

Redistricting Issue

- **Does a racial minority group that constitutes 50% or less of a proposed district's population have a claim of vote dilution under Section 2 of the Voting Rights Act?**
- **And, what is the proper population count to be used in this calculation? Is it total population, or voting age population, or some subset of voting age population? In other words, 50 % more or less of what?**

Bartlett v. Strickland

Appeal, not from federal court, but from
State Supreme Court.

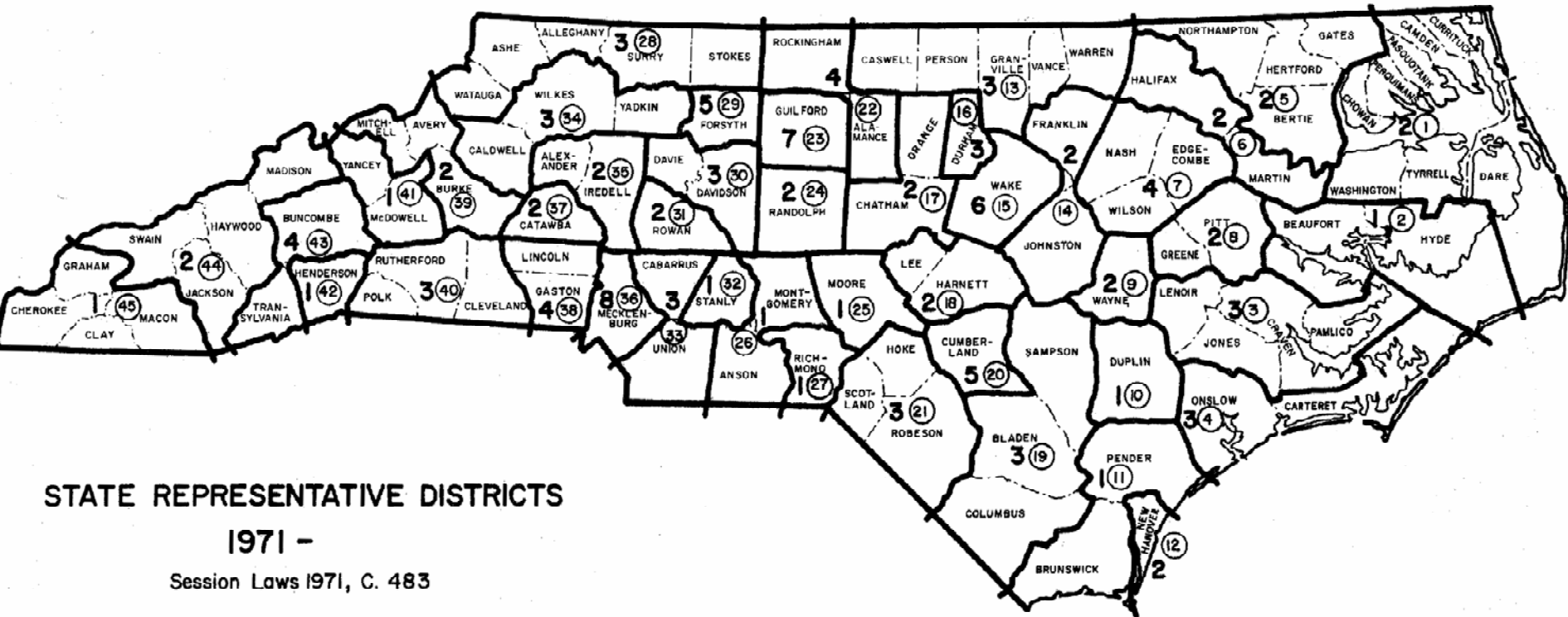
Whole County Provision of the North Carolina Constitution

"No county shall be divided in the formation of a [State Senate or State House] district."

Article II, Secs. 3 and 5

- 50 Senators.
- 120 House members.
- Large multi-member districts.

