Mathematics and Redistricting

Trinity College, Fall 2019 (Kyle Evans)
Case Studies

Racial Gerrymandering

• Alabama v. Alabama Legislative Black Caucus (2015)
• Thomas v. Bryant (2019 – Mississippi)
• Abbott v. Perez (2018 – Texas)
• Bethune-Hill v. Virginia Board of Elections (2019)

Partisan Gerrymandering

• League of Women Voters of Michigan v. Benson (2019)
• Ohio A. Philip Randolph Inst. v. Householder (2019)
Alabama v. Alabama Legislative Black Caucus
Facts of the Case and Issue

The Voting Rights Act of 1965’s main goal was to preserve equal representation of voters in different districts.

In 2012, the Alabama state legislature re-drew their districts with specific goals:

- to create districts with a population deviation of 1%, rather than the 5% courts normally allow
- maintain the existing percentage of minority voters in each district

Petitioners sued in district court

- Alabama’s redistricting violated Voting Rights Act - racial gerrymandering
- Negative impact on racial minorities in multiple districts

District Court holding

- Petitioners failed to prove Alabama used race as a factor in redrawing its districts
- Alabama’s goal of maintaining minority population percentages was “narrowly tailored” to state interest

Issue at hand: Whether or not the district court applied the proper law in evaluation Alabama's redistricting. Whether or not Alabama’s redistricting violated the Equal Protection Clause of the Fourteenth Amendment and the Voting Rights Act of 1965.
Supreme Court Decision

Justice Breyer delivered the opinion of the Supreme Court

- The Court held that the district court improperly considered evidence
- The Court said district court used the claim that the state used race as a factor when redrawing all of the lines, however the actual allegations said racial gerrymandering occurred in a few select districts
- The Court held that the Caucus had grounds to sue because it had members in every district in AL
- The Court believed district court erred by considering AL’s goal of obtaining 1% population deviation a relevant factor in determining whether race was an element of redrawing - they did not consider the goals of the Voting Rights Act
- The Court rejected the district court’s holding that AL’s gerrymandering went through strict scrutiny
- AL’s interest in maintaining a particular percentage of minority voters in each district did not fit the Voting Rights Act’s goals
  - AL using race as a factor to meet their unconnected goals was not justified
- The Supreme Court remanded the district court’s holding for further consideration
THOMAS V. BRYANT
What was the case about?
Who was involved in the case?

- In Thomas v Bryant, three black voters, Joseph Thomas, Melvin Lawson, and Vernon Ayers, in Mississippi (District 22) filed a lawsuit under the claim that the way the districts were drawn diluted the black vote in their area.
What was their argument?

- Their argument was that this violated section 2 of the Voting Rights Act as they were not able to elect their candidate of choice. Joseph Thomas, Melvin Lawson, and Vernon Ayers filed this complaint against the Governor of Mississippi at the time, Phil Bryant.
The outcome

- The court determined that the Plaintiffs waited too long to start the lawsuit process. The plaintiffs self-instituted their own six-year delay and cannot rely on census results from 8 years ago. The courts declared that redistricting will cause too much electoral chaos and prejudice on the eve of another election. More so, the defendants are not the proper parties to sue.

- Appeals to the Fifth Circuit court determined that the district courts were wrong in measuring time delay and didn’t see that there has been a violation. It has been determined that the district did violate and a reconfiguration of district 22 solved the issue.

- In a 2-1 ruling, fifth circuit court of appeals upheld the implementation of a redistricting plan for senate district 22.

- The resolution to redistrict district 22 was adopted by Mississippi lawmakers in March. It repositioned portions of senate districts 22 and 13 to increase Black voting age populations from 51% to 58%.
Perez vs. Abbott (District Court)

- Rapid demographic changes in Texas between 2000 and 2010
  - Latinx and black communities accounted for nearly 90% of population growth
- Texas gains 4 Congressional seats in post-2010 reapportionment
- Latinx and black plaintiffs allege racial gerrymandering in new congressional and state legislature plans
- District court found for the plaintiffs
  - Failure by state legislature to act in good faith to establish racial equity
  - Unconstitutional vote dilution--cracking and packing minority voters
HD 90

District 90  Total: 159,684
Deviation: -4.7%

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General Election 2018  2016

SSVR  51.6%  50.9%
### CD 35

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SCOTUS: Abbott vs. Perez

- By a 5-4 majority, the Supreme Court upheld the State’s appeal and found that the lower court erred in a couple of ways
  a. The district court improperly applied the burden of proof to the State
  b. The lower court’s vote dilution is an errant finding CD 27, HDs 32 and 34. The plaintiff “could not establish a violation of §2 of the VRA without showing that there is a ‘possibility of creating more than the existing number of reasonably compact’ opportunity districts.
  c. SCOTUS did find that HD 90 was unconstitutionally racially gerrymandered
Bethune-Hill v. Virginia Board of Elections
What Happened?

- In 2017, the United Supreme Court challenged Virginia Legislation over speculation that the state violated the Equal Protection Clause.
- Initially, in 2011, Virginia was accused of considering racial demographics when drawing the state's legislative districts.
- The map was redrawn by Republican Party controlled legislators and the United States District Court for the Eastern District of Virginia found that the congressional district maps to be racially gerrymandered.
- However, it was discovered that the District Court for the Eastern District of Virginia had miscalculated using improper factors and standards.
- The Virginia House of Delegates proceeded with a second petition for the Supreme Court. The petition was accepted by the Supreme Court but would be dismissed after ruling that the House of Delegates did not have sufficient standing to challenge the state of Virginia.
- After a lack of action by the Supreme Court, the Virginia House of Representatives attempted to appeal on behalf of the state. This formed a new case known as the Virginia House of Delegates v. Bethune-Hill. This appeal was directly petitioned to the Supreme Court.
- In a 5-4 decision, Justice Ginsburg stated that the House did not have a standing in the case.
Timeline

2011- Districts were drawn by the State Legislature

2014- The Districts maps were petitioned by resident of all 12 of Virginia's districts.

- A panel ruled that race was a predominant factor in the drawing of one of the state's African-American districts

2017- The Supreme Court ruled in a 6-2 decision that the three-judge panel had applied the wrong legal standard to reach its conclusion- race was not a factor.
League of Women Voters of Michigan v. Benson
Facts of the case

- Eleven Democratic voters and the League of Women Voters of Michigan filed a lawsuit against Jocelyn Benson, the Michigan Secretary of State, alleging that the 2011 state and congressional election maps are unconstitutional partisan gerrymanders drawn to disadvantage Democratic candidates.
- The plaintiffs claimed that Democratic voters were cracked and spread evenly into majority Republican districts, violating the First and Fourteenth Amendments by deliberately discriminating against Democratic voters.
- They presented more than 700 pages of evidence that the Republicans had used partisan data to draw the maps to specifically favor Republicans.
Outcome

- The Republicans claimed they followed every step of the redistricting process, which did not specifically forbid partisan considerations.
- A panel of federal judges ruled in favor of the League of Women Voters.
- The Court found that the district maps gave Republicans a strong and systemic advantage in elections and decidedly discriminated against Democrats.
- The Michigan Senate appealed the ruling to the United States Supreme Court.

- In 2011, republicans split into 23 counties and 73 political subdivisions
- Clear partisan gerrymandering (district 3 and 9)
- Map changes voted on don’t take affect till 2020
- Supported by the league of Women Voters of Ohio and other Democratic groups
- GOP appeals leading to a three-judge panel
- Dave Yost asked the panel to halt making a new map
- Supreme court makes Ohio redraw or wait till 2020 depending on NC/MD