

## **REDISTRICTING REFORM**

**League of Women Voters General Meeting**

**Capitol Lakes Community Room**

**Wednesday, March 5, 2014 @ 7:pm**

**Featuring:**

**Carolyn Castore, Project Director for LWVWI**

League member since 1996, served on the Milwaukee Co. Bd., works at Citizen Action of Wisconsin and is the principle organizer of LWVWI efforts to bring discussion and change to Wisconsin's method of redistricting.

**Jay Heck, Director Common Cause of Wisconsin**

Under Jay's leadership, Common Cause has been at the forefront of good government lobbying efforts, including leading an effort to reform Wisconsin's redistricting laws.

**John Hendrick, Dane County Board Supervisor**

Dane Co Board Supervisor since 1994, chairs the redistricting subcommittee and is an advocate for "community-based redistricting."

Redistricting Committee Members: Margi Kindig, Clare McArdle & Diane Martin Liebert

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

Carolyn Castore, *The Capital Times*, September 16, 2013.

## INDEX

### Articles

- 1—Why Redistricting Matters—*The Brennan Center*, by Justin Levitt
- 2—Where the Lines are Drawn—*The Brennan Center*, by Justin Levitt
  - A) Federal Law
  - B) State Law
- 3—Communities of Interest—*The Brennan Center*, by Justin Levitt
- 4— Don't judge a book by it's cover—puzzle
- 5—LWVWI Apportionment Revision statement of January 24, 2013
- 6—Wisconsin Constitution Wording
- 7—Dane County Resolution 13, 13-14 of May 23, 2013

### SUGGESTED RESOURCES

*Shining a Light: Redistricting Lessons Learned in 2011* @ LWVEF—January 2012

<http://www.lwv.org/files/ShiningALight.RedistrictingLessonsLearned.pdf>

*Wisconsin State Journal* article @ [http://host.madison.com/wsj/news/local/govt-and-politics/on-politics/analysis-nonpartisan-district-maps-would-have-favored-democrats-in-gop/article\\_9d9c7070-2755-5d12-a88f-289a7ac144d4.html](http://host.madison.com/wsj/news/local/govt-and-politics/on-politics/analysis-nonpartisan-district-maps-would-have-favored-democrats-in-gop/article_9d9c7070-2755-5d12-a88f-289a7ac144d4.html)

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## **DISCUSSION QUESTIONS**

- 1—Which of the following principles do you believe should guide the redistricting process:

**Contiguity** – where all parts of the district are connected

**Compactness** – districts have a fairly regular shape

**Political and geographic boundaries** – respect for political subdivisions of a state, like counties, towns and wards

**Competitiveness** – partisan balance

**Communities of interest** – groups who share similar interests and priorities – whether social, cultural, ethnic, economic, religious or political

- 2- How does the reapportionment process achieve the goal of one person, one vote?

## WHY REDISTRICTING MATTERS

Members of Congress, state legislators, and many city council and school board members are elected from districts. At least once per decade, the district lines are redrawn, block by block.

The way that district lines are drawn **puts voters together in groups** - some voters are kept together in one district and others are separated into different districts. And in our system, whichever group has more votes within a district usually decides which representative wins.

For example, a district composed mostly of farmers is likely to elect a representative who will fight from farmers' interests, by a district composed mostly of city dwellers may elect a representative with different priorities. Similarly, districts drawn with large populations of the same race, or language, or political party are more likely to elect representatives with the same characteristics.

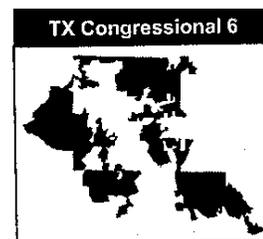
The way the lines are drawn can **keep a community together or split it apart**, changing whether it has representatives who feel responsible for its concerns. The way the lines are drawn can **impact who wins** an election. Ultimately, the way the lines are drawn can change who controls the governing body, and can **change which policies get passed into law**.

