



## [ TABLE OF CONTENTS ]

<b>About the Authors / Acknowledgements</b>	2
<b>Executive Summary</b>	3
<b>SECTION A –</b>	
<b>Redistricting: A Rigged Game On Too Narrow A Field</b>	5
[1] Overview	6
[2] The Most Fun Anyone Could Have In Politics and Not Go to Prison	8
[3] Midwest Redistricting 2011-2012: Still Secret, Still Highly Partisan	14
[4] Fixing the Rigged Game	25
[5] Beyond Redistricting: Broadening the Field	31
[6] Start Working Now for Change in 2021 and Beyond	39
<b>SECTION B –</b>	
<b>State by State: How the Game Was Played in 2011</b>	41
<b>Illinois:</b> Democrats rule	42
<b>Indiana:</b> First in the Midwest	46
<b>Michigan:</b> Voters hungry for non-partisan reform	50
<b>Minnesota:</b> Bipartisan gridlock – let the courts decide.	54
<b>Ohio:</b> Calling the shots from D.C.	59
<b>Wisconsin:</b> Legislators take oath of secrecy	64
<b>APPENDICES</b>	68
<b>Appendix A:</b> Draw the Line Midwest Participants	68
<b>Appendix B:</b> Google Maps	69

## About the Authors

The Midwest Democracy Network is an alliance of nonprofit, nonpartisan civic engagement organizations dedicated to improving the condition of democracy in Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

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## [ Executive Summary ]

Creating legislative districts is a critical element of American democracy. How the lines are drawn determines whether voters in different communities get an equal say in picking their representatives, and whether representatives feel accountable to the people who elect them.

But in most states, this critical public business takes place behind closed doors, with state legislators drawing their own maps. The inherent conflict of interest produces districts that reinforce the position of the party in power, often way beyond the actual preferences of voters. In short, the game is rigged.

In 2011, reformers set out to challenge this system in six Midwest states: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. With coordination by the Midwest Democracy Network, the reformers organized under the banner **Draw the Line Midwest** and built coalitions in each state. They wrote reports, testified at hearings, and took other steps to educate the public. They advocated for an open, transparent process using a broader range of map-drawing criteria, so that new districts could provide fair representation and reflect the competitiveness of politics in these states.

Draw the Line Midwest reformers succeeded in putting a public spotlight on redistricting. They also won some modest changes; most states, for example, held more public hearings than they had in the past. But overall, 2011-2012 redistricting in the Midwest remained secret and partisan. The public and the minority party were shut out of the actual map-drawing. Politicians in power – Republicans and Democrats – drew the districts to gain maximum political advantage, sometimes with startling results. In Wisconsin, for example, Democrats won majorities of 2012 votes cast for the state legislatures but Republicans took the majority of seats. Only Minnesota, where the partisan process stalemated and the courts took over, ended up with an open process; seats in that state’s legislature closely track the votes cast in the November 2012 elections.

Draw the Line Midwest reformers recommend the following steps to restore public control and fairness to the redistricting process:

**Open up the process:** Redistricting should occur in an open and transparent manner and the public should have access to all relevant data.

**Set clear criteria fully communicated to the public:** Criteria should balance competitiveness, preserving communities of interest, and respecting minority voting rights.

**Solicit meaningful, informed public input:** A significant number of public hearings should be held before and especially after maps are proposed.

**Take the process away from partisan control:** Redistricting should be carried out by carefully crafted independent commissions.

**End prison-based gerrymandering:** State and local officials should use prisoners' home addresses for redistricting purposes.

Redistricting reforms can address some of today's inequities and abuses. But some problems are inherent in the current election system. Winner-take-all elections in single member districts give clout to the winning party beyond its actual numbers in a district and leave the minority underrepresented. To improve representativeness, responsiveness, and citizen engagement, it may be time to consider alternatives like accountability seats, ranked choice voting, and cumulative voting – as well as how such alternatives can protect voting rights of minorities.

Reform advocates should begin now to work for changes in 2021 and beyond. Linking legislative action (or inaction) on key issues like education, pensions, taxation, or health care to the stacked deck of legislative and congressional districts can help create a coalition for reform. Work to ensure a full count in the 2020 Census is important. Reformers can also link up with criminal justice activists, communities of color, and others to require that corrections officials keep better records so prisoners can be counted in their home districts, and explore state legislation to protect voting rights and increase opportunities for candidates of color.

If we expect to have fair districts – and allow the voters to actually choose their representatives rather than the other way around – we have to change the rules for redistricting. Replacing winner-take-all elections with proportional representation methods should also be explored; such remedies can expand opportunities for representing people of color and improve policy deliberations as governmental bodies better reflect the growing diversity of our region.

[ SECTION A ]

# Redistricting:

A Rigged Game  
on Too Narrow a Field

## [1] Overview

Every ten years, once the U.S. Census numbers are in, elected officials in the Midwest redraw their own districts, and those of their state's congressional delegation, to reflect population shifts. Though drawing new district maps doesn't attract the same public attention as elections and legislative sessions, in fact it's one of the most fundamental processes in our democracy.

How the lines are drawn determines whether voters in different communities get a meaningful say in picking their elected officials, and whether representatives feel accountable to the people who elect them. Such an important process should be open and transparent with a premium placed on the public interest. Instead, redistricting is a rigged game conducted almost entirely in secret and engineered for partisan political advantage. This is described in **Chapter 2, The Most Fun Anyone Could Have in Politics and Not Go to Prison.**

In 2010, reform advocates in Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin decided to challenge this dysfunctional system of mapmaking. Working together through the Midwest Democracy Network with support from the Joyce Foundation, groups in these states launched an ambitious and unprecedented regional campaign to engage in the redistricting process: Draw the Line Midwest. This report draws lessons from this regional effort. It conclusively documents the systemic failing of current redistricting procedures – regardless of which party draws the lines - in this diverse set of six states. Work in each state is summarized in Chapter 2, with more details provided in Section B.

**Chapter 3, Midwest Redistricting 2011-2012: Still Secret, Still Highly Partisan** shows how Democratic and Republican politicians proved equally adept at manipulating district maps, and documents the need for reforms beyond just transparency improvements.

**Chapter 4, Fixing the Rigged Game** recommends improvements to redistricting criteria and processes, and suggests that establishing independent commissions can help remedy the inherent conflict of interest of having elected officials draw their own districts.

**Chapter 5, Beyond Redistricting: Broadening the Field** considers electoral system alternatives that in some settings may better ensure fair representation and protect voting rights of communities of color. As Chapter 5 makes clear, redistricting is part of a bigger picture. Our legislative districts are represented by a single member elected in a winner-take-all vote. By contrast, most other western democracies have proportional representation, with electoral systems that enable minority parties or interest groups to win their fair share of a legislative body. Minority in this context can include unaffiliated voters, groups of concerned about a particular issue, members of minor political parties, Republicans in urban areas dominated by Democrats, or Democrats in rural districts dominated by Republicans. Minority can also of course refer to people of color, many of whom have historically been denied the right to vote. Protection of the Voting Rights Act is very important; Chapter 5 also discusses options to increase its effectiveness. Regardless of how minority is defined, fair representation depends on electoral systems that effectively translate “votes into power.”<sup>1</sup>

**Chapter 6, Start Working Now for Change in 2021 and Beyond** discusses the need for education and organizing now to advance reforms prior to a full Census count in 2020 and redistricting in 2021. Opportunities to adopt alternative electoral systems can also be explored, particularly in local government jurisdictions where, depending on state law, significant reform may be more feasible.

<sup>1</sup> Kathleen L. Barber., p. 310 , *Proportional Representation & Election Reform in Ohio*, Ohio State University Press, 1995.

## [2] The Most Fun Anyone Could Have in Politics and Not Go to Prison

### THE RIGGED GAME

In a farewell speech, Ohio State Senator Jeff Jacobson called his involvement in drawing new district lines in 2001 “the most fun anyone could have in politics and not go to prison.”<sup>2</sup> An academic expert on redistricting goes even further, likening his work to that of an anthropologist observing cannibals: “I have to replace normal human reactions of disgust and revulsion with fascination and curiosity. It’s the only way I can cope.”<sup>3</sup>

That’s because politicians in power, both Democrats and Republicans, are ruthless in drawing the lines to maximize their own advantage. They pack their opponents’ supporters into the fewest possible districts, and scatter the rest in districts where they’re a clear minority. They draw lines to favor incumbent legislators. Until passage of the Voting Rights Act in 1965 and subsequent litigation, they routinely broke up communities of color, keeping their representation to a minimum. They hold occasional public meetings, but do the real business behind closed doors.

Decade after decade, the process produces lopsided and distorted maps that advantage one side over another – sometimes in startling ways. In the 2012 elections, Democratic candidates won 53 percent of votes for the lower house of the Wisconsin legislature – but Republicans, who had controlled redistricting, ended up with 61 percent of the seats. Elsewhere, imbalances didn’t actually overturn majority votes, but still distorted the result: Illinois Democrats, who had controlled redistricting, got 55 percent of votes for that state’s members of Congress but took two-thirds of the seats. In Ohio, where the GOP controlled the map drawing, Republicans got 51 percent of the votes but make up three-quarters of the state’s congressional delegation.

The process generally leaves few areas with enough balance to be genuinely competitive. To take one example: in the 2012 election, conducted after redistricting, 51 percent of the races for the Illinois senate and 58 percent of house races were uncontested. In between bouts of redistricting, incumbents keep getting re-elected, in part because they’ve drawn districts they know they can win. In effect, the legislators pick the voters, not the other way around. In Illinois, 104 out of 105 congressional incumbents were re-elected between 1998 and 2008. In Indiana, incumbents won 42 consecutive victories from 1996 through 2004. Over a 20-year period in Michigan, congressional incumbents won 97 percent of their re-election contests. In Minnesota from 1994 to 2010, 68 of 73 congressional incumbents won re-election. In Ohio, only one incumbent lost a general election between 1997 and 2008 in 97 out of 98 contests. The pattern can change in years of major upheaval: in November 2010, five incumbent Democrats in Ohio, four in Illinois, and one in Indiana lost their seats.<sup>4</sup> In 2012, 78 percent of incumbent members of Congress in the Draw the Line Midwest states won re-election. This

<sup>2</sup> <http://www.ohiovote.com/>

<sup>3</sup> Robert McCartney, “Virginia case highlights need to stop gerrymandering by GOP, Democrats alike,” *Washington Post*, January 26, 2013. [http://www.washingtonpost.com/local/virginia-case-highlights-need-to-stop-gerrymandering-by-gop-democrats-alike/2013/01/26/2f7cf0ac-6748-11e2-93e1-475791032daf\\_story.html](http://www.washingtonpost.com/local/virginia-case-highlights-need-to-stop-gerrymandering-by-gop-democrats-alike/2013/01/26/2f7cf0ac-6748-11e2-93e1-475791032daf_story.html)

<sup>4</sup> FairVote, “Monopoly Politics 2012: The Partisan Landscape of Elections to the U.S. House of Representatives,” July 2012, <http://www.fairvote.org/monopoly-politics-2012#StateAnalyses>

percentage will likely increase in 2014, now that the immediate effects of redistricting on individual members have been resolved (some retired rather than run in unfavorable new districts, while others were forced to face off against colleagues of their own party in primary elections). Incumbents also have significant advantages in all six state legislatures, though this pattern is affected by term limits in Michigan and Ohio.

Typically the only significant challenge comes if an incumbent strays too far from party orthodoxy by, for example, pursuing a new approach or compromising to get legislation passed — in that case, the heresy opens them to a challenger from the left (in Democratic districts) or right (in GOP districts).

State legislatures and Congress face enormous issues: sluggish economic growth, budget crises, underfunded pensions, immigration, education, energy, taxes, and others. But in the current intensely partisan atmosphere, legislators seldom risk independent thinking or compromise to get the public's business done, in part because they have little incentive to appeal to the political center or win over voters of the other party. Parties either face off in perpetual gridlock, or ram through changes on a highly partisan basis that produce lasting bitterness.

Polls now routinely show that the public is disgusted with the result. In August 2012 public approval of Congress stood at 10 percent.<sup>5</sup> Recent polls in Michigan and Minnesota found broad support for changing the way district lines are drawn to reduce partisanship and bring fairer representation. Whether one's vision is limited government or activist government, when major public concerns go unaddressed and large numbers of people feel their voices are unheard, confidence in our democracy is seriously undermined.

### **MIDWEST REFORMERS: OPEN UP THE PROCESS**

Draw the Line Midwest was a regional project that sought to change the way electoral lines are drawn in a way that is fair, accountable and reflects the diversity of the populace. Reform groups believed that opening up the process to public scrutiny and participation would produce better results in 2011-2012 and lay the groundwork for future reforms.

States involved in Draw the Line Midwest include several familiar “battleground” states in American politics and states with recent political turmoil: Ohio, Michigan, Minnesota, and Wisconsin, along with Illinois and Indiana. During 2011 redistricting seven Democrats and five Republicans represented the region in the U.S. Senate. Four states had Republican Governors – all of whom were preceded by Democrats – and one of the two Democratic Governors was preceded by a Republican. All six states voted for Democrat Barack Obama in 2008. Five had legislatures controlled by Republicans during the 2011 redistricting process.

<sup>5</sup> Gallup Poll, <http://www.gallup.com/poll/156662/Congress-Approval-Ties-Time-Low.aspx>

## State Reform Coalitions

[Illinois Campaign for Accountable Redistricting](#)

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[Draw the Line Indiana](#)

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[Michigan Redistricting Collaborative](#)

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[Draw the Line Minnesota](#)

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[Ohio Campaign for Accountable Redistricting](#)

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[Draw the Line Wisconsin](#)

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Reformers argued that redistricting should produce legislatures that reflect the genuine competitiveness of politics in these states. Coalition participants included political reform groups and allies, including several organizations focused on civil rights. Many had worked on earlier efforts to make sure Midwestern residents were fairly counted by the 2010 Census, which reapportioned seats in Congress (in the end, the region lost four seats – two in Ohio and one each in Illinois and Michigan). Reformers organized coalitions including independent political reform groups, such as Wisconsin Democracy Campaign and Illinois Campaign for Political Reform, state chapters of the League of Women Voters and Common Cause, community-based organizations like Citizen Advocacy Center and Asian American Institute, and nonprofit membership groups, notably Minnesota Council of Nonprofits and Michigan Nonprofit Association.

Coordinating efforts and resources was the Midwest Democracy Network, an alliance of public interest and political reform groups in the six states. The campaign also drew on significant national resources. These included the Brennan Center for Justice at New York University School of Law, which published *A Citizen's Guide to Redistricting*. Also important was new technology that put tools for mapmaking into citizens' hands: District Builder software, developed by the Public Mapping Project, a partnership between Dr. Michael McDonald of George Mason University, Dr. Micah Altman of Harvard University, and Azavea, a Philadelphia-based software design company.

At the state level, groups built alliances and strategies to respond to local political conditions. They wrote guest columns, conducted meetings, held media events, issued news releases, distributed informational booklets, set up websites, and generally helped increase public awareness.

In Illinois, work began in late 2009 when that state's League of Women Voters started gathering signatures to place a state constitutional amendment for redistricting reform on the ballot for November 2010. Though unsuccessful, this effort contributed to new legislation intended to protect minority voting rights and ensure more public hearings as part of the remapping process. The Illinois Campaign for Accountable Redistricting conducted community forums and extensive public education and outreach efforts to encourage citizens to attend public hearings and voice their ideas for fair mapping.

Ohio reformers pushed legislation through the house and senate during the 2009-2010 legislative session, though neither bill ultimately passed. After collecting over 400,000 signatures, reformers put Issue 2, a proposal to establish an independent redistricting commission, on the November 2012 ballot. Ohio voters, during a general election crowded with higher profile campaigns, rejected the proposal.

In Indiana, Minnesota, and Wisconsin coalitions recruited citizen commissions to monitor and critique the process, educate the public, evaluate maps, and advocate for change. Draw the Line Indiana organized an 11-member Indiana Citizens Redistricting Commission. The group held ten meetings to educate the public and gather input on redistricting criteria and presented their report to legislative committees. The 15-member Minnesota Citizens Redistricting Commission held 18 public meetings, gathering testimony from more than 300 individuals. In its final report the commission offered sample maps and redistricting principles culled from public input.<sup>6</sup> In Wisconsin prominent Republicans, Democrats, former journalists, and academic leaders joined the Make Our Votes Count committee to monitor the legislative redistricting process and advocate for a nonpartisan approach in the future.

One powerful tool was web-based map drawing: coalitions in Michigan, Minnesota, and Ohio organized competitions to engage the public in drawing their own maps, using criteria like competitiveness and representational fairness. The Wisconsin Democracy Campaign also developed maps to illustrate alternatives to the lopsided maps produced by the legislature.

While groups had specific ideas for improving redistricting in their state, a shared goal was transparency. Draw the Line Midwest groups sought to raise the public's awareness of the importance of the once-a-decade mapmaking and open up legislative machinations to scrutiny and public input. A transparent and open process, they argued, should allow for a more honest and fair outcome, based on widely available information. Members of the public should have a chance to raise their concerns, and public officials should have to explain their decisions and be held accountable for results.

<sup>6</sup> Draw the Line Midwest, "New Report Shows Minnesotans Want Public Input, Communities of Interest to Shape Redistricting," posted October 21, 2011, recovered June 26, 2012.  
<http://drawthelinemidwest.org/minnesota/commission-redistricting-report/>

**HOW SHOULD DISTRICTS BE DRAWN?**

The criteria used in redistricting influence the extent to which new districts fairly represent the voting public. These guidelines vary in each state; some are included in a state's Constitution while others are statutory and more open to modification.

Under the U.S. Constitution all states must draw districts of roughly equal population, and they must comply with Section 2 of the Voting Rights Act, which prohibits practices that diminish the voting rights of racial or ethnic minorities. As discussed below, the Voting Rights Act, though very important, has been interpreted by "the Supreme Court to only require creation of majority minority districts, and only after certain factors have been met"<sup>7</sup>.

Compared to other states, Draw the Line Midwest states rely on a relatively small number of guidelines:

**Contiguity:** All six states require that legislative districts be contiguous. This is the only guideline governing drawing new legislative districts in Indiana. This criterion does not apply to congressional redistricting in Illinois or Indiana.

**Representing political entities:** Minnesota, Ohio, and Wisconsin require nesting state house districts within senate districts. Michigan, Minnesota, Ohio, and Wisconsin also specify that local political boundaries (townships, counties, etc.) should be respected where possible.

**Compactness:** Illinois, Michigan, Ohio, and Wisconsin apply this criterion for legislative districts; Illinois does not, however, apply it to congressional districts. Civil rights groups worry that emphasizing this criterion can undermine efforts to increase representation of geographically dispersed communities of color.

Reformers, both in the Midwest and nationally, have proposed additional criteria, including:

**Preserving communities of interest:** 24 states, though none in this region, direct mapmakers to group together (or avoid splitting up) people with common interests that might be affected by legislation. Other guidelines, such as respecting local political units and consideration of transportation corridors and geographic features like rivers, are sometimes seen as proxies for communities of interest.

**Neutrality toward incumbents:** Stacking the deck to give one party's incumbents safe seats, and to make opponents' seats more challenging (or even draw them out of the districts they've served), is a common practice in partisan-led redistricting. Minnesota's 2011 Special Judicial Panel sought to keep incumbency out of consideration.

**Competitiveness:** Arizona and Washington include political competitiveness among other criteria. Seven states include prohibitions against line drawing for partisan advantage, either generally or in regard to any particular candidate or incumbent, while one (Rhode Island) mandates "fair representation."

Variation both within and outside the region suggests that there is no perfect formula for setting redistricting criteria. Draw the Line activists during 2011 offered criteria for their states depending on statutory mandates and local conditions.

<sup>7</sup> MALDEF, Mexican American Legal Defense and Educational Fund, "Legal Analysis of the Illinois Voting Rights Act, the Redistricting Transparency and Public Participation Act, and Efforts to Make Redistricting More Equitable for Latinos in Illinois." January 15, 2013.

### **POLITICIANS DRAW THE BLINDS AND DO THE DIRTY WORK**

As the process played out in 2011-2012, the reformers' modest shared goal of transparency proved unacceptable for Midwest politicians. Legislators did hold public meetings, but these were often a charade to hide what they were doing in private.

