

Redistricting 101

An Overview and a Timeline for Success

Justin Levitt

October 23, 2009

BRENNAN
CENTER
FOR JUSTICE

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

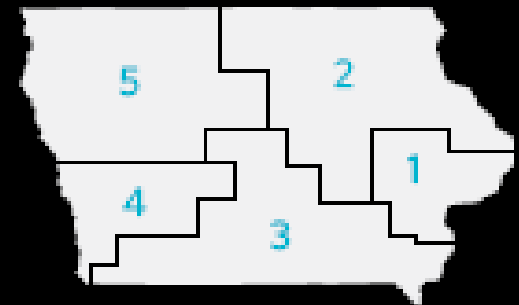
- What?
- Why?
- When?
- Who?
- Where?

Today's conversation

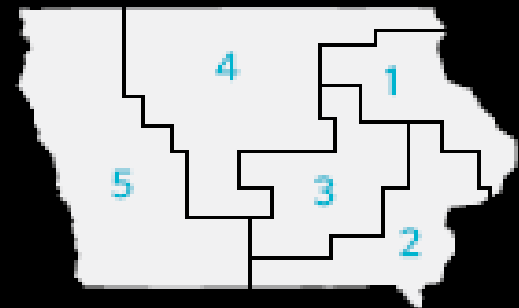
- What?
- Why?
- When?
- Who?
- Where?

What is “redistricting”?

- Draw (and re-draw) lines that determine which voters are represented by each legislative seat
- Congress, state legislature, many local legislatures



1992



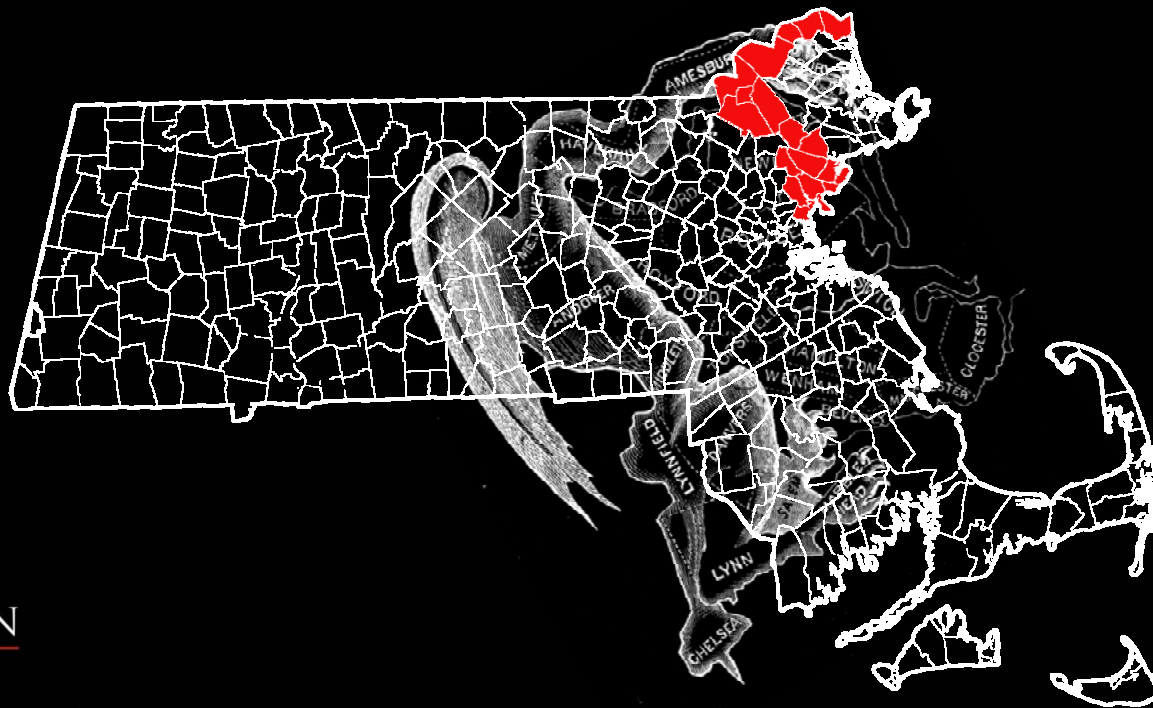
2002

Today's conversation

- What?
- Why?
- When?
- Who?
- Where?

