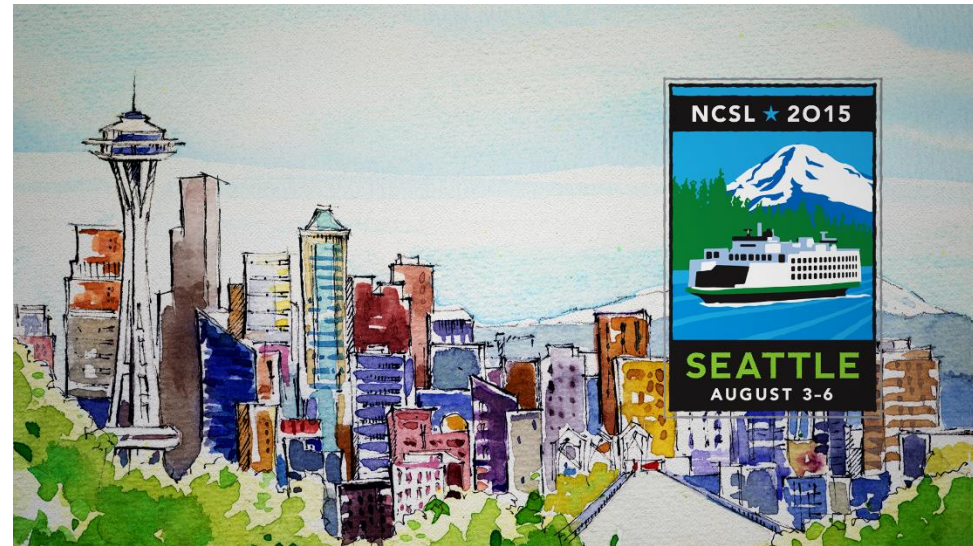


Redistricting: A Mid-Decade Review



The Honorable Daniel Ivey-Soto

Senator
New Mexico

The Honorable John Murante

Senator
Nebraska

Mr. Ted Booth

General Counsel
PEER Committee
Mississippi Legislature

Mr. Jeffrey Wice

Special Counsel
State Assembly
New York Legislature

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Redistricting: A Mid-Decade Review

▶ Legislative Redistricting Commissions

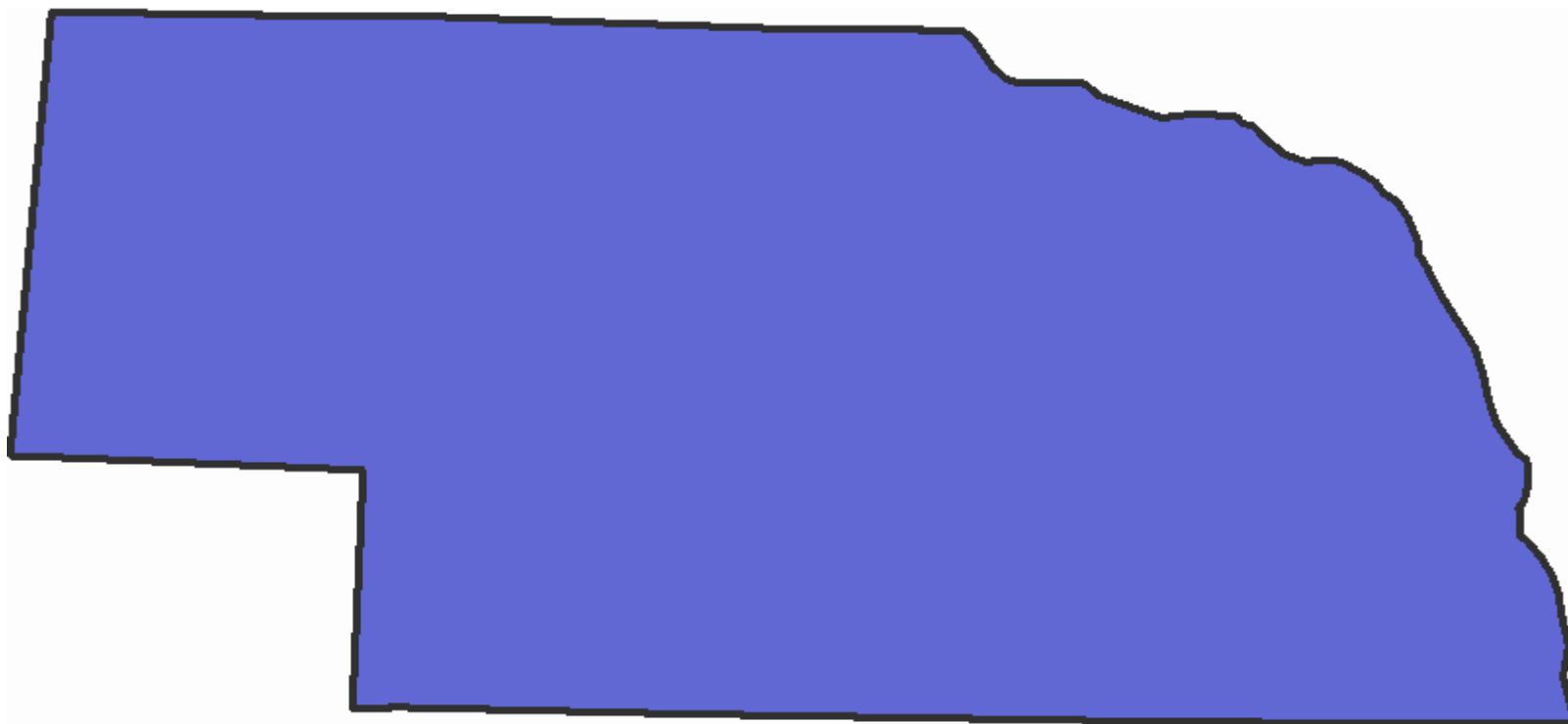
| Type & Role | States |
|----------------------------|--|
| Commissions that draw maps | AK, AZ, AR, CA, CO, HI, ID, MO, MT, NJ, OH, PA, WA |
| Advisory commissions | ME, NT, VT |
| Back Up commissions | CT, IL, MS, OK, TX |
| Other | IA |