1971 House Plan

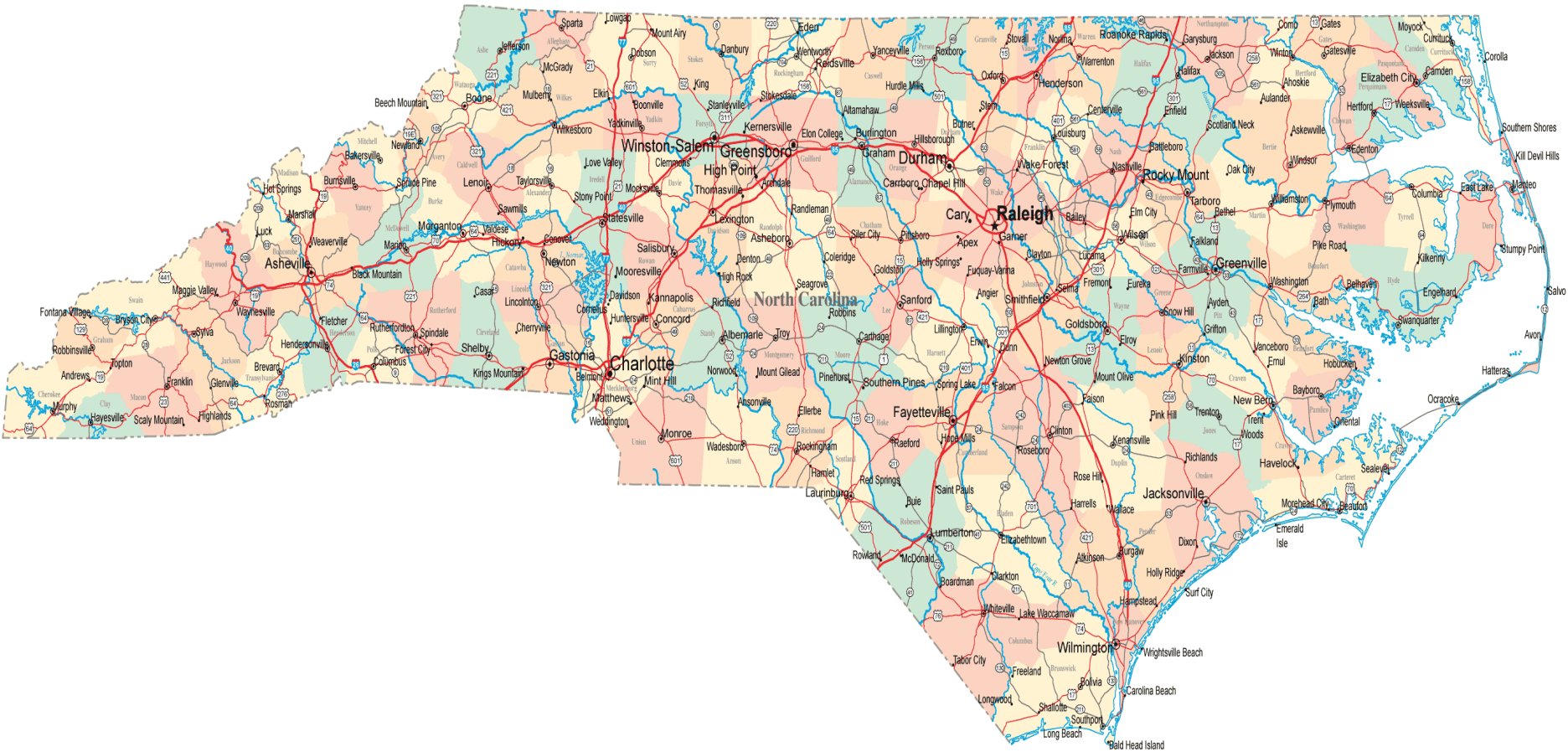


STATE REPRESENTATIVE DISTRICTS

1971 -

Session Laws 1971, C. 483

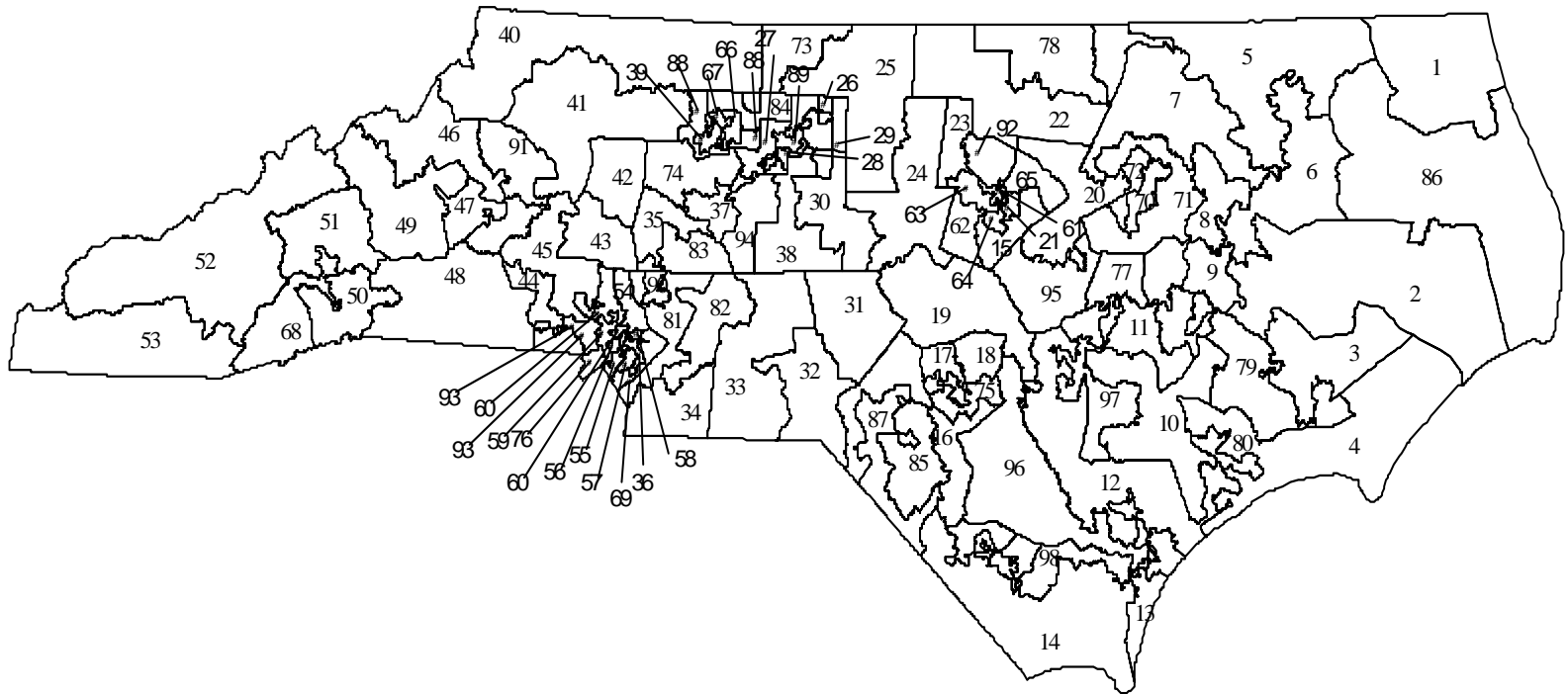
Drawn by Cedric L. Clark, Institute of Government, Chapel Hill



Gingles 3-prong test

1. "First, the minority group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district."
2. "Second, the minority group must be able to show that it is politically cohesive."
3. "Third, the minority must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it . . . usually to defeat the minority's preferred candidate."