And what they were doing was brass-knuckle politics. Reformers' proposals for competitive districts drawn without regard to partisan advantage or incumbent protection went largely unheeded. In all five states where one party controlled the reins of government in 2010, that party used the redistricting process to gain the maximum political advantage. In Indiana, reformers did achieve some policy changes: more public hearings and incumbent-blind house districts; but the process and the outcome were still dominated by partisan considerations. The one state that produced a more evenly balanced map – Minnesota – did so not out of reformist spirit or political compromise, but because the Democratic governor vetoed maps drawn by the GOP-controlled legislature, forcing the courts to step in.

Chapter 3 tells this dispiriting story. Detailed state-by-state accounts are in Section B.

### [3] Midwest Redistricting 2011-2012: Still Secret, Still Highly Partisan

As Draw the Line Midwest advocates worked to encourage public participation, politicians worked to keep the process hidden. Demands for a more open process were largely ignored and concerns about competitiveness and fair representation took a backseat to politics. Politicians in power used redistricting to gain maximum political advantage – an advantage that will dramatically affect who makes our laws throughout the next decade and beyond.

#### **Finding 1. DEMOCRATIC AND REPUBLICAN POLITICIANS WERE EQUALLY ADEPT AT MANIPULATING THE MAPS.**

The redistricting process in Indiana, Michigan, Ohio, and Wisconsin was controlled by Republicans. In Illinois, the process was controlled by Democrats. In Minnesota, the Republican legislature was subject to a veto by a Democratic governor, so neither political party had complete control.

In all five states where there was total control by a single party, the majority party shut out the minority. Not only were the districts drawn to favor the party in power, but the minority party had little or no input. They didn't even see the maps until nearly all significant decisions had been made in private and the maps were unveiled publicly.

In Wisconsin the redistricting process was kept secret from the opposition party even after the maps were finalized. In a lawsuit brought by Democrats, a three-judge federal panel chastised the legislature for refusing to turn over records about how Republican lawmakers drew legislative districts: "Quite frankly, the Legislature and the actions of its counsel give every appearance of flailing wildly in a desperate attempt to hide from both the court and the public the true nature of exactly what transpired in the redistricting process."<sup>8</sup>

In Minnesota, the process ran into partisan gridlock. The Republican-controlled legislature approved new districts with little input by the public or the minority party. The Democratic governor vetoed the legislation. The legislature lacked the votes to override the veto. Neither side compromised. The matter went before the Minnesota Supreme Court, which appointed a Special Judicial Panel to draw the districts. The panel's plans, which were adopted by the Supreme Court, produced "significantly more competition than we saw in the maps drawn by the parties," according to Mike Dean, then-executive director of Common Cause Minnesota.

<sup>8</sup> Stein, "Judges again rule for Democratic group in redistricting case" (Jan. 3, 2012), *Milwaukee Journal Sentinel*.

**Finding 2. MAPS WERE KEPT SECRET UNTIL THE LAST MINUTE AND ONCE UNVEILED WERE RACED QUICKLY TO APPROVAL.**

All six Draw the Line states place the responsibility for establishing new districts in the hands of their legislatures.<sup>9</sup> Normally it takes many months to move legislation through state legislatures. Bills are referred to a committee, which holds hearings and deliberates before deciding whether to send the proposed legislation to the house or senate. After being approved by one chamber, a bill must go through a similar process in the other chamber, and then be signed by the governor, before it can become law. This allows time for the public and interested groups to weigh in before decisions are made.

In 2011-2012 redistricting, this deliberative process was consistently short-circuited. In Illinois, Minnesota, and Ohio, legislative committees voted to approve congressional maps one day after the maps were made public. In Wisconsin, the legislature changed state law to expedite the process so they could draw maps before summer recall elections.

The following chart compares how many days elapsed from the time maps were unveiled until they were first voted on in committee, and then approved by the legislature:

State Legislative Districts	IL	IN	MI	MN	OH	WI
# of days between release of map and 1st vote	5	7	6	1	5	7
# of days between release of map and approval by legislature	10	17	12	15	5	13

Congressional Districts	IL	IN	MI	MN	OH <sup>10</sup>	WI
# of days between release of map and 1st vote	1	7	4	1	1	7
# of days between release of map and approval by legislature	2	18	12	6	8	13

<sup>9</sup> Ohio is a partial exception: their legislature draws new congressional districts, but an Apportionment Board comprising two legislators (one from each political party) and three statewide elected officials (Governor, State Auditor, Secretary of State) is responsible for revising state legislative districts.

<sup>10</sup> Ohio numbers refer to the approval of HB 319, which was introduced on Sept. 13 and approved by the full legislature on Sept. 21 to establish Ohio's congressional districts. However, Ohio slightly revised its congressional districts by repealing HB 319 and passing HB 369 on Dec. 15, the result of backroom negotiations among legislative leaders, all conducted outside of public view.

This legislative speed was about secrecy, not efficiency; the quicker the vote, the less time for public scrutiny. Advocates in each state requested that officials post the maps on a public website with significant advance notice to allow for meaningful review by the public and the press before the vote; these requests were ignored.

In Wisconsin secrecy extended even to members of the majority party: before GOP lawmakers were permitted to see the yet-to-be-released maps and analyze their election prospects, they had to sign confidentiality agreements to keep the information from becoming public.<sup>11</sup>

**Finding 3. WHEN MAPS WERE UNVEILED, INFORMATION TO ASSESS THE POLITICAL IMPACT OF THE PROPOSED DISTRICTS WAS WITHHELD.**

A district is more than lines drawn on paper. Boundaries need to be examined to determine the precise borders, what communities are divided, and how this affects voters' ability to choose their representatives. Party mapmakers use sophisticated political indexes based on the results of prior elections to calculate how adjusting district boundaries can affect their political party. Yet, when the maps were unveiled in the Draw the Line states, the political indexes were not made available to the public, thus keeping secret much of the real reason for proposing specific district boundaries.

Because advocates had their own computer software, they were able to evaluate the proposed districts quickly. Wisconsin advocates determined that only 16 of 132 originally proposed state legislative districts would likely be competitive.<sup>12</sup> Public record requests in Ohio and Wisconsin documented how the map drawers, working outside public view, used political indexes to draw districts for maximum political advantage.<sup>13</sup> A public records request was considered in Indiana but rejected because the political data would have arrived only after redistricting was over. In Illinois, important draft documents, such as district plans and background information used in the redistricting process, are exempt from disclosure under the state Freedom of Information Act.

<sup>11</sup> Marley, Bice, Stein, "Lawmakers were made to pledge secrecy over redistricting," *Milwaukee Journal-Sentinel* (Feb. 6, 2012).

<sup>12</sup> For a discussion of what constitutes "competitiveness," see page 26.

<sup>13</sup> Ohio advocates issued a comprehensive transparency report which documents some of these findings. See "The Ohio Transparency Report" (Dec. 12, 2011), available at <http://drawthelinemidwest.org/ohio/transparency-report/>

**Finding 4. POLITICIANS MADE AN EFFORT TO APPEAR THAT THEY WERE ENGAGED IN AN OPEN PROCESS, BUT THE REAL EFFORT OF ENGAGING CITIZENS WAS UNDERTAKEN BY CIVIC AND COMMUNITY GROUPS.**

In several states officials held public hearings and cited them as evidence of an open process. Most of these hearings, though, were held before maps were released for public review. Without a meaningful number of hearings on proposed maps, these “pre-map” hearings were an empty exercise if not an outright sham.

There is a role for hearings after Census results are in and before proposed maps are available, especially if legislators hold them across the state to get local input about adjusting districts to reflect population changes. In 2011, citizens and public interest groups used such hearings to advocate for development of nonpartisan criteria for evaluating districts. However, officials generally failed to adopt clear guidelines, other than to say they would create fair and constitutional maps.

And once the maps were released and could be evaluated, there was essentially no opportunity for public input. Typically the map drawers held only the minimum number of committee hearings required under the legislative process.

The following chart compares for each state the number of hearings which allowed public testimony before and after the maps were released:

State Legislative Districts	IL	IN	MI	MN	OH	WI
# of hearings allowing public testimony PRIOR to release of map	28	9	2	3	11	0
# of hearings allowing public testimony AFTER release of map	3	4	4	2	1	1

Congressional Districts	IL	IN	MI	MN	OH	WI
# of hearings allowing public testimony PRIOR to release of map	0	* <sup>14</sup>	0	3	6	0
# of hearings allowing public testimony AFTER release of map	0	*	2	2	4	1

While the official bodies provided required notice of their public meetings, it was Draw the Line Midwest groups who actually worked to get the public involved. These groups publicized the redistricting process and testified at public hearings. They wrote guest columns, conducted meetings, held media events, issued news releases, distributed informational booklets, set up websites, and generally helped increase public awareness.

<sup>14</sup> Indiana’s hearings covered both state legislative and congressional district maps.

**Finding 5. POLITICAL MANEUVERING CREATED CONFUSION AROUND ELECTIONS.**

In several states the partisan maneuvering created major headaches for election administrators and potential confusion for voters.

Election officials in Wisconsin were worried, in the weeks immediately preceding the February 21, 2012 primary, about whether voting would be able to proceed. Errors in reconciling Census data with the new districts resulted in thousands of voters being assigned to incorrect voting wards (precincts). It appears that the inaccuracies in the voter information were known by state election officials, possibly as early as August 2011, but only publicly acknowledged much later.<sup>15</sup> The legislature's haste in drawing new districts contributed to this confusion as, for the first time, the General Assembly drew its own districts without regard to local ward maps, some of which had already been approved.

The Ohio congressional primary election date was changed back and forth between March, May, June, and back to March due to new districts, a possible referendum, revised districts, and political maneuvering. In December, the legislature repealed the congressional districts it had approved in September, changed the date of the election, and required candidates who had already filed petitions to run in a June primary (in districts adopted in September 2011) to file new petitions to run in the March 6 primary (in the newly revised districts).

The Minnesota Supreme Court Special Judicial Panel issued new districts on February 21, 2012. Since Minnesota's primary is in August this situation was not as chaotic as in Wisconsin and Ohio, but it still created uncertainty at precinct caucuses, held on February 7, 2012, where delegates to party endorsement conventions were selected.

Most such problems could likely have been avoided if there had not been such determination to work in secrecy and haste.

<sup>15</sup> Wisconsin Government Accountability Board memo to municipal clerks November 18, 2011 – <http://gab.wi.gov/node/2113>; Wisconsin Government Accountability Board meeting materials, [http://gab.wi.gov/sites/default/files/event/74/august\\_2\\_2011\\_open\\_docs\\_part\\_4\\_pdf\\_10898.pdf](http://gab.wi.gov/sites/default/files/event/74/august_2_2011_open_docs_part_4_pdf_10898.pdf), pages 202-203.

## How Democrats won the November 2012 popular vote but lost the Congress

In November 2012 congressional elections, Democrats outvoted Republicans (49.1 to 48.1 percent), but Republicans retained control of the House, taking 54 percent of the seats.<sup>1</sup> Initial analysis focused, not inappropriately, on the role of redistricting by many Republican-controlled legislatures after election victories in 2010.

Analysis by political scientists, however, indicates that redistricting was not the only factor. Professor Eric McGhee found that “redistricting explains less than half the gap between vote share and seat share this election cycle.”<sup>2</sup> Professor John Sides found “slightly greater effects of partisan gerrymandering, but also a persistent bias in favor of Republicans,” due to skewed geographic distribution of the population that puts “Democrats at an inherent disadvantage.”<sup>3</sup> Analysis by Jowei Chen and Jonathan Rodden suggests that redistricting criteria like compactness, contiguity, and respect for municipal boundaries can contribute to a “pro-Republican electoral bias that emanates from the distinct voter geography” found in “urbanized states with substantial rural peripheries.”<sup>4</sup> In other words, Democratic voters tend to be concentrated more in urban areas.

Other analysts highlighted the effect of winner-take-all elections in single-member Congressional districts. Election results are obviously also affected by incumbent candidates, fundraising prowess, scandals, and other political dynamics.

Sides and McGhee stress that they do not deny the role of gerrymandering or defend current redistricting procedures. They support independent redistricting commissions and feel the need for them is increasing.<sup>5</sup>

Their analysis, however, demonstrates that many factors affect representation and elections and it is prudent for reformers to consider a range of strategies to achieve fair and effective representation along with redistricting reform.

<sup>1</sup> REDMAP 2012 Summary Report [http://rslc.com/\\_blog/News/post/REDMAP\\_2012\\_Summary\\_Report](http://rslc.com/_blog/News/post/REDMAP_2012_Summary_Report)

<sup>2</sup> Eric McGhee, “Redistricting does not explain why House Democrats got a majority of the vote and a minority of the seats,” November 14, 2012, <http://themonkeycage.org/blog/2012/11/14/redistricting-does-not-explain-why-house-democrats-got-a-majority-of-the-vote-and-a-minority-of-the-seats/>

<sup>3</sup> John Sides, “Not gerrymandering, but districting: More evidence on how Democrats won the popular vote but lost the Congress,” November 15 2012, <http://themonkeycage.org/blog/2012/11/15/not-gerrymandering-but-districting-more-evidence-on-how-democrats-won-the-popular-vote-but-lost-the-congress/#comment-40922>

<sup>4</sup> Jowei Chen and Jonathan Rodden, “Unintentional gerrymandering: Political geography and electoral bias in legislatures,” <http://www.personal.umich.edu/~jowei/florida.pdf>

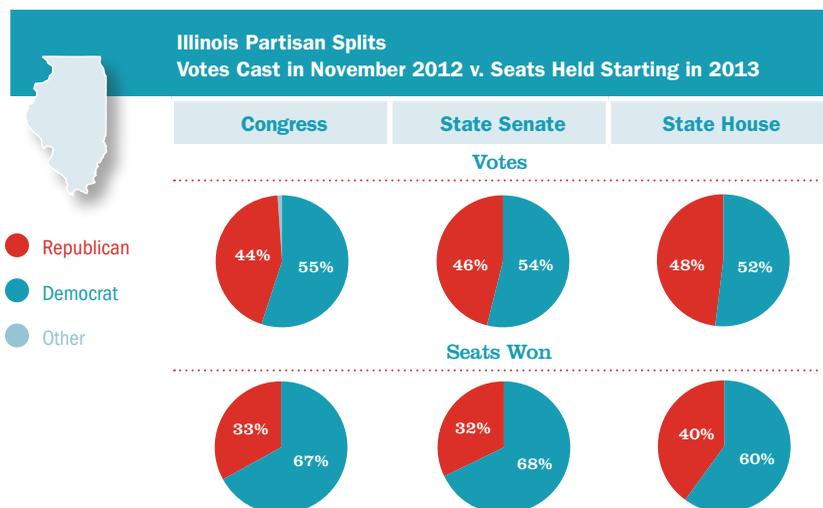
<sup>5</sup> Redistricting didn't win Republicans the House, John Sides and Eric McGhee, February 17, 2013 <http://www.washingtonpost.com/blogs/workblog/wp/2013/02/17/redistricting-didnt-win-republicans-the-house/>

## Finding 6. PARTISAN-CONTROLLED REDISTRICTING PRODUCED PARTISAN RESULTS.

Across the board, the maps produced by partisan legislators advantaged their own parties in the 2012 election.

In Illinois new legislative maps drawn by Democrats set “19 House Republican members against other GOP incumbents or [dropped] them into unfamiliar territory against Democratic lawmakers”; eight senate Republicans were drawn into districts where they had to face one another.<sup>16</sup> By comparison only six house Democrats and no senate Democrats faced an incumbent.<sup>17</sup> Analysis by Wisconsin Democracy Campaign indicated that Democrats in that state were “packed” in safe legislative districts; only seven districts leaned Democratic, compared to 23 districts that leaned Republican. WDC, which had proposed maps that would have created four times more potentially competitive districts than the official maps, commented that “The combined effect of redistricting and fundraising makes voters virtually powerless in almost all districts.” Michigan Nonprofit Association observed that, after redistricting, 96 out of 110 state house districts were so non-competitive that only primary votes matter; general election results are largely predetermined by the lopsided districts. The one exception was Minnesota, where a Special Judicial Panel drew more competitive districts instead of advantaging one party.

The following charts illustrate the difference in the partisan split of votes cast for Republican and Democratic candidates and seats won in the 2012 general election for congressional, state senate, and state house districts in each of the Draw the Line Midwest states. As discussed in the sidebar, comparing 2012 votes cast with seats won by each party must consider other factors such as demographic patterns and incumbency in addition to redistricting. The lopsidedness of many of these comparisons, however, indicates the importance of redistricting in determining election results.<sup>18</sup>

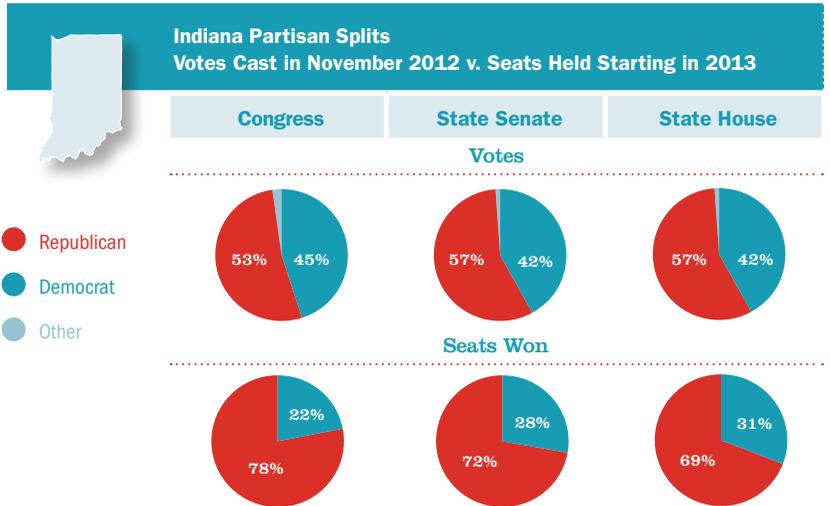


<sup>16</sup> Rick Pearson, “Assembly GOP leaders sue over Democrats’ redistricting map,” *Chicago Tribune*, July 21, 2011, [http://articles.chicagotribune.com/2011-07-21/news/ct-met-illinois-redistricting-lawsuit20110721\\_1\\_map-districts-redrawing-legislative-boundaries](http://articles.chicagotribune.com/2011-07-21/news/ct-met-illinois-redistricting-lawsuit20110721_1_map-districts-redrawing-legislative-boundaries)

<sup>17</sup> Rick Pearson, “Senate Democrats send new legislative map to governor,” *Chicago Tribune*, May 27, 2011, [http://newsblogs.chicagotribune.com/clout\\_st/2011/05/house-democrats-send-new-legislative-map-to-senate.html#more](http://newsblogs.chicagotribune.com/clout_st/2011/05/house-democrats-send-new-legislative-map-to-senate.html#more)

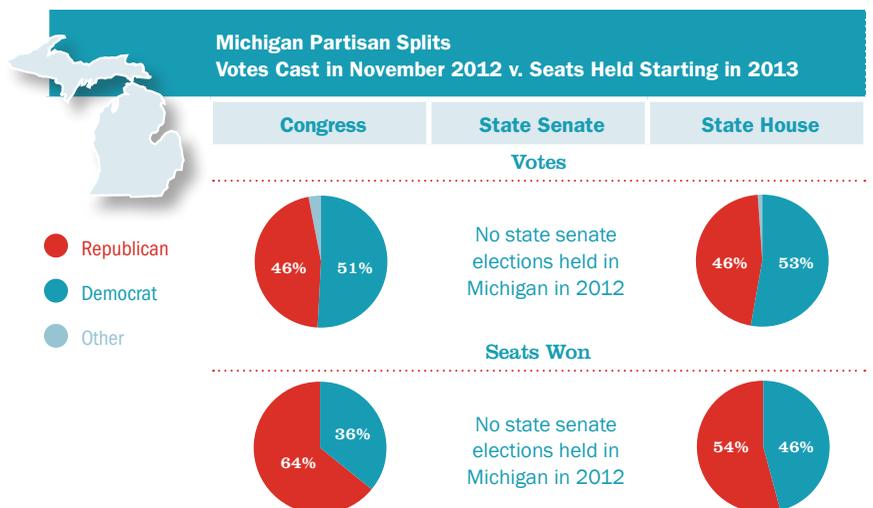
<sup>18</sup> If percentages do not add up to 100 percent in these tables it is due to minor party candidates.

