

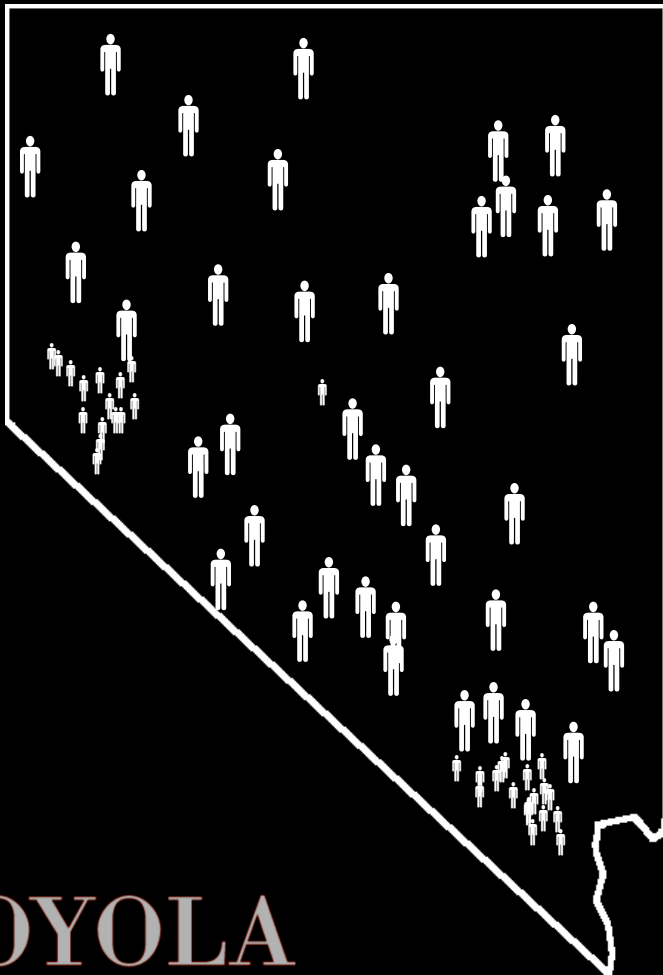
Redistricting in Nevada

Justin Levitt
March 10, 2011

Today's conversation

- Why?
- When?
- Who?
- Where?
- How?

Why re-draw?



- Population moves
- Districts where there were once roughly the same number of people ... become lopsided

Constitutional mandate to redraw lines

Baker v. Carr, 1962



Districts have to have roughly equal population

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Key redistricting dates

April 1, 2010 — Census Day

February 24, 2011 — Data delivered
("P.L. 94-171" file)

June 6, 2011 — End of session
Deadline for legislative plan

— Litigation...

March 16, 2012 — Filing deadline for primaries

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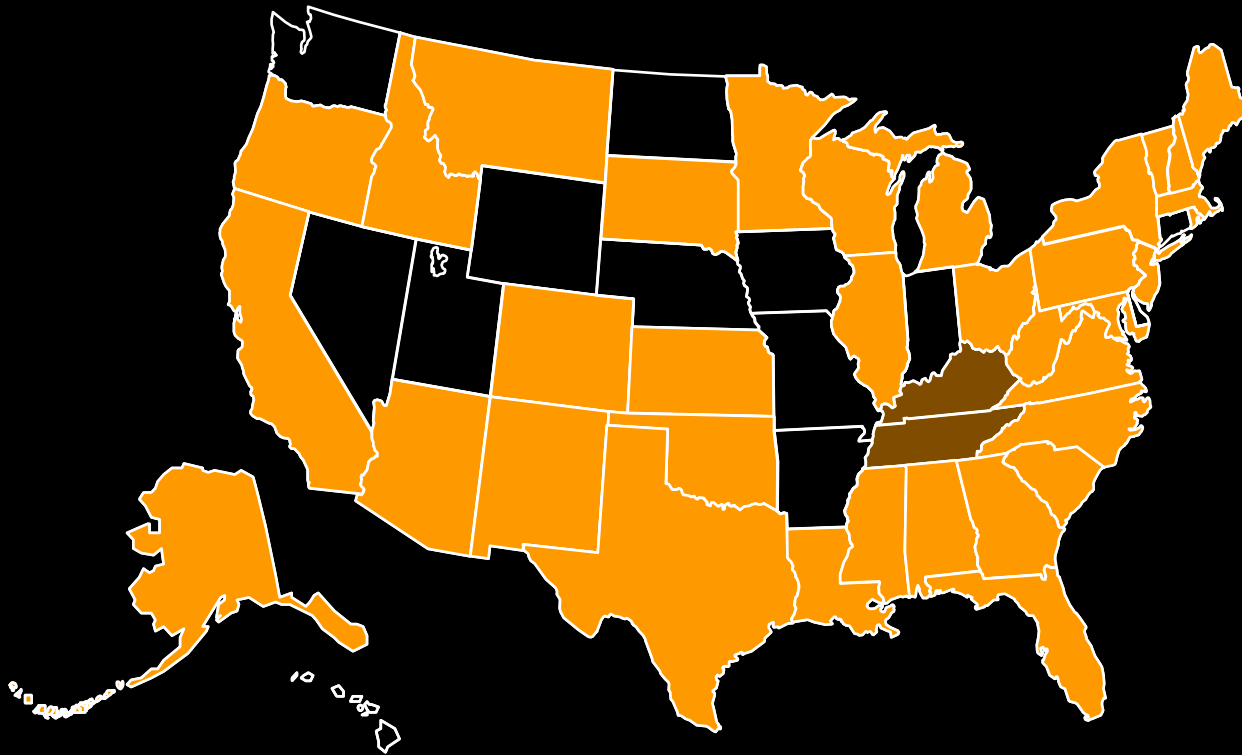
Who draws the lines

