

- Self-nomination
- Commission appointed by Chief Justice assesses, puts forward all “qualified”
- NCGA sends 3+ names to governor
- Governor appoints
- Retention election to one 10-year term during 2nd general election after appointment

What’s the catch?

- One person (partisan) names commission
- Composition of commission unknown
- Public involvement unknown
- Could put forward only members of his/her party, lots of candidates
- Can propose 3 ideologues or 1 prince and 2 frogs
- Not clear at all how NCGA selects —party caucus? election?
- Not permitted to continue as judges after 1 term of 12-14 years

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All signs point to this being the preferred option

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3. Reconsider incumbent judges

- Depends on term length
 - One long term – 14 years?
 - Multiple, shorter terms?
 - Must compensate for selecting judicial career
 - Must recognize value of experience
- Formal assessment?
 - Arizona has extensive assessment for selected courts – a League victory
- NC has no formal commission to assess judicial candidates or serving judges
 - Has a commission for complaints only (has typical commission structure: judges, lawyers, citizens)
 - Possible area for League action

4. Fill mid-term vacancies

This one's easy: appointment!

- **By the governor (current system)**
 - Limited to commission-screened candidates?
 - With legislative confirmation?
- **By someone else**
 - The legislature?
 - A judicial commission?
 - Purple plan does not yet clarify how to handle this

Why the legislative selection system is so bad – *LWV-SC study*

- ***The legislature controls all phases***
 - *The committee is appointed by the legislature and includes a lot of current and former legislators*
- ***Judicial candidates have to campaign for legislators' votes***
 - *Benefits former legislators – floor access, well-known*
 - *Non-legislators humiliated – campaign in parking garage*
- ***Many judges chosen are....FORMER LEGISLATORS***
 - *What could go wrong?*

Why the South Carolina system is bad – *really* bad

- **Before** nominating commission created ('96):
 - 5 out of 5 Supreme Court justices were *former legislators*
- **After** the nominating commission:
 - 2 out of 5 Supreme Court justices are *former legislators*, 1 is a *legislator's spouse*
 - 4 of 9 Court of Appeals justices are *former legislators*
 - 11 of 46 Circuit Court Judges are *former legislators*

Merit selection in South Carolina— who's on the commission, anyway??

- **10 Commissioners:**
 - **5** selected by the **Speaker of the House**
 - 3 must be **sitting House members**
 - 2 general public
 - **5** selected by the **Chairman of the Senate Judiciary Committee** (3) and the **President Pro Tempore** of the Senate (2)
 - 3 must be **sitting Senators**
 - 2 general public

**What could be
more diverse?**

Is this what the “purple plan” will really look like?

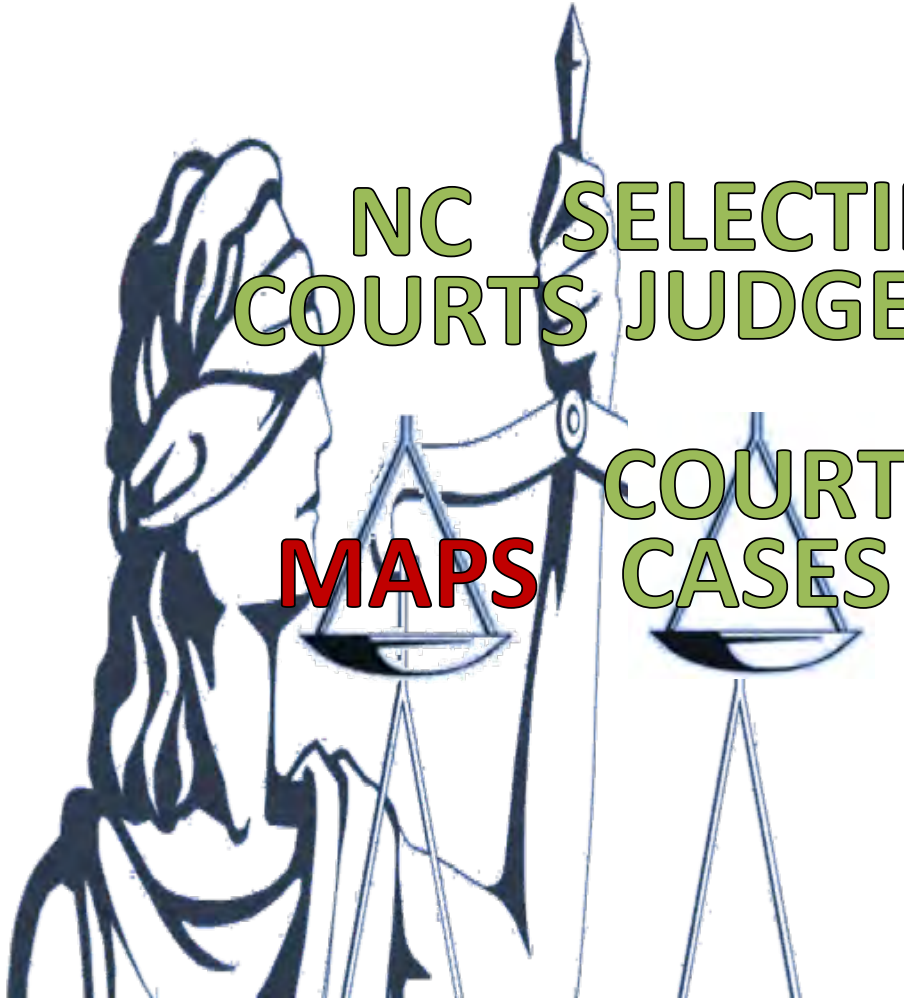
- **Is this what we want???**
- **Pay attention – they’re meeting again this afternoon!**