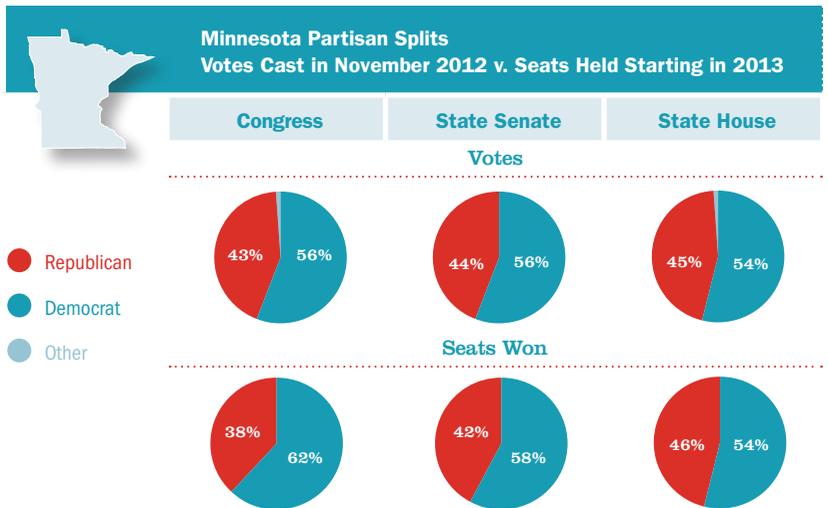
Democrats controlled redistricting in Illinois in 2011. Democratic candidates won 52 to 55 percent of votes cast in Illinois races for Congress, the state senate, and the state house – but took 60 to 68 percent of the seats. Many of the legislative races in Illinois were really decided in the primary: 51 percent of state senate races and 58 percent of state house contests were uncontested, with only one candidate in the general election.



Republicans controlled redistricting in Indiana in 2011. Republican candidates got 53 percent of votes cast for Indiana congressional candidates, but won 78 percent of those seats. In the state house Republicans garnered 57 percent of votes cast, but won 69 percent of those seats. In the state senate there were elections in 25 out of 50 districts; 57 percent of votes cast went to Republicans who won 72 percent of this set of senate seats. Many of the legislative races in Indiana were really decided in the primary; 36 percent of state senate races and 27 percent of state house general elections were uncontested.

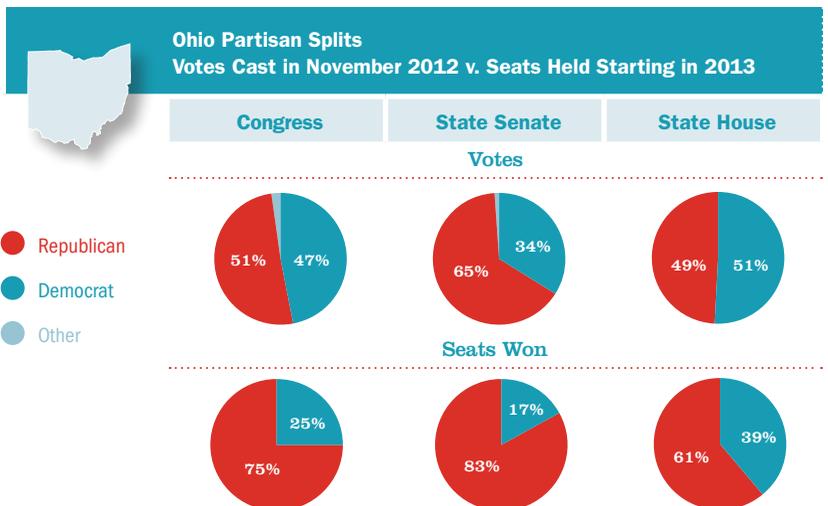
Republicans controlled redistricting in Michigan in 2011. In 2012 elections Republican candidates won 46 percent of the votes in races for Congress and the state house – but they took between 54 and 64 percent of the seats.

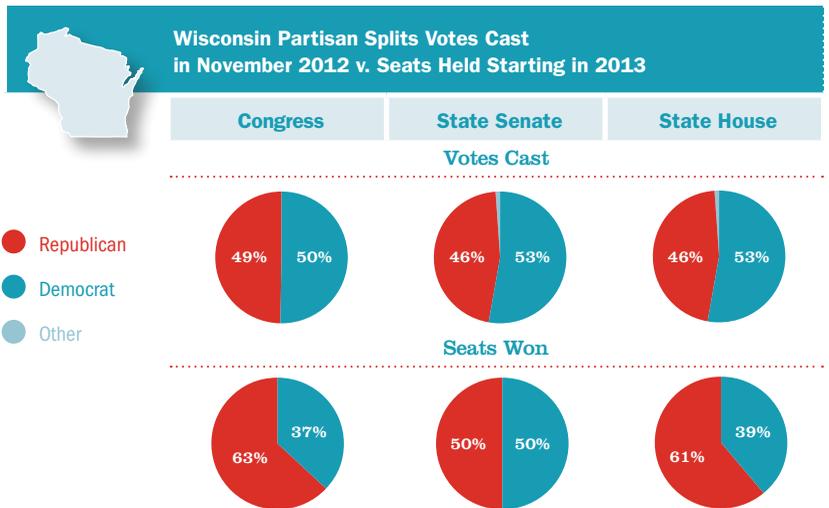




In Minnesota, the number of seats won tracks the percentage of votes cast much more closely than in other states—presumably because final district lines were drawn by a Special Judicial panel, rather than partisan elected officials.

Republicans controlled redistricting in Ohio in 2011. Republican candidates got 51 percent of votes cast for Ohio congressional candidates, but won 75 percent of those seats. In the state house Republicans garnered 49 percent of votes cast, but won 61 percent of those seats. In the state senate there were elections in 18 out of 33 districts; 65 percent of votes cast went to Republican candidates who won 83 percent of this set of senate seats. Many of the legislative races in Ohio were really decided in the primary; 27 percent of state senate races and 11 percent of state house general elections were uncontested.





Republicans controlled redistricting in Wisconsin in 2011. Republican candidates got 49 percent of votes cast for Wisconsin congressional candidates, but won 63 percent of those seats. “There is no question — none — that the recent redistricting effort distorted the vote,” said Ken Mayer, a professor of political science at the University of Wisconsin-Madison. “Nobody takes seriously the notion that the legislative plan for congressional districts wasn’t politically motivated.”<sup>19</sup>

In the state house Republicans garnered 46 percent of votes cast, but won 61 percent of those seats. In the state senate there were elections in 16 out of 33 districts; 46 percent of votes cast went to Republican candidates who won 50 percent of this set of districts. Many of the legislative races in Wisconsin were really decided in the primary; 31 percent of state senate races and 20 percent of state house general elections were uncontested.

**Finding 7. MODERN COMPUTER SOFTWARE PROVIDES TOOLS FOR THE PUBLIC TO CREATE QUALITY NON-PARTISAN MAPS.**

While technology makes it easier for politicians to manipulate districts for political advantage, it also provides the public an opportunity to participate in ways that were not possible before. In Michigan, Ohio, and Minnesota,<sup>20</sup> civic engagement groups held competitions on public websites where anyone could draw congressional and state legislative maps using Census data and voting data to illustrate possible political party advantage in a given geographic area. Hundreds of people registered on the websites for each of the three competitions – either to draw complete redistricting maps or to learn about the map-drawing process. The public maps were drawn using nonpartisan criteria, and participants had to comply with various legal requirements governing the official mapmakers.

<sup>19</sup> Kate Golden, Wisconsin Center for Investigative Journalism, “Wisconsin vote split was closer than results, Redistricting credited for GOP’s success in congressional and legislative races,” November 18, 2012, <http://www.wisconsinwatch.org/2012/11/18/2012-election-analysis/>

<sup>20</sup> The Michigan competition is available at: [www.michiganredistricting.org](http://www.michiganredistricting.org). The Ohio competition is available at: [www.drawthelineohio.org](http://www.drawthelineohio.org).

The Michigan and Minnesota competitions were judged by experts under specified nonpartisan criteria, including compliance with Voting Rights Act concerns. The Ohio competition also factored in Voting Rights Act concerns and used a mathematical scoring system comparing maps on compactness, preserving county and municipal boundaries, competitive districts, and representational fairness. Maps generated through these websites were provided to state officials.

While largely ignored by official mapmakers, the competitions helped demonstrate that districts could be drawn that met legal requirements and achieved nonpartisan goals. This made it more difficult for legislators to claim that the legal requirements forced them to create inappropriately contorted districts. The software also provided a means to evaluate districts created through the official process. In Ohio, organizers used the competition criteria to evaluate the maps proposed by the legislature and Apportionment Board. Remarkably, the legislature's congressional district map scored lower than all 53 maps submitted by members of the public.

In other words, redistricting competitions demonstrated that the partisan advantage seen in the charts in the previous section could have been avoided or at least minimized.

**Finding 8. THROUGHOUT THE MIDWEST, MEMBERS OF THE PUBLIC AS WELL AS SCHOLARS AND EDITORIAL BOARDS ARE CALLING FOR A MORE OPEN REDISTRICTING PROCESS.**

“The people who own these maps are the taxpayers, and the interests the mapmakers should be looking out for are those of voters.”

*“Redistricting needs change,”  
Kokomo [Indiana] Tribune (Jan. 31, 2011).*

“Redistricting as it is done in Wisconsin is the cynic’s playground. Sound public policy, fair representation and good government are tossed out the window as politicians and their lawyers redraw congressional, legislative and local districts. It’s pure politics, with those little devils feverishly drawing and redrawing lines to make sure their jobs are safe and the jobs of their opponents aren’t.”

*“It’s time for an independent commission,”  
Milwaukee Journal-Sentinel (July 23, 2011).*

**[ Do prisons count? ]**

The Census Bureau counts people in prison where they are jailed rather than at their last pre-incarceration address, thus including people who have no connection to the district's other residents or its community welfare. This practice is inconsistent with many court decisions and state laws indicating that a temporary absence does not change a person's residency status.

This distortion can be especially striking in local jurisdictions. In Anamosa, Iowa during the last decade, City Council Ward 2 included 1,300 prisoners among its voting age residents – so that the 100 people who were actually residents of the ward got representation equal to other wards with 1,400 residents. In 2006, just two write-in votes were enough to elect the city council member for Ward 2.

In Minnesota, the City of Waseca includes a council district with a population that includes 34.5 percent incarcerated prisoners; a Waseca County Commission district includes 27.2 percent prisoners. In Ohio, the city of Marion has a council district with a population that includes 74.5 percent incarcerated prisoners. In Mansfield there is a council district with a 50 percent prison population. The City of Marysville has a council district that includes 47 percent prisoners. In Illinois, LaSalle County has a commission district with a population that includes 34 percent incarcerated prisoners. The city of Pittsfield has a council district that includes 30 percent prisoners. After the 2000 Census, Wisconsin counted 8,249 – mostly Black and Latino – residents of Milwaukee as residents of prison towns far from that city.<sup>5</sup>

<sup>5</sup> Analysis provided by the Prison Policy Initiative, October 2012

By shining a spotlight on redistricting, reformers hoped to create demand for future reforms. In this they succeeded. In every state, not only civic engagement and community groups, but academics, former public officials, and other experts on the redistricting process have all repeatedly voiced the need for change. Major newspapers in every state called for reform. Headlines included: “Get partisanship out of redistricting,” “Too many voters lost between the lines,” “Redistricting games threaten democracy,” and “Congressional districts are a creature of partisan politics.”

**Finding 9. IMPROVING TRANSPARENCY IS IMPORTANT, BUT OTHER REFORMS ARE ALSO NEEDED.**

Few public officials acknowledge that political advantage is their goal in redistricting. Instead, they claim they are drawing fair and constitutional maps. Because they work behind closed doors, no one can monitor what they're doing.

Illinois Democratic Representative Barbara Flynn Currie, the house majority leader, acknowledged that partisanship did play a role in drawing Illinois maps, though she said that districts are competitive: “Yes, partisanship does play a role in the drawing of House and Senate districts, but while we believe this plan is politically fair, we don't deny that partisan concerns from time to time played a role.”<sup>21</sup>

Republican U.S. House Speaker John Boehner, who played a major role in Ohio redistricting, acknowledged the advantages to his party: “redistricting across the country has helped those freshmen members and others in tough seats who will now have better seats.”<sup>22</sup>

The underlying principle of a representative democracy is that the voters choose their representatives. Too often our redistricting process turns this on its head and allows the politicians to choose their voters.

Increased transparency in future redistricting is important, but more fundamental reforms must also be considered, as outlined in the next chapters.

<sup>21</sup> Rick Pearson, “Democrats defend House redistricting plan,” *Chicago Tribune*, May 22, 2011, [http://newsblogs.chicagotribune.com/clout\\_st/2011/05/democrats-defend-house-redistricting-plan-.html](http://newsblogs.chicagotribune.com/clout_st/2011/05/democrats-defend-house-redistricting-plan-.html)

<sup>22</sup> Alex Isenstadt, “John Boehner: GOP will rule House for years,” *Politico*, January 23, 2012, <http://www.politico.com/news/stories/0112/71849.html>

## [4] Fixing the Rigged Game

Despite the efforts of reformers in Draw the Line Midwest, the current redistricting process in our region is broken, secretive, dysfunctional, and fails our citizens. The lack of a comprehensive 50 state review of redistricting makes it difficult to identify best practices in other states. It's critical to find ways to break the inherent conflict of interest created when partisan officials draw their own districts. The following "big picture" recommendations can apply across the region, with policy details on each point developed at the state level.

### **Recommendation 1: OPEN UP THE PROCESS.**

*Redistricting should occur in an open and transparent manner and the public should have access to all relevant data.*

Census data and other information used in drawing new maps should be made available to the public in searchable formats. Redistricting software used in the official process should also be made available to the public, preferably online to facilitate line drawing, but at least at a public terminal at the state capitol with coaching available. Of particular importance is public access to political data. Political indexes identify the number of likely Democratic and Republican voters in a proposed district and provide insight into how competitive it is likely to be. These indexes should be made publicly available by the legislative mapmakers.

A potential timing issue arises if the districts are being drawn by independent commissions. Some reformers prefer that the commission initially draw lines without regard to political data, using the information later to review draft maps. Others may prefer that a commission have access to this information at the onset of their work. Regardless of the timing, it is critically important that the political data be publicly available at least in time to assess proposed maps.

### **Recommendation 2: SET CLEAR CRITERIA FULLY COMMUNICATED TO THE PUBLIC.**

*Creating guidelines that provide a balance between fair representation and competition is a challenging but important part of redistricting reform. Criteria should balance competitiveness, preserve communities of interest, and respect minority voting rights as specified in state laws.*

Draw the Line Midwest states currently use relatively few criteria in drawing the maps, leaving legislators with too much leeway. The appropriate mix of criteria will vary from state to state, but reformers generally suggest the following guidelines:

**Competitiveness.** Many reformers argue that a positive commitment to competition would force more candidates to meet voters in the middle with more civility and less extremism.<sup>23</sup> Public map-drawing competitions in Michigan, Minnesota, and Ohio all included competitiveness as one of their criteria.

Redistricting analysts generally identify representative statewide contests in a typical election and average votes together to evaluate partisanship of districts.<sup>24</sup> This is not an exact process, however, and variation in partisanship figures can result due to different analysts averaging votes in different sets of elections.

The competitiveness categories used by the Brennan Center for Justice are derived from review of political science literature. They distinguish between:

**Safe seats:** Districts where one party regularly receives 60 percent or more of the two-party vote in recent legislative, presidential, and state-level elections. Safe seats are not competitive. The incumbent party rarely, if ever, loses.

**Likely seats:** Districts where one party regularly receives between 55 and 59.9 percent of the two-party vote in recent legislative, presidential, and state-level elections. The incumbent party usually wins an election in a likely seat, but the opposing party still occasionally has an opportunity to wrest control. Likely seats are sometimes competitive.

**Marginal seats:** Districts where one party regularly receives between 50 and 54.9 percent of the two-party vote in recent legislative, presidential, and state-level elections.<sup>25</sup>

Marginal seats are sometimes called toss up or swing districts; they are definitely more competitive than safe or likely seats. But they are not always highly competitive: in any given election, dynamics like incumbency or scandal can make them comfortably winnable by one side.

In general, past performance cannot entirely guarantee future election results; elections are also affected by campaign organization, candidate mistakes, significant endorsements, incumbency, fundraising prowess, and other factors.

The potential for drawing competitive districts is also influenced by population patterns. For example, in some urban and rural areas voting patterns strongly favor one party or the other; safe districts in those areas reflect that reality, and are not necessarily due to partisan gerrymandering. Because of these dynamics, some reformers emphasize fair representation more than competitiveness.

**Communities of interest and fair representation.** Preserving communities of interest is a way to ensure representation of like-minded voters. It is widely used in other states but not in the Midwest,<sup>26</sup> though Minnesota's Special Judicial Panel included this criterion in 2011. 'Communities of interest' sometimes overlaps with other criteria (respecting existing political boundaries and consideration of transportation corridors and geographic features) and is sometimes used for partisan advantage. Still, many reformers argue that it's an important way to improve representation.

<sup>23</sup> See, e.g., Professor Larry Jacobs, Center for the Study of Politics and Governance at the University of Minnesota's Humphrey Institute, <http://www.minnpost.com/politics-policy/2012/02/redistricting-competition-or-safe-seats>. At the same time Professor Jacobs sees the need to preserve communities of interest.

<sup>24</sup> Personal communication with Professor Michael McDonald. This may not necessarily result in a competitive election, however, since electoral contests are influenced by incumbency and other factors.

<sup>25</sup> Sundeep Iyer and Keesha Gaskins, Brennan Center for Justice. "Redistricting and Congressional Control: A First Look," October 2012.

<sup>26</sup> <http://redistricting.ils.edu/where-tablestate.php>

## [ State Voting Rights Acts ]

Writing and implementing state Voting Rights Acts can be challenging, due to restrictions on drawing districts predominantly on the basis of race. But other compelling state interests can and should be considered. Illinois legislation, enacted in 2011, and bills contemplated in other states provide new options to address voting dilution of language or racial minorities:

- A coalition district is one where racial or language minorities have the potential, by working together, to elect a coalition candidate.
- A cross-over district is one where a minority group is less than half of the electorate, but could potentially elect a candidate of its choice with help from voters from the majority population.
- In an influence district, a racial or language minority can influence an election's outcome even if the community is not big enough to elect its preferred candidate.

Analysis by MALDEF, however, raises concerns about the Illinois law. They cite legal interpretation of Section 2 of the federal Voting Rights Act as only requiring “the creation of majority minority districts, and only after certain factors have been met” and the emphasis in the state law on “racial minorities or language minorities.” MALDEF proposes amendments to the Illinois law to include “additional factors in the creation of crossover, coalition, and influence districts. The language should be framed to protect communities of interest, with race as one of many considerations in drawing district lines.”<sup>6</sup>

California's state Voting Rights Act makes dilution of minority voting rights easier to prove, and offers protections for dispersed minorities in at-large local government jurisdictions beyond those provided in the federal Voting Rights Act.

<sup>6</sup> MALDEF, Mexican American Legal Defense and Educational Fund, *Legal Analysis of the Illinois Voting Rights Act, the Redistricting Transparency and Public Participation Act, and Efforts to Make Redistricting More Equitable for Latinos in Illinois*, January 15, 2013.

**Minority voting rights.** Districts must also be drawn in ways that protect minority voting rights in compliance with both federal and state laws. In recent years, states have been experimenting with different ways to address minority vote dilution and enhance voting rights of communities of color (see sidebar).

These approaches require careful crafting in consultation with legal experts to ensure compliance with the law and avoid unintended consequences. As the federal courts continue to evaluate the federal Voting Rights Act, state bills may help shore up minority voting rights. Work on such legislation can help reformers strengthen their coalitions in preparation for 2021.<sup>27</sup>

Discussion of state level Voting Rights Act legislation could also include consideration of electoral system alternatives that can enhance fair and effective representation for people of color as discussed in the next chapter.

**Balancing criteria.** A rigid ranking of criteria can be problematic because factors appropriate in one area may not make sense in other parts of a state. The reform organization FairVote proposes that “to the greatest extent possible, [maximizing] both representativeness and, where practicable, competitiveness, though neither goal shall be superior to the other.”<sup>28</sup>

A successful Florida ballot measure on how the legislature should draw new districts, passed in 2010, outlines two prioritized tiers of criteria, but without mandating a priority ranking within each tier.<sup>29</sup>

- (a) No apportionment plan or district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory.
- (b) Unless compliance with the standards in this subsection conflicts with the standards in subsection (a) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.
- (c) The order in which the standards within subsections (a) and (b) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection.

