



Redistricting 101


Virginia Martinez, MALDEF
and
Justin Levitt, Brennan Center
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- Founded in 1968 in San Antonio, Texas
- The nation's leading nonprofit, Latino legal organization
- Chicago Office opened in 1980
- Mission: to safeguard the rights of Latinos in the U.S.
- Performs its work through community education, public policy advocacy, and litigation







What we do

- Work in four Program Areas
 - Political Access-Voting Rights
 - Employment
 - Immigration
 - Education
- Also work on Language and Public Resource Equity Issues



BRENNAN CENTER FOR JUSTICE

- Founded in 1995
- Based at NYU, but work nationwide
- Think tank, advocacy group, law firm
- Fundamental issues of Democracy and Justice





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BRENNAN CENTER FOR JUSTICE

Redistricting work


- Study of redistricting practices and reform initiatives
- Analysis of proposals
- Testimony before decision makers
- Consulting for advocates
- Advocacy and publication



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Today's conversation

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



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Today's conversation

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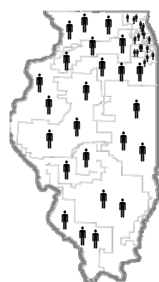
What is "redistricting"?

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

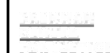
- Federal
- State
- Local



Why re-draw district lines?



- Population moves, creating lopsided districts where some votes are worth more than others



Constitutional mandate to redraw lines

Baker v. Carr, 1962

“One person, one vote”



Districts have to have roughly equal population



And so...

2000	+	Census Day
2001	+	Redistricting
2010	+	Census Day
2011	+	Redistricting
2020	+	Census Day
2021	+	Redistricting



Today's conversation

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Key redistricting dates

April 1, 2010	Census Day
January 10, 2011	Apportionment to U.S. House
April 1, 2011	Redistricting data to states
June 30, 2011	IL legislature draws leg. districts
October 5, 2011	(IL commission draws leg. districts)
end of 2011 session	IL legislature draws Cong. districts

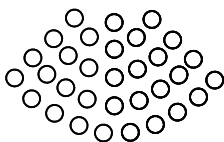


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Blunt measure #1: voter choice



~40% of state House districts
~50% of state Senate districts
drawn in major party
challenge 2002



Why does redistricting matter?

- Politicians choosing their voters
- Eliminating incumbents or challengers
- Diluting minority votes
- Splitting up communities

Why does redistricting matter?

Determines whether a community can elect the representative of its choice

Can change the outcome of an election and decide the size of a community's voice in government

Determines who controls the legislature

Determines who chooses the candidates and ultimately determines who wins and what laws get passed

Illinois Latino representation in 1980

In 1980, three Latinos held elected office in Illinois:

- Two Cook County officials:
Commissioner Irene Hernandez and Judge David Cerda
- One Democratic Party Official:
7th Ward Committeeman Ray Castro

No Latino had been elected to the Illinois General Assembly.
No Latino from Illinois had been elected to Congress.
There were no majority Latino wards despite the large population.

Illinois Latino representation recently

Latinos in Illinois Elected Office:
2000 & 2007*

	2000	2007
Congress	1	1
Statewide	0	0
State Legislature	6	11**
Local Offices	37	85
Total	44	97

* As of January 2007 - NALEO
** 12 after 2008 election - NALEO



Today's conversation

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Who draws the lines in Illinois

- Congress: State legislature (subject to veto)
- State lines: State legislature (subject to veto)
and if no agreement, backup commission
 - eight members (chosen by legislative leaders)
 - one random tiebreaker (out of Lincoln's hat)



... and if that should fail

2000 cycle judicial action

	State leg.	Congress*
Courts asked to step in	32	21
Lines change as a result	16	9
Court drew lines <u>itself</u>	10	9



* 7 states had only one congressional district in the 2000 cycle



Today's conversation

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"Where" starts with federal protections

