

NONPROFITS NC REDISTRICTING COMPLAINT LEGAL SUMMARY

WHO IS SUING

Four nonprofit organizations who are dedicated to civic engagement and equal opportunity for all voters.

- **North Carolina NAACP:** The fundamental mission of the NAACP is the advancement and improvement of the political, educational, social, and economic status of minority groups; the elimination of racial prejudice; the publicizing of adverse effects of racial discrimination; and the initiation of lawful action to secure the elimination of racial bias.
- **League of Women Voters of North Carolina:** LWVNC is dedicated to encouraging its members and the people of North Carolina to exercise their right to vote as protected by the North Carolina Constitution. The mission of LWVNC is to promote political responsibility through informed and active participation in government and to act on selected governmental issues.
- **Democracy NC:** Democracy is dedicated to research, organizing, and advocacy to increase voter participation and remove barriers to serve in public office. Democracy NC works for pro-democracy reforms that strengthen enforcement of election laws, protect voter rights and improve government accountability and ethics.
- **NC A. Philip Randolph Institute:** APRI grew out of the legacy of African-American trade unionists' advocacy for civil rights and the passage of the federal Voting Rights Act and continues to advocate for social, political and economic justice for all working people.

These organizations are joined by 27 individual voters affected by the redistricting plans. Many of the individual plaintiffs live in split precincts and packed districts that weaken their ability to participate in the political process.

LEGAL CLAIMS

1. **EQUAL PROTECTION CLAIMS** under the State and Federal Constitution
 - All three plans violate the Equal Protection Clauses of the North Carolina Constitution (Art. 1, § 19) and the 14th Amendment of the United States Constitution by:
 - Packing African-American voters into districts where African Americans were already electing their candidate of choice
 - Diluting the vote of African Americans in districts adjacent to the packed districts
 - Splitting precincts between districts based solely on race

- The Redistricting Committee Chairs admit to moving black voters from one district to another based solely on the voters' race
 - Both clauses forbid the state from discriminating against any person based on race, and subject any racial classification to strict scrutiny by the court.
 - To survive strict scrutiny, a racial classification must be narrowly tailored to serve a compelling state interest.
 - The Redistricting Plans are not narrowly tailored to advance a compelling state interest. The majority-minority districts created by the plan are not required by the North Carolina State Constitution or by the federal Voting Rights Act or any other federal statute.
 - Race-based districts insult the dignity of North Carolina voters by classifying them solely on race.
 - Plaintiffs and other North Carolina voters suffer representational harms, impediments to their missions, activities and interests, a diminution in their ability to participate equally in the political process.
2. **EXCESSIVE PARTISANSHIP:** Violation of Article 1 § 2 “FOR THE GOOD OF THE WHOLE” Clause
- All three plans violate North Carolina’s constitutional provision which requires the General Assembly to govern and legislate “for the good of the whole.”
 - The excessive partisanship of the three plans serves only Republicans.
 - By splitting precincts and dividing communities of interest, the General Assembly failed to act in the common interest of North Carolinians and failed to govern “for the good of the whole.”
3. **VIOLATING THE WHOLE COUNTY PROVISION** of the State Constitution
- The State Constitution says that the General Assembly may not divide whole counties when redistricting the State Senate (Article II, § 3) or the State House (Article II, § 5).
 - The NC Supreme Court has interpreted these provisions to mean that the General Assembly may not divide counties unless required by the Voting Rights Act or the “one, person, one vote” standard.
 - The Court has also held that the General Assembly must strive for compactness, contiguity and preserving communities of interest when creating districts.
 - The three plans are less compact than any plan submitted to the Redistricting Committee. The plans have more split more counties, precincts, and communities of interest than required by the Constitution or any federal law.
4. **SPLITTING EXCESSIVE PRECINCTS:** Violation of NC Statutes
- Recognizing that precincts are fundamental and important political subdivisions that reflect local neighborhoods and communities of interest, North Carolina law forbids dividing precincts unless the Department of Justice fails to preclear the plans (House and Senate Redistricting, N.C.G.S. 120-2.2; Congressional

Redistricting, N.C. G.S. 163-261.2). If the plans are not precleared, the General Assembly may split the *minimum* number of precincts necessary to obtain preclearance.

- These plans divide more precincts than any other plan submitted to the Redistricting Committees, in clear violation of state law.
- Splitting precincts increases the risk of voters receiving the wrong ballots, creates suspicion when neighbors are given different ballots, requires additional training and additional paid personnel at the polls, and creates significant risks in staff properly assigning voters to the wrong districts.
- Splitting precincts also makes it harder for voters to identify their elected representatives. By creating confusion about who represents what part of the neighborhood, these split precincts are stumbling blocks for voters who want to petition their elected representatives and hold them accountable.