There is no perfect formula, and activists will need to balance criteria for their state. Summarizing other research, analysts Eric McGhee and John Sides write, “It is very difficult to achieve equal district populations, respect compactness and contiguity, respect communities of interest, avoid diluting minority voting strength, and create perfectly proportional representation or at least minimize seats-votes discrepancies.”<sup>30</sup>

In any case it is important that criteria be established before line drawing begins – unlike in Illinois where resolutions adopted on the same day as new maps revealed for the first time what redistricting principles were used beyond the publicly known legal requirements in that state.

<sup>27</sup> Thanks to Justin Levitt for his suggestions regarding state Voting Rights legislation.

<sup>28</sup> FairVote, “Model State Redistricting Reform Criteria,” <http://www.fairvote.org/model-state-redistricting-reform-criteria/>

<sup>29</sup> Thanks to Justin Levitt for pointing out this Florida language.

<sup>30</sup> *Washington Post* citing David Butler and Bruce Cain, *Congressional Redistricting: Comparative and Theoretical Perspectives*, <http://www.washingtonpost.com/blogs/wonkblog/wp/2013/02/17/redistricting-didnt-win-republicans-the-house/?print=1>; citing David Butler and Bruce Cain, *Congressional Redistricting: Comparative and Theoretical Perspectives*.

**[ California model ]**

In 2008 and 2010, California voters adopted ballot measures to establish an independent redistricting commission to draw legislative and congressional district lines. The California commission has 14 members who must reflect the state's geographic and ethnic/racial diversity; it includes five Democrats, five Republicans, and four members who register as not affiliated with any political party. Commission members are randomly selected from a pool developed through an extensive application process that includes questions about professional expertise and knowledge about California communities and the redistricting process. The Commission has a budget for staff, training, outreach, and hearings.

Several Latino groups felt that too few majority Latino districts were created in the last round, in violation of the Voting Rights Act.<sup>7</sup> The California commission's process, however, provided far more opportunities for public participation than in the past. Redistricting criteria were also improved and clearer than in the past. Legal challenges from Republican activists were not upheld. An academic analysis concludes:

*"There is little doubt that the maps produced by the California Redistricting Commission, and the process through which these plans came about, represented an important improvement on the legislature-led redistricting of 2001. The new district boundaries kept more communities together and created more compact districts while at the same time increasing opportunities for minority representation. ... [Commission maps] have the potential to modestly increase competition in California elections and the responsiveness of the legislative branch to changing voter preferences."*<sup>8</sup>

<sup>7</sup> MALDEF, Mexican American Legal Defense and Educational Fund, Legal Analysis of the Illinois Voting Rights Act, the Redistricting Transparency and Public Participation Act, and Efforts to Make Redistricting More Equitable for Latinos in Illinois; January 15, 2013.

<sup>8</sup> Vladimir Kogan (University of California, San Diego) and Eric McGhee (Public Policy Institute of California), September 12, 2011. Redistricting Commission: An Evaluation of the Citizens Commission Final Plans, <http://polisci2.ucsd.edu/vkogan/research/redistricting.pdf>

**Recommendation 3: SOLICIT MEANINGFUL, INFORMED PUBLIC INPUT.**

*A significant number of public hearings should be held before and especially after maps are drafted.*

Once Census data is available showing how districts must change to reflect new population targets, hearings should be held around the state so that legislators can learn about regions outside their districts and build citizens' trust in the process. These field hearings would also be helpful to an independent redistricting commission. For example, the Minnesota Special Judicial Panel held eight hearings across that state including five outside the Twin Cities to gather input on how residents viewed their communities – particularly important since “communities of interest” was one of the panel's criteria.

Once proposed maps are available, a significant number of hearings should be conducted after a meaningful time period has been provided for review by the public and the press. These hearings should also include field sessions to get local input. Video technology should be used to facilitate testimony from the field.

Hearings draw considerable testimony that is rooted in partisanship, often under the guise of advancing some other criterion. Such testimony reflects the political nature of the issue and the high stakes involved. The solution is not to avoid hearings, but to change the body that is listening to the testimony.

**Recommendation 4: TAKE THE PROCESS AWAY FROM PARTISAN CONTROL.**

*Redistricting should be carried out by carefully crafted independent commissions.*

Moving to independent commissions would eliminate the inherent conflict of interest of having legislators draw their own districts. Making this change would also reinforce earlier recommendations regarding adequate criteria, transparency, access to data, and meaningful public input.<sup>31</sup> Six states – Alaska, Arizona, California, Idaho, Montana, and Washington – use independent commissions with members who are not legislators or public officials to draw legislative districts. These states also provide some degree of protection to prevent commission maps being changed by political players.<sup>32</sup> The major western countries with winner take all elections, Australia, Canada, and the United Kingdom, use independent commissions for redistricting.

Details of a redistricting commission should be defined by state reformers in consultation with allies, particularly communities historically disenfranchised by the political process. There has been discussion in some Draw the Line Midwest states of using the Iowa approach, where lines are drawn by nonpartisan professional staff for an advisory commission. Approval is still required by the Iowa legislature, but legislators must turn down two proposals drawn by nonpartisan staff before they can draw their own maps. Features of independent commissions in other states are also worth reviewing, with the understanding that a proposal from any one state is unlikely to be suitable for another locale without adjustments.

<sup>31</sup> It should be noted, however, that regarding legislative districts “electoral competition did not uniformly increase in states where commissions controlled redistricting. Though competition increased in Iowa and California, it decreased in Arizona and Washington.” “From Redistricting and Congressional Control: A First Look,” by Sundeep Iyer and Keesha Gaskins, Brennan Center for Justice, October 2012

<sup>32</sup> Brennan Center for Justice, *A Citizen's Guide to Redistricting*.

Several ideas, mostly culled from the *Brennan Center's A Citizen's Guide to Redistricting*, can help citizens “find trusted decision-makers with meaningful independence” and give them the power and flexibility to make wise choices on behalf of citizens.<sup>33</sup>

**Promote diversity in the redistricting body** so that it represents the state

**Maintain partisan balance**, including partisan representatives but not allowing partisanship to trump all other concerns

**Maintain transparency throughout the body's procedures**

**Preserve independence through the redistricting body's funding** – with secure funding established well in advance, as in California

**Consider state legal requirements.** Legislatively adopted redistricting rules are typically not binding on line drawing by future elected officials, so constitutional amendments are typically deemed necessary to adopt independent commissions. Because this is politically challenging, some Wisconsin reformers advocate legislation to put nonpartisan staff at the Government Accountability Board and Legislative Reference Bureau in charge of redistricting, subject to a vote by the legislature. This approach complies with Wisconsin's constitutionally defined role for the legislature in redistricting and avoids the need for a constitutional amendment.

A frequent criticism of independent redistricting commissions is their cost. The reality, however, is that the current process also costs money, frequently with little transparency about budgets and who is being paid. In Wisconsin, a Draw the Line participant found that the costs of redistricting in 2011 included over \$1.9 million in legal fees that could have been avoided or reduced in a less secretive and rushed process.<sup>34</sup> Public record requests in Ohio revealed the use of expensive consultants and hotel rooms rather than state employees and legislative office space, actions that both reduced transparency and increased costs.<sup>35</sup> Creating a publicly funded independent commission would bring hidden costs out in the open.

<sup>33</sup> The full list can be found starting on page 75 of *A Citizen's Guide to Redistricting*. Excerpts are quoted with permission.

<sup>34</sup> Personal communication with Wisconsin Democracy Campaign, November 2012

<sup>35</sup> See <http://drawthelinemidwest.org/ohio/transparency-report/> for an example of how costs can be hidden.

**Recommendation 5: END PRISON-BASED GERRYMANDERING.**

*The Census Bureau should count prisoners as residents of their home districts. State and local officials should use home addresses for redistricting purposes or exclude prison populations altogether.*

The current practice of counting prisoners as residents in the district where the prison is located artificially inflates the representation of those districts and deflates representation in other districts.

The ultimate remedy is for the Census Bureau to count people where they are from rather than where they are incarcerated. Advocacy for this policy change prior to the 2020 count is underway.

In the meantime, the best option is for correction officials to track the home addresses of inmates and provide that information for use during redistricting in 2021. Delaware, Maryland, New York, and California have adopted legislation requiring use of home addresses of prisoners during state and local redistricting. The changes were in effect in the most recent round of redistricting in Maryland and New York, and will be applied after the 2020 Census in California and Delaware.

A possible compromise option is to exclude prison populations when drawing new district lines. The Census Bureau provides information needed for this step, and more than 150 local governments around the country, including Terre Haute, Indiana, address prison gerrymandering in this way. State laws that inhibit this local approach should be changed. Michigan, for example, adopted a state law that excludes prison populations in local government redistricting.

One criticism is that excluding prisoners from redistricting could geographically increase the size of already large rural districts where many prisons are located. This is best addressed by ensuring a “rural fairness differential” in legislative office budgets and per diem payments based on size of the district.

## [ Districts Plus ]

### How Accountability Seats Work:

#### Example from Michigan

In the 2012 election, 54% of Michigan's voters voted for Democratic candidates for the state House of Representatives. Yet Democrats won only 46% or 51 of the seats, with Republicans winning 54% or 59 of the 110 seats and the majority in the House.

Using a Districts Plus proposal, the 2012 election would have had 88 local districts and 22 "accountability seats." Here is how it would work:

**Step 1: Elect most representatives from local districts:** Most representatives would be elected from 88 local legislative districts.

**Step 2: Nominate candidates from newly-created accountability seat districts:** Candidates for 22 accountability seats would be nominated in primaries. Each accountability seat would comprise of four local districts.

**Step 3: Award accountability seats to ensure the legislature fairly reflects Michigan's voters:** The 22 accountability seats would be filled by nominees from each of the accountability districts. The total percentage of the vote for each party's nominees in the 88 local districts would determine what percentage of all 110 seats each party should win. To earn seats, a party would need to surpass a minimum threshold of statewide support.

Source: FairVote, <http://www.fairvote.org/districts-plus>

*Continued on page 32 >*

## [5] Beyond Redistricting: Broadening the Field

Reforming the way electoral lines are drawn can address some of the inequities, political shenanigans, and citizen discontent identified in earlier chapters. But some of the problems are inherent in the system of elections for single-member districts where each voter has one vote and whichever candidate wins a plurality takes the seat. Inevitably, that system leaves many voters – sometimes even a majority – not aligned in terms of policy positions or party with the victor. Such plurality systems give clout to the majority beyond their actual numbers in a district and leave the minority underrepresented.

Debates about democracy since the American and French Revolutions have included consideration of the electoral system itself, and how voting is transformed into meaningful representation. "Electoral systems have political consequences, often unnoticed or dimly understood by voters. The ways in which candidate choices are structured and the votes are counted influence the outcomes of elections and the kind of representation that ensues."<sup>36</sup>

Most western democracies use proportional representation election methods. While winner-take-all elections are common in the US, political jurisdictions have experimented with other electoral systems, and some are using them today.<sup>37</sup> To improve representativeness, responsiveness, and citizen engagement in American democracy, it may be time to consider other approaches.<sup>38</sup> In this chapter we discuss three alternatives – accountability seats, ranked choice voting, and cumulative voting – as well as how such alternatives address voting rights issues.

The reforms discussed above in Chapter 4 are still applicable even if alternative election methods are adopted. Whether adoption of alternative electoral systems for local governments is a legal option typically depends on state law and the home rule status of a community.

### DISTRICTS PLUS AND ACCOUNTABILITY SEATS

An option proposed by FairVote, called Districts Plus, combines local district seats and accountability seats. This system elects individual members from local districts and then parties earn accountability seats allocated to reflect the statewide vote. The result is that the composition of the legislature reflects the overall vote; this system encourages voters in districts where they're usually outnumbered to vote and thus build up their party's statewide total. Candidates for these "accountability seats" would be chosen in party primaries. These systems are used in Germany, New Zealand, and Scotland.<sup>39</sup> The sidebars on page 31 and 32 show how Districts Plus would work in Michigan.

<sup>36</sup> Kathleen L. Barber, *Proportional Representation & Election Reform in Ohio*, Ohio State University Press, 1995.

<sup>37</sup> The phrases "election systems," "election methods," "electoral systems," "electoral methods," and "voting systems" are used interchangeably in this report. "Voting systems," however, is less used to avoid confusion with vote counting machines.

<sup>38</sup> Amy, Douglas J. *Real Choices New Voices: The Case for Proportional Representation Elections in the United States*. Columbia University Press, 1993.

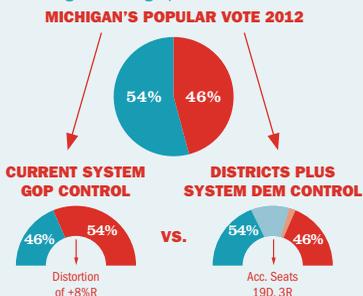
<sup>39</sup> FairVote, "Mixed Member Systems," <http://www.fairvote.org/districts-plus>.

**[ Districts Plus ]**

< Continued from page 31

If Democrats and Republicans received the same share of local districts that they won in 2012, Democrats would have won 40 seats and Republicans 48 seats, for a 46% to 54% split.

To reflect the popular vote split of 54% Democrat and 46% Republicans, however, Democrats would gain 19 accountability seats, bringing their total to 59 out of 110 seats. Republicans would gain 3 accountability seats, bringing their total to 51. The final allocation of seats would then reflect the statewide vote as shown on the right in the graphic below.



The Districts Plus system would transform elections, but have a minimal effect on the voting experience. Voters who participate only in the general election would not notice any change in the act of voting. Voters in party primaries would do something new: they would cast a vote to nominate a candidate for their accountability district, who would be elected to the legislature if their party were allocated that accountability district after the general election.

The net result is that every Michigan voter would be able to affect who runs the state House of Representatives. Parties would have a strong incentive to nominate and support credible candidates in every district, as every vote in every district would matter in determining which party earns the most seats.

Source: FairVote, <http://www.fairvote.org/districts-plus>

**RANKED CHOICE VOTING**

With ranked choice voting (also called “single transferable vote”),<sup>40</sup> voters rank candidates in order of preference, marking “1” for their first choice, “2” for their second choice, and so on. Voters can rank as few or as many candidates as they wish. First choices are tabulated, and if a candidate receives a majority, he or she is elected. If nobody has a clear majority on the first count, the candidate with the fewest votes is eliminated; voters who supported that candidate now are counted as supporting their second choice. This series of simulated “runoffs” goes on until one candidate receives a majority.<sup>41</sup>

This system can be used in single-seat districts (where it is also called “instant runoff voting”<sup>42</sup>), and in multi-seat districts. Since 1941, Cambridge, Massachusetts, has used ranked choice voting for citywide elections for its city council and school committee. Minneapolis and St. Paul have adopted it for mayoral elections and for single-member city council districts; Minneapolis also uses it for two multi-seat boards. (The educational flyer on page 34 explains ranked choice voting in St. Paul’s single seat contests while page 35 explains ranked choice voting in Minneapolis single seat and multiple seat elections.)

In single-member districts, the system does not provide proportional representation. But winners are elected with a majority, no votes are “wasted,” and the spoiler effect (where lesser candidates draw votes away from another candidate) is prevented. This reform option is particularly suited to nonpartisan local government elections. Nonpartisan primaries determine which two candidates advance to the general election; ranked choice voting can collapse these two elections into one. The cost savings is an advantage, but likely to be offset, at least in the short run, by possible increased election administration costs and the need for voter education. Another advantage is an incentive for collegiality between candidates, who often seek to be the second or third choice of people who support another candidate. In San Francisco this has even led to joint fund-raisers among candidates. Said one candidate, “I am not opposed to saying that if I don’t win, then I hope one of these other guys wins.”<sup>43</sup>

In multi-seat elections (where voters choose several representatives at once), ranked choice voting avoids “wasted” votes and the spoiler effect and also provides proportional representation, giving minority candidates and interests representation that reflects the level of their support among voters.

Advantages of ranked choice voting, according to FairVote Minnesota, include:

- eliminates “wasted” votes
- solves the “spoiler” problem and gives voters more choice
- opens the political process to new voices
- promotes more diverse representation
- reduces negative campaigning and promotes civil, issue-oriented campaigns
- reduces cost of election administration and of campaigning because two elections are combined into one

<sup>40</sup> Other terms used include “choice voting,” “preference voting,” and the “Hare system,” named after an early advocate of proportional representation.

<sup>41</sup> FairVote, “What is IRV?,” <http://www.fairvote.org/what-is-irv/>.

<sup>42</sup> William Poundstone, *Gaming the Vote*, Hill and Wang 2008

<sup>43</sup> Dean E. Murphy, “New runoff system in San Francisco has the rival candidates cooperating,” *New York Times*, September 30, 2004, <http://www.sfrvc.com/>

Disadvantages of ranked choice voting include:

- unfamiliar to most American voters so increased potential for confusion
- possible creation of large candidate fields may reduce opportunities for meaningful debate and give undue advantage to candidates with name recognition
- possible election of a candidate not preferred by a majority of voters as their first or second choice
- potential cost savings are offset by increased need for educational outreach and potential changes in voting equipment

The first election using the single-transferable vote system in at-large elections in the United States occurred in 1915 in Ashtabula, Ohio. The day after the election an editorial lauded the resulting diversity on the city council: “The drys and the wets are represented; the Protestants and Catholics; the business, professional, and laboring men; the Republicans, Democrats and Socialists; the English, Swedes, and Italians are represented. It would be hard to select a more representative council in any other way.”<sup>44</sup>

Single-transferable vote proportional representation was also adopted in four other Ohio cities and used for as long as three decades.<sup>45</sup> Evaluating the results is complicated because other Progressive Era reforms were enacted at the same time, such as nonpartisan ballots and shifting to a city manager system. Proportional representation did enhance fair representation, though not to the extent anticipated by reform proponents; the argument that it would fragment the political system did not prove true. But the reforms were under attack from the beginning. Political bosses fought to regain their lost power, while reformers failed to “sustain the effective organizations they had built to capture power in the first place.”<sup>46</sup> The reform was repealed on the third attempt in Ashtabula and on the fifth attempt in the other four cities. It lasted the longest in Cincinnati, where reform leaders maintained an ongoing advocacy group.

In Cambridge, the system has helped minority candidates be more successful in than in other localities. Instead of a white majority dominating winner-take-all elections, ranked choice voting in multi-seat elections means that an African-American has been consistently elected to the city council and school committee since 1980. “As a result of choice voting and its promotion of coalition-building ... in recent years African-Americans have been able to hold more than one seat on each board at a time.”<sup>47</sup>

In 2006, Minneapolis adopted ranked choice voting for mayor and for its single-member district city council elections as well as for multi-seat citywide elections of the Board of Estimate and Taxation and Park Board. Educational material developed by FairVote Minnesota (see page 35 ) explains the different thresholds to win and the counting process when ranked choice voting is used in these two types of elections. Ranked choice voting was adopted by St. Paul voters in 2009; it is used to elect the mayor in a citywide election and in elections for single-member city council districts.

<sup>44</sup> Douglas J. Amy, *Real Choices New Voices: The Case for Proportional Representation Elections in the United States*. Columbia University Press, 1993.

<sup>45</sup> Ashtabula for 16 years, Cleveland for 8 years, Cincinnati and Hamilton for 34 years, and Toledo for 16 years.

<sup>46</sup> Kathleen L. Barber, *Proportional Representation & Election Reform in Ohio*, Ohio State University Press, 1995.

<sup>47</sup> FairVote, “Choice Voting in Cambridge,” <http://archive.fairvote.org/?page=241>

EXCERPTED FROM EDUCATIONAL FLYER REGARDING RANKED CHOICE VOTING IN ST. PAUL, MN

Prepared by FairVote Minnesota

# Ranked Voting Demo Election

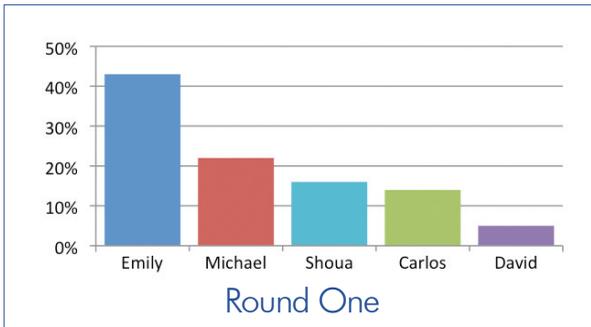
## To Elect a Single Seat with 100 Voters

Threshold to Win:  $1/2 + 1 = 51$  Votes

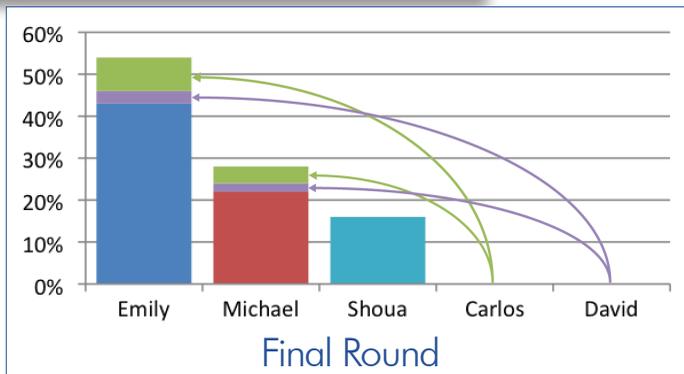
**Round 1** Total 1st choices for all candidates. No candidate has a majority of first choice votes.

