

# Redistricting

## Embracing Lines in the Public Interest

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Justin Levitt

Women in Government

State Directors Conference

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BRENNAN  
CENTER  
FOR JUSTICE

# The Brennan Center and redistricting

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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

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- Basic rules of the road
  - When?
  - Who?
  - Where?
- Recommendations
  - Short-term
  - Long-term

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# Key redistricting dates

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|                                      |   |                              |
|--------------------------------------|---|------------------------------|
| 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<br>or early 2012 | — | Most redistricting complete  |

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# Who draws the lines

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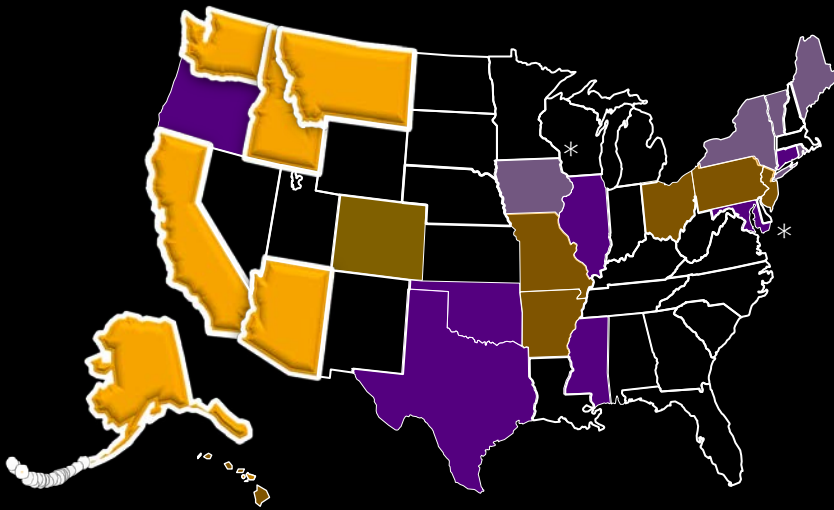
In most states, the legislature has primary control

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

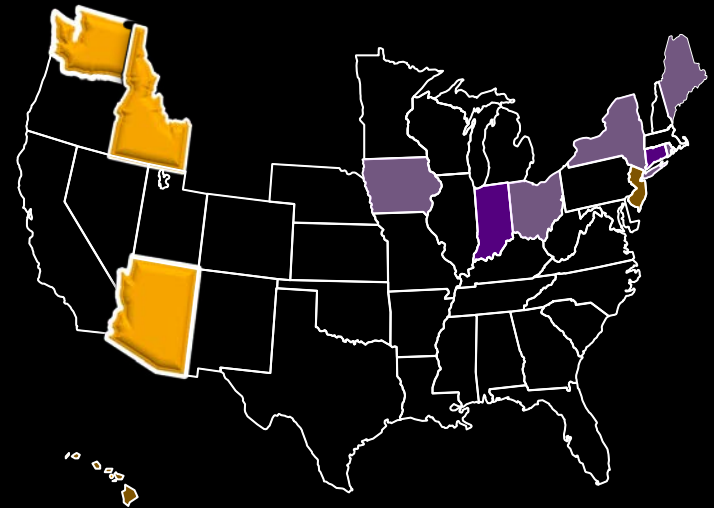
# Other redistricting institutions

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## State legislative districts



## Congressional districts



Primary control in the legislature

Primary control outside legislature

**Advisory**

**Backup**

**Politician**

**Independent**

# ... and if that should fail

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In the last cycle,

- Courts drew state legislative districts in 7 states
- Courts drew congressional districts in 9 states



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# “Where” starts with federal protections

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- Equal population
- Race/ethnicity and the Voting Rights Act

# Equal population

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Baker v. Carr, 1962

“One person, one vote”

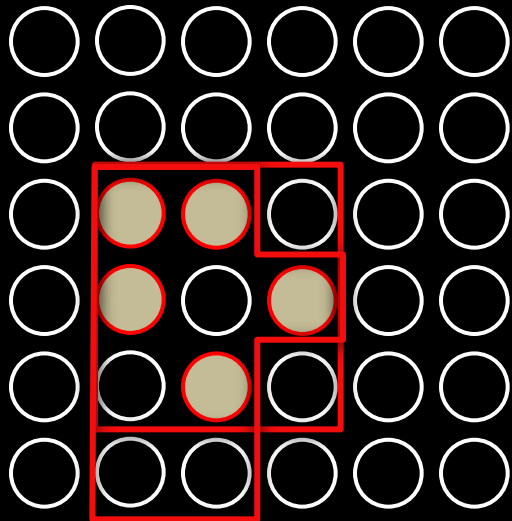


- Congress: as equal as possible
- State legislature: 10% spread, if there's a good reason

