What I’ve Learned about Redistricting – The Hard Way!

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Basic Laws of Redistricting

• Whether done with colored maps on the floor,
• or high-speed computers,
• it ALWAYS brings out the worst in everyone!

• And it’s never done on time!
On Politics & Coalition Building

- Just like 19th Century British foreign policy
  - No permanent allies
  - No permanent enemies
  - Only permanent interests

- Self interest binds, honor doesn’t.
On the Nature of the Process

- Nothing is ever exactly the way you expect.

- So expect the unexpected.
You don’t want to find yourselves like this!
Polish Air Force in WWII
Getting Ready

- Knowledge is power.
- Know your state!
- You can learn many lessons from last decade’s process.
Special Information you need before line-drawing begins:

- Try to find out what each legislator’s objectives are.
- Where’s Waldo?
- Identify special interest groups that are important stakeholders.
Getting to Know the State

- Print out detailed maps in advance and study
- Create a district outline maps and study the deviations
- Identify the shifts of territory & population for a “least-changes” plan.
- Study regional population shifts.
Another Basic Law of Redistricting

Blessed are they whose districts are in the corners!
Getting to Know the State

- Identify the instances of fracturing & packing contained in the present plan.
- Draw a “Good Government” plan.
- Draw more practice plans.
Getting to Know the State

- Identify areas of future residential development
- Find out what objectives are possible.
- Decide what types of plans you, or others, may wish to put out in public to make specific points.
Check Out Your Computer

- Practice importing and exporting files.
- Print out ALL the reports & check them.
- Print out all types of maps.
- Devise standard types of maps you will be giving people.
- Practice producing bills.
- Practice “saving” and “restoring” plans.
Computer Perils

• You can never back up too often.
• Make sure your security is real.
• Make sure of the security of your printouts and plots.
• Remember recent email disasters !!!
Computer Perils

- Make sure your computer is in a PRIVATE location.
- Don’t walk away from it and leave your work exposed.
- Save and log off if you’re going to be away for long.
Computer Perils

- Pay your technical people well.
- Don’t “can” the staff until you’re sure redistricting is really over.
- Keep the system, documents, and other material intact.
Legal Perils

- NEVER travel without counsel.
- “Loose Lips, Sink Ships.”
- Remember ---- A journey to legal HELL starts with but a single misstatement OR a stupid email!
Redistricting Miranda Warning

- You have the right to an attorney.
- If you cannot afford one....you are in deep trouble!
- Anything you say may be used against you in a court of law.
Legal Perils

- Remember, the court record is already open.
- Treat every statement and document as if it was going to appear on the FRONT PAGE of your local newspaper.
- “Emails are the tool of the devil.” Use personal contact or a safe phone!
YOU MIGHT WANT TO PUT THIS ON TOP OF YOUR MONITOR SCREEN
Legal Perils

• Don’t get caught in “criteria hell”.
• Make sure you know what is actually required by your constitution and statutes.
• Make sure you can live by your own criteria BEFORE you state them publically.
• Draw sample plans with them before finalizing the rules.
Legal Perils

• Party control of the Justice Department and its Civil Rights Division is an important factor -- it’s changed.

• You must keep up on Voting Rights Law.
  - North Austin and §5
  - Strickland and §2

• How you seek §5 preclearance is important!
  - Three-judge panel in DC vs. DOJ
When Actually Drawing Plans

• Don’t start until you have a general idea of your objectives and how the plan will be put together.

• Remember that deviations ARE important, even when “roughing” out a plan, don’t paint yourself into a corner.

• Establish deviation checkpoints.

• Save your work often. You don’t have time to do it over again!
When Actually Drawing Plans

- Aim for absolute equality on congressional districts.
  - The rule is “as equal as practicable”.

- The plus or minus 5% rule for legislative districts is NOT a safe haven!
  - Read the latest case law.
  - Larios vs. Cox
When Actually Drawing Plans

- Don’t get “cute”.
- Don’t let your own personal and political feelings interfere.
- Don’t create stupid irregularities in boundaries.
Who Drew This District!
Political Admonitions

- Legislators and members of Congress get REALLY nervous during the process.
- Most members assume the plan should originate from their own district.
- Expect some irrational choices.
- Don’t play on the freeway.
Political Admonitions

- Remember that “bad news, unlike fine wine, does not age well.”
- If bad news has to be given to a member, let the attorneys or outside experts deliver it – if possible.
Political Admonitions

• “Trust but verify”
• Remember that members are usually unable to distinguish between theoretical and real plans. Don’t enlighten the innocent! Don’t reveal more than necessary.
Another Basic Law of Redistricting

• Don’t bring out the maps until the END of a meeting.

• Once they see maps, all other forms of communication WILL cease.
These are Some# of the Things I’ve Learned about Redistricting – The Hard Way!

# That I can tell about
Major Issues This Cycle
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• Computer hardware and Software has “matured” – no exciting breakthroughs.

• People, legal and database issues remain as difficult as ever.
Major Issues This Cycle

1. Uncertainty of jurisprudence
2. §§ 2 and 5 of the VRA
3. Just what is a minority district?
4. How to deal with citizen VAP
5. Larios (legislative deviations)
6. Decline of polling-place voting
7. Prison “census adjustment”
8. Will the public really participate?
9. Partisan ambivalence about reform
Thank You