Redistricting: A Mid-Decade Review

► Nebraska





Redistricting: A Mid-Decade Review

- ▶ *Arizona: Arizona State Legislature v. Arizona Independent Redistricting Commission*
- ▶ Does the Elections Clause require that only a state legislature can redistrict congressional plans?
- ▶ Did the Arizona Legislature have standing to sue in this case?





Redistricting: A Mid-Decade Review

- ▶ Texas: *Evenwel v. Abbott*
 - ▶ Does the one person/one vote principle of the 14th Amendment create rights that redistricting plans do not deny voters an equal vote?
 - ▶ Should redistricting plans continue to use total population or an alternate population data base of voters only?
-





Redistricting: A Mid-Decade Review

- ▶ Wisconsin: *Whitford v. Nichols*
 - ▶ What have the courts said about gerrymandering and why is it so hard to prove political unfairness?
 - ▶ Can a redistricting plan's unfairness be measured by determining whether there is an "efficiency gap" between the performance of the two major political parties and if so, can you compare the gap to comparable district plans nationwide?
 - ▶ Should a redistricting plan with a large "efficiency gap" be deemed unconstitutional?
-





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▶ Maryland: *Shapiro v. Mack*

- ▶ Can a single federal district court judge determine that a redistricting complaint is unsubstantial and that a three judge court is not required?
- ▶ What is the difference between having a single federal judge and a three-judge panel hear a redistricting complaint?





Redistricting: A Mid-Decade Review

- ▶ Arizona: *Harris v. Arizona Independent Redistricting Commission*
 - ▶ Use of district population deviations
 - ▶ Does the Equal Protection Clause allow the use of deviations when used to obtain political advantage for a political party?
 - ▶ Were the deviations necessary to obtain Section 5 pre-clearance?
-





Redistricting: A Mid-Decade Review

- ▶ Florida: *The League of Women Voters v. Ken Detzner*
 - ▶ Application of Florida’s “Fair Districts Amendment,” to congressional redistricting
 - ▶ Case addresses the “intent requirement” of the Florida Fair Districts Amendment
 - ▶ District by district application of principles to several districts found in violation of the amendment
-





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- ▶ **Alabama: *Alabama Legislative Black Caucus v. Alabama***
 - ▶ SCOTUS reversed and remanded a three-judge court's decision upholding Alabama's legislative redistricting plan.
 - ▶ Court proceeds with racial gerrymandering principles. Race is used as the predominant principle, and the use of race was not narrowly tailored to meet a compelling state interest.
 - ▶ SCOTUS remanded two cases in light of Alabama Black Caucus ruling on racial gerrymandering.
 - ▶ *Dickson v. Rucho*, vacated and remanded, April 20, 2015, and *Cantor v. Personhuballah, et al*, vacated and remanded March 30, 2015