This can lead to serious problems:

**Letting Politicians Choose Their Voters.** Under California's old redistricting system. after the 2000 census, Republicans and Democrats effectively decided to **keep the incumbents of both parties safe** from effective challenges.

Many incumbents each paid a consultant at least \$20,000 to have their districts custom-designed, with enough friendly voters to make it extremely likely that they would win the election. As one member of Congress explained: "Twenty thousand is nothing to keep your seat. I spend \$2 million (campaigning) every year. If my colleagues are smart, they'll pay their \$20,000, and [our consultant] will draw the district they can win in. Those who have refused to pay? God help them"<sup>(1)</sup> In the next election, **every single incumbent**, Republican and Democrat, won by more than 20%...except for the one who won by 19%.

**Packing Partisans.** In 1991, Texas Democrats crammed loyal Texan Republican voters into a district that spanned hundreds of miles, taking small slivers of land from five counties. By **packing pockets of Republican voters** into districts like the one below, Democrats could give themselves a better chance in the districts next door. In 1992, Republicans and Democrats each won about 49% of Texas' statewide vote...but under the Democratic redistricting plan, Democrats won 70% of the state's Congressional races.



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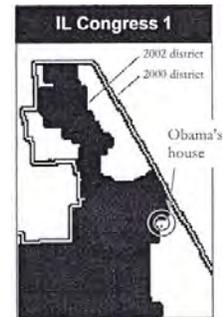
<sup>1</sup> -H. Quach & D. Bunis, *All Bow to Redistrict Architect*, Orange County , Register, Aug. 26, 2001, at A1

**Eliminating Incumbents,** After the 2000 elections in Virginia, the Republicans who controlled the redistricting process targeted Richard Cranwell, the leader of the Democrats in the state house, who had represented his constituents for 29 years. They **surgically carved his house out of the district he had represented,** and drew it into the district of his 22-year colleague, Democrat Chip Woodrum's district looked like it had a tiny grasping hand reaching out to grab Cranwell's home.

Rather than run against the hometown favorite in an unfamiliar district, Cranwell decided not to run for reelection.

**Eliminating Challengers,** In the 2000 primary for an Illinois congressional seat, state Senator Barack Obama threw together a hasty campaign against a sympathetic incumbent, and won more than 30% of the vote. Though Obama lost, his campaign set the stage for a stronger showing in a potential rematch.

When Illinois redrew its districts, the state legislators deferred to incumbent members of Congress, including the incumbent who Obama challenged. When the redistricting was done, **the block around Obama's house was carved out of the district.**



**Diluting Minority Votes,** After Democrats controlled Texas redistricting in the 1990's, Republicans took charge in 2003. The redistricting battles were so fierce that Democratic legislators actually fled to Oklahoma and New Mexico in an attempt to prevent the legislature from meeting to draw the lines.

Part of the resulting plan attempted to protect an incumbent who had lost the support of most of his Latino constituents. Latinos had recently become the majority of the eligible population in the district, and would have been able to control the next election. The legislature drew lines to move about 100,000 Latino voters out of the district, replacing them with voters more likely to support the incumbent. As the Supreme Court put it, **"the State took away the Latinos' opportunity because Latinos were about to exercise it."**(2)

**Splitting Communities.** In 1992, race riots in Los Angeles took a heavy financial toll on businesses in many neighborhoods, including the area known as Koreatown. When residents of Koreatown appealed to their elected representatives for assistance with the cleanup and recovery effort, however, each purported representative claimed the area was really a part of some other official's district.

The redistricting map, it turned out, **fractured Koreatown - an area of barely over one square mile - into four City Council districts and five state Assembly districts.** As a result, no legislator felt responsible to the Asian-American community

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2—*League of United Latin American Citizens v. Perry*, 548 U.S. 399, 440 (2006).

## WHERE THE LINES ARE DRAWN

Most redistricting bodies—whether a legislature, a commission, or a court—have substantial discretion to draw district lines, but there are a few important constraints. Every state's districts must comply with federal law. State constitutions may also impose constraints of their own.

