



## Redistricting - An Introduction

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Thank you for the chance to tell the members and guests of the Rotary eClub of the Southwest a little about redistricting. It is a topic that many feel strongly about, but hopefully a dispassionate introduction might clear up some of the misunderstandings that many have with this issue.

First, let me introduce three terms that deserve some explanation: reapportionment, redistricting, and gerrymandering.

### Reapportionment

In December 2010 we will have a once-in-a-decade event - it is what we call Reapportionment. In the 1930's the United States government, worried that the House of Representatives was expanding too rapidly, decided that the number of representatives in the House would be frozen at 435. This has effectively created a zero-sum game for determining representation - following each census, some states gain, and some states lose.

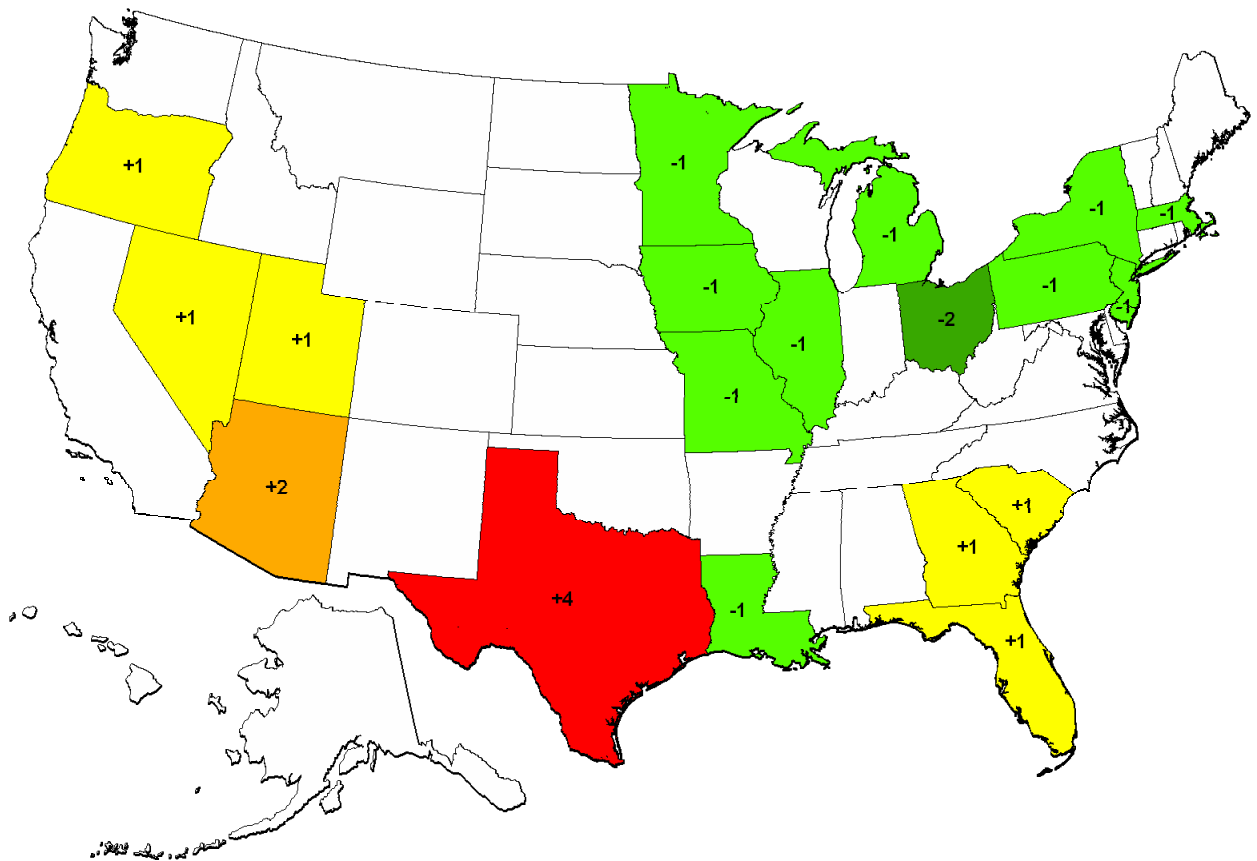
The census process is currently in progress, but reapportionment is a single event. The director of the U.S. Census Bureau transmits the tallies for the states' populations to the clerk of the House, who sends out a letter to the Secretary of State in each individual state letting that person know the number of members the state will be entitled to in the House of Representatives in the next election. Reapportionment, therefore, is the effect of shifting populations in the states, resulting in decisions on how many of the 435 seats in the U.S. House of Representatives each state will have for the decade that follows. This will next happen on December 31, 2010.

