

# Keys to Successful Redistricting

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A Member's Perspective

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Minnesota

Chicago, Illinois  
October 25, 2009

# Objective

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New Congressional and Legislative Maps  
for the 2010s

## Avoid or Survive the Courts

2

# Why?

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- "Redistricting tends to bring out the worst in judges"
- For legislators, the courts mean . . . uncertainty . . . risk
- This is a political process – it is only an issue of who does the politics . . . how visible they are . . . and how many people are involved

3

# Timetable

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The Deadlines We Face

- Today - October 25, 2009
- November 2010
  - Election Day - political landscape set
  - Race to courthouse begins
- March 2011 - population data arrives
- Draw plans
- November 2012 - election under new plans

4

# Things States Need to Do

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When will you do each of the following?

- Budget
- Organize a redistricting office
- Educate the members and other stakeholders
- Adopt districting principles
- Draw plans
- Deal with court challenges

5

# Mapping Deadlines

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What are yours? (see red book Appendix A)

- Constitution
- Statutes
- Court mandates
- Election cycle

6

## Organization

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Who will draw the plans?

- Committees in each house?
- Joint committee?
- Commission?
  - Authority in each state - red book Appendix B
  - Commission options - red book Appendices C & D

7

## Educating the Stakeholders

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Goals

- Develop a “common” reality based on facts
- Develop realistic expectations
  - Moving people through the 5-step grieving process
    - Sadness
    - Anger
    - Denial
    - Fear
    - Acceptance
  - Not everyone can have a perfect district (this is a zero-sum game)

8

## Knowing the Stakeholders

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- Incumbents
  - Majority
  - Minority
- “Members in waiting”
- Governor
- Citizen groups
- Political parties
- Average citizens
- Press

9

## Population Shifts Since 2000

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- Rural to urban?
- Central city to inner-ring suburbs?
- Gentrification of central city?
- Inner-ring suburbs to outer-ring suburbs?
- Suburban to ex-urban?
- Racial and language minority populations?

10

## Federal Requirements

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- Equal population
  - 10% not a safe harbor - *Larios v. Cox*
- Fair opportunity for racial and language minorities – Voting Rights Act
  - Majority of voting age population - *Bartlett v. Strickland*

11

## Strategic Considerations

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Who will draw the plans?

- There will be a map
  - Yours, or the Court’s?
- Is your partner willing to negotiate?
- Is the offer so bad for you
  - You’d rather be governed by a court order than negotiate an agreement?
  - You’d risk the uncertainty of a plan drawn by a court?

12

## Strategic Considerations

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### Realities

- For less than \$1,000 anyone can draw a plan
  - Individual members
  - Lobbying groups
  - Governor
  - Newspapers
- Automated redistricting by “good government” groups – “take the politics out”

13

## Strategic Considerations

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### Objectives

- Treat people honestly
- Share as much information as possible
  - Holding your cards to the vest will not work
- Maintain a calming influence
  - Be positive
  - Joyfull . . . but serious
- Minimize unnecessary stress
- Try principled negotiations
  - Read *Getting to Yes* by Roger Fischer of Harvard

14

## Adopting Districting Principles

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### Goals

- Create an atmosphere of fairness
- Get stakeholders to buy in

15

## State Requirements—What are Yours?

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“Traditional Districting Principles”  
*Shaw v. Reno* (1993)  
Red Book, Chapter 5

- Contiguity?
- Compactness?
- Nest house districts within senate districts?
- Preserve political subdivisions?
- Preserve communities of interest?
- Protect incumbents?
  - Preserve cores of prior districts?
  - Avoid contests between incumbents?
- Politically competitive?

16

## Should You Adopt Any More?

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State Districting Principles  
Red Book, Table 8 & Appendix E

- Disadvantages
  - May restrict the drafters' freedom
  - Ignoring principles may hurt plan in court
- Advantages
  - Members and stakeholders learn the rules of the game
  - Members accept the rules
  - Adhering to principles will help defend plan in court

17

## Drawing Plans

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Learning from the Members

- If a district must grow, where?
- If a district must shrink, where?
- Whose seats are safe, whose are marginal?
- Who will be retiring?
- Where would new candidates do best?
- What are “political” objectives of critical stakeholders?
- Maintain confidentiality

18

## Drawing Plans

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- First drafts of a plan
  - Draw minority districts first
  - Work in regions
  - Merge regions into a statewide plan
  - The final district effect—last one drawn is ugly
- Resolve conflicts between members
- Hold public hearings on plans
- Work with the other body
- Get the governor's signature

19

## Survival Techniques

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- Don't play games
  - This is serious business
  - It is intensely personal
- Exercise – to manage stress and develop thick skin
- Be self-deprecatative – remember the humor of human frailties
- Maintain perspective

20

## Benediction

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- Highest form of policy making
- Foundation of representative democracy
- Treat it with respect and humility
- Remember, this is personal
  - 5-10% will hate you – lifelong enemies
  - 90-95% will be ingrates
- Avoid cynicism
- Remember a loved one – you want them to be proud of you and democracy

21

## Savor the Honor

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(Even if it May Not Seem Like it at the Time)

- What did one civil war veteran say?

22

**As the man said after having been tarred,  
feathered, and ridden out of town on a rail**

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**“If it hadn't been for the honor of the thing,  
I'd rather have walked.”**

**Abraham Lincoln**

23