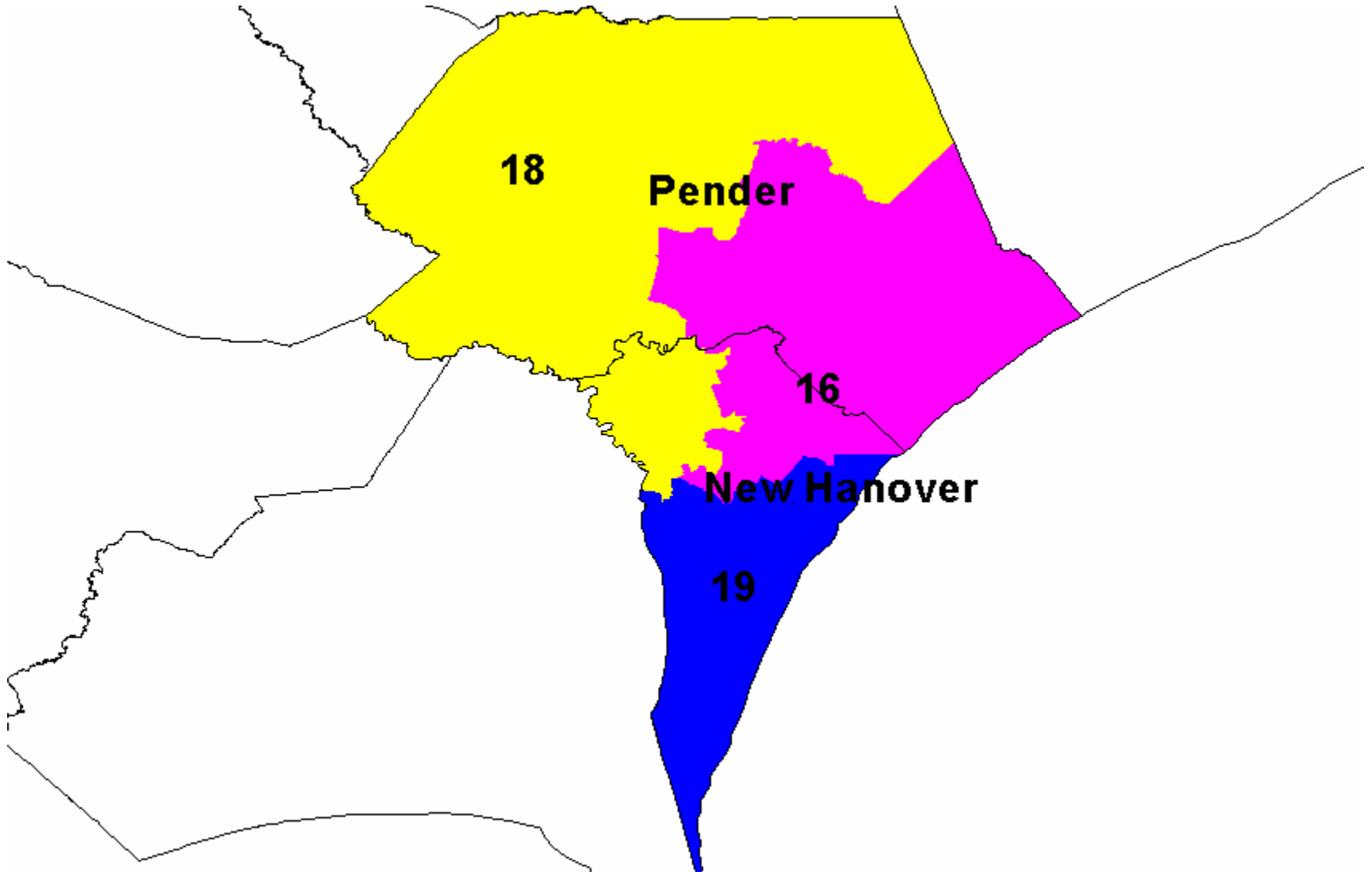
1992 House Plan



Stephenson v. Bartlett

- Whole County Provision must not be ignored, but must be harmonized with federal law.
- Counties must be unsplit except where necessary to comply with federal law: Voting Rights Act and one-person/one-vote.
- All single-member districts.
- Clustering of counties.

