

Democracy North Carolina

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Election Officials Say New District Plans Threaten Secrecy of the Ballot and Integrity of NC Elections

Statements from election officials across the state provide new reasons for concern about the controversial district lines that zigzag through and split up hundreds of precincts to create the new district boundaries for state legislators and North Carolina's 13 members of Congress.

The election professionals are not taking sides on whether or not the new district maps discriminate against African Americans or give one political party an unfair advantage over the other. However, in affidavits filed with the Wake County Superior Court, they say the maps will confuse voters and poll workers, make elections harder and more expensive to administer, and even jeopardize the secrecy of the ballot for thousands of voters.

Read the statements at: <http://democracy-nc.org/downloads/ElectionOfficialsAffidavitsRedisJan2012.pdf>

"Splitting precincts is not a trivial matter; it creates substantial problems and risks to the integrity of the election process," said George Gilbert, director of the Guilford County Board of Elections since 1988, in his statement filed with the court. His affidavit is part of 400 pages filed by non-profit groups and Democratic voters in a motion urging the court to delay the May primary while it evaluates a number of claims, including the unconstitutional hardships caused by split precincts. See AP story: <http://www.myrtlebeachonline.com/2012/01/09/2591138/democrats-want-nc-primary-delay.html>

The new General Assembly and Congressional district lines split 563 precincts into more than 1,400 sections, with each section requiring a different ballot for different sets of candidates. That's more than twice the number of splits of any previous set of plans. Officials say that the variation of ballots within a precinct creates confusion and suspicion among voters and increases the chance of mistakes that could require a new election to fix.

"I am concerned about the effects of the number of split precincts on Lenoir County's ability to have fair and accurate elections because increasing the number of possible ballot styles for each precinct increases the probability that a poll worker will make a human error on Election Day," said Dana King, director of the Lenoir County Board of Elections since 1997, in her affidavit. She described how a new election had to be held in 2006 largely because voters received the wrong ballots in precincts split between two House districts. "I am concerned that the number of split precincts may cause more serious errors in the next election cycle," she said.

Two million voting-age adults live in the precincts split up in the new district plans, or 27 percent of the state's total. In 19 counties, more than one third of the adults live in precincts that are split up by crisscrossing district lines. They are Craven, Cumberland, Durham, Forsyth, Franklin, Greene, Johnston, Lee, Lenoir, Mecklenburg, Nash, Pasquotank, Pitt, Richmond, Robeson, Sampson, Scotland, Wake, and Wayne counties.

Joseph Fedrowitz, a Durham County election official, said the new maps split "more than nine times the number of VTDs [Voting Tabulation Districts or precincts] than the previous plans" for his county, and they "split many minor roads that only span one or two blocks." In one precinct, "districts [lines] overlap and intertwine" and "could create 18 ballot styles in a six block area."

In his affidavit, Fedrowitz described how each voter's residence must be properly placed in the correct section of a precinct, using geocoding and aerial maps, in order for the voter to receive the right ballot. "Due to the complex precinct splits, geocoding in split precincts must be carried out throughout the county essentially on a block by block basis . . . increasing the probability of a wrong entry and misplaced voter."

The affidavit submitted by Kellie Hopkins, Beaufort County Board of Elections director, detailed several additional problems with splitting precincts and described an election that had to be redone in her county because wrong ballots were given to voters.

She also emphasized her concern with a precinct newly divided to place most people in House District 3 but place 123 residents in House District 6. A smaller number will register to vote, she said, and that number will be "reduced into smaller groups by party. Low voter turnout and voter trends could isolate voters. By having such a small number of voters with a ballot style, I am afraid that reporting by [precinct], which is required by law, could possibly allow others to know how someone marked their ballot."

"The threat to ballot secrecy is serious," said Bob Hall, executive director of Democracy North Carolina, a nonpartisan watchdog group that is a plaintiff in the lawsuit challenging the maps. In his affidavit, Hall described a 2011 election in Richmond County where a split precinct allowed him to identify the ballot choices made by a single voter. He also demonstrated the scope of the problem under the new plans adopted by Republican lawmakers.

Read his affidavit at: <http://democracy-nc.org/downloads/HallAffidavitRedisJan2012.pdf>

"My research shows that in 95 of the 563 precincts split by the plans, there are less than 100 voting-age adults in one of the carved out sections; in 59 of the 563 precincts, there are 50 or less adults in one section of a split precinct," he said. More than 3,700 adults live in the 95 precincts. "Considering the lower numbers of adults who register and who vote, as well as the division of voters in partisan primaries, it is highly likely that the plans will compromise the secrecy of ballots in scores of future elections."

Hall's affidavit includes a host of other data about split precinct:

** 24 percent of the white voting-age population (VAP) and 36 percent of the black VAP lives in one of the 563 split precincts. Therefore, black voters are over 50 percent more likely than white voters to live in a split precinct.

** District lines split precincts in a manner that promotes division of voters by race. In 55 percent of the cases where precincts are split, the lines are drawn so that one section of the precinct has a black VAP that is at least 20 percentage points greater than in the other section.

** Only 4% of the 853 precincts where the VAP is over 90% white or over 80% black are split, But 40% of the 839 precincts where the VAP is between 15 and 45% black are split. These 839 precincts comprise 31% of the state's 2,692 precincts but they include 60% of the 563 precincts chosen for splitting by one or more of the plans.

** These 839 precincts apparently provide the black-white distinctions for productively dividing voters with a partisan goal. The party affiliation of white voters in heavily white precincts can not reliably be distinguished at the sub-precinct level, and so they largely escape the race-based splitting policy. But white voters in a racially mixed precinct are prime targets for splits. White adults are six times more likely to live in a split precinct if they reside in a precinct where the VAP is more than 25 percent black than if they live in one that is less than 10 percent black.