## The 2010 Reapportionment

The map below with the Reapportionment gains and losses is based on 2008 Census Bureau projections of the 2010 census count and is just an estimate. One should note that this is not aligned to the total population growth, since the U.S. has been gaining population in almost all of the states. There is a formula that these numbers are plugged into that was agreed upon by Congress in 1940's. This reapportionment reflects how representatives will be elected in the election cycle of 2012.

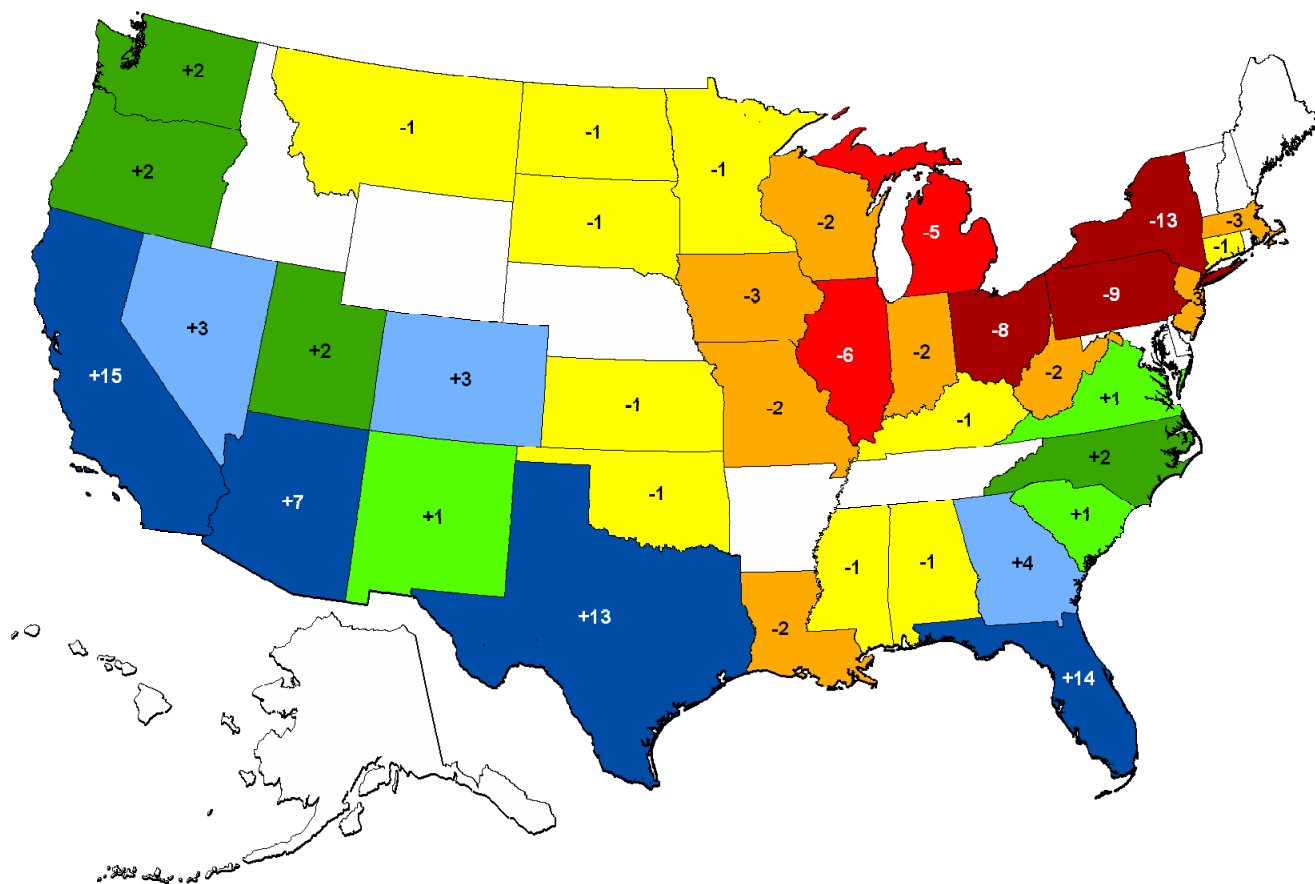
Gains: Oregon (+1), Nevada (+1), Utah (+1), Florida (+1), Georgia (+1), South Carolina (+1), Arizona (+2), and Texas (+4).