Preliminary Statement

1. Ignoring decades of progress and the current realities of racially polarized voting in North Carolina elections, the General Assembly's Congressional, House and Senate redistricting plans enacted following the release of the 2010 Census data are an intentional and cynical use of race that exceeds what is required to ensure fairness to previously disenfranchised racial minority voters. The plans violate North Carolina voters' rights to equal protection under the law by assigning voters to districts based on their race beyond what is required by the Voting Rights Act. These race-based assignments unfairly prejudice the African-American voters who were split off from the rest of their voting precincts and divided from otherwise compact communities of interest based on solely on their race and packed into districts that previously elected candidates of choice of African-American voters. They also harm the African Americans left in districts with fewer minority voters, and the non-African-American voters who are also thereby packed in race-based districts and whose communities of interests are dismantled.

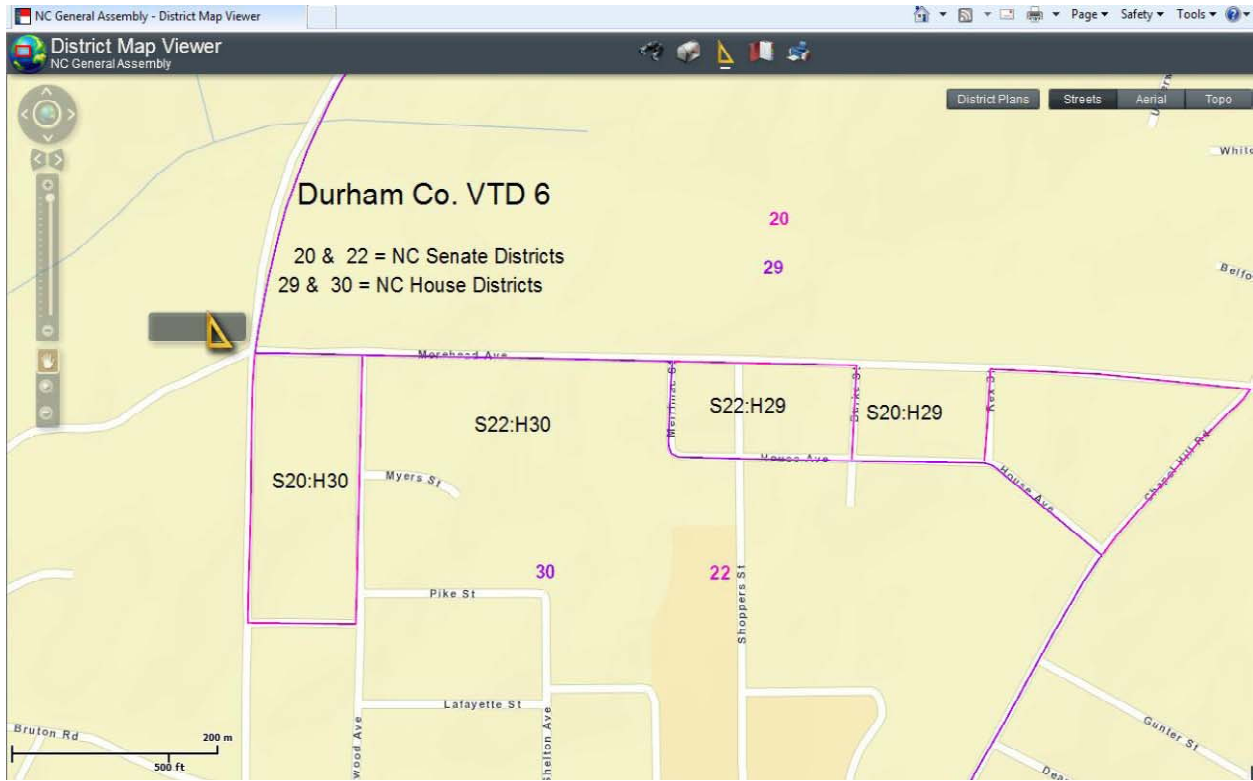
2. In addition to being excessively race-based, all three plans brazenly flout North Carolina's state constitutional requirements to draw geographically compact districts that respect county boundaries and encompass communities of interest. The plans unnecessarily and unjustifiably split hundreds of voting precincts throughout the state, the traditional markers of communities of interest. Dividing precincts and the communities of interest they represent results in non-compact districts that hinder the effective participation of voters in the democratic process.

