

**CASWELL COUNTY BOARD OF COMMISSIONERS**  
**MEMBERS PRESENT**

**October 28, 2021**  
**OTHERS PRESENT**

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David J. Owen, Chairman  
Jeremiah Jefferies, Vice Chairman  
William E. Carter  
Nathaniel Hall  
Rick McVey  
Steve Oestreicher  
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Bryan Miller, County Manager  
Carla R. Smith, Clerk to the Board

The Board of Commissioners for the County of Caswell, North Carolina, met in Special Called meeting on Thursday, October 28, 2021, at 1:00 pm at the Gunn Memorial Library.

**WELCOME:**

Chairman Owen called the meeting to order at 1:07 p.m. and welcomed everyone to our special meeting of the Caswell County Commissioners. Today we will be looking at an additional map as far as redistricting. We have several options we can think about as we go through the meeting that we will need to decide after we get the final map that is being presented. We can decide on a map today that we would like to have for the Public Hearing, if we desire to do that. That doesn't mean that will end up being the map because after the public hearing we may decide that's not the map we want to use, or we may start all over. But whatever we do, we have to move quickly because this is time sensitive. The second option we have is to present all the maps that we have for the public hearing. After that it will give us more clarity as to which map we decided to use. Chairman Owen then asked the County Manager if there were any other options. The County Manager said he thinks that adequately lays out the options the Board has. Then the meeting was turned over to the County Manager.

**REDRAWING THE ELECTORAL DISTRICT LINES FOR CASWELL COUNTY:**

The County Manager shared a quick slide show from the North Carolina Board of Elections.

## What is Redistricting?



- The process of redrawing district boundaries every ten years, following the decennial United States Census
- Done to ensure that voting power and representation are distributed equally, based on population
- Congressional and legislative redistricting performed by General Assembly; county, municipal, school board redistricting performed by General Assembly or governing body (or process prescribed in court order/consent decree in some cases)



## Why Do We Redistrict? Legal Basis

- Both the US and State Constitutions require it:
  - US House of Representatives: “Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.” (U.S. Const., Article I, Section 2 and Amendment XIV, Section 2)
  - NC Senate and NC House: General Assembly must redistrict “at the first regular session convening after the return of every decennial census of population taken by order of Congress” (N.C. Const., Article II, Sec. 3 & 5)



## Why Do We Redistrict? Legal Basis

- State law also allows/requires it:
  - Municipalities and school boards: Governing bodies can redistrict “from time to time” and generally only to account for annexed/deannexed territory or to correct population imbalances as shown by federal census (G.S. 160A-23 and 115C-37)
  - Counties: If county board of commissioners is divided into districts, it may redefine electoral boundaries to address “substantial inequality of population among the districts” and district boundaries must be “as nearly equal as practicable” and “composed of territory within a continuous boundary” (G.S. 153A-22)



## Legal Considerations

- Equal population
  - Population equality among districts – “One Person, One Vote” principle
  - Congressional districts – NO safe range of population deviation
  - Legislative districts –
    - NC Constitution interpreted by *Stephenson v. Bartlett* to require +/- 5% deviation

District	2010 Pop	Ideal Pop	Deviation	Deviation %
1	733,499	733,499	-1	0.00%
2	733,499	733,499	0	0.00%
3	733,499	733,499	0	0.00%
4	733,499	733,499	0	0.00%
5	733,499	733,499	0	0.00%
6	733,498	733,499	-1	0.00%
7	733,499	733,499	0	0.00%
8	733,498	733,499	-1	0.00%
9	733,499	733,499	0	0.00%
10	733,499	733,499	0	0.00%
11	733,499	733,499	0	0.00%
12	733,499	733,499	0	0.00%
13	733,499	733,499	-1	0.00%
Total	9,635,483			

Source: NC General Assembly



## How Is “Substantial Inequality” Determined?

- Take population of that jurisdiction and divide by number of districts. That gives you the ideal population. Apply the 2020 census numbers to current (old districts) and calculate population deviation.
- For example, Electiontown, NC has 4 electoral districts and a 2020 census population of 10,000.