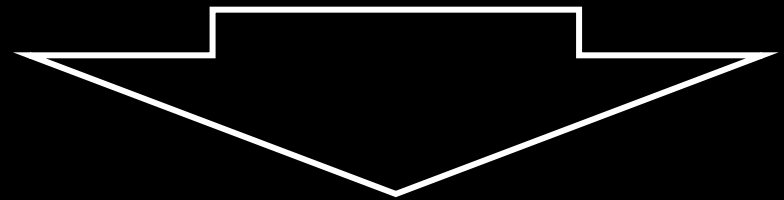
# The Voting Rights Act

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## 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”?



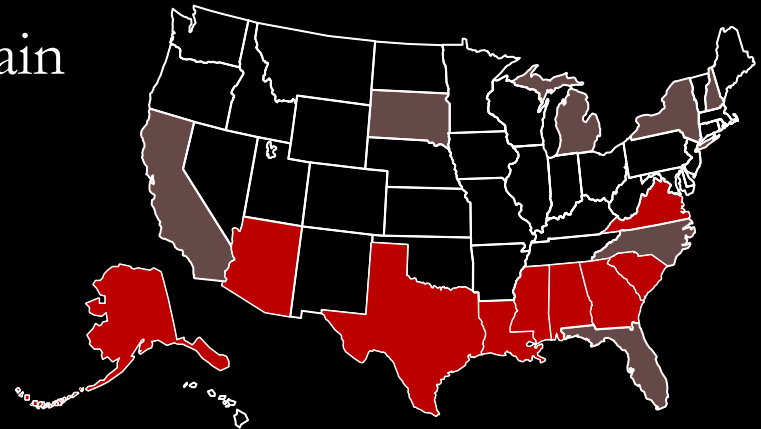
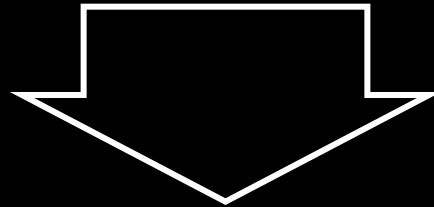
**Do Not Dilute**

# The Voting Rights Act

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## 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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|                            | <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             |

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# Principles for effective redistricting

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1. Meaningful transparency
2. Meaningful independence
3. Meaningful diversity
4. Meaningful guidance

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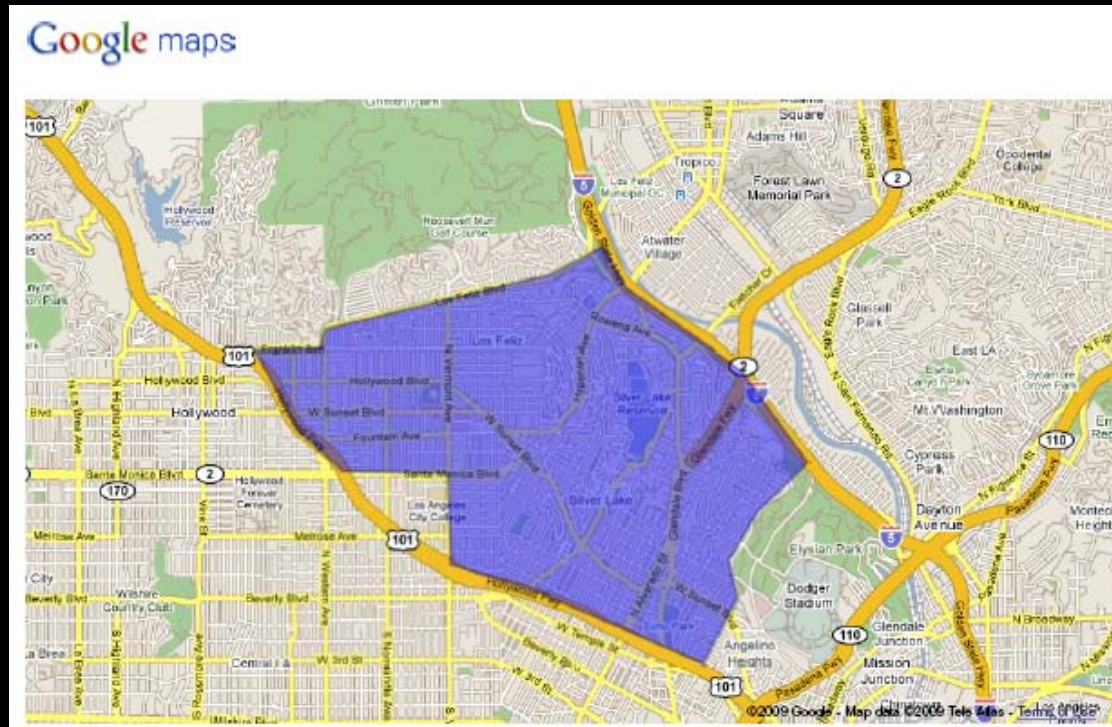
# Meaningful transparency

