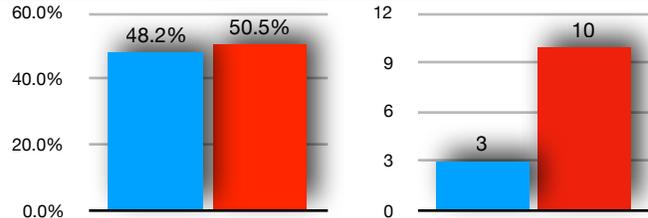


Gerrymandering in NC

The Problem

Gerrymandering steals choice from voters: In the 2018 election for the US House, gerrymandering gave Republicans 10 of 13 seats when votes were about evenly split between Republican and Democratic candidates. NC legislative districts are similarly gerrymandered.

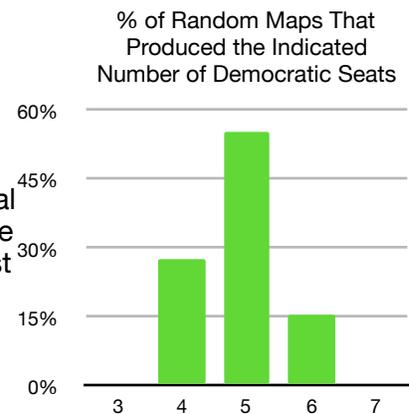


Bottom line: NC is a purple state; gerrymandering makes us act like a deep red state.

It's Intentional

House Redistricting leader Representative David Lewis (R, Harnett County) said at a meeting in 2016 that he wanted the maps drawn “to give a partisan advantage to 10 Republicans and three Democrats because I do not believe it’s possible to draw a map with 11 Republicans and two Democrats.”

In an analysis by Prof. J. Mattingly (chair, Dept. of Mathematics, Duke), 24,518 computer generated random maps that comply with non-partisan criteria of compactness, contiguity, and compliance with the Voting Rights Act were created. He compared results of the 2016 US House election using the actual districts with the results that would have happened with all of the random maps. The partisan composition of the 2016 plan almost never occurs in the randomly-generated district maps. Conclusion: these districts were no accident.



Bottom line: Politicians gerrymander for outcomes they want, not outcomes voters want.

Why Does It Matter?

- “Safe districts” mean that, in elections, representatives worry only about primary challengers, making them less willing to compromise for fear of being punished in the primary.
- Similarly, many constituents are ignored because they don’t matter for re-election.
- Citizens realize that their votes don’t matter and lose faith in the democratic system.
- Traditional political activism like door-to-door canvassing and get-out-the-vote is irrelevant because it is impossible to overcome the effect of gerrymandered districts.

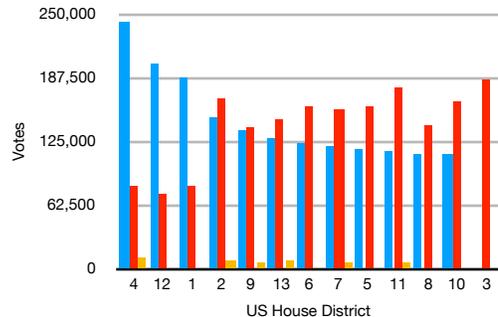
Bottom line: Gerrymandering increases partisan rancor and is a major threat to confidence in our democratic system of government.

How Is Gerrymandering Done?

The chart to the right shows, for each House district in the 2018 general election, the number of votes for the Democratic candidate, sorted in declining order. Three districts have overwhelming Democratic majorities. The other districts have Republican majorities.

This is accomplished by “packing” likely Democratic voters into three overwhelmingly Democratic districts, then “cracking” the remaining likely Democratic voters across the remaining ten districts. Districts 1, 4, and 12 become “safe” for Democratic candidates, wasting many votes for Democratic candidates in those districts. The remaining districts become “safe” for Republican candidates, but many fewer votes for Republican candidates are wasted. (District 3 had no Democratic candidate.)

The map to the right shows district 4: The largely Democratic Orange County is connected by a thin sliver of southernmost Durham County to Cary and Raleigh, the Democratic-leaning areas of Wake County.



How Do We Get Fair Districts?

Multiple possibilities:

1. Non-partisan or bi-partisan commission that draws district boundaries according to criteria dictated by the legislature. Seven states have such commissions for creating their House districts. Most of these commissions were instituted by voter-proposed referenda. North Carolina does not have voter-proposed referenda, so the legislature would have to be forced to yield the power to gerrymander. Given the gerrymandering of General Assembly districts, this seems unlikely in North Carolina.
2. Federal court order. Federal courts have overturned racial gerrymanders in North Carolina and elsewhere, ordering a “special master” to draw new maps. In 2018, in *Common Cause v. Rucho*, a three-judge Federal panel ruled that NC’s gerrymandered House districts are unconstitutional. The NC GOP has appealed to the Supreme Court. The Supreme Court, which has never ruled on the constitutionality of partisan gerrymanders, will hear the case on March 26, 2019. The plaintiff’s arguments are based on violation of First Amendment rights of freedom of speech and freedom of association. Prof. Mattingly’s statistical analysis, as well as other expert testimony, is prominently featured. Another suit, *League of Women Voters of NC v. Rucho*, which is based on both First and Fourteenth Amendment rights, will also be heard on March 26th. Finally, the Supreme Court will also hear an appeal from Maryland Democrats to a federal order that overturns a Maryland partisan gerrymander favoring Democratic candidates. (Yes! Both parties do it.)
3. State court order. The Pennsylvania Supreme Court overturned a Republic-favoring partisan gerrymander based on Pennsylvania Constitution arguments and the US Supreme Court declined to hear an appeal of that ruling. With the current makeup of the NC Supreme Court, this could be possible in NC.