

# Nonpartisan redistricting in all states

By Herb Engstrom

In 2008 both the California state Democratic and Republican parties opposed Proposition 11, which would create a nonpartisan redistricting commission. Until that time decennial redistricting was done by the state legislature in which Democrats held majorities. Whichever party controls the state legislature can and does gerrymander districts to ensure that party controls the largest number of seats in the Assembly, State Senate, and Congress.

Fortunately for democracy, the voters approved Prop.11, and in the first general election following nonpartisan redistricting Democrats in both state houses went from majorities to super majorities. What a surprise!

This year our own Congresswoman Zoe Lofgren has introduced a bill, H.R. 1102, which proposes “To require States to conduct Congressional redistricting through independent commissions, and for other purposes.” This bill invokes Article 1, Section 4 of the U.S. Constitution:

The Times, Places, and Manner of the holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

I’m sure most readers are aware of gerrymandering and how it works, but you might not be aware of some of its very egregious examples. More of that later but for now it might help to look at an example of how it could be implemented in an imaginary state of very simple geometry containing only 44 Democrats, indicated by “D”, and 36 Republicans, “R,” a nice Democratic majority state:

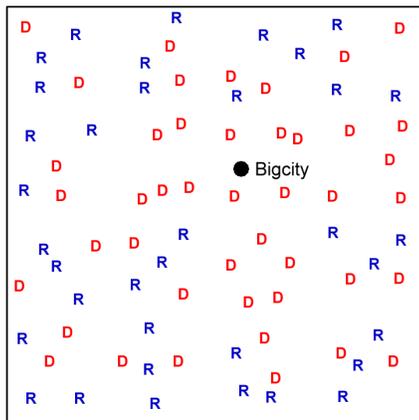


Fig. 1. State before districting

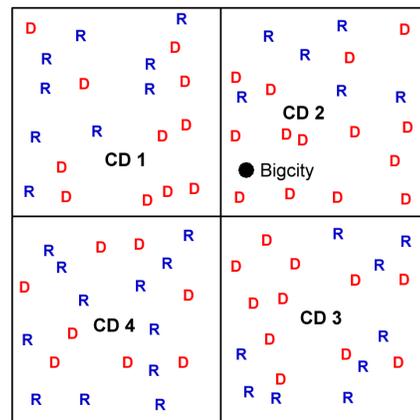


Fig. 2. Nonpartisan redistricting.

Figure 1 shows our state before any Congressional districts are defined. The population is 80 with 4 Congressional districts of 20 people each. Like most states the cities are primarily Democratic, and the capital city, “Bigcity” is shown with many Democrats and few Republicans in or near it. A simple geometry is chosen for the creation of nonpartisan districts is shown in Fig. 2. With that districting we find CDs 1, 2, and 3 have Democratic majorities as would be expected in a blue state. Rural CD 4 has a Republican majority.

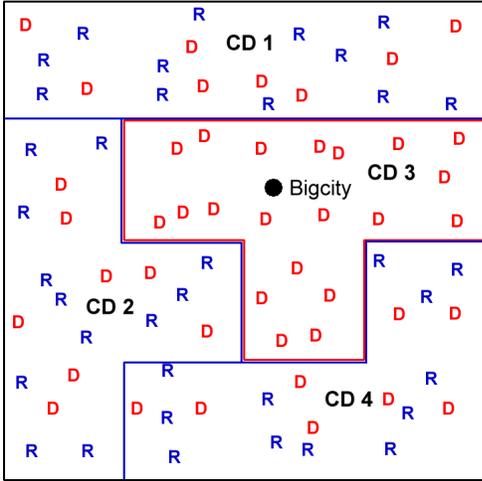


Fig. 3. With Republican gerrymandering.

Now suppose the state legislature of our state is controlled by the Republicans who carve up the state to gain seats in Congress. The trick is to cram as many Democrats as possible into one district, the urban area around Bigcity, so that the rural areas have a GOP majority. Figure 3 shows the result. CDs 1, 2, and 4 each have 12 Republicans and 8 Democrats. CD3 has only Democrats, 20 of them.

Suppose now the Democrats controlled the state legislature and could redistrict as they pleased. Could they carve out the districts to control all four of them? Indeed they could. Look back at Figure 1, and see if you can gerrymander the districts to achieve that result. One answer is shown at the end of this article.

Now let's turn to an actual example, the Congressional districts around Austin, Texas. Austin is the capital of Texas and also the county seat of Travis County. In that county in the 2016 presidential election Hillary Clinton defeated Donald Trump by a vote of 66% to 27%, clearly a heavily Democratic area. Here is what the Congressional districts look like from Austin down to San Antonio.