**Round 2** David has the fewest votes and is eliminated. The ballots that had him as their first choice are reallocated to the remaining candidates based on the 2nd choices indicated on those voters' ballots. The ballots are retallied and still no candidate has a majority of votes.

	Round 1 1st Choices	Round 2 transfer total	Round 3 transfer total
Emily	43	+3 46	+8 54
Michael	22	+2 24	+4 28
Shoua	16	0 16	0 16
Carlos	14	0 14	-14 0
David	5	-5 0	0 0
exhausted			2
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>



**Round 3** Carlos has the fewest votes and is eliminated. His votes are reallocated to remaining candidates based on the 2nd choices indicated on those voters' ballots. Emily now wins with a majority of continuing ballots.



Prepared by the FairVote MN Foundation, paid for by City of St. Paul Voter Education Funds  
For more information, go to [VoteStPaul.org](http://VoteStPaul.org)

Prepared by FairVote Minnesota

## RANKED CHOICE VOTING DEMO ELECTION

### To Elect a Single Seat with 100 Voters

Threshold to Win:  $100/2 + 1 = 51$  Votes

$[\# \text{ voters}/(\# \text{ seats} + 1) + 1]$

	Round 1	Round 2		Round 3	
	1st Choices	transfer	total	transfer	total
Susan	43	+3	46	+8	54
Michael	22	+2	24	+4	28
Mary	16	0	16	0	16
David	14	0	14	-14	0
Deborah	5	-5	0	0	0
exhausted					2
<b>Total</b>	<b>100</b>		<b>100</b>		<b>100</b>

**ROUND 1:** Total 1st choices for all candidates. No candidate has a majority of first choice votes.

**ROUND 2:** Deborah has the fewest votes and is eliminated. The ballots that had her as their first choice are reallocated to the remaining candidates based on the 2nd choices indicated on those voters' ballots. The ballots are retallied and still no candidate has a majority of votes.

**ROUND 3:** David has the fewest votes and is eliminated. His votes are reallocated to remaining candidates based on the 2nd choices indicated on those voters' ballots. Susan now wins with a majority of votes!

### To Elect 3 Seats with 104 Voters

Threshold to Win:

$104/4 + 1 = 27$  Votes

$[\# \text{ voters}/(\# \text{ seats} + 1) + 1]$

**ROUND 1:** Total 1st choices for all candidates. Susan is elected and has 18 more votes than needed to win.

**ROUND 2:** Transfer surplus votes from Susan: 40%\* of each vote for Susan is transferred to the second choice on each of those 45 ballots. All ballots are tallied again. Michael is elected.

[\*Surplus share =  $(18/45 \text{ votes won})$ ]

	Round 1	Round 2		Round 3	
	1st Choices	transfer	total	transfer	total
Susan	45	-18	27	0	27
Michael	21	(15x40%) +6	27	0	27
Mary	17	(10x40%) +4	21	+1	22
David	16	(15x40%) +6	22	+5	27
Deborah	5	(5x40%) +2	7	-7	0
exhausted				1	1
<b>Tally</b>	<b>104</b>		<b>104</b>		<b>104</b>

**ROUND 3:** No other candidates have surplus votes so Deborah is eliminated as the candidate with the fewest votes. Votes for Deborah are transferred to the next choices on each of those ballots and ballots are tallied again. David is elected.

Prepared by FairVote Minnesota

For more information: [www.fairvotemn.org](http://www.fairvotemn.org) or [www.ci.minneapolis.mn.us/elections](http://www.ci.minneapolis.mn.us/elections)

## How cumulative voting works

Port Chester, New York adopted cumulative voting in 2010 to resolve Voting Rights Act litigation. Each Port Chester voter has six votes to cast for the six-member Board of Trustees. An education campaign, including the following explanation of how to vote, contributed to voter success with the cumulative voting system.

### Instructions to Voters

You might cast one vote for six different candidates



Or you may decide to give

three votes each to two candidates



You can give

four votes to one candidate and one vote each to two other candidates



Or you might cast

all six of your votes for your favorite candidate



Any combination of votes totaling up to six votes is acceptable.

You should cast six votes, but not more than six votes. The winners are determined by tallying all the votes for each candidate. The six candidates with the most votes will win seats on the Board of Trustees.

Source: City of Port Chester, Port Chester Votes, <http://portchestervotes.com/>

The first ranked choice vote election in Minneapolis occurred in 2009, and in St. Paul in 2011. In a post-election survey, 90 percent of Minneapolis voters indicated they understood the new system either fairly or perfectly well. Among election judges, 91 percent felt their training was pretty good or excellent and that 70 percent of voters were knowledgeable or very knowledgeable about the new election method.<sup>48</sup> After the first ranked choice election in St. Paul, the Ramsey County elections manager said, “We heard very few complaints from either voters or election judges – it’s been a really positive experience.”<sup>49</sup>

Minneapolis city council redistricting in 2012, carried out in an open process by the Charter Commission, was the first after adoption of ranked choice voting. Ward 2 remained a majority-minority district, with a 51.3 percent African-American population. Two other wards provided opportunities for the city’s growing populations of Latinos and African immigrants. Ranked choice voting increases the likelihood of electoral success of a person of color in such districts compared to a winner-take-all system where voters can’t indicate anything other than their first choice. However, if instead of 13 city council districts Minneapolis had four multi-member districts, the threshold of votes needed to win would be even more likely to facilitate electoral success of candidates from minority communities.

### CUMULATIVE VOTING

Cumulative voting, used in multimember districts, gives voters the same number of votes as seats to be filled: if there are three seats, each voter gets three votes. Voters can vote for three candidates, split their vote between two, or concentrate all their support on one candidate. As discussed below, cumulative voting has been used to remedy Voting Rights Act violations. Though a relatively infrequent remedy, cumulative voting was most recently adopted in 2010 in Port Chester, New York as a result of litigation.

Because today cumulative voting is typically adopted as a Voting Rights Act remedy, the increased costs for voter education aren’t generally seen as major barriers. The concern that cumulative voting is confusing to voters has been rebutted in two studies. The first time cumulative voting was used in Alamogordo, New Mexico, exit polling indicated that 95 percent of the voters knew they could cast all three votes for one candidate; a mere 13 percent found the cumulative voting plan “more difficult to understand” than other local elections in which they had voted.<sup>50</sup> Exit polling at sixteen Texas elections in 1995 also found that concerns about confusion, even for voters with less education, were “without foundation.”<sup>51</sup>

Illinois adopted cumulative voting for its general assembly in 1870 to surmount “the polarization of politics in the wake of the Civil War... Plurality voting [had] allowed Republicans to monopolize representation in the northern districts of the state, whereas in southern Illinois only Democrats could win district elections.”<sup>52</sup> For 110 years, Illinois general assembly members were elected from three-mem-

<sup>48</sup> “Ranked Choice Voting 2009 City of Municipal Elections,” St. Cloud University Survey Research Report, December 2009.

<sup>49</sup> “Ranked Choice Voting a Clear Winner in St. Paul Elections,” December 1, 2011 press release by FairVote Minnesota

<sup>50</sup> Robert L. Cole, Delbert A. Taebe, and Richard Engstrom, March 1990, “Cumulative voting in a municipal election: A note on voter reactions and electoral consequences,” *Western Political Quarterly* Vol. 43, No. 1, pp. 191-199

<sup>51</sup> Richard L. Engstrom and Robert R. Brischetto, 1998, “Is cumulative voting too complex? Evidence from exit polls,” *Stetson Law Review* Vol. 27, pp. 813-827.

<sup>52</sup> Kathleen L. Barber, *Proportional Representation & Election Reform in Ohio*, Ohio State University Press, 1995.

## Election Systems and Gender

Besides addressing voting rights issues, alternative election systems can also help right the longstanding gender imbalance in American politics. Although women candidates have had increasing electoral success in recent years, women still make up less than 20 percent of the U.S. Congress (House and Senate combined). The representation of women in state legislatures is somewhat better, but still nowhere near their majority in the U.S. population.<sup>1</sup>

	M	F
Illinois	71	29
Indiana	79	21
Michigan	79	21
Minnesota	67	33
Ohio	78	22
Wisconsin	76	24
National average	76	24
U.S. Congress	82	18

Internationally, 91 countries have higher percentages of women in legislative positions compared to their representation in the U.S. Congress. Countries with the highest levels of women elected officials typically have either quota systems or don't use single member districts and winner-take-all election systems. For example, 65 percent or 13 of the top 20 countries in terms of women holding legislative positions use a proportional representation system while most of the remaining top 20 countries impose quotas.<sup>2</sup>

<sup>1</sup> NCSL, "Legislator Demographics: State-by-state," <http://www.ncsl.org/legislatures-elections/legisdata/legislator-demographic-map.aspx>.

<sup>2</sup> Rutgers Center for Women in Politics, Facts on Women in Congress 2011," [http://www.cawp.rutgers.edu/fast\\_facts/levels\\_of\\_fice/Congress-CurrentFacts.php](http://www.cawp.rutgers.edu/fast_facts/levels_of_fice/Congress-CurrentFacts.php).

ber districts; each voter had three votes and could use them to support one, two, or three candidates. These multimember districts generally assured representation from both political parties in each assembly district.<sup>53</sup> Early on this meant that Democrats could get elected in the northern part of the state and Republicans in the south; later, the pattern reversed itself. The system was eliminated in 1980, a move focused more on reducing the size of the general assembly than on changing the election method.

A 2001 analysis of the Illinois experience found that, compared to plurality voting, cumulative voting tends to:

- offer greater choice for voters in primary and general elections
- provide prospective candidates easier access to the electoral system
- provide greater representation for the minority political party in districts dominated by the other party
- provide individual legislators greater independence from legislative leaders
- generate richer deliberations and statewide consensus among all legislators, since both parties are represented in all parts of the state
- be more readily adaptable to the existing electoral machinery than instant-run-off and party-list voting.<sup>54</sup>

### VOTING RIGHTS ACT AND ELECTION METHOD REMEDIES

Different voting methods have also been proposed to address voting rights challenges. The Voting Rights Act of 1965, signed into law five months after the horrific beatings of voting rights activists by Alabama state troopers in Selma, overrides state laws and practices. Section 2 "prohibits any voting practice or procedure that results in the 'denial or abridgement' of anyone's right to vote based on race, color, or minority language status." A 1982 amendment clarified that Section 2 "prohibited laws or practices that denied minority voters an equal opportunity to participate in the political process and to elect representatives of their choice."

"Vote dilution," in which district lines are drawn to split communities of color and dilute their voting power, is prohibited by Section 2.<sup>55</sup> "A plaintiff alleging vote dilution (especially in a districting case) must provide evidence of the following factors:

1. They are part of a sufficiently large and 'geographically compact' group;
2. They are an identifiable group that is 'politically cohesive'; and
3. White voters usually cast votes as a bloc in a manner to usually defeat the preferred candidate of the nonwhite group."<sup>56</sup>

If all three of these conditions are satisfied, courts will then consider the "totality of circumstances" and may demand that either "minority opportunity" or "majority-minority districts" be drawn.<sup>57</sup> Meeting all three factors is a high bar. Politically cohesive non-white groups with a sufficiently large citizen voting age population

<sup>53</sup> The Illinois Assembly on Political Representation and Alternative Electoral Systems, "Final Report and Background Papers," Institute of Government and Public Affairs University of Illinois, Spring 2001, <http://igpa.uillinois.edu/system/files/FinalReport.pdf>

<sup>54</sup> The Illinois Assembly on Political Representation and Alternative Electoral Systems, "Final Report and Background Papers," Institute of Government and Public Affairs University of Illinois, Spring 2001, <http://igpa.uillinois.edu/system/files/FinalReport.pdf>

<sup>55</sup> Justin Levitt and Erika Wood, Brennan Center for Justice, *A Citizen's Guide to Redistricting*

<sup>56</sup> Kareem U. Crayton, Sword, Shield, and Compass: "The uses and misuses of racially polarized voting studies in Voting Rights enforcement," *Rutgers Law Review*, Vol. 64:4, 2012.

<sup>57</sup> Justin Levitt and Erika Wood, Brennan Center for Justice, *A Citizen's Guide to Redistricting*

that is also geographically compact are typically found only in places with high concentrations of people of color. This standard is particularly difficult for Asian-American communities. Minority communities are also increasingly less racially segregated, often due to urban renewal policies that have encouraged gentrification. Demonstrating that minority voters and majority voters reliably vote as a bloc requires sophisticated analysis; there may simply not be enough cases to judge because candidates of a given race may decide not to run in districts where they are in a minority, resulting in a catch-22 situation.

Section 5 of the Voting Rights Act targets specific states or communities that “historically erected barriers to the franchise for African Americans and other minorities.”<sup>58</sup> In the Great Lakes region the only “covered jurisdictions” are two communities in Michigan. The constitutionality of Section 5 is being assessed by the U.S. Supreme Court; its decision could have broader ramifications regarding the validity of Voting Rights Act remedies.

In the South, after civil rights gains increased the number of black voters, white power brokers sometimes moved to at-large elections so that African-American candidates, who might have been able to win in districts with a significant black population, would not be able to win seats when running citywide. To meet Voting Rights Act challenges, many of these cities were forced to change to district representation. This can still be a valid response; the California Voting Rights Act facilitates such city-level changes.

Another approach is to retain at-large elections but switch to cumulative voting. This approach has been used to settle Voting Rights cases in communities in states as varied as Illinois, New Mexico, New York, and Texas. Then-Governor George W. Bush signed legislation allowing cumulative voting in Texas school board elections, which resulted in Latino representation on the Amarillo school board for the first time.

Analysis by political scientists indicates that cumulative voting “offers the promise of minority representation very similar to those found under single member districts” and provides an option to “facilitat[e] minority representation without relying on the acrimonious process of drawing districts on the basis of race.”<sup>59</sup> There is, of course, no guarantee: minority voters could spread their votes over several minority candidates and not win anything unless they organize and vote strategically.

Law professor Lani Guinier envisions the Voting Rights Act advancing dual goals of political equality, where “blacks would be afforded the right to vote,” and political empowerment, i.e., “equal voting weight and equal voting power.” This dual vision is advanced by what Guinier calls “interest representation.” Guinier recommends modifying the at-large process by adopting cumulative voting so that “groups that are politically cohesive, sufficiently numerous, and strategically mobilized will be able to elect a representative to the legislative body” and “enhance the quality of the deliberative process.”<sup>60</sup>

<sup>58</sup> Justin Levitt and Erika Wood, Brennan Center for Justice, *A Citizen's Guide to Redistricting*

<sup>59</sup> David Brockington, Todd Donovan, Shawn Bowler and Robert Brischetto, November 1998, “Minority representation under cumulative and limited voting,” *The Journal of Politics* Vol. 60, No. 4, pp.1108-1125

<sup>60</sup> Lani Guinier, “No two seats: elusive quest for political equality,” in *The Tyranny of the Majority: Fundamental Fairness in Representative Democracy*, The Free Press, 1994

## [6] Start Working Now for Change in 2021 and Beyond

This report documents the systemic failing of current redistricting procedures – regardless of which party draws the lines – in these six states. Reformers have systematically argued that redistricting should serve the voters and not be a rigged process used for partisan gain. That redistricting reform is politically challenging, however, is demonstrated by the defeat of the 2012 ballot proposal for an independent redistricting commission in Ohio. This means that work must begin now for changes, like those recommended in Chapter 4, to create an open, transparent, nonpartisan process that provides fair representation for voters.

It is important to start discussing reform options in 2013 legislative sessions so that legislators who drew the maps in 2011 realize that their work won't simply be forgotten for another ten years. Throughout the next decade reform advocates should link legislative action (or inaction) on key issues like education, pensions, or health care to the stacked deck of legislative and congressional districts – and thus begin building a coalition for reform. In Illinois, activists are also linking increasing voter choice through involvement in 2021 redistricting to more immediate work on election protection.

Continuing work by good government advocates to ensure a full count in the 2020 Census can help build the coalition. Education and advocacy efforts around drawing new local government district lines can also expand awareness of the importance of redistricting. For example, in 2011 community groups in Milwaukee succeeded in improving several city and county districts.

Reformers can also link up with criminal justice activists, communities of color, and others working to end prison gerrymandering; an initial step would be requiring corrections officials to keep better records of home addresses so that prisoners can be counted in their home districts.

Another coalition-building opportunity is to explore state level Voting Rights legislation to protect the voting rights of language and racial minorities and increase opportunities for people of color in both local government and state legislative elections.

A better process for redistricting can go a long way to improving fairness and representation in our legislative bodies, but as the Brennan Center for Justice cautions, it is not a silver bullet. As discussed in Chapter 5, alternative electoral systems such as cumulative voting in multi-member districts can complement redistricting reforms and should be explored to address the tension of “hold[ing] representatives accountable to cohesive popular majorities without losing minority preferences entirely.”<sup>61</sup> Drawing the boundaries of these larger districts is still important but likely to be less challenging than drawing single-member districts. The change from winner-take-all elections provides another mechanism to provide fair and effective representation, especially for communities of color. FairVote has drawn maps of multi-member legislative districts that, compared to lines drawn by legislators in

<sup>61</sup> Justin Levitt at <http://redistricting.ils.edu/reform.php#superdistricts>

2011, would facilitate electoral success for both major parties and achieve better balance between competition and fair representation, including improved opportunities for racial minority candidates.<sup>62</sup>

The bottom line is that if we expect to have fair districts – and allow voters to actually choose their representatives – the rules of redistricting must change. Electoral systems to replace winner-take-all elections with proportional representation methods should also be explored; they can expand opportunities for representing people of color and improve deliberation as governmental bodies more genuinely reflect the growing diversity of our cities and states.

<sup>62</sup> FairVote, "Monopoly Politics 2012 The Partisan Landscape of Elections to the U.S. House of Representatives," September 2012, <http://www.fairvote.org/monopoly-politics-2012#StateAnalyses>

[ SECTION B ]

# State by State: How the Game Was Played in 2011

## [ Illinois ]

### Democrats rule

#### Overview

With a Democratic governor and majorities in both houses of the legislature, Democrats controlled redistricting in Illinois in 2011.

Early unsuccessful reform efforts, including a proposal by the League of Women Voters to create an independent redistricting commission and a weak legislative counter proposal, together raised the profile of redistricting. Legislation was enacted in March 2011 to protect voting rights of minorities and mandate more public hearings. Reformers, now organized as the Illinois Campaign for Accountable Redistricting (ICAR), pushed hard for more transparency and public engagement. They held community forums, distributed materials, testified at hearings, and educated lawyers, journalists and citizens to understand and engage the process.

Although legislators held more public hearings than in the past, almost all took place before actual maps were available for comment. Map drawing itself remained a closed process. Democratic legislators released draft maps shortly before the deadline and passed them quickly on party line votes. Attempts by reformers and Republicans to challenge the maps in court were not successful.

In the 2012 elections Democrats, who won 55 percent of the votes, took two-thirds of the congressional seats (12-6). Democrats also gained veto-proof supermajorities in both houses of the legislature; with 52-54 percent of the votes, they control 60-68 percent of the seats.

#### POLITICAL CONTEXT

Redistricting in Illinois, for both U.S. House of Representatives and the Illinois Legislature, moves through the legislature in the same way as any other piece of legislation. However, if districts are not established by June 30 of the year following the U.S. Census, a back-up commission takes over, made up of eight legislators, four from each party; a simple majority rules. If the commission cannot agree on maps by August 10 (with some variation by year), a ninth commission member is selected by lot from two persons (1 Democrat, 1 Republican) nominated by the Supreme Court. This commission then draws the maps.

Districts must comply with equal population requirements under the U.S. Constitution and Section 2 of the federal Voting Rights Act. Legislative districts must be contiguous and reasonably compact; there are no such requirements for congressional districts. Under legislation passed in 2011, legislative districts can be drawn to address vote dilution of racial or language minorities by allowing cross-over, coalition, and influence districts, even if such steps are not required by the federal Voting Rights Act.

