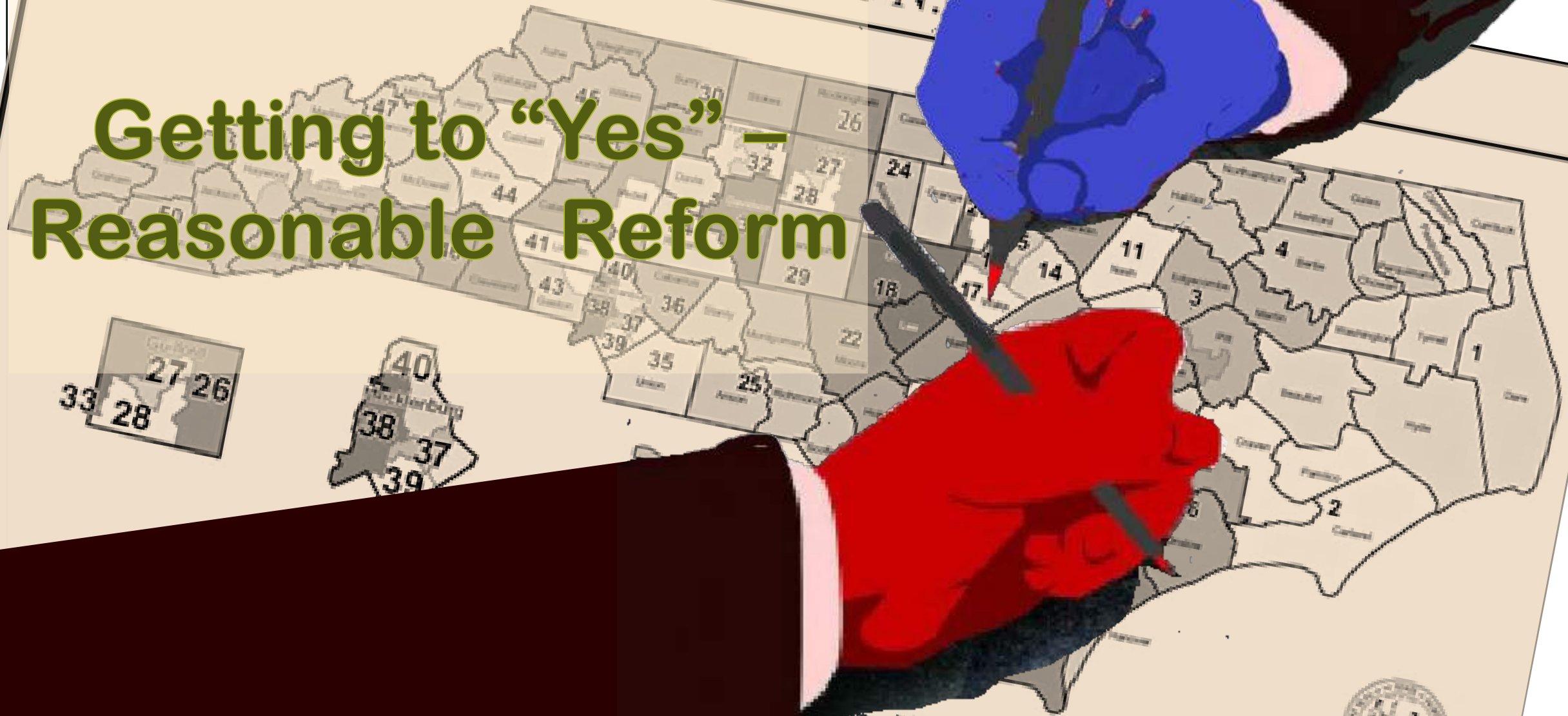


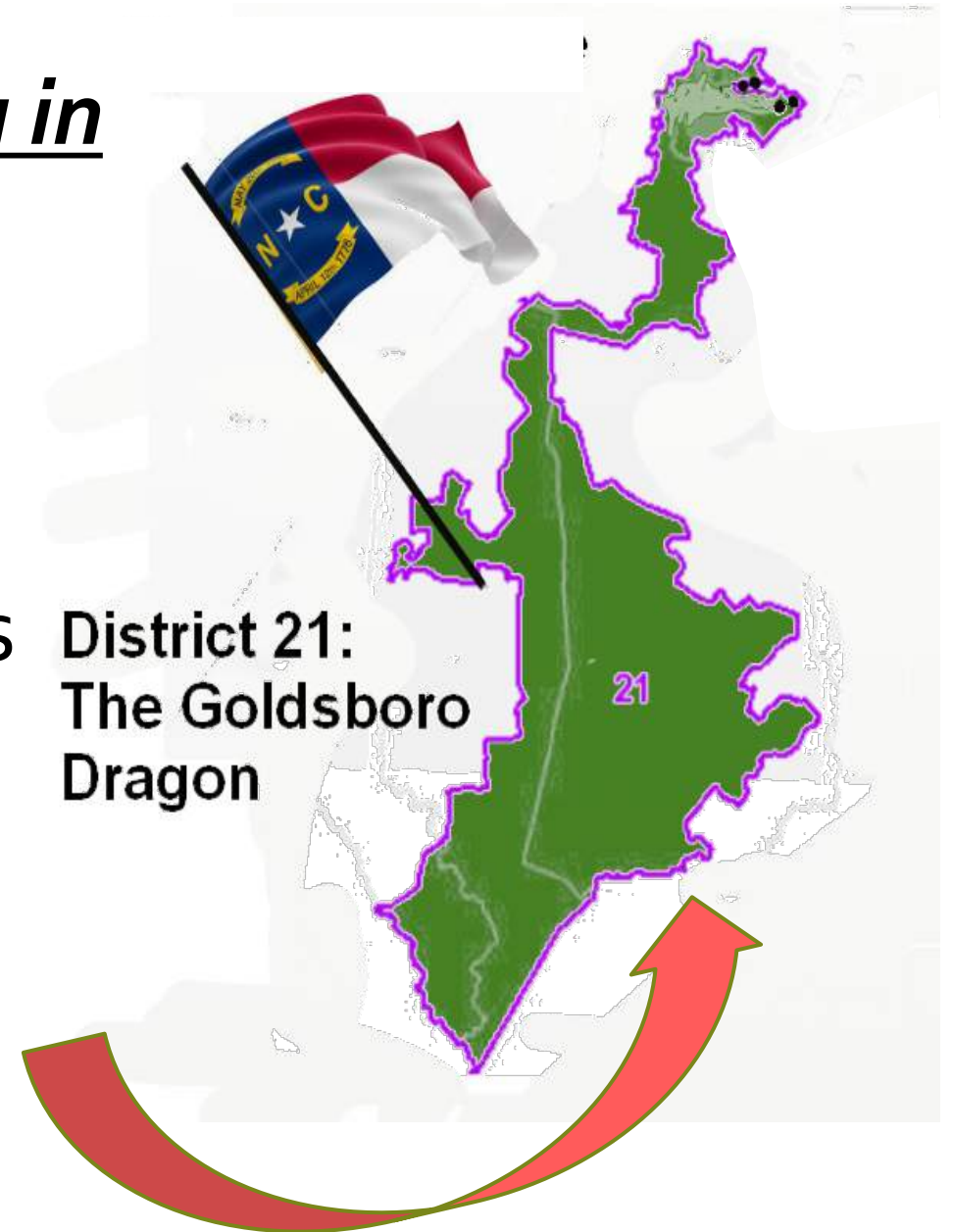
Districts for the N.C.

Getting to "Yes" – Reasonable Reform



Roadmap

- Why is it *so hard to fix redistricting in our state?!?*
- What is gerrymandering, anyway?
- A commission, but what kind?
- LWVNC White Paper study: lessons from 50 draft bills on 2 questions:
 - *WHO* should draw the maps?
 - *HOW* do we stop gerrymandering?
- Reasonable Redistricting Reform



League of Women Voters: a leader in redistricting reform for 50 years



League has been a **reform leader** in states that have **adopted reforms:**

- **Florida, Ohio, New York, California:** League was a big part of getting redistricting reform done
- 2018, leading coalitions for redistricting reform all across the country
- Our nonpartisan approach reaches those who need to be convinced
- Our detailed study of options and alternatives opens doors for dialogue

The League in North Carolina: Unique role and capabilities



- **LWVNC's unique role:** Voter education and advocacy based on a strict nonpartisan position and unbiased study of issues and alternatives
- **LWVNC Strengths:**
 - 1900+ members in 18 chapters across the state
 - Nearly 100 years of work in voting rights, voter education, and advocacy

Defenders of Democracy

Why should we care about gerrymandering?

Gerrymandering creates 'safe seats'
SO legislators often face no
opponents

*Undercuts competition, the
essence of democracy!*

Gerrymandering denies voters choice
SO legislators don't have to listen

They're not accountable

For 25 yrs., nearly half
of NCGA races had
just ONE candidate

2016 NCGA election:

- 79% of incumbents:
no primary race
- 42%: no general
election opponent

Gerrymandering is crushing our democracy!

OUR VOTES DON'T COUNT

Voters, especially young people, lose confidence in the system

PARTISAN GRIDLOCK & RANCOR

Candidates who face opposition only in the primary tend to move toward the extremes



What issues do you care about?

- Voting rights
- Education and children
- Health
- Criminal justice
- Environment
- Economic opportunity
- Housing
- Immigration
- Women's rights
- Social equity/discrimination
- Infrastructure



What issues do you care about?

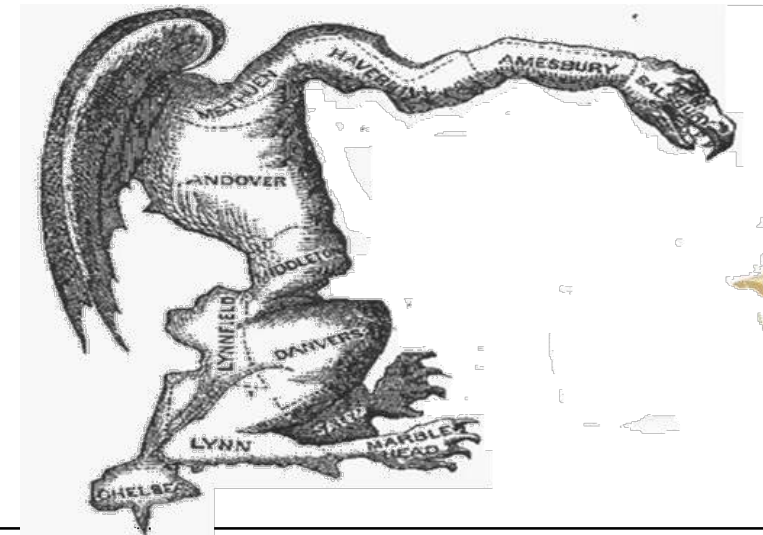
- Voting rights
- Civil rights and liberty
- Education and children
- Health
- Women's rights
- Criminal justice
- Environment
- Economic opportunity
- Housing
- Immigration
- Social equity/discrimination
- Infrastructure

***Gerrymandering
prevents us from
moving ahead
on ANY of them***



Gerrymandering – a US invention

- It wasn't really Elbridge Gerry
Mass. Gov., drew this in 1812
- It was **PATRICK HENRY!**
 - Gerrymandered the map for the
FIRST Congress to
- defeat James Madison
- BUT Madison campaigned really
hard and won
 - A lesson for us all!!



How does gerrymandering work?

