

Excerpts from SECTION IV: REDISTRICTING
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and

Angela Ledgerwood (2004) MSc Dissertation
Red Plus Blue Equals Nineteen: GIS and Electoral Redistricting
in the 2002 Congressional Elections for Pennsylvania
University of Edinburgh, Institute of Geography

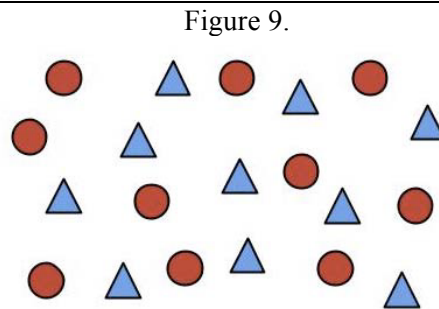
Introduction

Redistricting ensures that each vote is weighted equally when there are population shifts, and provides communities with the ability to elect a candidate of their choice. Redistricting is very often a deeply partisan process that gives incumbent politicians a significant amount of power in “choosing their voters” in a way that many view as fundamentally unfair. The following section offers a primer on redistricting and a discussion of recent reform trends.

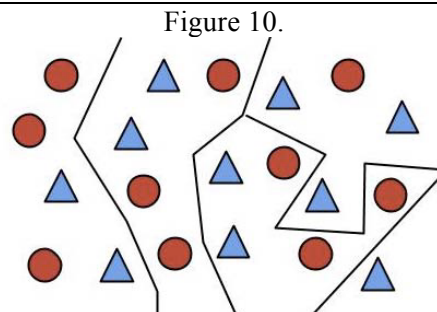
What Is Redistricting?

Several key terms dominate in redistricting. Redistricting itself is the process by which state officials determine the shape of legislative districts. States must draw new districts for their state legislature and U.S. Congressional seats after each decennial national census to account for changes in population. After every national census, the reapportionment of the 435 seats in the House of Representatives means that some states will gain or lose representatives. The term “gerrymandering” is often used interchangeably with redistricting, but the former term only refers to instances when redistricting is used for what is believed to be overtly partisan or discriminatory ends.

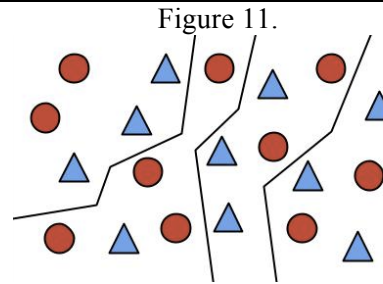
There are many different ways to redistrict a state, and each way may have different consequences for political parties and interest groups. For example, imagine fictional State X, which has ten voters from each of the two parties, represented here by Circles and Triangles. State X has four districts with five members each. Here → is State X with no district



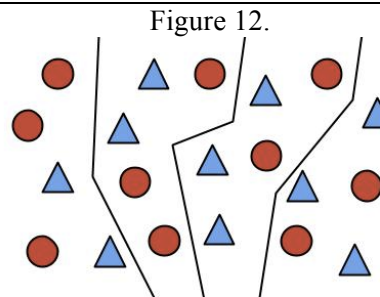
If the Circles have control of the redistricting process and choose to take a partisan approach, they will draw the lines in a way that gives them the maximum amount of seats. They can gain three out of the four seats by “packing” Triangles into a single district (giving them a simple majority in the rest) →



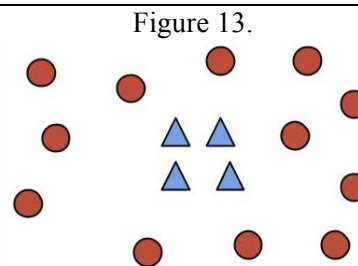
Similarly, if the Triangles are in control of redistricting, they could do the same thing →



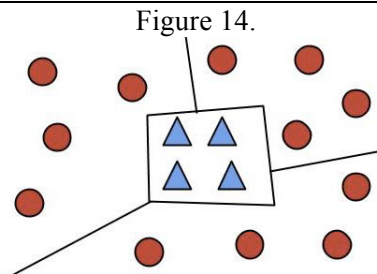
An independent, bipartisan redistricting commission may instead draw the districts to reflect the equal proportion of Triangles and Circles in the state, which would result in each controlling an equal number of districts →



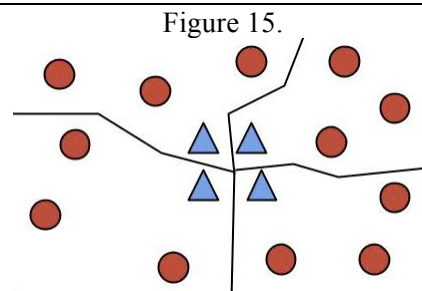
Let's now imagine State Y with four Triangles and twelve Circles. All of the Triangles are gathered in one urban center. The state must draw four districts with four members each →



For the Triangles to have a representative of their choice, the districts must be drawn to give Triangles the majority in at least one district. This could be done as follows →



If Circles are in control of redistricting, they may choose to “crack” the urban center and split up the Triangles so that they cannot effectively elect a representative of their choice →



The way district lines are drawn can significantly impact the outcome of an election and the relative voting power of different groups. Relatively homogeneous states can end up with a strong majority party; communities of interest can lose their ability to elect the candidate of their choice.

