

# Redistricting Basics and Terminology

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Justin Levitt  
January 22, 2011

# Today's conversation

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

# Today's conversation

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- Why?
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# A brief history

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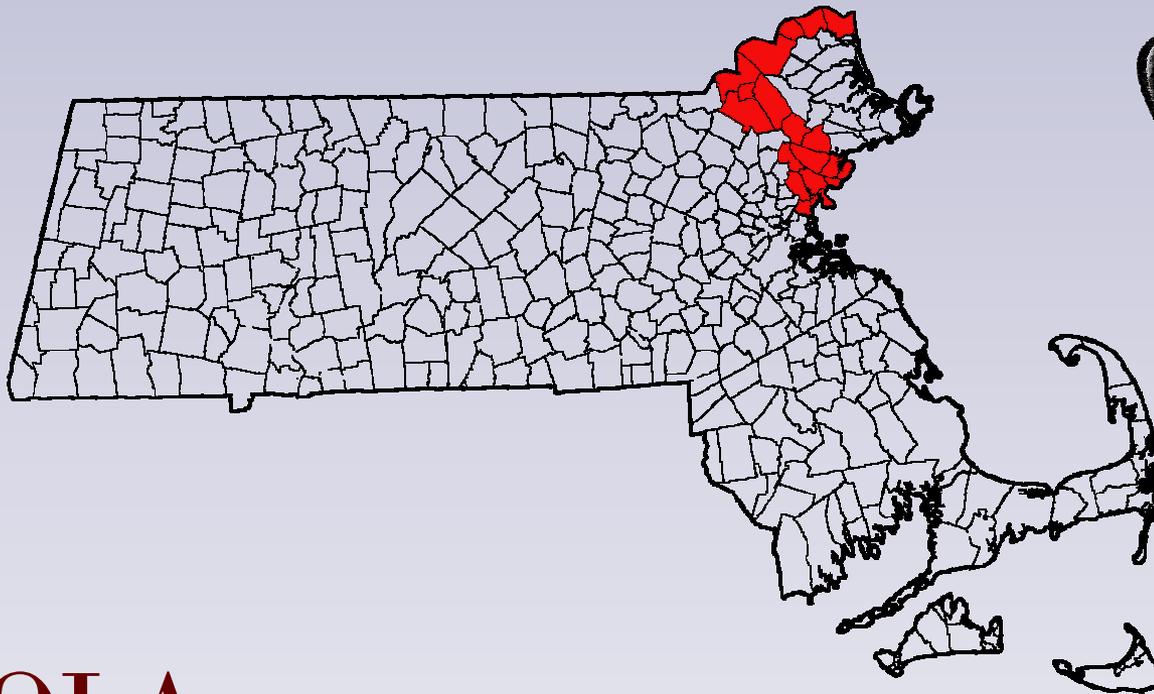
- Districts were often made of towns or counties, or groups of towns or counties



# A brief history

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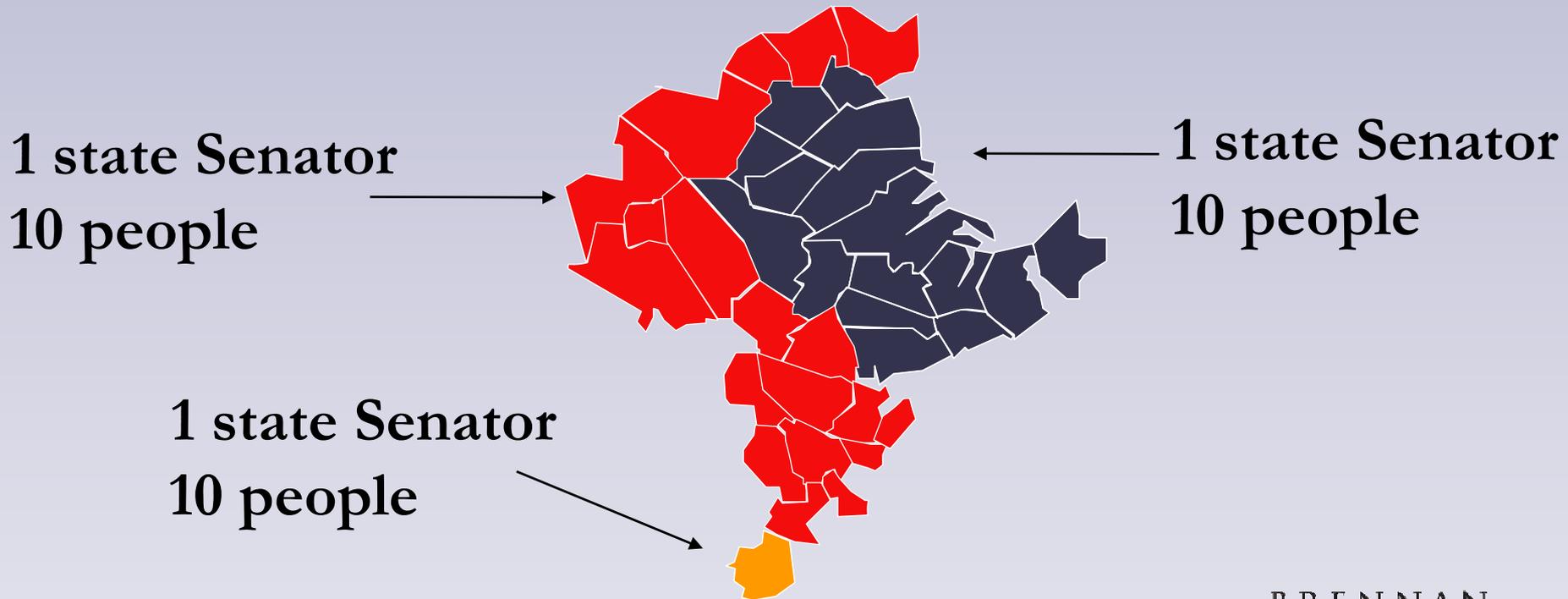
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# A little more history

