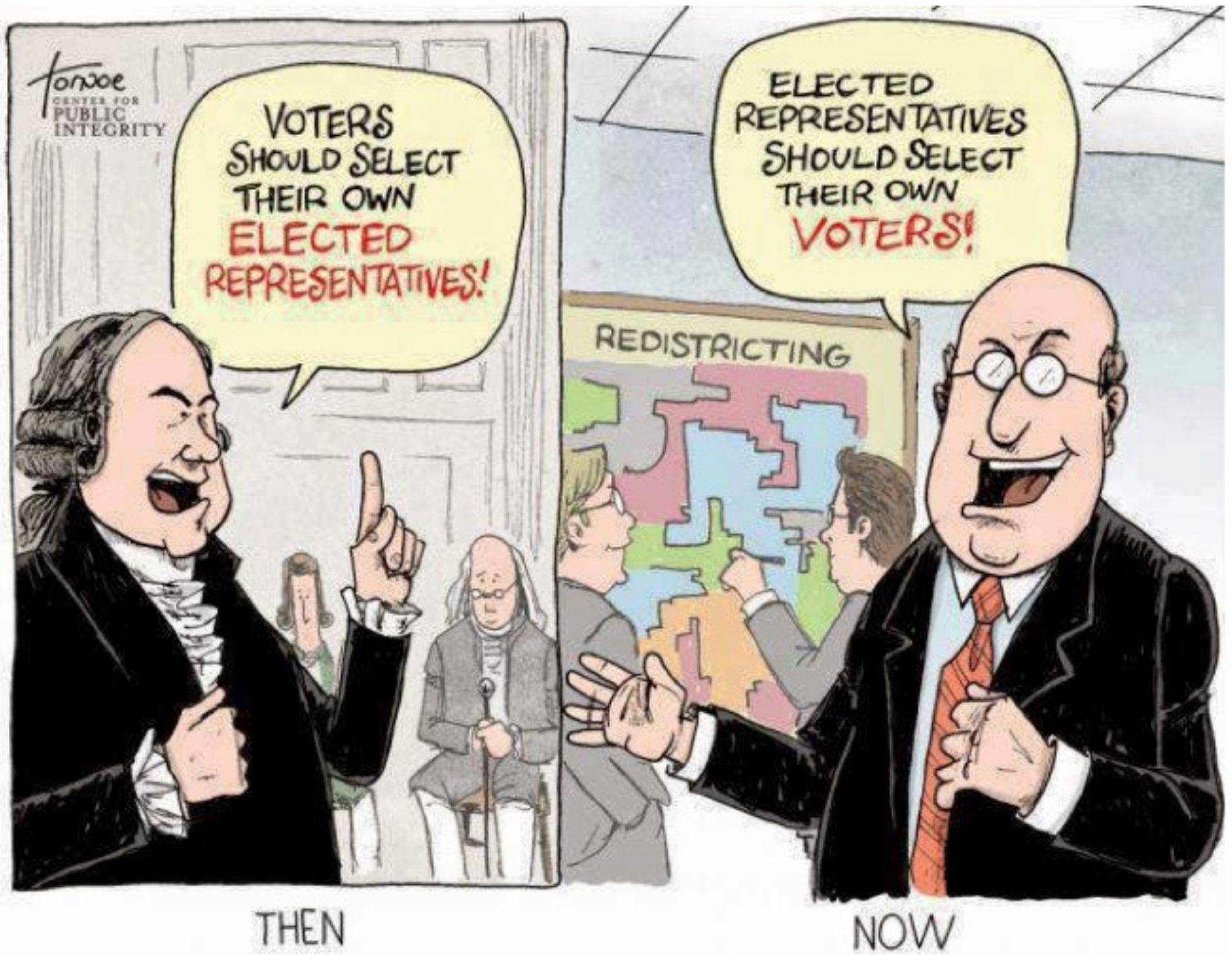
2) Gerrymandering means voters do not have a real choice, so politicians don't have to compete for

their votes; however, such competition is absolutely essential for democracy.

3) Gerrymandering is a prime suspect in the "breaking" of the US political system. Many feel it is the main cause of political/electoral gridlock. Gerrymandering eliminates moderate ideology, and can facilitate extreme agendas--the

passing of House Bill 2 is just one example of this. So instead of democratic elections in which voters choose their candidates, gerrymandered elections North Carolina-style lets candidates choose their voters. Simply put, the candidate CANNOT LOSE.

Gerrymandering manipulates the voting process by asserting control over the voter distribution per district, thereby ensuring a win for their party regardless of the actual vote of the citizens. This practice breaks down the connection between the voters and their elected officials, leading citizens to withdraw from the political process and building distrust of politicians and the system as a whole.