### Federal Law

**Equal population.** The “one person, one vote” cases of the 1960’s established that under the U.S. Constitution, each person’s vote should be worth the same, so that local, state, and federal legislative districts within a state have to have equal population. But “equal population” means different things for different districts.

**Congressional districts** within a state must basically have the exact same number of voters. **State and local districts** can have a population difference of about 10% between the largest and smallest districts, as long as there’s a good reason (usually one of the “traditional” state-law criteria below) for the disparity.

Some states set stricter limits than the federal standard: Colorado, for example, allows at most 5% difference between the largest and smallest districts; and Iowa says that the average deviation from the average district population must be less than 1%.

**Race and minority rights.** The federal Voting Rights Act of 1965 protects against redistricting techniques that are used to limit minority communities’ ability to achieve fair representation. Two sections of the Act are particularly important for redistricting.

**Section 2** of the VRA prohibits district lines that deny minority voters an equal opportunity “to participate in the political process and to elect representatives of the choice.” Essentially, district lines can’t be drawn to dilute minority voters’ voting power if:

- A minority community can fit reasonably in a **geographically compact** district;
- Voting-age minorities would represent a **majority of the voters** in that district;
- The minority population would usually **vote for the same candidate**;
- The white population would usually **vote for a different candidate**; and
- The minority vote is not otherwise protected given the **“totality of the circumstances.”**

**Section 5** of the VRA works a bit differently. In **covered jurisdictions** with a history of low registration or turnout (all of 9 states, and parts of 7 others), the government may not change district lines without getting the changes approved by the Justice Department or federal court (a process called **“preclearance”**). New district lines will be precleared if:

- The new map is **not intended to dilute** minority votes; and
- The new map leaves minority voters **no worse off** overall than they would be if the old lines were applied to the community, given its present demographics.

Other than satisfying the VRA, a state **may** take race into account as one of several factors when drawing district lines—but without a compelling reason, race cannot be the **“predominant”** reason for a district’s shape. Courts haven’t provided much further guidance.

## State Law

After accounting for districts required by the Voting Rights Act, there are still countless ways to divide the remainder of a jurisdiction into districts of equal population. In drawing the rest of the districts, some state constitutions and state laws provide additional constraints:

- **Contiguity.** Most states require districts to be “**contiguous**,” with all parts of the district physically adjacent to each other. Water—rivers, lakes, bays—gives mapmakers wiggle room, as a sort of bridge to “adjacent” land that may be quite far away.

**Compactness.** Most states also require districts to be reasonably “**compact**,” though few define the term. A district where constituents generally live near each other or with a regular geometric shape is usually more compact than one with long, extended tendrils. In practice, compactness tends to be in the eye of the beholder: people say they know it when they see it.

Academics have proposed more than 30 numerical measures of compactness, focusing on 1) how contorted the district boundaries are, 2) how spread out a district is from a central core, or 3) where the district's population “center of gravity” is. A district that is compact by one measure may be less compact by another. Only five states (AZ, CO, IA, MI, MT) specify which measure is actually to be used in their state: AZ and CO focus on contorted boundaries, MI and MT focus on the spread, and IA asks mapmakers to account for both.

**Political boundaries.** Most states also take some account of **political boundaries**—county, city, town, or ward lines—in drawing districts. Some demand that units like counties be kept together whenever possible, or if a county must be split to equalize population or to draw a district under the Voting Rights Act, to be split into as few pieces as possible. Others simply ask that boundaries be followed when it is practicable to do so.

**Communities of interest.** Twenty-four states consider **communities of common interest** as well. Kansas’ definition is relatively common: in keeping voters together, map drawers are asked to consider “[s]ocial, cultural, racial, ethnic, and economic interests common to the population of the area, which are probable subjects of legislation.” Though it is rare for legislators to articulate specific communities of interest when drawing district lines, districts are often justified in litigation based on a purported community they serve.