3. The plans divide 563 precincts with two million voting-age adults (27% of the state's total) into more than 1,400 sections, with voters in the same neighborhoods or same street partitioned into different political districts. The number of split precincts is unprecedented and far exceeds alternative plans that comply with federal and state law. They have the design and effect to segregate voters by race. In most cases, the sections are drawn so that the black voting-

age population in one section is 20 percentage points greater than in the other section sent to another district. The confusion for voters, community educators, election administrators and the elevated risks to a fair election process caused by splitting precincts on a census block or sub-block basis are undeniable. More than one-third of the state's black voting-age population resides in these 563 precincts. A black adult has a 50 percent greater risk of living in a precinct split up by the plans than does a white adult. White adults are six times more likely to live in a split precinct if they reside in a precinct that is more than 25 percent black than if they live in one that is less than 10 percent black.

4. This action challenges the redistricting plans adopted by the General Assembly on the grounds that they violate the equal protection guarantees of the state and federal constitution and that they violate state constitutional provisions designed to ensure that legislative districts are drawn in a way that promotes representative democracy. In addition, the excessive partisanship driving these plans violates the North Carolina Constitution's guarantee that the legislature should act for the "good of the whole." The Plaintiffs, nonprofit, nonpartisan organizations and individual impacted voters, seek injunctive relief to prevent the use of those plans in any future elections.

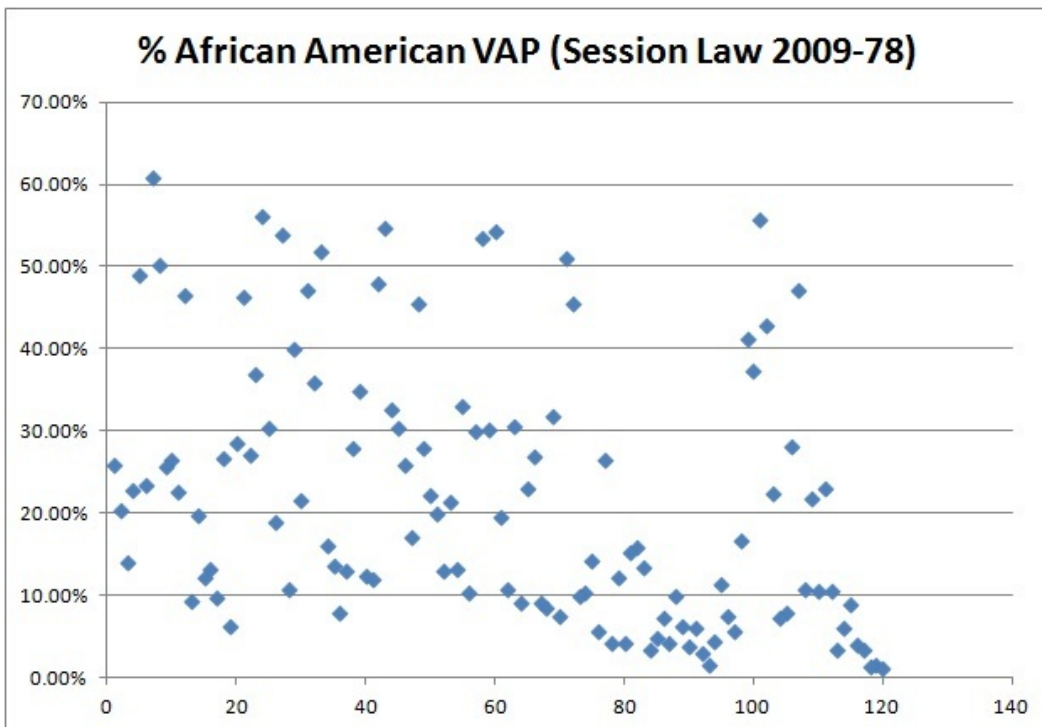
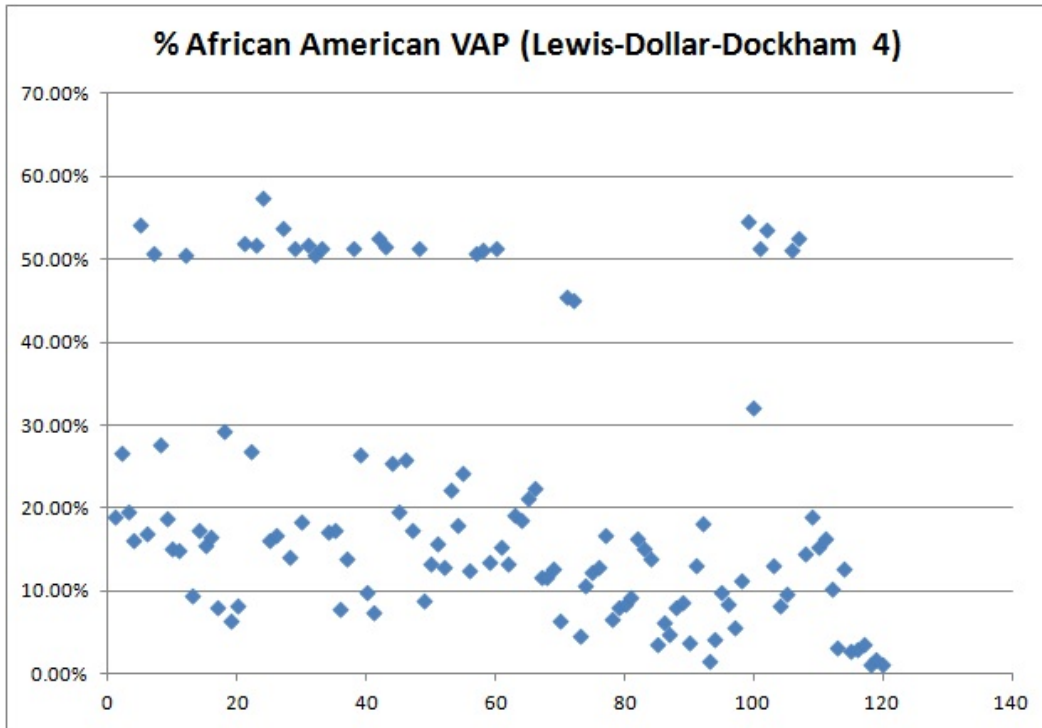
Dismantling Communities of Interest: Split Precincts



