The Brennan Center and redistricting

Based at NYU, but work nationwide

Think tank, advocacy group, law firm

- Study of redistricting practices and reform initiatives
- Testimony before decisionmakers
- Consulting for advocates
- Advocacy and publication
Today’s conversation

- What?
- Why?
- When?
- Who?
- Where?
Today’s conversation

- What?
- Why?
- When?
- Who?
- Where?
What is “redistricting”?

• Draw (and re-draw) lines that determine which voters are represented by each legislative seat

• Congress, state legislature, many local legislatures
Today’s conversation

• What?
• Why?
• When?
• Who?
• Where?
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. In the smallest California district, each vote was worth 42 votes, or in L.A.

- 1 state Senator for 1,000 people
- 10 people for 1 state Senator
- 10,000 people for 1 state Senator

Brennan Center for Justice
Constitutional mandate to redraw lines

Baker v. Carr, 1962

“One person, one vote”

- Congress: as equal as possible
- State legislature: 10% spread, if there’s a good reason
And so, today’s districts...
Today’s conversation

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

- April 1, 2010 → Census Day
- December 31, 2010 → Census count to President
- January 10, 2011 → Apportionment to U.S. House
- April 1, 2011 → Redistricting data to states
- End of session 2011 or early 2012 → Most redistricting complete
Today’s conversation

• What?
• Why?
• When?
• Who?
• Where?
Most often, you draw the lines

In most states, the legislature has primary control

- State legislative districts: 37 states
- Congressional districts: 38 states
  (and 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
  - Politician
  - Independent
... and if that should fail

In the last cycle,

• Courts drew state legislative districts in 7 states
• Courts drew congressional districts in 9 states
Today’s conversation

• What?
• Why?
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“Where” starts with federal protections

- Equal population
- Race and the Voting Rights Act
The Voting Rights Act

Section 2

- Do minorities represent most of the voters in a compact area?
- Is there polarized voting?
- Is the minority population otherwise protected given the “totality of the circumstances”?

Do Not Dilute
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?
After federal law, add state limitations

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State limitations

- Contiguity
- Political boundaries
- Compactness
- Communities of interest
- Partisanship/competition
- Nesting
Contiguity

- All parts of the district are adjacent to each other
State limitations

- Contiguity
- Political boundaries
- Compactness
- Communities of interest
- Partisanship/competition
- Nesting
Political boundaries

- Follow county / city / town / ward lines
- Split as few as possible v. split each into as few pieces as possible
State limitations

- Contiguity
- Political boundaries
- Compactness
- Communities of interest
- Partisanship/competition
- Nesting
Compactness

- Concerns the appearance of the district (or how close people live to each other)
State limitations

• Contiguity
• Political boundaries
• Compactness
• Communities of interest
• Partisanship/competition
• Nesting
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. . .”
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
State limitations

- Contiguity
- Political boundaries
- Compactness
- Communities of interest
  - Partisanship/competition
- Nesting
Partisanship and competition

Two primary models:

- Prohibition on undue favoritism
- Affirmatively encourage competition
State limitations

- Contiguity
- Political boundaries
- Compactness
- Communities of interest
- Partisanship/competition
- Nesting
Nesting

Senate
Assembly

Not nested

Nested
Further information

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Brennan Center for Justice
www.brennancenter.org