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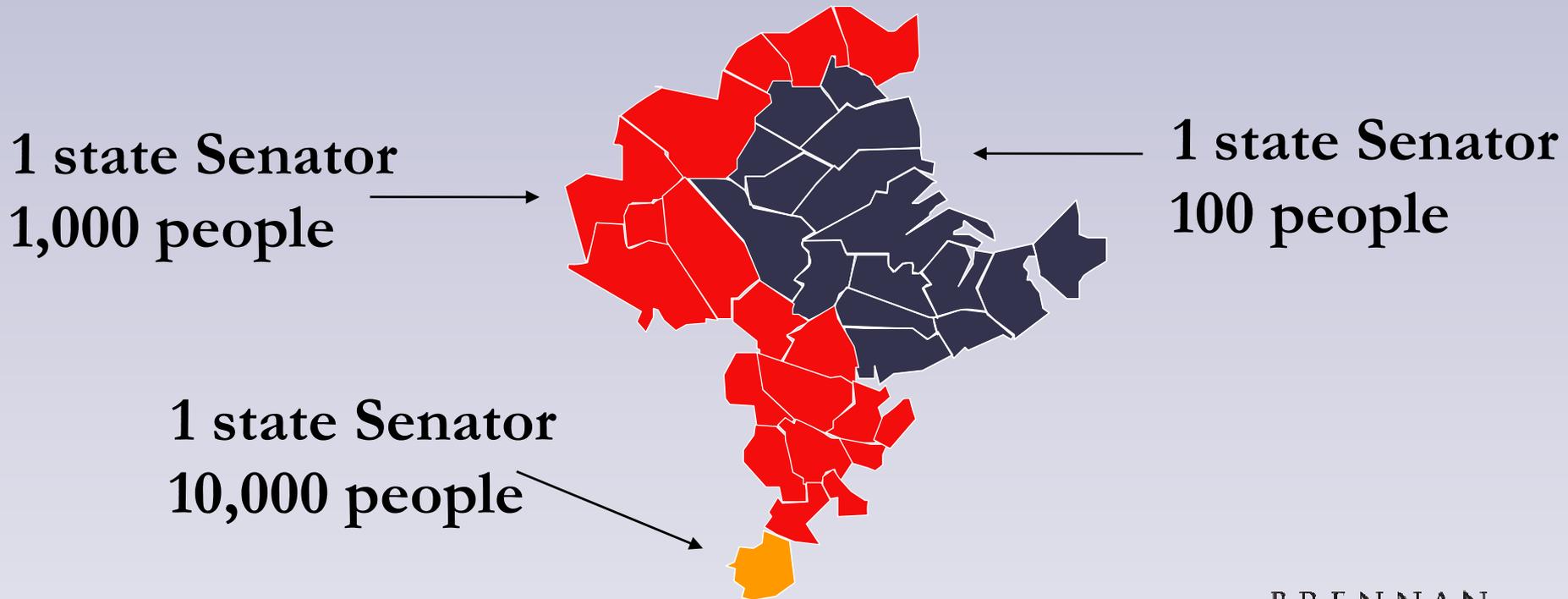
- Districts were often made of towns or counties, or groups of towns or counties



# A little more history

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



# Constitutional mandate to redraw lines

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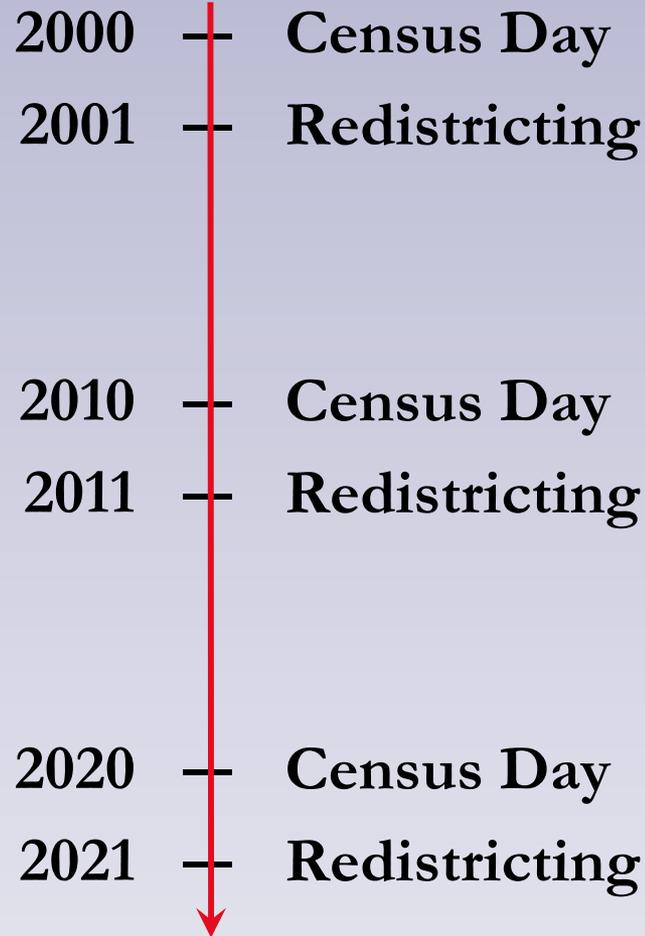
Baker v. Carr, 1962



Districts have to have roughly equal population

# And so...

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# Today's conversation

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- Why?
- **When?**
- Who?
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# Key redistricting dates

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April 1, 2010 — Census Day

April 1, 2011 — Redistricting data to states  
“P.L. 94-171” file

End of session 2011 — Most initial redistricting  
or early 2012 plans complete

# Today's conversation

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- Why?
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# Who draws the lines