Losses: Louisiana (-1), Missouri (-1), Iowa (-1), Minnesota (-1), Illinois (-1), Michigan (-1), Pennsylvania (-1), New York (-1), New Jersey (-1), Massachusetts (-1), and Ohio (-2)



Texas is the big winner, as it is expected to gain four seats. Arizona should gain two seats, and a number of states will gain one seat. There are of course losses as well, mostly in the Northeast and Midwest. For comparison, one might want to see how apportionment has changed since 1930 and 1970. The maps below show state gains and losses in the House of Representatives since those years.

### Net Gain or Loss in House Seats Since 1970





one vote rule." While the goal is equal population among the districts, legislative districts can be several percentage points off of the deviation of the average population for each seat.

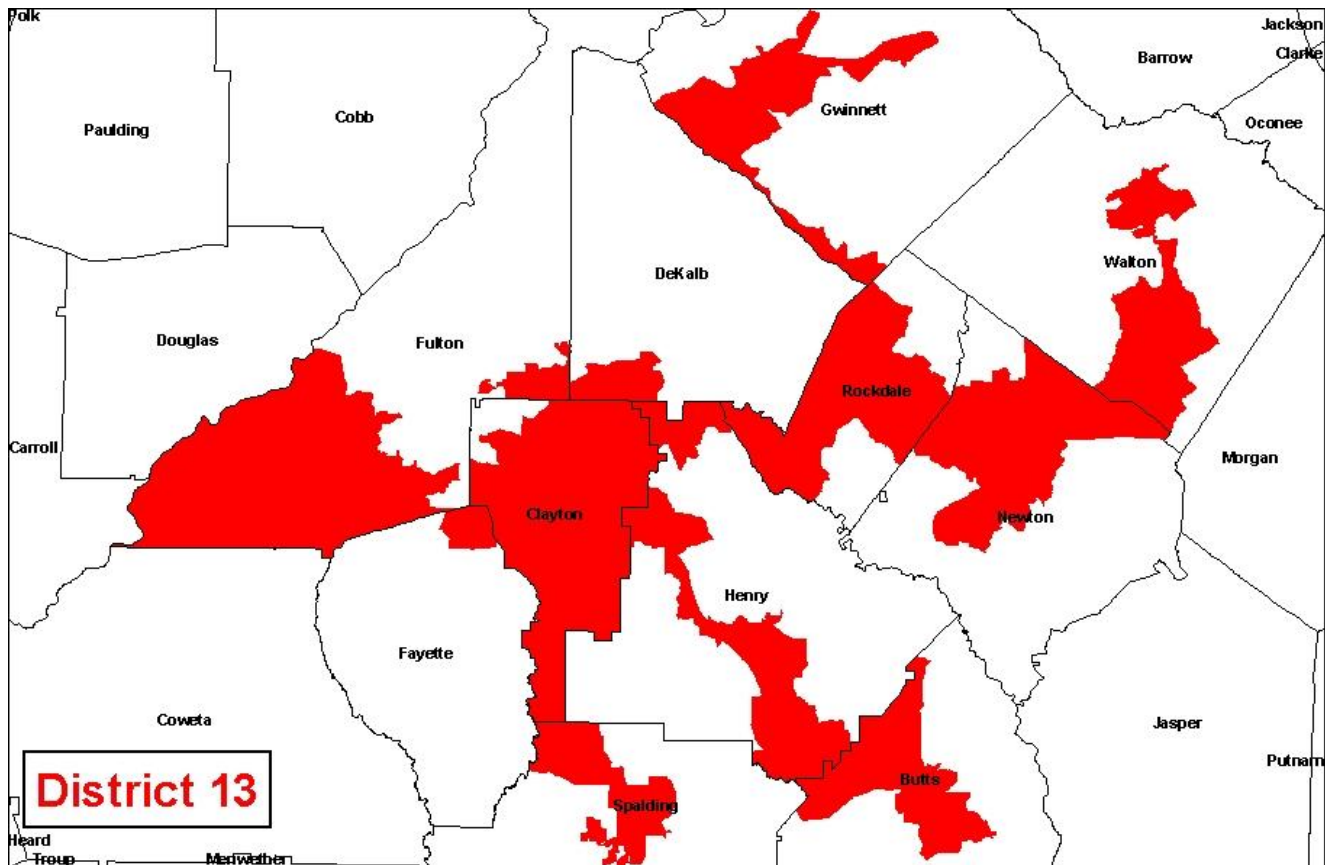
The two terms, "redistricting" and "reapportionment," have been the source of some confusion over time, probably as a result of a misunderstanding of the terms. It may also be that the whole process originally was referred to colloquially as, "Reapportionment." In summary, though, reapportionment is the entitlement to draw seats and redistricting is the actual drawing of those seats. While confusion between the terms has had a minor impact in the past, I think it will not cause any significant problems in the future.