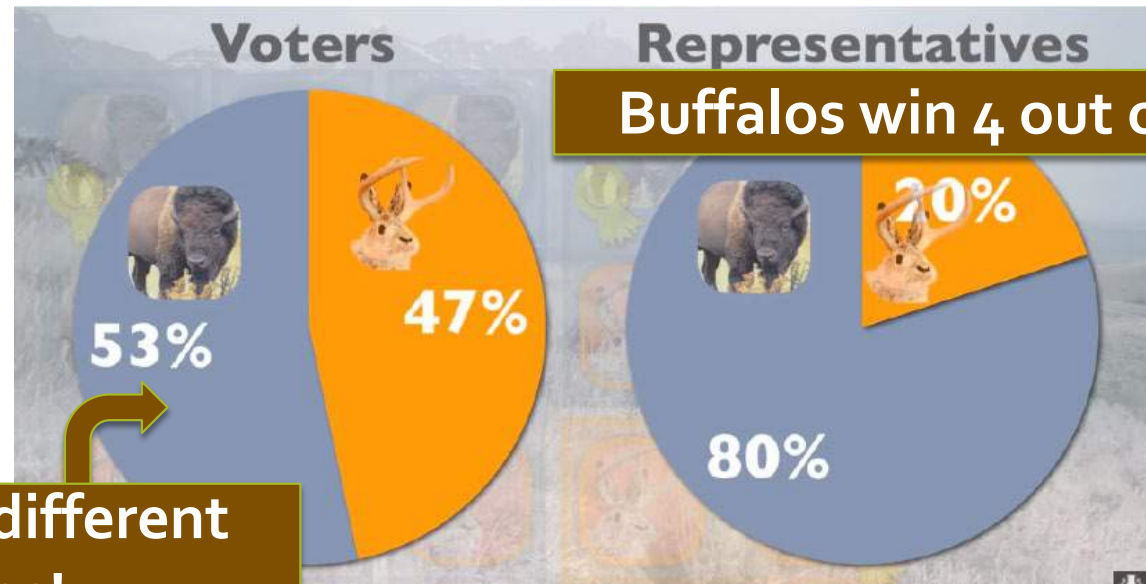
- Start with a population where voters in each party tend to clump—urban/rural, racial groups, etc.

15 voters,
5 districts:
8 Buffalo
7 Jackalope
+ *1 weaselly
consultant!*



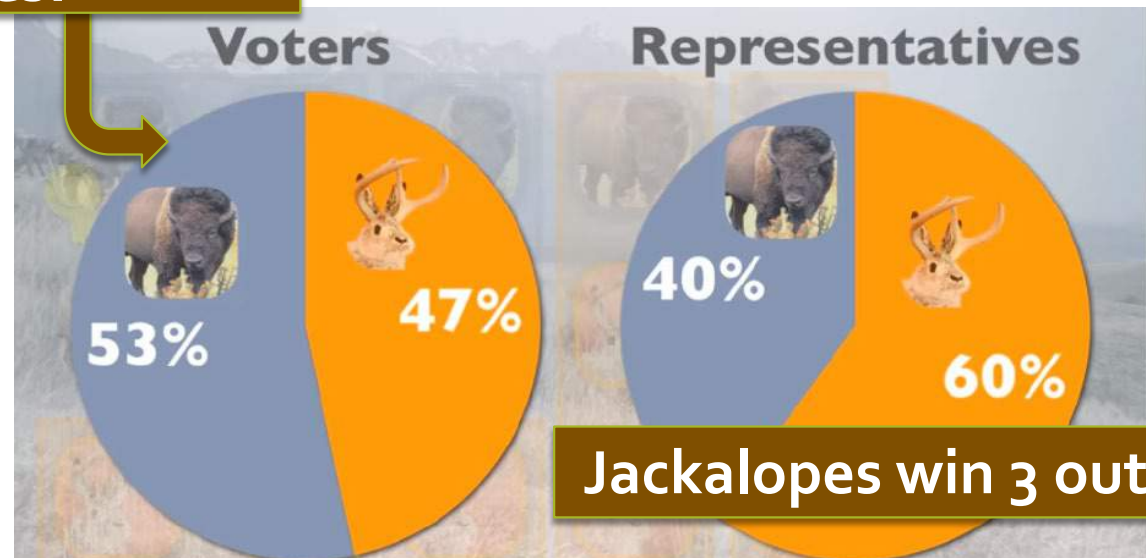
Who draws the lines, gets the prize!

WHAT IF THE
BUFFALO PARTY
DRAWS THE
LINES?



Same votes—different
outcomes!

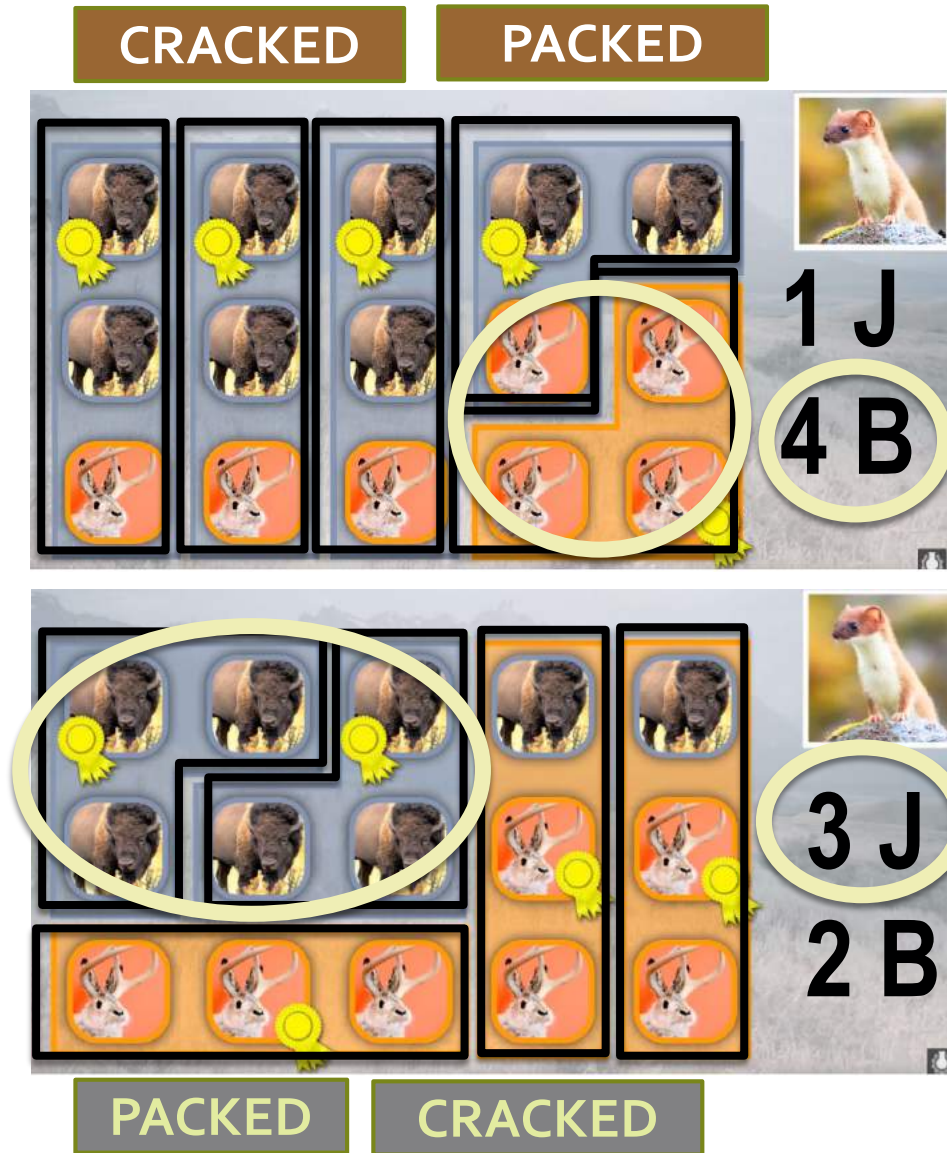
WHAT IF THE
JACKALOPE
PARTY DRAWS
THE LINES?



Credit:
CGP Grey

How do they do it? Packing & cracking

- **PACK** as many of your opponents into as few districts as possible, so **THEY "win big"** but in **just a few districts**
- **CRACK** (divide) the remaining opponents into small clumps in as many districts as possible, so that **YOU "win small" but in lots and lots of districts.**



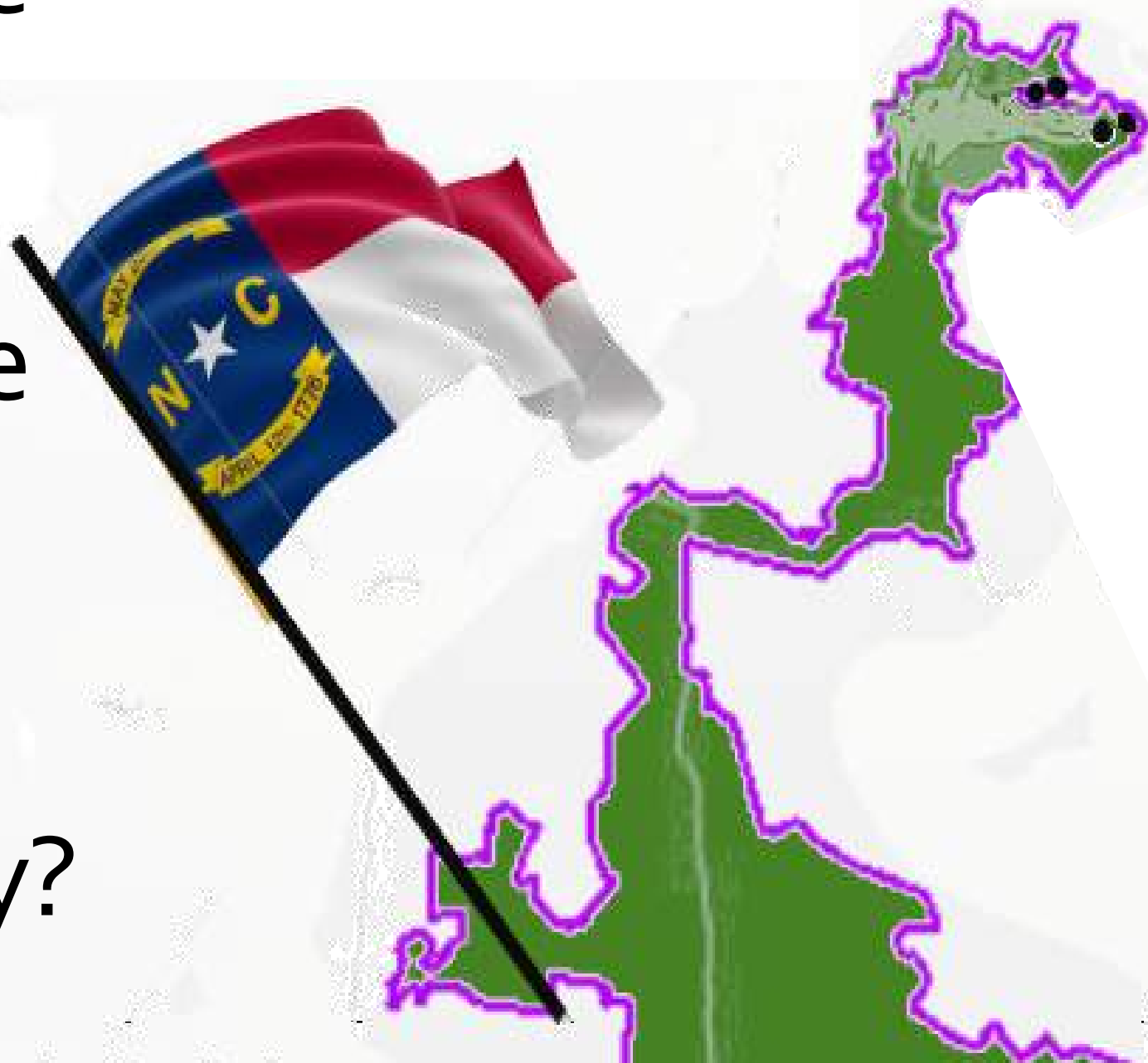
Gerrymandering in North Carolina – a long & ignoble history!

