

# *Shining a Light:*

## **Redistricting Lessons Learned in 2011**

Concerned that the decennial redistricting process too often has made a mockery of our nation's ideal of truly representative democracy, the League of Women Voters has advocated for decades to bring transparency, partisan fairness and citizen participation into the process. At the same time, the League has worked at the national, state and local levels to promote redistricting plans that reflect the full diversity of America's communities. In recent years, several Leagues have successfully spearheaded state-level reforms to overhaul broken redistricting processes, encourage the adoption of clear redistricting criteria and increase public participation opportunities.

In 2011, building on these recent successes, Leagues across the country came together through a national "Shining a Light" effort to promote transparency and employ new methods of holding

leaders accountable during redistricting. Through a focused campaign to influence lawmakers, the media and the public in key states, the League of Women Voters Education Fund (LWVEF) and state League affiliates achieved measurable success in raising the visibility of redistricting, facilitating far-reaching grassroots advocacy, ensuring local-level public and stakeholder participation in the process, and, where necessary, pursuing legal action to ensure a fair process.



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### **About this Publication**

This whitepaper shares the best practices learned through the 2011 "Shining a Light" effort and seeks to lay the groundwork for future collective action in support of fair and representative redistricting. While it is clear that there is no single uniform set of solutions for improving redistricting, these reflections represent the issues and challenges that arose most frequently in the communities where Leagues worked. The LWVEF thanks the dozens of partners, advocates and experts who have helped strengthen the League's efforts to make redistricting—and democracy—work for all Americans.

## Early Resources = Effective Grassroots Mobilization

As anticipated, 2011 redistricting work took place within an extremely compressed timeline. Legislative scheduling and a widespread lack of transparency often left League leaders and other advocates mere hours to prepare testimony, review draft maps or develop public outreach strategies in time to respond to legislative developments.

Compressed legislative timetables undeniably affected groups' ability to carry out effective work. Where resources were deployed early, however, advocates saw unprecedented grassroots organization around redistricting.

Successful state Leagues developed wide-reaching public education and advocacy strategies, and implemented aggressive statewide action plans. For example:

- **Georgia** Leagues organized 27 community programs and sent more than 39,000 emails to activists, directly reaching voters in all of the state's 13 congressional districts and resulting in widespread media coverage;
- Across **Florida**, more than one hundred League activists provided substantive public testimony before the legislature's 29 statewide redistricting hearings; and
- In an effort to observe and evaluate the brand-new Citizens Redistricting Commission, **California** League leaders organized a statewide Observer Corps and deployed volunteer League activists to attend and report on Commission proceedings. Observers' reports later helped inform the League's successful advocacy efforts to improve Commission proceedings.



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The key to each of these successes was a well-planned, resourced, on-the-ground operation. In order to extend these successes to more states before the next round of redistricting, the LWVEF encourages additional strategic thinking on how to organize multi-organizational work over the next decade, so that the advocacy community may begin laying the groundwork for in-state activities long before the redistricting process begins again in earnest.

## New Technology Still Requires an Expert Touch

The 2011 redistricting process brought many exciting new opportunities for citizens to become involved in drawing their own map proposals. From the much talked-about Public Mapping Project, to citizen-sponsored map contests and new technologies made available in state capitals, there was great hope that individual citizens and advocacy organizations would be better equipped than ever before to create and submit viable alternatives to the maps developed by lawmakers.

Available technologies enabled organizations to sponsor or cosponsor successful mapping competitions in Arizona, Ohio, Tennessee, Virginia and elsewhere. This injected alternative voices into the process and drove the case for greater public participation.

Additionally, Leagues relied upon or advocated for consideration of alternative map proposals drawn by civil rights leaders in Texas and North Carolina. To date, Leagues have developed alternative plans in Florida and Georgia.

Despite the availability of new technologies and a keen interest on the part of advocates, the extreme complexities of drawing maps to meet even basic federal and state requirements proved nearly impossible without the involvement of professional demographers or mapping software experts.

We recommend better recruitment of experts, cartographers and researchers at the state level to make presentations and provide advice to key advocacy organizations during the map-drawing process.

## Key Legal Action

- **The Texas** League and LWVEF jointly submitted a comment letter in September 2011 urging the U.S. Department of Justice to object to VRA Section 5 preclearance of a clearly discriminatory Congressional plan. As of 2012, preclearance of a final plan is pending.
- In November 2011, the **North Carolina** League, NAACP-NC, Democracy NC, the Southern Coalition for Social Justice and others filed a lawsuit arguing redistricting plans violate the state Constitution as well as federal Equal Protection law.
- The **Illinois** League filed a federal lawsuit in August 2011, arguing the state's gerrymandered plans manipulated voters' access to information and thus violated their First Amendment rights. The League has appealed its case to the U.S. Supreme Court.
- The **Arizona** League filed a November 2011 *amicus* brief which successfully urged the Arizona Supreme Court to find unlawful the Governor's reportedly politically-motivated removal of the Independent Redistricting Commission chairwoman.
- Leaders of the League of Women Voters of **Pennsylvania** participated in a successful citizens' appeal of state redistricting plans in early 2012.
- In early 2012, following months of League-driven citizen action and legal work, the **Florida** Supreme Court rejected state Senate maps that unlawfully protected incumbents.

Additional legal activities could have been possible with further coordination. The League recommends additional legal coordination and resourcing in preparation for 2021. This could include pursuing litigation following the 2012 election, should results indicate that redistricting unfairly affected outcomes.

