



The League of Women Voters of Dane County, Inc.
Presents....
General Meeting and Issues Forum

Wednesday, March 2, 2016

7:00 – 8:30 p.m.

Redistricting: Why It Matters

Speakers:

**David Canon, Professor and Chair of Political Science,
UW-Madison**

**Andrea Kaminski, Executive Director, League of Women
Voters of Wisconsin**

Location:

The Capitol Lakes Grand Hall*, 333 West Main St., Madison.

LWVDC Redistricting Committee Members:
Helen Horn chair, Mike Casey, Joanne Elder, Diane Liebert, Clare McArdle,
Steve Ploeser, and Caryl Terrell.

Speakers Bios:

UW Professor David Canon: David Canon is a professor of political science at the University of Wisconsin, Madison. He is also affiliated with the La Follette School of Public Affairs. He received his Ph.D. from the University of Minnesota in 1987 and previously taught at Duke University. His teaching and research interests are in American political institutions, especially Congress. His most recent research concerns election administration and election reform (with a continued interest in redistricting). He teaches courses on American government with focus on Congress, race and politics, the president, and political parties and was the recipient of a UW Distinguished Teaching Award. His many books and published papers are listed at www.polisci.wisc.edu/people/person.aspx?id=1042

Andrea Kaminiski: Andrea Kaminski is the Executive Director of the League of Women Voters of Wisconsin since August 2004. She is well-known for her leadership on all things voting rights and government transparency. Ms. Kaminski graduated in 1977 from University of Maryland College Park with a BS and MS, Botany; Plant Physiology.

Unit Discussion Questions:

1. The League criteria for redistricting are in the Study Materials (page 4).
 - a. How would you prioritize them, for example compactness based on population or geography or ethnicity, etc.?
 - b. Would you add or subtract any criterion?
 - c. Since it makes a difference what order one applies the criteria, what outcomes concern you?
2. Are you aware of any problems in Wisconsin or your neighborhood related to redistricting boundaries?
3. What are the implications of redistricting based on eligible voters as opposed to population? This is the core issue in the 2016 *Evenwel v. Abbott (TX)* US Supreme Court proceeding.
4. Would you participate in a redistricting workshop for the public to use a computer program to “try out” redistricting?

Redistricting Committee members: Helen Horn chair, Mike Casey, Joanne Elder, Diane Liebert, Clare McArdle, Steve Ploeser, and Caryl Terrell

Accessing web links - The easiest way to access the many web links to further information is to go to the LWVDC website (<http://www.lwvdane.org>). Scroll down the main page until you see the forum announcement and a link to **Study materials**. You can click on the links in the online study materials instead of trying to type them from a printed copy.

Index of the Study Materials

1. League Positions and Actions
2. US Supreme Court on Evenwel v. Abbott
3. Various Viewpoints on Redistricting
4. Glossary of Terms

For additional background materials visit:

<http://www.lwwi.org/IssuesAdvocacy/201516REDISTRICTINGRESOURCEPAGE.aspx>

Also posted on the LWVDC website is the January 2016 Final Recommendations by the Redistricting Subcommittee for Establishment of a 2021 Redistricting Process for Dane County

1. League Positions and Actions

The League of Women Voters has been a leader in protecting the right to vote for 95 years and seeking reform of the redistricting process at the state, local and federal levels for more than three decades. The LWV Education Fund and State League affiliates came together in 2011 in an effort to “shine a light” on the decennial redistricting process. The resulting LWVEF whitepaper **“Shining a Light: Redistricting Lessons Learned”** in early 2012 is available on the LWVDC website and key points are quoted here:

- **Toward 2021: A Blueprint for Reform** (p.12)
- Advocating for the full counting of all persons who reside in a jurisdiction – regardless of age, citizenship status, or ability to vote—for the purposes of reapportionment and redistricting
- Advocating for formalized transparency and public participation measures, including disclosing timelines, decision-making process, underlying data sets* and all consultants/experts hired, and allowing for full public participation
- Pursuing binding partisan-neutral redistricting criteria that reflect the diversity of the state (including racial and ethnic diversity and communities of interest), provide for overall competitiveness, and recognize political subdivisions.
- Advocating against prison-based gerrymandering
- Promoting adoption of binding, independent or bipartisan commission systems
- Protecting existing commissions from partisan attack
- Ensuring redistricting processes are accessible for and inclusive of as many diverse communities as possible

*(Further explanation, from page 3 of the Blueprint)

“Despite the availability of new technologies and a keen interest on the part of advocates, the extreme complexities of drawing maps to meet the basic federal and state requirements proved nearly impossible without the involvement of professional demographers or mapping software experts.