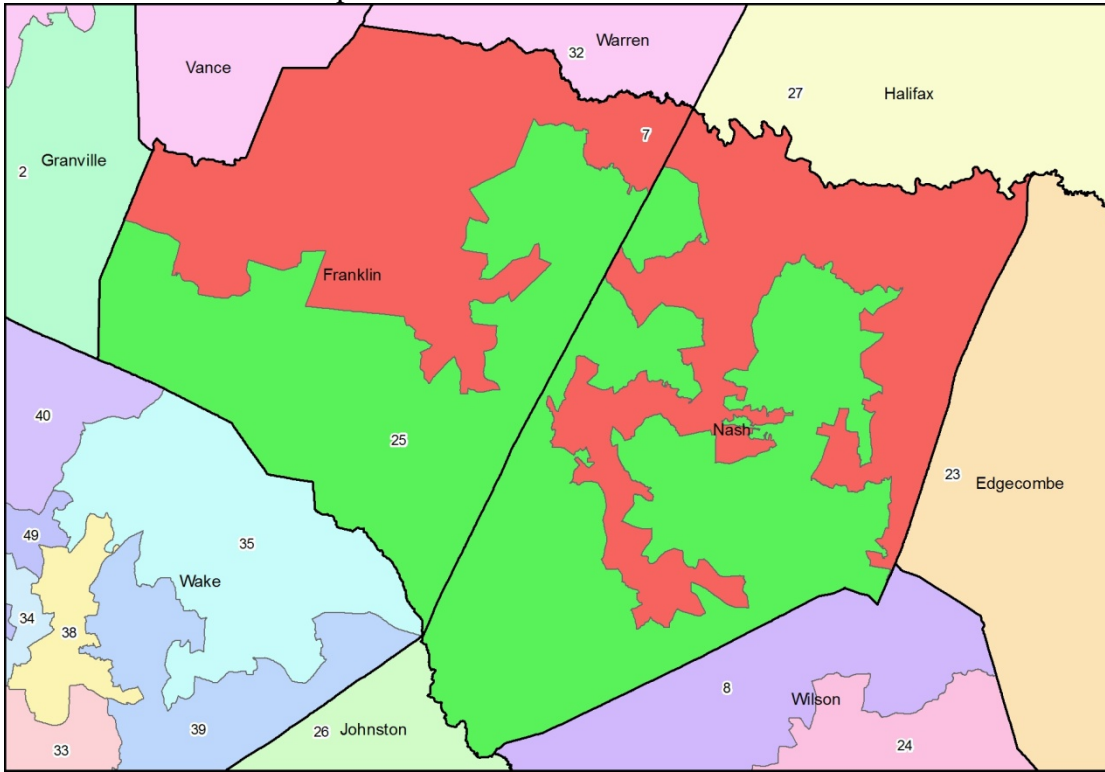
Durham County provides an example of problems caused when excessive numbers of precincts are split within a county and across redistricting plans. Durham has 39 split precincts in the House and Senate enacted plans combined, 35 splits in the Senate and 21 split in the House plan. Previously Durham County had only 6 split precincts. Those splits were along major roads, readily identifiable and did not overlap. In contrast, the precinct splits in the enacted plan are complex, involve minor roads and overlap. For example, along just one street in a Durham neighborhood, there will be four different ballot styles in a six block area along one side of Morehead Street in a general election. Above is a map of the area in VTD 6 that is split between Senate Districts 20 and 22, and House Districts 29 and 30.