- Equal population
- Race and ethnicity

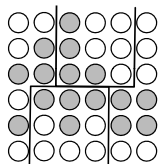


Equal population – one person, one vote

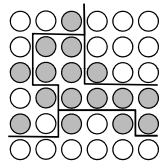
- Congress: as equal as possible
- State legislature: ~10% spread if good reason



Minority representation



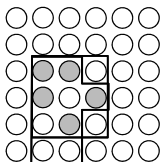
Cracking



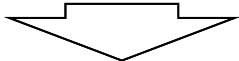
Packing



The Voting Rights Act



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



Do Not Dilute



Race and ethnicity beyond the VRA

- Voting Rights Act protects minorities who are more than half of the voters in an area
- It is OK, under the constitution, to consider race and ethnicity, among other factors, in drawing district lines around smaller populations of minorities
- Race and ethnicity just can't "predominate" without a really good reason



MALDEF redistricting litigation in Illinois

- 1980 – City and State
- 1990 – City, County, State and Federal
(4th Congressional District)
- 2000 – City, County and State
- 2010 – Yet to be Determined



MALDEF redistricting litigation in Illinois

Del Valle v. Ill. State Bd. Of Elections 1980

- State redistricting commission drew districts that split up the Hispanic population centers in Chicago. The commission justified it by analogizing them to "snowsuits" bought too large for a child to grow into, saying they were drawn to accommodate future population growth
- Plaintiffs challenged this explanation by noting that no other racial, ethnic or political group was fitted to "snowsuit" districts and that the Commission's actions served to exacerbate existing underrepresentation of Hispanic interests in the General Assembly-which at the time was zero. A new Commission plan was adopted.



MALDEF and Congressional redistricting



4th Congressional "Earmuff" District

Hastert v. Bd. of Elections 1991

- After litigation, Plan adopted that included creating this District
- Court found that the Voting Rights Act warranted creating a super-majority Hispanic district
- **This is not gerrymandering, but rather protecting voting rights** (majority Hispanic district surrounding a majority black district)



MALDEF and Congressional redistricting



4th Congressional "Earmuff" District

King v. Bd. of Elections 1997

- Plaintiffs challenged the district under the Equal Protection Clause
- The Court, however, held that the district's configuration served a compelling state interest: redressing "an established Section 2 violation" against the Hispanic community in Chicago. **There was no violation.** Later affirmed by the Supreme Court.



Recent 7th Circuit Voting Rights case

Gonzalez v. City of Aurora-2008

- Latino voters living in 3 aldermanic wards sued the city for diluting Latino influence by fracturing and packing Latinos into specific wards
- Alleged a violation of Voting Rights Act and 14th Amendment
- Sought injunction compelling city to concentrate Latino population into 3 "Latino effective" wards likely to elect a Latino candidate



Recent 7th Circuit Voting Rights case

Gonzalez v. City of Aurora-2008

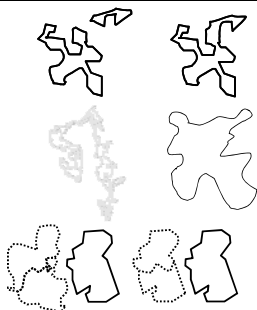
- But Seventh Circuit held the Aurora ward map was not gerrymandering in violation of the Voting Rights Act
- And the injunction would not comply with the Voting Rights Act requirement for an equally open electoral process
- **Even though the Voting Rights Act remains intact, questions remain as to future challenges and the success of minority voting rights cases**



After federal law, add Illinois limitations

State legislature:

- ~~Contiguity~~ limits
- Compactness
- Nesting



A quick review

	State legislature	Congress
• Who?	State legislature (+ backup, + courts)	State legislature (+ courts)
• Where?	Equal protection Voting Rights Act Contiguous Compact Nested	Equal protection Voting Rights Act

And then they do what they want




Today's conversation

- What?
- When?
- Why?

How can I influence this?


What can I do?

- Where?
- How?