Topics to be covered

NC SELECTING
COURTS JUDGES

MAPS

COURT
CASES



Gerrymandering: *5-minute video explains it all!*



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

NC redistricting essentials

- **Legislature controls** redistricting of the legislature, cities, counties
- **NC Governor cannot veto** redistricting bills
- Redistricting mandated **every 10 years** (Congress)
- **Long-term remedies WILL TAKE TIME**
but are possible through:
 - Legislation
 - Constitutional amendment
 - But NOT citizen referendum

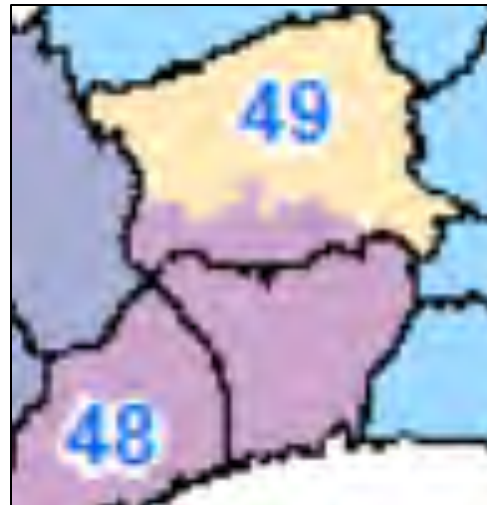
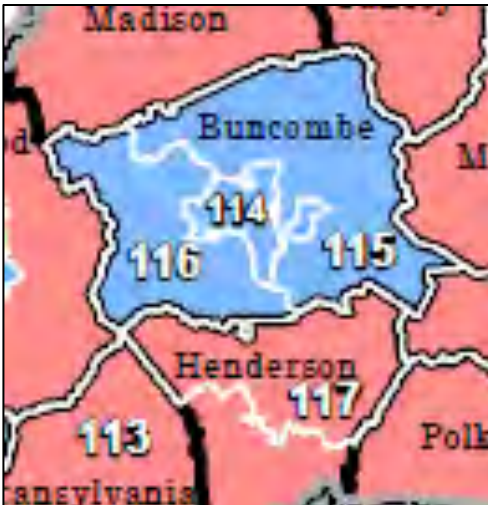
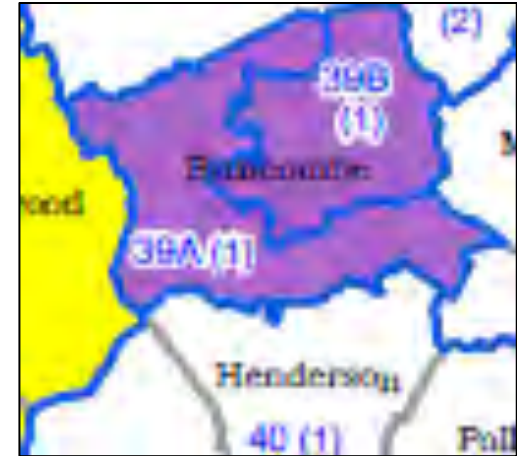
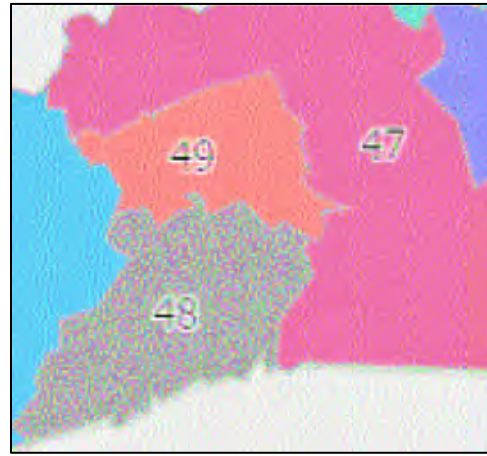


Buncombe-Henderson districts

2017 House

2017 Senate

2017 Court



Only change is
dividing
Buncombe in
both court maps
(?)

