LWVUS Policy and Action: Redistricting 202

Advocacy and Litigation Department
LWVUS
August 27, 2019
Goal for Today

Take an advanced look at redistricting and specifically talk about:

• Criteria and Requirements
• Implementation of the Process
• Transparency and Public Participation
Redistricting is... Apportionment is...
A History Lesson on Redistricting

- Gerrymandering defined
- Redistricting in states with just one Representative
- Impact of the Reapportionment Act of 1929
A History Lesson on Redistricting:
The Act of 1842

- Whigs v. Jacksonian Democrats
- Enlargement of Congressional seats
- Baker v. Carr
A History Lesson on Redistricting: The Reapportionment Act of 1929

- Representation Inequality
- Capping Congressional Seats to 435
- Changes in Size and Shape of Districts
Redistricting Criteria

Criteria are the “rules” for creating new districts
Fundamental Criteria

- Contiguity
- Equal Population
- Partisan Fairness
- Racial Fairness
Other Considerations

• Geographic integrity of any city, county, city and county, local neighborhood or local community of interest

• Community of interest

• Compactness
• Nesting:
• No consideration of incumbent or candidate residences:
• Competitiveness:

Other Considerations cont’d.
LWV Mandated Criteria

- Substantially equal populations
- Geographic contiguity
- Racial and linguistic minority representation
- Transparency

Provide for (to the extent necessary):

- Preservation and protection of communities
- Respect for boundaries of municipalities and counties
Compactness and competitiveness may also be considered as criteria so long as they do not conflict with the previous criteria.
Explicitly reject:
• Protection of incumbents, through such devices as considering an incumbent’s address;
• Preferential treatment for a political party, through such devices as considering party affiliation, voting history and candidate residence.
Redistricting is different in every state, but usually the process is run by state legislatures. Some states have a commission process but not all states have the same commission make-up.
California Case Study: The Big Three

- Independent commission
- Open, transparent process
- Fair, ranked criteria
California Case Study: Our Criteria

- Reasonably equal population
- Voting Rights Act – compliance with the spirit as well as just the letter
- Geographic contiguity
- Respect for neighborhoods, city and county boundaries, and communities of interest
- Geographic compactness, as much as possible given higher criteria
- Nesting, as much as possible given higher criteria
- No consideration of place of residence of incumbent or candidate
- Nothing that would favor or discriminate against an incumbent or candidate or party
California Case Study:

How we use competitiveness
California Case Study: Key Takeaways

- Commissioner training
- Implementation – monitoring, advocating
- Public outreach
Implementation Case Study: Washington

Districts We Can Believe In

Presented By:
Alison McCaffree
League of Women Voters of Washington
Politics of the Possible in Action
253-720-6813
Alison.McCaffree@stanfordalumni.org
Implementation Case Study: Washington

- LWV Tribute
- Marketing
- Education
- Civic Engagement
- Today’s Issues
Implementation Case Study: Washington

2011 WA Redistricting Commission
Established by constitutional amendment in 1983.

Members of the 2011 Redistricting Commission

Democrat

Republican

Senate

Non-voting Chair

House
Implementation Case Study: Washington

Congressional District Competitiveness

<table>
<thead>
<tr>
<th>District 1 DelBene</th>
<th>District 2 Larson</th>
<th>District 3 Herrera Beutler</th>
<th>District 4 Newhouse</th>
<th>District 5 McMorris Rodgers</th>
<th>District 6 Kilmer</th>
<th>District 7 Jayapal</th>
<th>District 8 Schrier</th>
<th>District 9 Smith</th>
<th>District 10 Heck</th>
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</thead>
</table>
Implementation Case Study: Washington

Data Lenses
1. Race / ethnicity
2. Socio- Economic / Education
3. Environmental Factors
4. Religion and Tribal Affiliation
5. Business interest / Industry
Transparency and Public Participation

No matter what the process is in your state, the participation and input of the public is vital to the redistricting process.
Transparency and Public Participation

• The case in Georgia 2011
Transparency and Public Participation

What does this Look like?

- Clear guidelines and procedures
- Public hearings in at least 5 different locations, preferably the largest political subdivisions
- Open and accessible website available to public with demographic and political data used available
- Adequate public notice for all hearings
- Enough time to modify the final plan in response to public feedback.

- Brennan Center for Justice
How to Encourage Public Participation

• Mapping Contests
• Testimony
• Shadow commissions
• Legislation (for 2020)
• Ballot initiatives (for 2020)
Questions?
Special thanks to our guest presenters:

Chris Carson, President, LWVUS

Alison McCaffree
Redistricting Chair, LWV Washington
Celina Stewart  
Senior Director, Advocacy and Litigation  
Cstewart@lwv.org

Jessica Jones Capparell  
Senior Manager, Policy and Legislative Affairs  
jjones@lwv.org