

18-422 RUCHO V. COMMON CAUSE

DECISION BELOW: 318 F.Supp.3d 777

LOWER COURT CASE NUMBER: 1:16-CV-1026

QUESTION PRESENTED:

Earlier this year, while *Gill v. Whitford* was pending before this Court, a three-judge district court invalidated North Carolina's 2016 congressional districting map as a partisan gerrymander. After *Gill* was handed down, this Court vacated that decision and remanded for further consideration in light of *Gill*. That period of reconsideration did not last long. In the decision below, the district court largely readopted its previous reasoning and became the first post-*Gill* court to divine a justiciable test-in fact, four tests-and invalidate a legislatively enacted map as a partisan gerrymander. Although plaintiffs here, like those in *Gill*, sought to vindicate only generalized partisan preferences, the court concluded they had standing. The court then found justiciable standards for partisan gerrymandering claims under the Equal Protection Clause, the First Amendment, and (uniquely in the history of redistricting litigation) the Elections Clauses of Article I. The court found the 2016 map to violate each of those newly articulated tests and enjoined the State from using the map after the November 2018 elections.

The questions presented are:

1. Whether plaintiffs have standing to press their partisan gerrymandering claims.
2. Whether plaintiffs' partisan gerrymandering claims are justiciable.
3. Whether North Carolina's 2016 congressional map is, in fact, an unconstitutional partisan gerrymander.

JURISDICTION POSTPONED 1/4/2019