- Gerrymandering helped the Democratic Party to control the NCGA for 100+ years
- Enabled the GOP to gain a supermajority in both NCGA houses in 2012, after 2010 Tea Party electoral upset
- Implemented by national “Red Map” project run by GOP operatives with private donor support

Goldsboro Dragon, 2011-2017



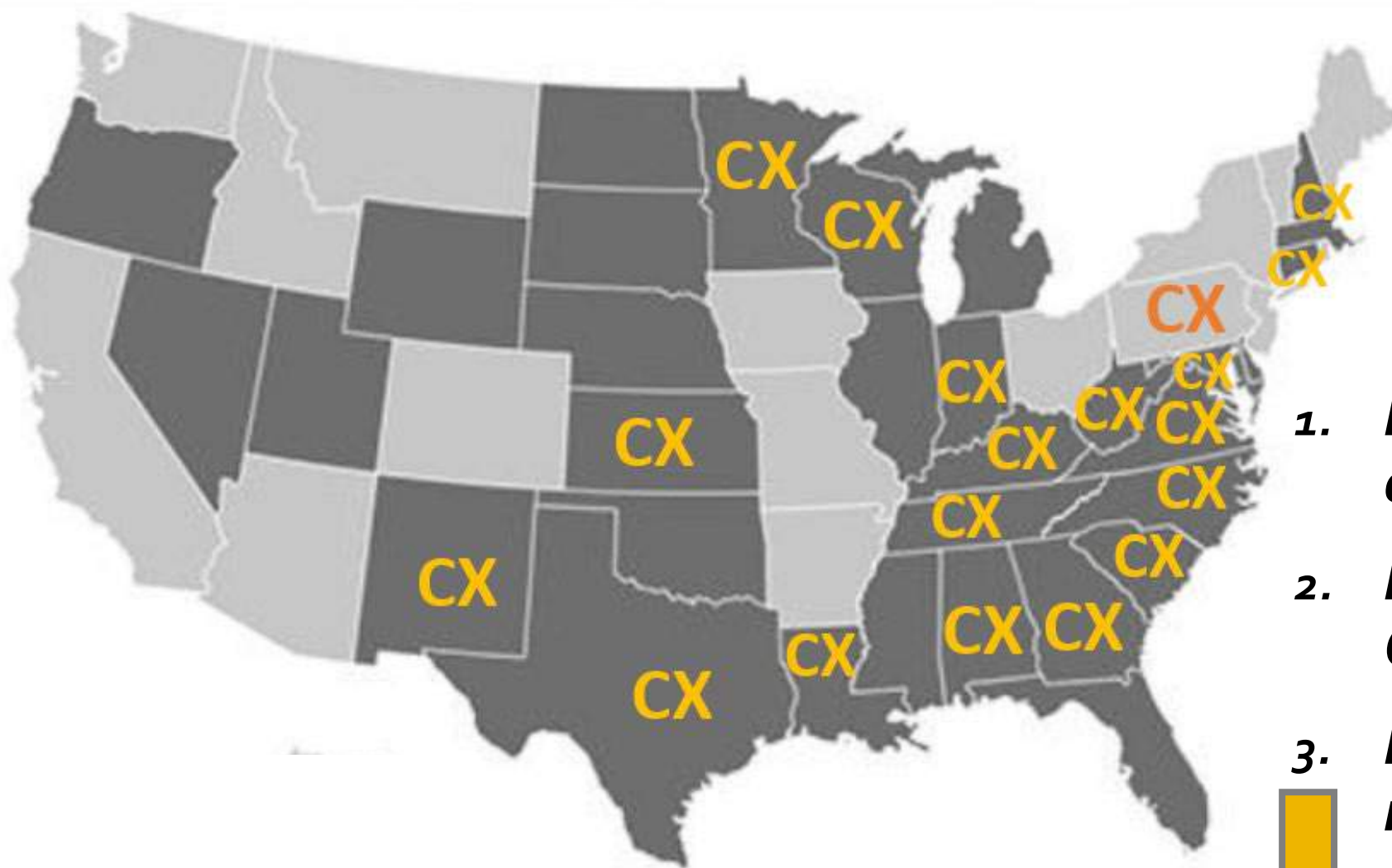
How do we
get this
guy??
How do we
fix it and
take back
our
democracy?



But WHY is it *so hard*
to get rid of
gerrymandering in
North Carolina?

18

Gerrymandering Trifecta States!



1. Legislature draws its own maps – **dark gray**
2. Legislature draws Congressional map – **C**
3. No citizen-initiated referendum – **X**

Any redistricting reform must pass the legislature!

Main conclusion: *If what we really want is to*
CONTROL EXTREME GERRYMANDERING,
we don't need **EXTREME REFORM**

Reasonable Redistricting Reform

offers North Carolina a better approach

- **OPEN AND WELL-STRUCTURED PROCESS** *to improve how the maps are drawn*
- **DOESN'T CUT OUT THE LEGISLATURE'S ROLE** *in drawing the maps altogether*



You heard right –
the League is saying
we can reform
redistricting AND
keep the legislature
in the process

Is this our **FIRST** choice? **NO**

Do we **HAVE** a choice? **NO**

**NO legislature has EVER voted to give up
ALL of its power to draw the maps
*(How likely is OUR legislature to be the first?)***



The big question for trifecta states is NOT what would be the best, but what could:



1. work reasonably well

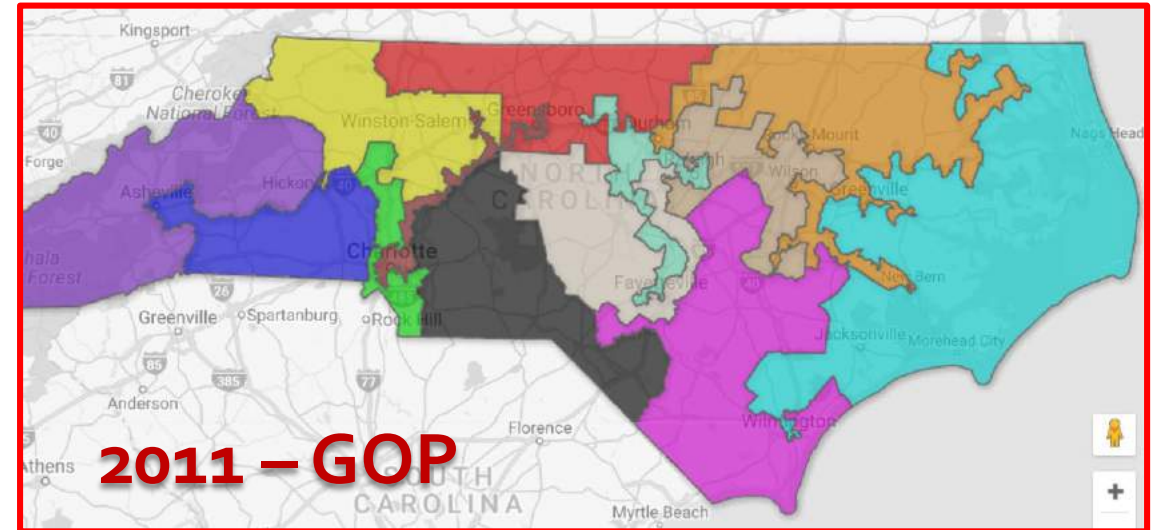
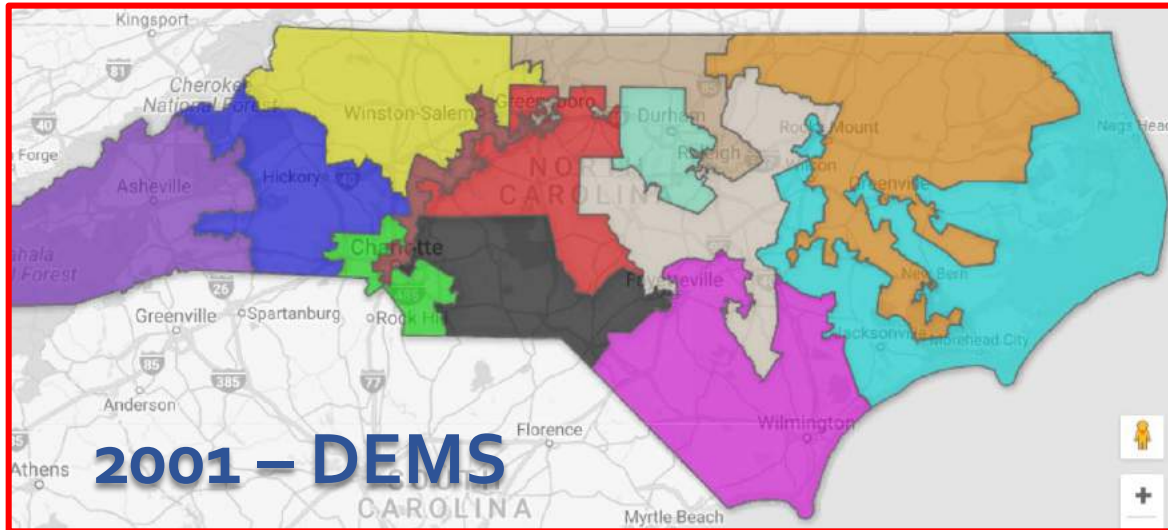
AND

2. pass the legislature



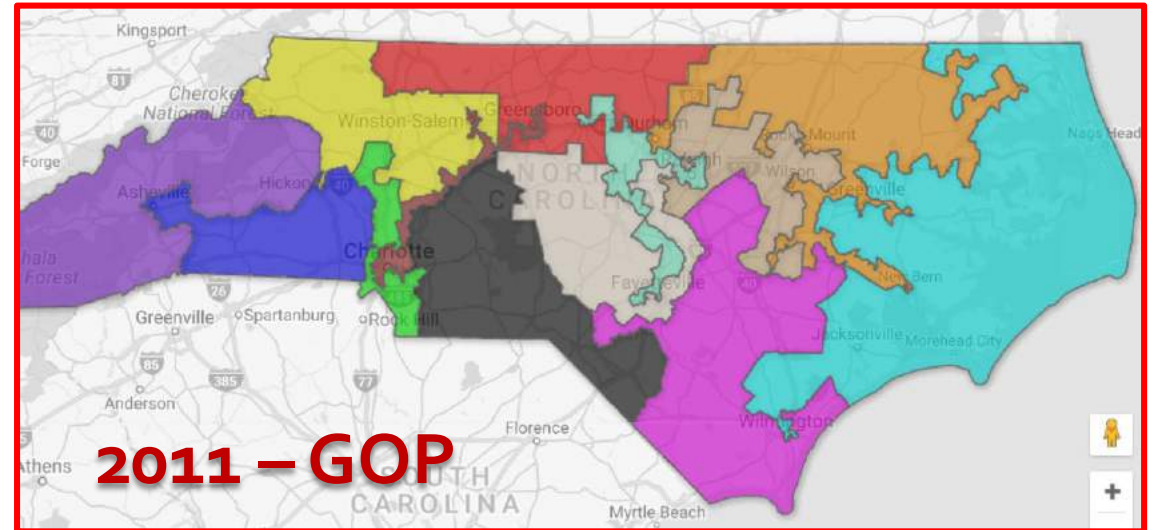
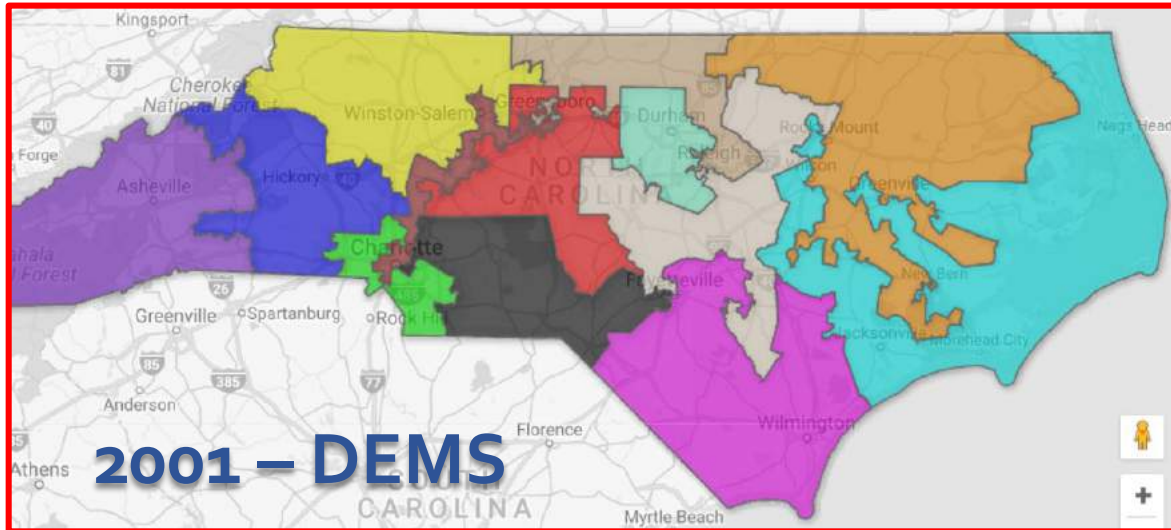
2 main questions define a redistricting process:

- Who draws the maps?
- How do they draw them?