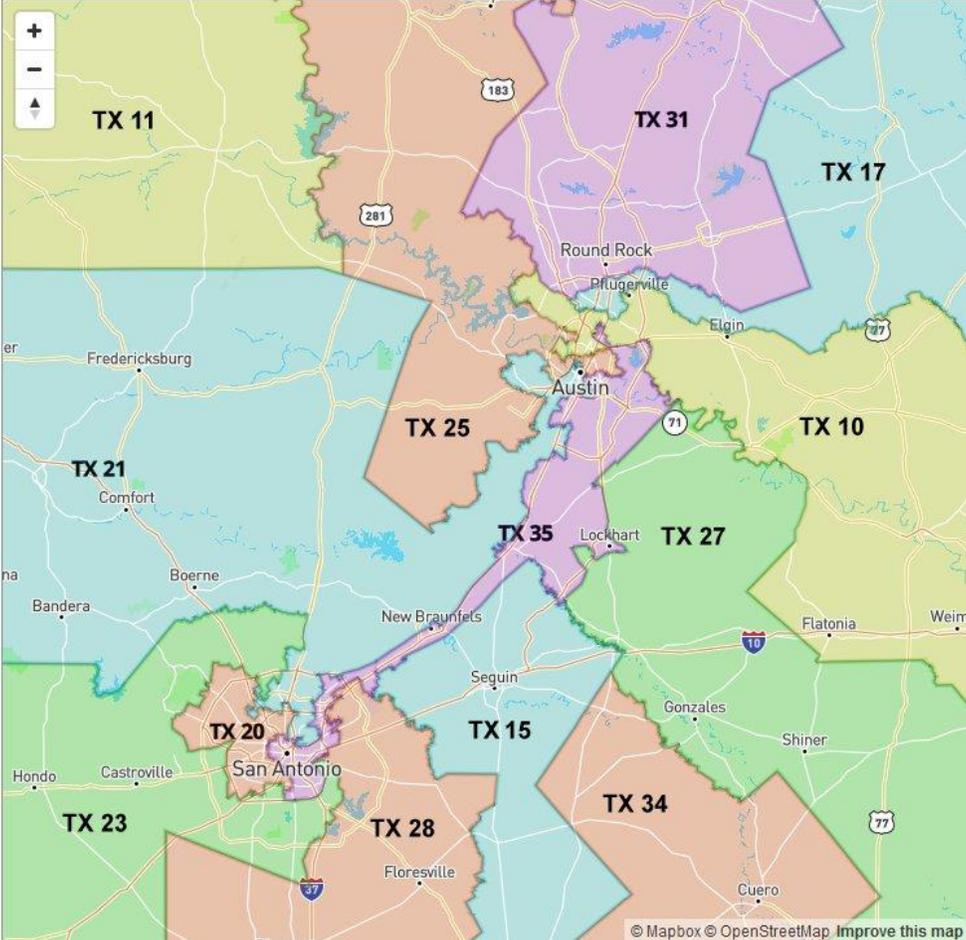


Fig. 4. Austin to San Antonio Congressional districts.

Austin overlaps no fewer than six Congressional districts: 10, 17, 21, 25, 31, and 35. Democrats are crammed as much as possible into only one of those, CD 35, which elongates 77 miles all the way down to pick up more Democrats in San Antonio. The result is that CD 35 does indeed have a Democratic Congress member, but all the other five have Republicans in this heavily Democratic area. Republicans have achieved this feat by having tiny fingers of CDs 10, 17, 21, and 21 poking into the Austin urban area, while the huge expanse of the rest of the districts extend into the rural areas populated by conservatives. Here are the representatives from the districts shown on the map.

Austin area:

- 10. Michael McCaul, Republican
- 17. Bill Flores, Republican
- 21. Lamar Smith, Republican
- 25. Roger Williams, Republican
- 31. John Carter, Republican
- 35. Lloyd Doggett, Democrat

Outside Austin:

- 11. Michael Conaway, Republican
- 15. Vicente Gonzalez, Democrat
- 20. Joaquin Castro, Democrat
- 23. Will Hurd, Republican
- 27. Blake Fahrenthold, Republican
- 28. Henry Cuellar, Democrat
- 34. Filmon Vela, Democrat

In Harris County, of which Houston is the county seat, Clinton beat Trump by 52% to 44%, and here is what the highly gerrymandered CDs look like in the Houston area:

