

North Carolina A&T: Perfect Storms

An OSUN Case Study

Executive Summary

If the problem of race is the “American dilemma,” as the Swedish sociologist Gunnar Myrdal argued in a classic 1944 study, North Carolina’s response to this dilemma presents a complex puzzle. Unlike other states of the old Confederacy, North Carolina has a long tradition of reform in education, labor, business, and voting rights. North Carolina also has robust competition between Republicans and Democrats. Because of this competition, both parties have battled intensely over voting rights.

The case includes the following elements:

- [Video Case Study](#): “Indivisible: North Carolina A&T, the Campus that Refused to be Split”
- Written Case Study (this document)
- Original Documents in Exhibits (in appendix or on course landing page)

The case is a part of a larger project on student voting rights that focuses on the history of four institutions: Tuskegee University, Prairie View A&M University, North Carolina A&T State University, and Bard College. Materials for each of these cases, including written case studies, video case studies, recorded lectures, original materials, and the book *Youth Voting Rights: Civil Rights, the Twenty-Sixth Amendment, and the Fight for American Democracy on College Campuses* are available on the Bard College Center for Civic Engagement website at: <https://cce.bard.edu/get-involved/election/voting-rights/course/>.

This study is based on the academic literature, original documents, oral histories, legal cases, and original interviews with Yael Bromberg, constitutional rights attorney, legal scholar, and principal of Bromberg Law, LLC; Jelani M. Favors, Henry E. Frye Distinguished Professor of History at North Carolina Agricultural and Technical State University; Ashton Smith, an alumnus of North Carolina A&T; and Tiffany Seawright, director of leadership and engagement at North Carolina A&T.

Introduction: Outrage Over a Split Campus

In 2016, students at North Carolina A&T noticed something strange about their congressional district.

Students showed up to vote at polling places they had used in previous elections, only to discover their names were not listed on voter rolls. All poll workers could do was give them provisional ballots, which would be counted late and possibly never included in final election counts. Students left the polling places dazed and confused. Only later did they figure out what was happening.

This case was researched and written by Charles Euchner, with contributions from Jonathan Becker, Yael Bromberg, and Elizabeth Coulter.

This publication was produced in collaboration with the Open Society University Network and supported [in part] by a grant from the Open Society Foundations and the Mellon Foundation.

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“Our students saw that as an effort to dilute their voting power at the nation's largest HBCU,” said Todd Simons, Associate Vice Chancellor for University Relations.¹

After years of political and legal skirmishing over the shape of electoral districts in the state, the North Carolina campus was split into two congressional districts. The dividing line for the new 6th and 13th districts was Laurel Street. In one district are seven dorms, in the other are six. The result is twofold: a split of the community’s Black population to dilute its impact and mass confusion about where to vote. Before the split, a Democrat named Alma Adams represented the predominantly Black district in Congress. After the split, two conservative white Republicans, Mark Walker and Ted Parris, represented the two new districts.

The split campus also split the student voice, said a political science major named Nikolaus Knight. “We had the power as a student body to sway an election,” he said. “And our voice as a campus was stripped away when we were cut in half.”²

The new electoral map not only divided the natural constituency of North Carolina A&T’s 10,000 students with the predominantly Black community in Greensboro and the surrounding area, but also produced mass confusion about where to vote. In one district were seven dorms; in the other were six. Students did not know where to register or to vote. The prospect of a student moving from one dorm to another—and therefore, being registered in the wrong district—only added to the confusion.

That confusion, according to voting rights advocates, was part of the strategy for voter suppression. “I hope that voters who are disillusioned and frustrated understand that this system is designed to make them feel that way,” said Allison Riggs, then the staff attorney for voting rights at the Southern Coalition for Social Justice. “That’s what it’s about. And when you feel that way, folks who pass these laws, whether it’s gerrymandering laws or voter suppression laws, are getting what they want.”³ Riggs represented nonpartisan organizations in *Rucho* and later became a justice on the North Carolina Supreme Court.

Gerrymandering and Disenfranchisement:

The term gerrymandering comes from the redistricting of state legislative districts in Massachusetts in 1812. Governor Elbridge Gerry approved an electoral map that packed Federalist votes into a handful of districts so that his Republican-Democratic Party would be competitive in more districts. Noting that Gerry’s district looked like a salamander, the political cartoonist Thomas Nast called the process of creating such oddly shaped districts “gerrymandering.”

The idea behind gerrymandering is simple: draw political maps to give an electoral advantage to favored groups. Gerrymandering uses three major strategies:

- **Packing:** Concentrating racial, ethnic, religious, or economic groups into a limited number of districts. Packed into these districts, they are cut off from allies that would be able to create majorities in more districts.
- **Cracking:** Spreading the population of distinct groups over enough districts so they cannot exert much electoral power in any of those districts.

¹ Todd Simons, interviewed by Seamus Heady, July 18, 2023.

² Michael Wines, “Will the Supreme Court End Gerrymandering?,” *The New York Times*, March 25, 2019, <https://www.nytimes.com/2019/03/25/us/supreme-court-gerrymandering-north-carolina.html>.

³ YR Media, “*The Gerrymandered Campus*,” YouTube video, 4:54, November 18, 2014, <https://www.youtube.com/watch?v=DKqA9nGy6Qk>.

- **Snaking:** Creating majorities by combining like-minded groups in irregularly shaped districts. A salamander-shaped district in 19th-century Massachusetts, masterminded by Governor Elbridge Gerry, was responsible for the term gerrymander.

State legislatures draw legislative boundaries every ten years, after the U.S. Census surveys the population and identifies shifts in population. Over the years, the party that controls the state legislature has drawn district boundaries that offer an unfair advantage in elections. Gerrymandering has been used not just for partisan advantage by both parties, but also to exclude minority voices—including Blacks and distinct ethnic groups—from gaining a voice in government.

Two developments created legal grounds for challenging gerrymandering. In its 1964 *Reynolds v. Sims* decision, the U.S. Supreme Court held that the Equal Protection Clause of the Fourteenth Amendment includes a "one-person, one-vote" principle. Previously, states often drew districts with vastly different population sizes, giving some districts more voting power than others.

Then in 1965, Congress passed the Voting Rights Act, which banned racial discrimination in voting. The law prohibited the use of literacy tests, gave the federal government power to intervene where voting rights had been denied to minorities, and required states and districts with histories of discrimination to seek federal approval before implementing new voting laws or procedures.

Like other states from the South, North Carolina had a long history of discrimination against Blacks in voting, housing, employment, policing, and access to public accommodations. But North Carolina also had a countervailing tradition of liberal and moderate reform, which distinguishes it from other states in the South.

Fighting Gerrymandering at A&T:

Students at North Carolina A&T worked to register new voters and educate students about where to vote. As the Supreme Court heard arguments in the case of *Rucho v. Common Cause*, in March 2019, 40 North Carolina A&T students, professors, and supporters rallied in front of Gibbs Hall (in the state's 13th congressional district), across the street from the Bluford Library (in the 6th District).

Students embraced the campus motto—"Aggies Do"—to take responsibility for getting voters engaged. "Unfortunately, it's so hard to overcome gerrymandering," said Baxton Brewington, the student government president. "Rather than [waiting for the] courts to fix it, we have to have these overwhelming, large populations of people turn out to vote. That's the tangible, hard work that we have to do."⁴

"This institution has historically played an important role in our society's fight for change, and that still rings true today," said Keonna Keesse. "It is not by coincidence that the North Carolina legislature would target the largest [HBCU] in the nation and in North Carolina, by knowingly drawing a line in the middle of the campus, thereby diminishing the power of our vote."⁵

⁴ YR Media, "The Gerrymandered Campus," 3:35.

⁵ John Newsom, "As the Supreme Court Takes Up Redistricting, N.C. A&T Students Offer Up Evidence of a Split Campus," *Greensboro News and Record*, March 26, 2019, https://greensboro.com/news/education/as-the-supreme-court-takes-up-redistricting-n-c-a-t-students-offer-up-evidence/article_35aa2581-200e-5976-ad22-f3d49920f398.html; see also Braxton Brewington, "Gerrymandering Has Sliced and Diced Voting Power at N.C. A&T," *Greensboro News and Record*, September 16, 2018, https://greensboro.com/braxton-brewington-gerrymandering-has-sliced-and-diced-voting-power-at-n-c-a-t/article_5c5f0913-14f5-561c-a736-87285b62e98f.html.