The 2016 Election Results- Sobering Statistics

	<u>Republican</u>	<u>Democrat</u>
What voters wanted*	51%	47%
What voters got		
US House	77%	23%
NC House	62%	38%
NC Senate	70%	30%

*Statewide vote for President, Governor, Lt.Governor and US Senate. Libertarian received 2%

Source: Common Cause of North Carolina

What is the North Carolina General Assembly (NCGA) doing about it? Are other states gerrymandered as well?

In North Carolina, numerous bills to create a fair districting process have been introduced since 2000 (and earlier), generally by the minority party. Fair districting, also referred to as non-partisan or independent redistricting, or fair maps, are solution-oriented terms are often used interchangeably, and all intended to resolve gerrymandering.

Most bills have had bipartisan sponsors and/or bipartisan support.

Most bills have died in the Rules Committees. Only one bill has passed the House (in 2011) and none have passed the Senate.

Recent bills include: HB606 (4-08-2013), HB92 (2-16-2015), HB6 (12-13-2016) and HB200 (2-28-2017) Gerrymandering has an especially fraught history in areas where historic voting and residence patterns along ethnic or racial lines tempt one party to use these factors to draw district boundaries in its favor; this is unconstitutional, if it can be proven. The Voting Rights Act requires that districts be drawn in ways that do not suppress the ability of minority voters to elect their preferred candidates; it does not require districts where members of a minority group

According to the Brennan Center for Justice, as of March 14, 2017, there are six states with outstanding lawsuits. (r-racial gerrymander; p-partisan gerrymander)

*Alabama (1)(r)
Maryland (1)(p)
North Carolina (6) = (3)(r) and (3)(p)
Texas (1)(r)
Virginia (1)(r)
Wisconsin (1)(p)*

constitute the majority (majority-minority districts). Thus far, use of partisan considerations remains constitutional, but a current Wisconsin case is testing this.

Two of the North Carolina cases, League of Women Voters of North Carolina et al v. Rucho et al, No. 1-16-cv-01164 (M.D.N.C) and Common Cause et al v. Rucho et al, No. 1-16-cv-1026 (M.D.N.C) will be combined.

This combined case is a challenge against the North Carolina congressional plan enacted in February 2016 as a violation of the 1st and 14th Amendments of the United States Constitution, which constitutes a partisan gerrymander. The three-judge panel denied the state's motions to dismiss the cases in an order entered March 3, 2017, and set the start of a joint trial in the cases for June 26, 2017.

Tell me more about the upcoming trial?

The trial for the combined lawsuits mentioned above is scheduled for June 26, 2017 in Greensboro, at the Federal District Court for the Middle District of North Carolina. As the trial date approaches, the LWVNC will advise membership on League attendance at that event. Regardless of the outcome of that trial, the case will most assuredly be appealed to the Supreme Court of the United States.

Without a doubt, these are exciting times for North Carolina and the League of Women Voters is in the thick of it. Our position on redistricting is well documented not only in the lawsuit, but also on the LeagueWV US website:

<http://forum.lwv.org/member-resources/article/notice-intent-lwvus-board-propose-concurrence-redistricting>

What can I do now? How Can I get involved?

The League of Women Voters of North Carolina (LWVNC) has established the Fair Elections Action Team (FEAT) to develop and deploy state wide educational and advocacy strategy that promotes and ideally secures NCGA approval for nonpartisan redistricting—one of the solutions to gerrymandering. FEAT is also the focal point for the management of information related to redistricting litigation to which the LWVNC is a part.

FEAT NEEDS YOU!

As part of the team, you will:

1. Design/develop/deploy materials and programs for Gerrymandering 101 Basic member education.
2. Plan public forums or other events on redistricting reform.
3. Establish creative ways to reach out to new membership to build grass roots momentum.
4. Educate other members--and be educated--on the latest redistricting news via League or partner sponsored events.
5. Set up league chapters meetings with community groups in league areas to provide educational programs on gerrymandering 101.

FEAT is also the place to learn about advocacy basics and the art of political activism from the unique, non-partisan perspective of the League of Women Voters.

If you are excited/passionate/anxious/ angry/ about gerrymandering- and you want to make a difference in the future of North Carolina elections, please email featnc@gmail.com.

Authors Note: This primer was developed in collaboration with League of Women Voters chapters, is designed to educate League members on the fundamentals of what has become one of the most litigious and controversial practices in recent political history: gerrymandering. Special thanks to Jennifer Bremmer of the LWVODC , and Mary W. Cox for their outstanding contributions, without which this primer would not be possible.



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