District	2020 Ideal Population	Current District Population	% change
A	2,500	2,700	+8%
B	2,500	2,300	-8%
C	2,500	2,650	+6%
D	2,500	2,350	-6%



## How Is “Substantial Inequality” Determined?

- 10% Threshold
  - Riskier standard – 10% establishes prime facie violation of one person, one vote principle and the jurisdiction now has to prove that there is a rational and legitimate policy for inequality in the districts
- +/- 5% Threshold
  - Based on NC-specific case law
  - More conservative calculation





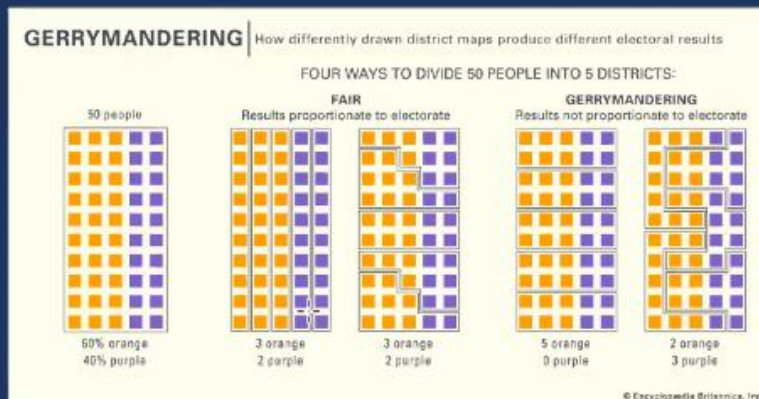
## Legal Considerations

- Compactness
- Contiguity
- Preserve communities of interest
- Minimize split precincts



Just a little bit on racial and political gerrymandering. The County Manager said he wouldn't spend a lot of time on this, but there are fair and unfair ways to form districts. And you can see the way that's done in this illustration.

## Restrictions on Redistricting: Racial and Political Gerrymandering



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## Restrictions on Redistricting: Racial and Political Gerrymandering

- Equal Protection Clause is violated when race is the “predominant consideration” in drawing district lines and the legislature subordinates “traditional districting principles” to race in order to create minority districts without a compelling state interest
- When question is whether this is a racial or political gerrymander, ask: Could the same legitimate political objectives be achieved in other ways that are consistent with traditional redistricting principles? Would those alternatives have brought about significantly greater racial balance?



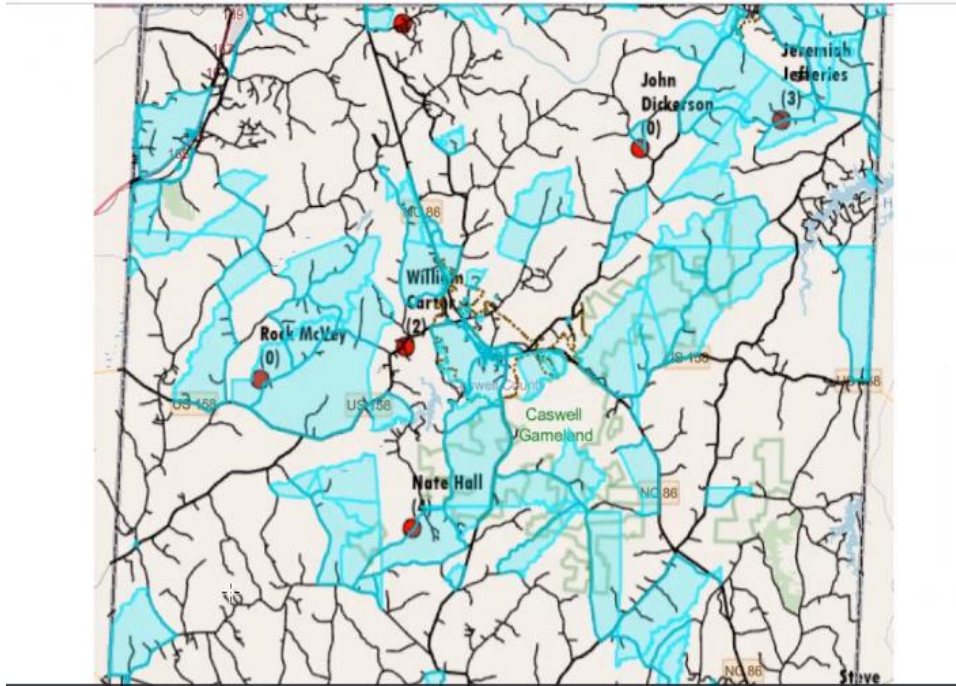
In Caswell County’s case, we do have an order from the Court. A consent decree from the Court that requires that Caswell County to have two minority districts. That consent decree was agreed upon by the Board of Commissioners, the Board of Education, and the Board of Elections.

