

Massachusetts General Court Joint Committee on Redistricting

Overview of Redistricting

March 16, 2011

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Committee Charge

160 House Districts

40 Senate Districts

9 Congressional Districts

8 Councillor Districts

Topics to be Covered

1. Massachusetts Constitution
2. Federal Population Equality
3. Partisan Gerrymandering
4. Minority Vote Dilution
5. Racial Gerrymandering
6. State Redistricting Principles

Massachusetts Constitution

- Single Member Districts
- Contiguous Territory
- Federal Census Data
- Equal Numbers of Inhabitants
- Balancing Equalizing Numbers of Inhabitants and Respecting County and Municipal Integrity

Population Equality ⁽¹⁾

Congressional Districts:

Total Population: 6,547,629

In 2001, was 6,349,097; an increase of 3.1%

Ideal District Size: 727,514

In 2001, was 634,910

Any deviation from strict equality
requires justification

Population Equality ⁽²⁾

State Legislative Districts:

	<u>House</u>	<u>Senate</u>
<u>Ideal District Size:</u>	40,923	163,691
<i>In 2001:</i>	39,682	158,727

Maximum permissible deviation: $\pm 5\%$:

Largest:	42,969	171,876
Smallest:	38,877	155,506

Partisan Gerrymandering

United States Constitution

Redistricting is a political process and the configuration of district lines will inevitably have political effects. Also, a partisan motivation, without more, does not make a plan unconstitutional.

But at some point a partisan gerrymander may be so extreme as to be unconstitutional.

No satisfactory, judicially manageable, test – yet.

Equal Electoral Opportunity

United States Constitution

Prohibits intentional discrimination against racial minorities

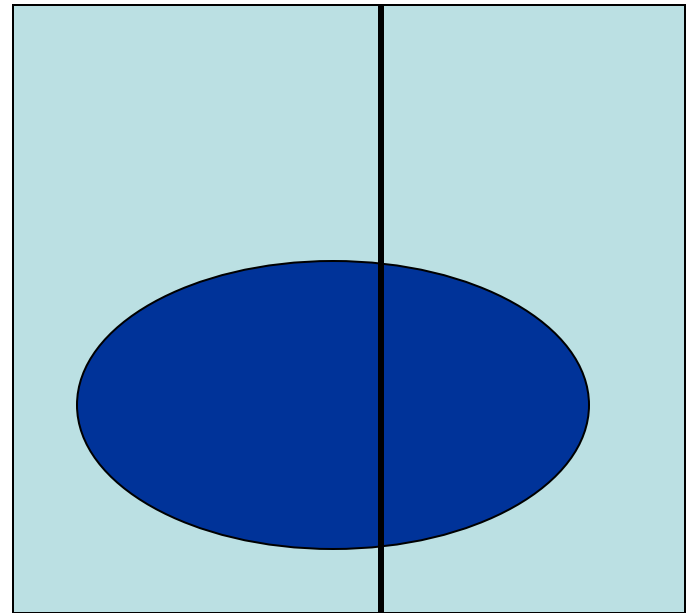
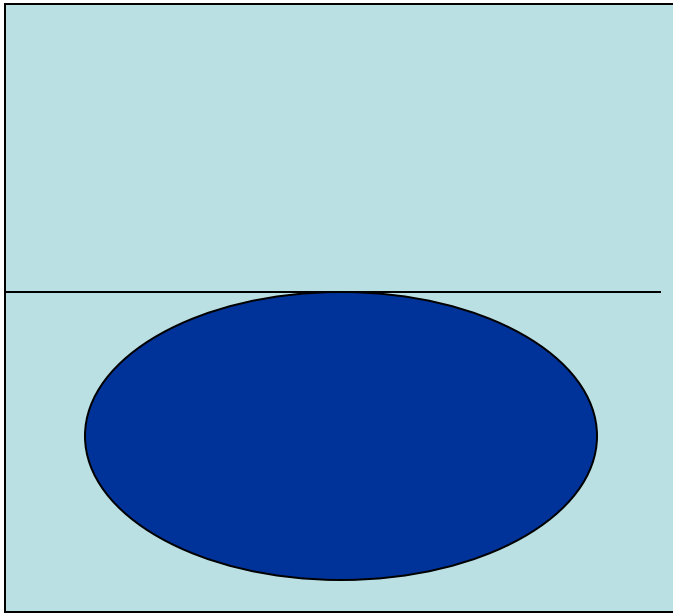
Federal Voting Rights Act

