



CHATHAM COUNTY
NORTH CAROLINA



**CHATHAM COUNTY
REDISTRICTING**

After the 2020 Census

REDISTRICTING – WHY & WHEN?

Why: To correct population imbalance among electoral districts – One-Person/One-Vote

- “The right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.” Reynolds v. Sims (1964)

When: Following each Decennial Census and by 150 days before the primaries.

- Primaries are scheduled for March 8, 2022
- 150 days before that is October 8, 2021
- The filing period begins December 6, 2021

MUST REDISTRICTING BE CONSIDERED?

At Large	No
Residency Districts	No
True Electoral Districts	Yes

WHICH MODE OF ELECTION IS CHATHAM?

- Residency Districts
 - G.S. 153A-58(3)d “Members shall reside in and represent the districts according to the apportionment plan adopted, but the qualified voters of the entire county shall nominate all candidates for and elect all members of the board.”
 - Having Residency District, Chatham County is not required to consider redistricting following the Census.
 - This does not conflict with the one-person/one-vote, as all voters in the jurisdiction are voting on the same slate of candidates.
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IS THERE AUTHORITY TO REDISTRICT?

- G.S. 153A-22(g) does not authorize county boards to redistrict if the districts are for residence purposes only, and the qualified voters of the entire county nominate all candidates for and elect all members of the board.
 - 1995 Session Law (House Bill 657) does authorize the Chatham County Board of Commissioners to redraw residency districts to make them more nearly equal. That is if, first, the Board finds that there is **substantial inequality** of population among districts.
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WHAT IS “SUBSTANTIAL INEQUALITY?”

Courts have employed two principal ways to determine this statistical issue

- 10% rule: Determine the “ideal” district population by dividing the new total county population by the number of districts. Then apply new population to each respective district. Look at the most populated district and figure the percentage by which it exceeds the ideal population. Do the same for the least populated district. Finally, add the two percentages. If the total is 10 percent or more, you should redistrict.
- Plus-or-minus 5% rule: This rule works the same as the 10% rule, but with one difference. In this rule, if any district is as much as 5% too small or any district is as much as 5% too big, you must redistrict.

Since the 5% rule is more conservative than the 10% rule, the 5% rule is advised when redistricting.

WHAT DOES THIS MEAN FOR CHATHAM?

The 1995 Chatham County Session Law specifies:

- “If the board finds that there is a substantial inequality of population among the districts, it may by resolution redraw the residency districts ***to make them more nearly equal.***”
- “The test for compliance with this section is a ***reduction in the relative overall range of deviation.***”

Since there is no legal compulsion to redistrict, as all voters in the jurisdiction are voting for the same slate of candidates, there is likewise no compulsion to meet a statistical threshold if the board chooses to redistrict.

This does not inhibit the Board from self-imposing a statistical standard as part of its redistricting criteria.

WHAT DISTRICTS LOOK LIKE AFTER CENSUS?

Census data is not yet available to answer this question. However, using annual population estimates from Esri’s “Enrich Layer” tool, we can see what potential changes in populations may be and what potential implication there could be for redistricting consideration. Again, these are estimates and not actual Census data.

<u>Target Average</u>	
15,724	
<u>Low Target Range (5%)</u>	<u>High Target Range (5%)</u>
14,938	16,510

<u>Boundary Area</u>	<u>Population Estimates (2020)</u>	<u>Within 5%</u>	<u>Percent from Target Average</u>
Total County	78,620	---	---
District 1	16,402	YES	4.32
District 2	16,182	YES	2.91
District 3	17,903	NO	13.86%
District 4	14,227	NO	-9.52
District 5	13,906	NO	-11.56%

Using population estimates, we see that Districts 3, 4, and 5 are outside the plus-or-minus 5% threshold.

WHAT IS THE PROCESS?

If the Board makes a finding of substantial inequality of population among its districts, a discussion about redistricting should be held to talk over the Board's interest in redrawing district lines, and if so, the Board should discuss expectations and to set out redistricting criteria.

Criteria may include, for example:

- Contiguity
 - Recognizing communities of interest (i.e., precincts, municipal boundaries, physical features like roads and waterways, and/or other historical, cultural, or economic community)
 - Compactness
 - Preserving the core of existing districts
 - Avoiding pairing incumbents (known as “double bunking” to promote stability)
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WHAT IS THE PROCESS? (CONT.)

1. With the use of Census data, several redistricting plans will be drawn.
 2. The plans will be discussed in one or more public meetings.
 3. Upon consensus on a single plan, the Board will vote to move forward with a particular plan and schedule a public hearing to receive input from the public.
 4. Once the public hearing is closed, the Board can engage in further discussion regarding the feedback it has received.
 5. With direction from the Board, staff will prepare a resolution that the Board will discuss and eventually adopt with a simple majority vote of the members of the Board present and voting.
 6. Staff will work with the County Board of Elections and GIS Department to export the new district.
 7. The Clerk to the Board of Commissioners will file the resolution with the Secretary of State's office, the County Register of Deeds, and with the Chairman of the County Board of Elections.
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ADDITIONAL INFORMATION

In-house or outside consultants?

- There are benefits to both.
- The decision may largely depend on how complex the redistricting is anticipated to be and if staff has the capacity to take on this effort.

Redistricting in closed session?

- No. Redistricting is not an item the Board is authorized to discuss and consider in a closed session.
- If the Board sets up a committee of more than two Board members (or a mix of more than two Board members and staff) to work on redistricting, the meetings of that committee too must be open.
- Meetings consisting solely of staff, or staff meeting with no more than two commissioners, are not subject to the open meetings law.

Drafts of tentative plans, public record?

- Yes. Preliminary drafts are subject to public inspection.

NOT PROPOSED IN REDISTRICTING CONSIDERATION

The Board of Commissioners Election Task Force recommendations called for no alteration to the method of election and called for not adjustment to the composition of the County Board of Commissioners.

- Task Force unanimously agreed that there was no clear need to increase the size of the Board.
- Task Force unanimously agreed that Chatham County needs to maintain district representation.
- By a 5-4 vote, Task Force recommended that Chatham County should maintain its current process of electing the Board of Commissioners at-large with a residency district requirement.

This presentation presumes that, once the 2020 Census data is available for review and analysis, the Board will consider the prospect of redrawing county commissioner districts only.



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QUESTIONS?