Judicial redistricting essentials

- **Legislature controls** redistricting (same)
- **NC Governor can veto** redistricting bill
- Redrawing **NOT mandated**; happens rarely
- Has often failed in other states (too political)
- Districts **NOT strictly one-person-one-vote**
- Districts **NOT** required to be **same population**
- Some districts **multi-member**
- Very **little study** of judicial districting

Some key questions

- Do we need to redraw judicial maps?
- If so, how should maps be redrawn?
- Are the current draft maps a gerrymander?
- What would the impact be on the court?
 - Partisan balance
 - Double bunking
 - Diversity

Do we need new judicial maps?

- Districts redrawn partially/sporadically
- Many not redrawn since 1960s
- Redrawn for administrative and political reasons – not systematic
- Some districts ARE way out of line, may need redrawing – e.g., Mecklenburg
- NC Wake County case (Blankenship) says 2x population OK, 4x not OK (*not really clear*)
- Problems in counties where band of suburbs has replaced rural areas (rapid population growth/tend to be Republican...)

What's happened to date?

- Rep. Burr (bail bondsman) tweeted out maps last June
- Maps (H717) included election data used by Hofeller + court of appeals races
- Passed committee on party-line vote
- Scheduled for vote, but withdrawn after protests
- But passed later

NC Courts Commission & Senate

- NCCC, long moribund, sprang back into life
- Was headed by Rep. Sarah Stevens (R), speaker pro tem, now headed by Rep. Duane Hall (D)
- Voted against redistricting plan (under Stevens)
- Senate created redistricting and reform committee
- Seemed to favor changing selection over new maps
- Canceled primary just in case
- Senate committee suddenly released its own maps
- Also set of alternative selection methods
- New joint select committee created, considering maps and selection methods

Are the maps gerrymanders?

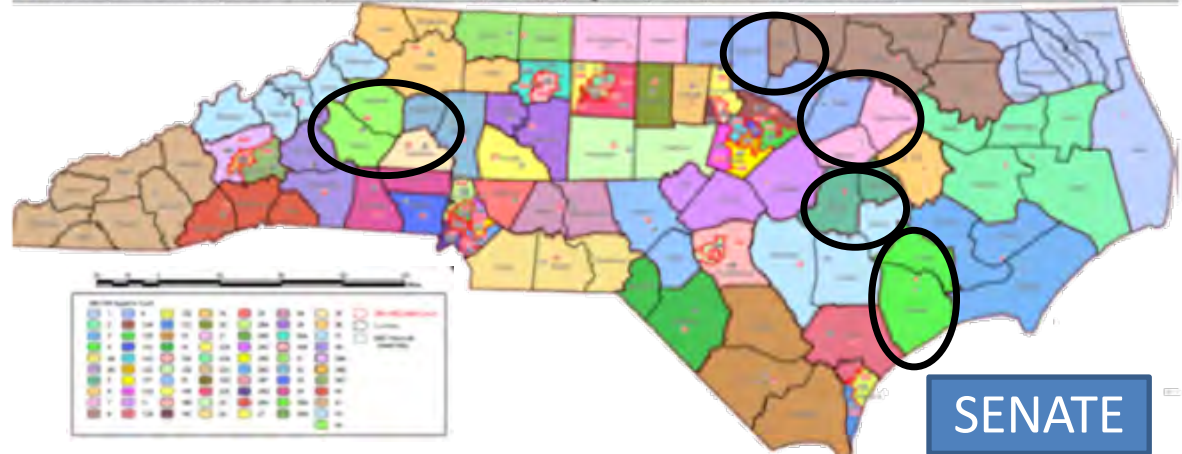
- House map YES, Senate maps unclear
- Preference rural areas over cities
- Huge disparity in population/judge – 10x
- House maps had efficiency gaps over 10% (vs. 7.5% cutoff)
- Rural counties unified, urban all split
- Very “familiar” districts in Burr’s map
- Senate map perhaps not as bad, but no election data released