**Political outcomes.** Some incumbents may try to draw districts so that they contain as many reliable partisan supporters as possible; a few states try to rein this in either by **prohibiting partisan favoritism** or by affirmatively encouraging **competition**. In the last redistricting cycle, nine states (CA, DE, HI, IA, ID, MT, NE, OR, WA) prohibited drawing state legislative districts in order to unduly favor a candidate or political party. Two (AZ and WA), both with independent commissions, affirmatively encouraged the commissions to draw competitive districts when doing so did not interfere with other redistricting goals.

**Nesting.** In 14 states, state House districts are **nested** inside state Senate districts: a Senate district will be made up of 2 or 3 House districts, and will have the same boundaries. Another four states (CA, HI, NY, and WY) ask to nest districts, if possible, but this is often ignored.

## COMMUNITIES OF INTEREST

Several redistricting criteria — like following county or municipal lines, or drawing districts that are compact — are in some ways proxies for finding communities of common interest. These are groups of individuals who are likely to have similar legislative concerns, and who might therefore benefit from cohesive representation in the legislature. Twenty-four states address these communities of interest directly, asking redistricting bodies to consider various types of communities in drawing district lines. Those provisions — some found in the state constitution, some in state statute, and others simply adopted as guidelines by the bodies conducting redistricting — follow.

Source		Provision	
AK	Constitution	“Each house district shall be formed of contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area.”	
AL	Legislative guidelines	“The integrity of communities of interest shall be respected to the extent feasible. For purposes of these Guidelines, a community of interest is defined as an area with recognized similarities of interests, including but not limited to racial, ethnic, geographic, governmental, regional, social, cultural, partisan, or historic interests; county, municipal, or voting precinct boundaries; and commonality of communications. It is inevitable that some interests will be recognized and others will not, however the legislature will attempt to accommodate those felt most strongly by the people in each specific location.”	*
AZ	Constitution	“District boundaries shall respect communities of interest to the extent practicable.”	*
CA	Constitution	“The geographic integrity of any city, county, city and county, neighborhood, or community of interest shall be respected to the extent possible . . . . Communities of interest shall not include relationships with political parties, incumbents, or political candidates.”	*
CO	Constitution	“[C]ommunities of interest, including ethnic, cultural, economic, trade area, geographic, and demographic factors, shall be preserved within a single district wherever possible.”	
HI	Constitution	“Where practicable, submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided.”	*
ID	Statute	“To the maximum extent possible, districts shall preserve traditional neighborhoods and local communities of interest.”	*
KS	Legislative guidelines	“There should be recognition of similarities of interest. Social, cultural, racial, ethnic, and economic interests common to the population of the area, which are probable subjects of legislation . . . should be considered. While some communities of interest lend themselves more readily than others to being embodied in legislative districts, the Committee will attempt to accommodate interests articulated by residents.”	*
ME	Statute	“The commission shall . . . give weight to the interests of local communities . . . .”	
MN	Joint resolution	“The districts should attempt to preserve communities of interest where that can be done in compliance [with other] . . . standards.”	*

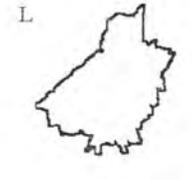
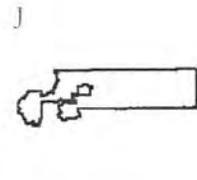
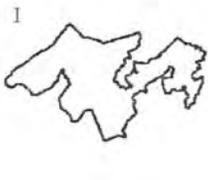
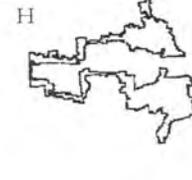
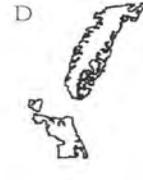
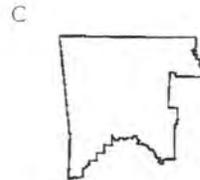
\* Applies to congressional districts and to state legislative districts.