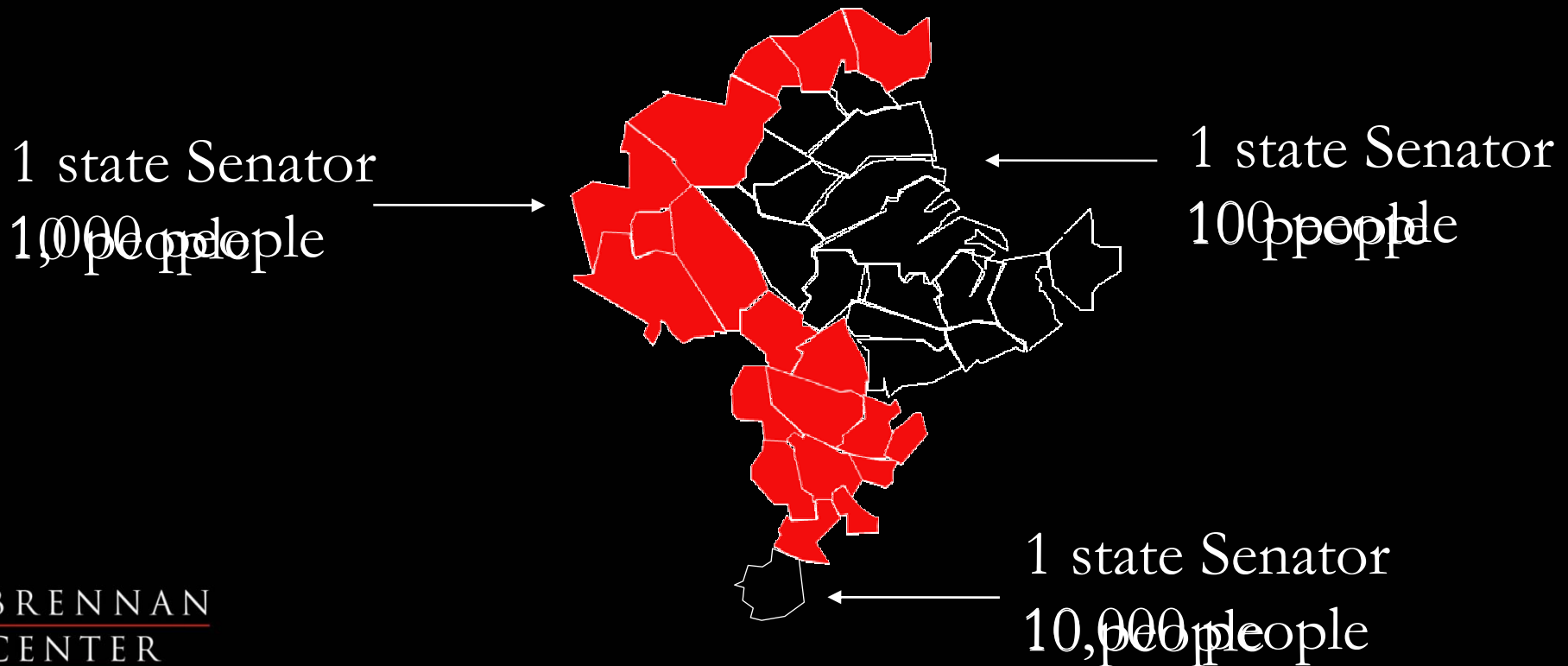
A brief history

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



A little more history

- Districts were California districts, each town worth 422 votes, or groups of towns or counties