## Gerrymander

The Gerrymander cartoon on the right represents the redistricting done in 1812 in Massachusetts as a bill engineered and signed by Elbridge Gerry, who at the time was the Governor of Massachusetts. He was also a signer of the Declaration of Independence and later became Vice President. This cartoon came out and it prompted some rather vituperative language which makes modern political commentary look like a Sunday school picnic. It was a rough and tumble time, with such colorful expressions as "spawn of the devil" being used to describe Mr. Gerry. Apparently, somebody said the district looked like a salamander, and somebody else said, "Well, we'll call it a gerrymander." The term stuck. I've always said that Elbridge Gerry had a very bad press agent. While there have been attempts to reform this process, the gerrymander is alive and well in the United States, and it continues to rear its ugly head.



Below is an example from Georgia's 13<sup>th</sup> district. While there was a lot of talk about the Texas Republicans' redistricting and gerrymandering about eight years ago, the district drawn by Democrats in Georgia made Texas' efforts look like child's play. I call the district below the "flat cat road kill district."



Gerrymandering has happened in [many places](#). In the United States, both the Democratic and Republican parties work to be fully prepared for the redistricting process. Once done, the people of that state will live with the results for five elections, and so even in states where the process is guided by a commission, the parties fight heavily for their interests.

If one party were entirely in charge of the line drawings, it would clearly be tempted to draw them so they favor their incumbents or potential candidates. In some states, though, there are criteria mandated by the state constitutions making it pretty difficult to control the entire process. These special commissions are less apt to draw gerrymanders - these strangely shaped

districts. One should note, though, that while it is not just the shape that creates the opportunity for gerrymandering, when you see an oddly shaped district, you should expect that there is something afoot there.

Since each state has a different system for approving the drawing of districts, the outcomes can be influenced by one party or the other, or they can have a more equal method determining the districts such as where the state has commissions with supposedly equal representation. As an example, a state might have a legislature fairly evenly split between the two parties. If they can't come to an agreement they might fall back to a commission and the governor appoints the person who would act as a tie breaker on the commission. If the governor is a Republican then that state would be colored red because the final break would come from an appointee selected by the Republican governor, and it would work similarly were the governor a Democrat. Sometimes neither party has a majority which enables it to "roll over" the other party. However, in many of those states, if they cannot come to agreement on the new districts, then the process can wind up in either state or federal courts. Regardless of how a solution is reached, the final districts have to be redrawn before the next election in order to comply with the "one person - one vote" rule.