Gerrymandering affects every aspect of politics in North Carolina and beyond. With the House of Representatives divided evenly between Republicans and Democrats, the control of Congress could be tipped by North Carolina elections. On a visit to campus, former Attorney General Eric Holder remarked: “If you care about a woman’s right to choose, if you care about sane gun-safety laws, if you care about climate, if you care about protecting employee rights, if you care about criminal-justice reform—all of these issues are tied to who serves in our state legislatures and who serves in Congress.”

There was, Holder added, no better place for the struggle over voting rights than North Carolina A&T, which inspired the lunch counter sit-ins in Greensboro in 1960. “This is a school that has produced leaders, that has produced activists,” Holder said. “I think we need to engage young people in this fight against gerrymandering, against voter suppression.”⁶

Targeting Minority Campuses:

The splitting of North Carolina A&T was just one instance of voter suppression efforts targeting colleges with high minority populations. According to a study by the Institute for Democracy and Higher Education, at Tufts University, minority-serving campuses are 1.8 times more likely to be split or packed than other campuses.⁷

“HBCUs have been targeted in the past and are at an increased risk ... to have their communities packed and/or cracked into multiple districts and their voices diminished,” said Dylan Sellers, the national HBCU manager at the Campus Vote Project, which is part of the Washington-based Fair Elections Center.⁸

North Carolina A&T was not the only campus in North Carolina to be split into two districts. Fayetteville State University was split into two state legislative districts, NC-07 and NC-09 in 2016. Before the split, in 2014, the campus was represented by a Democrat in the state legislature; afterward, it was represented by two Republicans.⁹

The states with the highest risk of gerrymandering around colleges and universities are Alabama, Arizona, Arkansas, Georgia, Louisiana, Mississippi, Missouri, New York, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, and Texas.¹⁰

Young voters have become a “political powerhouse,” said Nancy Thomas, the executive director of IDHE, with the ability to tip close elections. “The combination of being centrally located and identifiable and then being a significant voting bloc makes them also a target,” she said.¹¹

Reuniting the Campus:

⁶ Savi Ettinger, “Former AG’s Visit to A&T Highlights Gerrymandering,” *The City Beat*, October 18, 2019, <https://triad-city-beat.com/former-ags-visit-at-highlights-gerrymandering/>.

⁷ Prabhat Gautham, Nancy Thomas, and Rebecca Stein, “*Student and Minority Communities of Interest for Shaping Voting Districts*,” Institute for Democracy and Higher Education, October 21, 2021, 4, <https://tufts.app.box.com/s/2o8c1waiyfsawrjwmy2b67plh3kb85k>.

⁸ Maria Carrasco, “Partisan Gerrymandering Targets Campuses,” *Inside Higher Education*, October 21, 2021, <https://www.insidehighered.com/news/2021/10/22/partisan-gerrymandering-targets-college-campuses>.

⁹ Gautham et al., 4.

¹⁰ Carrasco, “Partisan Gerrymandering.”

¹¹ Carrasco, “Partisan Gerrymandering.”

In *Harper v. Lewis*, decided by a unanimous three-judge panel of state court judges (two Democrats and one Republican) in October 2019, the judges preliminarily enjoined the map, finding that the plaintiffs would likely succeed in their argument that the state's congressional map violated various state constitutional provisions—including provisions that could be read as barring partisan gerrymandering. In response, the court urged the legislature to redraw the congressional map. The new map, which reunited the North Carolina A&T campus, was used in the 2020 congressional election.¹²

While a victory for the North Carolina A&T campus, the decision brought another round of conflict over gerrymandering. As the discussion below notes, Republicans in the state legislature turned from race-based gerrymandering to partisan gerrymandering. The effect was the same: to reduce the voting power of minority communities, since Blacks and other minorities tend to support Democratic candidates.

Background: Progress and Backlash in the Tar Heel State

For decades, North Carolina has been the model state of the New South. Committed to economic development and education and with a bipartisan approach to politics, the Tar Heel State developed a leadership class that could appeal to local customs while also attracting outsiders. In the classic *Southern Politics in State and Nation* (1949), V.O. Key described North Carolina as a “progressive plutocracy.” Small elites controlled the state but also sought to modernize the state's economy and culture. In no other state, save Virginia, were race relations as “harmonious.”¹³

Still, despite its reputation for moderation, North Carolina remained committed to segregation and limited Black rights. This was true even of figures lauded for reform, like “the education governor” Charles Aycock, who promoted often-violent racist policies. With violence and retribution against organizers, North Carolina blocked workers seeking to join unions; the result was one of the lowest-wage states in the U.S. Public schools also got less funding than most other states. Likewise, Greensboro nurtured a reputation for progressivism but repressed Blacks and workers. By 1900, once-integrated neighborhoods were segregated by law; once fair school spending became severely unequal; skilled jobs once open to Blacks were closed to them. “Whereas in 1900 nearly 30 percent of Negro workers had been employed in skilled occupations, by 1910 the figure had dropped to 8 percent,” William Chafe writes in an analysis of Greensboro politics in the early 20th century.¹⁴

Segregationists often adopted seemingly progressive policies explicitly to restrict Black rights. When Black activists challenged segregation in schools, segregationists pushed for more spending on Black schools in order to claim that “separate” was “equal.” As the segregationist *Kinston Free Press* explained in 1951: “If we want to keep segregation, we must bend over backward to see that facilities are equal.”¹⁵ The state's willingness to invest in education—passing a \$50 million bond issue in 1953, for example—resulted in one of the lowest integration rates in the South.¹⁶

¹² The author wishes to thank Professor John Dinan of Wake Forest University for his guidance on the complex cluster of cases on this issue.

¹³ V.O. Key, Jr., with Alexander Heard, *Southern Politics in State and Nation* (Alfred A. Knopf, 1949), 205-228.

¹⁴ William Chafe, *Civilities and Civil Rights: Greensboro, North Carolina, and the Black Struggle for Freedom* (Oxford University Press, 1980), 15.

¹⁵ James Leloudis and Robert Korstad, *Fragile Democracy: The Struggle Over Race and Voting Rights in North Carolina* (University of North Carolina Press, 2020), 63.

¹⁶ James Leloudis, “Race and Voting Rights in North Carolina, 1860-2021,” expert report offered in the case of *North Carolina League of Conservation Voters v. Representative Destin Hall*, December 23, 2021, 41-42,

Unlike other Southern states—which went from deep blue to deep red—North Carolina has remained stubbornly purple. As in other states, state and local officials erected barriers to Blacks’ basic rights. But the state also embraced a forward-thinking strategy of development, anchored by a first-rate university system and aggressive efforts to attract business, finance, and professionals. North Carolina liberals and moderates—including Frank Graham, Terry Sanford, James Hunt, Harvey Gantt, Mike Easley, and Roy Cooper—embraced a strategy of economic growth to move the state past its legacy of racism.

Research Triangle, a cluster of research universities and businesses in the Raleigh-Durham area, was the center of a new economic vision. Anticipating the decline of the state’s tobacco, furniture, and textile industries, North Carolina’s political and economic elites in the mid-1950s planned this high-tech and medical cluster. Duke, UNC-Chapel Hill, and other universities recruited top researchers and professionals from across the U.S. In 1965, IBM set up shop in Research Triangle Park. Major scientific associations and companies followed—and, along with them, banks, restaurants, homebuilders, and more.¹⁷

Since the civil rights movement, North Carolina has been competitive for both Democrats and Republicans. But since the turn of the 21st century, changing demographics and landmark rulings on elections have created constant tension and conflict. From 2000 to 2020, North Carolina’s white population has fallen from 70.2 to 62.2, while its nonwhite population has increased from 29.8 to 37.8 percent. Minority populations are concentrated in urban areas.

Transforming the Movement: The Lunch Counter Sit-Ins:

The modern civil rights movement, which began with the Montgomery Bus Boycott in 1955, moved to a new phase with the A&T Four, also known as the Greensboro Four.

On February 1, 1960, four students from North Carolina A&T in Greensboro transformed the civil rights movement. Dressed in their Sunday best, they sat down at the “Whites only” lunch counter at the Woolworth in downtown Greensboro, North Carolina and asked to be served. After refusing to serve the North Carolina A&T students, the manager of the downtown Woolworth asked them to leave. When they refused, police arrested them.

Asking to be served at a “Whites only” eatery, the students knew, was an act of defiance. Throughout the old Confederacy, race relations were governed by a strict system of racial separation. Blacks were not allowed to share any public facilities with whites—not restaurants, pools, libraries, movies, theaters, stadiums, hotels, parks, or churches. Even water fountains were clearly marked for “Colored” and “White” people.

The day after the sit-in, three white students from the Women’s College of the University of North Carolina joined the boycott. They were also arrested. Day after day, students sat down and asked to be served. By the fifth day, more than 300 students went to Woolworth to ask to be served. Even in the face of violence—being beaten, splashed with hot coffee, wrestled to the ground—they kept coming back.

But they were just getting started. On the sixth day, Woolworth agreed to negotiate but made no serious concessions. When the students continued their protest, the City of Greensboro stiffened its segregation rules to pressure students to halt their protest. After 45 sit-inners were arrested, the students called for a massive boycott of segregated eateries. Across the South, 70,000 activists staged their own sit-ins at

https://vhdsfh2oms2wcnsvk7sdv3so.blob.core.windows.net/thearp-media/documents/Expert_Report_of_James_L._Leloudis_12.23.21.pdf

¹⁷ See Alex Sayf Cummings, *Brain Magnet: Research Triangle Park and the Idea of the Idea Economy* (Columbia University Press, 2020).

hundreds of eateries. After six months, sales at Woolworth dropped by one-third and the store relented. The pressure campaign worked. On July 25, the original four protesters returned to Woolworth in downtown Greensboro and got service.¹⁸

“The sit-in was not about ... sitting down and having a cup of coffee next to a white person,” said Franklin McCain, one of the four North Carolina A&T students in that daring action. “It was much deeper than that. It was about *choice*. It was about having the ability to say I *choose* to sit down. Or I *choose* to drink from that water fountain. I don’t *choose* black water or white water or colored water. I want water.”¹⁹

To fight for that choice, the sit-in campaign inspired thousands of people to stage sit-ins in cities and towns across the U.S.—and to be arrested for their activism. Activists came from a vast network of social institutions—Black colleges and universities, fraternities and sororities, varsity and club athletes, student government, churches, and legal and other professions.

If choice was a byword of the civil rights movement, the ultimate choice in a democracy comes with voting. In less than four years, young people at schools like North Carolina A&T, across the country, made voting rights the center of the movement.

Even with the passage of the Voting Rights Act in 1965 (which granted all adult citizens the right to cast ballots free of race discrimination) and the 26th Amendment in 1971 (which lowered the voting age from 21 to 18 and outlawed age discrimination in voting), the battle over voting rights has never ceased. In North Carolina, where North Carolina A&T students gave the civil rights crusade new energy in 1960, the battle for voting rights would be the source of bitter political conflict for generations.

Quentin Clark, a history major at North Carolina A&T, put the issue into context: “Hundreds of years of lynchings, of murders, massacres, riots, just to be able to go to the poll and put in a ballot,” he said. “Some people might think it’s ... a mundane task. But really it has power in it and that’s why people are trying to stop you from doing it.”²⁰

With roughly equal numbers of Republican and Democratic voters, North Carolina has been the center of a whole cluster of battles over voting rights. Every possible strategy—major and minor—has been used to suppress voting rights for Blacks and young people. Gerrymandering has been the boldest stroke—at one point, splitting the campus of the historically Black North Carolina A&T down the middle. But other tactics—voter ID, purges of voter rolls, limits on same-day registration and more—have been deployed to tamp down on voting.

The sit-in movement could not have succeeded without institutions like North Carolina A&T. In the words of the noted sociologist Aldon Morris, the movement required “resource mobilization.”²¹ Students from athletic teams, fraternities and sororities, student government had the discipline, organizing abilities, and networks to plan events and coordinate strategy with outside institutions. Other community organizations, like churches, schools, newspapers, and Black-owned businesses, contributed to the sit-in movement.

¹⁸ See Christopher W. Schmidt, *The Sit-Ins Protest and Legal Change in the Civil Rights Era* (University of Chicago Press, 2018), especially 1-46.

¹⁹ Jessica Jones, “Three Of The Greensboro Four: In Their Own Words,” *Morning Edition*, WUNC North Carolina Public Radio, Chapel Hill, NC: WUNC, January 10, 2014, <https://www.wunc.org/arts-culture/2014-01-10/three-of-the-greensboro-four-in-their-own-words>.

²⁰ Quentin Clark, interviewed by Seamus Heady, March 27, 2024.

²¹ Aldon Morris, *The Origins of the Civil Rights Movement* (Free Press, 1984).

The sit-ins were a form of “direct action”—deliberate efforts to confront racist institutions, usually nonviolently—that inspired other “-ins” to integrate beaches, pools, libraries, and buses. These actions created confrontations that forced state and local officials to respond—and exposed the issue of racism in the national media. The movement triumphed in 1964 when President Lyndon Johnson signed the Civil Rights Act to desegregate all public accommodations.

In response to the sit-ins, Blacks in Greensboro boycotted segregated businesses. By putting economic pressure on the White business establishment, the movement gained leverage against segregation.

The sit-ins also broadened the movement, from a top-down effort led by figures like Martin Luther King, Roy Wilkins of the NAACP, and Whitney Young of the National Urban League, to a bottom-up movement that embraced more daring goals and tactics. In the immediate aftermath of the sit-ins, under the guidance of Ella Baker, young people founded the Student Non-Violent Coordinating Committee. SNCC in April 1960—known as “Snick”—not only confronted segregation but also organized voting rights campaigns across the South and, within years, the North as well.

From Protest to Politics: A Reputation for Moderation:

Student and community networks continued to play important roles in politics from the 1960s onward—not just with the civil rights and antiwar movements, but also in the changing Democratic Party. Since Reconstruction, the party has been dominated by a culture of white supremacy. Whites controlled every level of government by suppressing Black voting rights. From the time of the New Deal, which began in 1933, Democrats dominated national politics with a coalition of labor, urban and ethnic working class voters, farmers, professionals, environmentalists, and northern Blacks. But to keep the national coalition together, even liberal politicians accommodated segregation in the South.

That changed when Presidents John Kennedy and Lyndon Johnson supported the civil rights movement. After Johnson signed the Civil Rights Act of 1964 and the Voting Rights Act of 1965, whites left the Democratic Party throughout the South. They argued that civil rights and liberal programs like the Great Society gave too much power to the federal government and disrespected their “way of life.”

The Legacy of Civil Rights in North Carolina:

Under the Voting Rights Act, 40 of the state’s 100 counties were subject to a process known as “preclearance.” This meant that, because of its long history of voter suppression, the state was required to get the U.S. Justice Department’s approval for voting laws and regulations. As Chief Justice Warren Berger noted, this process was necessary to block “the subtle, as well as the obvious, state regulations which would have the *effect* of denying citizens their right to vote because of race.”²²

The period between 1972 and 2009 was a golden age for voting rights. Like much of the country, under the “motor-voter” law, North Carolina boosted voter registration efforts at motor vehicles and public assistance offices. The state also created open “popup” sites for registrars to sign up new voters. Even more significant, the state allowed same-day registration during the early voting period (though, not on Election Day) and extended early voting dates. To bring young voters into the system the state allowed 17-year-olds to register if they turned 18 before Election Day.

²² William Keech and Michael Siström, “North Carolina,” in *Quiet Revolution in the South*, ed. Chandler Davidson and Bernard Grofman, (Princeton University Press, 1994), 161.

“It didn’t come easily and it didn’t come quickly,” said Henry Michaux, one of the first Blacks elected to the state legislature. “But slowly—too slowly if you ask me—we made progress. North Carolina has gone from a Jim Crow state to one of the more progressive [states].”²³

The Rise of Jesse Helms and the New Right:

As Democrats embraced government activism for economic and social policy, a new conservative movement emerged. In the 1960s and 1970s, Republicans gained political strongholds from Appalachia in the northwest part of the state to the Piedmont in the southeast.

The New Right, built on the pillars of anti-government businesses and Christian traditionalists, used the mass media to reach into every rural enclave and suburban cul-de-sac.