DIFFERENCES IN WHOLE-COUNTY DISTRICT GROUPINGS

The following counties
are in different
groupings under the
two plans (west to
east):

- Catawba
- Vance
- Nash
- Lenoir
- Jones
- Onslow

Draft Plan from Select Committee Chairs = District Court & Superior Court Districts = Corrected



H717-CSTY-35, District Court



SENATE

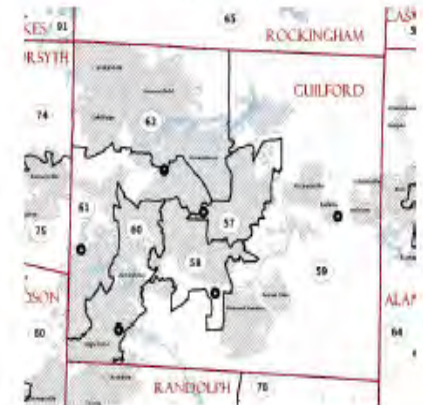
HOUSE

NCGA HOUSE

Special Master's Recommended Plan



2017 Plan



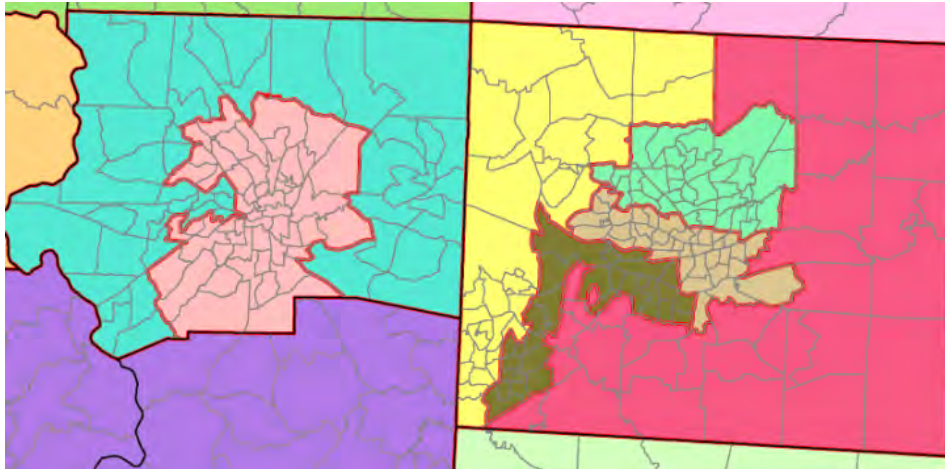
2011 Plan



FORSYTH

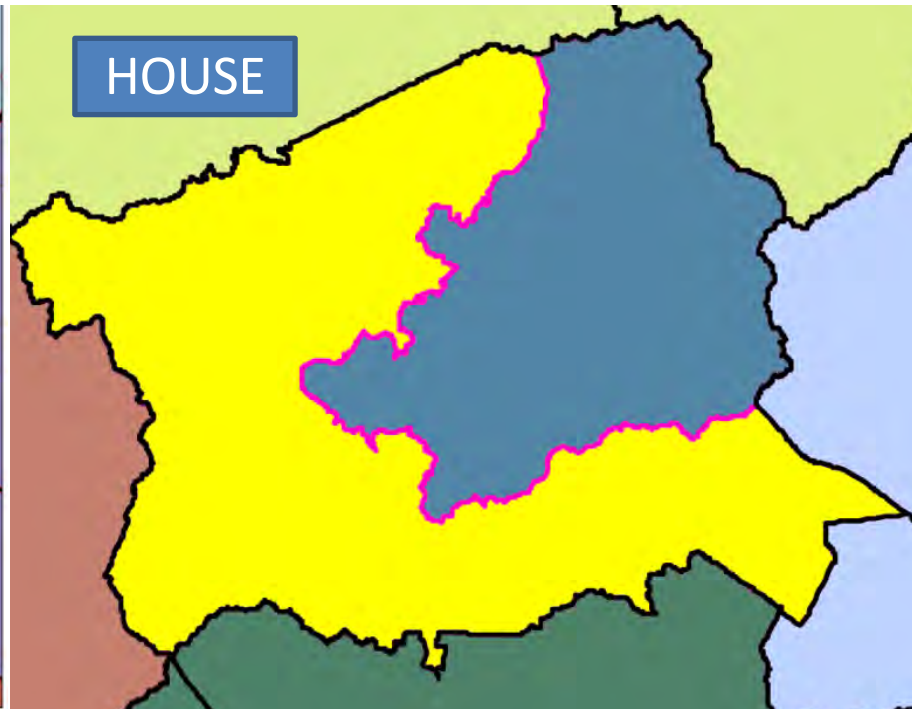
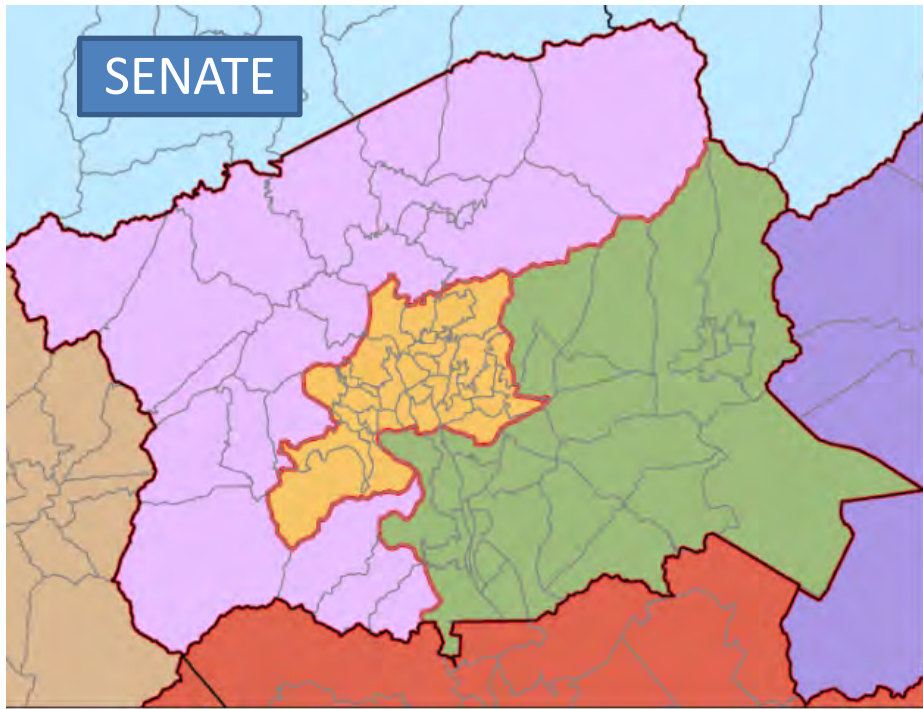
GUILFORD