Prohibits plans that result in unequal electoral opportunities, regardless of intent

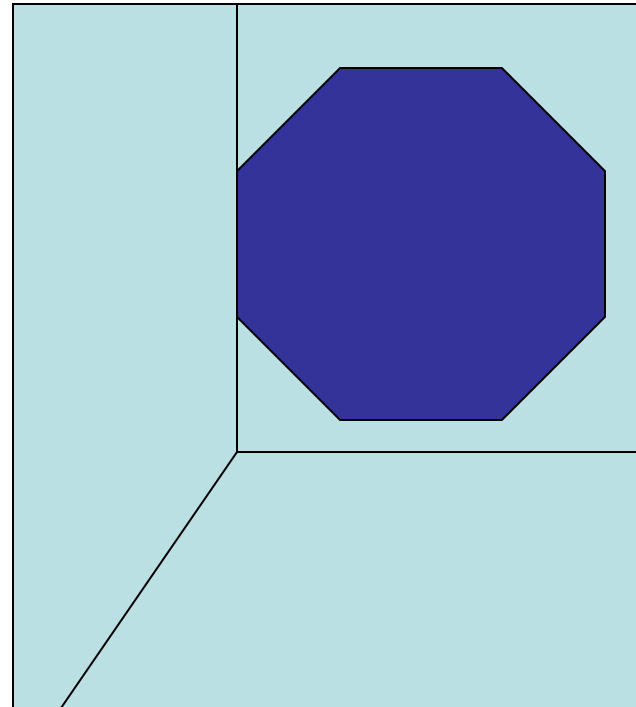
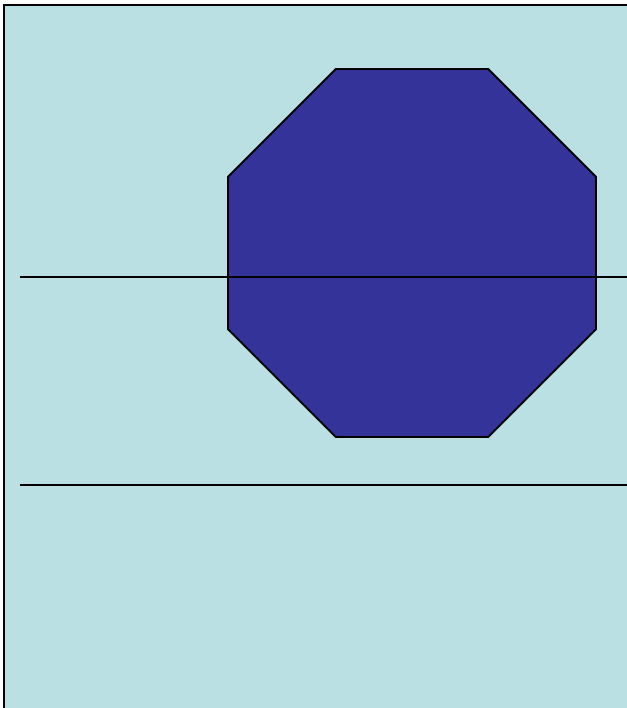
Voting Rights Act ⁽¹⁾

1. Minority group must be sufficiently large and geographically compact to constitute a majority in an additional single-member district
2. Minority group must be politically cohesive
3. White majority must usually vote as a bloc, defeating the minority group's preferred candidate

Minority Vote Dilution -- Cracking



Minority Vote Dilution -- Packing



Voting Rights Act ⁽²⁾

If the first three preconditions are met, the court then must conduct a detailed inquiry into local social and historical circumstances to determine whether, under the “totality of the circumstances,” the plaintiffs, under the enacted plan, do not have an equal opportunity to participate in the political process and to elect candidates of their choice.

