Communities of Interest in Redistricting

A key to drawing 2011 plans (and for their defense)

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Ideally, redistricting enhances participation and representation

- Equal-population districts
- Community integration into districts
  1. School Districts
  2. Cities
  3. Counties
  4. State Legislative
  5. Congressional
Court Decisions on Communities

The U.S. Supreme Court recognizes “Traditional Redistricting Criteria,” including:

- Communities of Interest
- Natural & man-made feature boundaries
- Compactness & Contiguity
- Public Input
- Population Growth
- Preserving incumbents
- Preserving “core” districts

After *Larios v Cox*, “traditional criteria” must explain any significant population deviation
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?

- **Policy impact:**
  - Not adopting a strict definition retains flexibility
  - Adopting a definition increases accountability and transparency
“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:
  - There must be some non-racial community connection
An Academic Definition

- “patterns of geography, social interaction, trade, political ties, and common interests.”
Legislative Connection Definition

“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.”

- Temporarily adopted by the Arizona Independent Redistricting Commission during the Court-ordered adoption of definitions (later overturned)
- AZ IRC first reviewed a wide range of academic definitions
State Definitions

*From Justin Levitt and the Brennan Center for Justice report:*

- **Kansas**
  - “Social, cultural, racial, ethnic, and economic interests common to the population of the area, which are probable subjects of legislation . . . should be considered”

- **Alabama**
  - “including but not limited to racial, ethnic, geographic, governmental, regional, social, cultural, partisan, or historic interests; county, municipal, or voting precinct boundaries; and commonality of communications”

- **Colorado**
  - “[C]ommunities of interest, including ethnic, cultural, economic, trade area, geographic, and demographic factors”

- **Hawaii**
  - “submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided”

- **Montana**
  - “trade areas, geographic location, communication and transportation networks, media markets, Indian reservations, urban and rural interests, social, cultural and economic interests, or occupations and lifestyles”
After the Definitions

- What do you do after you identify communities?
  - Keep similar communities together in districts?
  - Group dissimilar communities?

- Are the communities just different, or are they antagonistic?

- Is there a requirement for competitiveness?
New Tools

- Local GIS
  - Parcel and Zoning data available

- Google Maps
  - Public can freehand-draw their neighborhoods

- Google Earth
  - Watch – and watch out!

- Online redistricting tools
  - Public can draw and submit communities and/or plans
  - If state does not provide it, outside groups might do so
Examples

- “Little Saigon” in California
- “Ribbon of Shame” in California
- Navajo vs. Hopi in Arizona
- Obama’s former State Senate district in Illinois
Wrap-Up

- In 2011, Communities have new legal importance
  - Georgia, Texas cases draw “community” definitions into population deviation and Voting Rights Act cases

- The best approach will vary from state to state
  - Early definitions are useful for clarity, accountability, and transparency
  - Early definitions limit flexibility
  - *The public will be more involved, and a more important record created, than ever before (if you go public, GO BIG!)*

- States now **should** (must?) identify the communities used to construct each district
  - Defining communities for the court is too late