	Source	Provision	
MO	Commission guidelines	“Preserves long-standing communities of interest based on social, cultural, ethnic, and economic similarities.”	
MT	Commission guidelines	“The commission will consider keeping communities of interest intact. Communities of interest can be based on trade areas, geographic location, communication and transportation networks, media markets, Indian reservations, urban and rural interests, social, cultural and economic interests, or occupations and lifestyles.”	
NC	Court	“[C]ommunities of interest should be considered in the formation of compact and contiguous electoral districts.”	
NM	Legislative guidelines	“To the extent feasible, districts shall be drawn in an attempt to preserve communities of interest . . .”	*
OK	Constitution	“In apportioning the State Senate, consideration shall be given to . . . economic and political interests . . . to the extent feasible.”	
OR	Statute	“Each district, as nearly as practicable, shall . . . [n]ot divide communities of common interest. . .”	*
SC	Legislative guidelines	“Where practical, legislative and congressional districts should attempt to preserve communities of interest.”	*
SD	Statute	“[T]he following principles are of primary significance: . . . Protection of communities of interest by means of compact and contiguous districts.”	
VA	Legislative guidelines	“Districts shall be based on legislative consideration of the varied factors that can create or contribute to communities of interest. These factors may include, among others, economic factors, social factors, cultural factors, geographic features, governmental jurisdictions and service delivery areas, political beliefs, voting trends, and incumbency considerations. . . . Local government jurisdiction and precinct lines may reflect communities of interest to be balanced, but they are entitled to no greater weight as a matter of state policy than other identifiable communities of interest.”	*
VT	Statute	“The . . . districts shall be formed consistent with the following policies insofar as practicable: . . . recognition and maintenance of patterns of geography, social interaction, trade, political ties and common interests.”	
WA	Statute	“District lines should be drawn so as to coincide with . . . areas recognized as communities of interest.”	*
WI	Statute	“[The districts] reflect a good faith effort to apportion the legislature giving due consideration to the need for . . . the maintenance of . . . communities of interest . . .”	
WV	Statute	“[T]he Legislature, in dividing the state into senatorial districts . . . , has: . . . [a]lso taken into account in crossing county lines, to the extent feasible, the community of interests of the people involved.”	
WY	Legislative guidelines	“Election districts should . . . reflect a community of interest.”	

\* Applies to congressional districts and to state legislative districts.

## DON'T JUDGE A BOOK BY ITS COVER ALONE

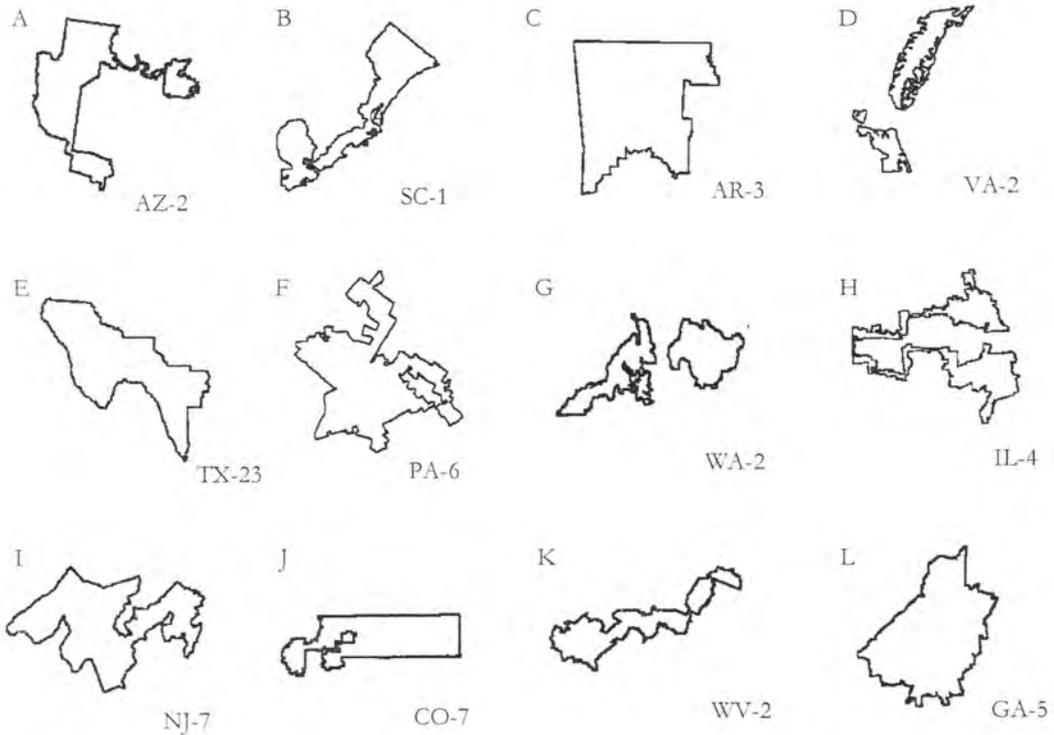
Can you match the congressional districts to their characteristics, from the shape alone?



