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September 29, 2011

Chief, Voting Section
Civil Rights Division
Room 7254 – NWB
Department of Justice
1800 G Street NW
Washington, DC 20006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Submissions under Section 5, Voting Rights Act
City of Henderson, Redistricting

Gentlemen:

Pursuant to Section 5 of the Voting Rights Act of 1965, as amended, the City of Henderson (located in Vance County, North Carolina) hereby submits, in duplicate, the following Ordinance involving a change affecting voting rights (within the definitions of the Act):

Ordinance 11-47. "An Ordinance amending the City Charter to provide for redistricting of the City Electoral Districts in accordance with the 2010 Census", which Ordinance was unanimously passed by the City Council of the City of Henderson on the 26th day of September, 2011 (after a duly advertised public hearing).

Our municipal population had been officially estimated at 16,409 people in August, 2010; however, the July 1, 2009 preliminary census (which later came in) indicated a partial and preliminary count of only 15,777 people. When the 2010 Census data was received in final form, it was only 15,368 and it was discovered that the City's population had shifted from the southeastern part of the City to the western part of the City resulting in there being variances in excess of a 16% deficit from the mean in Ward 4 to a plus deviation of approximately 12% in Ward 3. After obtaining the approval of the Voting Rights Division of a postponement of the 2011 Municipal Elections to allow for readjusting the Ward lines, the City followed the required procedures to redistrict its wards to bring them within population variances of less than 1% from the mean for each Ward, without any significant disruption of the racial makeup of the various Wards.

As background information (although actually immaterial to this submission), for at least 25 years prior to 1983, the City of Henderson had as its elected officials a mayor and 8 aldermen (or councilmen), all of whom were elected at large by the qualified voters of the entire City, but with the

EXISTING WARDS

PROPOSED WARDS

WARD I (1)

White-	596	14.7%	485	12.7%
African American-	3,339	82.1%	3,174	83.2%
Other-	<u>131</u>	<u>3.2%</u>	<u>155</u>	<u>4.1%</u>
	4,066	100.0%	3,814	100.0%

WARD II (2)

White-	3,149	76.7%	2,364	61.8%
African-American-	832	20.3%	1,275	33.3%
Other-	<u>122</u>	<u>3.0%</u>	<u>189</u>	<u>4.9%</u>
	4,103	100.0%	3,828	100.0%

WARD III (3)

White-	1,687	40.7%	1,141	29.6%
African-American	2,227	53.8%	2,475	64.3%
Other-	<u>229</u>	<u>5.5%</u>	<u>233</u>	<u>6.1%</u>
	4,143	100.0%	3,849	100.0%

WARD IV (4)

White-	715	17.5%	621	16.0%
African-American-	3,200	78.1%	2,918	75.3%
Other-	<u>182</u>	<u>4.4%</u>	<u>338</u>	<u>8.7%</u>
	4,097	100.0%	3,877	100.0%

TOTALS FOR ENTIRE CITY

EXISTING

PROPOSED

White-	6,147	37.5%	4,611	30.0%
African-American	9,598	58.5%	9,842	64.1%
Other-	<u>664</u>	<u>4.0%</u>	<u>915</u>	<u>5.9%</u>
	16,409	100.0%	15,368	100.0%

The greatest deviation from the average population for each ward (3,842) is 35 persons (Ward 4), which is a deviation of less than 1% from said norm.

2. Patton Circle (annexed by voluntary petition effective July 1, 1971)
3. Sunnyview Road (annexed by voluntary petition effective July 1, 1971)
4. Sterling Gilliam Woods (or Landura) Apartments (annexed by voluntary petition effective November 1, 1979)
5. McDonald's Restaurant lot (annexed by voluntary petition effective November 1, 1979)
6. A small uninhabited tract near Western Avenue (needed to straighten a street) (annexed by voluntary petition effective November 1, 1979)
7. The annexation of six areas (effective December 31, 1980)
8. The annexation of seven areas (effective December 31, 1981).
9. The annexation (by voluntary petition) of three (3) small (primarily commercial) areas (effective on September 20, 1984).
10. The annexation of a commercial tract (by voluntary petition) effective October 31, 1984 (said tract needing to be within the City limits to be eligible for the construction of a "missing link" thoroughfare utilizing "small urban funds").
11. The annexation of 8 areas (3 by voluntary petition) effective December 31, 1993.
12. The annexation of a 11.37 acre portion of Wal-Mart Shopping Center (by voluntary petition) effective June 30, 1994.
13. The annexation (by voluntary petition) of 240 acres of prime commercial property (at and near an interstate interchange, in which only one resident [an African-American security officer in a commercial building] resided; no additional residents have moved into said annexed area), effective March 31, 1998.
14. The annexation (by voluntary petition) of a 40 foot wide strip of land 1,500 feet, more or less, long (with no residents) to make industries locating in an "Economic Development Area" (constituting most of

