

Keys to Successful Redistricting

A Member's Perspective

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Objective

New Congressional and Legislative Maps
for the 2010s

Avoid or Survive the Courts

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Why?

- "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

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Timetable

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

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Things States Need to Do

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

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Mapping Deadlines

What are yours? (see red book Appendix A)

- Constitution
- Statutes
- Court mandates
- Election cycle

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Organization

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

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Educating the Stakeholders

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)

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Knowing the Stakeholders

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

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Population Shifts Since 2000

- 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?

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Federal Requirements

- 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*

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Strategic Considerations

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?

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Strategic Considerations

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”

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Strategic Considerations

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

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Adopting Districting Principles

Goals

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

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State Requirements—What are Yours?

“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?

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Should You Adopt Any More?

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

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Drawing Plans

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

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Drawing Plans

- 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

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Survival Techniques

- 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

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Benediction

- 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

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Savor the Honor

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

- What did one civil war veteran say?

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

—

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

Abraham Lincoln

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