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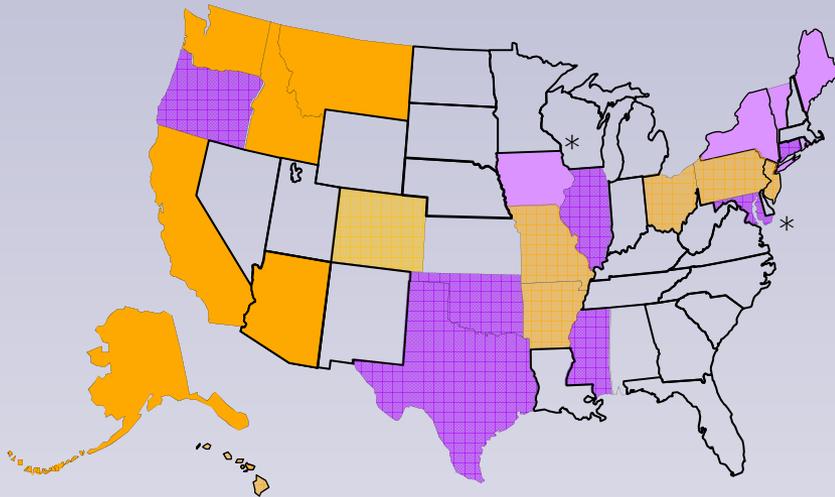
In most states, the legislature has primary control

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

# Other redistricting institutions

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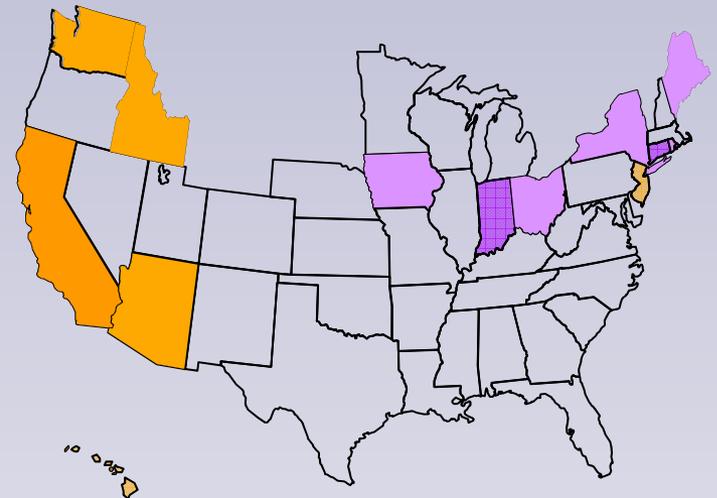
## State legislative districts



Primary control in the legislature

Primary control outside legislature

## Congressional districts



Advisory

Backup

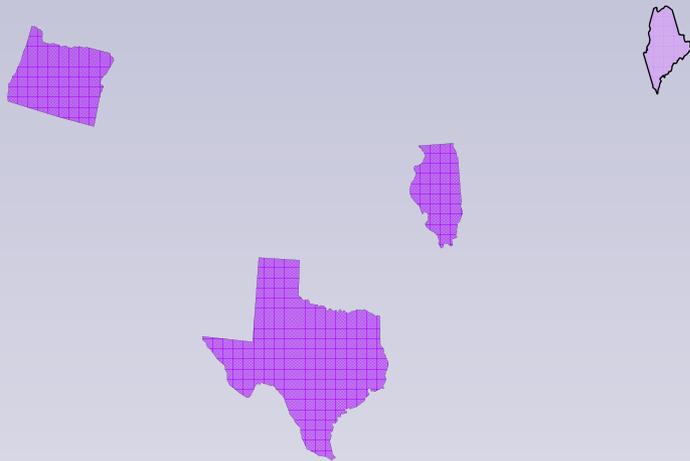
Elected officials

Independent

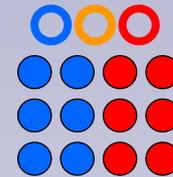
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# Other redistricting institutions

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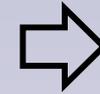


Maine

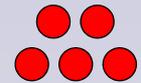
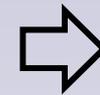


2/3

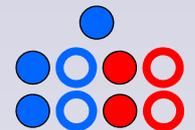
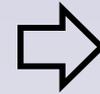
Oregon



