

Local Redistricting: The Good, Bad, and Ugly



Fair Districts GA Town Hall
February 28, 2022



Agenda

- Welcome
- Local Redistricting
 - Representative Sam Park, Chair Gwinnett Delegation
- Congressional/State Redistricting Litigation
 - Rahul Garabadu, ACLU of GA Voting Rights Staff Attorney
- Call to Action
- Q & A



Local Redistricting

- County commission and county boards of education focus this session with a SOS deadline of 2/18, cities have to early 2023 given municipal election timing
- 150+ local bills filed for county commission and board of education district maps this session
- Most moved through the General Assembly as “local legislation”; sponsored by the local delegation, pass with majority of delegation signatures then passed on the “local consent calendars”
- ***BUT*** unprecedented “***raw power***” was used by the majority party to move local maps of several recently flipped counties to general bills with clear partisan intent in Augusta-Richmond, Cobb and Gwinnett counties. A locally approved commission map in Athens-Clarke was also overruled by their legislative delegation.



FDGA Local Redistricting Principles

1. Redistricting plans should be drawn at the local level
2. Citizen input should be reflected in redistricting
3. The local delegation representing the county or city in the General Assembly should respect the maps that are drawn
4. The General Assembly as a whole must follow its own rules and allow these bills to pass, deferring to the local delegation's judgment

A 15

THE ATLANTA JOURNAL-CONSTITUTION SUNDAY, FEBRUARY 20, 2022

The Atlanta Journal-Constitution

"Ask yourself one question. 'Is it right?' Then do what you believe is best for your town, your state and your country." — James M. Cox, founder, Cox Enterprises

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OPINION

State should respect local wishes

By Ken Lawler

Even as gerrymandered maps for Congress, the State House and State Senate are facing five lawsuits in federal court, Georgia's General Assembly seems to be up to some more redistricting shenanigans, this time involving county maps.



Lawler

As part of the every-decade redistricting, almost all of Georgia's 159 counties need to update districts for county commissions and school boards in preparation for the 2022 elections, and for 2023 city municipal elections.

In the past, local entities (counties, school boards, and cities) simply presented their maps to their General Assembly's local delegation, who typically sent them, without debate, to a floor vote on a "local consent calendar." The General Assembly historically deferred to the local delegation on all local legislation.

Boy, have things changed. This legislative session has seen unprecedented interference with local redistricting.

The Athens-Clarke County Commission passed a new local map with a 6-3 vote. However, members of the county's state



delegation asserted that the commission "failed to reach a consensus," somehow ignoring the local 2-to-1 majority vote and instead took it upon themselves to develop a map that drew 3 existing commissioners out of their districts and forbade them from running again until 2024.

In Gwinnett County, the county commission and school board maps were drawn utilizing extensive feedback through five open house-style meetings and several public hearings. Nonetheless, the General Assembly, in an unprecedented legislative maneuver, presented a substitute map with no resemblance to that designed by the local community, approved by the county commission and presented by the majority of the local delegation. This maneuver breaks written rules in the General Assembly and gives the majority party the power to control the redistricting bills' fate. Redistricting bills for Augusta-Richmond County and Cobb County are headed down the same path.

These counties all have one thing in common: voters have elected progressive majorities in recent years, flipping partisan control.

Other counties are not immune. In DeKalb County, a member of the legislative delegation is asserting the authority to change maps presented by the county commission, going so far as to restructure the commission's makeup.

What we're seeing is members of the General Assembly usurping local power and established procedure to determine the makeup of county commissions and school boards. It's a power grab, pure and simple. It smacks of a last-ditch effort to hold onto power even as demographics and voter preferences are rapidly changing, reminiscent of the last big swing in the early 2000's when the parties' roles were reversed.

Fair Districts GA, Georgia's only nonprofit, nonpartisan redistricting watchdog group, calls on the General Assembly and all local entities to adhere to these simple principles to ensure fair redistricting.