Constitutional mandate to redraw lines

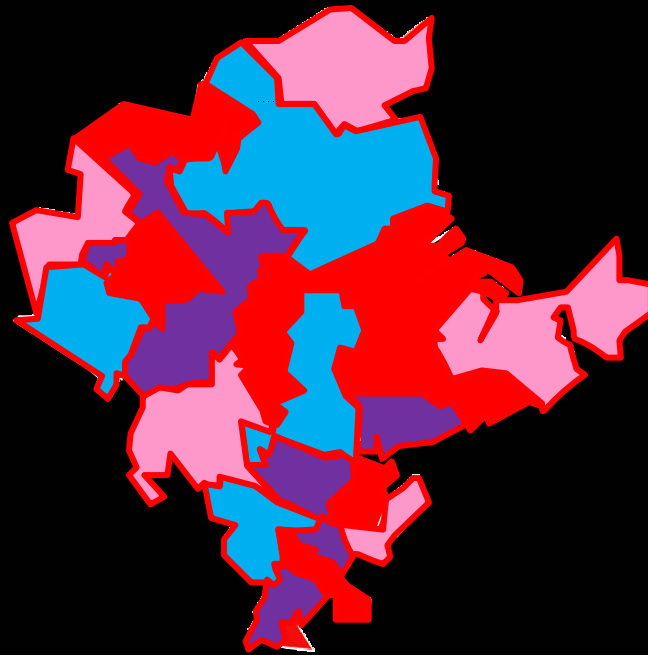
Baker v. Carr, 1962

“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?

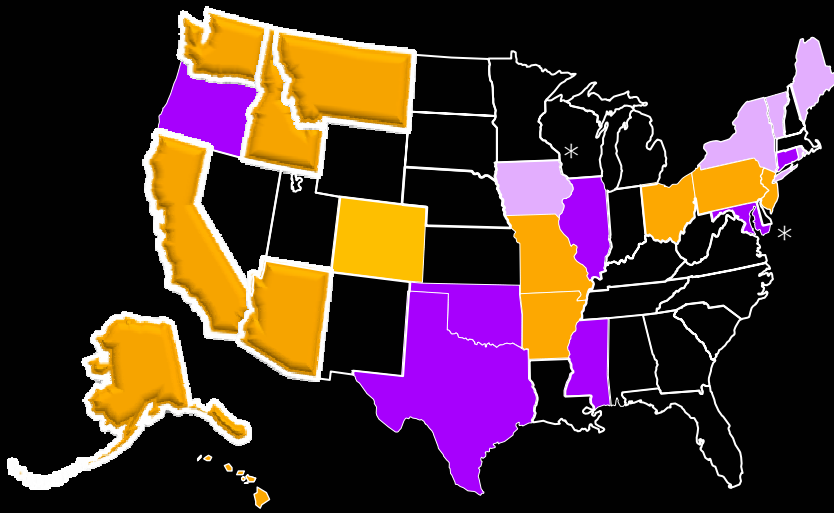
Most often, you draw the lines

In most states, the legislature has primary control

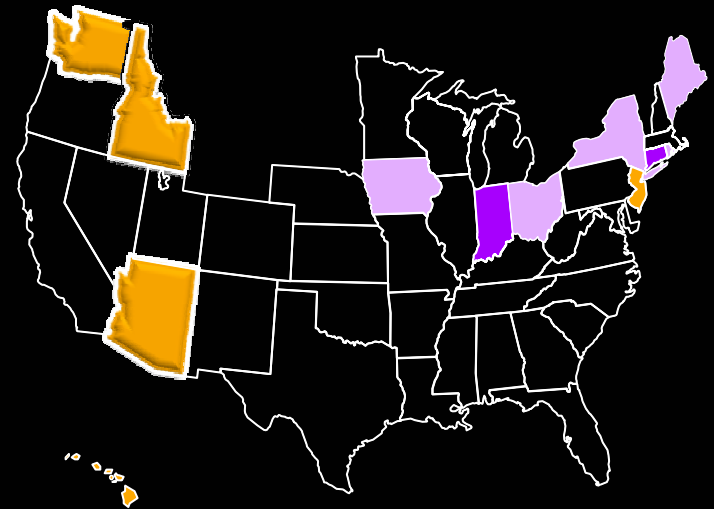
- State legislative districts: 37 states
- Congressional districts: 38 states
(and 7 states with 1 Congressional district)