2 main questions define a redistricting process:

- Who draws the maps?
- How do they draw them? = *How do we structure the legislature's role?*



Looked at 12 elements making up a commission design

| | | |
|-------------|------------------------------|---------------------------|
| WHO? | Who picks members/chair? | Partisan/other makeup? |
| | Commission size? | Role for judges? |
| HOW? | Use of political data? | Political criteria? |
| | Incumbent protection? | Commission voting rule? |
| | Legislative action required? | Legislative voting rule? |
| | Failsafe procedures? | Constitutional amendment? |

The "who" options: 3 questions

1. Legislative Committee or Commission?

2. Who picks the commission?

3. Who approves the maps?

**1. Legislative
Committee or
Commission?**

*We need a **commission** to draw the lines, not the **legislature***

- Legislators drawing their own maps creates a ***conflict of interest***
- If one party controls both houses, there's ***no incentive to compromise or include the minority party at all***
- A legislature-run process rarely provides room for ***real public input or transparency***
- ***Unaffiliated voters*** deserve a voice



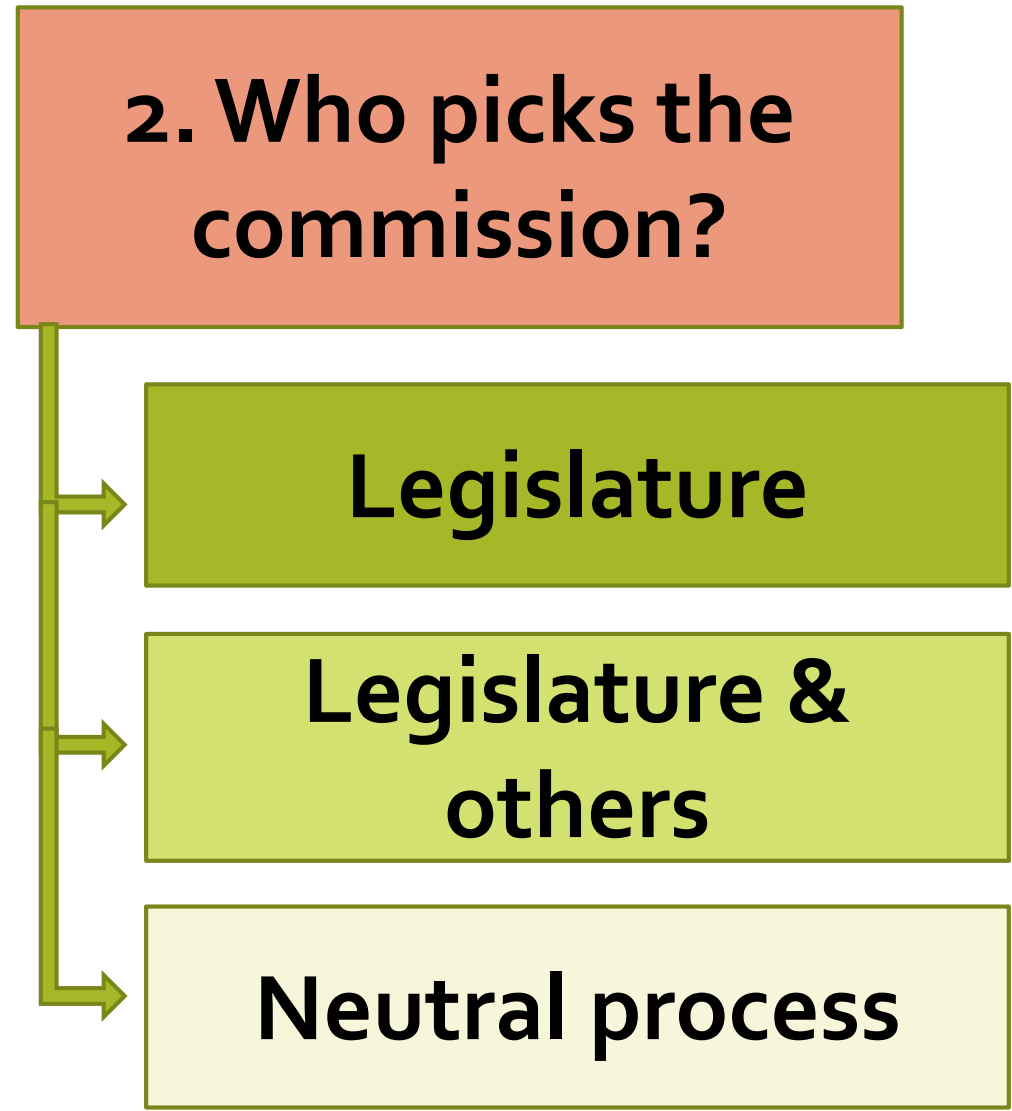
The "who" options

**2. Who picks the
commission?**

Legislature

**Legislature &
others**

Neutral process



Three methods to pick commission members

Citizen Pools



Ordinary citizens (or, say, retired judges) apply and are screened, then selected by a transparent process

Legislature



Hooray for our team!

Expert Pools



Neutral process to pick legal experts, demographers, geographers, civil rights experts, etc.

“Legislature picks” doesn’t really mean these guys



Just the "4 corners" pick

- *Speaker of the House*
- *Senate President Pro Tem*
- *House Minority Leader*
- *Senate Minority Leader*



Now: just the two majority leaders control map-drawing

- Speaker of the House*
- Senate President Pro Tem*
- ~~*• House Minority Leader*~~
- ~~*• Senate Minority Leader*~~

Plus a couple of trusted majority members



***Fencing in the
four corners to
ensure an
impartial
commission***



Who can't serve

- Legislators
 - Legislative staff
 - Lobbyists
 - Elected officials
 - Appointed officials
 - Party officials
 - Political consultants
 - Donors
 - Their family members...
- **Current or former**
(past several years)
 - **Pledge not to run**
for several years

Four corners usually involved one way or another

- Some role in the bill – 82%
- Pick some members – 33%
- Pick all the members – 14%

**Many ways to
structure their role in
selecting
commissioners!**



Mix'n'Match!

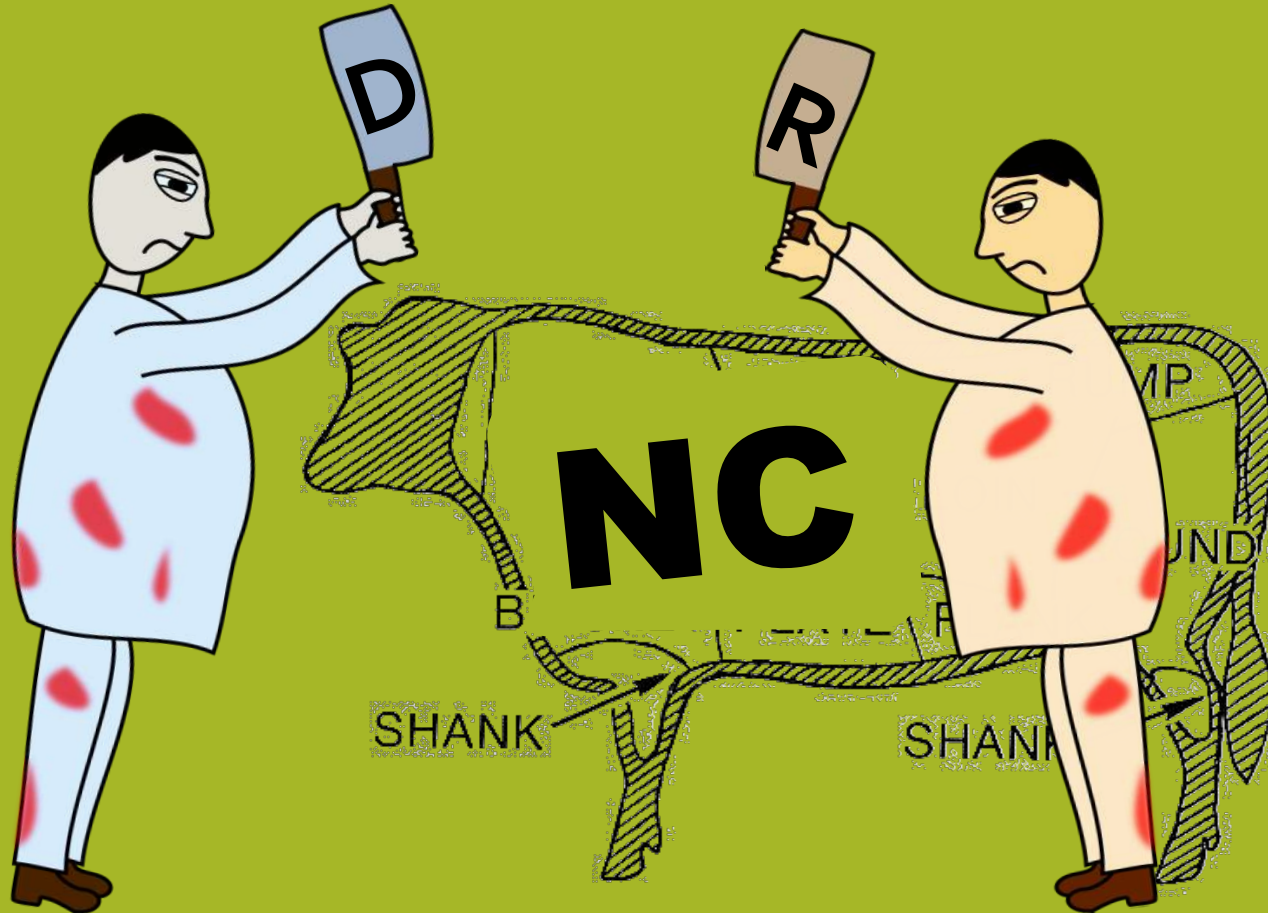
WHO – the role of independents

- Most rapidly growing segment of voters
- Young voters especially
- Have passed GOP in NC
- Deserve a voice