With a Democratic governor and majorities in both houses of the legislature, Democrats controlled the redistricting process in Illinois in 2011, with no need for a backup commission. Still, the nationwide GOP tide in 2010 had elected several new Republican U.S. House members, giving the GOP an 11-8 majority in the state's congressional delegation. The home state of President Barack Obama is generally regarded as a blue state, but the Land of Lincoln has elected many Republican governors, senators, and congressmen in recent decades, including current U.S. Senator Mark Kirk and former U.S. House Speaker Dennis Hastert.

## ENGAGEMENT BY DRAW THE LINE MIDWEST PARTNERS

Citizen and community groups in Illinois, including several representing people of color, conducted a robust campaign to maximize the state's count in the 2010 Census. Despite such work, the state did lose one congressional seat in the reapportionment process. Redistricting reform efforts began in December 2009, as the League of Women Voters and supporters pushed the Fair Map Amendment, a citizen-initiated constitutional amendment to create an independent redistricting commission. Legislators proposed a weak reform amendment. Both efforts failed, but they raised the visibility of the issue. Legislators responded by passing legislation in March 2011 to protect voting rights of minorities and mandate public hearings.<sup>1</sup>

Reformers organized under the banner of the Illinois Campaign for Accountable Redistricting (ICAR). The lead organization was the Illinois Campaign for Political Reform; major players included Mexican-American Legal Defense and Education Fund (MALDEF), the Asian American Institute, and the state's League of Women Voters.

Coalition members pushed hard for more transparency and public engagement beyond that envisioned in the legislation. They held community forums, primarily in the Chicago metropolitan area, and distributed materials, notably "A Citizen's Guide to Redistricting" (Brennan Center for Justice) and "The Impact of Redistricting in Your Community" (NAACP Legal Defense and Educational Fund, Asian American Justice Center, and Mexican American Legal Defense and Educational Fund). Representatives of member groups and the coalition testified at redistricting hearings and encouraged their members to do so. Chicago Appleseed Fund for Justice held a Continuing Legal Education course. Citizen Advocacy Center organized several journalist training sessions, and coalition members were quoted in numerous news articles about the redistricting process.

## DRAWING THE MAPS

Following the release of Census data in mid-February 2011, the senate and house redistricting committees held 28 public hearings across the state, many more than in the past, and the General Assembly created websites about the process. Still, the process lacked full transparency. Public hearings were streamed live on the Senate's website but not made available for later viewing. Committees sometimes promptly posted written testimony and e-mails, but many transcripts were not posted until after the maps had passed. Response times to e-mails varied, and some were never answered.

Although coalition members, local officials, and members of local political parties frequently participated in the hearings, almost all the hearings took place before actual maps were available for comment. Map drawing itself remained a closed process. Republicans, journalists, and members of the public were completely shut out. Democratic legislators released draft maps shortly before the deadline, with little opportunity for public comment, and passed them quickly on party line votes.<sup>2</sup>

<sup>1</sup> Illinois Senate Bill 3976 adopted March 7, 2011  
<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=3976&GAID=10&DocTypeID=SB&LegId=54268&SessionID=76&GA=96>

<sup>2</sup> For additional information on the lack of transparency see a comprehensive report issued by the Illinois Campaign for Political Reform, entitled "Mapping in the Dark - Redistricting Illinois in 2011: Politics as Usual Under a Façade of Transparency" available at [http://www.ilcampaign.org/sites/default/files/Mapping%20in%20the%20Dark-Redistricting%20Illinois%20in%202011\(2\).pdf](http://www.ilcampaign.org/sites/default/files/Mapping%20in%20the%20Dark-Redistricting%20Illinois%20in%202011(2).pdf)

An explanatory narrative was included in legislative resolutions adopted the same day the maps were adopted. This “now we will tell you” list of principles included incumbent requests as well as the partisan composition of a district and the overall plan; but underlying political data was not provided to the public.<sup>3</sup>

Legal challenges included a suit by the League of Women Voters of Illinois challenging the districts as partisan gerrymandering in violation of the First Amendment to the U.S. Constitution, and one by Republican legislators alleging dilution of the voting power of minorities and Republicans. Neither challenge was successful.

The reform group CHANGE Illinois is exploring options for an independent redistricting commission and a possible signature gathering drive to place a constitutional amendment before Illinois voters in 2014.

**OUTCOMES**

*Partisan splits*

	Illinois Partisan Splits Votes Cast in November 2012 v. Seats Held Starting in 2013					
	Congress		State Senate		State House	
	R	D	R	D	R	D
<b>Votes</b>	44%	55%	46%	54%	48%	52%
<b>Seats Won</b>	6 (33%)	12 (67%)	19 (32%)	40 (68%)	47 (40%)	71 (60%)

The Democratic maps redrew congressional districts in ways that made it harder for GOP members, both newcomers elected in 2010 and veterans like U.S. Rep. Judy Biggert, to hold onto their seats. In the 2012 elections Democrats, who won 55 percent of the votes, took two-thirds of the House seats (12-6).

Democrats also won supermajorities (60-68 percent) in both houses of the legislature, disproportionate to their 52-54 percent share of 2012 votes. Many of the legislative races in Illinois were really decided in the primary: 51 percent of state senate races and 58 percent of state house contests were uncontested in November with only one candidate on the general election ballot.

<sup>3</sup> Senate Resolution 249, adopted May 27, 2011, <http://ilga.gov/legislation/BillStatus.asp?DocNum=249&GAID=11&DocTypeID=SR&LegId=61790&SessionID=84&GA=97> and House Resolution HR 0385, adopted May 27, 2011 <http://ilga.gov/legislation/BillStatus.asp?DocNum=385&GAID=11&DocTypeID=HR&LegId=61836&SessionID=84&GA=97>



Redistricting and race

Race/Ethnicity	Population	Percentage of Total	Districts with Majority Population*		
			US House	State Senate	State House
<b>Total</b>	<b>12,830,632</b>	<b>100%</b>	<b>18(100%)</b>	<b>59(100%)</b>	<b>118(100%)</b>
<b>White</b>	8,167,753	64%	14 (78%)	42 (71%)	87 (74%)
<b>Non-White total</b>	4,662,879	36%	4 (22%)	17 (29%)	31 (26%)
<b>Latino/Hispanic</b>	2,027,578	16%	1 (6%)	5 (8%)	10 (8%)
<b>African American</b>	1,832,924	14%	3 (17%)	8 (14%)	16 (14%)
<b>Asian American &amp; Pacific Islander</b>	583,563	5%	0 (0%)	0 (0%)	0 (0%)
<b>Native American</b>	18,849	0%	0 (0%)	0 (0%)	0 (0%)

\*Districts in the bottom half of the table reflect those where the majority of residents are non-white but there is not a majority of any one race or ethnicity.

From the viewpoint of representation for communities of color, Illinois is a mixed bag. African Americans, who represent 14 percent of the state’s population, have about the same percentage of districts, both congressional and state legislative, in which they are the statistical majority. This is in stark contrast to cut Illinois’ Latinos, who now outnumber African Americans at 16 percent of the total population. News coverage suggested that concerns of Latinos were not adequately addressed during redistricting<sup>4</sup>; the number of majority Latino districts is 6 percent for congressional districts and 8 percent for both chambers of the state legislature.

MALDEF has suggested improvements to the Illinois Voting Rights Act.<sup>5</sup> Although the Act provided new options to address voting power dilution of language or racial minorities, the resolution issued by the legislature explaining its criteria for senate districts does not mention any coalition, cross-over, or influence districts.<sup>6</sup>

The resolution explaining house districts mentions coalition and minority input as influencing the drawing of three districts,<sup>7</sup> including one drawn to avoid splitting Chicago’s Chinatown community; it cites testimony by the Asian American Institute and the Coalition for a Better Chinese American Community. At 5 percent of the population, Asian-Americans have no majority districts on any level. However, in general, the 2011 redistricting raised the profile of the Asian-American community; in the legislature, an Asian-American Caucus was organized.<sup>8</sup>

<sup>4</sup> Dave McKinney and Stephen Di Benedetto, “GOP, Latino group unhappy with new Democratic-drawn state legislative maps,” *Chicago Sun-Times*, May 27, 2011; <http://www.suntimes.com/news/politics/5624638-418/gop-latino-group-unhappy-with-new-democratic-drawn-state-legislative-maps.html>

<sup>5</sup> MALDEF, Mexican American Legal Defense and Educational Fund, “Legal Analysis of the Illinois Voting Rights Act, the Redistricting Transparency and Public Participation Act, and Efforts to Make Redistricting More Equitable for Latinos in Illinois.” January 15, 2013.

<sup>6</sup> Senate Resolution 249, adopted May 27, 2011, <http://ilga.gov/legislation/BillStatus.asp?DocNum=249&GAID=11&DocTypeID=SR&LegID=61790&SessionID=84&GA=97>

<sup>7</sup> House Resolution HR 0385, adopted May 27, 2011 <http://ilga.gov/legislation/BillStatus.asp?DocNum=385&GAID=11&DocTypeID=HR&LegID=61836&SessionID=84&GA=97>

<sup>8</sup> Odette Yousef, “Asian-Americans to have state caucus,” WBEZ, May 7, 2012; <http://www.wbez.org/news/asian-americans-have-state-caucus-98917>

## [ Indiana ]

### First in the Midwest

#### Overview

Republicans controlled both the Indiana Legislature and the governorship in 2011 and thus the redistricting process. The Draw the Line Indiana coalition organized the Indiana Citizens Redistricting Commission (ICRC) with eleven members, which held hearings around the state to educate Hoosiers and advocate for creation of an independent redistricting commission and ranked criteria to develop district boundaries.

Once Census data became available, legislators also held hearings, more than in previous years. But they provided no information on population targets or redistricting criteria. Maps for the proposed districts were unveiled on April 11, 2012. The legislature followed an ICRC recommendation and drew the state house districts “incumbent blind”; they did not take this step for senate districts. ICRC’s attempts to get political data about the districts were denied. Legislators approved the draft maps within three weeks of release, with no public hearings, making Indiana the first of the Draw the Line Midwest states to complete the process.

In November 2012 legislative races, Republicans took 57 percent of votes but 69-72 percent of seats. The pattern was similar in congressional races: Republicans took 53 percent of votes and 78 percent of the seats. One Democratic congressman, facing a tough campaign in his new district, ran for the U.S. Senate instead, and won.

#### POLITICAL CONTEXT

Congressional redistricting in Indiana follows the usual bill-making process. If the legislature fails to pass a plan, a commission consisting of the house and senate leaders, house and senate committee chairs, and a legislator appointed by the governor recommends a plan to the legislature. If legislators turn that down, the governor calls them into special session to resolve the matter. The process is the same for state legislative districts, except that there is no provision for a backup commission.

Districts must comply with equal population requirements under the U.S. Constitution and Section 2 of the Voting Rights Act. Legislative districts must be contiguous; there are no specific criteria for congressional districts.

Although Democrat Barack Obama carried the state in 2008 and there have been Democratic governors and senators in recent memory (including recently elected Sen. Joe Donnelly), Indiana is generally in the red column. During redistricting in 2011, Republicans held both houses of the legislature and the governorship and dominated the state’s congressional delegation.

### **ENGAGEMENT BY DRAW THE LINE MIDWEST PARTNERS**

The Draw the Line Indiana coalition under the leadership of Common Cause/Indiana, the League of Women Voters of Indiana, and AARP Indiana formed the Indiana Citizens Redistricting Commission (ICRC), a diverse 11-member volunteer coalition that worked to educate Hoosiers about the redistricting process. The ICRC advocated for an independent redistricting commission that would use ranked criteria to develop district boundaries. ICRC held 10 meetings around the state in early 2011 and reported the results to the legislature, including recommendations that districts should be drawn “incumbent blind,” be compact, and enhance political competition.

ICRC’s efforts generated dozens of news stories and editorials. The commission maintained a website and list-serve to help Hoosiers follow and participate in the debate. Reform advocates were successful in pressuring the legislative committees to hold three times as many public meetings in 2011 as in 2001. The General Assembly also made computers and mapping software available to the public at three Indiana University campuses. Unfortunately, this software was not particularly user-friendly and it was not well utilized.

### **DRAWING THE MAPS**

Shortly after Census data became available in February 2011, the legislature shut down for over a month in a dispute over a proposed right-to-work law. During this time, the house and senate elections committees held nine hearings on redistricting across the state. However, they did not provide information on new population targets for districts based on Census data, and they avoided questions about redistricting criteria. Testimony stuck with general themes, leaving many attendees feeling that the meetings were not productive in gathering public input. Since all of these hearings were held before proposed maps were available, they offered no opportunity for public review of legislators’ work.

The legislature finally reconvened on April 11. Maps for the proposed districts were unveiled on that day, and from then on the process moved quickly. House members debated about how units of government should be handled: Republicans emphasized keeping counties intact, while Democratic members focused on keeping townships whole. No political data were provided to help evaluate the maps; house Republicans denied using political data, a claim that met with widespread skepticism. The legislature approved new districts on April 28, 2011, less than three weeks after the maps were first made public, and the bill was signed by the governor on May 10, 2011.

**OUTCOMES**

*Partisan splits*

 <b>Indiana Partisan Splits Votes Cast in November 2012 v. Seats Held Starting in 2013</b>						
	Congress		State Senate		State House	
	R	D	R	D	R	D
<b>Votes</b>	53%	45%	57%	42%	57%	42%
<b>Seats Won</b>	7 (78%)	2 (22%)	18 (72%)	7 (28%)	69 (69%)	31 (31%)

Legislators followed one of the ICRC’s recommendations: they drew state house districts “incumbent blind” – i.e., the incumbents’ home addresses were not considered. As a result, seven of the nine house districts had either no current representative or more than one. This recommendation was not followed in drawing state senate districts.

In November 2012, Republican candidates for the U.S. House got 53 percent of the vote but took seven of nine seats, up from the 6-3 split in the previous Congress. Democratic Rep. Joe Donnelly, facing a tough re-election fight in his new district, opted to run for the U.S. Senate, and won; his House seat went to a Republican. State legislative races followed a pattern similar to the House races: Republicans won 57 percent of the votes for the two chambers and took 69 to 72 percent of the seats. Many of the legislative races in Indiana were really decided in the primary; 36 percent of state senate races and 27 percent of state house races were uncontested in the November 2012 election.

ICRC continues to advocate for an independent redistricting commission that would use ranked criteria<sup>1</sup> to draw congressional and legislative districts. Legislative leaders appointed a two-year study committee to recommend redistricting reforms to the General Assembly. Meetings started in 2011;<sup>2</sup> but no meetings occurred in 2012 and the committee expired on November 1, 2012 without developing any recommendations.

<sup>1</sup> The use of multiple criteria in ranked order of importance. See p. 19 for an example of ranked criteria: <http://www.ai.org/legislative/interim/committee/minutes/ICREEA7.pdf>

<sup>2</sup> Meeting minutes from September 20, 2011: <http://www.in.gov/legislative/interim/committee/minutes/ICREE9K.pdf>; and October 7, 2011: <http://www.in.gov/legislative/interim/committee/minutes/ICREEA7.pdf>



Redistricting and race

Indiana

Race/Ethnicity	Population	Percentage of Total	Districts with Majority Population*		
			US House	State Senate	State House
<b>Total</b>	<b>6,483,802</b>	<b>100%</b>	<b>9 (100%)</b>	<b>50 (100%)</b>	<b>100 (100%)</b>
<b>White</b>	5,286,453	82%	9 (100%)	46 (92%)	90 (90%)
<b>Non-white total</b>	1,197,349	18%	0 (0%)	4 (8%)	10 (10%)
<b>Latino/Hispanic</b>	389,707	6%	0 (0%)	0 (0%)	0 (0%)
<b>African American</b>	582,140	9%	0 (0%)	3 (6%)	8 (8%)
<b>Asian American &amp; Pacific Islander</b>	103,297	2%	0 (0%)	0 (0%)	0 (0%)
<b>Native American</b>	14,165	0%	0 (0%)	0 (0%)	0 (0%)

\*Districts in the bottom half of the table reflect those where the majority of residents are non-white but there is not a majority of any one race or ethnicity.

Although Indiana has a well-established African-American community and an emerging Latino population, the final maps did not reflect the state’s growing diversity. No congressional district was drawn to be majority-minority. Maps for the state senate and the state house fell significantly short in terms of proportionality for communities of color, which represent almost one-fifth of the state’s population. Most glaring is the lack of any majority Latino district in the state legislature.

## [ Michigan ]

### Voters hungry for non-partisan reform

#### Overview

Michigan lost one congressional seat as a result of reapportionment. Republicans controlled the Michigan Legislature and the governorship in 2011, and thus were in charge of the redistricting process.

Reform groups organized the Michigan Redistricting Collaborative (MRC), which convened public meetings around the state. The MRC, working with the Michigan Center for Election Law and Administration, also organized a public map-drawing competition.

Lawmakers unveiled their proposed congressional and legislative maps on June 17. After two committee hearings with a total of 1.5 hours of public testimony, the legislature approved the districts twelve days later.

The resulting districts reinforced GOP control of the congressional delegation and the legislature. Although Democrats won a majority of votes for members of Congress (51 to 46 percent) in 2012, Republicans took nine of the 14 seats. The same pattern held in the legislature: Democrats won 53 percent of the votes for the state house, but Republicans took 54 percent of the seats. (State senators were not up for re-election in 2012.) The NAACP challenged certain house districts on voting rights grounds, but the case was dismissed.

#### POLITICAL CONTEXT

Redistricting in Michigan, for both Congress and the legislature, moves through the normal lawmaking process. Districts must comply with equal population requirements under the U.S. Constitution and Section 2 of the Voting Rights Act. Statutory guidelines have varied over time; currently they call for districts that break as few local jurisdictional boundaries as possible and are contiguous; multiple districts within a larger jurisdiction are to be as compact as possible. Two Michigan townships trigger review under section 5 of the Voting Rights Act.

Michigan politics have been volatile in recent years. The state has two Democratic senators and voted solidly for Barack Obama in 2008 and 2012; on the other hand, in 2010 it gave Republicans the governorship and control of the legislature and the congressional delegation.

## ENGAGEMENT BY DRAW THE LINE MIDWEST PARTNERS

Several groups – the Michigan Nonprofit Association, League of Women Voters, Common Cause, the Center for Michigan, and Michigan Campaign Finance Network – helped convene the Michigan Redistricting Collaborative (MRC), with over 40 community partners. The MRC based its work on four principles: transparency; opportunities and resources for public input; fair, competitive, representative districts; and involvement by trusted nonprofit organizations.

Media outreach and meetings with editorial boards around the state drew numerous editorials and news stories spotlighting the need for an open and transparent process. The Center for Michigan, the League of Women Voters, and other MRC members held “community conversations” in Lansing, Livonia, Traverse City, Grand Rapids, and Detroit to gather public input.

Working with the Michigan Center for Election Law and Administration, MRC organized a competition for private citizens to draw congressional and legislative maps. Nonpartisan judges evaluated the plans on the basis of population equality, minimizing county splits, compactness, competitiveness, and representational fairness. Fifteen plans (9 congressional, 5 senate, 1 house) generated from the competition were submitted to the Michigan Legislature for consideration.<sup>1</sup> The winning map was drawn by Nathan Inks, president of the College Republicans at Central Michigan University.

## DRAWING THE MAPS

Release of Census data in early 2011 left Michigan with one less seat. While lawmakers were working on their plans, the house redistricting committee chair announced in mid-May that members of the public who wished to submit redistricting plans could do so within the following two weeks.

On June 17, legislators unveiled their proposed maps. Two committee hearings on the congressional maps allotted 1.5 hours for public testimony. No additional draft maps could be submitted. Reform proposals were introduced by the Democrats, but there was little legislative interest by the GOP.<sup>2</sup> Twelve days after they were unveiled, on June 29, the new districts were approved by the legislature; Governor Snyder signed them into law on August 9. The Detroit branch of the NAACP challenged several house districts on voting rights grounds, but the case was dismissed.

MRC partners have urged the Michigan Legislature to take steps to open up the process, including posting the draft plans on the legislature’s website 30 days before passage, holding at least two committee hearings and four public hearings on draft plans around the state; and providing a statement for each district explaining how the boundaries were drawn and how the district has been changed. A November 2011 poll<sup>3</sup> commissioned by MRC found that two-thirds of likely voters would support reforming the current redistricting system by creating a non-partisan commission.

