REDISTRICTING 101

Michael McDonald
University of Florida
www.electproject.org • @ElectProject
Let's define our terms. Are we talking about reapportionment or redistricting?

We interrupt this public affairs program to bring you a football game. WHOAHHH!!

Drats!
You are not so lucky
Let’s Define Our Terms: Apportionment vs. Redistricting

- The American colonies adopted the idea of districts from the British – that members of a legislature should represent geographic areas, such as towns and counties.
- Every town or county received at least one seat in the representative assembly.
- Larger towns or counties often received additional seats through a formula known as apportionment.
1776 Virginia Constitution
“The House of Delegates <shall> consist of two Representatives, to be chosen for each county…”

“The number of delegates shall be so proportioned to the number of qualified electors in the whole state …”
Reapportionment vs. Redistricting

- Apportionment formulas for state legislatures caused population imbalances across districts.
- Apportionment couldn’t work for states with more than one congressional seat.
- Redistricting is a solution, to draw districts to (roughly) equalize population rather than to guarantee each political sub-unit representation.
The Henry-mander:
The 1788 Virginia 5th Congressional District
The Henry-mander: The 1788 Virginia 5th Congressional District
The Reapportionment Revolution

• Apportionment tended to favor rural interests
• Rural representatives locked in their power by not drawing new redistricting plans, in some states for as much as 60 years
• In the 1960s, the population imbalances became so severe the U.S. Supreme Court entered the political thicket of apportionment and redistricting (*Baker v Carr* 1960)
Equal Population

- In a series of 1960’s court cases, the U.S. Supreme Court ruled that districts must be of substantially equal population
  - For Congressional Districts +/- 1% population deviation from smallest to largest district (Wesberry v Sanders 1964)
  - For state legislative districts a +/- 10% deviation (Reynolds v Sims 1964)
What is the Population for Redistricting?

The Census Bureau will release redistricting data (PL 94-171 files) on a rolling basis in February, 2021. States with urgent needs get their data first.

Most states draw districts using total population from the decennial census…

<table>
<thead>
<tr>
<th>States that adjust decennial census counts for…</th>
<th>States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-resident military and students</td>
<td>Hawaii and Kansas</td>
</tr>
<tr>
<td>Felons in prison</td>
<td>California, Delaware, Maryland, Nevada, New York, and Washington</td>
</tr>
<tr>
<td>Non-citizens</td>
<td>??</td>
</tr>
<tr>
<td>Adjust for undercount</td>
<td>??</td>
</tr>
</tbody>
</table>
# Redistricting Criteria

<table>
<thead>
<tr>
<th>Federal Criteria</th>
<th>State/Local Criteria (Varies)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equal Population</td>
<td>Equal Population</td>
</tr>
<tr>
<td>Voting Rights Act, Section 2</td>
<td>Voting Rights</td>
</tr>
<tr>
<td>Single-Member Congressional Districts</td>
<td>Single-Member Districts</td>
</tr>
<tr>
<td></td>
<td>Multi-Member Districts</td>
</tr>
<tr>
<td></td>
<td>Nested Districts</td>
</tr>
<tr>
<td></td>
<td>Contiguity</td>
</tr>
<tr>
<td></td>
<td>Compactness</td>
</tr>
<tr>
<td></td>
<td>Respect for Political/Geographical Boundaries</td>
</tr>
<tr>
<td></td>
<td>Respect Communities of Interest</td>
</tr>
<tr>
<td></td>
<td>Partisan Fairness/Competition</td>
</tr>
<tr>
<td></td>
<td>Maintain Districts’ Cores/Reduce Incumbent Pairing</td>
</tr>
</tbody>
</table>

Phase 2 - Voting District Project

The Voting District Project, Phase 2 of the 2020 Census Redistricting Data Program, provides states the opportunity to submit their voting districts (e.g., wards, precincts, etc.) for inclusion in the 2020 Census Redistricting Data tabulations (P.L. 94-171 Redistricting Data). In addition, states have the opportunity to submit suggested legal boundary updates as well as updates to other geographic areas. These actions allow states to construct some of the small area geography they need for legislative redistricting. Participation in Phase 2 of the Redistricting Data Program is conducted through the non-partisan liaison designated by each state. Phase 2 is conducted in three parts. The first two parts are an initial identification of the voting districts and a verification stage to ensure the suggested updates were accurately applied. The third stage is an additional round of verification, for those states participating in the first two stages, to further review and adjust the voting districts.

VTD Schedule

- Initial Identification of Updates -- December 2017 through May 31, 2018 (COMPLETED)
- Verification of Updates -- December 2018 through May 31, 2019
- Verification of Updates II -- December 2019 through March 31, 2020 (only available to states participating in the initial updates and first round of verification)
Redistricting is an Inconceivably Complex Mathematical Partitioning Problem…
Why Not Let Computers Do It?

<table>
<thead>
<tr>
<th>Computers</th>
<th>Humans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Can be programmed with measurable goals only</td>
<td>Can interpret concepts like communities of interest</td>
</tr>
<tr>
<td>Balance measures according to a fixed formula</td>
<td>Can judge trade-offs between goals</td>
</tr>
<tr>
<td>Because of complexity, only known to work “well” on precincts</td>
<td>Can draw to census block level</td>
</tr>
<tr>
<td>Tend to get stuck when trying to optimize</td>
<td>Pattern recognition allows humans to see solutions computers can’t</td>
</tr>
<tr>
<td>Can have hidden biases</td>
<td>Can have hidden biases</td>
</tr>
</tbody>
</table>
Who Draws Districts

State Legislature
• Unified Government
• Divided Government (Divided Legislature/Gov vs. Legislature)

Commissions (Standalone/Advisory/Backup)
• Partisan Commissions (unequal number of partisan commissioners with majority voting rule)
• Bipartisan Commissions (Equal number of partisans with super-majority voting rules/equal number of partisans elect tie-breaker on a majority vote)

Citizen Commissions (Standalone)
• Members of Public Vetted for Political Ties/Partisan Actors Choose or Exclude Among Vetted Persons/Bipartisan Votes
If the political process fails 
courts take action 
(assume you will be sued)
Preparations

1. **Staff**
   A. Lawyers
   B. Map drawers
   C. Voting rights consultants
   D. IT Support
   E. Communications
   F. Administrative Support

2. **Technology: Software, Data, Web**

3. **Public Outreach Plan**

4. **Budget**
The Public Mapping Project
How Public Participation Can Revolutionize Redistricting

Micah Altman, Michael P. McDonald

120 Pages
Paperback
ISBN: 9781501738548
Cornell University Press

The Laurence and Lynne Brown Democracy Medal is an initiative of the