Bartlett v. Strickland
U.S. Supreme Court (2009)

The Question: Does the Voting Rights Act protect districts that are less than 50% black in voting age population but still elect candidates of choice of black voters?

The Court’s Answer: No. In a 5–4 ruling, the Court held that Congress intended the Voting Rights Act to only protect majority-minority districts that are 50% or greater in voting age population and not “coalition” or “cross-over” districts.
NC House District 16

- Drawn in 1991 to include parts of four counties, a “geographically compact majority-minority district”.
- Post 2000, District was redrawn to be less than 50% Black VAP, to comply with Shaw v. Reno.
- Following Stephenson, 2003 District 16 was redrawn to be 39.36% Black.
- If Pender County had been kept whole, the District would be only 35.33% Black.
Supreme Court’s Definitions

- **Majority–Minority District:** Minority population is a “numerical, working majority” of the VAP.
- **Influence District:** A minority group can “influence the outcome of an election” even if its preferred candidate cannot be elected.
- **Crossover District:** A minority group can elect its candidate of choice with “help from other voters who are members of the majority.”
- **Coalition District:** Two minority groups form a coalition to elect a candidate of the coalition’s choice.
**VRA Status**

- **Majority–Minority district:** May be required by Section 2 and Section 5.

- **Influence District:** Permitted but not required by Section 2; not permitted by Sect. 5 if stronger districts are possible.

- **Crossover District:** Permitted by not required by Section 2, may be required by Section 5.

- **Coalition District:** Not Addressed by Supreme Court, have been required by lower courts under Section 2.
Approximately 15 of the 41 members of the Congressional Black Caucus are elected from districts less than 50% black in total population using 2006–2008 ACS data.

Of those 15, 7 are covered by Section 5 of the Voting Rights Act.

Of the 15, 3 are majority non–hispanic white in total population.
6 of the 22 members of the Congressional Hispanic Caucus (Dem.) are elected from districts that are less than 50% Hispanic in voting age population (2000 data).
Resources:

www.redistrictinginstitute.org

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