<sup>1</sup> See <http://michiganredistricting.org/> for more information about the competition or to view the winning plans.

<sup>2</sup> Angie Favot, “Lansing: Proposal could change rules on redistricting,” *The News-Herald*, March 29, 2011. <http://www.thenews-herald.com/articles/2011/03/29/news/doc4d924590bb8d0391797937.txt>

**OUTCOMES**

*Partisan splits*



Michigan Partisan Splits Votes Cast in November 2012 v. Seats Held Starting in 2013						
	Congress		State Senate		State House	
	R	D	R	D	R	D
<b>Votes</b>	46%	51%	No state senate elections held in Michigan in 2012		46%	53%
<b>Seats Won</b>	9 (64%)	5 (36%)			59 (54%)	51 (46%)

The new congressional map breaks numerous communities and crosses county lines. Detroit, which has a population of 713,000, is split into two districts and could potentially be represented by people who do not live in the city. The same is true for Oakland County, immediately northwest of Detroit with a population of 1.2 million, which is split into four districts. Since congressional districts in Michigan contain an average population of 705,000 people, such divisions were avoidable. Part of the dynamic was an effort to preserve two majority-minority districts. Nevertheless, a very different map could have been drawn if Michigan’s redistricting process had not been fully controlled by partisans. Noting several contrasts between the legislature’s final maps and those drawn by MRC contest winner Nathan Inks, Stephen Henderson of the *Detroit Free Press* wrote, “We can do better. A college kid showed us how. Now we just need the legislature to pay attention.”

The new districts reinforced GOP control of the congressional delegation and the legislature. The delegation’s lost seat was taken from Democrats, as two Democratic members of Congress were drawn into the same district (though one later moved). Although Democrats won a majority of votes for members of Congress (51 to 46 percent) in 2012, Republicans took nine of the 14 seats. The same pattern held in the legislature: Democrats won 53 percent of the votes for the state house, but Republicans took 54 percent of the seats. (State senators were not up for reelection in 2012.)



Redistricting and race

Michigan

Race/Ethnicity	Population	Percentage of Total	Districts with Majority Population*		
			US House	State Senate	State House
<b>Total</b>	9,883,640	100%	14 (100%)	38 (100%)	110 (100%)
<b>White</b>	7,569,939	77%	12 (86%)	33 (87%)	97 (88%)
<b>Non-white total</b>	2,313,701	23%	2 (14%)	5 (13%)	13 (12%)
<b>Latino/Hispanic</b>	436,358	4%	0 (0%)	0 (0%)	0 (0%)
<b>African American</b>	1,383,756	14%	2 (14%)	5 (13%)	12 (11%)
<b>Asian American &amp; Pacific Islander</b>	238,660	2%	0 (0%)	0 (0%)	0 (0%)
<b>Native American</b>	2,170	0%	0 (0%)	0 (0%)	0 (0%)

\*Districts in the bottom half of the table reflect those where the majority of residents are non-white but there is not a majority of any one race or ethnicity.

Though roughly one quarter of Michigan residents are people of color, the final maps for congressional and state legislative districts are mixed with regards to respecting their voting strength. On one hand, African Americans, who represent 14 percent of the state’s population, generally have a proportional number of districts in which they are in the statistical majority. When communities of color are viewed as a whole, however, the number of majority-minority districts is significantly below expectations. It is unclear if this was an intentional effort to “crack” minorities into several districts, or if people of color, outside of African-American communities, are too dispersed to be drawn into districts where they are the majority.

## [ Minnesota ]

### Bipartisan gridlock – let the courts decide

#### Overview

Minnesota was the only state in the Draw the Line Midwest region with divided government in 2011: Republicans controlled the legislature while the governor was Democratic-Farmer-Labor's Mark Dayton.<sup>1</sup>

Reformers organized the Minnesota Citizens' Redistricting Commission (MCRC), with 15 citizen members representing communities, political parties, academics, and others. The commission held public hearings, drafted proposed maps, and offered recommendations. Two other reform groups ran a map-drawing contest. The overall reform coalition was Draw the Line Minnesota.

The legislature drew maps behind closed doors, which were vetoed by the governor. That set the stage for the Minnesota Supreme Court to appoint a Special Judicial Panel to establish the new districts. The panel held hearings, invited the political parties to submit plans, and specified criteria by which maps would be judged. The panel established Minnesota's congressional and legislative districts on February 21, 2012.

The resulting maps tracked the partisan balance in the state more closely than the maps in other Midwest states. Democrats won 56 percent of votes for members of Congress in the 2012 election and got five of the eight seats (62 percent). In the legislature, Democrats won 54 to 56 percent of the votes and roughly the same percentage, 54 to 58 percent, of the seats.

#### POLITICAL CONTEXT

Redistricting for both congressional and legislative seats moves through the Minnesota Legislature under the same process as any other bill, except that the plan is initially prepared and submitted by the legislature's Subcommittee on Redistricting rather than by a standing legislative committee.

Districts must comply with equal population requirements under the U.S. Constitution and Section 2 of the Voting Rights Act. Under the state constitution senate districts must be contiguous; state house districts are nested within senate districts. Statutory provisions have extended the contiguity requirement to congressional and state house districts and dictate that political subdivisions not be divided more than necessary. The Special Judicial Panel that controlled redistricting in 2011-12 added two criteria: preserving communities of interest and drawing districts without the purpose of either protecting or defeating incumbents.

Minnesota politics have been volatile; its last three governors included independent Jesse Ventura, Republican Tim Pawlenty, and DFL Dayton. In 2010 its congressional delegation was split 4-4, and power in state government was divided between a Republican-controlled legislature and the DFL governor. Redistricting stalemates have led to court intervention in four out of the last five cycles (1971, 1981, 2001, and 2011).<sup>2</sup>

<sup>1</sup> Democratic-Farmer-Labor is Minnesota's Democratic party.

<sup>2</sup> League of Women Voters Redistricting Briefing Paper, <http://www.lwvminn.org/Document.Doc?id=79>

## ENGAGEMENT BY DRAW THE LINE MIDWEST PARTNERS

Reform groups began networking while the legislature was working on its redistricting plans during the first half of 2011. In May, when it was clear that there would be no agreement between the legislature and the governor, two groups –the League of Women Voters and Minnesota Council of Nonprofits – launched the Minnesota Citizens’ Redistricting Commission (MCRC). Its 15 citizen members included community representatives, academics, political party officials, and others from across the state.<sup>3</sup>

The MCRC first met in July of 2011 in an all-day session that included training by the Brennan Center for Justice. The idea was to model a fair and open process, add value to discussions of future reform, and produce draft maps through public comment and engagement. The citizens’ commission held 18 public hearings including two hearings in each of Minnesota’s eight congressional districts. Input was also obtained on a drop-in basis at the Minnesota State Fair.<sup>4</sup> In total, this volunteer commission took over 45 hours of input from over 300 Minnesotans.

In October the MCRC delivered recommendations and proposed maps to the Special Judicial Panel handling redistricting. The recommendations included preserving communities of interest (e.g., cities, counties, regional transportation and economic areas), ensuring fair representation for communities of color, not intentionally protecting or defeating incumbents, and creating compact districts.<sup>5</sup>

Two other groups, Common Cause Minnesota and the Center for the Study of Politics at the University of Minnesota, ran the Draw Minnesota contest engaging citizens to draw their own maps.<sup>6</sup> More than 200 people participated, and a bipartisan panel, consisting of a former congressman and two former speakers of the Minnesota house, judged the entries based on compliance with the law, creation of competitive districts, minimizing splits of political subdivisions, and preserving communities of interest. Due to technical difficulties the winning map was not submitted to the Special Judicial Panel, but testimony by Common Cause Minnesota and competition participants was submitted.

<sup>3</sup> Meet the Commission Members, July 29, 2011 <http://drawthelinemidwest.org/minnesota/commissionmembers/>

<sup>4</sup> Minnesota Citizens’ Redistricting Commission Public Hearings, August 8, 2011 <http://drawthelinemidwest.org/minnesota/public-meetings/>

<sup>5</sup> Draw the Line Minnesota, “New Report Shows Minnesotans Want Public Input, Communities of Interest to Shape Redistricting.” October 21, 2011 <http://drawthelinemidwest.org/minnesota/commission-redistricting-report/>

<sup>6</sup> See <http://www.drawminnesota.org/contest/>

## DRAWING THE MAPS

Legislators had held several public hearings between January and April 2011, but testimony was primarily invited; members of the public had to file a request in advance to testify. State legislative maps, released on May 2, were drawn completely behind closed doors with the minority party excluded. Analysis by an academic expert indicated that the maps strongly favored the Republican Party.<sup>7</sup> The maps were approved by the house on May 6 and by the full legislature on May 17. The congressional maps moved even more quickly: unveiled on May 11, approved by the house on May 13, and by the full legislature on May 17. Governor Mark Dayton vetoed the legislation. No bi-partisan compromise emerged to override the veto.

In anticipation of a deadlock, Republican activists had initiated a lawsuit in January challenging the constitutionality of existing congressional districts because of population shifts. The Minnesota Supreme Court stayed consideration until June 1, 2011, by which time the legislative session had ended. The court then appointed a five-judge Special Judicial Panel to establish the new districts. Under Minnesota law the panel had to hold off its final resolution until February 2012 to give the legislative and executive branches a final opportunity to compromise.

The judicial panel held eight hearings across the state during October 2011 seeking public input.<sup>8</sup> On November 4, the judges invited the political parties to submit plans and identified detailed criteria by which the maps would be judged:

- Equal population in congressional districts; no more than 2 percent variation from the ideal among legislative districts.
- No unwarranted division of racial or ethnic minority populations.
- Districts should be contiguous, compact, and convenient to traverse.
- No unnecessary division of political subdivisions.
- As much as possible, communities of interest should be kept intact.
- Districts shall not be drawn for the purpose of protecting or defeating incumbents, though this factor was subordinate to other criteria.<sup>9</sup>

The panel heard oral arguments in early January 2012; a request by Common Cause to file an amicus brief to allow public comments on these maps was denied. The Special Judicial Panel established Minnesota's congressional and legislative districts on February 21, 2012.

<sup>7</sup> <http://www.drawminnesota.org/2011/05/congressional-maps-are-a-partisan-gerrymander/>

<sup>8</sup> Amended Order Setting Public Hearing Schedule, State of Minnesota Special Redistricting Panel, September 13, 2011  
[http://www.mncourts.gov/Documents/0/Public/Court\\_Information\\_Office/2011Redistricting/A110152AmendedOrder9.13.11.pdf](http://www.mncourts.gov/Documents/0/Public/Court_Information_Office/2011Redistricting/A110152AmendedOrder9.13.11.pdf)

<sup>9</sup> Order State Redistricting Principles and Requirements for Plan Submissions, State of Minnesota Special Redistricting Panel, November 4, 2011  
[http://www.mncourts.gov/Documents/0/Public/Court\\_Information\\_Office/2011Redistricting/A110152Order11.4.11.pdf](http://www.mncourts.gov/Documents/0/Public/Court_Information_Office/2011Redistricting/A110152Order11.4.11.pdf)

Given how frequently courts have had to step in, support for an independent redistricting commission has been growing among reform groups and former members of the legislature. In 1980 a proposed constitutional amendment to establish a commission failed by a few thousand votes.<sup>10</sup> Such a commission could be modeled after commissions in Arizona or California, with citizen members and greater public participation and transparency. A proposal by former Republican Governor Arne Carlson and former Democratic Vice President Walter Mondale calls for a commission comprising five retired district or appellate court judges, four appointed by legislative leaders and the fifth selected by the other four. This group would begin its process once the Census releases population numbers, gather public input, and propose maps to the legislature to be voted up or down.<sup>11</sup> Another proposal would allow the legislative process to play out but create a backup commission, similarly constituted, if the legislature and governor are unable to agree.

**OUTCOMES**

*Partisan splits*

Minnesota Partisan Splits Cast in November 2012 v. Seats Held Starting in 2013						
	Congress		State Senate		State House	
	R	D	R	D	R	D
<b>Votes</b>	43%	56%	44%	56%	45%	54%
<b>Seats Won</b>	3 (38%)	5 (62%)	28 (42%)	39 (58%)	61 (46%)	73 (54%)

The maps established by the Special Judicial Panel tracked the partisan balance in the state more closely than the maps in other Midwest states. DFL candidates won 56 percent of votes for members of Congress in the 2012 election and got five of the eight seats (62 percent). In the legislature, the DFL won 54 to 55 percent of the votes and roughly the same percentage of seats (54 percent in the house, 58 percent in the senate).

Analysis by Common Cause Minnesota indicates that the new legislative district maps created 81 districts that could be competitive in 2012, with a breakdown of 48 “toss up” districts and 33 districts that lean to one party or the other. Analysis by MinnPost considering a broader range of factors (GOP financial problems, the popularity of Gov. Dayton who is supporting DFL legislative candidates) indicates 28 swing legislative districts.<sup>12</sup>

<sup>10</sup> Minnesota State Constitutional Amendments Considered: <http://www.leg.state.mn.us/lr/mngov/constitutionalamendments.aspx>  
<sup>11</sup> “Mondale, Carlson want retired justices to do redistricting,” via Associated Press State & Local Wire, and LexisNexis [http://www.hhh.umn.edu/centers/cspg/initiatives/redistricting\\_project/pdf/Mondale\\_CarlsonWantRetiredJudgestodoRedistricting\\_AssociatedPress.pdf](http://www.hhh.umn.edu/centers/cspg/initiatives/redistricting_project/pdf/Mondale_CarlsonWantRetiredJudgestodoRedistricting_AssociatedPress.pdf)  
<sup>12</sup> Doug Grow, “Who will control the 2013 Minnesota Legislature?” MinnPost, September 24, 2012; <http://www.minnpost.com/politics-policy/2012/09/who-will-control-2013-minnesota-legislature>

Redistricting and race



Minnesota

Race/Ethnicity	Population	Percentage of Total	Districts with Majority Population *		
			US House	State Senate	State House
<b>Total</b>	<b>5,303,925</b>	<b>100%</b>	<b>8 (100%)</b>	<b>67 (100%)</b>	<b>134 (100%)</b>
<b>White</b>	4,405,142	83%	8 (100%)	65 (97%)	129 (96%)
<b>Non-white total</b>	898,783	17%	0 (0%)	2 (3%)	5 (4%)
<b>Latino/Hispanic</b>	250,258	5%	0 (0%)	0 (0%)	0 (0%)
<b>African American</b>	269,141	5%	0 (0%)	0 (0%)	0 (0%)
<b>Asian American &amp; Pacific Islander</b>	268,417	5%	0 (0%)	0 (0%)	0 (0%)
<b>Native American</b>	55,421	1%	0 (0%)	0 (0%)	0 (0%)

\*Districts in the bottom half of the table reflect those where the majority of residents are non-white but there is not a majority of any one race or ethnicity.

The number of non-white residents in Minnesota is growing; currently they make up 17 percent of the state’s population, evenly split at 5 percent each for African Americans, Latinos, and Asian Americans, with a smaller percentage of Native Americans. Districts with a non-white majority are only a fraction (3 percent in the state senate and 4 percent in the state house) of what would be proportional, and there are no majority-minority congressional or legislative districts in any one race category. This demonstrates the challenge of fair representation in a single-member district system when communities of color are geographically dispersed, but likely still constitute a community of interest.

## [ Ohio ]

### Calling the shots from D.C.

#### Overview

Ohio Republicans controlled the governorship and the state legislature in 2011. The Apportionment Board, which draws legislative districts, had a 4-to-1 Republican advantage. The legislature controls congressional redistricting. Ohio lost two seats as a result of the 2010 Census, leaving a high stakes re-districting battle in which the political team of U.S. House Speaker and Ohio native John Boehner played a key role.

Reformers organized the Ohio Campaign for Accountable Redistricting, a coalition representing 25 organizations. They testified at hearings organized by the legislature and the Apportionment Board. They also created their own map-drawing competitions, judged on nonpartisan criteria, and submitted winning entries to the official map-drawing bodies.

The legislature's congressional map, drawn behind closed doors, was unveiled on September 13, 2011 and approved within eight days. Legislators also changed the date of the congressional primary. Public uproar, a petition drive for a referendum to overturn the maps, and more legislative maneuvering led to new legislation, passed in December, that slightly revised the districts and restored the March 6 primary.

The Apportionment Board held regional hearings on state legislative districts in August and unveiled proposed maps in September. It approved them five days later, with minor changes at the request of individual legislators.

The maps cemented Republican legislative control in Ohio. Republican candidates got 51 percent of votes cast for congressional candidates, but won 75 percent of the seats. In the state house Democrats won 51 percent of votes cast, but the GOP took 61 percent of the seats. In the state senate (with elections in 18 of 33 seats), Republican candidates got 65 percent of the votes and 83 percent of the seats.

A popular vote on a ballot measure organized by reformers to create an independent redistricting commission was defeated in the November 2012 election.

### POLITICAL CONTEXT

Ohio establishes separate processes for drawing congressional and legislative districts. Seats in Congress are drawn by the legislature, under the process used for enacting any other bill. The Ohio Apportionment Board (comprising the governor, secretary of state, auditor, and one state legislator from each major party) draws state legislative districts.

Districts must comply with equal population requirements under the U.S. Constitution and Section 2 of the Voting Rights Act. Three house districts are nested within each senate district. The Ohio Constitution requires that legislative districts be contiguous and compact and preserve political subdivisions where feasible, with particular emphasis on county lines. When it is not possible to preserve political units in their entirety, the goal is that they should not be divided into more than two legislative districts.

Ohio is the quintessential battleground state in American politics. Victories by Democrat Barack Obama in 2008 and 2012 were narrow and hard fought. The state has one Democrat and one Republican senator; the current Republican governor was preceded by a Democrat. Ohio is the home of U.S. Speaker John Boehner, who took a strong interest in redistricting to help his party retain control of the Ohio congressional delegation, which had lost two seats after the 2010 Census. In 2011, Republicans controlled the Ohio Legislature and the governorship, and had a 4 – 1 advantage on the Apportionment Board. They thus controlled redistricting at both levels.

### ENGAGEMENT BY DRAW THE LINE MIDWEST PARTNERS

The Ohio Campaign for Accountable Redistricting, formed in 2011, represented 25 Ohio organizations. They testified at the various regional hearings, legislative committee hearings, and the one Apportionment Board meeting where testimony was permitted. Most of the public testimony requested greater transparency, consideration of nonpartisan redistricting criteria, and consideration of maps drawn by the public.

The Ohio Campaign for Accountable Redistricting also organized a competition encouraging the public to draw their own maps. These maps were scored based on nonpartisan redistricting principles: compactness, preservation of county and municipal boundaries, competitiveness, and representational fairness. Hundreds of people registered to participate; out of the competition came 53 congressional maps and a dozen state legislative maps. Eight of the congressional maps were submitted to the legislature, and two of the state legislative maps were submitted to the Apportionment Board. The secretary of state also hosted a website which allowed the public to submit maps.<sup>1</sup> Several hundred people accessed the site, but only one map was generated.<sup>2</sup>

<sup>1</sup> [www.reshapeohio.org](http://www.reshapeohio.org)

<sup>2</sup> Some participants in OCAR's competition also posted their maps on the Secretary of State's website, and four participants in OCAR's competition actually drew their map on the Secretary of State's website.

The Ohio coalition used the scoring process it had used in the competition to rate the maps drawn through the official process. Congressional maps drawn by the legislature scored lower than all 53 maps submitted during the competition. The winning congressional map was drawn by Illinois Representative Mike Fortner, a Republican who entered the competition in part to dramatize the fact that Democrats in his own state had cut Republicans out of the process.<sup>3</sup>

Frustrated by the closed political processes that produced the congressional and legislative maps, the League of Women Voters of Ohio, Common Cause Ohio, and others developed a proposal to put redistricting in the hands of an independent commission using nonpartisan criteria. After collecting over 400,000 signatures, reformers put Issue #2 on the November 2012 ballot. They then faced another hurdle: the ballot language framing the proposal was drafted by state officials who had opposed it. Reform advocates sued and the Ohio Supreme Court ordered a rewrite, but reformers considered the final ballot title still slanted and confusing. The proposal was defeated during a general election crowded with higher profile campaigns and intense political advertising by opponents.

