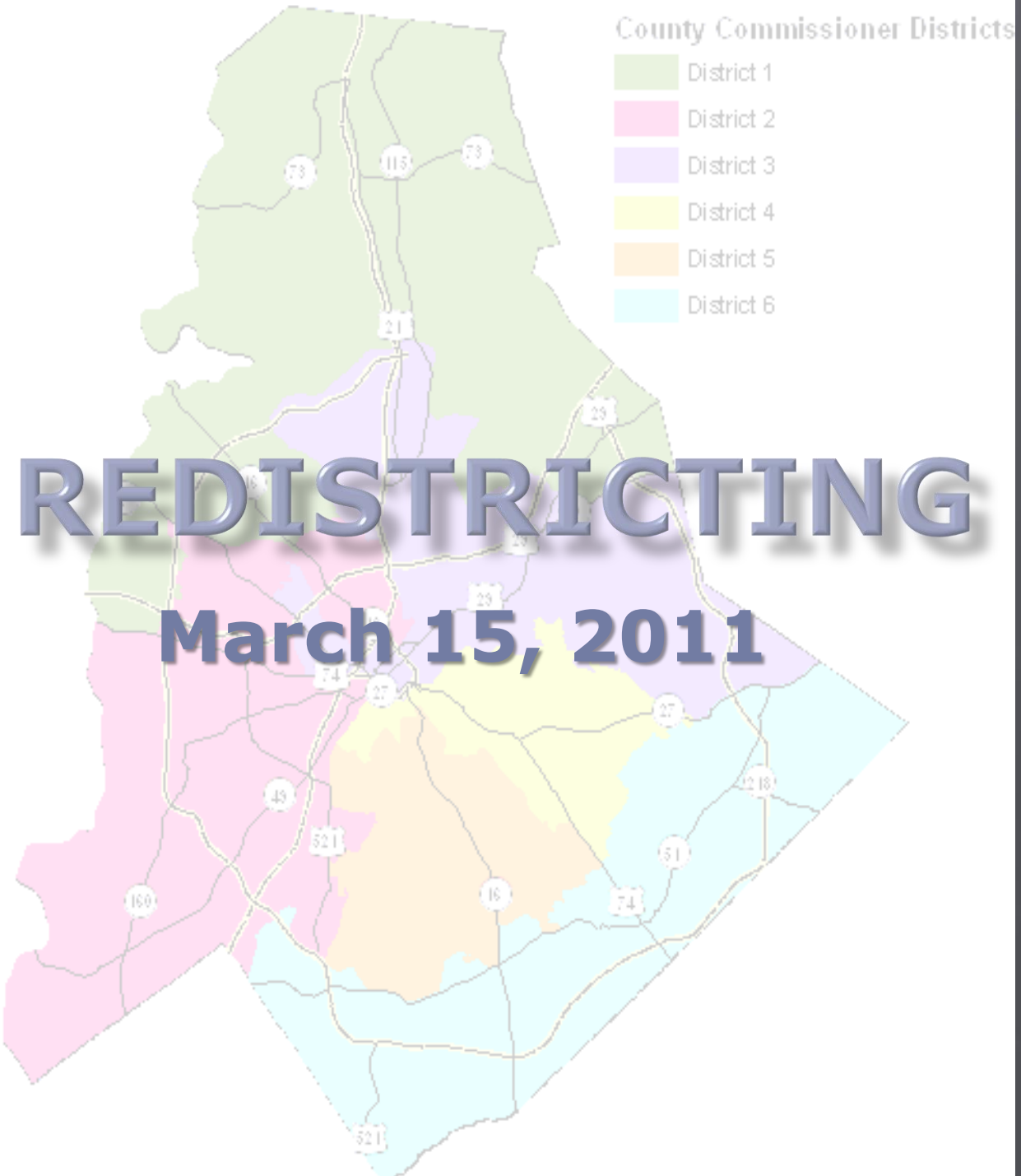

REDISTRICTING

March 15, 2011

Timeline

- January 11, 2011- General outline of legal parameters
- First week in March- Receipt of detailed Census Data
- August 2, 2011- Presentation of Plans
- September 6, 2011- Adoption of New Districts

Today's Agenda

- Brief overview of statutes and case law governing redistricting
- Overview of BOCC direction
- Discussion of criteria for minority-majority and partisan seats

Laws Governing Transparency

- All meetings are open to the public
- Any meeting of a quorum of the committee is an open meeting
- All communications regarding the committees work are a public record, regardless of form
- Draft plans are public records once shared.