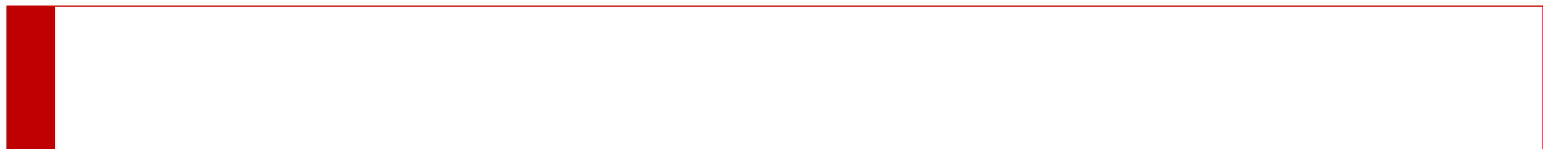
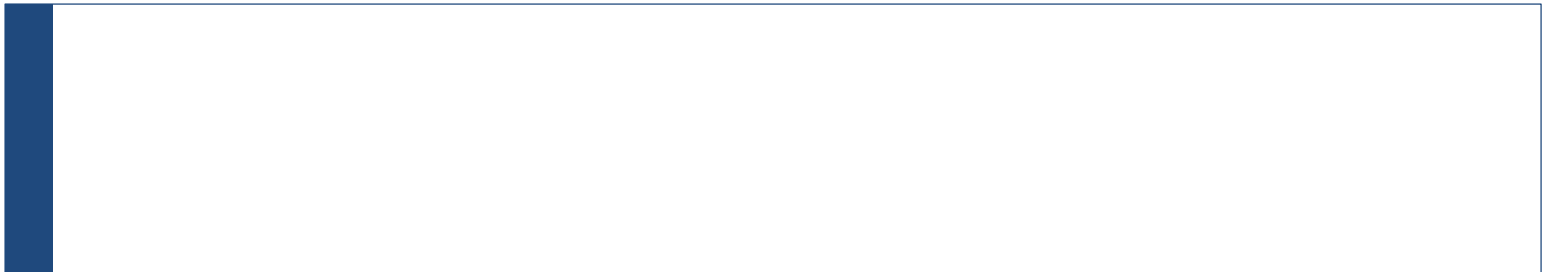
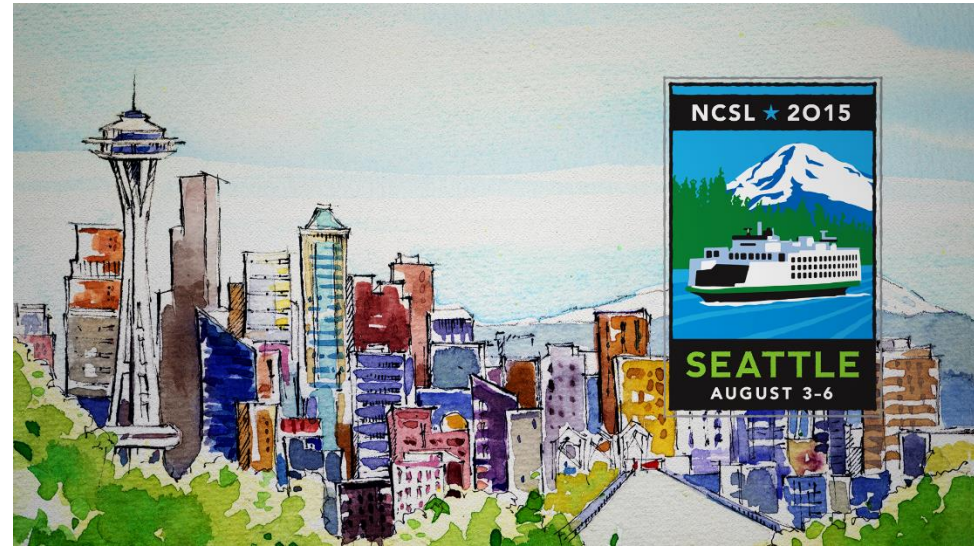
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- ▶ Virginia: *Curry v. Virginia Board of Elections*

- ▶ North Carolina: *Dickson v. Rucho*

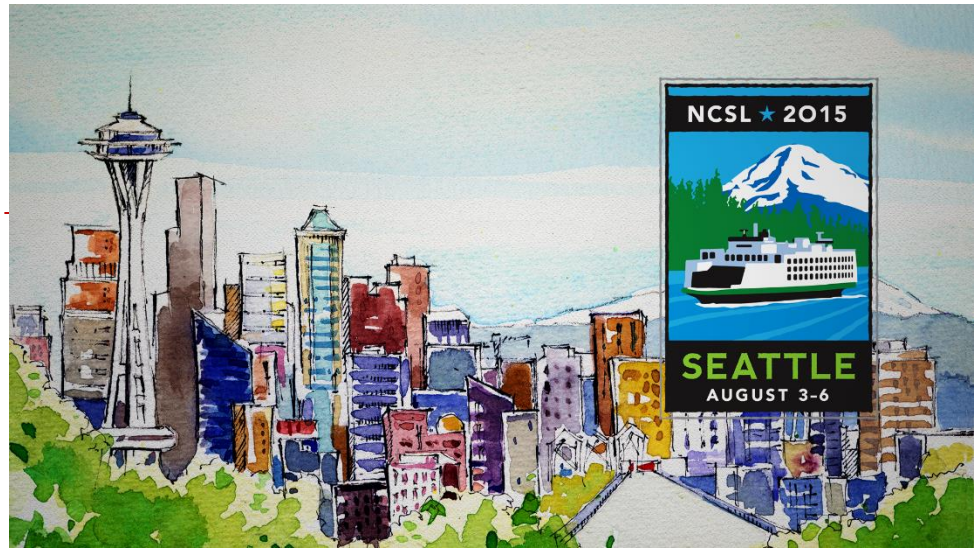


Questions?



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Questions?



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