There has been no known African-American (or other minority race) opposition to the proposed redistricting. Moreover, no African-American (or other person of a minority race) spoke in opposition to this redistricting ordinance at any public hearing thereon. There was no opposition of any kind indicated in either the African-American community (or the City Council as a whole) to the proposed redistricting ordinance.

The above clearly shows that as a result of the proposed municipal redistricting (1) the racial population ratio of the City as a whole would not materially change; (2) the percentage of minority residents in the City would not be materially diminished or diluted; and (3) that the percentage of minority registered voters in the City would not be materially diminished or diluted.

Enclosed herewith are the following documents:

I.

- A. A certified copy of Ordinance 11-47: "An Ordinance amending the City Charter to provide for redistricting of the City Electoral Districts in accordance with the 2010 Census" passed by the City Council on September 26, 2011;
- B. A copy of Section 4 of the City Charter of the City of Henderson (which divides the City into electoral districts with "ward seats" and "at large seats").
- C. A copy of Section 3 of the City Charter setting forth the existing ward boundaries of the City of Henderson (which have been amended by additions to the same), with the final present wards being shown on the enclosed maps and in Ordinance 11-47;
- D. Copy of N.C.G.S. §160A-23.1 providing for redistricting following each US Census;
- E. Copy of N.C.G.S. §160A-101(6)(d) granting the City Council authority to amend the City Charter relative to the electoral districts;
- F. Copy of N.C.G.S. §160A-102 providing the procedure for amending the City Charter in implementing redistricting;
- G. A certified copy of the relevant portion of the City Council minutes of February 28, 2011 Regular Meeting;
- H. A certified copy of the relevant portion of the City Council minutes of March 28, 2011 Regular Meeting;
- I. A certified copy of the relevant portion of the City Council minutes of April 11, 2011

registered voters in each ward by race as of June 30, 2010. (For your information and to better understand the Election Results submitted by the Board of Election, the Ward designations "NH" constitutes the City's Ward 1, the designations "WH1" and "WH2" constitute Ward 2, the designations "SH" and "HTOP" constitute Ward 3 of the City while the designation "EH" constitutes Ward 4 of the City. The designations shown are County Voting District designations for Vance County which over time City Voting Ward designations have overlapped by reasons of annexations, etc.); and

V. Vance County Board of Elections' break down of the number of registered voters in each ward by race in the proposed redistricting, together with the race of those being moved by the Redistricting.

VI. Copies of miscellaneous articles appearing in the "Daily Dispatch" and in a blog site "Home in Henderson" concerning the proposed redistricting.

It is my understanding that you desire the City to provide you with the names of at least three citizens of minority races with whom you can confer relative to the proposed Ordinance, it being understood that you could of course contact other persons also. The City of Henderson submits the following names for your consideration:

Mr. J. Henry Banks (who is presently a North Carolina District Court Judge and was formerly a member of the City Council)

P. O. Box 1482

Henderson, NC 27536

Telephone: (252) 492-4015

(While he rotates daily between several counties in his duty as a Judge, his judicial location can be best ascertained through the office of the Clerk of Superior Court of Vance County whose phone number is (252) 738-9000.)

His private office phone in Vance County is (252) 738-9102

Mr. Leo Kelly (who was previously a member of the City Council)

1214 Alpha Street

Henderson, NC 27536

Telephone: (252) 492-0475

Mr. W. Brownell Wright (who was previously Zoning Administrator for the City of Henderson)

126 S. Elizabeth Street

Henderson, NC 27536

Telephone: (252) 438-5791

I am not presently aware of any objection to the proposed Ordinance by any minority