The movement’s avatar was Jesse Helms, who had an ordinary career as a newspaper reporter and editor, Navy recruiter, political operative, and radio reporter. In 1950, he rallied racists to join the gubernatorial campaign of segregationist Willis Smith.²⁴ With a folksy drawl, Helms defined the hot-button issues of the emerging Christian right: abortion, welfare, affirmative action, Medicaid, communism, busing, school prayer, drugs, and crime. After his election in 1972, he served 30 years in the Senate. At the center of his career was his resistance to civil rights. He called UNC the “University of Negroes and Communists” and even invented a slur for Blacks for his inner circle: “Fredes.”²⁵

Helms was considered too extreme by the state’s moderate Republicans, business professionals, and conservatives with college educations. But despite serious electoral challenges from Democratic stars like James Hunt and Harvey Gantt, he maintained his grip on the state’s conservative and Republican establishments. Helms was the founder of the North Carolina Congressional Club, one of the top fundraising machines in the U.S.

An Enduring Culture of Moderation:

As the Republican Party gained strength, Democrats remained competitive in North Carolina, unlike other southern states like Alabama and Mississippi. Often with Republican allies, Democrats pursued a broad agenda of civil rights, economic development, modernizing infrastructure, environment protection, and improvements in education, R&D, and health care.

James Hunt, who served a total of four terms as governor, was the Democrats’ most influential figure in the postwar era.²⁶ Hunt rallied a diverse grassroots coalition behind his first run for governor in 1976. From 1977 to 1985, Governor Hunt embraced the classic North Carolina strategy for growth: dramatically increasing public school funding, investing in infrastructure, and recruiting and nurturing high-wage businesses in high-growth industries. After a bruising, losing race against Jesse Helms for the Senate in 1984, he continued his business recruitment work as a partner in a Raleigh firm.

²³ Sam Fulwood III, “A Voting Rights Story,” *American Progress*, July 22, 2016, <https://www.americanprogress.org/article/a-voting-rights-story/>.

²⁴ William A. Link, *Righteous Warrior: Jesse Helms and the Rise of Modern Conservatism* (St. Martin’s Press, 2008), 36-40.

²⁵ Chuck Smith, “The Case Against Jesse Helms,” *The Wall Street Journal*, September 4, 2001, <https://www.wsj.com/articles/SB122643894408618377>.

²⁶ See Rob Christensen, *The Paradox of Tar Heel Politics: The Personalities, Elections, and Events That Shaped Modern North Carolina* (University of North Carolina Press, 2010), 235-260.

In 1992 and 1996, Hunt rallied a coalition of labor, teachers, and Blacks to win two new terms as governor. He championed the legislature's ongoing voting-rights agenda: early voting, same-day registration in early voting, provisional ballots for voters at the wrong precincts, and pre-registration for 16- and 17-year-olds. State legislative maps also reflected the party voting patterns of the state. In 2008 and 2012, registration and voting rates for Blacks exceeded those for whites for the first time in history.²⁷ These various measures rendered North Carolina "one of the nation's most voter-friendly states; in a fifteen-year period, the state improved from forty-third to eighth in the nation for youth registration, and from thirty-first to tenth in the nation in youth turnout."²⁸

Never-Ending Conflicts Over Gerrymandering

The battle over gerrymandering reached an absurd level with the split-campus controversy of 2016. But gerrymandering has long been a strategy in North Carolina to reduce the voting power not just of Blacks, but of other minorities and poor and working-class people.

1990 Race-Based Redistricting:

With the 1990 Census count, North Carolina gained one seat in the U.S. House of Representatives. In the earliest plans under consideration by the legislature, only one of 12 districts was likely to elect a Black to Congress, even though Blacks comprised about 22 percent of the state's population. Under the process of "preclearance," U.S. Attorney General Janet Reno asked the legislature to redraw the maps to create another district that a Black candidate was likely to win.

That second Black district—long and serpentine, with some parts only as wide as a highway—created an uproar. Ruth Shaw and four other litigants sued the legislature in U.S. District Court, charging that it was an act of racial gerrymandering and violated their rights under the Equal Protection Clause of the Fourteenth Amendment. The court rejected the complaints, saying that racial districting is not unconstitutional on its face. After that decision, the U.S. Supreme Court agreed to hear the case.

In its 1993 decision in *Reno v. Shaw*, the Supreme Court agreed that the serpentine district in fact violated basic standards for drawing district lines. Justice Sandra Day O'Connor said that race-based districts that disregard conventional features of districts, such as compactness and contiguity without a legitimate justification, can be challenged. It was the first time the Supreme Court said that plaintiffs could challenge gerrymandering on the basis of race. The plaintiffs, the Court said, "may state a claim by alleging that legislation, though race neutral on its face, rationally cannot be understood as anything other than an effort to separate voters into different districts on the basis of race, and that the separation lacks sufficient justification." The Court remanded the case to the lower court to address the problems of representativeness and district shape.

The district court agreed that the new district lines classified voters by race. But the court found this acceptable since the state had a compelling interest in complying with the Voting Rights Act of 1965. On appeal, in a case now called *Shaw v. Hunt*, the Supreme Court in 1996 again found the serpentine district, based on race, unconstitutional. In the decision, Chief Justice William Rehnquist wrote that North Carolina was "singularly unpersuasive when they argue that a majority-minority district may be drawn anywhere if ... violation exists somewhere in the State."²⁹

²⁷ Leloudis report, 58.

²⁸ Yael Bromberg, "Youth Voting Rights and the Unfulfilled Promise of the Twenty-Sixth Amendment," *Journal of Constitutional Law* 21, no.5 (2019): 1105-1166.

²⁹ *Shaw v. Hunt*, 116 S. Ct. 1894 (1996), *United States Supreme Court, Washington and Lee Journal of Civil Rights and Social Justice* 3, no.1 (1997): 86-90.

Controversies After 2010:

In 2010, the Republican Party won control of both houses of the North Carolina legislature for the first time since 1898 when the Grand Old Party (G.O.P.) joined a fusion coalition. Under state law in North Carolina, the governor does not have the power to veto election maps, so the Republicans took control of redistricting. Democratic Governor Bev Perdue, then, was a bystander in the redistricting controversy. A trend had been set off in 2010 among newly elected conservative state legislatures across the nation to restrict voting rights following the 2008 election of the first Black president.

In North Carolina, G.O.P. lawmakers instructed their consultants to create “safe” minority districts that matched the proportion to the state’s minority population. The strategy might appear to support fair representation. But by “packing” minority voters into districts, Blacks were also cut off from their progressive white allies—limiting their ability to join progressive electoral coalitions. In the non-packed districts, Republicans gained a disproportionate advantage over Democrats.

The new minority districts took irregular shape. District 12, for example, snaked from the state’s south almost all the way to the northern border. In the 2012 election, Blacks gained seven seats in the state’s Assembly, but 19 of their white moderate/liberal allies lost their seats. By fragmenting natural progressive alliances, Republicans gained a supermajority in both houses of the legislature. When Republican Pat McCrory won the governorship, Blacks and their moderate and liberal allies had practically no ability to influence the policy agenda. More importantly, it set the stage for a vicious circle: maps for state elections were redrawn to strengthen the Republican hold on the state legislature, which in turn created congressional district maps that further skewed representation federally, resulting, for example, in the gerrymander of North Carolina A&T in 2016. It also paved the way for the more recent growth of rules and regulations limiting voting, including amongst student populations.

Two major cases resulted from the 2011 redistricting. Plaintiffs in *Cooper v. Harris* argued that two of the newly drawn districts, District 1 and District 12, were unconstitutional racial gerrymanders. Following the 2000 census, the districts were drawn with Black voting-age populations of less than 50 percent, but liberal coalitions were able to elect candidates preferred by Black voters in subsequent elections. This means that there was no need to increase the Black population within those districts in order for them to elect their preferred representatives. By “packing” Black voters into these districts in 2010, the state diluted their voting power in other districts and undermined their overall representation.

A three-judge panel of the U.S. District Court found that race had been too strong a consideration in the drawing of the two districts. The state appealed the decision to the Supreme Court.

In 2017, the Supreme Court affirmed the district court's ruling in *Cooper v. Harris*. The Court held that the state had violated the Equal Protection Clause by using race as the predominant factor in drawing the two districts. This decision marked a significant victory for democracy advocates and reaffirmed the principle that race cannot be the primary consideration in redistricting.

The controversy continued in the Supreme Court case *Covington v. North Carolina* (2018), which challenged several of the state’s legislative districts as unconstitutional. The plaintiffs argued that they were also tainted by racial gerrymandering and that the state had failed to adequately remedy the constitutional violations identified in *Cooper*.