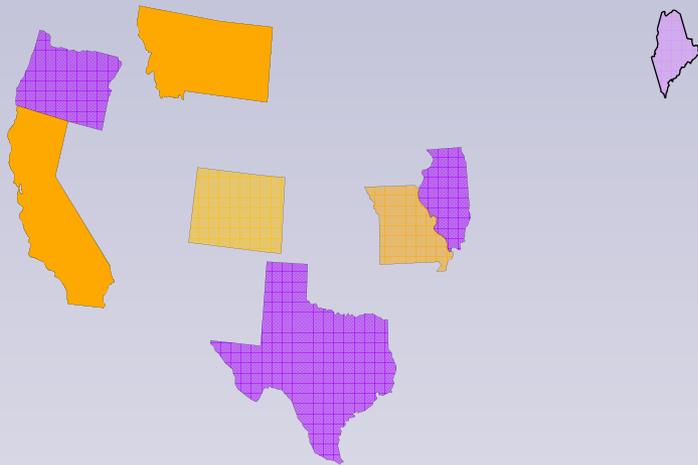
Texas



Illinois



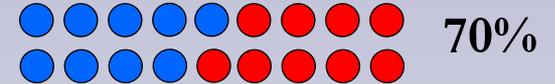
# Other redistricting institutions



Colorado



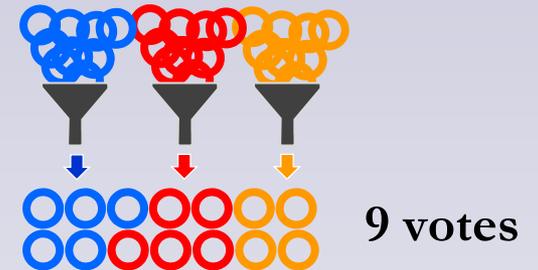
Missouri



Montana



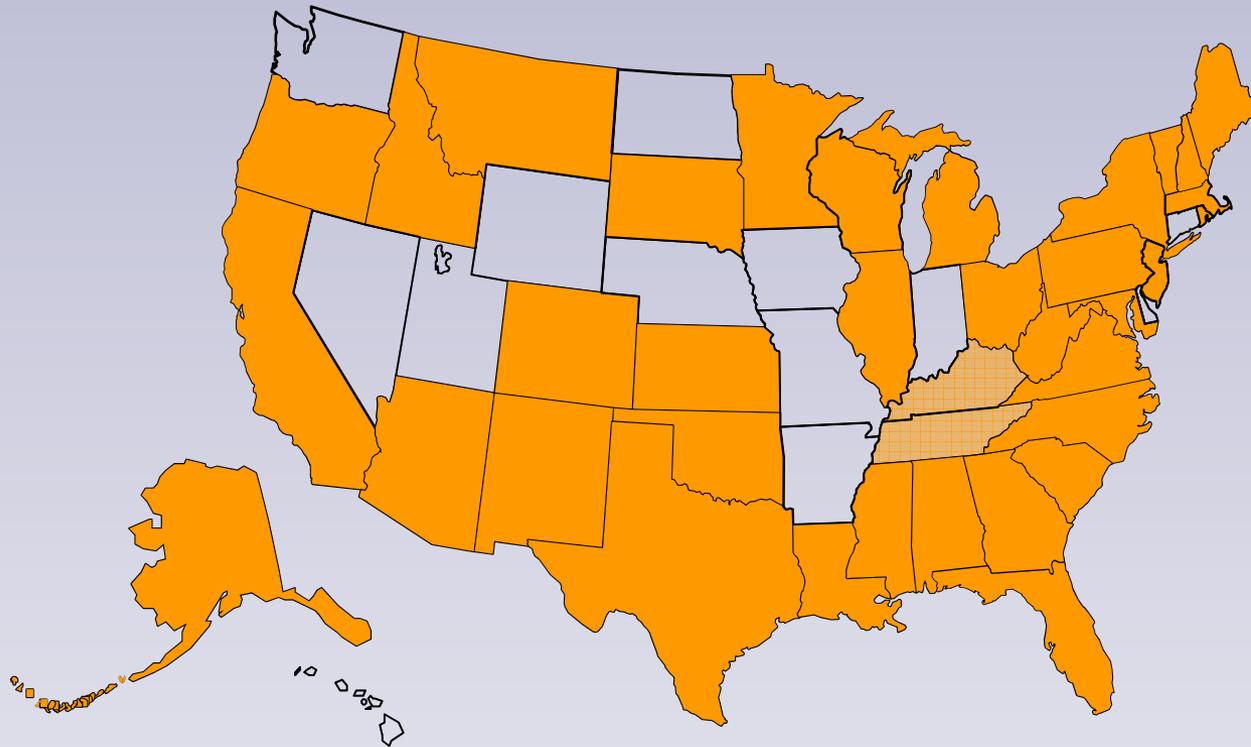
California



# ... and if that should fail

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2000 cycle judicial action



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# ... and if that should fail

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## 2000 cycle judicial action

	State leg.	Congress*
Courts asked to step in	33	21
Court drew lines <u>itself</u>	11	9



# Today's conversation

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- Why?
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# “Where” starts with federal law

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

# Equal population

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**Baker v. Carr, 1962**

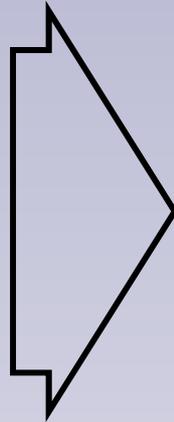


- **Congress: as equal as possible**
- **State legislature: up to 10% “deviation,” if for good reason**

# Necessary information

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Census Bureau  
“P.L. 94-171” file



