

GERRYMANDERING



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Reading

- Seat/Vote Curve

<https://jeffreyshen19.github.io/Seats-Votes-Curves/>

- Operation Redmap

<https://www.newyorker.com/magazine/2016/06/27/ratfcked-the-influence-of-redistricting>

- Hofeller files

<https://www.npr.org/2020/01/05/785672201/deceased-gop-strategists-daughter-makes-files-public-that-republicans-wanted-sealed.html>



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References

- Gerrymandering in America, Anthony McGann, Charles Smith, Michael Latner, and Alex Keena, Cambridge University Press, 2016
- Redistricting, Second Edition, Charles S. Bullock III, Roman & Littlefield, 2021

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Session Objectives

- Understand issues and terminology used to assess the degree of political Gerrymandering in US congressional redistricting
- Understand some of the data requirements to support analysis of district plans
- Understand the measures and techniques used in the analysis of proposed district plans

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Background Info

- In a previous session we discussed the practice of redistricting and the related legal issues, namely
 - Contiguity
 - Split counties/Respect for political boundaries
 - Competitive districts/protection of incumbents
 - Equal population
 - Communities of interest
 - Compactness
- We also discussed geographic units, including precincts, census blocks, and census tracts



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Voting Issues

- Current redistricting approaches lead to many unfair practices, usually referred to as Gerrymandering
- Primary examples
 - Racial Gerrymandering (discussed when we cover voting rights)
 - Political Gerrymandering

"I propose that we draw the maps to give a partisan advantage to 10 Republicans and three Democrats because I do not believe it's possible to draw a map with 11 Republicans and two Democrats." – David Lewis, Chairman of NC House redistricting committee (2016)

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Gerrymandering in the News

- Many states attempting to Gerrymander their districts in preparation for the 2026 midterm election

Strong Harris margin | Even | Strong Trump margin

Current map Proposed map

NICK MOURTOUPALAS/THE WASHINGTON POST

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What is a Gerrymander?

- The name originally referred to a Massachusetts voting district that was portrayed as a salamander
- Named after Elbridge Gerry, 5th VP of US, who as Governor of Massachusetts signed the redistricting bill

2010 Democratic Redistricting

2012 Republican Redistricting

Republican Seats
Democratic Seats

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How Gerrymandering Works

- With the same statewide vote share, congressional seat share can vary widely due to districting
- Example – 50 voters, 5 districts

Three different ways to divide 50 people into five districts

50 people
60% blue, 40% red

1. Perfect representation
3 blue districts, 2 red districts
BLUE WINS

2. Compact, but unfair
5 blue districts, 0 red districts
BLUE WINS

3. Neither compact nor fair
2 blue districts, 3 red districts
RED WINS

WASHINGTONPOST.COM/WONKBLOG Adapted from Stephen Nass

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Cracking – Mississippi - 1966

- Following the VRA, African Americans could vote without much impediment
- The Delta District was then cracked into 3 separate districts, each of which had fewer than 45% African Americans
- Mississippi did not send an African American to Congress until 1986

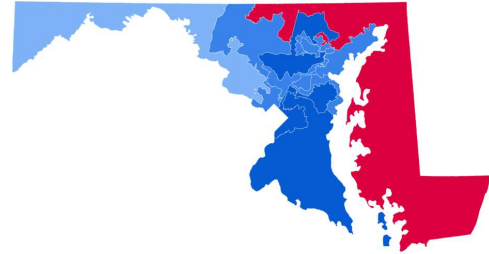
Shaded counties were black majority

Majority-black counties

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Why is Gerrymandering a Hot Topic?

- Gerrymandering is a practice intended to establish an advantage for a party or group by manipulating district boundaries
- Usually features “packing” (grouping categories of voters into a handful of districts) and “cracking” (splitting categories of voters into many districts)
- Occurring in the US since its founding (e.g., Patrick Henry vs. James Madison)
- Used aggressively in 2010, resulting in congressional dysfunction



Definition from Wikipedia

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Operation REDMAP

- 2010 (post Citizens United) effort by the Republican party to capture state legislative seats that could influence redistricting in that state.
- Voters in targeted districts received extensive campaign literature, many containing outright lies
- Republicans gained 700 legislative seats, 20 chambers switched Democratic to Republican, and Republicans gained control over both legislative houses in 25 states
- 2012 - Pennsylvania Democratic House candidates outpolled Republicans by almost 100,000 votes, but Republicans had a larger seat share (13/5)
- After 2012 election, Republicans controlled House (234/201) despite Democrats holding a 1.2% vote advantage

“I could have been running against that saltshaker and I would have lost, because it all came down to those mailers.”
– David Kessler, PA representative

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Gerrymandering Enabled By

- Single member districts
- Mapping software and big data analysis tools (e.g., voter ID analysis)
- Supreme Court decisions

In some states, issues of partisan gerrymandering is subject to review by state courts

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Consequences of Current Gerrymandering

- Many congressional seats are not competitive
- Members of congress more concerned with a primary battle
- Congressional representatives represent their party's position more than constituents
- Extremes of each party dominate, instead of the middle



James Huntwork (Republican election-law expert) describes a primary campaign in a typically lopsided district as a contest between one candidate who says, “I am completely crazy!” and one who says, “I am even crazier than you!” – Elizabeth Kolbert

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Measures to Identify Gerrymandering