Vote Dilution and Equal Populations

In the 1960s, the U.S. Supreme Court established that states must weight votes equally, meaning that states could not draw districts with varying populations. This is known as the “one man, one vote” principle. Before a state can assure equal population, however, it must decide who counts as a member of that population. Do minors count? Non-citizens? People who are not registered to vote? The courts have traditionally used the total population in redistricting cases, however, they have also looked at the more limited voting age population (or “VAP”) to determine whether minority voters have the opportunity to elect the candidate of their choice.

Single Party Control: Figure 10 illustrates “*packing*”; Figure 15 illustrates “*cracking*”, “*stacking*”

The intent of *packing* is to “waste” the votes of the opponent party’s supporters by concentrating them into a district that their party would have won already, thereby preventing them from influencing the outcome of elections in neighboring, more closely balanced districts. Splitting an area of strong support for an opponent party amongst several districts is called “*cracking*”. Linking up geographically separate groups of a party’s supporters so that their combined strength can carry a district is referred to as “*stacking*” a district.

Entrenching Incumbents: illustrated by Workman and Howard

Redistricting has also been used to draw districts around incumbents to either protect them from competition or eliminate it entirely. Incumbent protection can also reach across party lines as incumbents in one party barter and trade voters.

Avoid Partisan Extremes:

Some argue that partisan control over the redistricting process feeds political extremism. The real competition is shifted from the actual election to the majority party primary. In this way, the argument goes, elected officials are incentivized to stick to extreme party positions instead of representing moderate members of their parties (and appealing to moderate members of the opposing party). However, others maintain that the trend towards political extremism is more the result of broader political polarization and demographic trends than of redistricting alone.

Who Draws the Lines?

In most states, the legislature draws a redistricting plan subject the governor’s approval. In twenty-two states, some form of commission participates in the redistricting process.

State Redistricting Commissions
Redistricting commissions can be broken down into four categories: independent, politician, advisory, and backup.
Idaho is an example of a state with an independent commission. There, six commissioners are chosen: the legislative leaders choose a total of four from each party, and the state party chairs choose two.
Arkansas has a politician commission consisting of the governor, the secretary of the state, and the attorney general.
Iowa has an advisory commission consisting of a nonpartisan professional staff with five advisors appointed by legislative leadership.
Texas has a backup commission, where the lieutenant governor, the speaker of the house of representatives, the attorney general, the comptroller of public accounts, and the commissioner of the general land office will step in to redraw the districts if the legislature cannot reach an agreement.

Traditional Redistricting Principles

Compact and Contiguous

“*Compactness*” is defined in various ways. Some look more to geometric shape and whether a district could be condensed, while others look to “cultural cohesion” among the residents, or whether the lines follow pre-existing county, city, or natural boundaries. “*Contiguity*” means that one could move between any two points in the district without crossing its boundary.

Equal Population

Districts must be the same size “as nearly as practicable” to be considered constitutional.

Voting Rights Act: Allowing Communities of Interest to Elect the Candidates of Their Choice

Districts must be drawn to allow minorities and common-interest communities to elect the representatives of their choice. Section 2 of the Voting Rights Act of 1965 forbids racial discrimination in electoral practices. Although the Supreme Court invalidated key portions of the Section 5 preclearance process, Section 2 of the VRA remains in force, along with the 15th Amendment, prohibiting discriminatory racial gerrymandering in redistricting.

Redistricting post-*Shelby*

Shelby County v. Holder, (2013), is a landmark U.S. Supreme Court case regarding the constitutionality of two provisions of the Voting Rights Act of 1965: Section 5, which requires certain states and local governments to obtain federal preclearance before implementing any changes to their voting laws or practices; and Section 4(b), which contains the coverage formula that determines which jurisdictions are subjected to preclearance based on their histories of discrimination in voting. The Court ruled by a 5-to-4 vote that Section 4(b) is unconstitutional because the coverage formula is based on data over 40 years old, making it no longer responsive to current needs and therefore an impermissible burden on the constitutional principles of federalism and equal sovereignty of the states. Although the Court did not strike down Section 5, without Section 4(b), no jurisdiction is subject to Section 5 preclearance unless Congress enacts a new coverage formula. (*source*: Wikipedia)

While Section 2 of the VRA remains in force, critics of *Shelby County* point out that challengers must now wait until district maps have been implemented and done harm – before filing suit. Others, especially line-drawers and election administrators in former pre-clearance states, believe that the removal of preclearance allows more flexibility in drawing district lines and provides the opportunity to redistrict quickly after receiving new census data, causing less voter confusion.

Public Role in Redistricting

Redistricting reform advocates are dissatisfied with the current system, which in many states allows political majorities and incumbents to pick their voters and perpetuate their power. Reformers also believe that the redistricting process suffers from a lack of transparency. Redistricting is often left to self-interested state legislatures with a habit of cloaking the process in secrecy.

One way to both increase transparency and solve the complex puzzle of redistricting is for redistricting bodies to reach out for public participation. The 2010 census marked the first time when both the data and the technology needed to allow members of the public to draw their own redistricting maps existed. Critics of public participation in the redistricting process argue that citizen suggestions often fail to account for complexities that only redistricting experts and experienced legislators can account for. Others believe that citizen-redistricting committees are easy prey for manipulative political parties. Currently the following states employ independent commissions for redistricting: California, Arizona, Iowa, and Washington.