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- Multiple opportunities for meaningful public input
  - Before drafts
  - After drafts
- Data and tools to facilitate response
- Some explanation from redistricting body

# Invite input about communities

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# Principles for effective redistricting

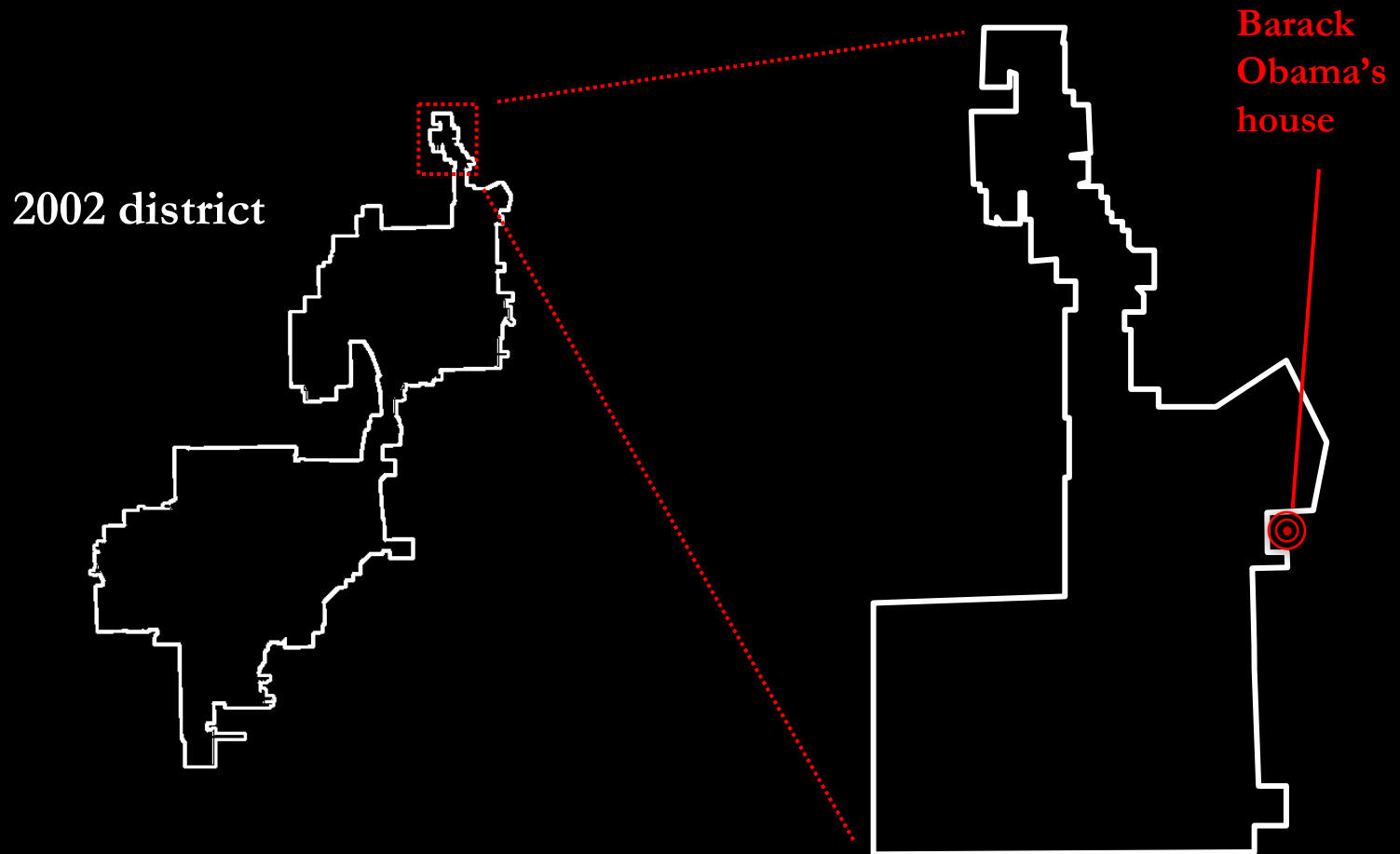
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1. Meaningful transparency
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# Conflating public, partisan, personal interests