INDEPENDENTS

WHO



Not so fast, boys

INDEPENDENTS

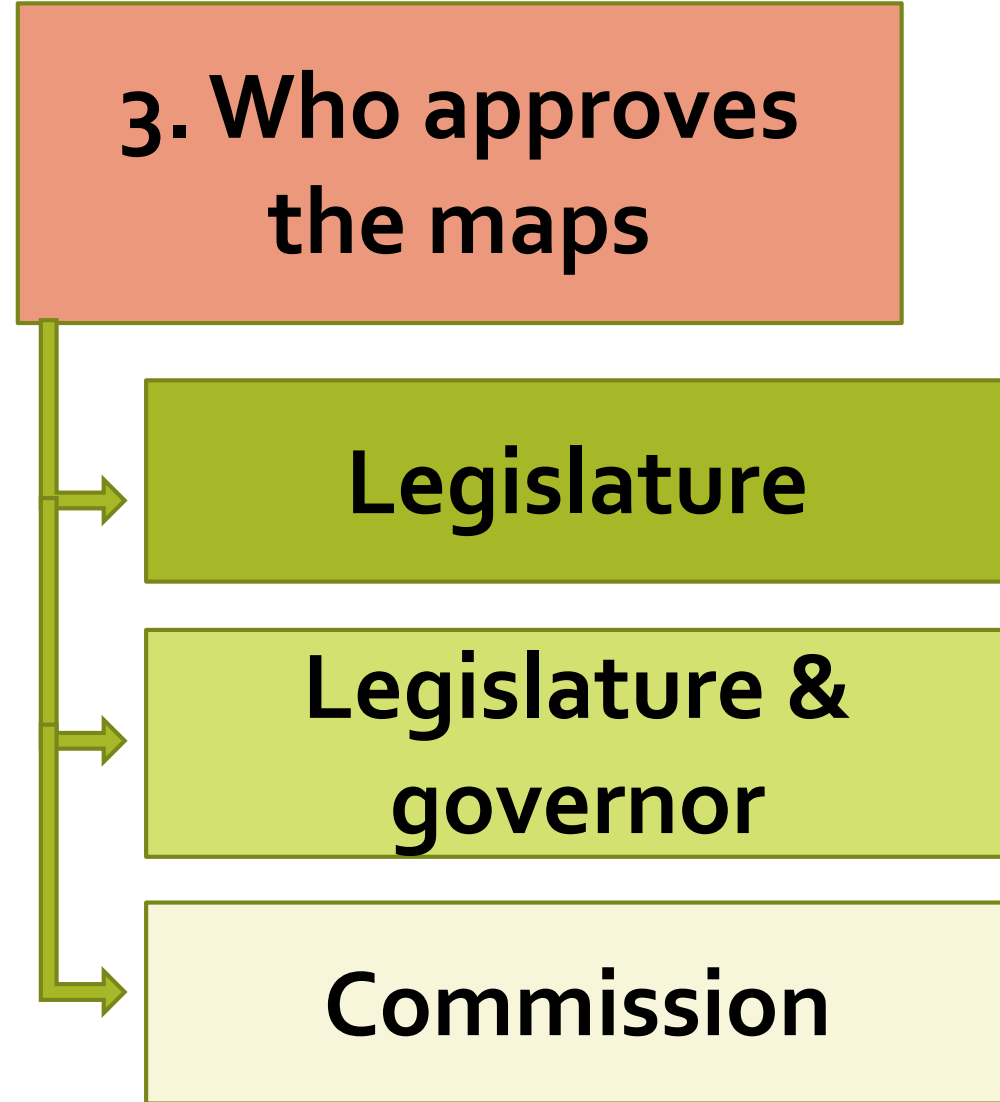
The "who" options

**3. Who approves
the maps**

Legislature

**Legislature &
governor**

Commission



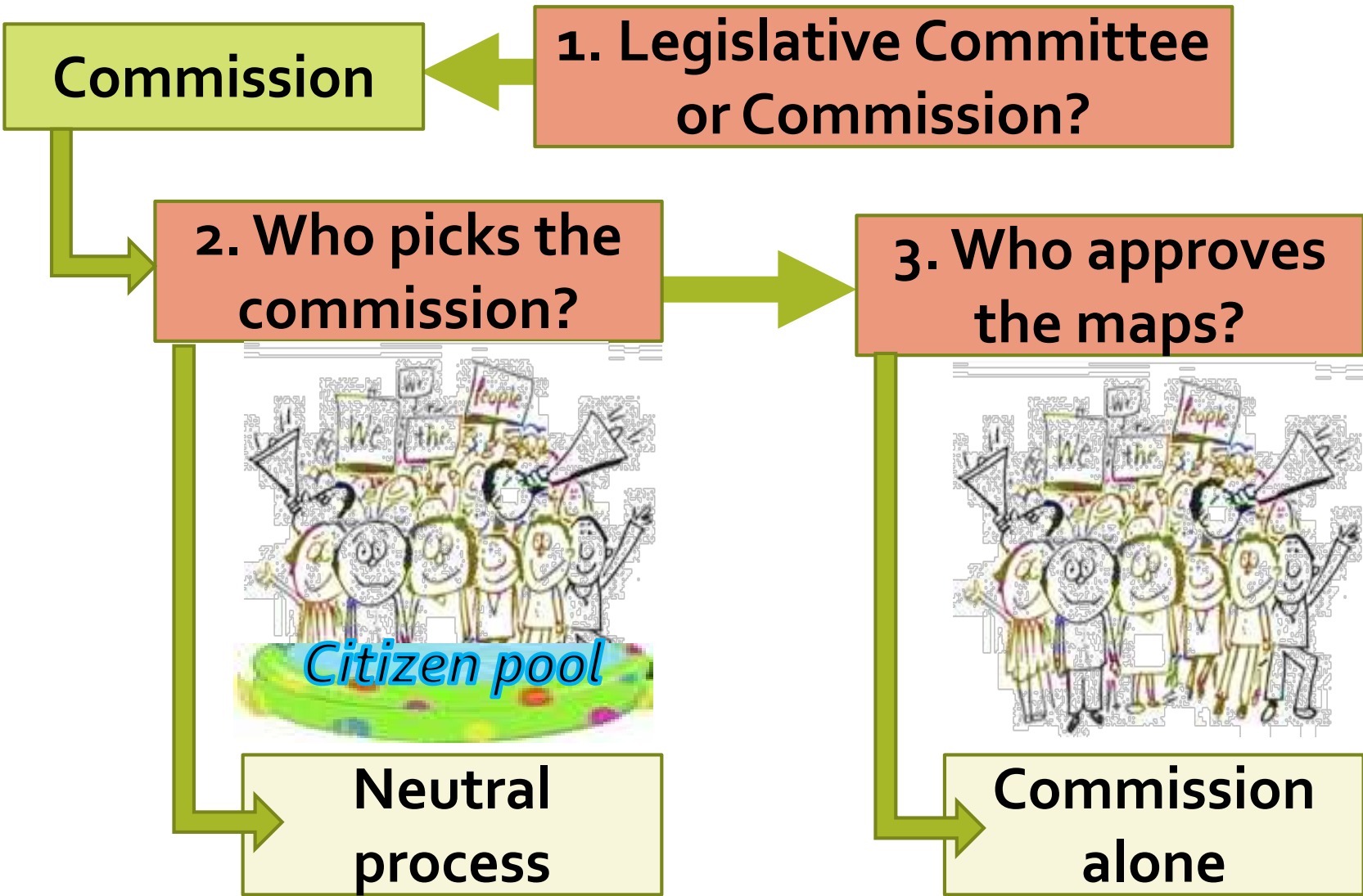
What's (arguably) the ***BEST*** design?



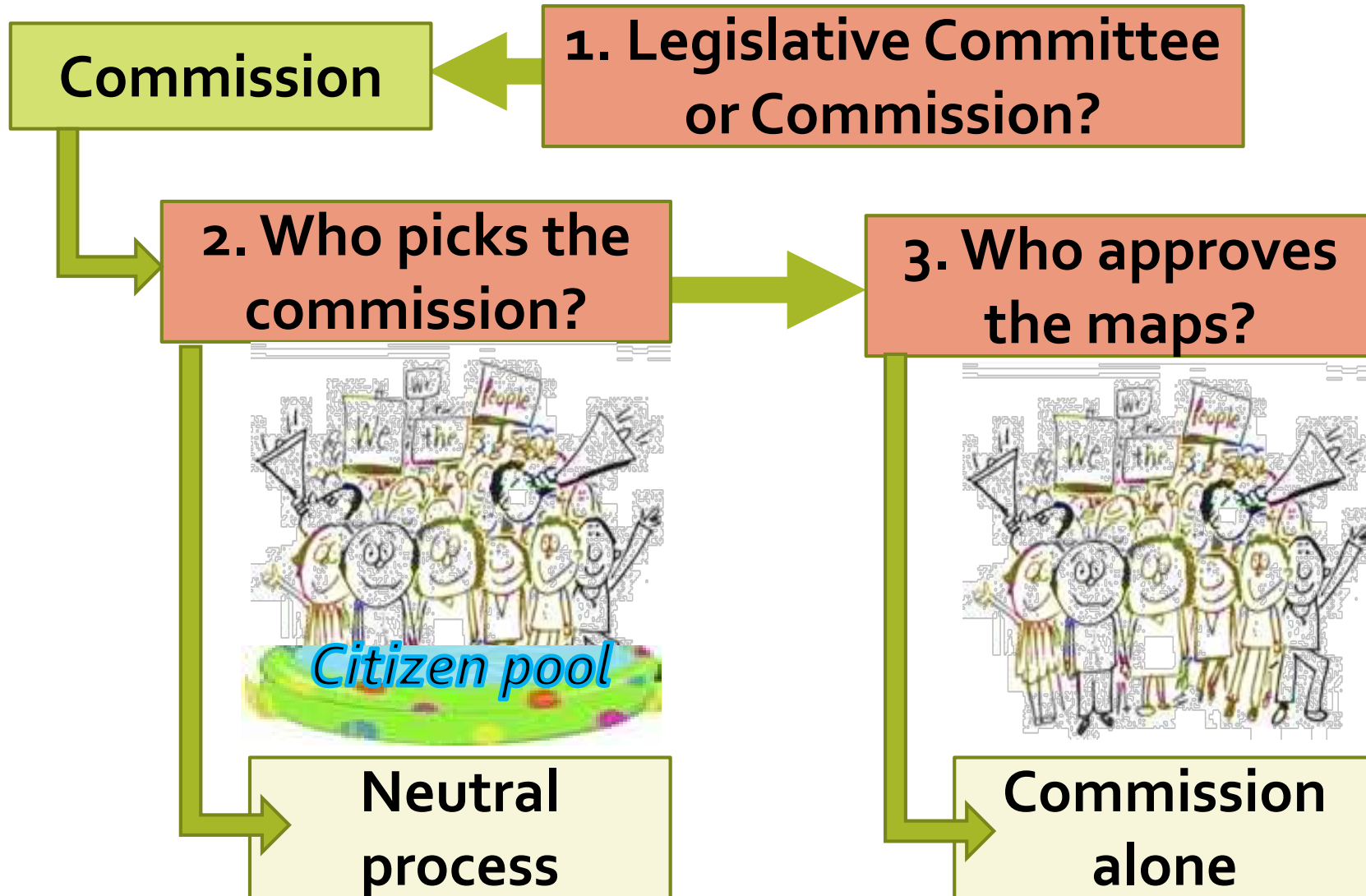
An independent citizen's commission:

- *Independent process* vets and selects *citizen-commissioners*
- Members include *Dems, GOP, & independents*
- Strict *criteria limit partisanship*
- Process ensures *public participation and transparency*
- *Supermajority vote* in the commission to force compromise
- *Maps developed are final* on commission's vote alone

The independent citizens' commission model



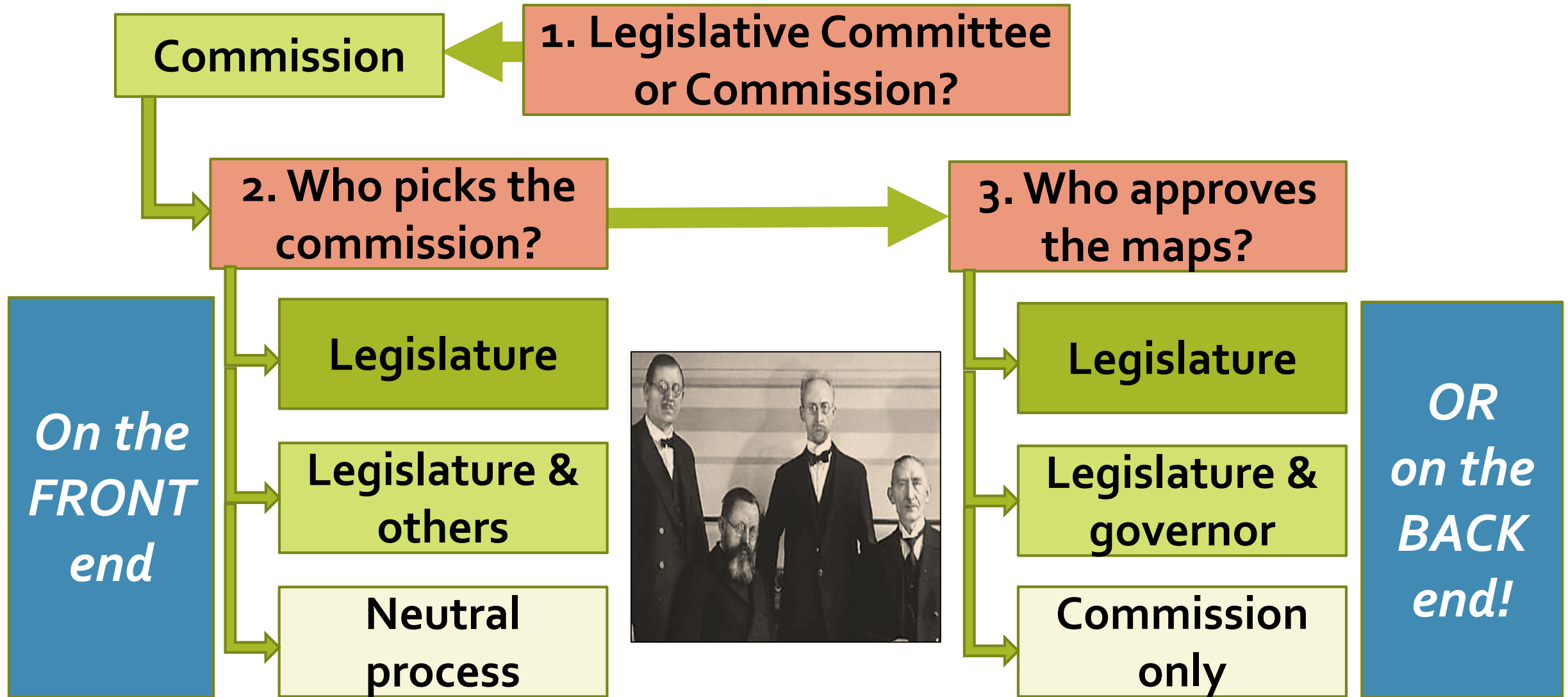
A BIG problem...