Influencing redistricting (short-term)


- Ensure that the census count is complete
- Educate your community




The need for public education

Polls on redistricting initiatives

- 14% were dissatisfied with redistricting process, 13% were satisfied, 70% had no opinion



- 62-71% felt redistricting **unconnected to their lives**



Why does redistricting matter?

If you care about representation,
and you care about political power,
then you ^{should} care about redistricting



Help connect the dots

- Politicians choosing their voters
- Packing districts to win political control
- Eliminating incumbents
- Eliminating challengers
- Diluting minority votes
- Splitting up communities



“Communities of interest”
help keep legislators responsive

Kansas :

“Social, cultural, racial, ethnic, and economic interests common to the population of the area, which are probable subjects of legislation . . .”

Can and should be different in different parts of the state



Influencing redistricting (short-term)

- Ensure that the census count is complete
- Educate your community
- Identify and map community boundaries
- Attend hearings and talk to your legislators
- Show where the boundaries should be



Mapping community boundaries

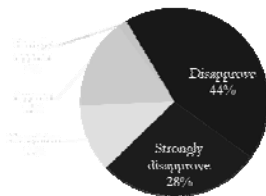
Google maps



Influencing redistricting (long-term)

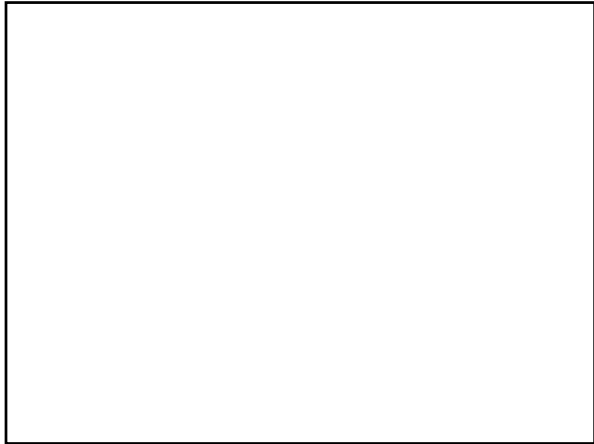
There is hunger for change

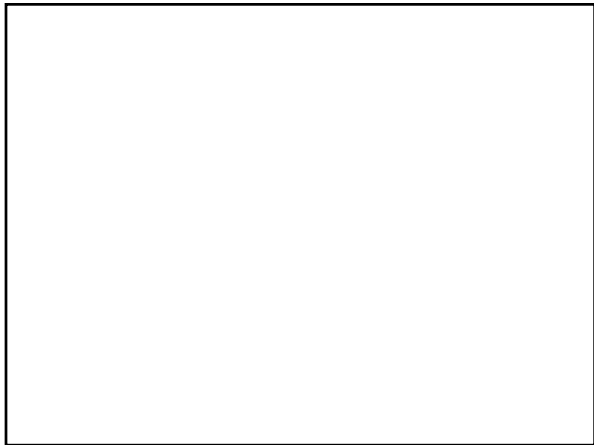
Edwards II, redistricting process



Source: Paul Simon Public Policy Institute, Fall 9-10/09







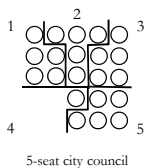
Incarceration and the redistricting skew

- Incarcerated populations are now allocated to districts where the prisons are

5-seat city council

The status quo

- This massively inflates the political power in the prison's district



The status quo

- Lake County, Tennessee:
88% of county commissioner district incarcerated



- Anamosa, Iowa:
93% of city council ward incarcerated

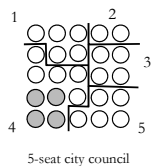


The status quo

- The status quo dilutes the political power of every single person outside of a prison district

The right approach

- Count prisoners at their pre-incarceration address, with the rest of their community



Second best

- Reduce half the skew: allocate prisoners to the jurisdiction as a whole, not a particular district