Current Districts in 2-County Cluster

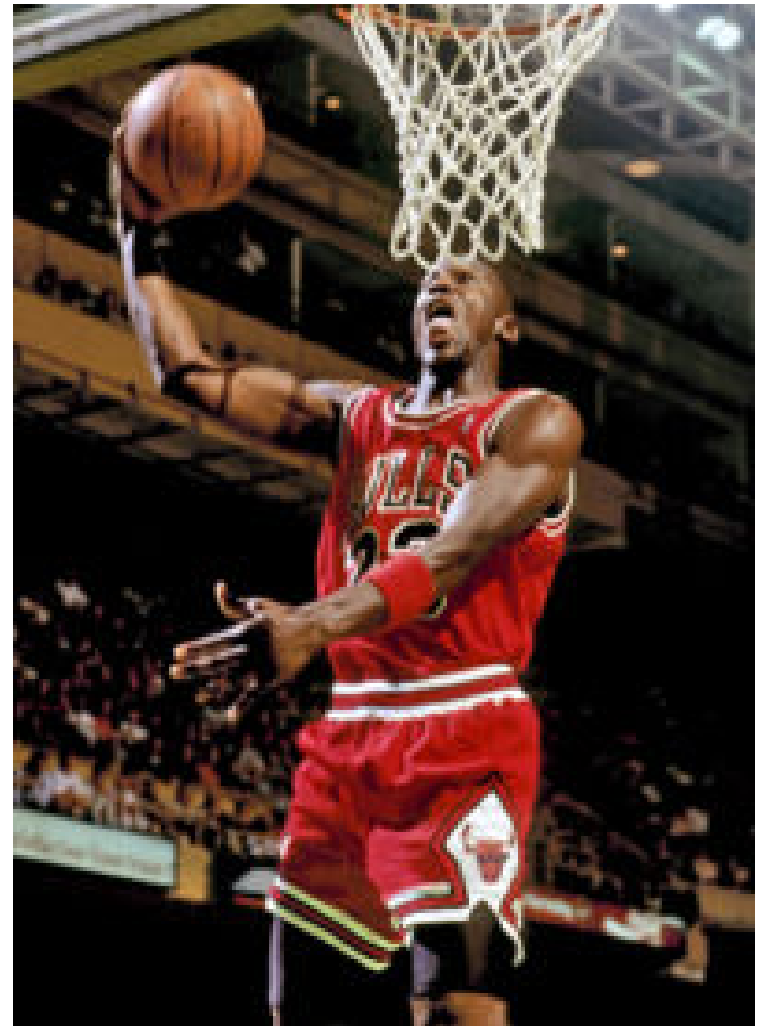


Wilmington



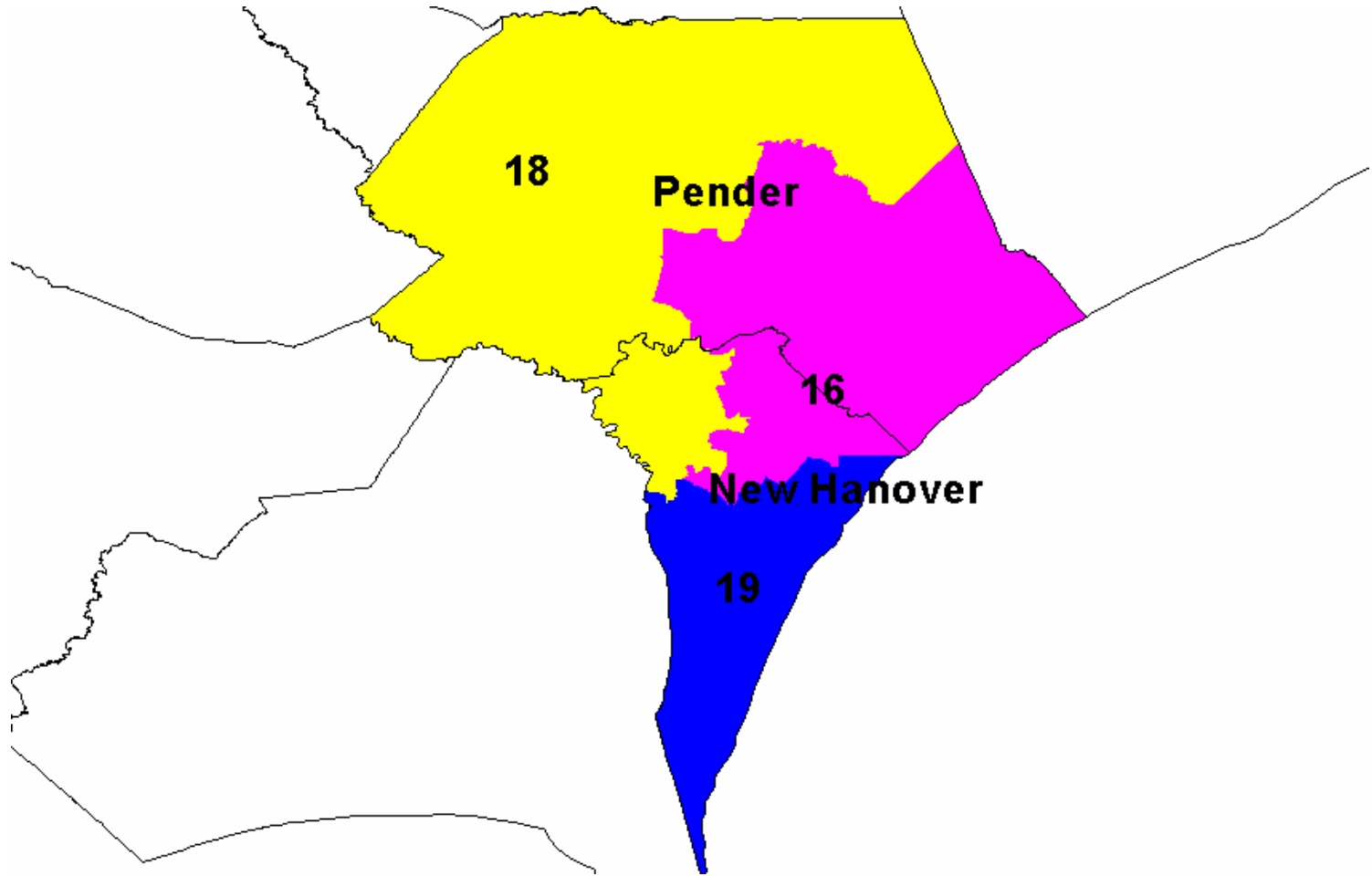


David Brinkley



Michael Jordan

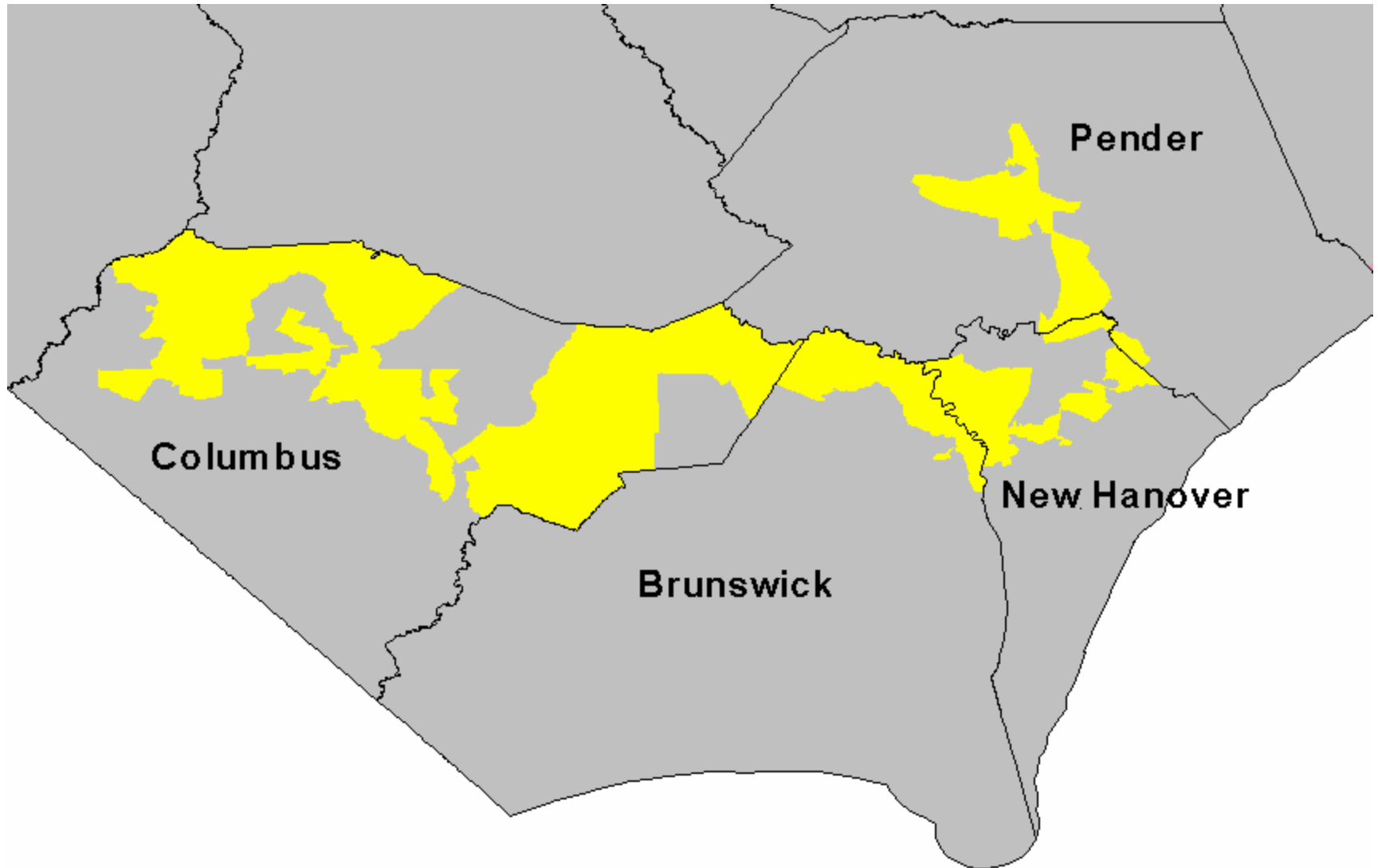
Current Districts