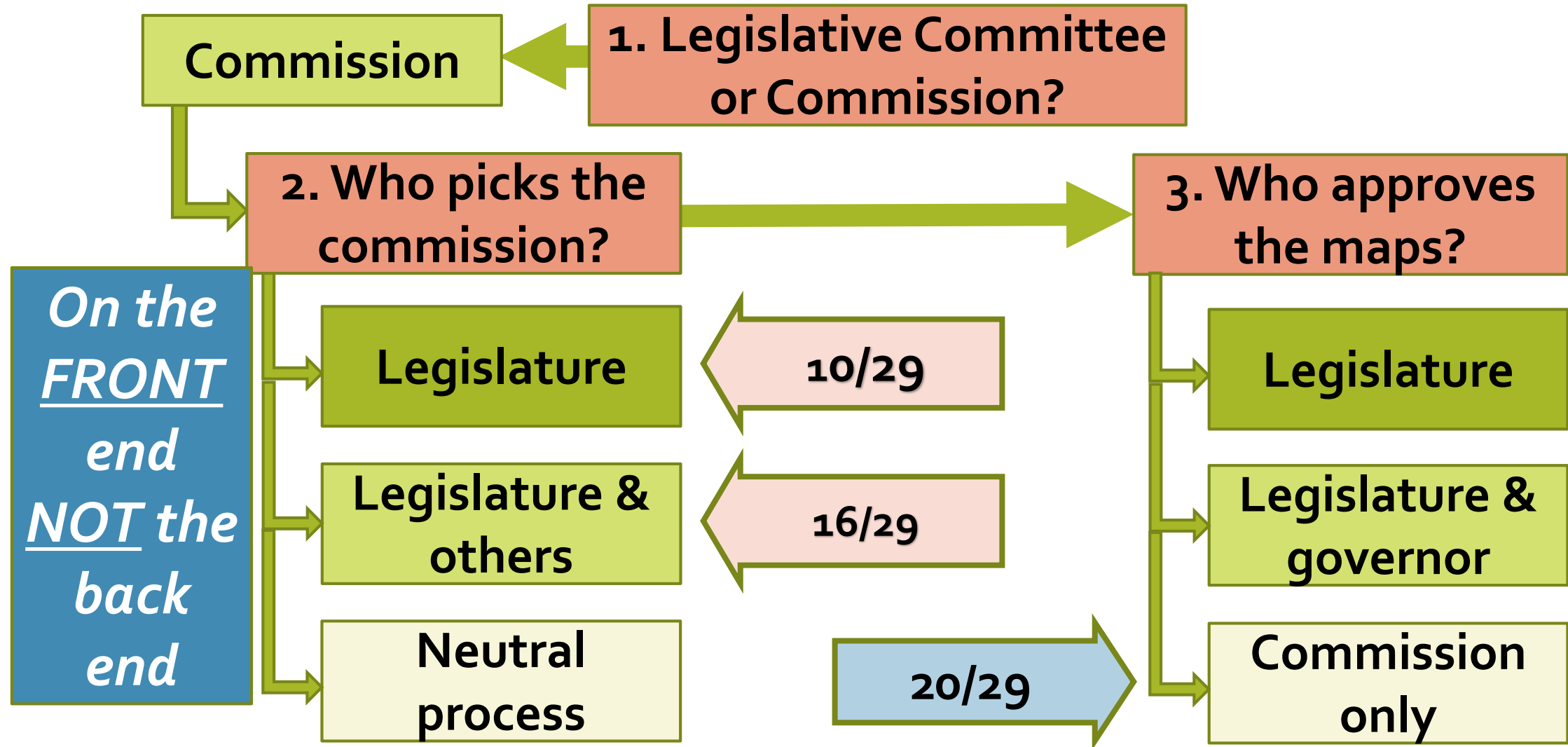
**NO
legislature
has ever
voted
for one!**

A cartoon illustration of a blue bird wearing a small orange party hat, standing on a light blue oval base.

In almost all commissions, the legislature is still involved!



29 commissions in 18 states:
Almost all keep the legislature in the process



Where did the study bills come out?

**Who
picks?**
(out of 50)

legislature-plus:
58%
lege only: **18%**
others: **24%**

**Who
votes?**

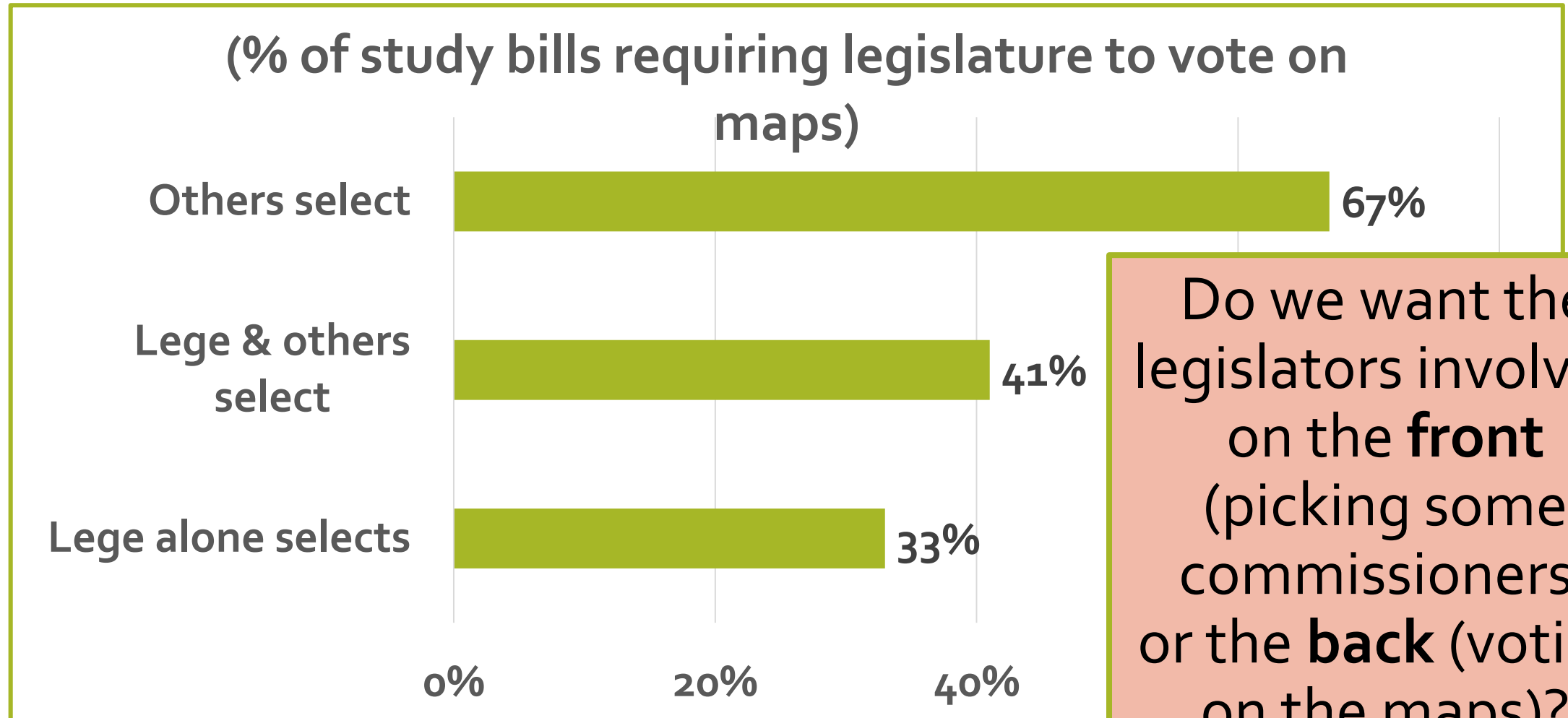
TOSS-UP!
NOT required:
54%

**3 out of 4 have
the legislature
pick some of the
members!**

WHO

**8 out of 10
include
independents or
experts**

Bills are more likely to require a vote in the legislature if legislators don't pick commissioners



Do we want the legislators involved on the **front** (picking some commissioners) or the **back** (voting on the maps)?

The "how" options

1. What criteria?

2. What data?

3. How open?

4. Voting rules?

No political data, no gerrymander!

Gerrymandering requires two things:

- A political objective:

Partisan Advantage

The partisan makeup of the congressional delegation under the enacted plan is 10 Republicans and 3 Democrats. The Committee shall make reasonable efforts to construct districts in the 2016 Contingent Congressional Plan to maintain the current partisan makeup of North Carolina's congressional delegation.



- Data on:
 - Voter registration by geographic area
 - Voter behavior: turnout/results, other
 - Incumbent addressees



Voting rules—Forcing compromise

(minimum required to approve maps or other decisions)

| | 11-Member Commission | | | | | | | | | | | Vote |
|-----------------------------------|----------------------|---|---|---|---|---|---|---|---|---|---|-------|
| Partisan Composition | X | X | X | X | I | I | I | Y | Y | Y | Y | 4-3-4 |
| | | | | | | | | | | | | |
| Simple Majority | X | X | X | X | I | I | I | Y | Y | Y | Y | 6-5 |
| Supermajority | X | X | X | X | I | I | I | Y | Y | Y | Y | 7-4 |
| Bipartisan Simple Majority | X | X | X | X | I | I | I | Y | Y | Y | Y | 6-5 |
| Bipartisan Supermajority | X | X | X | X | I | I | I | Y | Y | Y | Y | 7-4 |
| Concurrent Majority | X | X | X | X | I | I | I | Y | Y | Y | Y | 8-3 |

Where did the study bills come out?

HOW

| | | | |
|----------------------|----------------------|------------------------|---|
| Political data | <i>Excluded: 54%</i> | Political criteria | <i>Excluded: 50-50</i> |
| Incumbent protection | <i>Excluded: 69%</i> | Commission voting rule | <u><i>MORE</i></u> than simple: <i>60%</i> |

We have a choice:

***Develop a model
that can pass the
legislature by 2020***

OR

- Another decade of:***
- rigged electoral maps***
 - endless court cases***
 - failing democracy***

***The League is convinced that a model based on
reasonable redistricting reform can end extreme
gerrymandering AND pass the legislature!***




principles for reasonable redistricting reform

1. Include **the legislature** in the process, such as in naming some of the commissioners
2. Include **citizens and/or impartial experts** as commission members
3. Set **strict rules for the commission's work** that:
 - ✓ apply traditional redistricting standards (compact, contiguous, keep local government units and communities of interest whole)
 - ✓ do not allow the use of partisan data or partisan objectives
 - ✓ use voting rules that require bipartisan support for the maps
4. Provide for **extensive citizen participation and transparency**
5. Make the **maps final on the commission's vote**

How do we get reform adopted in NC?