Racial Gerrymandering ⁽¹⁾

In the 1991-92 redistricting cycle, the Justice Department took the position that the Voting Rights Act required drawing as many minority-majority districts as possible, even if that meant overriding traditional redistricting principles such as compactness, resulting in bizarrely shaped districts such as the following --

North Carolina

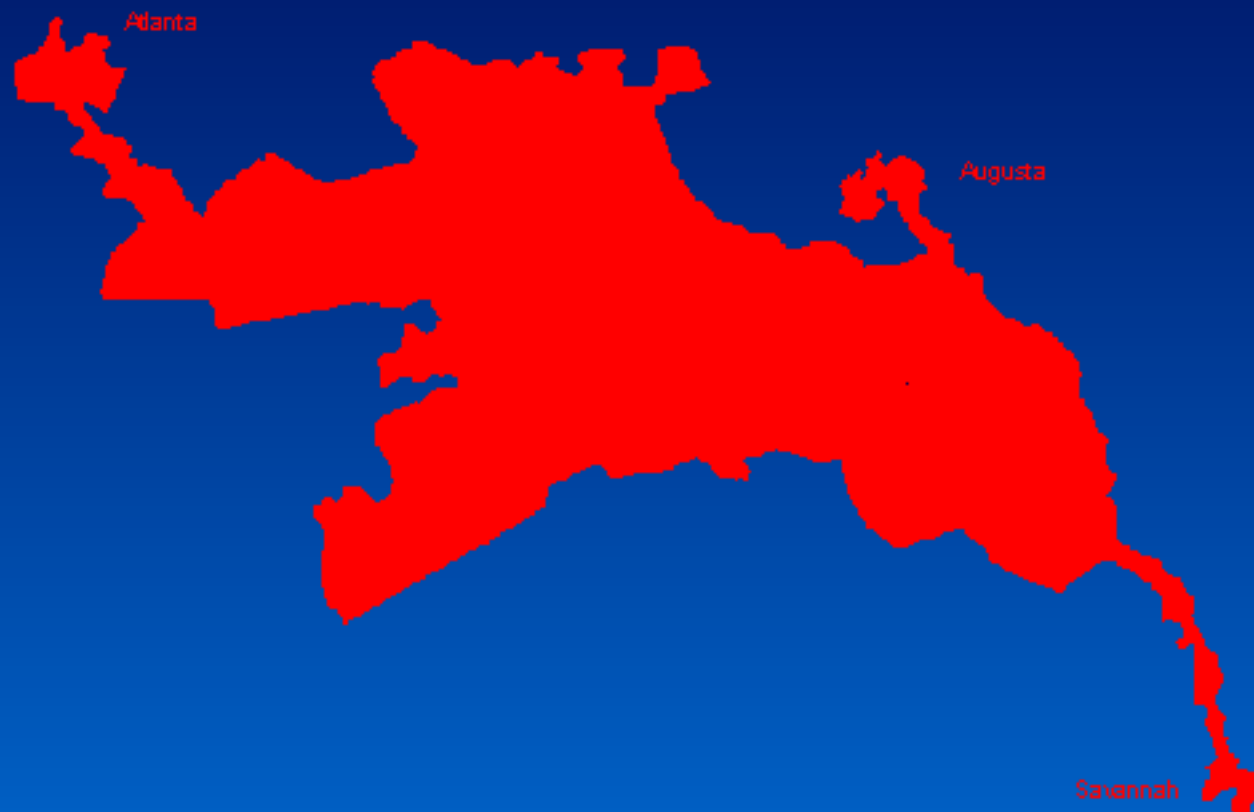
Congressional District 12 - 1992



Election
Data
Services
Inc..

Georgia

Congressional District 11 - 1992



Texas

Congressional District 30 - 1992



Texas

Congressional District 29 - 1992



Racial Gerrymandering ⁽²⁾

But the Supreme Court struck down these districts as being unlawful racial gerrymanders, stating: “Reapportionment is one area in which appearances do matter.”

Districts drawn “predominantly upon the basis of race, subordinating traditional redistricting principles,” are constitutionally suspect and may be justified only if they are narrowly tailored to serve a compelling state interest.

State Redistricting Principles

- Contiguity
- Compactness
- Continuity of representation
- Conforming to County and Municipal Boundaries
- Communities of interest

Balancing of numerous, often competing, factors, interests, and legal requirements.

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