



Redistricting Basics

In order to ensure compliance with the constitutional mandate of “one person, one vote” and the Voting Rights Act, states must periodically reevaluate how their citizens receive representation in government, at both state and federal levels. Redistricting and reapportionment are mechanisms for dealing with the population growth and population shifts in our democracy. Although they are distinct, the terms “redistricting” and “reapportionment” are often but erroneously used interchangeably to refer to the process of redrawing district lines after the census.

The official U.S. Census is described in Article 1, Section 2 of the Constitution of the United States. It calls for an actual enumeration of the American people every ten years, to be used for apportionment of seats in the House of Representatives among the states. The first official Census was conducted in 1790 under Thomas Jefferson. Since that time, the decennial Census has been conducted every ten years, generally on April 1 in years ending in a zero.

Redistricting vs. Reapportionment

Article I, Section 2 of the Constitution of the United States, as amended by the 14th Amendment and by Acts of Congress, establishes the number of Members of the United States House of Representatives: currently, 435.

Reapportionment refers to the process of redividing those 435 seats, based upon each state’s proportion of the national population. The preceding decennial census is the baseline for determining how many House seats are granted to each state. The total number of each state’s U. S. House seats, combined with its two U.S. Senate seats, comprises that state’s number of electoral votes in presidential elections. (See “What You Should Know About the Apportionment Counts,” *available at:* <http://www.census.gov/dmd/www/pdf/pio00-ac.pdf>)

Redistricting refers to the process of redrawing the boundaries of state legislative districts and U.S. House districts. Redistricting occurs every ten years, pursuant to the decennial census, and its primary purpose is to create and maintain election districts which provide representational equality for all potential voters. One goal of redistricting is to keep congressional districts roughly the same size – i.e., each Member should represent approximately the same number of people – in order to maintain fidelity to the

principle of “one person, one vote.” The Supreme Court has instructed states to make a “good-faith effort” to get as close as possible to absolute population equality among districts. Right now, each Member of Congress represents approximately 65,000 people.

Problems Involving Redistricting

The redistricting process has a long history of abuse, and has often turned into a means to further political goals. One of the fundamental characteristics of democratic government is that voters have a meaningful choice among candidates on the ballot. But today, with the advent of computer technology and intensifying partisanship, it is possible to create legislative districts where the results of an election will be known before any votes are cast or counted.

Gerrymandering refers to the destructive form of redistricting in which district boundaries are erratically redrawn to dilute or concentrate votes for political gain. Incumbents seek self-protection through **bipartisan gerrymanders**, and through **partisan gerrymanders**, representatives seek additional seats for their party.

There has been a massive and nationwide decline in competitive seats – now, barely ten percent of congressional elections are competitive – and it harms our democracy. When legislators have the sole authority to craft political boundaries, fundamental democratic values of popular sovereignty and officeholder accountability are put at risk. In *Reynolds v. Sims*, 377 U.S. 533 (1964), the Supreme Court noted that “Legislators represent people, not trees and acres. Legislators are elected by voters, not farms or cities or economic interests. As long as ours is a representative form of government...the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system.” Ours is still a representative form of government – but now, we see legislators using the redistricting process to choose their constituents, overwhelming the voters’ right to choose their representatives.

Another problem with redistricting is that the legal requirements that redistricters must comply with – “one person, one vote,” Sections 2 and 5 of the Voting Rights Act, and the Equal Protection Clause of the Fourteenth Amendment – often conflict with each other, as well as redistricters’ partisan objectives. It is a challenge to draw a district that can satisfy all of these requirements. The reality is that districting plans will almost inevitably be challenged in the courts. Complicating matters further, however, has been the lack of consistency among federal judicial circuit opinions and Supreme Court opinions. Ultimately, this instability harms everyone involved in the redistricting process, especially the voters, who can be mapped out of their districts before getting a chance to know their representatives.

Questions about the fairness and effectiveness of redistricting procedures have been raised for quite some time. Legislation has been introduced in Congress over the past several years to reform this process, and there have also been numerous Supreme Court cases involving redistricting.