

MEMORANDUM

TO: District Chairmen and Committees
FROM: Russ Ferguson, General Counsel
DATE: December 23, 2019
RE: Election of District Officers Affected by Redistricting

I. Background and Purpose

In response to a series of decisions and holding by a panel of NC District Court Judges, the North Carolina General Assembly has drawn new Congressional Districts for the 2020 Election Cycle. The changes made by the NCGA to the Congressional Lines have been approved by the Judicial Panel and are currently in place.

The North Carolina Republican Party's ("NCGOP") Plan of Organization (the "Plan of Organization") governs the changes that need to be made to our District Party Organizations in response to the Redistricting actions taken by the NCGA. This memorandum seeks to provide guidance as to the relevant provisions of that plan.

II. Executive Summary

In summary, although the district lines have been redrawn, the District Party leadership is grandfathered in place until the next round of district conventions, which will be held in April of 2020, despite the fact that the jurisdictional lines have been changed and federal congressional candidates have already filed for office under new district lines.

At the district conventions to be held in April of 2020, new elections will be held *only* for those officers who no longer live in the congressional districts in which they were elected. Officers who remain in the district in which they were elected are unaffected.

III. Analysis and Detail

First and foremost, it is important to note that under the Plan of Organization, the current district leadership (both Executive Committee members and At-Large Members) are to continue to serve in current positions until the next district election. The Plan of Organization sets forth that district elections will take place at the next regularly scheduled District Convention. Until that time, there is no change in party organization, despite the change in congressional lines.

District conventions are to be held, as they normally are, in April of 2020. These conventions will be called by Chairman Whatley. See Plan of Organization Art. VII(C)(1)(a) ("In

Presidential election years when National Convention delegate selection is held, the State Party Chairman in consultation with the District Chairmen shall issue the Calls to Convention.”).

While April of 2020 is not normally an election year for party district leadership, for any position where a district officer no longer lives in the district as a result of redistricting, that office will be up for election at that time. At the convention, the district shall hold an election for any vacancy caused by redistricting.¹

The operative section of the Plan of Organization states as follows:

If, prior to the next appointing cycle, the residence of any committee member appointed by a District chair pursuant to Section VI.A.3.a shall change such that the residence of that member shall lie outside the District from which he was appointed, that person shall no longer be deemed a member of the standing committee to which he was appointed, and the District chair shall, within 30 days of his receipt of notice of the member's change of residence, submit the name of a new appointee to the State Chairman, who shall serve for the remainder of the term of the former member. Should the District chair fail to act in accordance herewith, the District vice chair shall make the replacement appointment in accordance with Section VI.A.3.d. ***In the event that a change in residency within a District of a District Officer or member of any District Executive Committee is caused by Congressional District Redistricting, said affected Officer or member shall remain in their respective positions until the next regularly scheduled District Convention which shall elect their successors.***

(Plan of Organization, Art. VII § (D)(3)(e)).

Pursuant to that provision, the following steps are to be taken:

1. A regular district convention is to be called by NCGOP Chairman Whatley and held under the rules of the Plan of Organization *for the new district under the new district lines.*
2. The attendees of the district convention shall be the residents of the *new* district lines. For example, the residents of the new District 5 should attend the District 5 convention. Former residents of District 5 who now live in a new district should attend their new District's convention.
 - a. For example, a resident of Gaston County would attend the 5th District Convention, rather than the 10th District Convention.

¹ Officers who have been redistricted into a different congressional district may not run in their old district, as officers must reside in the district in which they hold office. Plan of Organization Art. IV(A)(1)(e) (“All District Officers shall reside within their Districts.”). However, those individuals are free to run in their new congressional districts for whatever office they wish.

3. An election will take place to replace officers of the district who no longer live in that district. No election will take place for officers that were previously elected and continue to reside in their district.
 - a. For example:
 - i. If the Chairman of the former 10th Congressional District now lives in the 5th Congressional District, the new 10th Congressional District will elect a new Chairman.
 - ii. If the Chairman of the former 12th Congressional District continues to live in the 12th Congressional District, that person remains Chairman. No election takes place for that office in 2020.
4. New officers take office immediately, and the new Congressional Districts become the new districts for Party leadership.
5. In 2021, a regular election year, all district offices are up for election.

IV. Filing Vacancies Prior to the Next District Convention

In the event that a member of a Congressional District Executive Committee resigns, the remaining members of the Executive Committee are able to appoint a replacement for that position in regular order so long as that replacement currently resides within the newly drawn district. *See* Plan of Organization Art. V § (A)(5); Art. VI § (B)(5)(a)(iii).

V. Questions

For any questions, please contact NCGOP General Counsel Russ Ferguson (russferguson@gmail.com; 919-308-1996), NCGOP Assistant General Counsel Steve Long (sblong@wardandsmith.com; 919-520-5585), or NCGOP Executive Director Jonathan Sink (jonathan.sink@ncgop.org; 704-661-1773).