Other redistricting institutions

State legislative districts



Congressional districts



Primary control in the legislature

Advisory

Backup

Primary control outside legislature

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

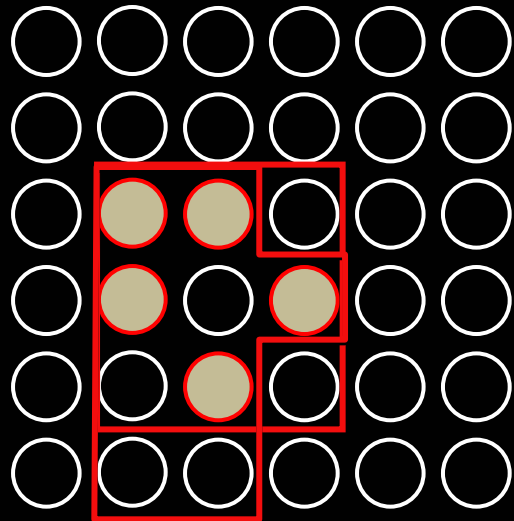
- What?
- Why?
- When?
- Who?
- Where?

“Where” starts with federal protections

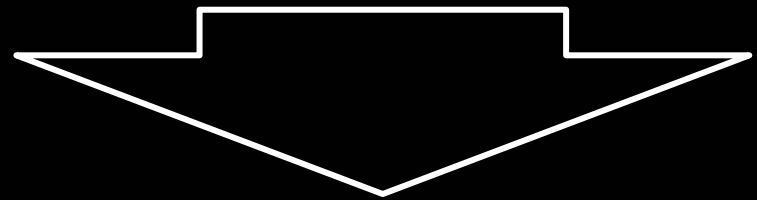
- Equal population
- Race and the Voting Rights Act

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”?

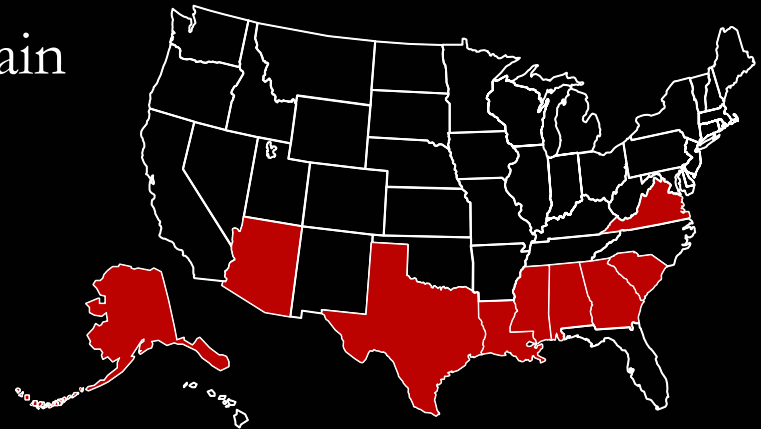
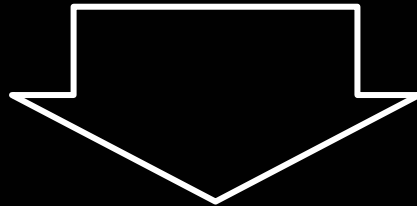


