

**“This may not be the thing I want to fix *most*, but it needs to be the thing I fix *first*.” Tom Ross**

**“Redistricting reform is about citizen power pushing back against political weight. This is about *power* and the question is *who decides?*” Ra Joy, Chicago**

**Duke Conference on Gerrymandering**

*LWV attendees:* Niki Jordan, Bev Kawalec, Jean LeCluyse, Markie Davis

Presenters included lawyers, academics and public and political policy researchers and analysts from across the nation.

### **Background:**

*Gerrymandering* refers to the process of drawing voting district lines in such a way as to group or distribute voters so as to give the side drawing the districts an unfair advantage at the polls. There is a good graphic explanation on the DemocracyNC website:

[http://nc-democracy.org/wp-content/uploads/2017/02/UnderstandingRedistrictingFeb2017\\_grays\\_v2.pdf](http://nc-democracy.org/wp-content/uploads/2017/02/UnderstandingRedistrictingFeb2017_grays_v2.pdf)

Typically, the *majority party* in the state legislature is the one to draw the voting districts.

Voting districts are redrawn every 10 years following the release of census data. Each of the 43 states with two or more voting districts is required to redraw districts at this time.

While *racial gerrymandering* is illegal under the Voting Rights Act, *partisan gerrymandering* has been neither unconstitutional nor illegal in the past. This may be changing now.

### **Why is gerrymandering so harmful to the democratic process?**

Partisan gerrymandering *allows politicians to pick their voters instead of voters picking their politicians*. This takes power away from the people and gives it to legislative incumbents.

Partisan gerrymandering *forces political candidates to the more extreme ends of their political spectrum*. If a district has been effectively gerrymandered into a Republican or Democratic district, there's no threat to a candidate from the *opposing party*. The only

threat is from a candidate who is more Democratic or more Republican.

### **What's happening now?**

On June 26, the Supreme Court will hear a case on partisan gerrymandering.

Currently the Court is split 4 to 4 regarding the constitutionality of partisan gerrymandering. Justice Kennedy—the deciding vote—has said that he believes that partisan gerrymandering is wrong, but is unconvinced that a *standard* exists to identify and measure it.

The Court has rejected something called *proportionality* as proof of partisan gerrymandering. Proportionality stipulates that, if 40% of registered voters are Republican, 57% are Democratic and 3% are unaffiliated, the state legislature should reflect the same breakdown-- basically a one-to-one correlation between registered voters and seats in the legislature.

These are some of the identifiers that are required for partisan gerrymandering to be considered unlawful:

It was done **intentionally**.

It **has caused or is causing harm** to some group of citizens.

The bad **effects** are lasting (“durable”).

The partisan effect is not justified by adherence to state of tradition        redistricting criteria.

The Supreme Court wants: (1) a standard that can be applied by the lower courts and (2) a way to put lawmakers on notice as to what is expected of them.

### **What's happening in North Carolina?**

In the last election, every candidate received at least 57% of the vote and half received 60%. 56% is considered a HUGE margin, so these races were not competitive.

In actuality, NC is about 53% Republican and 47% Democratic, which would translate into seven Republican districts and 6 Democratic districts. Due to gerrymandering, NC ended up with ten Republican districts and three Democratic districts. When asked why it ended up

this way, a Republican legislator said it was because they couldn't figure out how to make it eleven and two. This is important because the Supreme Court has indicated that it will consider **intent** when deciding on gerrymandering cases.

In NC, and across the nation, **both parties** have used partisan gerrymandering to create unfair electoral districts.

Historically, in NC, the House has been more open to reform than the Senate.

*Common Cause* (<http://endgerrymanderingnow.org>) and the *John Locke Foundation* have created the Coalition for Lobbying and Government Reform and are working together to end partisan gerrymandering in NC.

The *NC Libertarian party* has adopted non-partisan redistricting as part of their platform.

**HB200** (submitted 2/28/17) and **SB209** (submitted 3/8/17) have been introduced and will hopefully be allowed into committee, which means they will be discussed. Four people have the power to block discussion of these bills:

House majority leader- Rep. Tim Moore

Senate Pro-Tem Phil Berger

David Lewis and Bert Jones (Chair and Vice-Chair of Joint Legislative Elections Oversight Committee)

**Link to HB200/SB209:**

<http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2017&BillID=H200>

**How do we convince Republicans to support reform when their party is in power?**

Stay non-partisan in your messaging.

The "little guy" is getting pushed down by the "fat cats" resonates with everyone.

Remind them that BOTH parties have used gerrymandering and the Democrats will use it again if they get the chance.

We need to get back to the intent of the founding fathers—voters choosing representatives, not the other way around.

Fair districting is a fundamental part of our elective democracy. Just because it is currently legal and constitutional to gerrymander, that doesn't make it right. It violates the rules. When the rules are violated, that's the beginning of "mischief-making".

Most people of all parties dislike and distrust politicians, but care about principles and the rules

Independent commissions for redistricting need to be formed and conducted using clear rules

**What's happening in other states? Has partisan gerrymandering been successfully challenged anywhere in the U.S. to date?**

Currently, 37 states allow state legislatures to draw voting maps. Seven other states are composed of only one district each, so don't have an issue in this area. Five states--California, Arizona, Iowa, Florida and New Jersey--have taken steps to eliminate partisan gerrymandering. Illinois voters have tried, but failed three times to change the procedures in their state.

Iowa, California, Arizona and New Jersey have all established independent commissions to handle redistricting every ten years.

In Florida, voters modified the constitution, adding guidelines for the redistricting process. The legislature there ignored the new plan and continued as before. The voters ended up in a four-year court battle to try and force the legislature to follow the new rules.

**Take-aways:**

Build coalitions; make them as broad-based as you can

Keep messaging simple and **non-partisan**

Stay on message

Get newspapers, other media on your side

Instead of using the term "gerrymandering" talk about how incumbents draw lines every 10 years to keep themselves in power

Consider addressing partisan gerrymandering at the local level first.

Partisan elections at the local level send more extreme representatives to the state legislature

*Don't let the perfect be the enemy of the good*—we need to agree on and accept some standard even if it's not perfect.

It's imperative that we DON'T argue amongst ourselves about the "perfect standard" —this gives opponents an excuse not to do anything.

**People want to hear about proposed solutions, *not more problems***