



LWVNC v. Rucho

A Challenge to NC's Partisan Gerrymander

NORTH CAROLINA'S PARTISAN GERRYMANDER

Partisan gerrymandering, or the drawing of electoral district lines to benefit one political party, is a serious problem in our democracy. This practice creates an unrepresentative and unfair democracy and also encourages self-interested politics. In jurisdictions nationwide, legislators have drawn legislative maps so that they can choose their voters, instead of voters being able to choose their representatives.

On February 5, 2016, in the federal court case *Harris v. McCrory*, a three-judge panel from the Middle District of North Carolina held that North Carolina's 1st Congressional District and 12th Congressional District were unconstitutional racial gerrymanders under the 14th Amendment. Following this ruling, the Republican-led legislature redrew the state's congressional districts to have a severe pro-Republican tilt, which the plan's architects freely admitted "would be a political gerrymander."

Expressly designed to give Republicans a 10-3 district advantage, despite the fact that North Carolina is a solidly purple state (President Obama won 50.6 percent of the statewide vote in 2012), the newly enacted North Carolina congressional plan is, by any measure, one of the worst partisan gerrymanders in modern American history.

THE INCREASING NEED FOR A LEGAL STANDARD

It's clear that the current redistricting process is undermining our democracy and partisan gerrymandering has become the political weapon of choice for legislators to maintain political power. The U.S. Supreme Court held that it has the authority and responsibility to decide partisan gerrymandering claims; in 2006, all nine justices agreed that excessive partisan gerrymandering violates the Constitution.

However, the Court has yet to adopt a standard for determining whether a redistricting plan constitutes a partisan gerrymander. Every proposed test to date has been deemed unworkable by the courts – too ambiguous and subjective to reliably identify the most objectionable plans. Without a legal standard, voters are free to challenge politically motivated maps in court, but judges, without clear guidance, ordinarily dismiss these cases out of hand. The result is that voters, like those in North Carolina, are unable to hold their representatives accountable and reign in extreme partisan gerrymanders.

A LEGAL CHALLENGE TO STOP PARTISAN GERRYMANDERS NATIONWIDE

The Campaign Legal Center is part of a litigation team representing the League of Women Voters of North Carolina as well as numerous individual voters who have challenged the state's congressional district lines as an unconstitutional partisan gerrymander in *League of Women Voters of North Carolina v. Rucho*. Our case seeks to establish that the North Carolina congressional plan enacted in February 2016 violates the 1st and 14th Amendments of the United States Constitution.

This case is the first since *Whiford v. Gill* (Wisconsin) to present the efficiency gap as a legal standard to determine if a partisan gerrymander is too extreme.