Redistricting: What Happened?, What’s Next?

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Lay of the Land
U.S. Population Change Since 1800

Decade-on Decade Population Change

- 1800: 35%
- 1810: 33%
- 1820: 35%
- 1830: 33%
- 1840: 36%
- 1850: 36%
- 1860: 30%
- 1870: 25%
- 1880: 21%
- 1890: 21%
- 1900: 21%
- 1910: 16%
- 1920: 19%
- 1930: 16%
- 1940: 15%
- 1950: 7%
- 1960: 11%
- 1970: 10%
- 1980: 13%
- 1990: 13%
- 2000: 10%
- 2010: 10%
- 2020: 7.4%

Brennan Center
For Justice
Growth was Slow but Uneven

U.S. population growth 2010-2020

- Rest of US
- Texas
- Florida
- California
- Georgia
- Washington
- North Carolina
- New York
- Arizona
- Colorado
- Virginia
- Tennessee
- Utah
- New Jersey
- South Carolina
- Massachusetts

[BRENNAN CENTER FOR JUSTICE]
All U.S. population growth last decade came from people of color

Figure 2. Change in US population for race and ethnic groups, 2010-2020

- Latino or Hispanic: 11,602,450
- 2+ Races*: 7,582,502
- Asian American*: 5,153,595
- Black*: 2,254,490
- Other races*: 1,085,568
- Hawaiians/ Other Pacific Islanders*: 140,442
- American Indian/Alaska Native*: 4,601
- White: -5,119,905

* non-Latino or Hispanic members of racial group

Who Drew This Cycle’s Maps

Who Drew the Congressional Maps?

- Republicans
- Democrats
- Independent Commission
- Other Commission or Advisory Body
- Court
- Redistricting Not Completed/At-Large District

Note: “Other Commission” includes states where an advisory, bipartisan, or political commission drew the map. Missouri and New Hampshire have still not passed a final congressional map. Alaska, Delaware, North Dakota, South Dakota, Vermont and Wyoming have at-large congressional districts.
Four Trends
Trend 1: Bipartisan Partisan Gerrymandering This Time Around
This Decade’s Skewed Maps

Maps Presumed to Be Partisan Gerrymanders Under Freedom to Vote: John Lewis Act

- Significant Democratic Gerrymander
- Significant GOP Gerrymander
- Modest Democratic Gerrymander
- Modest GOP Gerrymander
- Plan Does Not Trigger Review
- At-Large Congressional District/Data Not Available

- In New Jersey, the commission’s tie-breaking member selected a map proposed by Democrats.
- In Florida, Gov. DeSantis vetoed the legislature’s original map. A new map proposed by Gov. DeSantis, which seems to have support of legislative leaders, would be rated as a significant gerrymander in favor of Republicans.
- The original map passed for North Carolina was a significant pro-GOP gerrymander. After the map was struck down in state court, it was redrawn and no longer no triggers a presumption of gerrymandering.
- In Iowa, the GOP-controlled legislature rejected less biased maps from the state’s nonpartisan legislative services agency in favor of a more skewed second proposal.
- Arizona’s commission-drawn map just barely triggers a presumption of gerrymandering because of a GOP lean.
- The Wisconsin Supreme Court used a “least-change” approach in selecting a congressional plan. As a result, the congressional map will remain a GOP gerrymander.
- State courts struck down the Ohio legislative’s initial congressional map as a partisan gerrymander and ordered it redrawn. The redrawn map made only modest changes and is currently being challenged again in state court.

Note: Based on Brennan Center analysis of maps enacted as of April 18, 2022. Note that we have not been able to conduct analyses of West Virginia and Kentucky’s new congressional maps due to data availability issues. Alaska, Delaware, North Dakota, South Dakota, and Wyoming, and Vermont have all large congressional districts. New Hampshire and Missouri have not completed congressional redistricting.
Trend 2: There Will Be Many Fewer Competitive Seats (Especially in GOP States)
Competition: Texas

Old Map

New Map

- Trump $\geq +15$
- Trump $+8-15$
- Trump $\leq +8$
- Biden $\leq +8$
- Biden $+8-15$
- Biden $\geq +15$

- 21
- 3
- 8
- 4
- 8
- 12

- 11
- 2
- 2
- 1
- 0
- 8

Old Map

New Map
Competition: Nationwide (as of 4/19)
Trend 3: Communities of Color in Map Drawers Sights
Communities of Color Under Attack

Discrimination Against Communities of Color

Texas: Urban and suburban Black and Latino voters in the DFW Metroplex are placed in rural TX-9, preventing creation of a Latino opportunity district or additional minority coalition district in the Metroplex.

Texas: Currently, TX-22 and TX-23 are dense multiracial suburban districts. Texas's new map breaks up these districts in the interest of shoring up white incumbents.

Texas: For the third cycle in a row, lawmakers make subtle changes to TX-23 to eliminate the chances that it would elect a Latino-preferred candidate.

Arkansas: Little Rock is wholly in AR-2 under the old map. But under the new map, it is divided among three districts, fracturing the Black community.

North Carolina: Legislators dismantle the district of one of two Black members of the state's congressional delegation.

Georgia: Suburban Atlanta districts are redrawn to pack voters of color.

Alabama: A federal court ordered Alabama's congressional map be redrawn after finding that it violated the Voting Rights Act by failing to create a second Black opportunity district.

Texas: The Department of Justice contends that a second Latino opportunity district in the Houston area could be created by combining heavily Latino parts of three current districts.

Note: Accurate as of 1/27/2023.
Race vs. Politics: The Rucho Loophole
Trend 4: A Battle for the Suburbs (Especially in the South)
Denton County, Texas Today
Denton County, Texas as Redistricted
Litigation: An Uncertain Act II
The Massive Coming Battle Over the VRA: Merrill v. Milligan

Black voters currently have an ability to elect in 1 of 7 of Alabama’s congressional districts, even though they are 27% of the state’s population.
Plaintiffs in the Alabama case presented multiple versions of maps with a second Black opportunity district in the state’s Black Belt region (second district in yellow)
A Growing Role for State Courts

Where State Courts Have Struck Down or Picked Maps – Or Could

Court Struck Down Map  Court Picked Final Map  Court May Still Choose Final Map

Note: As of March 28, 2022