Process for Redrawing Districts

BOCC passes a resolution

General Assembly passes legislation setting district boundaries

Federal Redistricting Requirements

- Is Redistricting Required?
  - Equal Protection Clause interpreted to require that districts be "substantially equal."
  - 10% rule established by Courts to determine "substantially equal."

Pretend County Population 600,000

Pretend Districts	Pretend Population	Deviation From Mean
District 1	100,000	0%
District 2	107,000	+7%
District 3	98,000	-2%
District 4	98,000	-2%
District 5	99,000	-1%
District 6	98,000	-2%
Total	600,000	9%

Mean Population: 100,000

Voting Rights Act

- Section V requiring pre-clearance by the US Department of Justice **does not apply**
- Section II requiring race be taken into account **does apply** (Thornburg v. Gingles, 1986)
- Equal Protection Clause of US Constitution cited by Courts as preventing race from being the predominant factor unless use of race narrowly tailored to achieve a compelling interest. (Shaw v. Reno, 1993; Shaw v. Hunt, 1996; Miller v. Johnson 1995).

Section II

- Mecklenburg has never been sued under Section II and is not subject to a Section II Court Order
- If a suit were brought under Section II, burden of proof would fall on the plaintiff
- Courts look to the Gingles test.

The Thornburg v. Gingles Test

1. That the minority group is sufficiently large and geographically compact to constitute a majority in a single-member district;

2. That it is politically cohesive, that is, it usually votes for the same candidates; and

3. That, in the absence of special circumstances, bloc voting by the White majority usually defeats the minority's preferred candidate.

Equal Protection Clause

- "Racial gerrymander" subject to "strict scrutiny" by the courts and can only be approved if there is a compelling state interest.
- "Racial gerrymander" occurs when race is used to create a district while other "traditional redistricting principles" are ignored.
- Shaw v. Reno

Counties must consider race, but not too much

Too Much

OK

Direction: Board Involvement

- Advisory Committee
  - Board appoints Advisory Committee
  - Board provides policy guidance to committee
  - Board considers several alternatives recommended by the committee

Direction: Whole Precincts

- Do not divide precincts in drawing districts

Board of Education

- Work with Board of Education to draw the same districts for both bodies.

Incumbent Consideration

- Option 1: Do not put multiple incumbents in the same district

- Option 3: Ignore incumbency when drawing districts

Direction: Partisan Make-up

- To the extent possible, draw districts that will likely elect a member from a certain party. Attempt to create 3 districts that are likely to elect Democrats and 3 districts that are likely to elect Republicans.

Towns

- Except for Charlotte, no municipality will be split between multiple districts. If the three southern towns cannot be kept in the same district, at least keep Matthews and Mint Hill together.

Race

- Draw two districts that would be "minority-majority."

Prioritization

1. Do not divide precincts in drawing districts

2. Draw two districts that would be "minority-majority."

3. Except for Charlotte, no municipality will be split between multiple districts. If the three southern towns cannot be kept in the same district, at least keep Matthews and Mint Hill together.

4. To the extent possible, draw districts that will likely elect a member from a certain party. Attempt to create 3 districts that are likely to elect Democrats and 3 districts that are likely to elect Republicans.

5. Work with Board of Education to draw the same districts for both bodies.

Minority-Majority

Goal: Define "minority-majority"

- Racial or Language Minority
- Voting Rights Act look at distinct minorities
- Voting Rights Act looks at total population, but committee could opt to look at voting age residents or voters (usually results in a higher concentration of minority voters)
- Reminder- Drawing of two minority-majority districts is BOCC direction, but not mandated by state or federal law. Therefore, greater discretion in how "minority-majority" is defined.

Partisan Make-up

Goal: Define “Likely Democrat” “Likely Republican” “Swing”

- Pick Data Set
  - Registered Voters
  - Likely Voters
  - Historical Votes
- Define Thresholds
  - What percent of registered voters?
  - What electoral outcomes?