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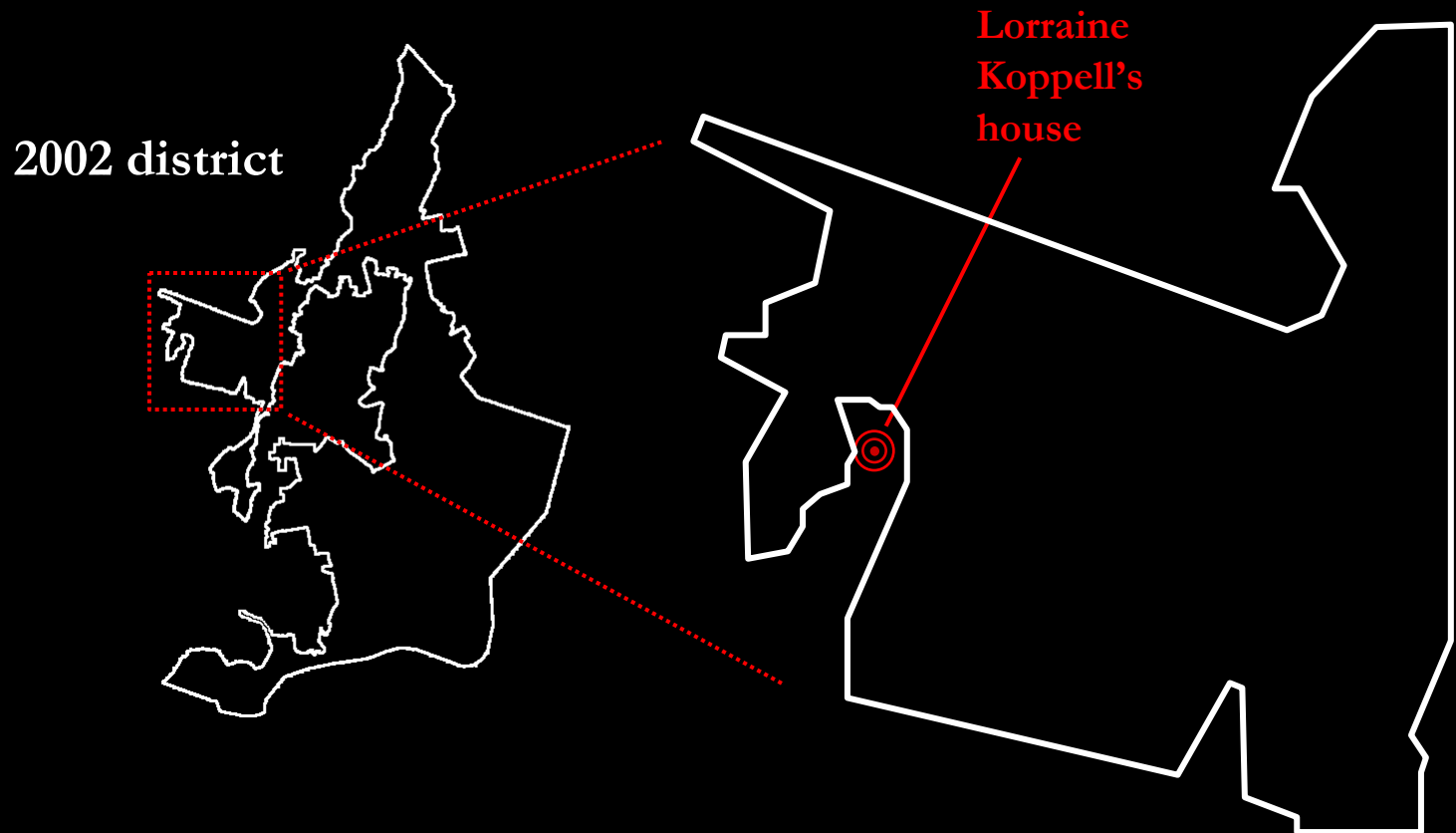
- Barack Obama: strong challenge for Congress in 2000