As in most states,
the Nevada legislature has primary control

- State legislative districts: 37 states
- Congressional districts: 38 states
(plus 7 states with 1 Congressional district)

... but if that should fail

2000 cycle judicial action



... but if that should fail

2000 cycle judicial action

	State leg.	Congress*
Courts asked to step in	33	21
Court drew lines <u>itself</u>	11	9



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Guy v. Miller

1st Judicial District, Carson City
(filed Feb. 24, 2011)



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- Why?
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“Where” starts with federal law

- Equal population
- Race/ethnicity and the Voting Rights Act

Equal population

Baker v. Carr, 1962



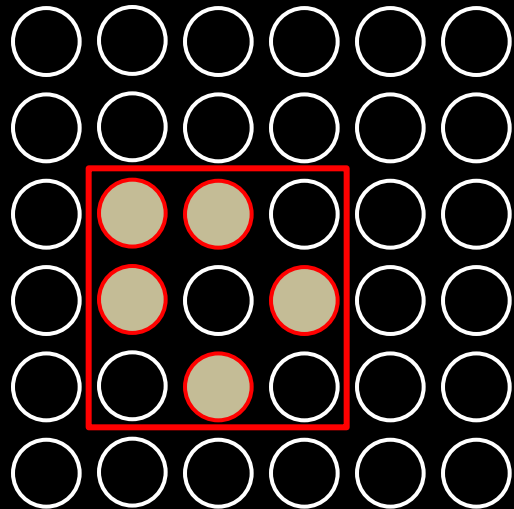
- Congress: as equal as possible 675,138 per district
- State legislature: up to 10% deviation, 64,300ish per (House)
if for good reason 128,600ish per (Senate)

Federal law

- Equal population
- Race/ethnicity and the Voting Rights Act

The Voting Rights Act

Section 2



- Are half of the potential voters (“CVAP”) in a concentrated area minorities?
- Would they generally vote together?
- Would the rest of the voters in the area generally choose different candidates?

“Totality of the circumstances”

- rough overall proportionality in the jurisdiction
- history of voting-related discrimination
- extent of racially polarized voting
- extent of discriminatory voting practices or procedures
- exclusion of minority members from candidate slating
- extent to which minority group members bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process
- extent to which minority members have been elected
- extent to which elected officials are unresponsive to the particularized needs of members of the minority group

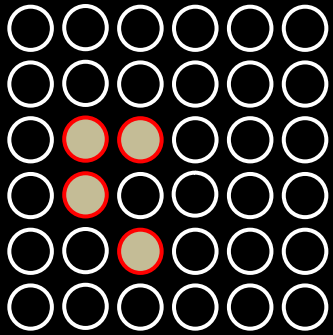
Complying with the Voting Rights Act

Do Not Dilute



- Draw an “opportunity district”
- Equal opportunity to elect representatives of choice

Race and ethnicity beyond the VRA



- Voting Rights Act protects certain voters
- With other groups of minorities, it is OK to consider race and ethnicity, among other factors
- Race and ethnicity just can't “predominate” without a really good reason

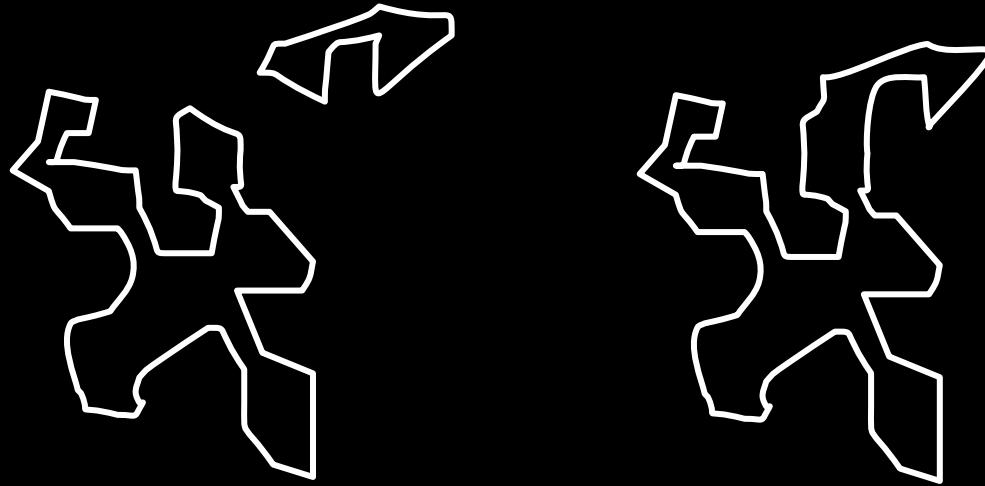
Further limitations in Nevada state law

Other states' rules

	<u>State leg.</u>	<u>Congress</u>
• Contiguity	49	23
• Political boundaries	43	19
• Compactness	37	17
• Communities of interest	24	13
• Partisanship/competition	10	7

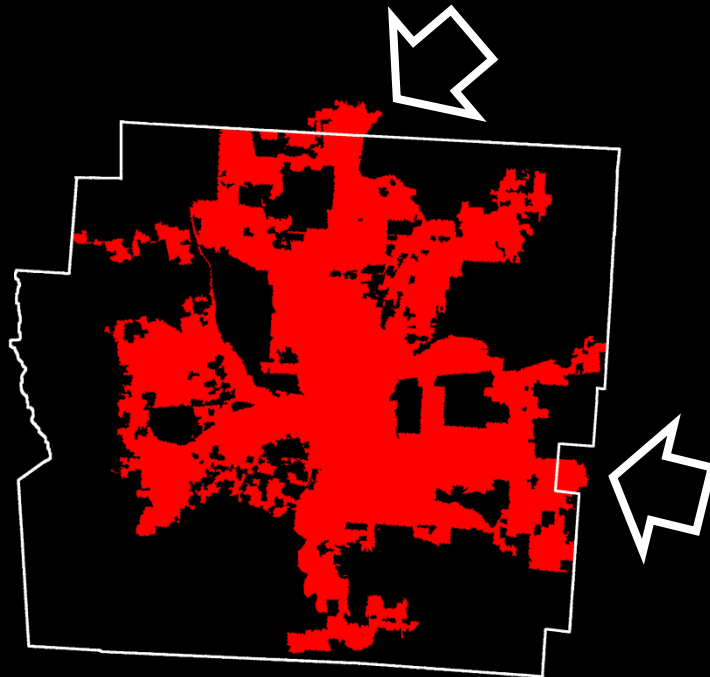
Contiguity

- All parts of the district are adjacent to each other



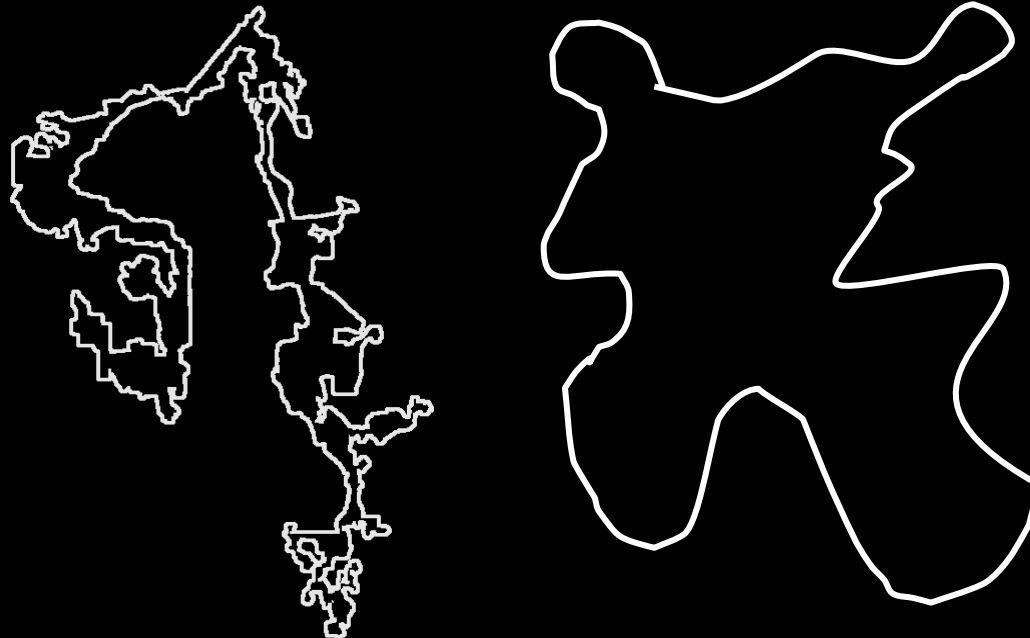
Political boundaries

- Follow county / city / town / ward lines
- Note: may split populations in unexpected ways



Compactness

- Usually concerns the appearance of the district (or how close people live to each other)



Communities of interest

- Kansas -- “Social, cultural, racial, ethnic, and economic interests common to the population of the area, which are probable subjects of legislation . . . should be considered. [S]ome communities of interest lend themselves more readily than others to being embodied in legislative districts. . . .”

Can and should be different in different parts of the state

Partisanship and competition

- Of these states, most prohibit undue partisan favoritism or targeting particular individuals
- Some affirmatively encourage competition

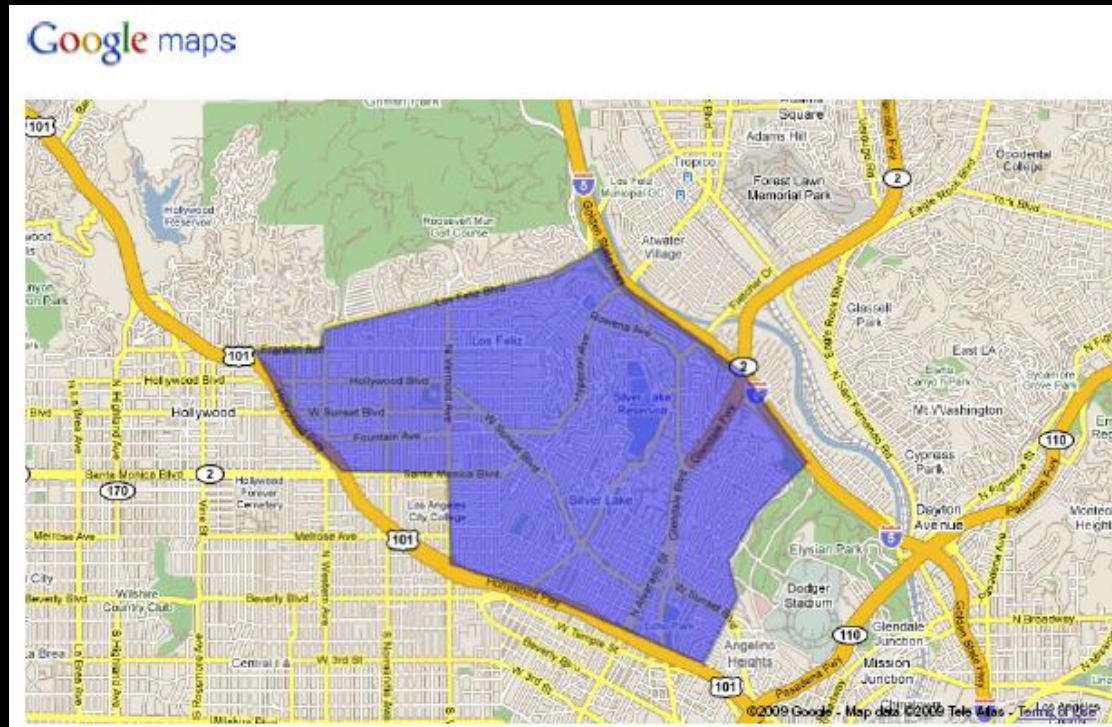
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Meaningful transparency

- Multiple opportunities for meaningful public input
 - Before drafts
 - After drafts
- Data and tools to facilitate response
- Some explanation about choices

Invite input about communities



Further information

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Brennan Center for Justice
Citizen's Guide to Redistricting
www.brennancenter.org