

League of Women Voters v. Rucho

Issue: Are partisan gerrymanders constitutional? **Venue:** Federal Middle District Court **Level:** Congressional districts **Other:** Combined with Common Cause v. Rucho
Brennan Center summary: League of Women Voters v. Rucho is the most recent challenge to North Carolina's remedial congressional map, which was enacted earlier this year. The plaintiffs argue that the map violates the 1st and 14th Amendments and constitutes a partisan gerrymander. **Status (LWV):** The three-judge panel hearing the case consolidated the case with Common Cause v. Rucho. A hearing as to whether the case should be delayed until Gill v Whitford ordered the case to proceed. At the trial Oct. 16-19, Southern Coalition lawyers and experts strongly advocated for declaring partisan gerrymanders illegal and adopting a three-part test, buttressed by the efficiency gap to identify extreme gerrymanders (Was map drawn with partisan intent? Is the map in fact an extreme partisan map? Is there any legitimate justification for drawing it this way?)
League Commentary: Supreme Court currently hearing a similar Wisconsin case (Gill v Whitford) on whether partisan gerrymanders are constitutional; timing of decision uncertain. District Court found NC's map to be an unconstitutional partisan gerrymander in Jan. 2018, but Supreme Court stayed new map-drawing until full appeal heard.

Common Cause v. Rucho

Issue: Are partisan gerrymanders constitutional? **Venue:** Federal Middle District Court **Level:** Congressional districts **Other:** Combined with LWV v. Rucho
Brennan Center summary: The plaintiffs argued in court Oct. 16-19 that North Carolina's remedial 2016 congressional map – adopted by the North Carolina legislature after an earlier map was struck down – is an unconstitutional partisan gerrymander in violation of the First Amendment, the Equal Protection Clause, and Article I sections 2 and 4 of the U.S. Constitution. The plaintiffs argue that the remedial map favored some voters and penalized others for their political party memberships and affiliations, thereby affecting the state government's ability to maintain political neutrality when distributing political representation and power. **(See LWV v Rucho above)**

Dickson v. Rucho (NAACP, LWVNC, Democracy NC, and NCA. Philip Randolph Institute, plus individuals)

Issues: Are racial gerrymanders legal; is it permitted to split counties; can traditional principles be ignored? **Venue:** NC Supreme Court **Level:** Legislative & Congressional
Brennan Center summary: [Case] originated in claims that North Carolina's 2011 legislative and congressional maps violated federal and state law by racially gerrymandering districts, splitting counties, and disregarding traditional redistricting principles. With respect to racial gerrymandering, the plaintiffs argue that the North Carolina General Assembly relied too heavily on race to create its 2011 maps. According to the plaintiffs, two aspects of the General Assembly's approach are particularly problematic: first, the legislature used a racial proportionality target in order to determine the number of majority-minority districts that it would draw; and, second, it required that each such district meet a fixed 50% black voting age population (BVAP) target, without referencing any data regarding the extent to which African-American voters could elect their candidates of choice. On May 30, the Supreme Court vacated the decision of the North Carolina Supreme Court and remanded the case for further consideration in light of the Supreme Court's decision in **Cooper v. Harris**. The NC Supreme Court in August ordered trial to proceed; hearing held but no ruling yet.
League commentary: It seems likely that this case will now be decided against racial gerrymanders, given the Supreme Court ruling in **Cooper v Harris** (see below), but not clear what if any remedy will be required; could be a back door to win reform if other cases stall on appeal, even though maps at issue here already superseded by 2016/17/18 maps.

NC v Covington

Issue: Must 19 NC House and 9 Senate districts be redrawn as racial gerrymanders? **Venue:** Federal Middle District Court, Supreme Court **Level:** Legislative
League commentary: Supreme Court affirmed these districts are unconstitutional, District Court hearing 27 July heard arguments for/against special election, other issues. This redistricting will affect a majority of all districts, must be done for the 2018 election. No court-ordered special election. The court instructed the NCGA to redraw; NCGA adopted a map redrawing many districts based on county groupings with extreme partisan gerrymandering. Still includes several districts with high concentrations of black voters without apparent justification. District Court accepted most of NCGA 2017 redrawing, but ordered special master to fix 9 districts that were still gerrymanders. NCGA in process of appealing these changes.

Cooper v Harris

Issue: Were 2010 districts illegal racial gerrymanders? **Venue:** Supreme Court **Level:** Congressional **Other:** **Decided** by Supreme Court in May
Brennan Center summary: [In May], the U.S. Supreme Court upheld a lower court ruling that North Carolina engaged in unconstitutional racial gerrymandering when it packed African-American voters into two congressional districts.
League commentary: While this counts as a win, it probably **has no practical effect** for now because the two districts had already been redrawn.

Harris v Cooper

Issue: Is the latest Congressional map redraw an illegal partisan gerrymander? **Venue:** Waiting for Supreme Court to agree to hear **Level:** Congressional
League commentary: Now that the Court has agreed to hear the Wisconsin partisan gerrymandering challenge, they are less likely to agree to hear this one, but we'll see!