First, redistricting plans should be drawn at the local level. Ideally, these plans should be drawn or checked by entities independent of the commissions themselves to avoid self-dealing. Athens-Clarke tasked its local election board to draft the maps. Maps should be checked for compliance with the Voting Rights Act; even local commission maps are subject to federal oversight. A law passed in 2019 on a bipartisan basis added a requirement for maps to be reviewed by staff in the Legislative and Congressional Reapportionment Office (LCRO) for compliance with the law. This requirement provides a useful resource for

local map-drawers. And for boards and commissions that hold partisan elections, maps should reflect the natural partisan makeup of the population. **Second**, citizen input should be reflected in redistricting. Citizens should have ample opportunity to address their concerns in public forums. They must be allowed to comment on proposed maps prior to commission votes. Most importantly, entities drawing the maps should demonstrate that they are responding to citizen input as maps are developed. **Third**, the local delegation representing the county or city in the General Assembly should respect the maps that are drawn. Although legally the General Assembly has the final say on local redistricting, this should not be treated as license to usurp the power of citizens to determine the makeup of local government. **Finally**, the General Assembly as a whole must follow its own rules and allow these bills to pass, deferring to the local delegation's judgment. There is no principled reason for representatives from one part of the state to overrule those in another. Apparently, there are unprincipled reasons. But if you only believe in democracy when your side wins, you don't believe in democracy.

Ken Lawler is chair of Fair Districts GA.

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Rep. Sam Park

HD 101

Chair, Gwinnett State House Delegation





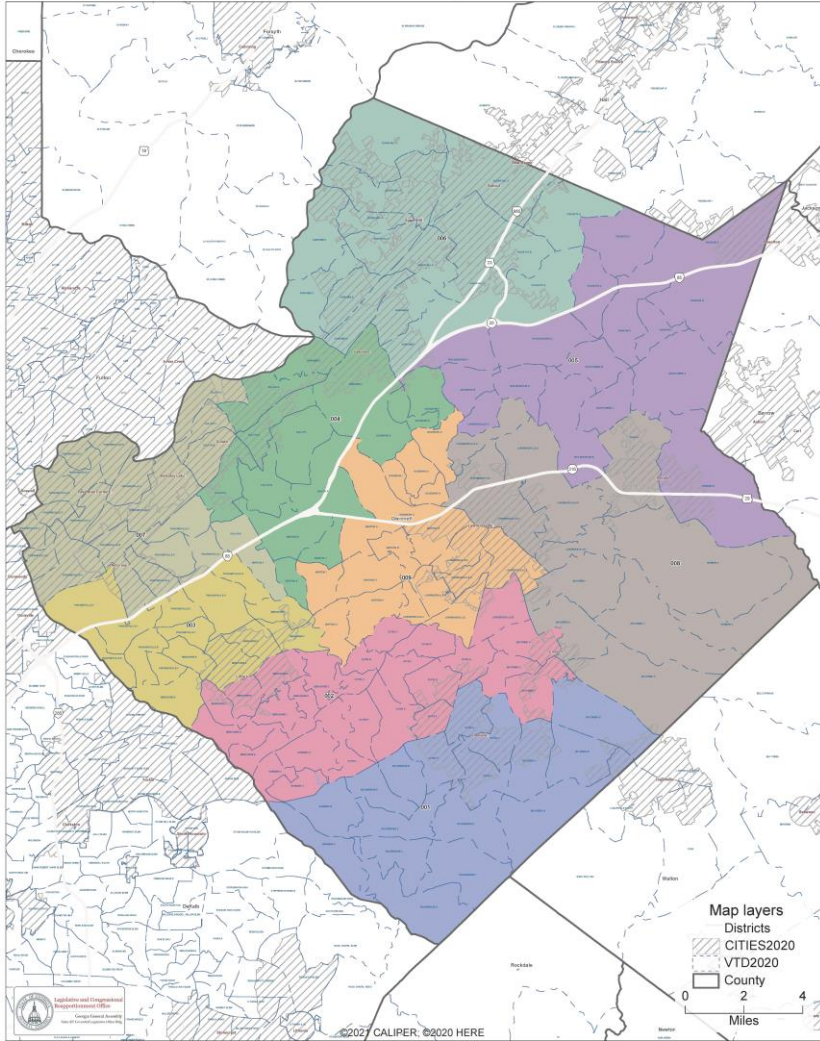
Gwinnett County Local Redistricting 2022