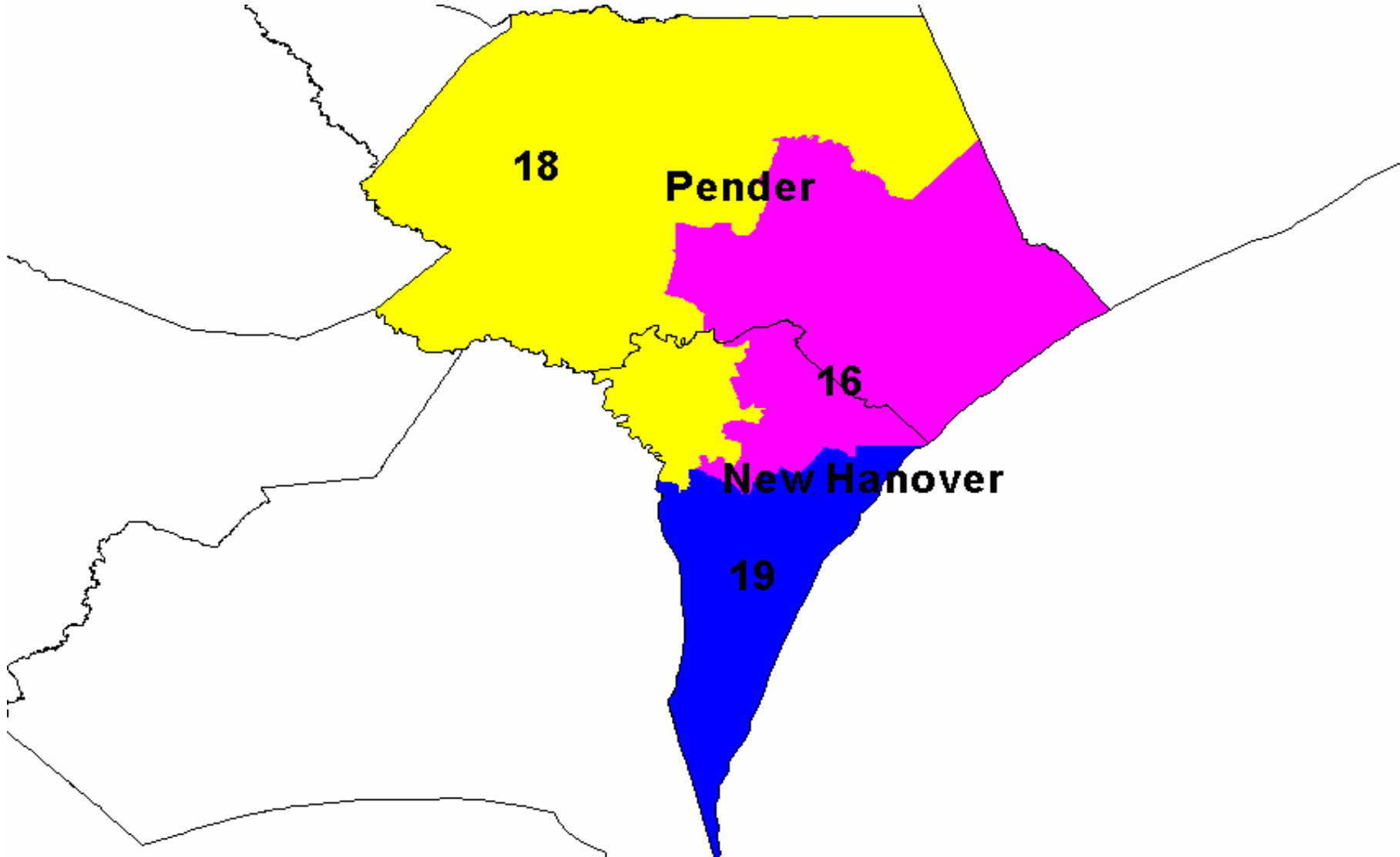
Rep. Thomas Wright



Rep. Wright's 1992 district



Current Districts



Current District 18

- 42.37% black of total population.
- 39.09% black of voting age population.
- 36.15% black of voter registration (2003).

But . . .

- Registration by party.
- Semi-closed primary.
- 59% Democratic.
- 53.72% black of Democratic voter reg.
- Argument: Not just black influence, but effective black control.

State Supreme Court Decision in *Pender County v. Bartlett*

- Bright-line test for Section 2.
- Minority must be more than 50% of the VAP of US citizens.
- Redraw in time for 2010 election.

Rep. Thomas Wright



Rep. Sandra Spaulding Hughes

