

Federal Judicial Panel Says State Legislative Districts Are Unconstitutional

By Administrator

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The map used to elect the North Carolina General Assembly is unconstitutional because many of the districts are racially gerrymandered, a panel of federal judges ruled. Of the 170 legislative districts, 28 are racially gerrymandered according to U.S. Court of Appeals Judge James A. Wynn Jr. and U.S. district judges Thomas D. Schroeder and Catherine Eagles. The trial was in April.

However, this fall's elections will proceed this year because postponing the election would cause "undue disruption." But the legislature must redraw the districts in the next legislative session for use in 2018.

Redistricting leaders in the House and Senate, Rep. David Lewis of Harnett County and Sen. Bob Rucho

of Mecklenburg County, said in a statement that their attorneys are reviewing the ruling. After the legislature approved the districts, the U.S. Department of Justice signed off on them in a process called "preclearance."

"We are disappointed in the district court's opinion, which contradicts the Obama Justice Department's preclearance of these maps and rulings from the N.C. Supreme Court upholding them as constitutional," Lewis and Rucho

wrote. "However, we are relieved for voters that the district court did not disrupt the current election that is already underway. Our attorneys are currently reviewing today's ruling and evaluating next steps."

The lawsuit was filed in May 2015, after the U.S. Supreme Court ruled in an Alabama case that a lower court should reconsider whether legislators in that state had weakened the influence of minority voters by packing them into districts.

The opinion says that it should not be read to imply that majority-black districts are no longer needed in the state, and that majority-black districts could be drawn using traditional criteria.