## Restrictions on Redistricting: Racial and Political Gerrymandering

- Political gains generally a valid aim of redistricting
- Including protecting or enhancing position of a political party, interest group, incumbent, or potential candidate
- However, these claims are still justiciable

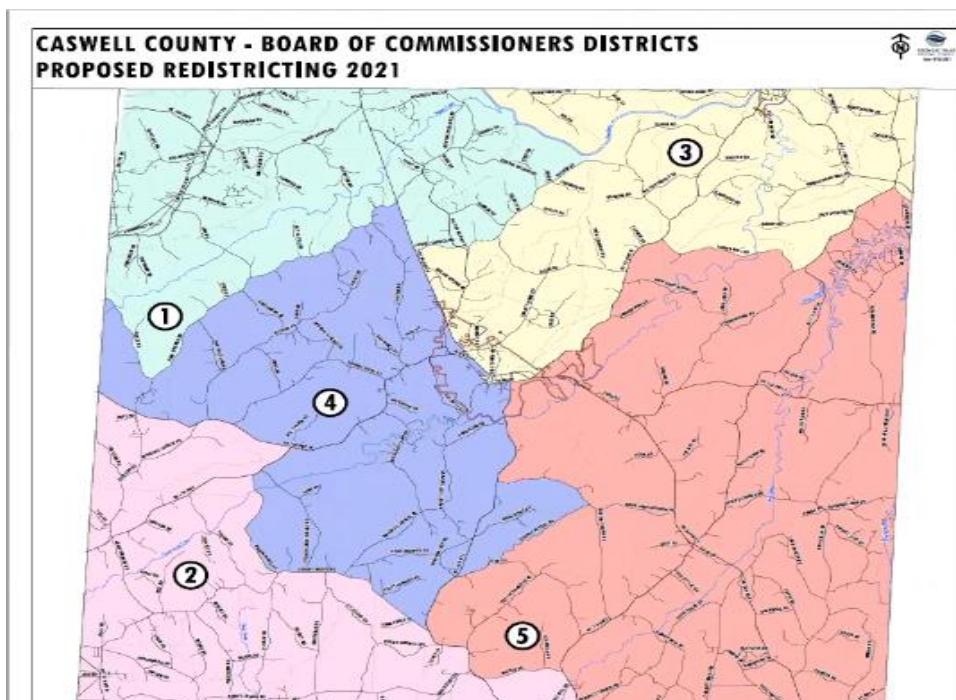


Then the County Manager shared a different screen with the minority census tracks in the county.



Several of these census tracts are widely dispersed throughout the county. However, you can see there are some populations for the census tracts that are grouped together, and they are more compact than in other places.