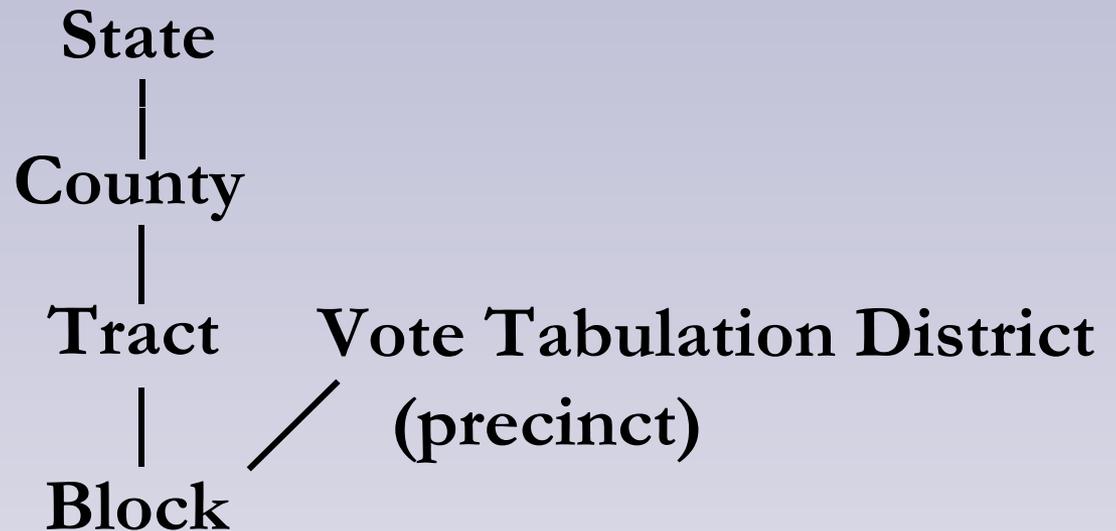
Total population



Adjustments

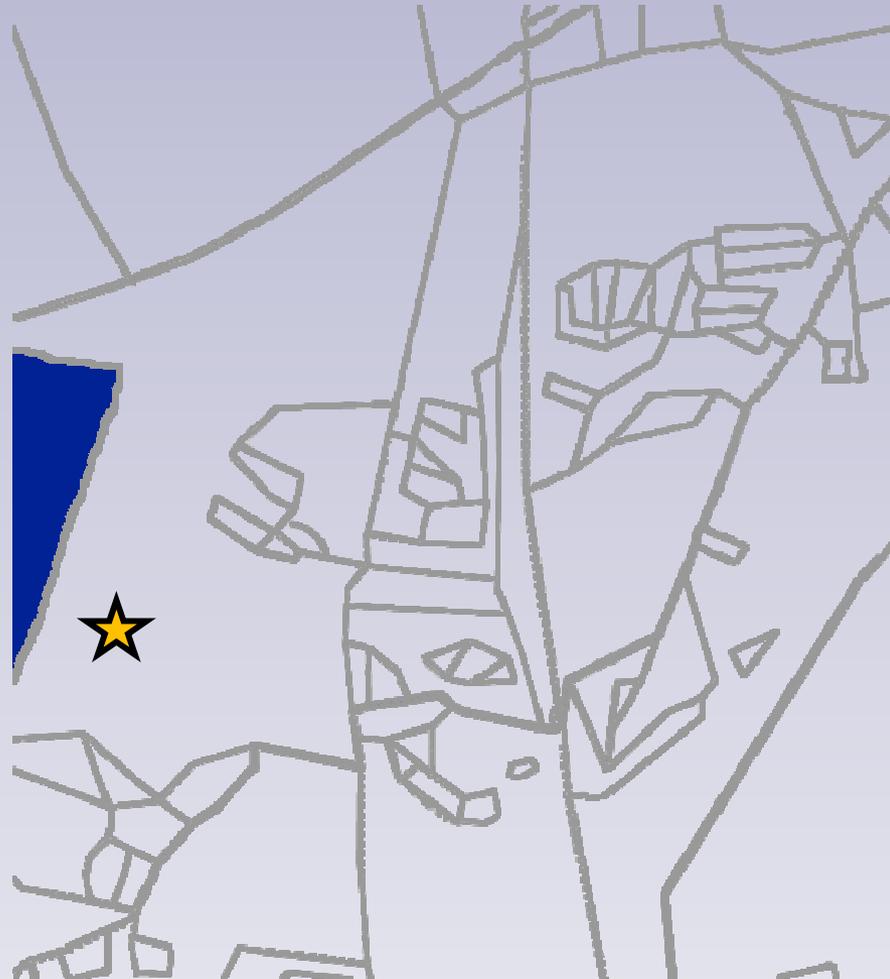
# Census geography

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# Census geography

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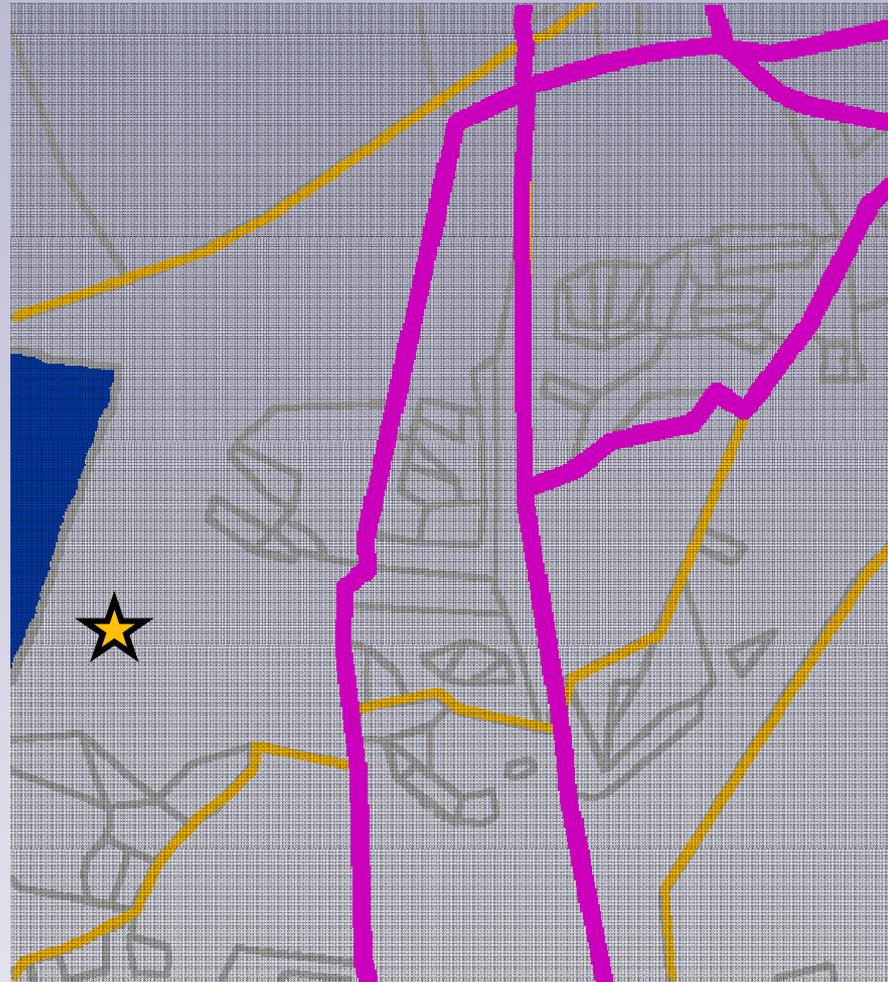


Block



# Census geography

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Block  
Tract  
VTD

# Federal law

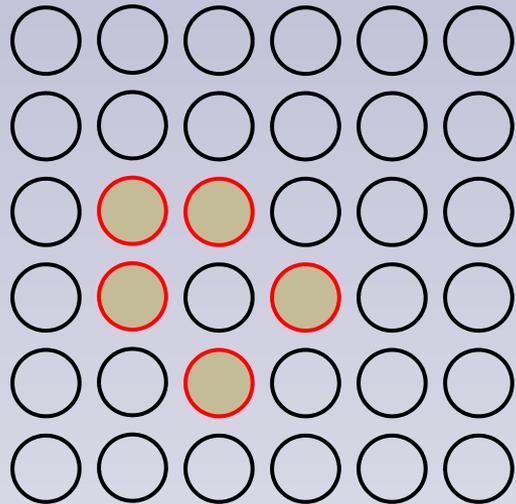
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- Equal population
- Race/ethnicity and the Voting Rights Act