1. Drawn to give racial minorities meaningful representation
2. Drawn to deprive racial minority of power
3. Drawn by court
4. Drawn by a bipartisan commission
5. Drawn by legislature
6. Drawn by legislature redistricting twice in a decade
7. Mostly follows county lines
8. Unequal population: votes are worth significantly less/more
9. Shares coastline and shipping corridor
10. One major party did not run a candidate at all in this district
11. Among the most competitive districts in the country

## DON'T JUDGE A BOOK BY ITS COVER ALONE

### Answer key



- |   |                     |
|---|---------------------|
| 1. Drawn to give racial minorities meaningful representation        | A, H, L             |
| 2. Drawn to deprive racial minority of power                        | E                   |
| 3. Drawn by court   | B, J                |
| 4. Drawn by a bipartisan commission                                 | A, G, I             |
| 5. Drawn by legislature   | C, D, E, F, H, K, L |
| 6. Drawn by legislature redistricting twice in a decade             | E                   |
| 7. Mostly follows county lines                                      | C, D, E, J, K       |
| 8. Unequal population: votes are worth significantly less/more      | C, K                |
| 9. Shares coastline and shipping corridor                           | B, D, G             |
| 10. One major party did not run a candidate at all in this district | C, D, L             |
| 11. Among the most competitive districts in the country             | F, J                |

Apportionment Revision: January 24, 2013

The LWVWI legislative committee recommends that the LWVWI position on redistricting last revised in 1981, be modified by board resolution brought to the 2013 annual meeting.

After the last round of redistricting in 2010, the LWVWI legislative committee determined that we build a broad-based nonpartisan coalition to advocate for a change in the way Wisconsin does redistricting. Our goal is to develop a process free of partisan influence and responsive to voters rather than to incumbent partisan interests.

In 2009 the LWVUS participated in a nationwide redistricting conference at the Pocantico Conference Center which resulted in the adoption of four principles to guide the redistricting process: an accurate and complete census count; public transparency; tools and opportunities for direct public input; and redistricting plans which reflect the diversity of the populace. We believe the proposed revisions to the LWVWI position on redistricting reflect these principles to which LWVUS has subscribed and preserves the spirit of the current LWVWI position while providing more flexibility to respond to proposals as they may arise.

The position as currently written:

Support of:

Regularly scheduled apportionment based primarily on population equality, but also with consideration of the compactness and contiguity of districts; maintenance of equality; and, insofar 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 a commission to be responsible for the development of a legislative and Congressional redistricting plan:

\*The commission should include citizens at large and legislators. A combination of commission members could include representatives from political parties and public interest groups.