Packed Districts & Racial Segregation - House

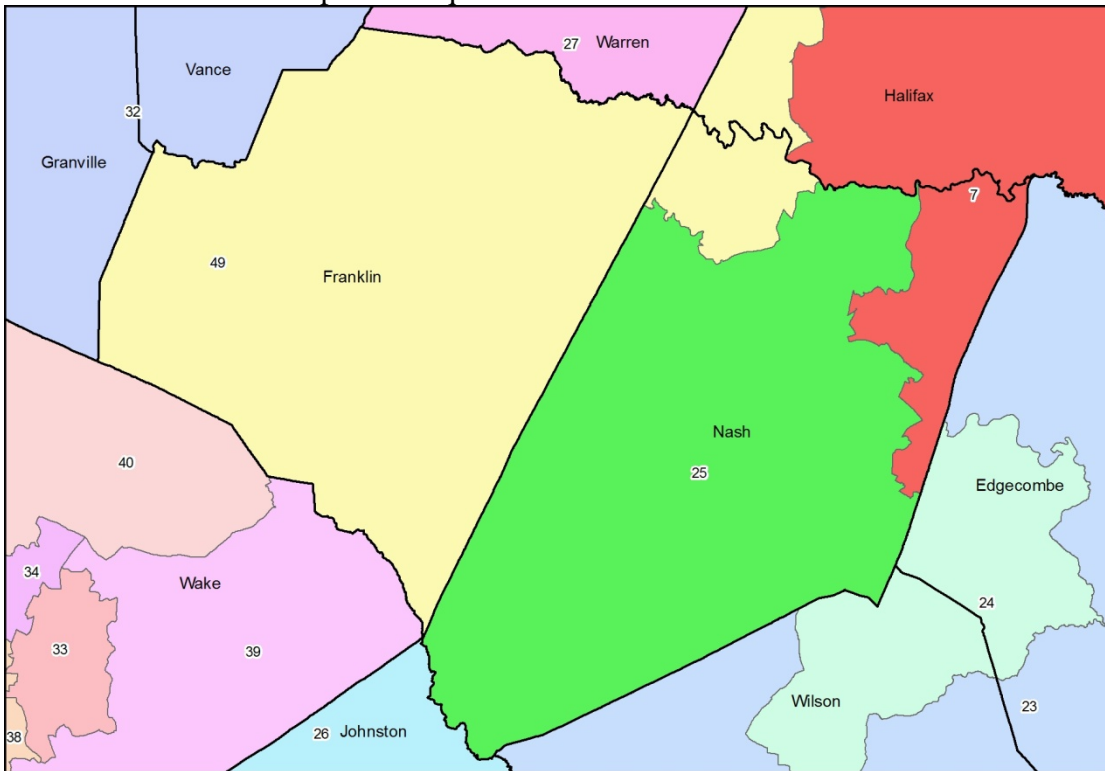
The Lewis-Dollar-Dockham 4 Plan segregates black voters into districts with greater than 50 percent BVAP or less than 30 percent BVAP. In the Plan, only 3 districts have a BVAP between 30 and 50 percent. In comparison, the 2009 House Plan had 22 districts with a BVAP between 30 and 50 percent. The BVAP of the Lewis-Dollar-Dockham 4 Plan and the 2009 Plan are show below where each dot represents one of the 120 districts in the plan. The vertical axis is the percent BVAP of the district and the horizontal axis is the number of the district