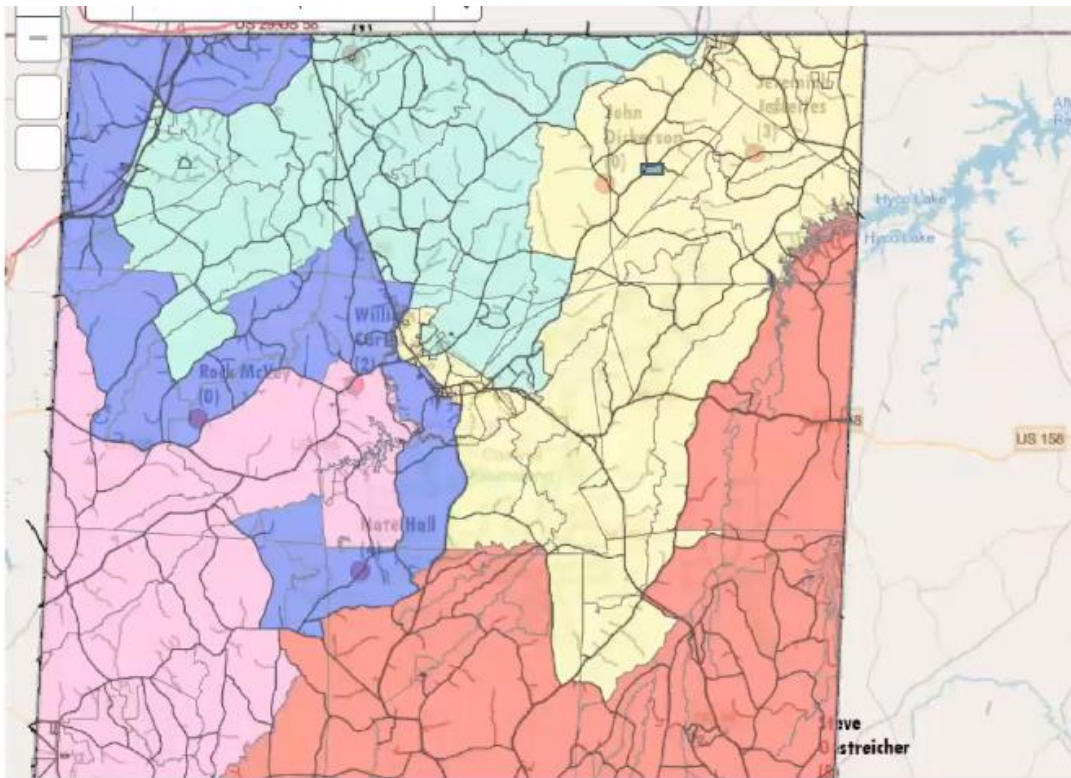
Then the map that Piedmont Triad Regional Council presented to the Board of Commissioners as potential redrawn districts was shared.



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This is the most recent version of the districts that meet a lot of the requirements.



Then the statistics of each proposal that's been given was shared with the Board. The minority percentages went from 51% and 50% in the previous version and 52.12% and 52.48% minority in the most recent version.

Proposed District V3	2020 Total Population	2020 Minority Population	Percent Minority
1	4,545	1,275	28.05%
2	4,536	1,402	30.91%
3	4,549	2,371	52.12%
4	4,596	2,412	52.48%
5	4,510	1,240	27.49%
<b>Total</b>	<b>22,736</b>	<b>8,700</b>	<b>38.27%</b>

98.13%

Proposed District V2	2020 Total Population	2020 Minority Population	Percent Minority
1	4,493	1,437	31.98%
2	4,606	1,493	32.41%
3	4,504	2,302	51.11%
4	4,506	2,264	50.24%
5	4,627	1,204	26.02%
<b>Total</b>	<b>22,736</b>	<b>8,700</b>	<b>38.27%</b>

97.10%

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<b>Proposed District</b>	<b>2020 Total Population</b>	<b>2020 Minority Population</b>	<b>Percent Minority</b>	
1	4,516	1,228	27.19%	
2	4,514	1,296	28.71%	
3	4,514	2,371	52.53%	
4	4,546	2,350	51.69%	
5	4,646	1,455	31.32%	
<b>Total</b>	<b>22,736</b>	<b>8,700</b>	<b>38.27%</b>	<b>97.16%</b>