# Conflating public, partisan, personal interests

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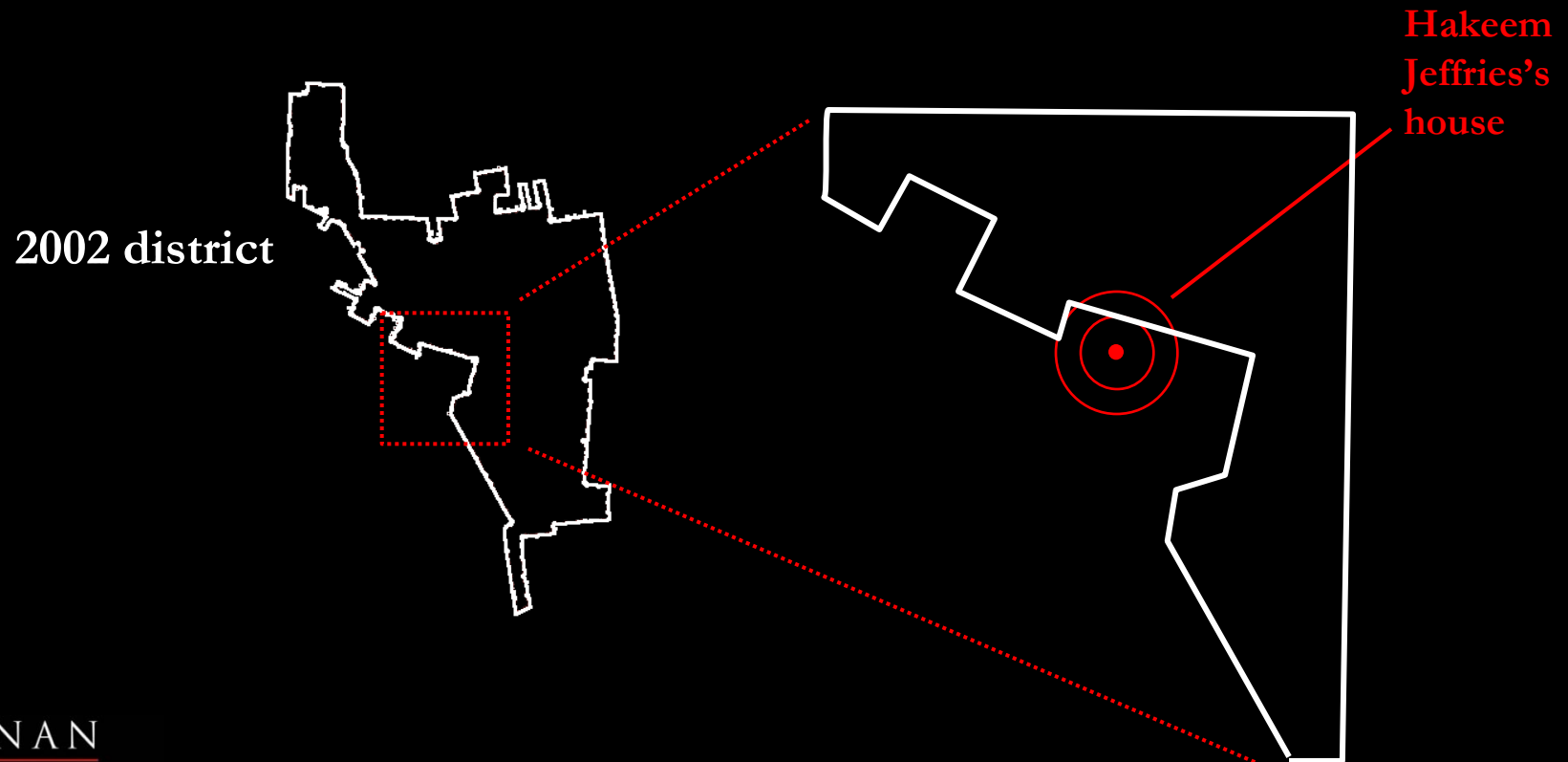
- Lorraine Koppell: strong challenge for state Senate in 2000



# Conflating public, partisan, personal interests

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- Hakeem Jeffries: strong challenge for state Assembly in 2000



# Principles for effective redistricting

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# Meaningful independence

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- One of the players shouldn't also be the umpire
- This is not the same as taking politics out of redistricting
- Legislature can still have a role
  - Select those who draw the lines
  - Review lines afterward

# Meaningful diversity

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- Those who draw the lines should reflect the state
- Need redistricting body of sufficient size
- Need rules/incentives to choose diverse membership

# Meaningful guidance

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- Criteria that reflect basic goals
- Enough flexibility to accommodate local exceptions
- Communities of interest
- Statewide majority is legislative majority

# Further information

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