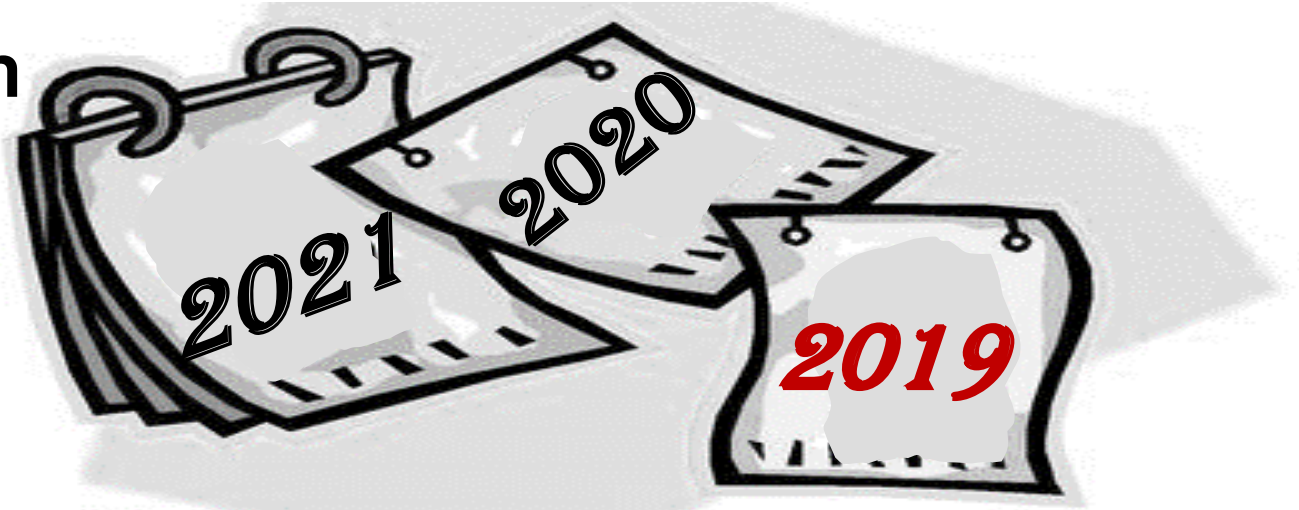
Experience in state after state shows that

A STRONG COALITION is ESSENTIAL for success

- **Clear, feasible, and credible shared vision** of reform 
- **Broad membership**
 - Statewide – includes left and right, bipartisan/nonpartisan
 - Organizations with many members and political clout
 - Recognized leaders—political and non-political
- **Actively working together** to **GET IT DONE!**

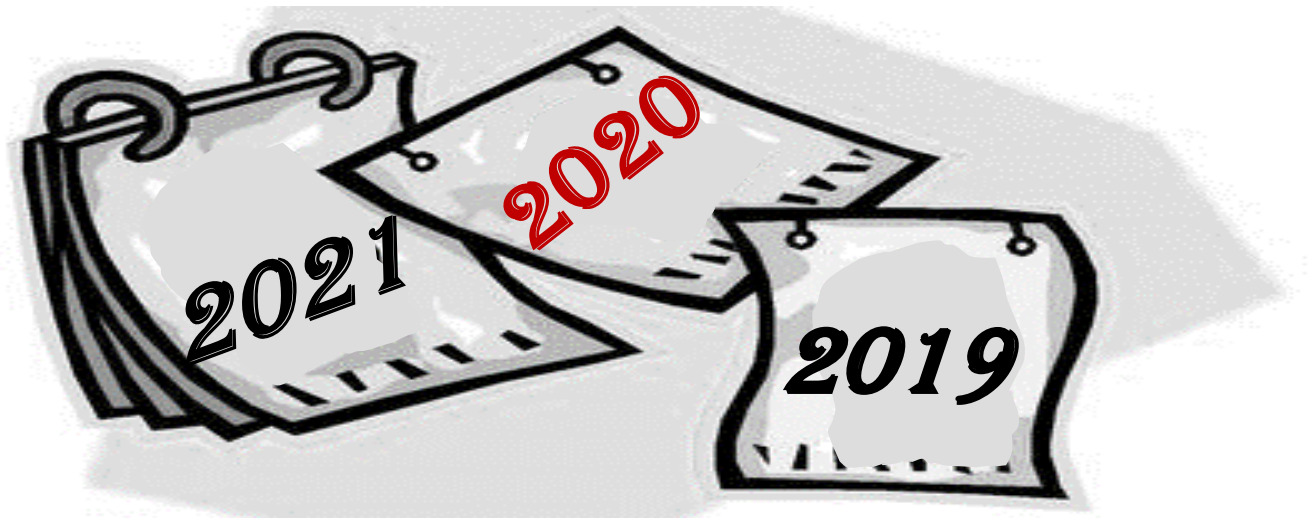
The calendar means we have to move NOW!

- Special sessions after the 2018 election
- 2019 is the critical year! We need a constitutional amendment to limit the legislature's role in redistricting
 - 2019 long session: January-July (?) 2019 could adopt constitutional amendment
 - But no statewide election



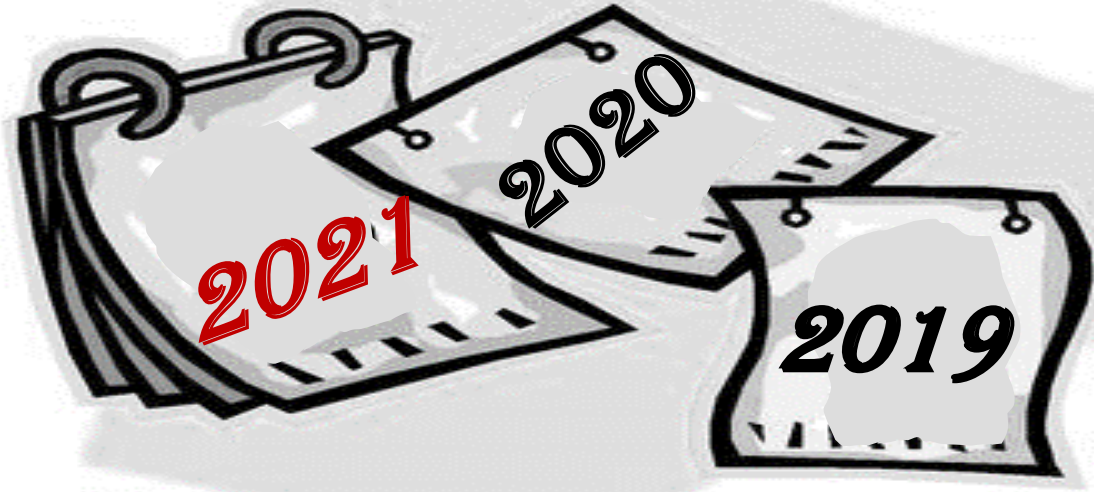
2020: Census Year AND Presidential Election!

- 2020 short session: May-July (?) 2020
- Spring primary – 1st chance to get a 2020 amendment on the ballot (**must have passed in 2019 or special session**)
- November general – 2nd chance to pass an amendment



2021: Redistricting data arrives from the Census

- No statewide election
- Legislative action may still be possible



Other states show a redistricting amendment can win approval

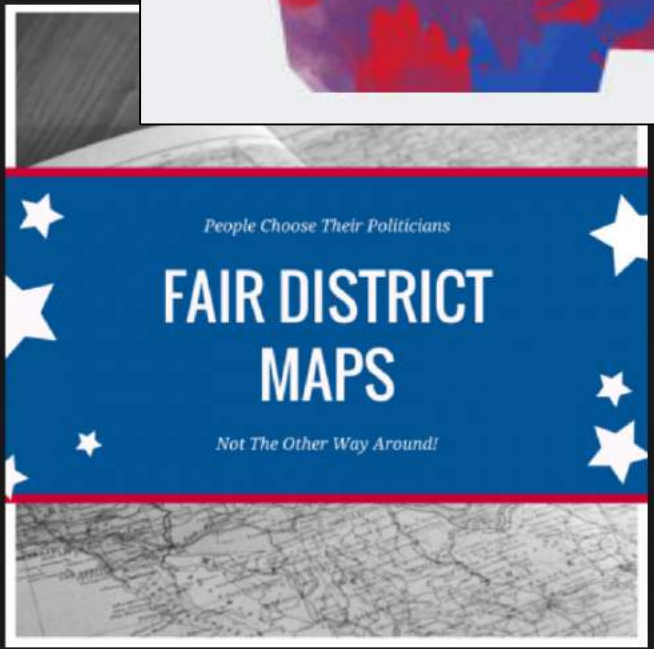
2018 Midterms:

- **Colorado**: redistricting commissions for Congress and Legislature passed
- **Michigan**: redistricting commission passed by 61%
- **Utah**: passed very narrowly (calls only for a law to be adopted)
- **Missouri**: adopted a non-commission reform

2018 Spring Primary:

- **Ohio**: redistricting reform compromise developed with legislature, amendment passed by 75% (legislature gets first crack; commission if cannot agree)







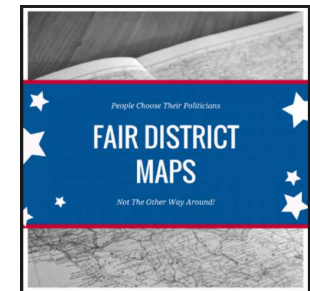
FairDistrictsNow.org



Fair Districts NC



ONE VIRGINIA 2021
VIRGINIANS FOR FAIR REDISTRICTING



Join with us get reasonable redistricting reform adopted

1. **Help us educate North Carolinians** on how we can end extreme gerrymandering through a reasonable redistricting reform commission
2. **Work with us to enlist support** across the political spectrum to build the

Fair Districts NC Coalition

3. **Support our work any way you can!**

Together we CAN get it done for '21!

We want fair districts!



LEAGUE OF WOMEN
OF NORTH CAROLINA

But we can't get it done without
YOU!

We want fair districts!

THANKS for
your attention!

Q & A

Other slides that may be useful:

1. Why computer-drawn maps are not the answer
2. More information on aspects of commission design and current commissions
 - 12 questions for commission design
 - “Who”: roles of legislative leaders (4 corners)
 - Some important “how” questions
3. Examples of commission models
4. US League policy positions

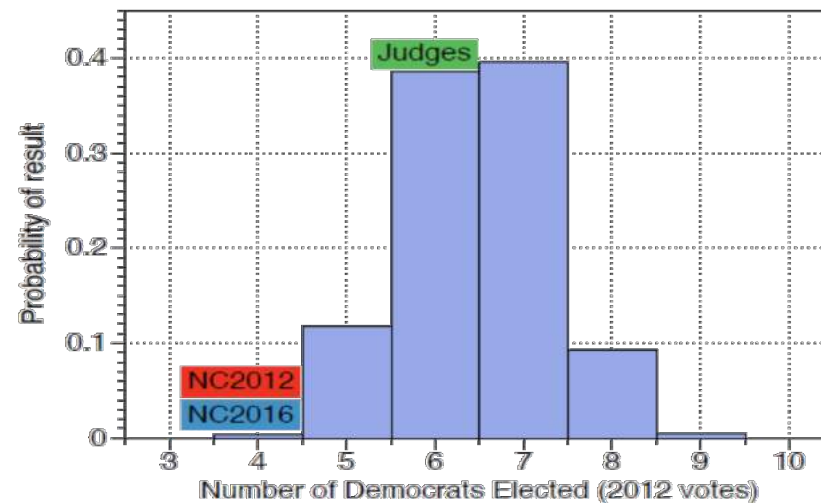
On the frontier: emerging ideas?

“Fair or competitive”

- A few mentions (7 of 50 study bills – 14%)
- Efficiency gap, other measures hardly mentioned

Computer map-drawing

- Not mentioned except as assist to commission/public
- And for good reason!



25,000 computer maps drawn with standard fair criteria

300 as extreme as North Carolina's unconstitutional gerrymanders

12 elements of a commission design

| | | | |
|------------------------------------|--|----------------------------------|--|
| Constitutional amendment | <i>Is the reform a regular bill or an amendment?</i> | Size of the commission | <i>How many members on the commission?</i> |
| Appointing body | <i>Who appoints the commissioners and how?</i> | Political data | <i>Are registration and election data prohibited?</i> |
| Party makeup | <i>How many partisans vs. independents?</i> | Political criteria | <i>Is pursuit of partisan advantage prohibited?</i> |
| Incumbent protection | <i>Does the plan permit incumbent protection?</i> | Commission majority rule | <i>How many votes are needed to adopt maps or rules?</i> |
| Legislative action required | <i>Does the legislature get to vote on the maps?</i> | Legislative majority rule | <i>How many votes are needed and whose votes?</i> |
| Failsafe procedure | <i>What happens if the procedure breaks down?</i> | Role for judges | <i>Are judges involved in any stage of the process?</i> |

Four corners usually involved one way or another

- Some role in the bill – 82%
- Pick some members – 33%
- Pick all members – 14%

OTHER ROLES:

Role in selecting citizens or experts from a pool – 38%

- Strike from pool
- Name team who pick from pool
- Pick expert members

| | |
|-----------------------|--------------------------|
| Speaker of the House | Senate Pres. Pro Tempore |
| House Minority Leader | Senate Minority Leader |

Mix'n'Match!