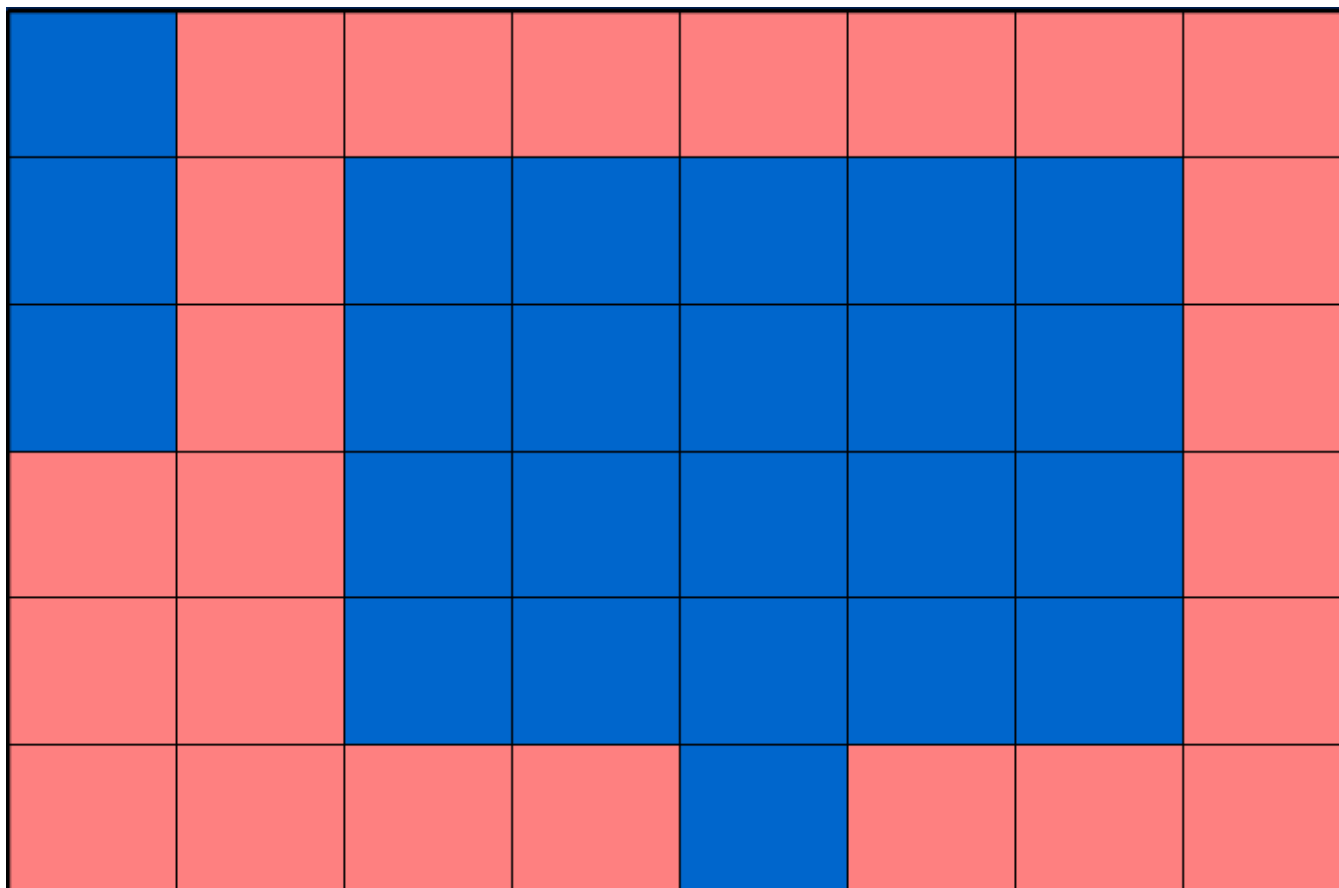
Arizona has quite a convoluted system with the appointment of commission members. It was a Democratic proposal that the state thought would be a fair system but in the last election it did not turn out to be as favorable for the Democrats as they had hoped. In the end, there were eight years of litigation regarding the Arizona redistricting plan, and it was not fully cleared up until this year.

Consider the complications of this process with an exercise. The grid on the next page is composed of 48 squares, with each one color-coded to represent control by one party. Try your hand at creating eight districts of six squares each. The districts must be contiguous (you may define the term), and the party with four or more squares will end up controlling the district.

Create eight six-square districts with the following goals:

- red party controls as many districts as possible

- blue party controls as many districts as possible
- a plan that maximizes competition in the district



The current subject of trying to have more "logical" districts that would, for example, create more competition within districts between Republicans and Democrats has a number of practical complications. A hopeful outcome is to make sure that representatives are not guaranteed "safe" seats forever. But there are arguments over what constitutes "competitive" and then there are arguments about how the districts should be drawn to be "competitive." One problem is that the attempt to become more competitive can come into conflict with more traditional area boundaries such as counties and cities.

The rules for drawing the lines for the states are not dictated by federal law but by the states themselves. So, the issue of creating more competitive districts depends on the state's interpretation and whether or not they want to draw certain districts. Voters often have a very low opinion of "congress" generally, but they often don't seem to have a low opinion of their own member of congress, so, the members tend to get reelected.

In the end, someone is always going to have an advantage. I like to say that there is no such thing as a "non-partisan" commission. There are things such as a "less partisan" commission or one that does not favor incumbents. However, every time you have a redistricting plan, there are winners and there are losers. Often, "partisan" is in the eye of the beholder.

Term limits are the most effective way to reduce the term served by an individual member of Congress, but that will never pass federally because Congress itself has to pass it. In the State of California there are term limits, but I don't think many people can say that having so many legislators with limited experience due to term limits has done that state a lot of good. With limited terms, the legislators don't have to live with the messes they create. States with term limits tend to have less experienced committee chairs and they don't tend to write good legislation. So, there are things that you need to weigh on both sides; none of these things is simplistic. The tendency of the voters is to vote for incumbents. They don't see that the problems in congress are those of their member unless that member really gets out of sync with the interests of the people in the district they are representing. And these members of congress tend to be very much in tune with the interests of the people they represent. And, of course, we have the Voting Rights Act which calls in another set of issues. The act is designed to insure that protected minorities have at least an equal opportunity to elect candidates of their choice in situations where other people would be able to do the same.

I think one can see though this discussion of how the process works and what the issues are, that when it comes to talk of "changing" the systems to create different outcomes, the process is necessarily complex. I want to emphasize to this Rotary group that in redistricting, there are no simple answers.