The Supreme Court upheld the lower court's order, which required the state to redraw the remaining districts. The Court also upheld a provision of the lower court's order that called for special elections to be held in the affected districts.

The decision in *Covington* further strengthened the precedent established in *Cooper* and other recent cases, reaffirming the principle that race cannot be the predominant factor in drawing district lines. It also demonstrated the Court's willingness to intervene in cases of racial gerrymandering and to require states to adopt remedial measures.

The Shift to Partisan Gerrymandering:

In response to this decision, Republicans in the Assembly focused their efforts on using partisan data, rather than racial data, to redraw the maps before the 2016 election. Unapologetically, Republicans who controlled the legislature publicly vowed to create a 10-to-3 advantage in the congressional delegation despite winning little more than 50 percent of the state vote. "I propose that we draw the maps to give a partisan advantage to 10 Republicans and three Democrats, because I do not believe it's possible to draw a map with 11 Republicans and two Democrats," said David Lewis, the leading Republican in the process. "We want to make clear that we, to the extent that we are going to use political data in drawing this map— it is to gain partisan advantage on the map. I want that criteria to be clearly stated, and understood."³⁰

Years later, the release of data for this redistricting process contradicted that claim to avoid racial gerrymandering. In 2019, *The New Yorker* obtained records of Thomas Hofeller, who had coordinated the G.O.P.'s redistricting efforts. Hofeller's databases tracked voters statewide according to their race, residence (down to their college residence halls), and the kind of ID they used (mandating the use of the least common forms of ID), among other factors.³¹

Democrats sued to block the partisan gerrymandering, just as they had fought the racial gerrymandering. In *Harper v. Lewis I*, a state court ruled that partisan gerrymandering did not give North Carolinians "the opportunity to participate in congressional elections conducted freely and honestly to ascertain, fairly and truthfully, the will of the people."³² But the map could not be redrawn in time for the 2018 election. In that election, Republicans won 10 seats and the Democrats won three seats, even though Democrats got 48.5 percent of the statewide vote.

In 2019, the issue made its way to the U.S. Supreme Court. In *Rucho v. Common Cause*, the Court held that the federal courts should stay out of "political questions." Historically, the Court has avoided trying to tell elected officials what to do, on the grounds that the voters hold the ultimate power to hold lawmakers accountable. Notably, the U.S. Supreme Court directed states to work to develop standards premised on state constitutional law to resolve partisan gerrymanders.

Under the map drawn under the partisan gerrymandering process in 2016, Black voters were packed into three districts and then dispersed among the other 10 districts. "The North Carolina case is about as extreme as you were ever going to get," said Paul Smith, a lawyer for the League of Women Voters.

³⁰ Common Cause NC, "NC Republicans Draw Blatantly Partisan Gerrymander," YouTube Video, 1:42, May 22, 2017, <https://www.youtube.com/watch?v=yBweZMNIIm2M>.

³¹ David Daley, "The Secret Files of the Master of Modern Republican Gerrymandering," *The New Yorker*, September 6, 2019, <https://www.newyorker.com/news/news-desk/the-secret-files-of-the-master-of-modern-republican-gerrymandering>.

³² "North Carolina Congressional Partisan Gerrymandering (Harper I)," *Democracy Docket*, December 1, 2021, <https://www.democracydocket.com/cases/north-carolina-partisan-gerrymandering/>.

The 2020 Redistricting and ‘Legislative Supremacy’:

The battle over partisan gerrymandering continued after the 2020 Census. Republicans and Democrats had comparable levels of voter support in the most recent elections. But the Republicans had majority control of the legislature and drew district lines that again gave the G.O.P. an overwhelming advantage: 10 Republican seats for the G.O.P. and four for the Democrats (the state gained one seat after the 2020 Census count.)

This round of gerrymandering produced a never-ending back-and-forth battle between the forces of voting rights and voting suppression. Affirming a 2020 state trial court decision, the state supreme court in *Harper v. Hall* agreed that the district lines were “intentionally and carefully designed to maximize Republican advantage.” The high court struck down the maps as a violation of the state constitution’s guarantee of free elections, free speech, free assembly, and fair elections. The court ordered an independent commission to draw district lines.³³

Using a novel, radical theory of “legislative supremacy,” Republicans appealed to the U.S. Supreme Court. They argued that the U.S. Constitution does not allow state courts to review state legislative action on districting. The Republicans pressed their suit even though they had passed a law giving the courts review powers. Ironically, this theory would expand federal control over elections; conservative legal theorists had long argued against greater federal control over government.

The Supreme Court rejected the request for immediate action against the state court but agreed to take up the issue. The 2022 election used the district lines drawn by the independent commission. The result was an even split of the 14-member congressional delegation, which mirrored the popular vote in recent elections.

In 2023, in *Moore v. Harper*, the Supreme Court rejected (6:3) the theory of legislative supremacy. The Court already rejected this concept in 2019 but Republicans were motivated by former President Donald Trump’s efforts to overturn the results of the 2020 election. As Michael Sozan, a senior fellow at American Progress, noted:

In crafting their majority opinion, the justices seemed to recognize the current political state of affairs, including that, in this age of extremism, free and fair elections depend on a robust system of checks and balances. In the past few years, more than 20 state legislatures have passed laws that subvert elections or suppress voters of color, often based on the unsupported myth of rampant voter fraud. These election laws, often reinforced by gerrymandered maps, undermine the will of the people and allow partisan state legislators to unfairly consolidate power and pass unpopular policies, often at the expense of long-marginalized communities.³⁴

The Supreme Court’s decision came as a great relief to voting rights and democracy advocates.

³³ “*Harper v. Hall*,” 380 N.C. 317 (2022), <https://appellate.nccourts.org/opinions/?c=1&pdf=42284>.

³⁴ “Supreme Court’s Decision in *Moore v. Harper* Is a Win for Democracy, But Some Questions Remain Unanswered,” *American Progress*, July 24, 2023, <https://www.americanprogress.org/article/supreme-courts-decision-in-moore-v-harper-is-a-win-for-democracy-but-some-questions-remain-unanswered/>.

However, gerrymandering remains an important issue. Gerrymandering has long been a technique of both Democrats and Republicans; once in power, politicians seek to stay in power by drawing lines favorable to their reelection. In effect, gerrymandering allows politicians to select their voters, rather than voters selecting their politicians. Some states—most notably, California, Arizona, and Michigan—have embraced independent redistricting commissions, with positive results for fairness and competition, though with some states like Texas threatening to take up radical gerrymandering efforts these efforts are likely to come under scrutiny.³⁵

Using fine-grain data analysis to determine what district lines would most benefit their side in elections, Republicans worked hard to limit voter participation and the impact of the votes of minorities and young people.

“Gerrymandering is very important to the Republican Party at this time,” said Jason Husser, assistant director of the Elon Poll at Elon University. “There is the perception that college students vote Democratic more often, but on the other hand, they also tend to vote like their parents. Gerrymanderers who have students that vote like their parents may want them to vote in the same place so as to not cause instability in their districts.”³⁶

Like all political tactics, gerrymandering has its limits—not just legal, but political as well. Some businesses have expressed anger over the ever-shifting lines. As lines shift from cycle to cycle, they do not always know who to call to discuss taxes, development programs, and regulations.³⁷

Backlash: Obama, Shelby, and Voting Rights

Barack Obama’s election as president in 2008 signaled a new age in American politics. Some held out hope for a “post-racial” America, in which old identities and grievances would yield to a new political agenda of growth, education, technology, and opportunity. But such a vision, as Obama later acknowledged, “was never realistic.”³⁸ Even if *de jure* segregation was outlawed by the *Brown v. Board of Education* decision of 1954 and the Civil Rights Act of 1964—and even if Blacks made major advances in political, economic, and social life—discrimination and unequal opportunity continued.

Throughout American history periods of progress are followed by periods of backlash. In 2010, after Obama won passage of a landmark health care law, Republicans took back control of the U.S. House and came close to winning the Senate. Republicans gained 680 total state legislative seats and won majorities in 20 state legislative chambers. In North Carolina, both the state house and state senate became Republican majority for the first time in more than a century. This paved the way for a new round of laws and regulations to restrict voting opportunities—and a landmark assault on the Voting Rights Act of 1965.

³⁵ Bruce E. Cain, “Redistricting Commissions: A Better Political Buffer?” *The Yale Law Journal* 121, no. 7 (May 2012): 1808-1844.

