



VIA EMAIL

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

Rep. Tim Moore
Speaker, North Carolina House of Representatives

Sen. Daniel, Sen. Hise, and Sen. Newton
Co-Chairs, Senate Standing Committee on Redistricting and Elections

Rep. D. 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

August 2, 2021

Dear Sirs:

As the North Carolina General Assembly prepares to redistrict our state's Congressional, State House, and State Senate districts, we write to convey the need for a fair, transparent, timely, and inclusive process in which all North Carolinians have a reasonable opportunity to participate.

As you are well aware, fair redistricting is fundamental to our representative democracy, and a transparent process is crucial to upholding public confidence in our system of government. But for this process to be truly fair and transparent, it must be inclusive such that all community members have a genuine opportunity to view this process and be heard, regardless of race, ability, or socioeconomic status. An accessible process is particularly crucial for historically-disenfranchised communities, such as our state's communities of color, which have been the targets of recent gerrymanders. A truly participatory and transparent redistricting process

will contribute to better maps and engage citizens and improve public trust and confidence in our democracy.

Accordingly, we have outlined requirements for an inclusive redistricting process. We based these guidelines on our collective advocacy for the right to fair representation for North Carolinians. These guidelines are also informed by past redistricting experiences and best practices implemented in North Carolina and throughout the United States.

Implement a Redistricting Timeline That Allows Informed and Impactful Public Comment

North Carolina's redistricting process must follow a timeline that allows for meaningful public comment, irrespective of the delays in the release of census data. While the delay in release of the census data has altered the typical timeline, North Carolina can and should establish a timeline that allows for robust public input and, if needed, post-enactment dispute resolution.

The Census Bureau currently anticipates releasing block-level census data in legacy format on August 16, 2021.¹ New maps must be in place before December 17, 2021, when candidates seeking federal or state party primary nominations must file their notice of candidacy.² To ensure a meaningful opportunity for public comment within this window of time, North Carolina's redistricting should adhere to the following timeline:

1. Start the Redistricting Process Immediately After the August 16 Data Release. North Carolina should begin the redistricting process by utilizing the Legacy Format Summary File of P.L. 94-171 data available on August 16. We expect all major vendors, and the vast majority of states, to utilize this data. There is no reason North Carolina needs to wait until the September 30 release of this same data in an alternative format: General Assembly staff processed and publicly released legacy format data last cycle and should do so again this cycle.
2. Release Processed Block Data for Community Use by August 21. Major vendors expect to process the Legacy Format data and make this processed data available to users within five business days of its release. The General Assembly staff should do the same, and make processed and tabulated data available to the public on a state government redistricting website within this same timeline.

¹ See *2020 Census results*, U.S. CENSUS BUREAU, <https://www.census.gov/programs-surveys/decennial-census/decade/2020/2020-census-results.html> (Last revised June 23, 2021).

² See N.C. Gen. Stat. § 163-106.2.

3. Disclose Initial Draft Maps by September 15.

After receiving and incorporating public comment, as discussed below, draft maps should be released online for additional public comment within 30 days of when the Legacy Format data becomes available.

4. Submit Final Proposed Maps to the General Assembly by October 6.

The final proposed maps should be publicly released online 21 days after the draft maps. The General Assembly should then be required to vote on these plans within 10 days—that is, enacted maps should be in place no later than October 16, 2021. This timeline will ensure that potential candidates can familiarize themselves with new districts before filing, and allow any challenges to be adjudicated before the December candidate filing deadline.

Provide Genuine and Meaningful Opportunities for Public Comment

North Carolina must afford fair opportunities for all North Carolinians to provide public input in the redistricting process. Furthermore, the General Assembly's commitment to hearing public comment must be more than lip service: these opportunities must be genuine such that public comment is utilized in the map-drawing process. To ensure meaningful public comment this cycle, the General Assembly should ensure community engagement adheres to the following guidelines:

1. Provide a Simple State Government Website For All Redistricting Information.

To facilitate public comment and participation, North Carolina should establish a simple and easily-accessible state government website that includes all redistricting information in one location, including meeting notices and livestream links, draft maps and related data and information, and a public comment portal like that required by other states.³ To prevent any fraudulent activity, the public comment should have a simple authentication process, such as a reCAPTCHA checkbox.

2. Allow Public Comment Before Initial Draft Maps Are Drawn.

The General Assembly should receive public input before draft maps are drawn. This earlier input will ensure community input and concerns can be taken into consideration in drawing draft maps.

3. Allow Public Access and Comment on Draft and Revised Maps.

The General Assembly should release draft maps online for public comment, and should provide the public adequate time to review the draft maps and submit public comment before draft maps are revised.