SENATE

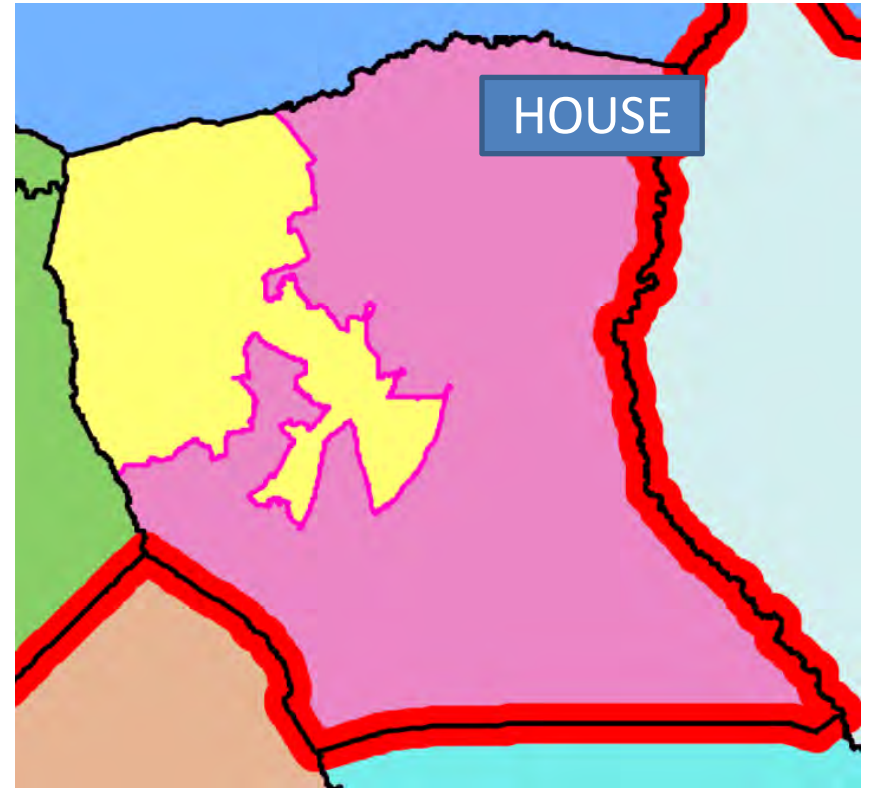
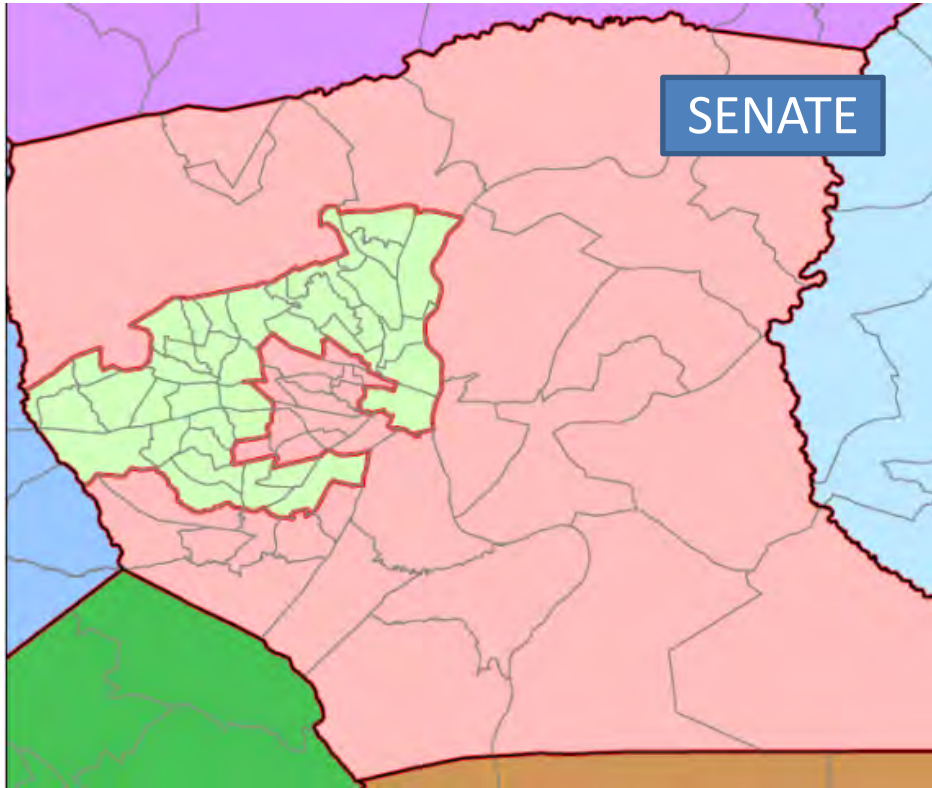