\*The commission should be appointed by the majority and minority legislative leaders, a panel of members of the Wisconsin Supreme court or a combination of appointees. Various combinations could include the legislative leaders, the governor, the Supreme Court members and/or the Chief Justice.

\*The commission should have the initial responsibility for developing the redistricting plans.

\*If the legislature retains the initial responsibility, the commission should assume responsibility if the legislature fails to adopt a plan by a specified deadline.

**\*Whichever body has the initial responsibility, the commission should be independent of the legislature and the only role for the legislature should be ratification, i.e., no amendment.**

**\*Court enforcement if the designated body fails to act within the designated time period.**

The new proposal reads as follows:

#### 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 it 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.

## WISCONSIN CONSTITUTION WORDING

### Article IV. Legislative.

**SECTION 3.** [Apportionment.] At its first session after each enumeration made by the authority of the United States, the legislature shall apportion and district anew the members of the senate and assembly, according to the number of inhabitants.

**Representatives to the assembly, how chosen.** SECTION 4. [As amended Nov. 1881 and Nov. 1982] The members of the assembly shall be chosen biennially, by single districts, on the Tuesday succeeding the first Monday of November in even-numbered years, by the qualified electors of the several districts, such districts to be bounded by county, precinct, town or ward lines, to consist of contiguous territory and be in as compact form as practicable. [1880 J.R. 9S, 1881 J.R. 7A, 1881 c. 262, vote Nov. 1881; 1979 J.R. 36, 1981 J.R. 29, vote Nov. 1982]

**Senators, how chosen.** SECTION 5. [As amended Nov. 1881 and Nov. 1982] The senators shall be elected by single districts of convenient contiguous territory, at the same time and in the same manner as members of the assembly are required to be chosen; and no assembly district shall be divided in the formation of a senate district. The senate districts shall be numbered in the regular series, and the senators shall be chosen alternately from the odd and even-numbered districts for the term of 4 years. [1880 J.R. 9S, 1881 J.R. 7A, 1881 c. 262, vote Nov. 1881;

RES. 13, 13-14

**SUPPORTING REFORM OF THE COUNTY BOARD REDISTRICTING PLANNING PROCESS**

Redistricting plans for both the Wisconsin Legislature and local county boards currently are developed by the same elected officials who are subject to those redistricting plans.

Wisconsin Statute §59.10 governs the process for determining the composition of county board supervisory districts. Currently, that statute requires that each county board “shall propose a tentative county supervisory district plan setting forth the number of supervisory districts and tentative boundaries or a description of boundary requirements, hold a public hearing on the proposed plan and adopt a tentative plan” within a time period designated by the statute (Wis. Stats. 59.10(3)(b)1). The statute also sets forth factors that should be addressed when creating the proposed supervisory districts, such as population and contiguity of municipalities and other standards to be followed.

This current redistricting process is subject to abuse when legislative bodies redesign voting districts to remain in office and favor their friends. Gerrymandering practices can result in districts with boundaries that make little geographical sense and distort the intentions of voters.

To address this concern and change this practice on the state level, Dane County Board Supervisor and Wisconsin State Representative Dianne Hesselbein recently introduced a State Assembly Bill—LRB-0665/1—to change the procedures for drawing redistricting plans for the State Legislature. Among other things, the bill establishes an independent, non-partisan Redistricting Advisory Commission to create redistricting plans on the state legislative level.

This resolution is intended to complement Supervisor and Representative Hesselbein’s proposed legislation by recommending a similar reform of the process by which county supervisory redistricting plans are created.

**NOW, THEREFORE, BE IT RESOLVED** that the Dane County Board of Supervisors joins with Dane County Supervisor and State Representative Hesselbein in supporting reform of the legislative redistricting planning process.

**BE IT FINALLY RESOLVED** that the Dane County Board of Supervisors supports amending the state statute governing the composition of county board supervisory districts to allow for the establishment of an independent, non-partisan body to develop county supervisory redistricting plans.

Adopted by the Dane County Board of Supervisors May 23, 2013.