The process for redrawing the electoral districts is a requirement by the state of North Carolina following the decennial census for those counties that elect Commissioners by district. We contracted with the Piedmont Triad Regional Council (PTRC) to redraw Caswell County's electoral districts. PTRC extrapolated the date from the 2020 decennial census and redrew the Caswell County electoral district lines and they were presented to the Board of Commissioners as proposed districts. Caswell County Board of Commissioners reviewed the newly drawn maps and determined that they had additional priorities that were not met with the newly drawn proposed version. The County Manager worked with PTRC and staff to revisit the proposed district map. Determination was that to meet the priorities of the Board the newly drawn districts would have to substantially change. After these substantial changes were made the County Manager presented the altered map to the Board of Commissioners in the special meeting. After the review of the maps the County Manager received several comments from Commissioners and from the public, which necessitated several additional changes to the districts. The result is the version 6 that you have reviewed today.

So, the Board of Commissioners priorities for redrawing the electoral districts are as follows:

1. Keep all sitting Commissioner serving in a district role currently in a new redrawn district.
  - a. This does force districts one, two and four to commingle on the western part of the county and much of that is due to the fact that the populations are centered in certain areas and population density is heavy in some areas, and not heavy in others.
  - b. One district, districts two and four, commingle and one must move North, and one district must move South.
2. Keep populations in each district, as even as possible in each district.
  - a. The current electoral districts are 16% out of balance between the most populated district and the least populated district. This indicates an almost 7% population shift in our county.

- b. To get within 2% (5% is the target) of population in electoral districts, we must follow more than just roads. Bodies of water, township lines, and municipal lines must be used to separate districts.
3. The Board of Commissioners has to maintain two minority majority districts within Caswell.
  - a. That's based on the 1989 Consent Decree. the minority
  - b. Minority population has declined in Caswell County in the last 10 years by 506 residents.
  - c. African American population has declined by 1,187.
  - d. Other minority populations have increased by 681.
  - e. This among other things has caused the population shift that we spoke about earlier.
  - f. Both minority majority electoral districts must share census tracts in Yanceyville to maintain the minority majority districts.
  - g. Minority populations by township.

	<u>%District</u>	<u>%Minority Population</u>
i. Yanceyville	57%	24%
ii. Locust Hill	47%	14%
iii. Stoney Creek	31%	13%
iv. Milton	51%	12%
v. Pelham	30%	12%
vi. Anderson	34%	8%
vii. Dan River	26%	7%
viii. Hightowers	23%	5%
ix. Leasburg	38%	5%

If you look at the percent of minority population as it relates to the total minority population within the county, you can see that our top five minority populations exist in Yanceyville, Locust Hill, Stoney Creek, Milton, and Pelham. Therefore, you would not be surprised to see the minority districts formed in those areas. Legal considerations include compactness, contiguous, preserves communities of interest, one person one vote, Consent Decree, and minimizes split precincts. The PTRC proposed districts meets the legal requirements for redistricting but not the priorities of Board Commissioners. Other versions made the priorities of the Board of Commissioners and may contain some deficiencies in other areas. The County Manager said he would be happy to answer any questions, pull the map back up, or whatever the Board would like to do. Chairman Owen asked that the map be brought back up and enlarge it. The County Manager brought the map up and enlarged it but said he would not be able export the map so that it would have road names on it. So, this is the web version. The County Manager wanted the Board to know that there's 615 unique census tracts within the county. So, when you look at a

census tract, you can see that you get different values. You get the total population, the minority population and the percent minority out of the total population.

