

*VIA EMAIL*

To: Sen. Phil Berger  
President Pro Tempore, North Carolina Senate

Rep. Tim Moore  
Speaker, North Carolina House of Representatives

Sen. Warren Daniel, Sen. Ralph Hise, Sen. Paul Newton  
Chairs, Senate Standing Committee on Redistricting and Elections

Rep. Destin Hall  
Chair, House Standing Committee on Redistricting

CC: Sen. Dan Blue, Senate Democratic Leader  
Rep. Robert T. Reives, II, House Democratic Leader  
Members, Senate Standing Committee on Redistricting and Elections  
Members, House Standing Committee on Redistricting

September 25, 2023

Dear Legislators:

We write in advance of the North Carolina General Assembly (NCGA)'s 2023 redraw of our state's Congressional, state House, and state Senate voting districts to request an open and transparent redistricting process.

Open and transparent redistricting is not only fundamental to a representative democracy, but it is also crucial to strengthening trust in our elected officials and government. The recent actions (and inactions) of legislative leaders make us deeply concerned that the NCGA will once again fail at its responsibility to create a robust, transparent, and thoughtful process for receiving vital public input to draw new maps.

We have outlined below the elements of an inclusive redistricting process that could provide a more robust opportunity for public input that all North Carolinians deserve.

### **Implement a Redistricting Timeline That Allows for Informed Public Comment**

The data needed to redraw district maps is currently available. There is no reason the NCGA cannot immediately provide public notice of the full timeline for redrawing our voting maps. This timeline should also provide ample opportunity for accessible public hearings both before *and* after draft maps are published, to allow for public input needed to redraw any district lines.

Specifically, the NCGA's Joint Redistricting Committees should:

- ❖ Immediately consider and publicly adopt redistricting criteria that are compliant and consistent with the law. These criteria should outline the considerations for changing current district lines. The public adoption of these criteria can then facilitate more informed public comment on proposed redistricting considerations and plans.
- ❖ Take into account public input before proposing draft maps and after releasing them for public comment.
- ❖ Immediately explain the basis for any changes to current district lines.
- ❖ Allow for *at least two weeks* of public comment and legislative hearings *after* draft maps are released and prior to a vote in the legislature.
- ❖ Build in time to hold public comment hearings in each North Carolina Congressional district and each metropolitan and micropolitan area, with opportunities for in-person and virtual public testimony that incorporates language access.
- ❖ Promptly provide a public written evaluation of the Congressional, state Senate, and state House plans following their release, explaining why the committees drew the districts in the way they did, how the committees followed their own criteria, and how they addressed or incorporated public comment.
- ❖ Vote and pass the plans before the end of October to provide ample time for candidate considerations.

### **Provide Genuine and Meaningful Opportunities for Public Comment**

The NCGA must show a genuine and robust commitment to hearing public comment. Ahead of any hearings, the NCGA should provide the public with access to:

1. A comprehensive and easily accessible redistricting website that includes:
  - a. All redistricting information for 2023, including historical information from the 2021 process, on a unified redistricting website;
  - b. Basic information that explains what redistricting is, why it is done, and why it is happening in 2023; and
  - c. An explanation of county clusters, why they are used, and how the NCGA chose clusters for the state legislative districts.
2. Easily-accessible and understandable online access to draft maps with shapefiles.
3. Live-streams of the map drawing process and all public hearings in their entirety.
4. Language access. Live interpretation for redistricting hearings in the most common languages spoken in North Carolina, including Spanish.

5. Audio and visual support for the hearings and map-drawing for people with disabilities, including American Sign Language, interpretation and closed captioning.
6. Public hearings held outside of traditional business hours, allowing working voters to attend and provide input.
7. An online comment portal, which includes:
  - a. a verification mechanism that ensures entries are made by individuals, not an automated computer program, to prevent fraudulent activity;
  - b. clear instructions for when public commentary should be submitted to be considered by the legislature; and
  - c. public access to all comments.

### **Avoid Secret Maps and Other Processes That Harm Public Confidence in Our Democracy**

During the 2021 redistricting cycle, the NCGA misled the public. For example, despite claims that all map-drawing was occurring in public, it was later revealed that undisclosed and unelected partisan parties and nonpublic “concept maps” were used to craft North Carolina’s voting maps. The discovery of these “secret maps” was widely reported and damaged the perception of the open and transparent redistricting process that lawmakers promised.<sup>1</sup>

In 2021, the NCGA also failed to follow its own redistricting criteria. Lawmakers adopted redistricting criteria in 2021 that included a ban on partisan considerations. Yet, state courts found that the state House, state Senate, and Congressional plans were all the result of “intentional pro-Republican partisan redistricting.” Districts were clearly drawn to maximize partisan advantage, disregarding community representation and input.