³ See, e.g., Missouri Senate, *Bill Summary: SB 213*, http://senate.mo.gov/19info/BTS_Web/Bill.aspx?SessionType=R&BillID=1065216 (requiring a “Redistricting Public Comment Portal”).

4. Permit Written and Oral Public Comment.

The General Assembly should ensure all North Carolinians, including low-wage workers with demanding work schedules, have an opportunity to provide public comment by providing procedures for receiving written input via a public comment portal, email, and USPS in addition to that conveyed orally during live hearings. Information about how North Carolinians can submit public comment should be provided contemporaneously with meeting notices.

5. Hold Accessible Public Hearings Throughout the State.

The General Assembly must provide live in-person hearings in major metropolitan areas and rural hubs throughout the state in order to provide genuine opportunities for community members to provide live testimony. North Carolina should increase the number of hearing sites from the seven utilized in 2018 to thirteen, accounting for each of the current Congressional districts. Legislators should also prioritize locations and facilities that are accessible by public transport and to those with disabilities. In light of the ongoing COVID-19 realities, lawmakers must also provide remote options for viewing public hearings and providing public comment, and post a contact for those requiring technical assistance in accessing hearings remotely.

6. Provide Two Weeks' Notice of Public Hearings.

The General Assembly should endeavor to post a full schedule of public hearings at the beginning of the redistricting process, and in any event provide at least two weeks' notice of any public hearing on redistricting to ensure those wishing to participate have a genuine opportunity to do so. Hearings should not be scheduled during or near public holidays, such as the Labor Day holiday.

Ensure Transparency throughout the Redistricting Process

In 2019, a court required the General Assembly to draw remedial maps in “full public view” and barred legislators from undertaking “any steps to draw or revise the new districts outside of public view.”⁴ Notwithstanding these requirements, there were several issues in 2019, including legislators and participants moving maps in and out of the meeting room during the redistricting process, holding conversations relevant to the redistricting process away from microphones, and failing to respond to public commentary. The public also experienced significant difficulty connecting to audio and video broadcasts that allowed for a detailed observation of the process. A truly transparent process must be used in 2021. Anything less will only serve to degrade public confidence in our state’s redistricting.

⁴ See <http://www.commoncause.org/north-carolina/wp-content/uploads/sites/22/2019/09/Common-Cause-v.-Lewis-trial-court-decision-9.3.19.pdf> at p. 356.

Accordingly, the General Assembly should ensure transparency by implementing the following:

1. Disclose All Criteria, Systems, and Data Used In Drawing Maps.
Any criteria, system, or data used to develop draft maps should be publicly disclosed online before it is applied in drawing or revising any maps. This information should be disclosed to the public in advance of its use such that the public has a reasonable and adequate opportunity to view the information before it is used.
2. Perform All Map Drawing and Revising in Public View.
All map drawing and revisions, including related redistricting discussions and meetings, should be performed in the public view and live-streamed. An explanation made available to the public should accompany any changes or revisions to draft maps, and all conversations or commentary by those engaged in the map-drawing process during any revisions should be audible to public observers. Maps should not be removed from the meeting room during the drawing or revising process except for secure storage. Final maps should be accompanied by a written justification for the districts chosen.
3. Ensure Quality Video and Audio Broadcast in Public Meetings.
All video related to map-drawing provided for public consumption should be timestamped and of a quality such that the public can view all relevant details of the proposed maps. Hearing notices should include a contact phone number for those observing the process to report technical issues. Should technical issues arise that prevent public observation, map drawing or revising should halt until those issues are resolved.
4. Disclose All Third Parties Engaged in Redistricting.
The General Assembly should immediately disclose all consultants, attorneys, or other third parties who will be participating in the redistricting process, to the extent already known, and going forward disclose additional participants within 24 hours of engagement. Participants should be introduced during public meetings if they are substantively involved in the process. This disclosure will further public confidence by ensuring that there are no conflicts of interest and that the key players are known to the public. The public should know who is participating in redistricting and why.

Gentlemen, the districts you draw this year will shape North Carolinians' lives and communities for the next decade. Only with these successive rounds of meaningful public input can the people of North Carolina view the 2021 redistricting process as one that is fair, inclusive, and transparent. Taking these steps will not only send an important message that this year's North Carolina maps are the most inclusive and representative in history, but also set a precedent for the rest of the country.

North Carolinians deserve nothing less.

Sincerely,

Bob Phillips
Executive Director
COMMON CAUSE NORTH
CAROLINA

Rev. Dr. T. Anthony Spearman
President
NORTH CAROLINA NAACP

Jo Nicholas
President
LEAGUE OF WOMEN VOTERS
OF NORTH CAROLINA

Tomas Lopez
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