

Communities of Interest in Redistricting

A Practical Guide

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Agenda

- Who cares about communities?
- Pros and Cons of Community Definitions
- Usage / Implementation
- Wrap-Up

- Quickly: 18 slides in 15 minutes!

Who Cares? Two Reasons.

- Reason 1: Districts are for effective representation of people
 - People live and organize in communities
 - Even in the MoveOn.org era, most political activism is community-based
 - “Homogenous districts facilitate effective representation because community sentiments are more clearly defined and consistent policy positions are more likely. Intergroup conflict is tempered.”
 - Janet K. Boles and Dorothy K. Dean, “‘Communities of Interest’ in Legislative Redistricting”, *State Government* 58, 3, p. 102 (Fall 1985)

Communities & Representation

- Ideally, redistricting enhances participation and representation
 - Equal-population districts
 - Federalism at work: scaled community integration into districts
 1. School Districts
 2. Cities
 3. Counties
 4. State Legislative
 5. Congressional

Redistricting Laws

- Reason 2:
The U.S. Supreme Court recognizes “Traditional Good Government Criteria,” including:
 - Communities of Interest
 - Natural & man-made feature boundaries
 - Compactness & Contiguity
 - Public Input
 - Population Growth
- After Georgia decision, “good government” justifications needed to defend any significant population deviation
- Texas decision adds import in Voting Rights cases

Community Considerations

1. Identify communities
2. Keep communities together
3. (*often unforeseen*) Decide what communities to link together or separate
 - Sometimes getting this right is even more important than keeping a community together!
4. Avoid “astroturf” or “code” communities

What is a community?

- Definition is a policy choice:
 - Consider *all* types of communities?
 - Consider only communities with legislative issues at that plan's level:
 - For example, a designated historic neighborhood probably has city and possibly state concerns, but not Congressional
 - A school district probably has concerns at all levels
- Policy decision:
 - Not adopting a definition retains flexibility
 - Adopting a definition increases accountability and transparency

The Basic Definition

- Government-designated communities:
 - School districts
 - City development/planning zones
 - City
 - County/Parish/Township
 - Multi-County regional planning agencies
- Geographic (and Economic?) regions

Loose Rule of Thumb

- A “community of interest” is whatever the people living in a specific area define it to be
- Similar to compactness: the best definition is still case by case analysis

“Protected Class” Communities

- Race may be a factor in district development, but not the “predominate” factor
- Examples of other factors used:
 - Income, language, education level
 - relatively recent immigrants
 - preponderance of children
 - Past election results, in particular for initiatives and propositions
 - Party registration
- “Direct Proxy” not allowed – need to show some non-racial connection

Academic

- “recognition and maintenance of patterns of geography, social interaction, trade, political ties, and common interests.”
 - Bernard Grofman, “Criteria for Districting: A Social Science Perspective”, *UCLA Law Review*, 33 *UCLA L. Rev.* 77, 1985

Restrictive

Community with Legislative Interest:

1. “A geographic area whose residents have a history of coordinated efforts aimed at influencing elections or votes at the level of jurisdiction in question.”
2. “A group of people in a defined geographic area with common concerns about issues (such as religion, political ties, history, tradition, geography, demography, ethnicity, culture, social economic status, trade or other common interest) that would benefit from common representation.”
 - This one was adopted by the Arizona Independent Redistricting Commission during the Court-ordered adoption of definitions (later overturned)

Detailed, but not very restrictive

- “A geographic area comprised of residents who share similar interests, including, but not limited to, social, cultural, ethnic, geographic or economic interests, or formal government or quasi-governmental relationships”

Qualifications / Restrictions

- “... not to include regard for advantage or disadvantage to incumbents or challengers”
- “... not to include advantage or disadvantage to any political party”
- Difficult to justify exclusion consideration of initiative votes
- Probably wise to exclude consideration of candidate election results and party registration
 - Those are potential considerations, but not really definitions of “community” concerns

Implementation

- Gather data
- Hold hearings
- Identify and map communities
- Create a layer or layers in the GIS system
- Run split reports
 - Just like with cities and counties
 - Large communities may have to be split, but splits can still be minimized
- Compare plans

More Implementation

- Create separate layers for different sized communities:
 - Larger than a district
 - More than one-third of a district (exact fraction could vary)
 - (The most useful communities to identify) Less than one-third, and preferably 10% or less, of a district's population
 - Splitting large layers is probably inevitable, splitting tiny ones is not
- Cities and other governmental units probably are a separate consideration and thus a separate layer

Wrap-Up

- Communities have new legal importance
 - Georgia, Texas case decisions draw “community” definitions into population deviation and Voting Rights Act cases
- No perfect approach
 - Every definition has positives and negatives
 - Definitions are useful for clarity, accountability, and transparency
 - Definitions limit flexibility