Today’s conversation

• Why?
• When?
• Who?
• Where?
• How?
Today’s conversation

- Why?
- When?
- Who?
- Where?
- How?
A brief history

- Districts were often made of towns or counties, or groups of towns or counties
A brief history

• Districts were often made of towns or counties, or groups of towns or counties
A little more history

- Districts were often made of towns or counties, or groups of towns or counties

1 state Senator
10 people

1 state Senator
10 people

1 state Senator
10 people
A little more history

- Districts were often made of towns or counties, or groups of towns or counties
Constitutional mandate to redraw lines

Baker v. Carr, 1962

Districts have to have roughly equal population
And so…

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
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<tbody>
<tr>
<td>2000</td>
<td>Census Day</td>
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<tr>
<td>2001</td>
<td>Redistricting</td>
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<td>2010</td>
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<td>2011</td>
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<td>2020</td>
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Today’s conversation

- Why?
- When?
- Who?
- Where?
- How?
Key redistricting dates

April 1, 2010 — Census Day

April 1, 2011 — Redistricting data to states “P.L. 94-171” file

End of session 2011 or early 2012 — Most initial redistricting plans complete
Today’s conversation

- Why?
- When?
- Who?
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- How?
Who draws the lines

In most states, the legislature has primary control

- State legislative districts: 37 states
- Congressional districts: 38 states (plus 7 states with 1 Congressional district)
Other redistricting institutions

State legislative districts

- Primary control in the legislature
- Primary control outside legislature

Congressional districts

- Advisory
- Backup
- Elected officials
- Independent
Other redistricting institutions

Maine

Oregon

Texas

Illinois

2/3
Other redistricting institutions

Colorado

Missouri 70%

Montana

California 9 votes
… and if that should fail

2000 cycle judicial action
... and if that should fail

2000 cycle judicial action

State leg. Congress*

Courts asked to step in  33  21
Court drew lines itself  11  9

* 7 states had only one congressional district in the 2000 cycle
Today’s conversation

• Why?
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“Where” starts with federal law

- Equal population
- Race/ethnicity and the Voting Rights Act
Equal population

Baker v. Carr, 1962

- Congress: as equal as possible
- State legislature: up to 10% “deviation,” if for good reason
Necessary information

Census Bureau “P.L. 94-171” file → Total population

Adjustments
Census geography

- State
- County
- Tract
  - Vote Tabulation District (precinct)
- Block
Census geography
Census geography
Census geography
Federal law

- Equal population

- Race/ethnicity and the Voting Rights Act
The Voting Rights Act

Section 2

- Do minorities represent most of the voters in a concentrated area?

- Do other voters vote for different candidates than minorities? (“polarization”)
“Totality of the circumstances”

- rough overall proportionality in the jurisdiction
- history of voting-related discrimination
- extent of racially polarized voting
- extent of discriminatory voting practices or procedures
- exclusion of minority members from candidate slating
- extent to which minority group members bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process
- extent to which minority members have been elected
- extent to which elected officials are unresponsive to the particularized needs of members of the minority group
The Voting Rights Act

Section 2

- Do minorities represent most of the voters in a concentrated area?
- Do other voters tend to vote for different candidates than minorities?
- Is the minority population otherwise protected given the "totality of the circumstances"?

Do Not Dilute
Complying with the Voting Rights Act

Do Not Dilute

- Draw an “opportunity district”
- Equal opportunity to elect representatives of choice
- Often involves a “majority-minority” district
Complying with the Voting Rights Act

Chicago suburbs
Latino/Hispanic
African-American
Complying with the Voting Rights Act

Chicago suburbs
Latino/Hispanic
African-American
Complying with the Voting Rights Act

Chicago suburbs
Latino/Hispani
African-American
Complying with the Voting Rights Act

Chicago suburbs
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African-American
The Voting Rights Act

Section 5

- “Preclearance” for certain jurisdictions

- Is the new map intended to dilute minority votes?

- Does the new map leave minority voters worse off? ("retrogression")
Race and ethnicity beyond the VRA

• Voting Rights Act protects certain voters

• With other groups of minorities, it *is OK* to consider race and ethnicity, among other factors

• Race and ethnicity just can’t “predominate” without a really good reason
Voting Rights Act information

"P.L. 94-171" file

Race and Hispanic/Latino origin ("NH Black")
Voting Age Population (VAP)

Local election data

Polarization

American Community Survey

? Citizen Voting Age Pop. (CVAP)
After federal law, add state limitations

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Contiguity

- All parts of the district are adjacent to each other
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Political boundaries

- Follow county / city / town / ward lines
- Note: may split populations in unexpected ways
After federal law, add state limitations

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Compactness

• Usually concerns the appearance of the district (or how close people live to each other)
After federal law, add state limitations

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Communities of interest

- Kansas -- “Social, cultural, racial, ethnic, and economic interests common to the population of the area, which are probable subjects of legislation . . . should be considered. [S]ome communities of interest lend themselves more readily than others to being embodied in legislative districts. . . .”

Can and **should** be different in different parts of the state
Communities of interest

- Social interests
- Cultural interests
- Racial / ethnic interests
- Economic / trade interests
- Geographic interests
- Communication and transportation networks
- Media markets
- Urban and rural interests
- Occupations and lifestyles
After federal law, add state limitations

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Partisanship and competition

- Of these states, most prohibit undue favoritism
- Some affirmatively encourage competition
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Nesting

Senate  Assembly

Not nested

Nested
A quick review

<table>
<thead>
<tr>
<th>State legislature</th>
<th>Congress</th>
</tr>
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<tbody>
<tr>
<td><strong>Who?</strong></td>
<td>Legislature or commission (+ courts)</td>
</tr>
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</table>
| **Where?** | Equal population
Voting Rights Act
Contiguity
Political boundaries
Compactness
Communities of interest
Partisanship
Nesting | Equal population
Voting Rights Act |
Today's conversation

- What?
- Who?
- Where?
- Why?
- How?
Today’s conversation
Further information

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Brennan Center for Justice
Citizen’s Guide to Redistricting
www.brennancenter.org