4 corners often pick from citizen or expert pools

Citizen Pools



Ordinary citizens (or retired judges) apply and are screened and selected by a transparent process

4 Corners

We'll take those 3 Ds, 3 Rs, and a couple of Unaffiliateds

And give us 2 of those guys



Expert Pools



Neutral process to pick legal experts, demographers, geographers, civil rights experts, etc.

Where did the study bills come out?

| | | | |
|-------------------|--|-------------------------|--|
| Who picks? | Leg.+others: 58% <i>Legisl. only: 18%</i> <i>others only: 24%</i> | Party makeup? | D+R+Expert: 48% D+R+Indep: 42% <i>D+R only: just 10%</i> |
| How many? | 6-10 : 50% <i>5 or fewer: 25%</i> <i>11-15: 25%</i> | Role for judges? | Yes: 80% <i>No: 20%</i> <i>Retired judge members: 16%</i> |

3 out of 4 include members selected by the legislature's four leaders

WHO

9 out of 10 include independent members or experts, as well as Dem & GOP members

Where did the study bills come out?

HOW

| | | | |
|----------------------|---------------------------------|---------------------------|-------------------------------------|
| Political data | <i>Excluded: 54%</i> | Political criteria | <i>Excluded: 50-50</i> |
| Incumbent protection | <i>Excluded: 69%</i> | Commission majority rule | <i><u>MORE</u> than simple: 60%</i> |
| Legislative action | <i><u>NOT</u> required: 54%</i> | Legislative majority rule | <i>Simple: 91%</i> |

Different types of commissions: Does the legislature get to vote on the map?

Yes: & can amend the map before approval

Yes: but cannot amend (can ask for another map)

If that process fails, then:

Someone else draws a final map
(OR legislature can do whatever it wants)

No: map becomes final without legislative vote

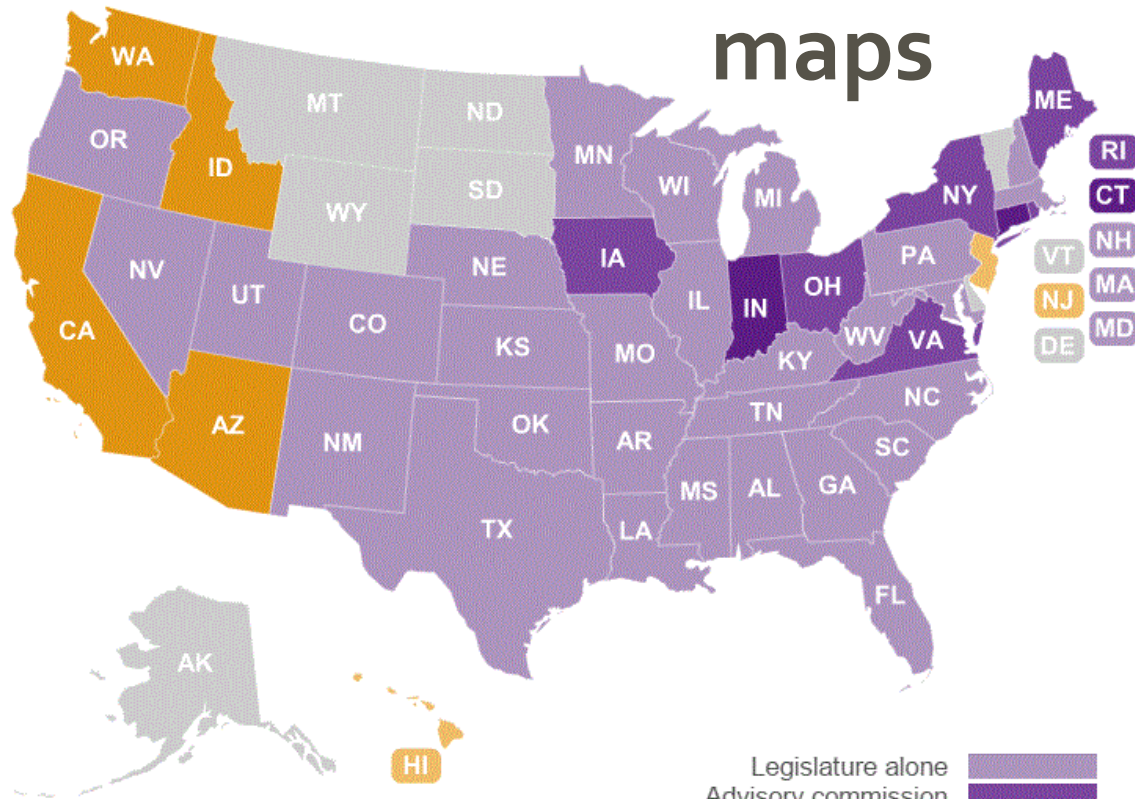
Advisory
commission

Backup
commission,
Supreme
Court, other

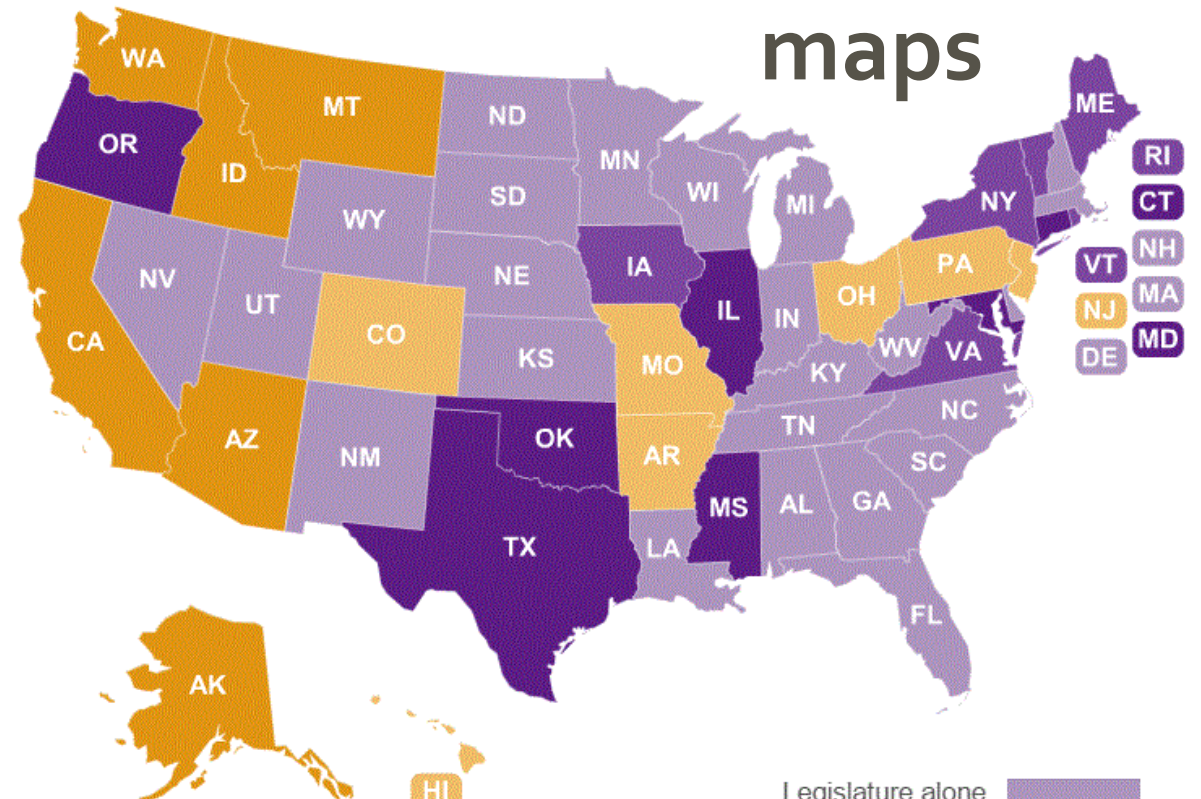
Independent
commission

Who draws the maps now?

Congressional maps



Legislative maps



Legislature alone
Advisory commission
Backup commission
Politician commission
Independent commission

Legislature alone
Advisory commission
Backup commission
Politician commission
Independent commission

A typical “reasonable redistricting” commission design

- 11-member commission
 - Legislative leaders pick 4D and 4R members
 - Members pick 3Us or judges pick 3 experts from a pool
 - Members must not hold or have held political roles for 5 yrs.
- Members select one of the Us or experts as chair
- No incumbent protection or political data/criteria
- Extensive public participation and an open process
- Supermajority vote in the commission to approve maps (7/11)
- Failsafe procedures ensure commission completes its work
- Legislature does not vote on commission maps

THE BIG PICTURE – CALIFORNIA MODEL

- *Independent nonpartisan commission*
 - Legislature not involved at all
 - Citizens apply to be commissioners
 - Partisan makeup: 5D – 5R – 4U
 - Concurrent supermajority vote
 - only 1 (+2 supermajority)

THE BIG PICTURE – IOWA MODEL (H200)

- *Politician advisory commission (1980):*
 - legislative leaders select 4, they pick chair
 - Legislative staff draws maps (commission just answers questions)
 - Legislature votes up to 3 times
 - CAN AMEND 3rd map
 - only 2 of 50

THE BIG PICTURE – NEW YORK MODEL

- *Reasonable redistricting commission (2014)*
 - Legislature picks 4D + 4R, they pick 2U
 - Supermajority vote (7/10)
 - Legislature still votes 2x, then use own plan
 - No political data or objective
 - Extensive public participation/openness
 - **13 bills**

THE BIG PICTURE - WHITE PAPER

- About half are **constitutional amendments**
- Most commissions are **legislature+**
- Almost all **include Unaffiliated** or other non-partisan members
- About half **prohibit political aims/data**
- About half need **more than simple majority**
- More than half require **legislative action**
- 3/5 have a **failsafe procedure**
- Most do **not require legislative approval**
- 4/5 involve **judges**

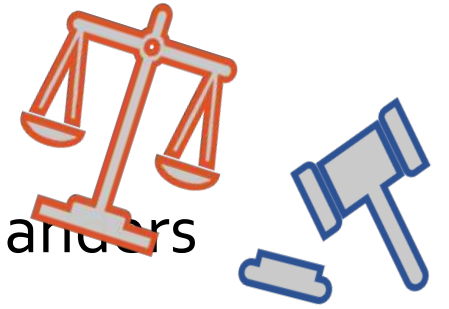
LWVUS Redistricting Principles

1. Full public transparency and citizen participation
2. Not intentionally favor or disfavor any individual or political party
3. Districts reflect “one person, one vote,” avoid splitting cities, counties, communities of interest
4. Compact and contiguous districts that comply with all federal laws
5. Impartial commission (not elected officials) with a diverse membership should draw the maps

LWVNC Opportunities

- **Educate voters** on how to end gerrymandering and why it matters
- Fight gerrymandering of the **courts and local governments**
- Work to broaden support **across the political spectrum**
- **Donate** to help us expand our work
- **Join our non-partisan advocacy teams:**
 - **In the NCGA: the League's GA Team**
 - **In your district: LWV At-home Teams**

COURTS: NC cases



- **NC v Covington**: 28 *NCGA districts* found to be racial gerrymanders (all action completed)
 - NCGA redrew maps but some districts were still racial gerrymanders; ***now redrawn after 3 elections***
 - ***Supreme Court turned down June 2018 NCGA challenge—last racial gerrymander finally gone!***
- **LWVNC v Rucho***: a landmark NC case
 - ***First time*** an entire Congressional map found unconstitutional based on extreme partisan gerrymandering
 - Currently ***sent back to SCOTUS – possible action in 2019***
- **NAACP v Lewis***: challenges violation of state constitution in redrawing of Wake County – ordered redrawing of 4 Wake districts for 2020

****League of Women Voters court actions for reform***

5-minute video explains it all!



<https://www.youtube.com/watch?v=Mky11UJb9AY>

Credit: CGP Grey