HOUSE

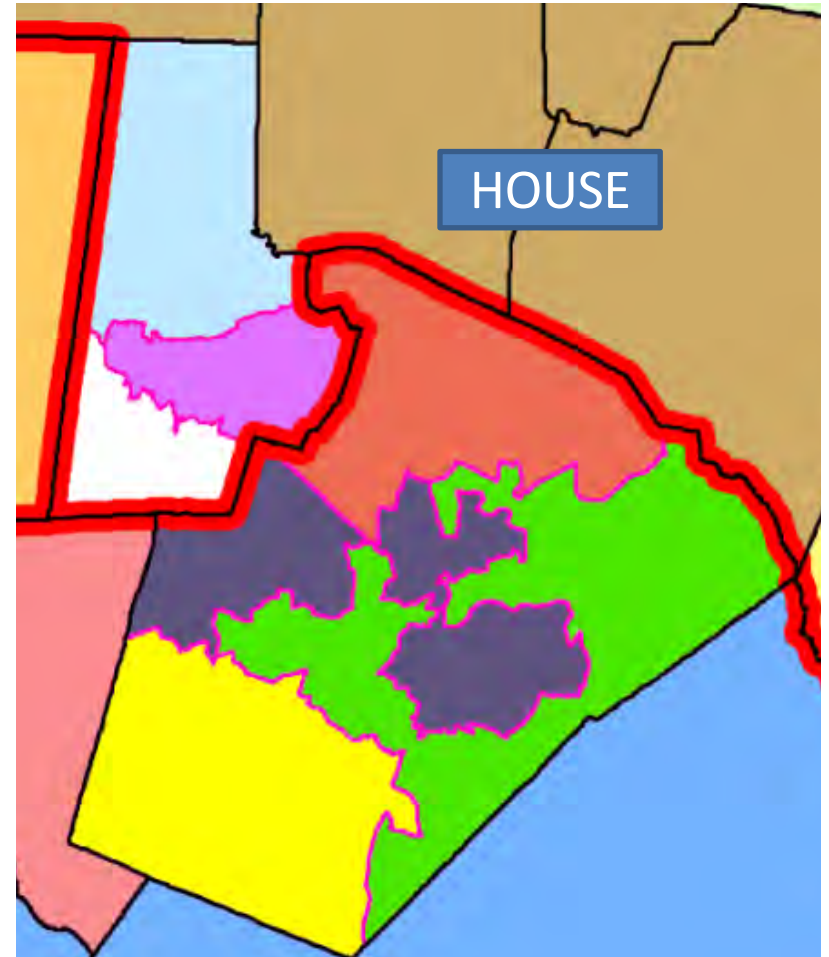
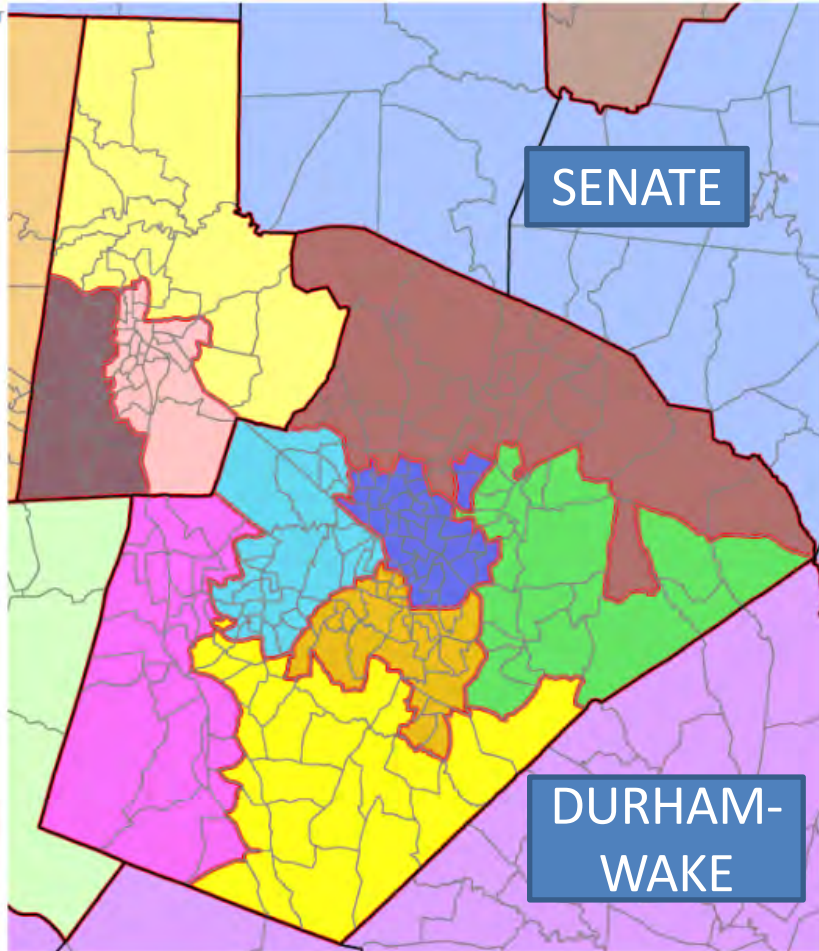


