

The Basics of Redistricting Following the (Delayed) 2020 Census

Adam Mitchell
Tharrington Smith, LLP

WAKE COUNTY PUBLIC SCHOOL SYSTEM
September 21, 2021

What is redistricting and do we need to undertake the redistricting process?

- ▶ Redistricting is based on the constitutional principle of one-person one-vote
 - ▶ This is a way of saying that the relative voting strength of all voters in the county should be close to identical; and
 - ▶ While true population equality is required for the Congress and Legislature, local governments are given more flexibility.
- ▶ You need to redistrict after the return of each decennial census if two criteria are met:
 - ▶ You use true electoral districts in your elections (criteria met); and
 - ▶ Your current districts are not within +/- 5% of the ideal district population using the 2020 census data (preliminary analysis suggests this criteria is met).

How do we conduct the process?

- ▶ The law offers little specific guidance, but
 - ▶ The process will take place in open, public meetings;
 - ▶ Public input is important, including at least one public hearing prior to adoption of a plan;
 - ▶ You will consider and adopt criteria or guidance for the process;
 - ▶ We will create alternative plans that follow those criteria to the extent possible;
 - ▶ You will work to reach consensus around a preferred plan;
 - ▶ We will prepare the necessary resolutions for you to adopt that plan; and
 - ▶ Once adopted, we will export your new maps to the Board of Elections, your GIS Department, etc.

Who is responsible for the redistricting process?

- ▶ The Board are responsible for the process;
- ▶ You don't need authority or permission from anyone to embark on the process; and
- ▶ You don't need approval from anyone other than yourselves to finalize the process.

When do we need to complete the process?

- ▶ Your next election is in the fall of 2022 and your filing period opens in June;
- ▶ We will need to complete the process in advance of the opening of the filing period so that candidates know which districts they reside in; and
- ▶ Unlike many jurisdictions across North Carolina who were impacted by the delay of the return of the census, we have time for a thoughtful and deliberative process.

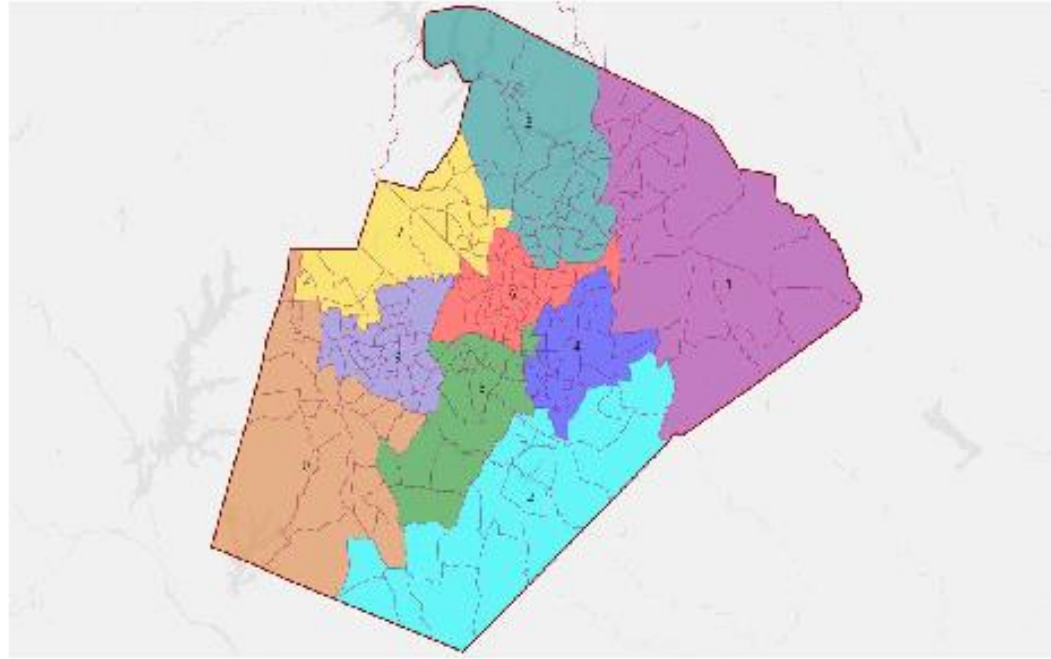
The Consent Decree and HB353

- ▶ As you know, the state of your elections is in some flux given years-old litigation and pending legislation;
- ▶ Whatever the resolution of those outstanding issues, redistricting is still required; and
- ▶ We need to proceed with redistricting on the normal timeline.

The Voting Rights Act

- ▶ Section 5 of the VRA, which required pre-clearance of voting changes in many jurisdictions, was made unenforceable by the Supreme Court; but
- ▶ Section 2 of the VRA remains in force.
- ▶ Section 2 provides “guardrails” for the process:
 - ▶ Race cannot be a predominant factor in the drawing of districts; but
 - ▶ Districts cannot be drawn in such a way as to impair the rights of minority voters to elect candidates of their choice.

WCPSS BOE Redistricting
Preliminary Analysis of Current Electoral Districts Using 2020 Census Data



Total 2020 Census Population: 1,129,410
Ideal District Size: 125,490
Plus/Minus 5% Range: 119,216-131,765

District	2020 Population	Deviation	Percent Deviation
1	142,445	16,955	13.5%
2	124,239	-1,251	-0.01%
4	113,388	-12,102	-9.6%
5	113,533	-11,957	-9.5%
5	114,489	-11,001	-8.7%
6	116,905	-8,585	-6.8%
7	128,682	3,192	2.5%
8	166,760	41,270	32.8%
9	108,969	-16,521	-13.1%

Redistricting Criteria

- Contiguity
- Compactness of districts
- Keeping administrative areas intact (if this is chosen, should specify which: e.g., precincts, central business district)
- Preserving communities of interest (can be neighborhoods, or other areas with shared demographic, cultural, historic, or economic characteristics.
- Following major physical features as boundaries when possible (e.g., major roads, railroad tracks, waterbodies)
- Taking into account post-census development and population growth when balancing populations of districts (all still must be within $\pm 5\%$ of average based on 2020 census figures)
- Preservation of the cores of existing districts
- Avoiding the pairing of incumbents in the same district

Questions/Discussion