Below is a map of Lewis-Dollar-Dockham 4 Districts 7 and 25

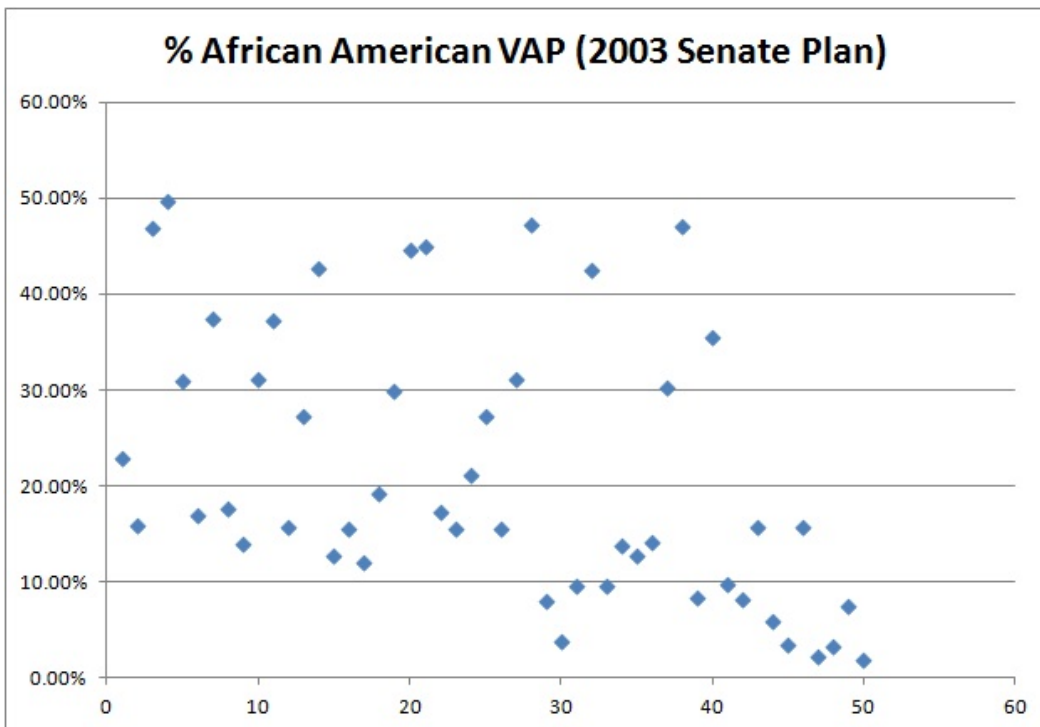
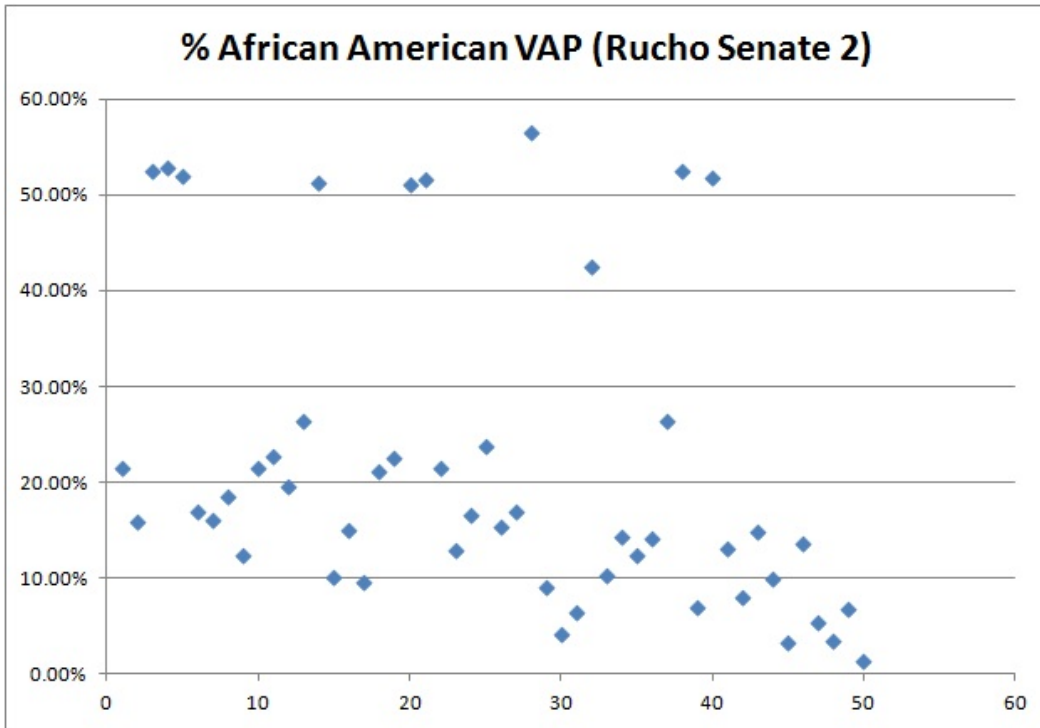