Such experts will also be critical in laying the groundwork for possible litigation. The League looks forward to continuing work with partners to prepare for a more robust implementation of these technologies before the next round of redistricting.

## **Tangible Transparency Goals Are Achievable**

LWVEF and its state affiliates undertook large-scale advocacy campaigns designed to influence lawmakers' decision-making throughout the 2011 redistricting process. Such work consisted of a) pushing for improved transparency and opportunities for public participation; b) identifying areas for improving or protecting minority voting rights and, at a minimum, ensuring compliance with the Voting Rights Act, and c) advocating on behalf of fairer and more competitive overall redistricting plans, including the adoption of clear criteria. While rigid, hyper-partisan legislative control hampered many advocates' efforts to improve the process and resulting redistricting plans, Leagues often succeeded when advocating for incremental transparency improvements, including:

- ✓ Successfully achieving public input opportunities before and after the release of map proposals
- ✓ Securing open online access to lawmakers' draft maps and underlying data sets
- ✓ Publishing committee hearing timelines
- ✓ Increasing public review time of draft plans

Leagues hope to build upon these successes as they prepare for reform work in coming years, and many more will apply these recommendations in their advocacy to improve the many local redistricting processes still underway for school boards, city councils, county commissions and other special districts nationwide.

## **Allies Exist on the Airways, in Print and Online**

Recognizing the media as a critical ally in raising awareness and amplifying the rallying cry for more fair and transparent redistricting, League leaders worked diligently in 2011 to inform the media and encourage more meaningful coverage of the issue. As a result, the League's work was cited in hundreds of news stories.



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However, while the League and many other advocacy groups succeeded in garnering an impressive level of media coverage of their redistricting work and in raising the visibility of the issue overall, the vast majority of media coverage continued to focus on the hyper-partisanship or political “horse-race” element of redistricting and resulting litigation.



Clearly, the League and other advocates continue to wage an uphill battle in efforts to deepen public engagement on this issue and shift media attention beyond the political battles taking place in state capitals. LWVEF recommends pursuing polling or focus groups to glean further insight into the messages that may resonate better with voters and the media.

## **Collaboration Is Key**

Multi-organizational partnerships led to success time and again during the 2011 redistricting cycle. A far-reaching network of interested organizations benefited from early opportunities to discuss collaborative redistricting strategies. The League was proud to stand side-by-side with a wide range of partners in defense of fair and representative redistricting at the national, state and local levels.

From the more than 25 diverse organizations that co-sponsored Ohio's far-reaching citizen mapping competition, to the six-year, League-driven effort to build a broad-based coalition to drive public education around California's new commission process and the efforts carried out by smaller coalitions in Georgia, Pennsylvania and elsewhere, collaborative efforts led to more effective advocacy and visibility efforts than any single group could have achieved alone. Multi-group collaboration also brought an unprecedented diversity of voices into the redistricting process in 2011.

## **Building Capacity for the Long Term**

Finally, as we look ahead to 2021, we must acknowledge the continued need to build capacity at the state and local levels. League activists and other advocates were far more effective in achieving their redistricting goals in 2011 when working within the framework of existing organizations and coalitions. For example, because many state and local League affiliates have been in operation for ninety years, League leaders possess a deep knowledge of their communities and are generally regarded as trusted advocates on behalf of voters. League leaders and their partners had a natural arsenal of activists, relationships and proven strategies to turn to when the redistricting process began.

By directly supporting work of knowledgeable organizations on the ground and enhancing their efforts to include new and diverse voices, the League and its partners can continue to build crucial community-based capacity on redistricting and other core democracy-related issues. The positive impacts of these efforts will be realized long after the 2011 redistricting cycle has ended. In the immediate term, advocates will be better positioned to undertake critical redistricting reform work in the coming months and years. In the long term, we will be collectively building infrastructure to ensure better representation for America's next generation of voters.

## Toward 2021: A Blueprint for Reform

While advocates achieved numerous successes in 2011 and will continue to work to achieve representative outcomes in processes that will be completed in 2012, redistricting will remain locked in a partisan stranglehold until advocates and like-minded lawmakers succeed in permanently changing the landscape. At the same time, it is clear that much work must be done to continue to safeguard the landmark Voting Rights Act and educate advocates and voters about its important role in ensuring a fair and representative government.

The years immediately following redistricting are the key time to begin galvanizing support for change, and Leagues are already in the process of pursuing reform efforts in the next one to two critical years. There is no one-size-fits-all reform solution; but rather, a range of improvements to consider. The League will consider the following steps in 2012 and beyond, and looks forward to working with partners to develop winning state-specific strategies:

- ✓ Advocating for the full counting of all persons who reside in a jurisdiction—regardless of age, citizenship status, or ability to vote—for the purposes of reapportionment and redistricting
- ✓ Advocating for formalized transparency and public participation measures, including disclosing timelines, decision-making processes, underlying data sets and all consultants/experts hired, and allowing for full public participation
- ✓ Pursuing binding partisan-neutral redistricting criteria that reflect the diversity of the state (including racial and ethnic diversity and communities of interest), provides for overall competitiveness, and recognizes political subdivisions
- ✓ Advocating against prison-based gerrymandering
- ✓ Promoting adoption of binding, independent or bipartisan commission systems
- ✓ Protecting existing commissions from partisan attack
- ✓ Ensuring redistricting processes are accessible for and inclusive of as many diverse communities as possible

The League of Women Voters, a nonpartisan organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. With more than 800 state and local affiliates nationwide, the League of Women Voters is where hands-on work to safeguard democracy leads to civic improvement. Join us in Making Democracy Work!™

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