



Redistricting: Problems and Solutions

Redistricting is a necessary part of our representative democracy. Every 10 years, following the U.S. Census, each state is allocated a number of representatives in Congress based on population and all states with at least 2 representatives must re-draw their districts to comply with the Constitution and federal law. However, the abuse of redistricting through gerrymandering – drawing districts for political advantage – threatens to undermine democracy by allowing elected officials to choose their voters, instead of the other way around. While redistricting reform may occur on a national level, state legislatures should take the lead by enacting reforms on a state-by-state basis.

Abuse of redistricting is nearly as old as districts themselves. The term “gerrymandering” dates back to 1812, when one party in Massachusetts re-drew state senatorial districts for political gain, and a newspaper editor, observing that one of the new districts looked like a salamander, dubbed it a “Gerrymander” after the state’s governor, Elbridge Gerry. Over the years, gerrymanders have taken different forms. Political actors have used **racial gerrymanders** to dilute the votes of minorities, **partisan gerrymanders** to solidify political control for one party, and **bipartisan gerrymanders** to ensure that incumbent members of both major political parties are protected.

The most recent redistricting cycle after the 2000 census saw unprecedented efforts to use redistricting for partisan purposes. First, technology made it possible to gerrymander with great precision. The result was that the 2002 election was less competitive than any post-redistricting election since 1962. Historically, post-redistricting elections have generally been *more* competitive, because the drawing of new lines mitigates incumbents’ advantage by introducing them to a new group of voters. The 2000 round had the opposite effect. Second, political actors in some states used mid-decade redistricting, or **re-redistricting**, to further advance partisan goals. Since the census, at least six states have attempted to redraw existing, valid district lines. While the “normal” redistricting process is required by the constitutional mandate of “one person, one vote,” mid-decade redistricting is specifically done for partisan gain.

Our political process will be further weakened if the rampant abuse of the redistricting process is allowed to continue.

The adverse effects of gerrymandering include:

- **Less accountability.** Because gerrymandering reduces electoral competition and can virtually assure incumbents' re-election, representatives become less accountable to their constituents.
- **More partisanship.** Gerrymanders lead to strife in state legislatures that enact them and contribute to polarization in Congress because safe districts enable the election of representatives who need not appeal moderate voters.
- **Unfair representation.** Gerrymanders can give political parties disproportionate influence. For example, in Massachusetts, although nearly 20 percent of voters voted for Republicans in House races in 2006, Democrats hold all ten of the state's seats, and no Republican member of Congress has been elected in Massachusetts in over a decade.
- **Voter apathy.** In safe districts, many voters may stay home on Election Day because they feel their vote will not make a difference.

Gerrymandering by the Numbers

23

Number of House races, out of 435, decided by less than 10 percent in 2004.

98

Percentage of House incumbents to win re-election in 2004.

6

Number of states that have attempted to conduct mid-decade "re-redistricting" since 2000.

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Two Paths to Reform: Procedures and Standards

There are two essential elements to redistricting reform. The first is changing the **procedures** that states use to draw legislative districts. The second is establishing uniformly accepted **standards** for how to draw and evaluate congressional maps.

Any redistricting reform should plan include these procedural elements:

- **Independent Commissions.** Instead of legislatures, independent commissions should draw districts. Twelve states currently use an independent board or commission, and at least one study has shown that their elections are more competitive than states where legislatures do redistricting.
- **Representation of Community Diversity.** The commission should reflect the diversity of groups and interests within the state, and should include members who are familiar with the requirements of the Voting Rights Act.

- **Transparency and Public Participation.** Rather than taking place in secrecy, as has been the case with many partisan redistricting plans, the redistricting process should be open and allow for effective and meaningful public participation.
- **Elimination of Mid-Decade Redistricting.** Redistricting, other than when required by a court to comply with the Constitution or the Voting Rights Act, should be limited to once every ten years.

Redistricting plans should also take into account these substantive standards, listed in order of priority:

- **The Constitution and the Voting Rights Act.** Each district in a state must include an equal number of voters, and minorities must have the opportunity to elect candidates of their choice. These criteria are paramount and must always supersede all other standards.
- **Competitiveness.** To the extent possible, a plan should produce politically competitive districts.
- **Partisan Fairness.** Districts should not be drawn in such a way that advantages one political party disproportionately to its numbers in the state.
- **Respect for Political Subdivisions and Communities of Interest.** As much as possible, districts should reflect town, city, and county lines, and should not divide communities of shared interests.
- **Compactness:** Districts should be as compact as is possible in light of the above factors.

The Need for State Action

States are currently the most important entities in the redistricting reform effort. While the Supreme Court ruled in the 1980's that partisan gerrymanders may be unconstitutional, it has not invalidated even egregious political gerrymanders.

There is growing interest in reform in the states. Each state has the authority to enact its own reform plan. In 2005, redistricting reform ballot initiatives in California and Ohio gained national attention. Both failed because opponents were able to convince voters that the measures were motivated by partisan considerations. However, redistricting reform efforts continue to gain momentum; a California initiative on redistricting reform endorsed by Common Cause, the League of Women Voters, and U.S. PIRG, among others, was passed on November 4, 2008.