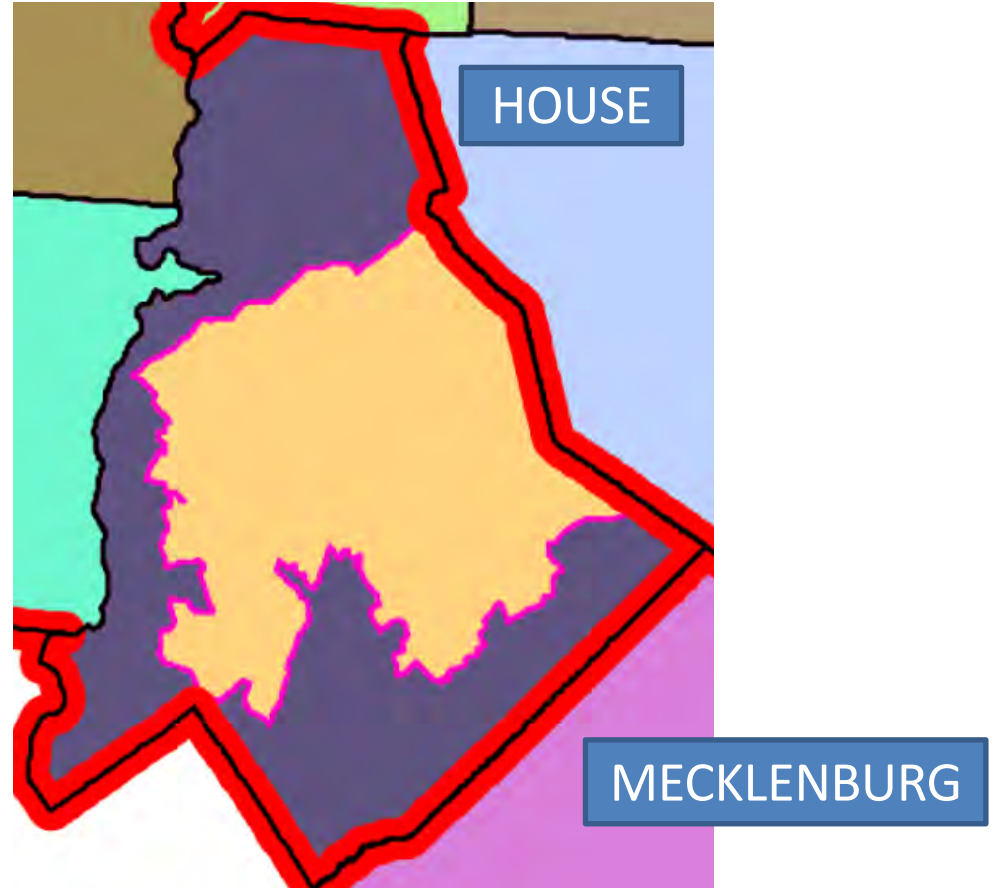
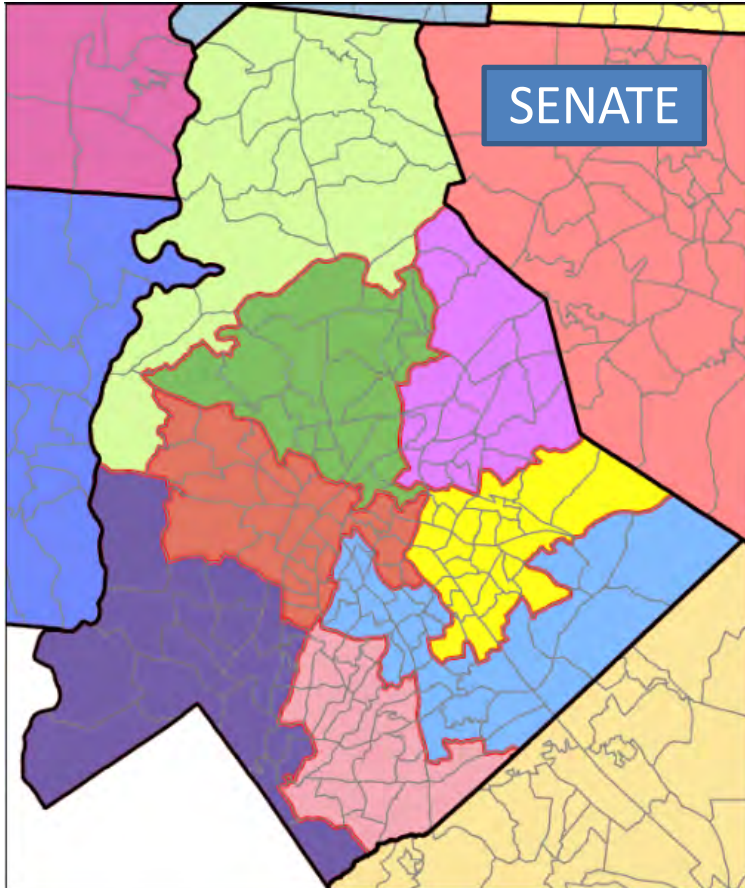


NCGA HOUSE



CUMBERLAND





Impact on the court

- Partisan balance
- Double bunking
- Diversity

Southern Coalition assessment

–Partisan balance



–Double bunking



–Diversity



Partisan Balance



- “Gross political gerrymander of our state’s legal system, designed to ensure that Republican judges will be elected in a disproportionate number of districts statewide.”
- Republican judges would expected to win:
 - 70 - 72% of Superior Court races
 - 69.4 – 71 % of District Court races
- Pairing of incumbent judges and the strategic placement of open seats show GOP bias.