

PRINCIPLES OF REDISTRICTING

The revision of election districts, aka “Redistricting”, utilizes a number of principles, some of which are based upon the US Constitution, some on Federal Law, and some on Federal Jurisprudence.

ONE-PERSON-ONE-VOTE – This is based on the US Constitution and essentially means that each representative district shall have, essentially, the same population. The notion is that if two districts, District 1 and District 2, each elect one representative to a governmental body, but District 1 has 5000 people and District 2 has 10,000 people, the voters in District 1 have twice the influence, or voting power, than the people in District 2. Therefore, in establishing a districting plan the total population of the jurisdiction should be divided by the number of representative districts (not including those elected at-large or jurisdiction-wide). The result is the “ideal” district size for that jurisdiction. The generally allowable deviation from the “ideal” is $\pm 5\%$. Therefore if the ideal district size is 10,000, then the least populated district must have at least 9,500 people and the most populated district may not have more than 10,500 people. Note: the review is with regard to population as reported by the US Census Bureau, not registered voters.

SECTION 5 OF THE VOTING RIGHTS ACT OF 1965 – The Voting Rights Act of 1965 is a federal law intended to prevent racial discrimination in the election process, and is applicable from election of federal offices to local offices. Section 5 is a recognition that certain jurisdictions in the United States had historically practiced systematic racial discrimination in the election process. These jurisdictions, including Louisiana and all of its local jurisdictions, are required to submit any proposed change in election laws or process to the United States Justice Department for review. The process is commonly referred to as “pre-clearance” but, in actuality, the Justice Department has a limited time period to review the proposed change and, if it deems the change violates the Voting Rights Act, it may object. The proposed change can only become effective if the Justice Department issues a letter of no objection, aka “pre-clearance”, or takes no action in the applicable time frame.

RETROGRESSION – In redistricting the primary issue that the Justice Department will be reviewing is whether the plan reduces the number of districts from which an historically discriminated against minority could likely win election. Retrogression can be evidenced by a plan that reduces the number of districts in which the historically discriminated against minority race makes up a majority of the population of the district. Retrogression can also be evidenced by a plan that maintains the same number of “minority-majority” districts, but reduces the percentage of minority population therein to the extent that the opportunity for a minority candidate to be elected in significantly reduced.

CONTIGUOUSNESS OF ELECTION DISTRICTS – While it may go without saying, all election districts should be contiguous, which means that entire border of the district shall be continuous. Districts may cross water bodies, such as rivers and lakes, and still meet the requirement that they are contiguous.

COMPACTNESS OF ELECTION DISTRICTS – Election districts shall be as compact as practical. Compactness can be measured as a ratio comparing the length of the boarder to the overall area of the shape. As an example the shape of an open hand with fingers all touching is more compact than the shape of an open hand with fingers spread apart. The two dimensional area of the hand is the same but with the open hand the border is significantly longer, thus the open hand is less compact.

COMMUNITIES OF INTEREST – Election districts should strive to keep communities or neighborhoods with similar socio-economic make-ups or commonalities of social, economic or political interest together, when practical. Communities of interest extend beyond race or political affiliation and look more to the core values of the populace. The larger the ideal size of a district the harder it is to maintain this principal, given the natural diversity of people and communities. This principal cannot over-ride one-person-one-vote, contiguity, or the mandates of the Voting Rights Act. However, once those issues are addressed, communities of interest become a huge factor in establishing an election district. In jurisdictions such as Orleans, neighborhoods are a significant driver of the issue of communities of interest.

MAINTAINING CORE DISTRICTS – Election districts are made up of people and those people have an established connection with their district. The less radical the change in the boundaries of election districts, the fewer number of people will have their district affiliation altered. This principal often leads to the process of altering existing district lines to accommodate changes and shifts in population, in lieu of drawing election districts anew, without regard to existing district boundaries.