Do Not Dilute

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

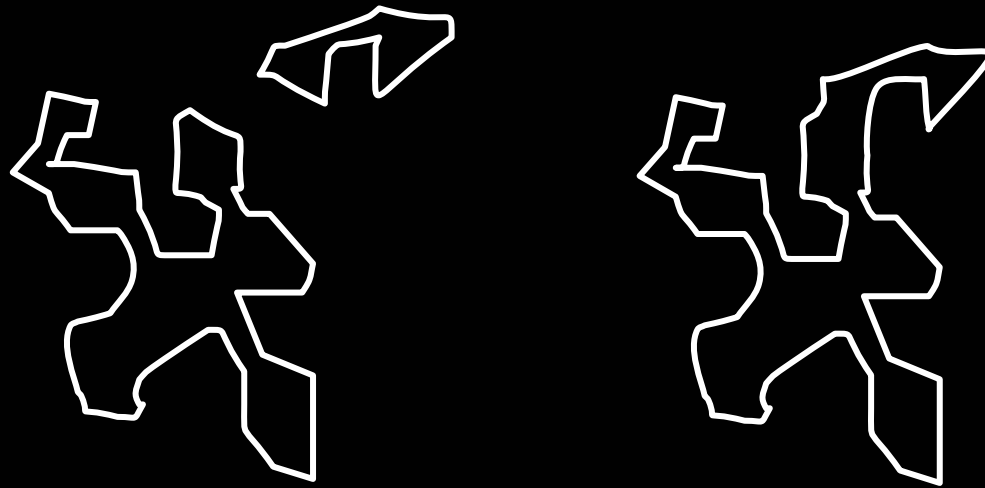
	<u>State leg.</u>	<u>Congress</u>
• Contiguity	48	22
• Political boundaries	42	18
• Compactness	36	17
• Communities of interest	24	13
• Partisanship/competition	10	7
• Nesting	14	n/a