"We recommend better recruitment of experts, cartographers and researchers at the state level to make presentations and provide advice to key advocacy organizations during the map-drawing process."

In 2011, the Wisconsin Legislature held only one hearing on the proposed redistricting maps that were drawn in secrecy by a law firm. This effort was funded by financial and strategic help from partisan state-based and national organizations, including one named REDmap. Lawsuits were filed that cost Wisconsin citizens \$1.9 million.

The League of Women Voters of Wisconsin launched a campaign for redistricting reform at the State Convention in June 2013. LWVWI has supported the mapping of electoral districts based on the principle of one person, one vote since the 1930s. Over the years LWVWI has testified before local redistricting bodies and the Legislature, joined lawsuits, supported reform legislation and educated the public about nonpartisan redistricting. The LWVWI website includes a centralized resource page on Redistricting <http://www.lwwi.org/IssuesAdvocacy/201516REDISTRICTINGRESOURCEPAGE.aspx>

In 2013 the LWVWI State Convention adopted the following position.

Apportionment

Support of:

Regularly scheduled apportionment based primarily on population equality, but also with consideration of the compactness and contiguity of districts; representation of diverse populations; and, in so far as is possible, recognition of community of interest as defined by town, village, city, county or ward boundaries and major geographical characteristics.

A redistricting process characterized by objectivity, accountability, timely and efficient completion and a reasonable degree of flexibility.

Citizen participation and access at all levels and steps of the process.

Establishment of an independent commission or designation of an independent agency to be responsible for the development of a legislative and Congressional redistricting plan

Streamlined court review of any legal challenge

LWVDC is active on the local Dane County level observing and testifying before the Dane County Executive Subcommittee on Redistricting, chaired by Supervisor Jenni Dye. Andrea Kaminski, LWVDC member and Executive Director of LWVWI, serves on this committee. The Subcommittee's report was adopted by the Executive Committee in January 2016 and will be introduced as legislation to the full Dane County Board in late February.

2. US Supreme Court on *Evenwel v. Abbott* (TX)

The Brennan Center for Justice at New York University School of Law. (permission to quote) <https://www.brennancenter.org/legal-work/evenwel-v-abbott>

On December 8, the Supreme Court heard argument in a case that could change how states and local governments calculate target population totals when drawing new district lines each decade.

States have typically been given the authority to decide how to count their population for redistricting purposes. And at present, virtually every jurisdiction in the country draws districts using total population, meaning that the goal for map drawers is simply to make sure that districts contain the same total number of people. Under this system, it does not matter when calculating the target population for each district whether someone is a citizen or non-citizen, under the age of 18, or otherwise eligible to vote – a person is a person.

A group of Texas residents have challenged this longstanding practice, however, with respect to Texas' state senate districts, contending that in places like Texas that have large numbers of non-citizens, calculating the number of people in each district based on total population causes some districts to have many more actual voters than others. They say this practice violates the Constitution's one-person, one-vote principle and that jurisdictions should be required to draw districts on the basis of citizen population over the age of 18, or some equivalent measure.

A unanimous three-judge panel of the United States District Court for the Western District of Texas rejected the challenge on November 5, 2014, holding that the plaintiffs failed to show that the state's use of total population violated their rights under the Equal Protections Clause.

LWVUS has signed on to an *amici curiae* (friends of the court) brief with The Leadership Conference on Civil and Human Rights. The three arguments of the *amici curiae* are:

I. Total population is the most appropriate basis for redistricting, and is consistent with the Constitution (14th Amendment), longstanding practice, and decisions of the Supreme Court.

II. Registered voters and actual voters are not a reliable or appropriate basis for redistricting because of barriers to registration and voting that disproportionately affect people of color, youth, the poor, and people with disabilities.

III. Assuming that citizen voting age population (CVAP) is a constitutionally permissible basis for redistricting, states can reasonably find that total population is fairer and more appropriate.

CONCLUSION: The Court should reaffirm that the Fourteenth Amendment's "one-person, one vote" requirement is satisfied when districts are drawn so as to be

approximately equal in total population. The decision of the District Court should be affirmed on that basis.