Commissioner Jefferies said his district changed quite a bit. At the last meeting his district was 51% minority and today it has 52.14%. Thing is we will come across into Yanceyville, but Mr. Jefferies precincts are in Milton and Semora. People are not going to come from Yanceyville to Semora to vote. Mr. Jefferies asked if they could fix it so that people can vote in the precinct that they are in. In the past we have been able to when we do early voting. County Manager Miller said it's my understanding that voters voted in the voting precinct in which they live. So, if they live in the Yanceyville voting precinct, they vote in the Yanceyville voting precinct. They may be voting for multiple Commissioner districts, as you can see, Yanceyville has pieces of district one, three, and four. So, Yanceyville has three different Commissioner districts in the Yanceyville voting precinct. So, all of those voters would vote in the Yanceyville voting precinct. The County Manager said he thinks the county has close to 16,000 registered voters and each voting precinct that we have can handle, according to the Elections Director, about 3000 registered voters. If you expand over 3000 registered voters, you had to open up an additional precinct. For 3000 registered voters, we have 10 voting precincts or voting sites. Which would mean we have the capacity to handle about 30,000 registered voters, and we have about 16,000 registered voters within the county.

The County Manager said he does want to pass along the fact that if we do have to open up additional voting places or voting precincts, it will require additional funding from the Board for the Board of Elections for a number of things. The County Manager thinks redistricting in and of itself is going to require some increase in funding for the Board of Elections because of the mailings and contact notifications that will have to go out. Commissioner Oestreicher asked would those be going out to only the people who are experiencing a change. County Manager Miller said yes, anybody that experiences a change will get a notice. This is a pretty dramatic change. Any of the options that the Board has looked at so far have been a pretty dramatic change. Then Commissioner Oestreicher asked if the County Manager could show the statistics for version six as far as equality of population. So, this is version six and between the five districts there's 1.87% difference in the population between the lowest district and the district with the highest population. Your minority majority districts both have more than 52% minorities residing in those districts. Commissioner Oestreicher asked would the County Manager say that is one of the things he looked at. Would you say that's the highest you could probably get the minority majority percentage composition? The County Manager said I don't know, and I'll tell you why. There are several other factors that play into shaping the district like they are currently shaped. While the minority majority priority for the Board was one thing that we took into account. It was not the only thing. Commissioner Oestreicher said well you've got the issue continuous, not having weird boundaries, and keeping each Commissioner in a district.



County Manager Miller said there were several legal considerations and priorities from the Board that I took into account. Commissioner Oestreicher said the point he's making is with all those constraints, this is probably one of the highest points you can get. Version six, as the County Manager said before, is one of the other versions. It meets the priorities of the Board of Commissioners and most of the legal requirements for redistricting. When you look at it on its surface and you're not looking at the consent decree, it may contain some deficiencies in other areas. If you look at the statistics, it's the most even population and it's the highest percentage in the minority majority districts. Commissioner Oestreicher said that's the point he wanted to hear the County Manager make.

Commissioner Oestreicher said so our options today are to vote for one of these and establish it prior to a public hearing. The other option is to wait until after public hearing and then make a decision. Or to revert to the PTRC version or get out a piece of white paper and start drawing lines again. Chairman Owen said he wouldn't necessarily say a formal vote because our opinion or thoughts could change after the public hearing, but we would need to have a consensus if we're going to do one map for public hearing. Or we have a consensus to have all the maps for the public hearing. Commissioner Oestreicher asked would we make a presentation at the public hearing similar to what the County Manager did today. The County Manager said he certainly can do that. Commissioner Oestreicher said he thinks that's important because just throw out a map and saying here it is. Commissioner Oestreicher doesn't think that does the public any good. Chairman Owen said whatever a map or all the maps will go out as soon as possible and will go on our website by tomorrow. The County Manager said whatever the Board asked us to put on the county website tomorrow to be considered for the public hearing, that's what we'll put on the website. Commissioner Oestreicher's recommendation would be to put out three maps with the associated statistics with them for the public hearing. The three maps would include the existing districts, the PTRC version, and version six. has one commissioner. Commissioner Carter said the PTRC districts has one district with no sitting Commissioner, and he is not sure we should put that one out. Chairman Owen said well that was one reason the Board asked the County Manager to look at redoing the map was for that very reason. That was a priority. We wanted to try to keep a Commission in each district. Commissioner McVey said he thinks if we throw a bunch of those maps out there, we are going to confuse the public a whole lot more than they already may be. Commissioner Carter said he thinks we should go with this last version of the map that the County Manager did. Commissioner Hall said I agree that we should go with one map. There will be a lot of confusion and there will be people who will be trying to take advantage of the confusion. They will want to delay this for whatever reason, and that won't serve any good purpose. Commissioner Hall said he is sure there will be those that question district 4, but with the County Managers presentation and all the relevant information it can be explained.