³⁶ Katherine Blunt, “NC Senate Bill 666 Takes Aim at College Students, Early Voters,” *Elon News Network*, April 12, 2013, <https://www.elonnewsnetwork.com/article/2013/04/nc-senate-bill-666-takes-aim-at-college-students-early-voters>.

³⁷ Ella Nilson, “North Carolina’s Extreme Gerrymandering Could Save the House Republican Majority,” *Vox*, May 8, 2008, <https://www.vox.com/policy-and-politics/2018/5/8/17271766/north-carolina-gerrymandering-2018-midterms-partisan-redistricting>.

³⁸ “President Obama’s Farewell Address,” January 10, 2017, obamawhitehouse.archives.gov/farewell.

Before and After Shelby in North Carolina:

The Voting Rights Act of 1965—as amended in 1970, 1975, 1982, 1992, and 2006—required states and districts with histories of discrimination to obtain federal approval before making changes to their election laws. Unlike other Southern states that required “preclearance” of changes in voting laws from the Justice Department, only 40 out of North Carolina’s 100 counties were required to seek such approval. In 2012, in *Shelby County v. Holder*, the U.S. Supreme Court ended this process.

The impact of the preclearance provisions was clear in some ways and less obvious in others. A 2018 quantitative analysis, by political scientist Adriane Fresh, found that the 40 counties subject to preclearance had a 14- to 19-percent increase in Black voter registration. Overall turnout increased by 10 to 12 percent in presidential elections and 10 percent in congressional elections. But the impact of this trend was complex. Whites also voted in record numbers, with 10- to 14-percent increases in registration in covered areas.³⁹

Overall, during this period, a growing Republican backlash overwhelmed Democratic gains in voters. Taken together, this data suggests that voting behavior is determined both by voter suppression tactics and by reactionary engagement.⁴⁰

With the end of the preclearance process—and with Republican majorities in the legislature and a state bar barring the governor from vetoing electoral maps—North Carolina entered new political territory. Freed from the preclearance process, the North Carolina legislature quickly enacted new restrictions on voting. A new law imposed strict voter ID requirements, cut early voting days, eliminated same-day registration and ended pre-registration of 16- and 17-year-olds.

Many of the cuts were made to programs that had been designed and shown to increase turnout and participation among Black and young voters. The omnibus law—known as the North Carolina “monster” law—took North Carolina from among the highest ratings in youth registration and turnout in the country, to among the lowest.⁴¹

North Carolina Battles over Voting Rights:

Unlike other southern states with legacies of racism and restrictions on voting rights, North Carolina was a solidly “purple” state in the 2010s. Neither the “red” Republicans or the “blue” Democrats controlled state politics from the top to bottom. Every election year, the parties battled to win control of the governorship and state legislature, as well as the state’s congressional delegation.

This close competition, says Duke policy analyst Mac McCorkle, contributes to the bitterness and vitriol of the state’s politics. “If it was clear it was an overwhelmingly Republican state, Republicans would be more relaxed,” he said. “You might even see more progressive policies happen, like they do in sometimes more clear-cut red states like South Carolina or Tennessee. But we’re so closely pitted, everything’s a battle.”⁴²

³⁹ Adriane Fresh, “The Effect of the Voting Rights SAct on Enfranchisement: Evidence from North Carolina,” *The Journal of Politics* 80, no. 2 (2018): 714, 716.

⁴⁰ Fresh, 718.

⁴¹ Yael Bromberg, “Youth Voting Rights and the Unfulfilled Promise of the Twenty-Sixth Amendment,” *University of Pennsylvania Journal of Constitutional Law* 21, no. 5 (May 2019): 1113-1114.

⁴² Jason Zengerle, “Is North Carolina the Future of American Politics,” *The New York Times Magazine*, June 20, 2017.

Demographics have been the driving force in this intense competition. Young people, growing in number, have become more active in the 2018 and 2020 elections. The population has also gotten more diverse. State politics has also been affected by nationalization of politics on a wide range of hot-button issues: not just voting rights but also civil rights, LGBTQ, labor issues, and more. Every shift can transform the balance of power in the state—as when, in 2023, state representative Tricia Cotham switched from the Democratic to Republican party, giving the GOP enough power to override vetoes by Democratic Governor Roy Cooper. Through a series of gerrymanders of the state legislature, Republicans gained healthy majorities in both chambers even though Democrats were competitive in statewide vote tallies.

Other Voting Policy Challenges

After the *Shelby County v. Holder* decision of 2013, Republicans across the country enacted hundreds of new laws and regulations to limit voting rights. Voting rights activists in North Carolina sought to limit their implementation.

The Battles Over Voter ID:

For most of American history, voters were not required to provide any formal ID to register to vote. But Republicans began to demand voter ID to prevent fraud and protect the “integrity” of elections. G.O.P. claims of election fraud lacked evidence. Of the state’s 4.8 million ballots, a professional audit found, only one questionable ballot would have been prevented with a voter ID.⁴³ Still, the rhetoric about election fraud found widespread currency in a hyper-partisan political environment.

In 2013, immediately after the *Shelby v. Holder* decision, the Republican-dominated legislature passed a new voter ID law. Before the bill-writing process, Republicans sought data on white and Black registration and voting behavior. Black voters were less likely to have a state-issued driver’s license; lawmakers made it one of the only acceptable forms of ID.

In 2016, in *NAACP v. McCrory*, the U.S. Court of Appeals for the Fourth Circuit ruled that the new law violated Blacks’ voting rights under the 14th and 15th amendments and the Voting Rights Act. The voter ID law “targets African Americans with almost surgical precision,” the court concluded. Before writing the ID law, North Carolina Republicans sought data on white and Black voting behavior. When the findings showed that Black voters were less likely to have a state-issued driver’s license, lawmakers made it one of the only acceptable forms of ID. The judges wrote: “With race data in hand, the legislature amended the bill to exclude many of the alternative photo IDs used by African-Americans. The bill retained only the kinds of IDs that white North Carolinians were more likely to possess.”⁴⁴

To insulate the state against future legal challenges to voter ID, Republicans in 2018 proposed a state constitutional amendment that required photo ID for voter registration. Such a provision would block any state case against a voter ID law and minimize potential federal court challenges.

Soon after voters approved the amendment in November 2018, the state legislature enacted a sweeping voter ID law. Voting rights advocates successfully challenged the new law, claiming that it was designed

⁴³ Leloudis report, 75.

⁴⁴ Christopher Ingraham, “The ‘Smoking Gun’ Proving North Carolina Republicans Tried to Disenfranchise Black Voters,” *The Washington Post*, July 29, 2016, <https://www.washingtonpost.com/news/wonk/wp/2016/07/29/the-smoking-gun-proving-north-carolina-republicans-tried-to-disenfranchise-black-voters/>.

to disenfranchise Black and youth voters. The state Supreme Court seemed to settle the matter in December 2022, ruling 4-3 decision in *Holmes v. Moore* that the law unconstitutionally violated the equal right to voting.⁴⁵ But Republicans gained a 5-2 majority on the state Supreme Court in the 2022 elections. In April 2023, the new majority reversed the previous court decision.⁴⁶ The matter was then settled in favor of voter ID—until the Democrats might regain a majority on the Supreme Court or a federal legal challenge could be mounted.

List Maintenance:

How voting rolls are maintained and updated could also produce a major impact on registration and turnout, accidentally or on purpose. Like other states, North Carolina follows a deliberate process for determining which registered voters are still valid. Pursuant to federal law, if a voter does not vote in two successive elections, the county election board sends a notice by mail asking for an update on residential status; if the resident does not respond, they are placed on a list of inactive voters. If the voter then shows up to vote under this inactive status, they can vote with a provisional ballot. After two more elections without the voter contacting the board, the voter is removed from the rolls of registered voters.

In January 2019, North Carolina removed 574,396 voters who did not vote in 2015 and 2018. Two years later, the state removed 391,415 voters who were inactive in 2018 and 2020. In that period, the chances of Blacks being removed from the voter rolls increased while white voters were less likely to be removed. Students are also more likely to be removed from lists because of their less stable residency.