Furthermore, Republican leaders in the NCGA chose to utilize county cluster groupings which were favorable only to their party, at the expense of the majority of North Carolinians, including voters of color. Within these groupings, legislators consistently cracked and packed Democratic voters. One clear example is the Buncombe, Burke, and McDowell Counties’ cluster. As the trial court explained, “rather than pair Buncombe County with Henderson County which has become a ‘bedroom community’ of Asheville, Legislative Defendants grouped Buncombe County with Burke and McDowell counties, to the east.” Both Burke and McDowell Counties have a higher number of Republican-leaning precincts.

In 2023, the NCGA process should be informed by the voices and realities of all North Carolinians, regardless of race or party. In 2021, dozens of Triad residents provided comments asking for a Congressional district to represent their Triad region including the cities of Greensboro, High Point, and Winston-Salem. Instead of incorporating these comments, the NCGA did the opposite, splitting the Triad between four Congressional districts, and dividing each Triad city from the other, only to pair each city with distant rural towns or suburban areas in other regions of the state. Voters in the Sandhills like other parts of the state made similar

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<sup>1</sup> See, e.g., WRAL, “Secret maps, now gone, were used to draw parts of NC election map,” (Jan. 5, 2022), <https://www.wral.com/story/concept-maps-were-used-to-draw-parts-of-house-voting-map/20064317/>.

requests that went unheeded. Lawmakers must take the opportunity to do better for their constituents in 2023.

Finally, the NCGA should avoid using new tactics to obstruct what should be an open and transparent process. Advocates from both sides of the political aisle are decrying a troubling last-minute addition to the state budget which would allow lawmakers to destroy their public records, including emails and other correspondence used to draft North Carolina voting maps. This will make it possible for “information to be shielded from public view [such that it] perpetuates the skepticism of government that has been building in recent weeks and months.”<sup>2</sup>

The stakes could not be higher.

The NCGA has an opportunity in 2023 to provide genuine openness, transparency and the opportunity for North Carolinians to engage in a process that will impact their elections in the decade to come. We urge you to make the promise of democracy real by leading a redistricting process that creates voting plans reflective of the actual demographics, values, interests, and needs of North Carolinians.

Everyday North Carolinians must be able to map their own future—and currently only you have the power to make this a reality.

Respectfully,

A Better Chance A Better Community

Acción Hispana

Action NC

Action Institute NC

Advocacy House Services Inc

American Civil Liberties Union of North Carolina

All On The Line

Association of Mexicans in North Carolina, Inc.

Carolina Jews for Justice

Center for Participatory Change

Lila Lgbtq Latinx Inc.

Lionel Lee Jr. Center for Wellness

Making Visions

MoCo Life 910, Inc.

Moore County NAACP

Muslim Women For

NAACP Charlotte-Mecklenburg Branch

Nariah's Way Foundation

NC Counts Coalition

NC League of Conservation Voters

North Carolina Asian Americans Together

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<sup>2</sup> See, e.g., Carolina Journal, “Budget amendment means lawmakers could destroy their public records,” (Sept. 21, 2022), <https://www.carolinajournal.com/opinion/budget-amendment-means-lawmakers-could-destroy-their-public-records>.

CiMA-Compañeros Inmigrantes de las Montañas en Acción  
Clean Water for North Carolina  
Common Cause NC  
Democracy North Carolina  
Eastern Cherokee Organization  
El Centro Hispano  
El Pueblo  
El Refugio, Inc  
Emancipate NC  
ENLACE  
Equality NC  
F.E.L.P  
Faith & Victory Christian Church  
Fayetteville Pact  
Fayetteville Police Accountability Community Taskforce  
  
First Chronicles Community Church  
Forward Justice Action Network  
Helping Hands USA  
Hola Carolina  
Iglesia La Semilla United Methodist Church  
Indivisible Guilford County  
Inspired Creations Enterprise Inc.  
League of Women Voters Catawba Valley  
League of Women Voters of North Carolina  
Let's Make It Happen Together, Inc.  
Next In Line Community Outreach

North Carolina Business Council  
North Carolina Coalition - National Council of Negro Women, Inc.  
North Carolina Justice Center  
North Carolina NAACP  
North Carolina Voters for Clean Elections  
Northampton County NAACP  
Parkway UCC  
Pasquotank County NAACP  
Planned Parenthood Votes South Atlantic  
Pro-Choice North Carolina  
Project Cover  
Qué PASA  
Scotland Neck Community Task Force Team  
Selfless Nonprofit Organization  
Social Change  
Southern Coalition for Social Justice  
Spiritual Destiny Int'l Ministries  
TFBU Foundation  
The Help Center NC  
Triangle Cultural Awareness Foundation  
U2U  
Unidxs Western North Carolina  
We Stand Up, Indivisibles  
You Can Vote