# The Voting Rights Act

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## Section 2



- Do minorities represent most of the voters in a concentrated area?
- Do other voters vote for different candidates than minorities? (“polarization”)

# “Totality of the circumstances”

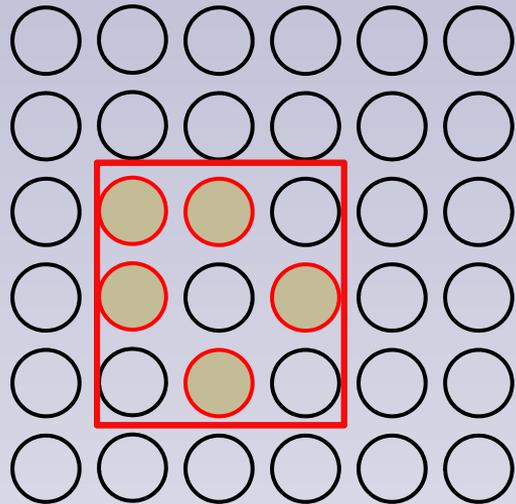
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- rough overall proportionality in the jurisdiction
- history of voting-related discrimination
- extent of racially polarized voting
- extent of discriminatory voting practices or procedures
- exclusion of minority members from candidate slating
- extent to which minority group members bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process
- extent to which minority members have been elected
- extent to which elected officials are unresponsive to the particularized needs of members of the minority group

# The Voting Rights Act

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## Section 2



- Do minorities represent most of the voters in a concentrated area?
- Do other voters tend to vote for different candidates than minorities?
- Is the minority population otherwise protected given the “totality of the circumstances”?



**Do Not Dilute**

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# Complying with the Voting Rights Act

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## Do Not Dilute



- Draw an “opportunity district”
- Equal opportunity to elect representatives of choice
- Often involves a “majority-minority” district

# Complying with the Voting Rights Act

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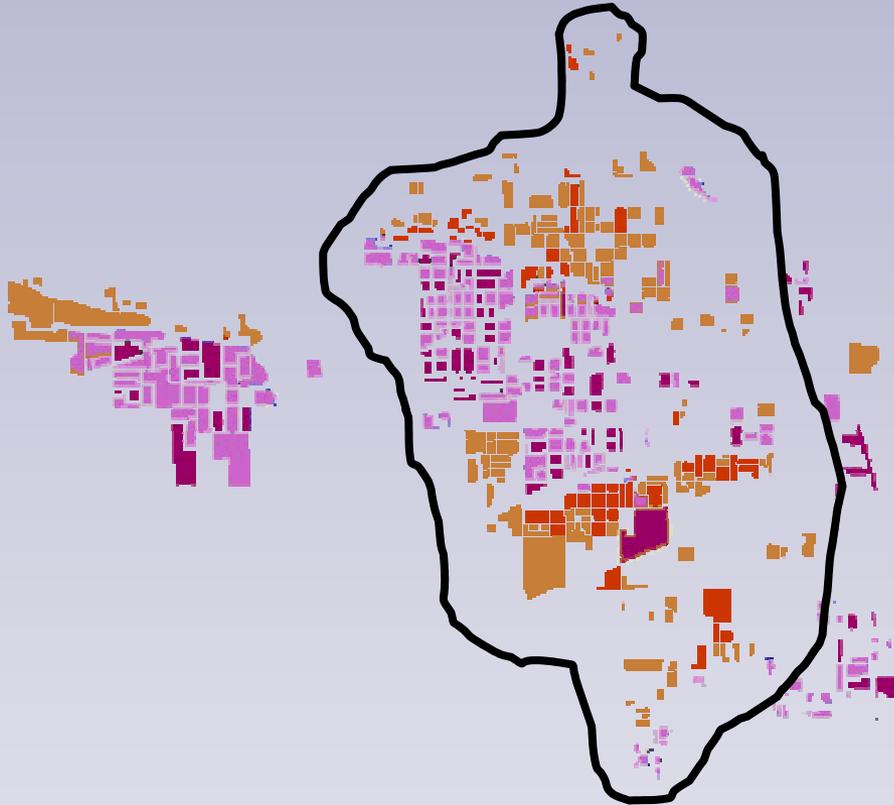
Chicago suburbs