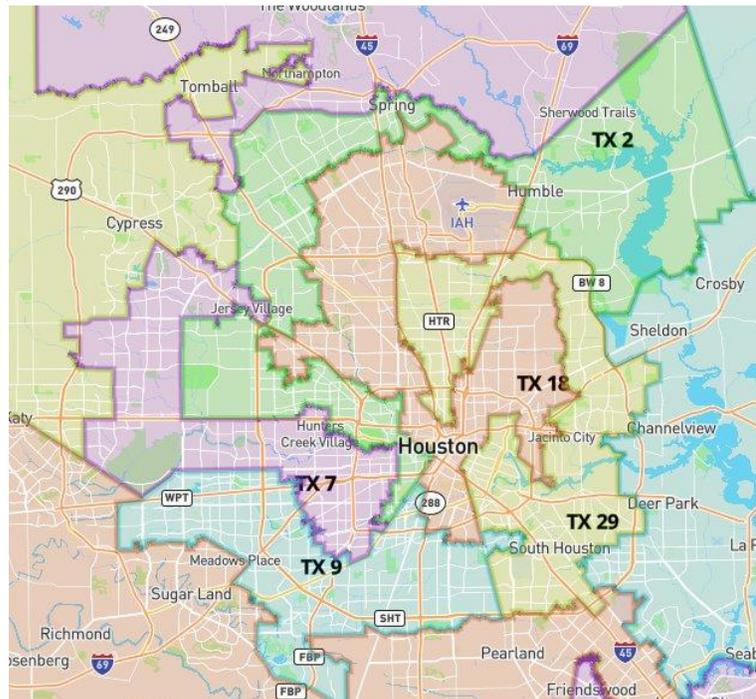


Fig. 5. Houston area Congressional districts.

What can be done? Clearly with the GOP’s present control of Congress, Zoe’s H.R. 1102 has little chance of passing. Democrats must take back Congress and the presidency by 2020.

There is now very much enthusiasm throughout the country for progressive change. We’ve seen the establishment and sometimes explosive growth of organizations like Indivisible, Swing Left, Flippable, and Together We Will, but such ad hoc groups don’t have an encouraging record of stability and of long term effectiveness. Where, today, is Occupy Wall Street? The one organization that does have longevity is the Democratic Party and its affiliated Democratic Clubs.

The Santa Clara County Democratic Club has begun a program to connect with Democratic Clubs in other parts of the country beginning with Texas. The SCCDC has already established a “sister club” relationship with the Area 5 Democrats in Pasadena, Texas just outside of Houston. Gautam Barve of the SCCDC has initiated contact with three of the Democratic Clubs in Tarrant County where Fort Worth is the seat. In that county Clinton lost to Trump 52% to 43%. We want to collaborate with those clubs to help turn Tarrant blue like all of the other four counties in Texas having populations of one million or more.

We are encouraging all Democratic Clubs to initiate contacts with clubs in critical swing states. There are other bills pending in Congress that deserve the support of all of us. Five stand out:

- H.R. 1102. Nonpartisan redistricting.
- H.R. 1134 the federal DISCLOSE act.
- H.R. 1562, the “Secure America’s Future Elections Act” or the “SAFE Act.
- The National Popular Vote interstate compact.
- H.J.R. 48. A proposed amendment to the Constitution specifying that money is not speech and that corporations do not enjoy the political rights of people.

Solution to the puzzle of gerrymandering (which is NOT recommended) of the square state in favor of Democrats. All four districts have 11 Democrats and 9 Republicans. I believe this solution is unique except for minor changes in the boundaries.

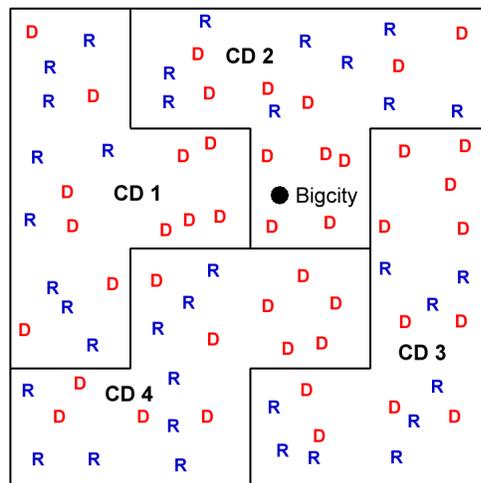


Fig. 6. Gerrymandering for Democrats