Below is a map of the equivalent area under the 2009 House Plan

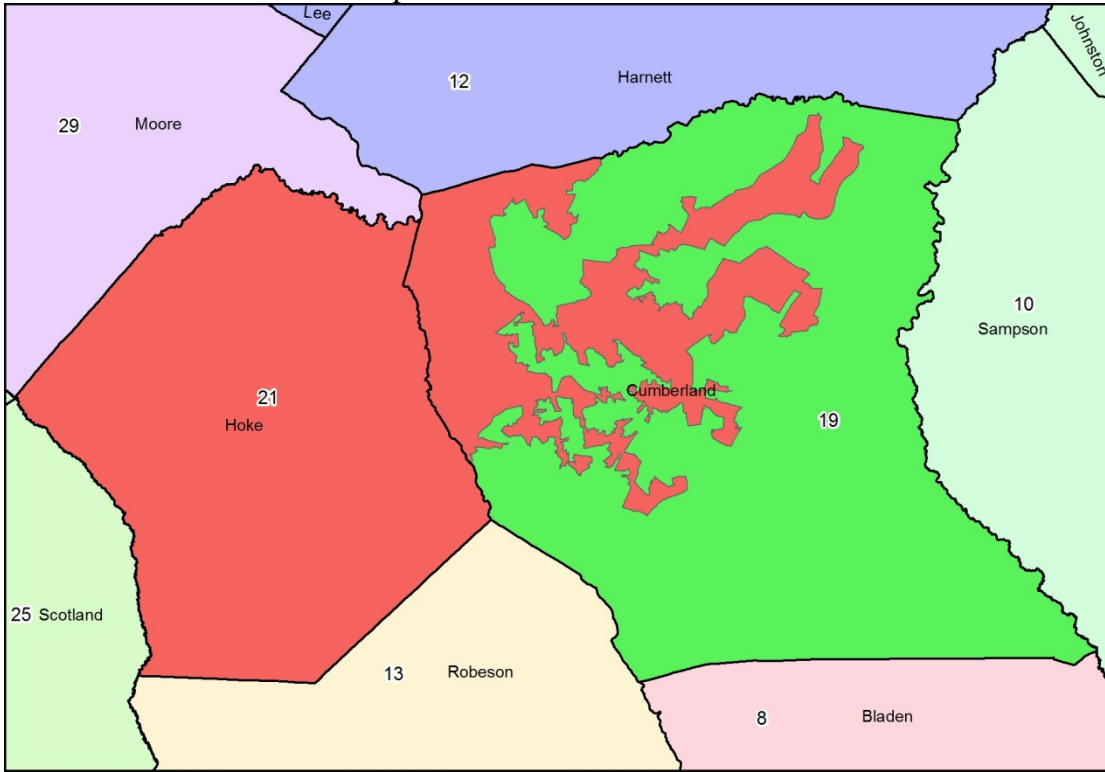


Packed Districts & Racial Segregation - Senate

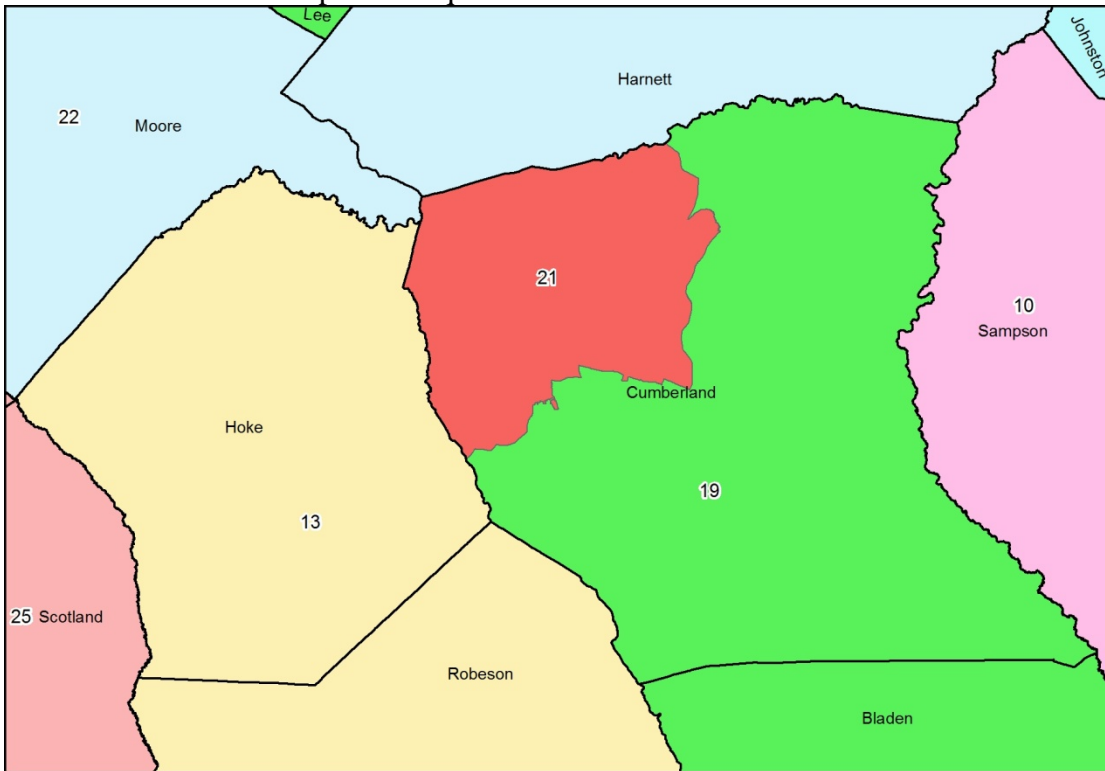
The Rucho Senate 2 Plan segregates many black voters into districts with greater than 50 percent BVAP or less than 30 percent BVAP. In the Plan, only 1 district has a BVAP between 30 and 50 percent. In comparison, the 2003 Plan had 15 districts with a BVAP between 30 and 50 percent. The BVAP of the Rucho Senate 2 Plan and the 2003 Plan are shown below where each dot represents one of the 50 districts in the plan. The vertical axis is the percent BVAP of the district and the horizontal axis is the number of the district.