Latino/Hispanic

African-American

# Complying with the Voting Rights Act

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Chicago suburbs

Latino/Hispanic

African-American

# Complying with the Voting Rights Act

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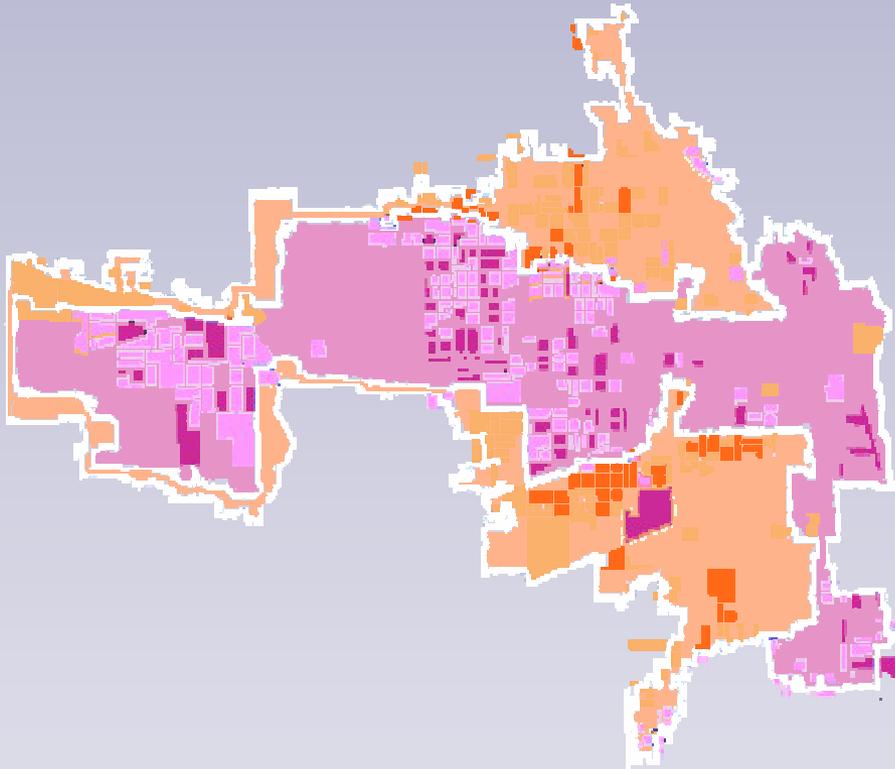
Chicago suburbs

Latino/Hispani

African-American

# Complying with the Voting Rights Act

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Chicago suburbs

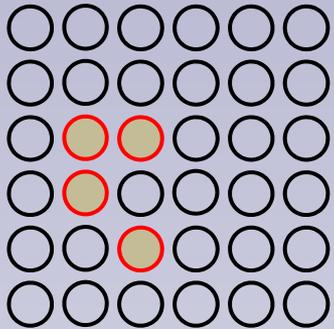
Latino/Hispanic

African-American



# Race and ethnicity beyond the VRA

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- Voting Rights Act protects certain voters
- With other groups of minorities, it is OK to consider race and ethnicity, among other factors
- Race and ethnicity just can't “predominate” without a really good reason

# Voting Rights Act information

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“P.L. 94-171” file



Race and Hispanic/Latino origin  
 (“NH Black”)  
 Voting Age Population (VAP)

Local election  
 data



Polarization

American  
 Community Survey



Citizen Voting Age Pop. (CVAP)

# After federal law, add state limitations

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	<u>State leg.</u>	<u>Congress</u>
• Contiguity	48	22
• Political boundaries	43	18
• Compactness	37	17
• Communities of interest	24	13
• Partisanship/competition	10	7
• Nesting	14	n/a

# After federal law, add state limitations

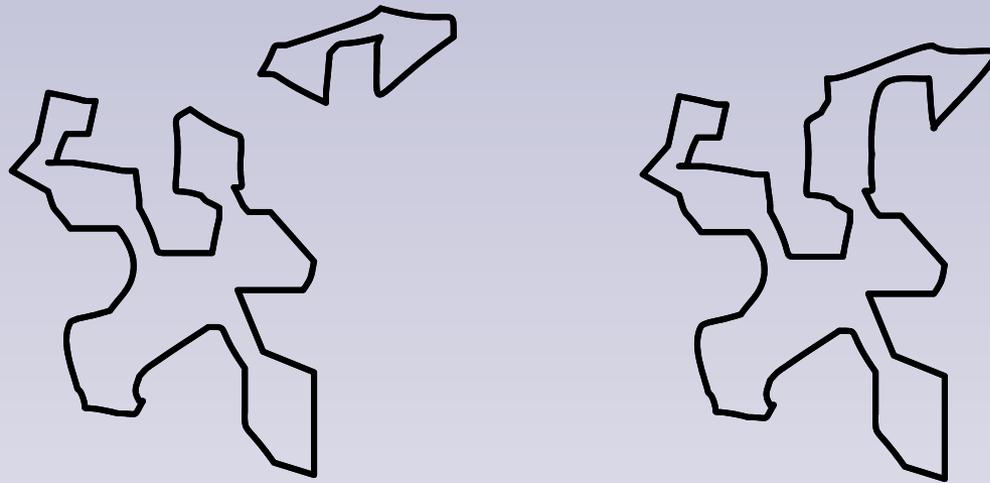
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# Contiguity

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- All parts of the district are adjacent to each other



# After federal law, add state limitations

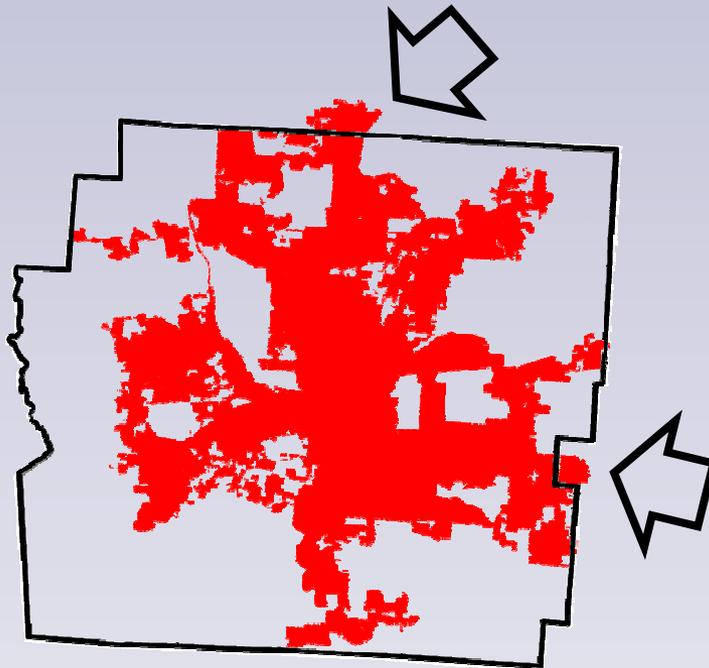
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# Political boundaries

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- Follow county / city / town / ward lines
- Note: may split populations in unexpected ways