Evenwel v. Abbott (TX) is expected to be decided in spring 2016. The impact could affect Wisconsin as revealed in this recent analysis of the Brennan Center for Justice at New York University School of Law. (Permission to quote)

The Impact of Evenwel: How Using Voters Instead of People Would Dramatically Change Redistricting By Michael Li and Eric Petry

A big upheaval could be coming for America's state legislatures. On December 8 2015, the Supreme Court will hear oral argument in Evenwel v. Abbott, a closely watched case from Texas that will decide whether states must change the way they draw legislative districts. The new analysis in this paper shows that if the Evenwel challengers prevail, the nationwide impact will be far greater than previously assumed...and not confined to just a few states. In fact, if the Evenwel plaintiffs win and the rules are changed so lines must be drawn based on citizen voting age population instead of total population:

Every state legislative map in the country would become presumptively unconstitutional under Equal Protection principles and would need to be redrawn.

Nationwide, 21.3 percent of state house seats and 16.7 percent of state senate seats would be presumptively unconstitutional. In eight states, the percentage of house or senate districts with constitutional problems would be more than 40 percent.

Redrawing maps to comply with constitutional requirements would require changing far more districts because of cascade effects from changes elsewhere on the map.

3. Various viewpoints on redistricting

Informed voters are best defense *By Andrea Kaminski, LWVWI Executive Director, OpEd Nov. 2, 2015 Milwaukee Journal*

<http://www.jsonline.com/news/opinion/informed-voters-are-best-defense-b99608454z1-339602361.html>

If you wonder why the party in power is railroading an agenda that serves its own interest in staying in power, rather than serving the people, you need look no further than our voting maps. With single-party control in the state Capitol in 2011, our state voting districts were drawn in secret and fast-tracked into law. This resulted in districts considered among the most gerrymandered in the nation.

Former state Sen. Tim Cullen (D-Janesville) said at a recent League event in Eau Claire that "when a legislature gerrymanders, they guarantee themselves a job for 10 years," that is, until the next redistricting. He was speaking with former Sen. Dale Schultz (R-Richland Center), who agrees that legislators from "safe districts" do not have to pay attention to constituents who disagree with them. They do, however, have to follow the dictates of their caucus leadership. If they don't tow the party line, they are likely to be targeted with a challenge by a more compliant (and usually more extreme) candidate in the next primary election.

Carolyn Castore (also a League member) in The Capital Times Sept. 16, 2013:

It is difficult to find a legislative process less accountable, less transparent, and with more internal agendas, than the current redistricting system in Wisconsin.

In Business, David Blaska 2 Apr 2014; Isthmus 2 Apr 2014

How redistricting affected my neighborhood: David Wiganowski had served as County Board Supervisor for the Town of Burke for 20 years. He was a popular conservative representing a mostly rural township of around 3000 residents. When the latest redistricting map was implemented, Wiganowski's district was moved to include a City of Madison neighborhood. This new area is home to mostly urbanites and provided Wiganowski with an opponent. The result of the 2014 election was that Wiganowski lost the election as his opponent received 61% of the votes. Wiganowski only won one district by 27 votes.

Christopher Ingraham Blog in The Washington Post Jan 13 2016:

<https://www.washingtonpost.com/news/wonk/wp/2016/01/13/this-is-actually-what-america-would-look-like-without-gerrymandering/> (Quotes follow)

Algorithms can "prioritize compactness -- that is, ensuring that voters are geographically close together. One of the telltale signs of gerrymandering is dramatically non-compact districts that squiggle and squirm out in all different directions -- evidence of lawmakers trying to bring far-flung voters into a single district in order to achieve the partisan mix that best favors their party.

Many political scientists are skeptical about the merits of drawing districts based on compactness. Their general argument is that districts are ideally based on community of interest –people who share a common demography, culture, class, etc. There's no particular reason, they say, that grouping voters by geographic proximity ensures this coherent community any more than drawing lines according to any other metric. Moreover, algorithms can be biased too.

It's a point well-taken. But 'community of interest' is an incredibly squishy term. You can define it pretty much however you want.

Christopher Ingraham Blog in The Washington Post May 15, 2014

www.washingtonpost.com/news/wonk/wp/2014/05/15/americas-most-gerrymandered-congressional-districts/

Gerrymandering is at least partly to blame for the lopsided Republican representation in the House. According to an analysis I did last year, the Democrats are under-represented by about 18 seats in the House, relative to their vote share in the 2012 election. The way Republicans pulled that off was to draw some really, really funky-looking Congressional districts.