State limitations

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

Contiguity

- All parts of the district are adjacent to each other

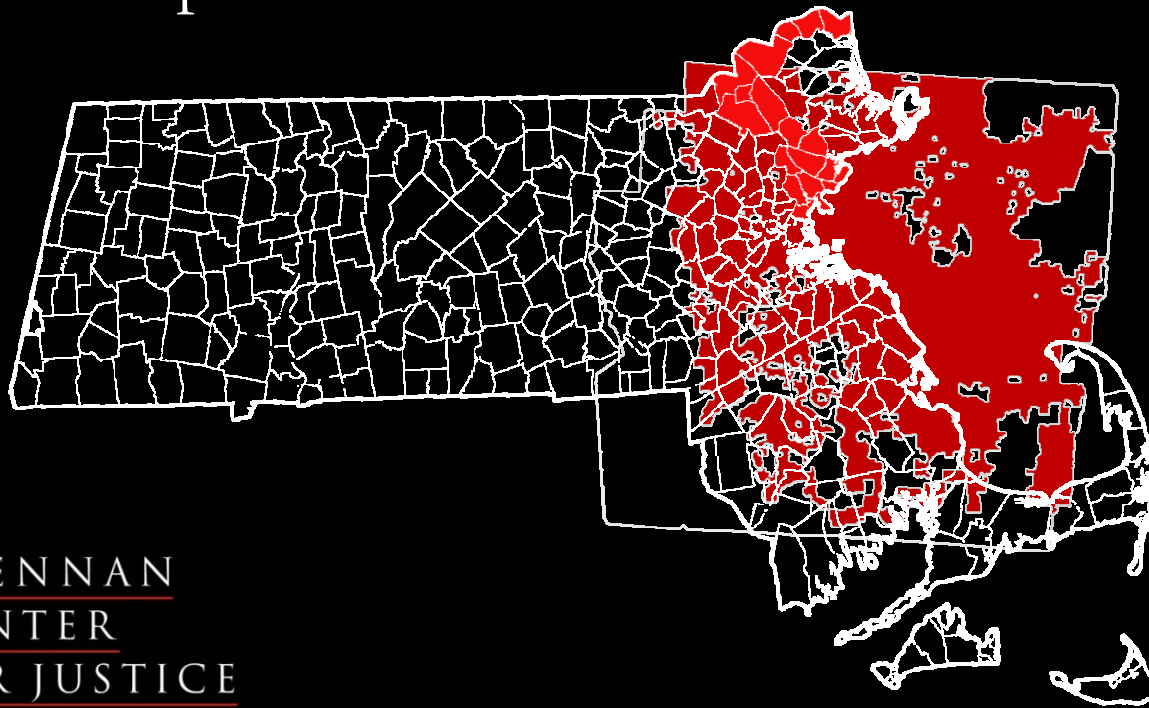


State limitations

- 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

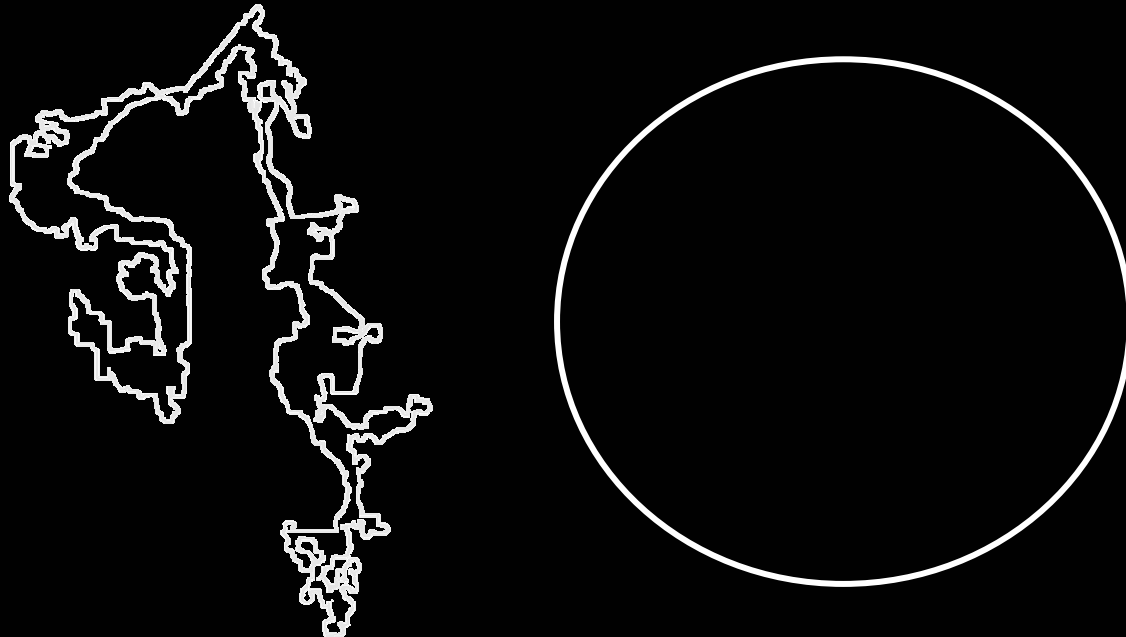


State limitations

- 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

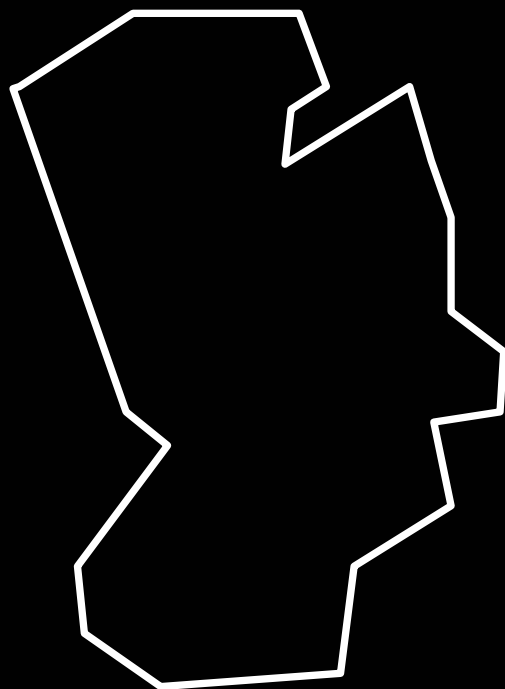
- Contiguity
- Political boundaries
- Compactness
- Communities of interest
- Partisanship/competition

- Nesting

Nesting

Senate ———
Assembly ·····

Not nested



Nested



Further information

Justin Levitt

justin.levitt@nyu.edu

Brennan Center for Justice

www.brennancenter.org