# After federal law, add state limitations

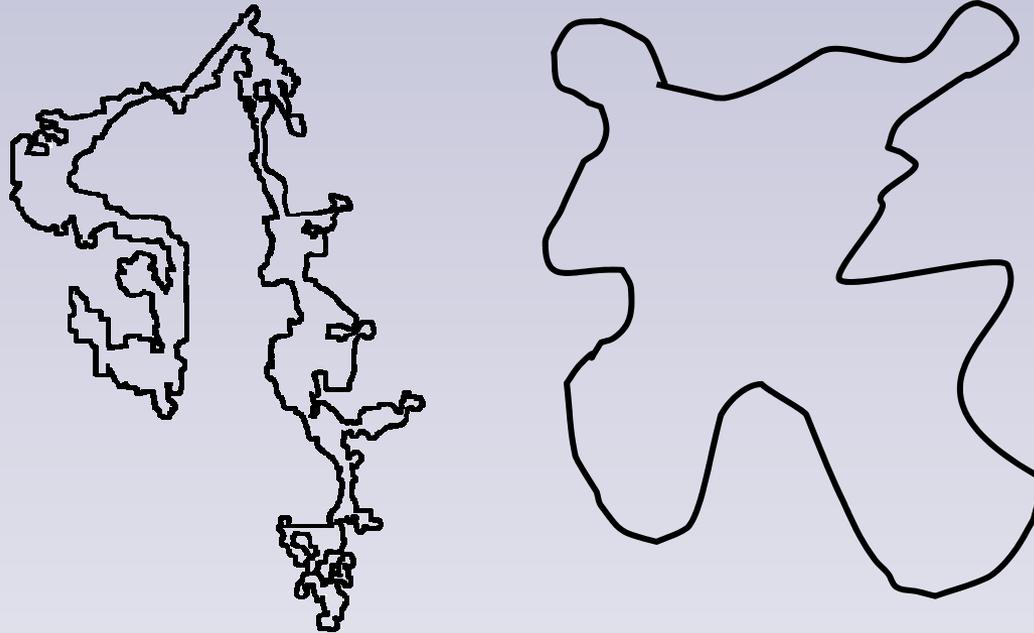
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# Compactness

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- Usually concerns the appearance of the district (or how close people live to each other)



# After federal law, add state limitations

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	<u>State leg.</u>	<u>Congress</u>
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# Communities of interest

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- 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. . .”

Can and should be different in different parts of the state

# Communities of interest

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- 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

# After federal law, add state limitations

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	<u>State leg.</u>	<u>Congress</u>
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# Partisanship and competition

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- Of these states,  
most prohibit undue favoritism
- Some affirmatively encourage competition

# 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

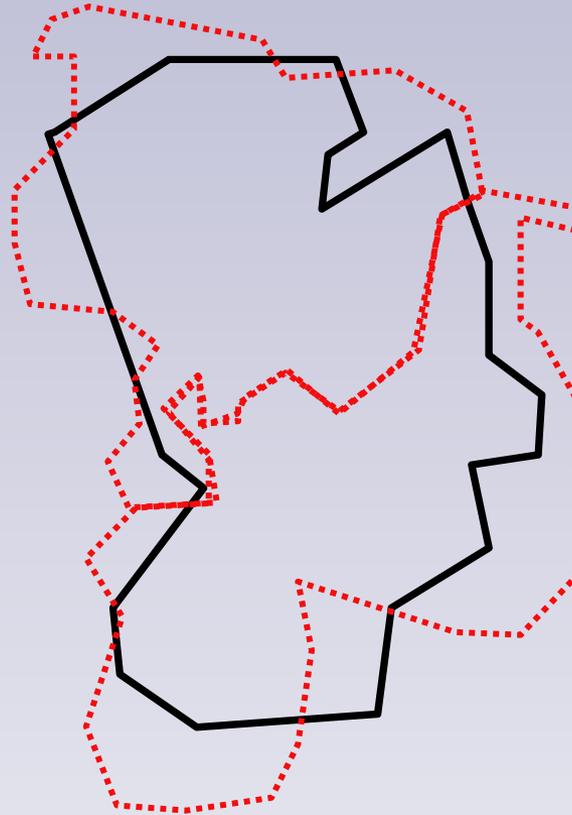
• Nesting	14	n/a
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# Nesting

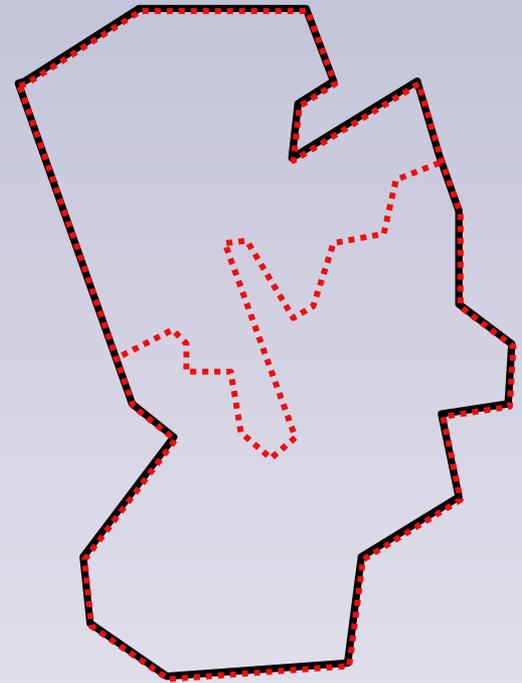
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Senate ———  
Assembly ·····

Not nested



Nested



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# A quick review

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	<u>State legislature</u>	<u>Congress</u>
• Who?	Legislature or commission	(+ courts)
• Where?	Equal population Voting Rights Act Contiguity Political boundaries Compactness Communities of interest Partisanship Nesting	Equal population Voting Rights Act

# Today's conversation

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- What?
- Who?
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- How?

# Today's conversation

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# Further information

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Brennan Center for Justice

*Citizen's Guide to Redistricting*

[www.brennancenter.org](http://www.brennancenter.org)