Contrary to one popular misconception about the practice, the point of gerrymandering isn't to draw yourself a collection of overwhelmingly safe seats. Rather, it's to give your opponents a small number of safe seats, while drawing yourself a larger number of seats that are not quite as safe, but that you can expect to win comfortably.

GOP REDMAP Memo Admits Gerrymandering To Thank For Congressional Election Success by Nick Wing Senior Viral Editor, The Huffington Post, Updated Jan 17, 2013

http://www.huffingtonpost.com/2013/01/17/gop-redmap-memo-gerrymandering_n_2498913.html

The report—drafted as a summary of the importance of the RSLC's Redistricting Majority Project (REDMAP)—serves as a breakdown of the broader GOP plan to take control of state legislatures, giving Republicans free rein to mount an aggressive gerrymandering campaign that allowed the party to keep a House majority, despite getting fewer votes in those races overall.

"The rationale was straightforward," reads the memo. "Controlling the redistricting process in these states would have the greatest impact on determining how both state legislative and congressional district boundaries would be drawn. Drawing new district lines in states with the most redistricting activity presented the opportunity to solidify conservative policymaking at the state level and maintain a Republican stronghold in the U.S. House of Representatives for the next decade."

Many people who have studied redistricting have noted that both parties have used redistricting to secure partisan advantage to their party over the past two hundred years.

4. Glossary of terms

Apportionment (or **reapportionment**) is the allocation of seats in the House of Representatives among the states on the basis of population. This happens after each federal census.

Redistricting is the drawing of voting district lines by states for congressional districts and state legislative districts. Counties and local units of government also redistrict within their jurisdictions after federal censuses.

Compactness is one of the criteria used to judge the fairness of lines drawn in the redistricting process. There are many different ways to measure compactness. Depending on the test used, different maps score well or poorly on compactness.

Contiguity is another frequent criterion in redistricting. It means that all parts of a district must physically touch another part of the district.

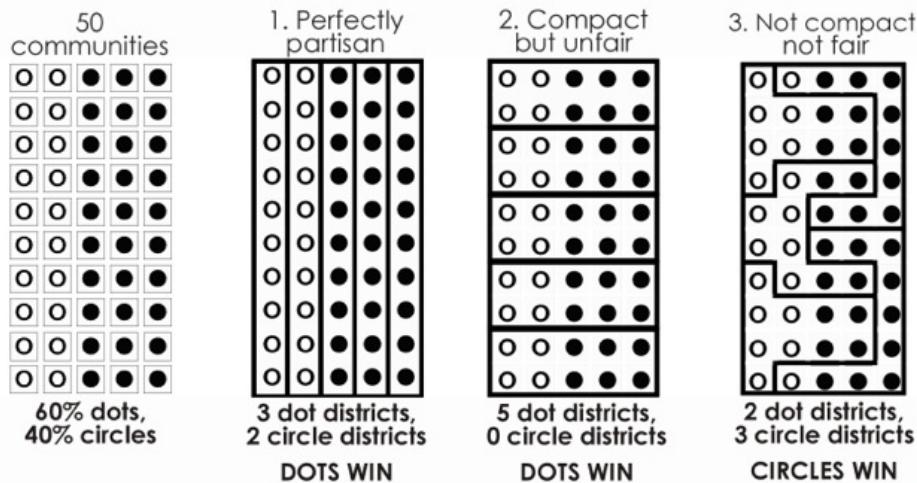
Redistricting for **political outcomes**. A few states try to rein this in either by **prohibiting partisan favoritism** or by affirmatively encouraging **competition (competitiveness)**, so that the number of partisan votes within a district are balanced. **Packing** and **cracking** are frequently used to try to guarantee particular **political outcomes**.

Packing is a term used to describe when voters of a single party are gathered into a single district (say, 65-80 percent), with few voters of the other party. This creates a **safe district** in which the only meaningful contest happens in the primary of the dominant party. The extra votes, over a majority, of the winning party are **wasted**, and not available to affect the outcome of nearby districts.

Cracking is a term that describes when a district is drawn so that a district has approximately a 55 to 45 percent advantage for the party drawing the lines. It will reliably elect a particular party and the 45 percent of votes for the losing party are wasted, while few votes of the winning party are wasted.

Gerrymandering, explained

Three different ways to divide 50 communities into 5 districts



The illustration shows in simple terms how gerrymandering can be accomplished to advantage or disadvantage any group of voters.

Adapted from Washington Post Wonkblog & Stephen Nass