### **DRAWING THE MAPS**

A joint legislative committee working on congressional maps held five regional hearings across Ohio between July 20 and August 2, 2011. Meanwhile, behind closed doors, the map-drawers were working with the executive director of Speaker Boehner's political team and the redistricting coordinator for the National Republican Congressional Committee. On September 13, 2011, the proposed congressional map was unveiled. Within 48 hours the proposed districts were approved by the Ohio house and within eight days by the full legislature, with no changes to the districts. The Ohio Democratic Party organized a signature drive for a voter referendum on the new districts. In response, the legislature moved the congressional primary election from March 6 to June 12, leaving the primary election for other offices on March 6.

The proposed district lines and multiple primary dates created public uproar, leading to backroom negotiations that included some members of the Democratic minority. New legislation passed on December 15, 2011 repealed the districts established in September, created slightly revised districts, and moved the congressional primary back to March 6.

Because the state legislative districts only need approval from the Apportionment Board, the process moved quickly. Eleven regional hearings were held in late August. The Apportionment Board unveiled proposed maps on September 23, 2011 and approved them five days later. The secretary of the Apportionment Board acknowledged that as the maps were being drawn, they were submitted to Republican legislative leaders for feedback.<sup>4</sup> The sole Democratic member of the board was excluded from this process. Some changes were made to the map to accommodate requests of individual legislators, but there was no public testimony on these adjustments.<sup>5</sup>

<sup>3</sup> "Rep. Fortner Press Release: Fortner wins Ohio map contest," *Kane County Chronicle*, August 24, 2011: <http://www.kcchronicle.com/2011/08/24/rep-fortner-press-release-fortner-wins-ohio-map-contest/bxq2hf/>

<sup>4</sup> September 26, 2011 Apportionment Board transcript, p. 60-62; <http://www.sos.state.oh.us/sos/upload/reshape/ApportionmentBoard/transcripts/2011-09-26.pdf>

<sup>5</sup> Transcripts of the Sept. 26, 28, & 30 Apportionment Board meetings are available at <http://www.sos.state.oh.us/SOS/reshape/GADistricts/NoticesMinutesTestimony.aspx>

Costs related to redistricting were also mostly hidden. Email exchanges revealed that one state employee resigned, worked as a consultant to the Apportionment Board, and then returned to state employment; another consultant had recently left state service. A public records search revealed that the consultants earned over five times what they would have made as state employees. Rent totaling \$9,600 for a hotel room to facilitate secret meetings, referred to as “the bunker,” was also charged to taxpayers.<sup>6</sup>

**OUTCOMES**

*Partisan splits*

Ohio Partisan Splits Votes Cast in November 2012 v. Seats Held Starting in 2013						
	Congress		State Senate		State House	
	R	D	R	D	R	D
Votes	51%	47%	65%	34%	49%	51%
Seats Won	12 (75%)	4 (25%)	15 (83%)	3 (17%)	60 (61%)	39 (39%)

The practical effect of the new congressional and legislative districts was to cement Republican control. Republican candidates got 51 percent of votes cast for Ohio congressional candidates, but won 75 percent of the seats. In the state house Democrats won 51 percent of votes cast, but the GOP took 61 percent of the seats. In the state senate there were elections in 18 out of 33 districts; 65 percent of votes cast went to Republican candidates who won 83 percent of this set of seats. Many of the legislative races in Ohio were really decided in the primary; 27 percent of state senate races and 11 percent of house races were uncontested on the November 2012 ballot.

Analysis by the Brennan Center for Justice finds that Republican Representative Bill Johnson kept his seat, which he would likely have lost, and Freshman Republican Representative Steve Chabot more readily won re-election as a consequence of redistricting. Incumbent Democrats Dennis Kucinich and Marcy Kaptur were placed in the same district; Kucinich lost in the primary and Kaptur won handily in the general election. Republican incumbent Jim Renacci and Democratic incumbent Betty Sutton were drawn into the same district; Renacci won in a district considered more favorable to Republicans.

In addition, evidence suggests that districts were drawn to maximize campaign contributions. According to Ohio reformers, “a puppet shaped peninsula” with zero population was carved into Canton and attached to the 16th Congressional District. “No other portion of Canton is in the 16th District. This zero population area was attached to the 16th District because it contains the Timken manufacturing plant and their corporate headquarters. Those connected with Timken are major campaign contributors to Congressman Renacci.”<sup>7</sup>

<sup>7</sup> Slagle, Jim, Ohio Redistricting Transparency Report: The Elephant in the Room. On file at Midwest Democracy Network.

An email exchange obtained through a public records request documented how past in-kind contributions were factored into drawing new state house districts. One comment suggested that significant changes to many state house districts could potentially save “millions over the coming years.”<sup>8</sup>

A legal challenge to legislative districts brought by Democrats was decided by the Ohio Supreme Court in favor of the state Apportionment Board in a 4-3 ruling. Two of the three dissenting votes were Republicans, including a judge who wrote that the majority opinion reaches conclusions that “fail the tests of logic and fairness” and that the discretion given to the Apportionment Board to draw boundaries similar to previous maps “erects a nearly insurmountable challenge to a successful legal challenge.”<sup>9</sup>



*Race and redistricting*

Race/Ethnicity	Population	Percentage of Total	Districts with Majority Population*		
			US House	State Senate	State House
<b>Total</b>	<b>11,536,504</b>	<b>100%</b>	<b>16 (100%)</b>	<b>33 (100%)</b>	<b>99 (100%)</b>
<b>White</b>	9,359,263	81%	15 (94%)	32 (97%)	88 (89%)
<b>Non-white total</b>	2,177,241	19%	1 (6%)	1 (3%)	11 (11%)
<b>Latino/Hispanic</b>	354,674	3%	0 (0%)	0 (0%)	0 (0%)
<b>African American</b>	1,389,115	12%	1 (6%)	1 (3%)	10 (10%)
<b>Asian American &amp; Pacific Islander</b>	194,165	2%	0 (0%)	0 (0%)	0 (0%)
<b>Native American</b>	20,906	0%	0 (0%)	0 (0%)	0 (0%)

\*Districts in the bottom half of the table reflect those where the majority of residents are non-white but there is not a majority of any one race or ethnicity.

In terms of representation for communities of color, the Ohio maps seem to dilute voting strength. African Americans, who make up 12 percent of the state population, have only one state senate district (3 percent) in which they are the majority; things are better in the state house, where 10 percent of districts have African-American majorities. However, in a state whose population is roughly 20 percent non-white, only 6 percent of congressional districts, 3 percent of state senate districts, and 11 percent of state house districts are majority-minority.

<sup>8</sup> Slagle, Jim, Ohio Redistricting Transparency Report: The Elephant in the Room. On file at Midwest Democracy Network.

<sup>9</sup> Reginald Fields, “Split Supreme Court says redistricting map is constitutional,” *Cleveland Plain Dealer*, November 27, 2012. [http://www.cleveland.com/open/index.ssf/2012/11/split\\_ohio\\_supreme\\_court\\_says.html](http://www.cleveland.com/open/index.ssf/2012/11/split_ohio_supreme_court_says.html).

## [ Wisconsin ]

### Legislators take oath of secrecy

#### Overview

Republicans controlled both houses of the Wisconsin Legislature and the governorship when redistricting was done in 2011.

The Draw the Line Wisconsin coalition worked with former Republican and Democratic officials, journalists, and academic leaders who banded together to form the Make Our Votes Count commission. In May 2011 that commission formed a website, started a social media campaign, and drew the attention of the news media.

Political turmoil in the state led to recall elections in several senate districts in summer 2011. Concerned about losing their majority, Republican leaders acted quickly to establish the new congressional and legislative districts. After drawing the maps behind closed doors, legislative leaders released them on July 8 and passed them within two weeks, before the scheduled recall elections.

The resulting districts strongly favored the GOP. In the 2012 election, Democratic candidates got a slim majority (50-49 percent) of votes for Congress, but Republicans took five of the eight seats. In state assembly races, Democrats won 53 percent of votes but Republicans took 61 percent of the seats. In the 16 state senate districts holding elections, Democrats' 53 percent of the votes gave them 50 percent of the seats.

A lawsuit by an immigrant rights group, Voces de la Frontera, resulted in two assembly districts declared as violations of the federal Voting Rights Act and creation of a new Latino majority-minority district.

#### POLITICAL CONTEXT

Redistricting both congressional and legislative seats moves through the Wisconsin Legislature using the same process for passing any other bill.

Districts must comply with equal population requirements under the U.S. Constitution and Section 2 of the Voting Rights Act. The Wisconsin Constitution requires that legislative districts be as compact as possible and bounded by local government jurisdictional boundaries when possible. Contiguity is generally required, except when smaller political subdivisions are not contiguous. Three assembly districts are nested within one state senate district. There are no similar guidelines for congressional districts.

Redistricting took place at a time of great political turmoil in Wisconsin. Republicans took control of both houses of the legislature and the governorship in the 2010 elections. Their legislation early in 2011 to curtail the collective bargaining rights of government employees drew huge protests, a legislative shutdown, and August 2011 recall elections in several senate districts. Recognizing that their majority could be in jeopardy, Republican leaders acted quickly to establish the congressional and legislative districts while they still controlled the process. To do so, they had to repeal a law that required local governments to set ward (precinct) boundaries before legislative and congressional districts were established.

## ENGAGEMENT BY DRAW THE LINE MIDWEST PARTNERS

The Draw the Line Wisconsin coalition worked with former Republican and Democratic officials, journalists, and academic leaders who banded together to form Make Our Votes Count in May 2011. Make Our Votes Count and other reform groups advocated for a nonpartisan approach to drawing districts so that voters could choose their politicians, instead of the other way around. Make Our Votes Count established a website, started a social media campaign, and got news releases and opinion pieces published.

Members of Make Our Votes Count joined a June 2011 press conference with Democratic legislators as they proposed bills to put redistricting in the hands of independent state agencies, the Legislative Reference Bureau and the Government Accountability Board, based on the Iowa model. The legislation did not pass.

One of the reform groups, Wisconsin Democracy Campaign (WDC), produced its own maps, which created over four times as many competitive senate and assembly districts as those drawn by the official map-drawers. For example, WDC proposed putting two southeast Wisconsin cities, Kenosha and Racine, each in its own district with its surrounding areas. Such districts would have replicated the competition that saw those seats switch back and forth in earlier elections. Instead, the legislature grouped the two cities together, and carved a separate non-urban district out of the surrounding areas.

## DRAWING THE MAPS

Despite reformers' calls for transparency, the public was all but shut out of the redistricting process. Maps were drawn behind closed doors and shared in draft form with Republican legislators, along with an analysis of their election prospects. Legislators received only their own district maps to view via email;<sup>1</sup> 75 of 77 Republican legislators signed agreements promising to keep the information secret.<sup>2</sup>

On July 8, 2011, legislators publicly released the maps. Within 13 days, the maps, along with the required legislation to allow redistricting to take place prior to establishment of local government district boundaries, passed both houses of the legislature.

Several lawsuits challenged the maps. Unsuccessful litigation brought by Democrats triggered the release of previously secret emails and other materials. A federal three-judge panel declared two assembly districts unconstitutional in violation of the federal Voting Rights Act. The federal panel condemned the legislators' attempt to maintain secrecy as a "desperate attempt to hide from the court and the public the true nature of exactly what happened in the redistricting process."<sup>3</sup> Litigation was also costly: the state paid over \$1.6 million to law firms for related legal work.

The redistricting rush complicated the state's February 21, 2012, local primary elections. Officials had difficulty assigning voters to the correct local districts, as errors in reconciling Census records with new redistricting procedures meant that many voters were not living in the districts the legislators intended them to be in.<sup>4</sup>

<sup>1</sup> Copies of these documents which were presented to the Dane County District Attorney on Feb. 6, 2012 are available on line at <http://www.mediafire.com/?d6hgj1z5fa211wu>

<sup>2</sup> See Marley, Bice, Stein, "Lawmakers were made to pledge secrecy over redistricting," *Milwaukee Journal Sentinel* (Feb. 6, 2012).

<sup>3</sup> Stein, "Judges again rule for Democratic group in redistricting case" (Jan. 3, 2012), *Milwaukee Journal Sentinel*.

<sup>4</sup> See "Glitch puts some Wisconsin voters in Africa - Clerks scrambling to get voters in right districts before primary," *Milwaukee Journal Sentinel* (Jan. 11, 2012); "Officials sued over inaccuracies with election maps," *Milwaukee Journal Sentinel* (Jan. 16, 2012).

**OUTCOMES**

*Partisan splits*

Wisconsin Partisan Splits Votes Cast in November 2012 v. Seats Held Starting in 2013						
	Congress		State Senate		State House	
	R	D	R	D	R	D
<b>Votes</b>	49%	50%	46%	53%	46%	53%
<b>Seats Won</b>	5 (63%)	3 (37%)	8 (50%)	8 (50%)	60 (61%)	39 (39%)

The districts enacted by the legislature strongly favored the GOP. In the 2012 election, Democratic candidates got a slim majority (50-49 percent) of votes for Congress, but Republicans took five of the eight seats. “There is no question – none – that the recent redistricting effort distorted the vote,” said Ken Mayer, a professor of political science at the University of Wisconsin-Madison. “Nobody takes seriously the notion that the legislative plan for congressional districts wasn’t politically motivated.”<sup>5</sup>

In state assembly races, Democrats won 53 percent of votes but Republicans took 61 percent of the seats. Sixteen state senate districts had elections in 2012; Democrats’ 53 percent of the votes gave them 50 percent of those seats. Many of the legislative races in Wisconsin were really decided in the primary; 31 percent of state senate races and 20 percent of state house elections were uncontested on the November 2012 ballot.

<sup>5</sup> Kate Golden, Wisconsin Center for Investigative Journalism, “Wisconsin vote split was closer than results, Redistricting credited for GOP’s success in congressional and legislative races.” November 18, 2012. <http://www.wisconsinwatch.org/2012/11/18/2012-election-analysis/>



Race/Ethnicity	Population	Percentage of Total	Districts with Majority Population*		
			US House	State Senate	State House
<b>Total</b>	<b>5,686,986</b>	<b>100%</b>	<b>8 (100%)</b>	<b>33 (100%)</b>	<b>99 (100%)</b>
<b>White</b>	4,738,411	83%	8 (100%)	30 (91%)	91 (92%)
<b>Non-white total</b>	948,575	17%	0 (0%)	3 (9%)	8 (8%)
<b>Latino/Hispanic</b>	336,056	6%	0 (0%)	0 (0%)	1 (1%)
<b>African American</b>	350,898	6%	0 (0%)	2 (6%)	6 (6%)
<b>Asian American &amp; Pacific Islander</b>	129,617	2%	0 (0%)	0 (0%)	0 (0%)
<b>Native American</b>	48,511	1%	0 (0%)	0 (0%)	0 (0%)

\*Districts in the bottom half of the table reflect those where the majority of residents are non-white but there is not a majority of any one race or ethnicity.

Of the eight U.S. House districts in Wisconsin, none has a majority population that is non-white. Of the 33 state senate districts, three (9 percent) have a nonwhite majority population, as do eight (8 percent) of the 99 state house districts. These percentages do not match the state’s non-white population of 17 percent, indicating a dilution of voting strength for the state’s communities of color.

Representation for state’s emerging Latino community illustrates the challenges and opportunities for ethnic and racial minorities in the redistricting process. None of original maps approved by the legislature established a majority Latino district at any level. In conjunction with the Draw the Line Wisconsin coalition, Voces de la Frontera, an immigrant rights organization, challenged the maps. A three-judge panel declared two assembly districts in Milwaukee in violation of Section 2 of the federal Voting Rights Act. A new district was drawn based on maps submitted by the plaintiff; as a result, Assembly District 8 became a majority-Latino district.

# Appendix A: Draw the Line Midwest Participants

## ILLINOIS CAMPAIGN FOR ACCOUNTABLE REDISTRICTING

Asian American Institute  
CHANGE Illinois!  
Chicago Appleseed Fund  
for Justice  
Citizen Advocacy Center  
Illinois Campaign for  
Political Reform  
Illinois PIRG  
Latino Policy Forum  
League of Women Voters  
of Illinois  
MALDEF – Mexican  
American Legal Defense  
and Educational Fund  
United Congress of Com-  
munity and Religious  
Organizations

## DRAW THE LINE INDIANA

Common Cause/Indiana  
League of Women Voters  
of Indiana  
AARP Indiana  
Downs Center for Indiana  
Politics at IPFW  
*(This coalition organized the  
Indiana Citizens Redistricting  
Commission.)*

## MICHIGAN REDISTRICTING COLLABORATIVE

ACLU of Michigan  
American Association of  
University Women (AAUW)  
of Michigan  
APIA Vote-Michigan  
Blue Water Developmental  
Housing  
Brain Injury Association  
of Michigan  
Brightmoor Alliance  
CEDAM  
The Center for Michigan  
Chief Lake Wilderness  
Youth Camp  
Clean Water Action  
Common Cause Michigan  
Data Driven Detroit  
Family Care Network, Inc.  
FILVOTE  
Joint Cities Development  
LA SED (Latin Americans  
for Social and Economic  
Development)

League of Women Voters  
of Michigan  
Michigan Association of  
United Ways  
Michigan Campaign  
Finance Network  
Michigan Campus Compact  
Michigan Center for Election  
Law and Administration  
Michigan Citizen Action  
Michigan Citizens  
Education Fund  
Michigan Coalition Against  
Homelessness  
Michigan Education  
Association  
Michigan Election Reform  
Alliance  
Michigan Jewish Federation  
Michigan Nonprofit  
Association  
Michigan Protection and  
Advocacy Service, Inc.  
(MPAS)  
Michigan Universal  
Healthcare Access  
Network  
Michigan Voice  
Multicultural Council  
of America  
NAACP – Michigan State  
Conference  
Nonprofit Alliance  
Nonprofit Network  
NorthSky Nonprofit  
Network  
Orphan Justice Mission  
Planned Parenthood  
Sugar Law Center for Eco-  
nomic and Social Justice  
True North Community  
Services  
United Way of Southeastern  
Michigan  
Volunteer Centers of  
Michigan  
Women’s Informal Network

## DRAW THE LINE MINNESOTA

Common Cause Minnesota  
League of Women Voters  
Minnesota  
Minnesota Council of  
Nonprofits

TakeAction Minnesota  
*(Common Cause Minnesota  
organized the Draw Minnesota  
competition and League of  
Women Votes and Minnesota  
Council of Nonprofits organized  
the Minnesota Citizens’ Redi-  
stricting Commission)*

## OHIO CAMPAIGN FOR ACCOUNTABLE REDISTRICTING

League of Women  
Voters of Ohio  
Ohio Citizen Action Money  
in Politics Project  
Common Cause/Ohio  
Ohio Votes  
No Labels  
ProgressOhio  
Ohio NOW Education &  
Legal Fund  
Organize! Ohio  
Hocking-Athens-Perry  
Community Action  
NAACP  
The Cleveland Coalition  
Clean Fuels Ohio  
Miami Valley Voter  
Protection Coalition  
ACLU  
Ohio Environmental  
Council  
Ohio Center for  
Progressive Leadership  
Applied Information  
Resources  
Ohio Voice / State Voices  
Ohio Association of  
NonProfit Organizations  
America Votes – Ohio  
NARAL Pro-Choice Ohio  
AAUW Ohio  
The CHANGE Agency  
LULAC – Ohio  
Northeast Ohio Voter  
Advocates

## DRAW THE LINE WISCONSIN

Common Cause in Wisconsin  
League of Women Voters  
of Wisconsin  
Wisconsin Democracy  
Campaign  
Wisconsin Voices

## Appendix B:

### Google Maps

To better connect Midwest residents with the districts that have been drawn by legislators, Midwest Democracy Network, thanks to a grant from the John D. and Catherine T. MacArthur Foundation, worked with TargetGIS to create interactive maps for each Midwest state showing the U.S. congressional and state legislative districts, using widely available Google Maps software. The maps also show racial demographics and partisan breakdowns in the states where such data was available. The maps can be found online.

**ILLINOIS:** <http://drawthelinemidwest.org/ILDistrictMaps/>

**INDIANA:** <http://drawthelinemidwest.org/INDistrictMaps/>

**MICHIGAN:** <http://drawthelinemidwest.org/MIDistrictMaps/>

**MINNESOTA:** <http://drawthelinemidwest.org/MNDistrictMaps/>

**OHIO:** <http://drawthelinemidwest.org/OHDistrictMaps/>

**WISCONSIN:** <http://drawthelinemidwest.org/WIDistrictMaps/>

In addition to being useful during the 2012 and subsequent elections to help evaluate results, these maps will be archived to facilitate education and advocacy work throughout the next decade and provide a starting point for evaluating proposed maps in 2021.