The challenge, as a study of the Southern Coalition for Social Justice notes, is to publicize the issue so affected voters can respond. Mailed notices to voters help but might not be enough, especially if they no longer live at the addresses used. Other forms of publicity and contact might be necessary for itinerant populations.⁴⁷

Battles over Same-Day Registration:

In a close election, even a handful of votes can determine the outcome. Because provisional ballots usually need to be checked before they can be counted, they can be a method for reducing the number of ballots counted.⁴⁸

In 2023, Republican legislators in North Carolina, met with Clela Mitchell and other Republican strategists as part of a national strategy to limit voting. They considered a wide range of “ballot security” measures. At the tip of the list was to undermine same-day registration. Under one reform, voters registering on election day could only cast provisional ballots—which would not be counted unless the voter verified their identity within three days.

⁴⁵ Gary Robertson, “N. Carolina voter ID still void after Supreme Court ruling,” *Associated Press*, December 16, 2022, <https://apnews.com/article/north-carolina-5d529571b6fde1faad9856aa7b118c6f>.

⁴⁶ “North Carolina Photo ID Requirement Challenge (Holmes),” *Democracy Docket*, last modified June 22, 2023, <https://www.democracydocket.com/cases/north-carolina-photo-id-requirement-challenge-holmes/>.

⁴⁷ “Understanding Voter Registration List Maintenance,” *Southern Coalition for Social Justice*, March 3, 2021, <https://southerncoalition.org/resources/understanding-voter-registration-list-maintenance/>.

⁴⁸ Gunther Peck, Ameya Rao, Kathryn Thomas, Delaney Eisen, Miles King, Hannah McKnight and Luhan Yao, “Provisional Rights and Provisional Ballots in a Swing State: Understanding How and Why North Carolina College Students Lose Their Right to Vote, 2008–Present,” *Rutgers University Law Review* 74, no. 5 (Summer 2022): 1799-1838.

Jim Womack, a voting-restriction activist, said: “Same-day registration, we are all in agreement, violent agreement, that same-day registration will now be a provisional ballot.”⁴⁹

The Republican legislature tried to eliminate same-day registration in 2016 but a District Court blocked the change. In its decision, the court held the change would affect Blacks more than other voters. While 22 percent of voters were Black, 35 percent of Blacks took advantage of same-day registration.

Another law would require absentee ballots to be received by the time polls close on election day in North Carolina. Changes in IDs would also affect same-day registration. More than one-third of same-day registrants use IDs that would be banned under the new rules.

Polling Locations and Early Voting:

North Carolina was a national leader in allowing early voting. In 1977, state legislation streamlined the process for people eligible for absentee voting (people with disabilities or those who would be out of state on Election Day). In 1999, the state expanded eligibility for early or absentee voting to all registered voters and authorized counties to run multiple one-stop voting locations. In 2007, lawmakers ruled that voters could register and vote at the same time.

After the 2020 *Shelby* decision, North Carolina restricted early voting opportunities. Those restrictions hit college voters the hardest. The 2020 primary elections, for example, took place during spring break at North Carolina A&T. Students petitioned Greensboro election officials to restore the polling station on campus and expand early voting. Cole Riley, a student organizer, called on the officials to expand opportunities for the next generation. “I know everyone brings up that our ancestors died for it, but I think about our kids,” he said. “Our ancestors made it better for us to vote, so let’s make it easier for our kids to vote.”⁵⁰

After collecting 2,019 signatures, including one from Congressman Beto O’Rourke, the petition was successful. Opponents claimed the campus would be unsafe (soon disproved) and would only benefit North Carolina A&T students (also disproved). In that election cycle, voting participation at North Carolina A&T was the second-highest rate for any North Carolina college. But the polling site was later moved off campus again; a voting board member told Riley that that the site “didn’t get enough bang for their buck.”⁵¹

The ‘Power Grab’:

When Democrat Roy Cooper was elected governor in 2016, the outgoing Republican legislature acted to seize control of election administration.

With this “power grab,” the G.O.P. legislature enacted changes that shifted the authority to appoint members of the state board elections from the governor to the legislature. Additionally, the new law established an equal partisan split on the commission, potentially leading to deadlocks on contentious

⁴⁹ Nick Corasaniti, “As 2024 Voting Battles Heat Up, North Carolina G.O.P. Presses Forward,” *The New York Times*, July 2, 2023, <https://www.nytimes.com/2023/07/02/us/politics/north-carolina-voting-rights.html>.

⁵⁰ Peyton Forte, “Students Create Viral Mobilization Effort to Fight Gerrymandering,” *The A&T Register*, September 30, 2019, <https://ncatregister.com/15999/the-yard/n-c-at-students-create-viral-mobilization-effort-to-fight-gerrymandering/>.

⁵¹ Forte, “Students Create Viral Mobilization Effort.”

election matters. The legislature also assumed the authority to appoint members of county election boards.⁵²

The effort to reduce the governor's power continued in 2023 when the Republicans persuaded Democrat Tricia Cotham to change parties, creating a supermajority in the House that enabled both chambers to override Governor Cooper's veto.⁵³

Indirect Poll Tax:

Republicans in the legislature sought to put the financial squeeze on families whose children chose to vote in their college districts. Under Senate Bill 666, filed in 2023, the state would eliminate the dependent tax deduction for North Carolina parents if their child used a college address on voter registration forms. With the tax benefit, parents save as much as \$2,500 for each child in college.

Critics said the proposed policy would be tantamount to a poll tax, which was banned by the 24th Amendment, which bans requiring citizens from being forced to pay a fee in order to register their vote. "This shows the legislature fears college students, who overwhelmingly tend to vote Democratic," said Elon University professor Jeffrey Pugh.⁵⁴

Voting Rights and Future Progress of North Carolina

Henry Michaux, one of the first Blacks elected to office in North Carolina after the Civil Rights Act of 1965, sees the tug-of-war over voting rights as eternal. No side ever wins forever. After the Voting Rights Act of 1965, North Carolina made great strides. But every advance produces a backlash.

All of the elements of a good life—education, decent jobs, public service, environmental protection, and more—depend on the ability to vote for politicians who will support those priorities.

Years before, Martin Luther King encouraged Michaux to run for office. When he hesitated, Michaux remembered, King told him: "The only way all of this is going to change is to marshal our forces and to go back to the polls. The only way to change is through the political process by voting people out of office and replacing them with those who will do the right thing. It is the only way to go."⁵⁵

Questions for Discussion and Debate

- How can a state's moderate history and healthy electoral competition lead to bitter partisanship, as seems to be the case in North Carolina?
- Why was North Carolina A&T targeted for a gerrymander and what does this tell us about the state of race, politics, and activism in the state?
- What does the North Carolina A&T gerrymander tell us about the decline of the Voting Rights Act following *Shelby*?
- Can a state constitution make that state immune from the reach of the federal Constitution, as North Carolina legislators seemed to wager in the ratification of a state amendment for voter ID in 2018?

⁵² "North Carolina S.B. 749 Challenge, Cooper v. Berger," *Democracy Docket*, last modified March 12, 2024, <https://www.democracydocket.com/cases/north-carolina-s-b-749-challenge/>.

⁵³ "Party switch Gives GOP Veto-Proof Control in North Carolina," *Associated Press*, April 5, 2023, <https://apnews.com/article/north-carolina-party-switch-republican-01af019aa58fd44f0e2110c32a48c4c0>.

⁵⁴ Blunt, "NC Senate Bill 666."

⁵⁵ Fulwood, "A Voting Rights Story."

- What matters more for voting rights—a few major voter laws or a cluster of smaller measures? Why?

EXHIBITS

Exhibit 1: Timeline

1894-96—A “fusion” alliance of Blacks, working class men, and White liberals win major elections in 1894 and 1896. More than 1,000 Blacks are elected to state and local offices. After taking control of General Assembly, they pass major voting rights legislation, mandating compact precincts and districts, democratizing election commissions, criminalizing intimidation and abuse of voters, limiting frivolous challenges to voters, allowing colored ballots, and mandating financial disclosure by campaigns. as a result, Black registration increased dramatically.

1898—Democrats make White supremacy the major issue in the election, organizing a massive propaganda campaign and unleashing “red shirt” vigilantes to intimidate Black voters.

1898—White racists stage a coup of Wilmington city government, burning Black neighborhoods and installing their own government.

1899—Racist Democrats, now controlling the state legislature, pass major voter-suppression laws for a literacy test, a grandfather clause exempting whites from the test, requiring “bystanders” to attest to residency, polling place challenges of voters, an end to colored ballots, and gave control of local election boards to the state legislature. The state also begins passing “Jim Crow” laws, starting with segregation of trains and steamboats and followed by segregation of streetcars (1907); segregating drinking fountains, toilets, and cemeteries (1921); and banning marriage of Blacks and Whites (1921).