The County Manager said he has received several questions already about district four and I will show you a couple of things really quick. When you look at the section in the upper left corner that's in district four, the population in that is not a minority majority district. But it does consist of 28% minorities in that geographic area. If you look at any other section of Pelham and try to extrapolate that same number of total population, there's about 1007 people in this area. Let me make sure that right. I have 1149 people, which is about 28% minorities. If you look at any other portion of Pelham, you come up with between 20% and 22% minorities in there. So, if you would apply any other part of Pelham to that minority majority district, other than the area that's highlighted here, you reduce the minority majority percentage by 2%. Commissioner Hall said the other thing that is very important is Mr. Jefferies's question which was relative to where you will vote. Commissioner Hall doesn't think that was in the initial presentation, but it will be critical that people understand that you vote in your current precinct. The Board of Elections will make any adjustments for balance, so you don't have to travel thirty miles to vote. That's very important. Chairmen Owen said make sure we can get that in the presentation. The County Manager said I will. After my conversation with the Board of Elections Director, he gave me a lot of good information this morning. The Board of Elections will not really know where people vote until the redistricting is finished and they can tabulate how many people should be voting in that one voting precinct and determine how many registered voters they have in that precinct. The magic number the Board of Elections Director said was about 3000. Some of that will be determined by how you redistrict. So, the County Manager doesn't know that he can give a definitive answer on that, but people vote in their voting precinct. People that live in Yanceyville will have to be travel to Semora to vote. Commissioner Hall said the key to that is whatever the numbers come out to be, even if that is more than 3000, then it is up to the Board of Elections to let this Board know that they may need another \$5 or \$10 to reprint or mail letters. We can't just ignore it. Then, Chairman Owen asked Mr. Jefferies how he felt about the maps as far as what we will put on the website. Mr. Jefferies said he will agree to place one map on the website, but we also need to let people know where they will vote. Commissioner McVey said one map. Chairman Owen said that is the consensus of the Board. We will proceed with putting the last map on the website and presenting it at the Public Hearing. Commissioner Oestreicher said with the statistics. Chairman Owen said yes with the statistics for that map.

Chairman Owen said alright is there any further comments or questions. If not, I guess we've completed the business we needed to take care of today. Commissioner Carter asked if the last map will be presented at the Public Hearing. Chairman Owen said yes that map will go on our website tomorrow, and it will be presented at the public hearing on Monday morning. Commissioner Oestreicher asked if we could get a consensus of the Board that version six is our preferred version. Chairman Owen said he would assume that is what we just did. So Chairman Owen asked the Board if they would like version six, and the Board confirmed the consensus that version six was their choice. Then Commissioner Oestreicher asked if we should include

this as part of the public hearing. Commissioner Hall said he would assume that when the Public Hearing starts the County Manager will say it was a consensus of the Board that we start here or that we use this map.

The County Manager said just one more thing. The redistricting process is a very tedious and technical process. I would encourage any members of the public that had questions about the process, about individual census tracts, or anybody that had questions overall about redistricting to contact me tomorrow. The County Manager said I would be happy to answer any questions the public may have. I will be in my office tomorrow and be able to answer those questions by phone or in person.

**ADJOURNMENT:**

A **motion** was made at 1:48 pm by Commissioner Carter and seconded by Commissioner McVey and **carried unanimously** to adjourn the meeting. (Commissioners Carter, Jefferies, Hall, McVey, Oestreicher and Owen voted for the motion)

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Carla R. Smith  
Clerk to the Board

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David J. Owen  
Chairman

Attachments:

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