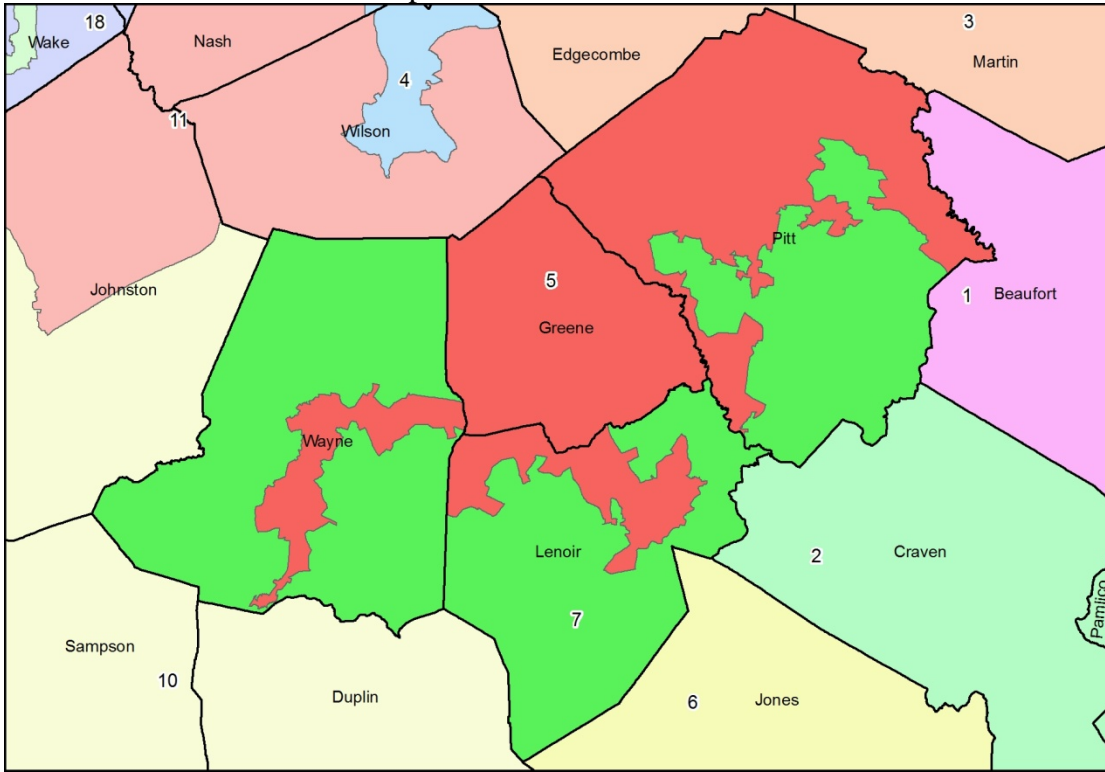
Below is a map of Rucho Senate 2 Districts 19 and 21



Below is a map of the equivalent area under the 2003 Senate Plan



Below is a map of Rucho Senate 2 Districts 5 and 7



Below is a map of the equivalent area under the 2003 Senate Plan