1950—Landmark campaign for Democratic nomination for governor, in which segregationist Willis Smith defeats moderate Frank Graham in a runoff. The campaign sees unprecedented rallying of Blacks and White liberals, as well as White segregationists.

1955-61—To dilute the power of Black voters, state legislature enacts laws mandating at-large voting in county and local races in 23 eastern counties.

1959—In *Lassiter v. Northampton County Board of Elections*, U.S. Supreme Court affirms North Carolina’s right to mandate literacy tests for voters. Two years later, in the 1961 case *Bezemore v. Bertie County Board of Elections*, North Carolina Supreme Court rules against specific application of literacy tests in North Carolina.

1960—On February 1, sit-in movement begins when four students from North Carolina A&T University are refused service at a downtown Greensboro Woolworth lunch counter.

1976—Moderate Democrat James Hunt wins the first of four terms as governor. In his two governorships, from 1977-1985 and 1993-2001, he emphasizes education, economic development, high-paying jobs in high tech and medical industries, and a revival of political participation.

1990—The Republicans win control of the General Assembly for the first time in over 100 years.

1991—Republicans begin a decades-long project of gerrymandering for both the state and federal elections.

1993—In *Shaw v Reno*, the Supreme Court bans electoral districts whose boundaries cannot be adequately explained except as examples of racial gerrymandering or efforts to segregate on the basis of race.

2011—In drawing state legislative boundaries, Republicans create districts designed to “pack” Black voters into majority-minority districts, thereby cleaving multi-racial coalitions that had been

developing for years. (63-4) In the 2012 elections, seven Blacks won elections but 19 of their White allies lost their elections, giving the Republicans a supermajority in both houses. (63-4)

2013—In *Shelby County v. Holder*, the U.S. Supreme Court invalidates the “preclearance” process of the Voting Rights Act, which provided federal oversight of voting law changes that might have suppressed Black voting. Republicans in the state legislature immediately pass new restrictions on voting, including a mandate for eight different forms of voter ID; eliminating the first week of early voting, same-day registration, and straight-ticket voting; ended pre-registration of young voters; loosened standards required for challenging voters at polls.

2014—North Carolina legislature enacts a raft of voting-suppression measures, including photo ID, reductions in the number of early voting days, and end to same-day registration, and an end to pre-registration policies.

2016—The U.S. District Court for the Middle District of North Carolina declares unconstitutional the first and 12th districts as egregious cases of racial gerrymandering. This decision is later upheld by the Supreme Court in *Cooper v Harris*. Rather than using race-based data, the General Assembly uses partisan data to redraw the maps before the 2016 election.

2016—Federal court strikes down North Carolina’s voter ID law, saying that its provisions “targets African Americans with almost surgical purse precision.” Before writing their own voter ID law, North Carolina Republicans seek data on how to white and Black residents vote differently. Black voters were less likely to have a state-issued driver’s license, so lawmakers made it one of the only acceptable forms of ID. “With race data in hand, the legislator amended the bill to exclude many of the alternative photo IDs used by African-Americans. The bill retained only the kinds of IDs that white North Carolina ants were more likely to possess.”

2016—The U.S. Supreme Court overturns North Carolina’s maps as a racial gerrymander. Black voters were packed into three districts, and then dispersed among the other 10. North Carolina A&T’s campus was split in half.

2016—In responding to the court’s decision against racial gerrymandering, Republicans proclaim their intent to draw district lines for partisan purposes. The new districts divide populous Democratic counties, including Wake County and Guilford County, to split the Black vote.

2016—In January, in *North Carolina v. Covington*, the U.S. Supreme Court affirmed a federal three-judge panel’s ruling, which found that 28 of North Carolina’s legislative districts were unconstitutional racial gerrymanders. The Court affirmed most of the lower court’s order to remedy racial gerrymandering.

2019—In *Harper v. Lewis I*, a state appeals court ruled that partisan gerrymandering did not give North Carolinians “the opportunity to participate in congressional elections conducted freely and honestly to ascertain, fairly and truthfully, the will of the people,” and therefore violates the guarantee of free elections in the state constitution.

2019—In December, North Carolina Superior Court orders the use of a controversial Republican districting plan because to order a new plan would cut too close to the 2020 elections.

2019—In *Rucho v. Common Cause*, the U.S. Supreme Court calls partisan gerrymandering a political question. In 2019 a state appeals court had found that the gerrymandering violated the state constitution’s guarantee of a free election.

2022—In *Holmes v. Moore*, in December the North Carolina Supreme Court strikes down the 2018 voter ID law under the state constitution’s equal protection clause, saying that it was enacted with

racially discriminatory intent. The case was homes versus more, and it was settled by a 4 to 3 margin.

2022 and 2023—Republicans take back control of North Carolina’s state Supreme Court and quickly overturn the previous court’s voter ID law.

2023—Democratic representative Tricia Cotham changes parties, creating a super majority in the House that enables both chambers to override Governor Roy Cooper’s veto.

2023—Republican legislators in North Carolina, meet with Cleta Mitchell and other Republican strategists as part of a national network of right-wing election activists coordinated by Mitchell and others. Womack: “Same day registration, we are all in agreement, violent agreement, that same-day registration will now be a provisional ballot.”

Exhibit 2: Voting Method in Presidential Election Years in North Carolina: 2008-Present⁵⁶

Election	Mail Ballots	One-Stop Early Voting	Election Day In-Person	Provisional
2020 General	18%	65%	16%	<1%
2016 General	4%	62%	33%	<1%
2012 General	5%	56%	38%	<1%
2008 General	5%	55.5%	38.5%	<1%

Exhibit 3: Electoral Participation in North Carolina (Presidential Election Years)⁵⁷

Election	Total Eligible Voters	Total Ballots Cast	Turnout Percentage
2020	7,359,798	5,545,848	75.35%
2016	6,914,248	4,769,640	68.98%
2012	6,639,131	4,540,488	68.40%
2008	6,262,566	4,354,052	69.53%
2004	5,526,981	3,551,675	64.26%
2000	5,122,123	3,015,964	58.88%
1996	4,277,000	2,513,357	58.76%
1992	3,817,380	2,611,850	68.40%

Exhibit 4. Campaign Handbill for 150 Campaign of Willis Smith⁵⁸

Jesse Helms, a media personality who became the leading figure against civil rights for three decades in the U.S. Senate, got his start supporting the racist campaign of Willis Smith. Here is a poster from that campaign.

⁵⁶ “Voter Turnout,” North Carolina State Board of Elections, accessed August 23, 2025, <https://www.ncsbe.gov/results-data/voter-turnout>.

⁵⁷ “Voter Turnout,” North Carolina State Board of Elections.

⁵⁸ Willis Smith Campaign Poster, Allard K. Lowenstein Papers, #4340, Southern Historical Collection, Wilson Special Collections Library, University of North Carolina at Chapel Hill.

**WHITE PEOPLE
WAKE UP**

BEFORE IT'S TOO LATE
YOU MAY NOT HAVE ANOTHER CHANCE

DO YOU WANT?

Negroes working beside you, your wife and daughters in your mills, and factories?

Negroes eating beside you in all public eating places?

Negroes riding beside you, your wife and your daughters in buses, cabs and trains?

Negroes sleeping in the same hotels and rooming houses?

Negroes teaching and disciplining your children in school?

Negroes sitting with you and your family at all public meetings?

Negroes going to white schools and white children going to Negro schools?

Negroes to occupy the same hospital rooms with you and your wife and daughters?

Negroes as your foremen and overseers in the mills?

Negroes using your toilet facilities?

Northern political labor leaders have recently ordered that all doors be opened to Negroes on union property. This will lead to whites and Negroes working and living together in the South as they do in the North. Do you want that?

FRANK GRAHAM FAVORS MINGLING OF THE RACES

HE ADMITS THAT HE FAVORS MIXING NEGROES AND WHITES — HE SAYS SO IN THE REPORT HE SIGNED. (For Proof of This, Read Page 167, Civil Rights Report.)

DO YOU FAVOR THIS — WANT SOME MORE OF IT?

IF YOU DO, VOTE FOR FRANK GRAHAM

BUT IF YOU DON'T

VOTE FOR AND HELP ELECT

WILLIS SMITH for SENATOR

HE WILL UPHOLD THE TRADITIONS OF THE SOUTH

KNOW THE TRUTH COMMITTEE