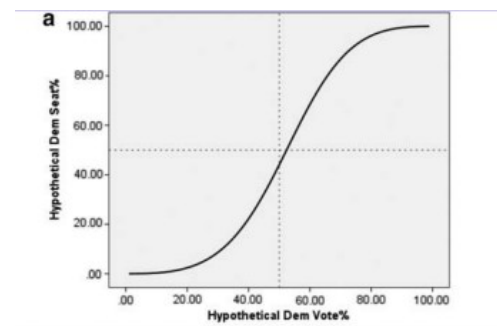
- Vote/Seat Curve
- Efficiency gap
- Deviation from districting probability distribution
- Ensemble measures

You will use some of these measures in subsequent sessions

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Vote vs. Seat Symmetry

- A plot of vote share vs seat share for Republicans and Democrats
- Notion that voting is equal when a 50% vote share results in a 50% seat share
- A shift in the curve indicates gerrymandering or inherent geographic bias
- Calculated by varying one party's vote share and determining seats result



Measures possible partisan bias and competitiveness

Image: Election Law Journal, McDonald & Best

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Vote/Seat Measures

- Responsiveness - a measure of how a vote swing will affect the seat swing
- Bias – whether a plan favors one party over another
- Bias at 50% - difference between seat share of each party at 50% vote share on curve
- Partisan symmetry – average of symmetry measure at all vote levels between 45% and 55% vote share

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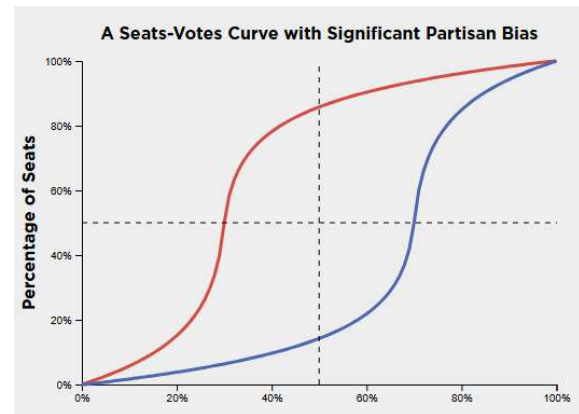
Responsiveness

- Measured as the slope of the curve in a realistic range of vote percentage (e.g., +/- .1 from average)
- A responsiveness of 2 means that a 1% increase in the average district vote for a party across districts will translate into an expected 2% increase in seats for the same party
- Measures the degree to which the composition of a legislature will change when voter preferences change
- High score associated with more competitive seats
- Advantage of competitive seats
 - Legislature more responsive to public
 - Produces more moderate legislators

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Bias

- Measure the degree to which a districting plan advantages one party over another
- If Democrats get 56% of the seats with 52% of the votes, in a bias-free plan, Republicans will also get 56% of the seats with 52% of the votes



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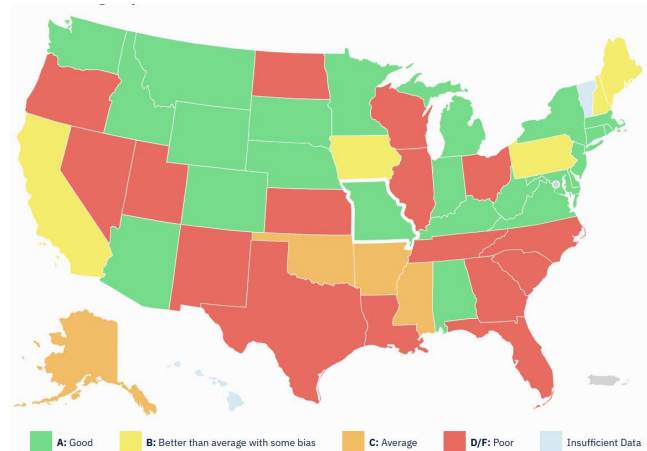
Efficiency Gap Measure

- Stephanopoulos & McGhee
- Aggregates packing and cracking measure into a single number
- Defines wasted votes as votes for a party in a losing election or votes for a winning party over 50%
- Measures difference between wasted votes for each party within a statewide election
- Computed as the difference between the wasted votes of the two parties divided by the total votes cast in the election
- 0 is “good” and .5 is “bad”
- Essentially a special case of the vote share / seat share curve

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Are We on Track?

- Look at the evaluation of redistricting plans at <https://gerrymander.princeton.edu/redistricting-report-card>
- Check out the details of your favorite states
 - What is the overall grade?
 - If biased, which political party has an advantage?
 - Are districts competitive?
 - Are districts compact?



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Partisan Gerrymanders and the Courts ...

- Courts avoid entering the “political thicket” (Felix Frankfurter)
- Successful challenges usually based on other considerations such as unequal treatment of parts of a state
- Some states ban partisan Gerrymanders (e.g., Arizona, Washington)
- 1986 – Davis v. Bandemer – Supreme Court ruled that a party could use the Equal Protection Clause to challenge a plan where the disadvantaged party must prove
 - An intent to discriminate against it and
 - An actual discriminatory effect

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... Partisan Gerrymanders and the Courts

- 2004 – *Vieth v. Jubelirer*
 - 4 justices recommended reversal of *Bandemer* over what plaintiffs must prove
 - Justice Kennedy agreed that no standard existed, but voted to continue the issue awaiting a standard
 - Work on standards following *Vieth* (including appearance)
- 2019 – *Rucho v. Common Cause* – Federal courts cannot review allegations of partisan gerrymandering (5/4 vote)

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Result of Non-Justiciability of Political Gerrymanders

- President Trump urged Texas to redraw Congressional maps
- Mid-decade political redistricting
 - California & Texas – implemented
 - North Carolina & Ohio – enacted
 - Utah – approved
 - Missouri – signed into law
 - Virginia – In progress
 - New York & Illinois – not yet finalized



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Have You Achieved the Session Objectives?

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