

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

No. 8:82-CV-19-BO

**ROBERT D. HASKINS, et al.,
Plaintiffs**

v.

ORDER

**THE COUNTY OF WILSON, et al.,
Defendants.**

This case is before the Court on Motion Requesting Approval of A Resolution Redefining County Commissioner Electoral District Boundaries adopted by the Wilson County, NC Board of Commissioners on February 4, 2013.

In 1986, pursuant to orders entered in this civil action, Wilson County, North Carolina, adopted a seven (7) single member district plan for electing County Commissioners, with concurrent four year terms for the election of County Commissioners. The first election under this plan was held in 1986, and the second election under this plan was held in 1990. Adjustments were made to the boundaries of the districts after the 1990 and 2000 census and those adjustments to the boundaries were precleared by the United States Department of Justice and approved by this Court. The racial composition of the Wilson County Board of Commissioners from each of those elections is as follows: White - 4 members; Black - 3

members. In the Order entered in this civil action on February 11, 2002, the Court noted that the 2010 census might reveal the necessity to change county commissioner electoral district boundaries in Wilson County, and should that need arise, those modifications should be submitted to the Court for approval.

Upon the completion of the 2010 Census, Wilson County determined:

Total population of Wilson County --- 81,234

Number of minority persons (Black) --- 31,686

Percentage of black population --- 39.01%

Number of districts in which minorities (Black)

should be able to elect candidates of their

choice - 2.75 or rounded to 3.

In 1986, as part of, and in consequence of, the case Haskins V. Wilson County, No. 82-19-CIV-8 (E.D.N.C.), Wilson County, North Carolina, adopted a seven (7) single member district plan for the election of County Commissioners with concurrent four year terms. All County Commissioner elections since 1986 have been conducted pursuant to said plan. All district changes after the 1990 census and the 2000 census were precleared by the United States Department of Justice (hereafter "DOJ") have been approved by this court. Applying the 2010 United States Census data to the post 2000 district plan, it was determined that there was a deviation from the ideal of approximately 63.14%. Under the post 2010 districting plan, the deviation from the ideal size of 11,605 is a range of -4.65% to +4.94%, or a total of 9.59%. Districts 1, 2, and 3 contain 60.54%, 61.93%, and 62.03% black population, respectively. The adoption of the Resolution was noncontroversial and was unanimously adopted by the Wilson County Board of Commissioners. Only minor changes were made to the post 2000 districting

plan. The post 2010 districting plan will be enforced at the next general election for County Commissioners in Wilson County, which will be 2014, provided preclearance and Court approval is obtained. The Resolution was supported by all of the minority members of the Wilson County Board of Commissioners, as it was adopted by unanimous vote. Further, the Resolution was advertised in the local paper, *The Wilson Daily Times*, on January 11, 2013, and a feature article was published on January 24, 2013. A copy of the Notice that was published in the paper is attached hereto as **Exhibit 6**. Additionally, the Resolution was posted at the Wilson County Office for 30 days prior to the public hearing, as well as published on Wilson County's website. A public hearing was called for and conducted on February 4, 2013 prior to adoption of the Resolution and there were no public comments at the meeting.

The Resolution Redefining County Commissioner Electoral District Boundaries was submitted to the Attorney General of the United States for Preclearance pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 USQ 1973c prior to the decision in *Shelby County, Alabama v. Holder*, decided June 25, 2013. The Attorney General of the United States has indicated that he does not interpose any objection to this Resolution.

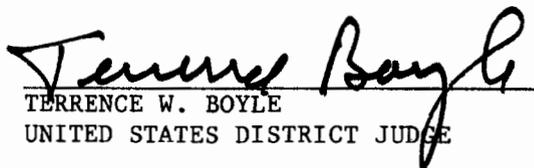
Based on the foregoing, the Court concludes that the Resolution Redefining County Commissioner Electoral District and the redefined county commissioner electoral districts set forth in said Resolution will insure that minority citizens in Wilson County, North Carolina, will continue to have the opportunity to elect candidates of their choice to the Wilson County Board of Commissioners, roughly in proportion to their numbers in the population. Additionally, the population deviation between districts is minimal. Accordingly, the Resolution Redefining County Commissioner Electoral Districts and the redefined county commissioner districts set forth in said Resolution should be approved.

IT IS THEREFORE ORDERED:

1. That the Motion of the defendants the County of Wilson and the Wilson County Board of Commissioners requesting approval of the Resolution of the Wilson County Board of Commissioners Redefining County Commissioner Electoral District boundaries in Wilson County, and the redefined county commissioner districts set forth therein should be allowed, and the Resolution and said redefined district boundaries are hereby approved.

2. Should the next Census, in the year 2020, indicate the need for further modifications to county commissioner electoral district boundaries in Wilson County, those modifications will be submitted to this Court for approval.

This 21 day of October, 2013.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE