Reforms II: Gerrymandering
Session 22

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MIT Department of Political Science
17.263: American Elections
Roadmap

Districting

Gerrymandering

Consequences

Solutions
Districting
Place-Based Representation

- A political representative “stands in for” a collection of citizens, but how should those collections be defined?

- One option is geography. What are some alternatives?

- Because the US uses place-based representation, people are represented indirectly via representation of where they live (or vote).

- This indirectness introduces a distinctive set of distortions and biases into the representational relationship.
The UK Parliament, 1800

Liverpool (Pop: 77,000, MPs: 2)

Old Sarum (Pop: 7, MPs: 2)
## US State Legislatures, 1960

Ratio of Largest to Smallest Population Per Member, Each House, American State Legislatures, 1960

<table>
<thead>
<tr>
<th>State</th>
<th>Lower House</th>
<th>Upper House</th>
<th>State</th>
<th>Lower House</th>
<th>Upper House</th>
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One Person, One Vote

- Legislative districting has traditionally been considered a political question, and judges have been wary to wade into the “political thicket” to interfere with states’ decisions.

- This changed somewhat in the 1960s, especially with Supreme Court’s landmark decision *Baker v. Carr* (1962), which required that legislative districts have approximately equal population.

- Two indirect consequences of *Baker v. Carr*:
  - More frequent redistricting (every 10 years at least)
  - Displacement of traditional districting norms (e.g., respecting county lines)
The 1960s also brought much stronger federal protections of voting rights, esp. for blacks and other underrepresented groups.

- Judicial interpretation and enforcement

The VRA prohibited districting schemes that “diluted” the political influence of protected racial/ethnic groups.

- Courts often interpreted this as affirmative duty to create majority-minority districts and invalidated plans lacking them.
Partisanship and Redistricting

- Even after the reapportionment and voting-rights revolutions of the 1960s, courts remained unwilling to strike down plans based on partisan criteria.

- As long as plans didn't run afoul of the VRA (tricky, esp. in South), courts had no problem with plans designed to dilute the influence of the opposition party.

- In the last decade, however, federal (though not Supreme) and esp. state courts have begun invalidating extreme partisan gerrymanders (e.g., PA and NC).
State-Specific Rules and Institutions

The institutions and rules governing the districting process differ substantially across states (and between legislative and congressional).

- Who draws the (legislative) lines?
  - Legislature + governor (26)
  - Legislature alone (10)
  - Independent commission (8)
  - Political commission (6)

- Criteria:
  - Contiguity
  - Political boundaries
  - Compactness
  - Communities of interest
  - Political outcomes
Gerrymandering
Eldridge Gerry’s Salamander

*The Gerry-Mander* by Elkanah Tisdale. This image is in the public domain.
In addition to institutional and legal constraints, redistricters face possibly competing incentives.

- **Personal**: Maximize probability of reelection.
- **Partisan**: Maximize probability of party majority.

How might these incentives conflict?
North Carolina: A Persistent Example

% Slave, 1860

Dem-Controlled, 1983

Dem-Controlled, 1872

Court-Ordered, 1993

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Texas 2003: A Harbinger

2002 Election Results

2004 Election Results

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The 2010 Elections

United States Redistricting Control

Control  One District  Bipartisan Commission  Split  Democrat  Republican

Source: Micah Altman & Michael McDonald / The Public Mapping Project. License CC BY.
Partisan Bias in Theory

Disproportionate Outcomes “gerrymandering”

50 Precincts
60% Yellow
40% Green

5 DISTRICTS
5 Yellow
0 Green
YELLOW WINS ALL

5 DISTRICTS
3 Green
2 Yellow
GREEN WINS MAJORITY

Proportionate Outcomes

50 Precincts are to be apportioned into 5 districts, 10 precincts each district.

5 DISTRICTS
3 Yellow
2 Green

Green and yellow win in proportion to their voting

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Partisan Bias in Practice

Measures of partisan bias:

- Proportional representation?
Partisan Bias in Practice

Measures of partisan bias:
- Proportional representation?
Partisan Bias in Practice

Measures of partisan bias:
- Proportional representation?
- Mean–median difference

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Partisan Bias in Practice

Measures of partisan bias:
- Proportional representation?
- Mean–median difference
- Bias in tied election

2000 Election

Republican bias = +2.7%
Partisan Bias in Practice

Measures of partisan bias:

- Proportional representation?
- Mean–median difference
- Bias in tied election
- Efficiency gap (difference in % of “wasted” votes)

\[ EG = S - .5 - 2(V - .5) \]

When \( V = .5 \), EG is simply the size of the focal party’s majority/minority.
Distinguishing Intentional and “Natural” Gerrymanders

The Wisconsin State Legislature, 2012–2020

**FIGURE 3**

Figure 3 reveals that the simulated districting plans are reasonably neutral with respect to electoral bias. About 72% of the simulated plans exhibit an efficiency gap within 3% of zero, indicating de minimis electoral bias in favor of either party. In fact, 23% of the simulations produce an efficiency gap between -1.0% and +1.0%. These patterns illustrate that a non-partisan districting process following traditional criteria very commonly produces a neutral Assembly plan in Wisconsin with minimal electoral bias.
Consequences
Polarization

The idea that gerrymandering explains polarization appeals to many people (we want all “bads” to go together).

► What’s the logic behind this belief?
► What’s wrong with this logic?

Gerrymandering may not explain polarization, but polarization exacerbates the effects of gerrymandering.
Intradistrict Divergence

Effect of Partisan Selection on State Legislators' Ideal Points

\[ \tau = 1.35 \ (1.287, 1.418) \]

Caughey, Devin, Chris Tausanovitch, and Christopher Warshaw. “Partisan Gerrymandering and the Political Process: Effects on Roll-Call Voting and State Policies.” Election Law Journal: Rules, Politics, and Policy 16, no. 4 (2017): 453–69. © Mary Ann Liebert, Inc. All rights reserved. This content is excluded from our Creative Commons license. For more information, see https://ocw.mit.edu/help/faq-fair-use/.
Gerrymandering with Partisan Divergence

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The Policy Effects of a Legislative Majority

Caughey, Devin, Chris Tausanovitch, and Christopher Warshaw. "Partisan Gerrymandering and the Political Process: Effects on Roll-Call Voting and State Policies." Election Law Journal: Rules, Politics, and Policy 16, no. 4 (2017): 453–69. © Mary Ann Liebert, Inc. All rights reserved. This content is excluded from our Creative Commons license. For more information, see https://ocw.mit.edu/help/faq-fair-use/.
Districting Bias → Policy Bias

Caughey, Devin, Chris Tausanovitch, and Christopher Warshaw. "Partisan Gerrymandering and the Political Process: Effects on Roll-Call Voting and State Policies." *Election Law Journal: Rules, Politics, and Policy* 16, no. 4 (2017): 453–69. © Mary Ann Liebert, Inc. All rights reserved. This content is excluded from our Creative Commons license. For more information, see [https://ocw.mit.edu/help/faq-fair-use/](https://ocw.mit.edu/help/faq-fair-use/).
Solutions
Prospects for Mitigating Gerrymandering

With increasingly sophisticated software and data and unravelling norms of restraint, parties will likely be even more aggressive in gerrymandering. What might prevent this?

- Independent commissions
- Judicial intervention
- The political process
Looking Forward to the 2020 Cycle

Republicans will control House maps in 19 states
In most states, the legislative body and the governor will control the redrawing of U.S. House district lines in 2021.

- Republican control
- Democratic control
- Mixed control
- Independent commission
- Current single-district states (could change)

- Wisconsin
  Democrats stopped a GOP supermajority

- New Hampshire
  Republicans gained total control for first time since 2018

- Kansas
  Republicans maintained their supermajority, giving them power to override the Democratic governor

- North Carolina
  Democratic governor has no veto power over map lines

* Single, nonpartisan legislative body, effectively controlled by Republicans.

Sources: National Conference of State Legislatures

Phillips, Amber. "Where Democrats Will Be Locked Out of Power in Redistricting Battles Next Year," Washington Post, November 11, 2020. © The Washington Post. All rights reserved. This content is excluded from our Creative Commons license. For more information, see https://ocw.mit.edu/help/faq-fair-use/.
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Fall 2020

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