By Rep. Sam Park

2021 Special Session

Draft Gwinnett County Commission

client: HD104
plan: GwinnettCC-2021
type: Local



User: H104
Plan Name: GwinnettCC-2021
Plan Type: Local

Population Summary

Tuesday, November 9, 2021

2:41 PM

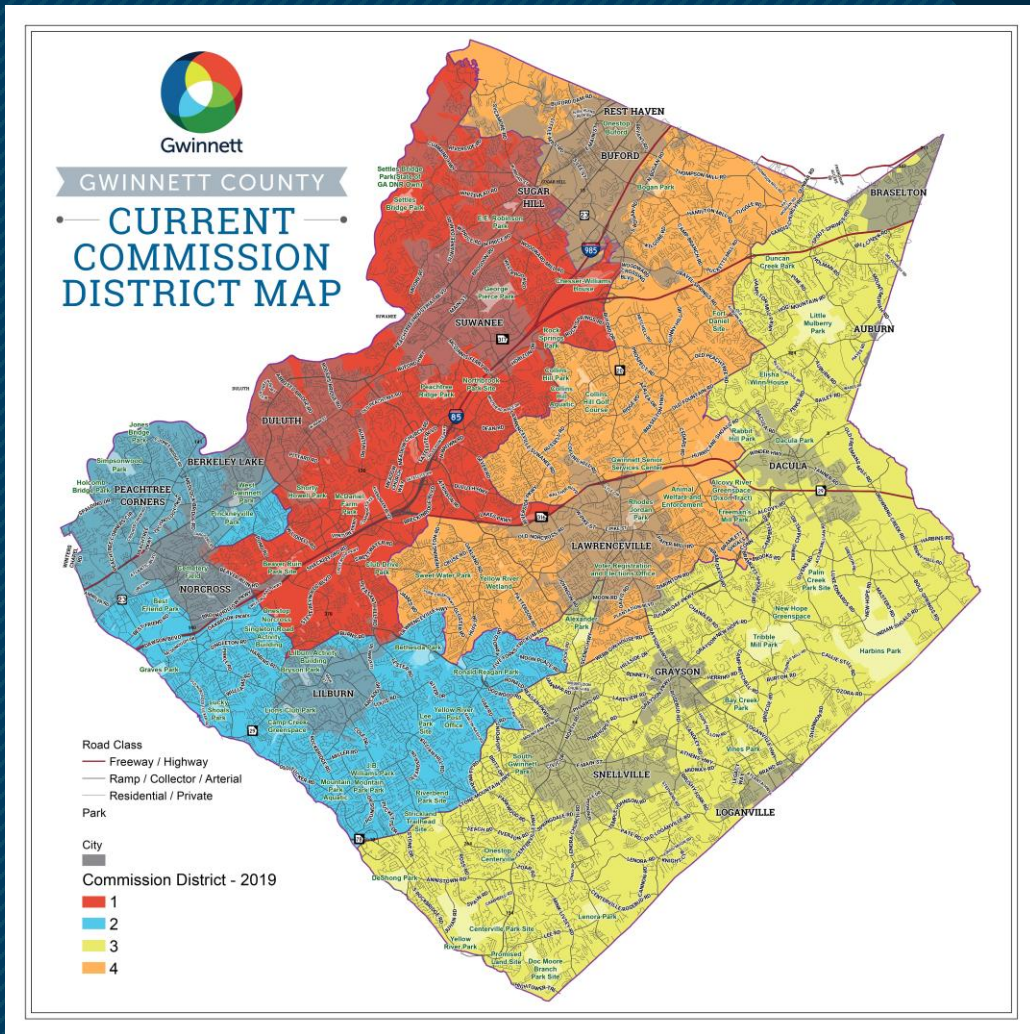
Summary Statistics:

Population Range: 103,829 to 107,818
 Ratio Range: 0.04
 Absolute Range: -2,511 to 1,478
 Absolute Overall Range: 3,989
 Relative Range: -2.36% to 1.39%
 Relative Overall Range: 3.75%
 Absolute Mean Deviation: 918.00
 Relative Mean Deviation: 0.86%
 Standard Deviation: 1,190.56

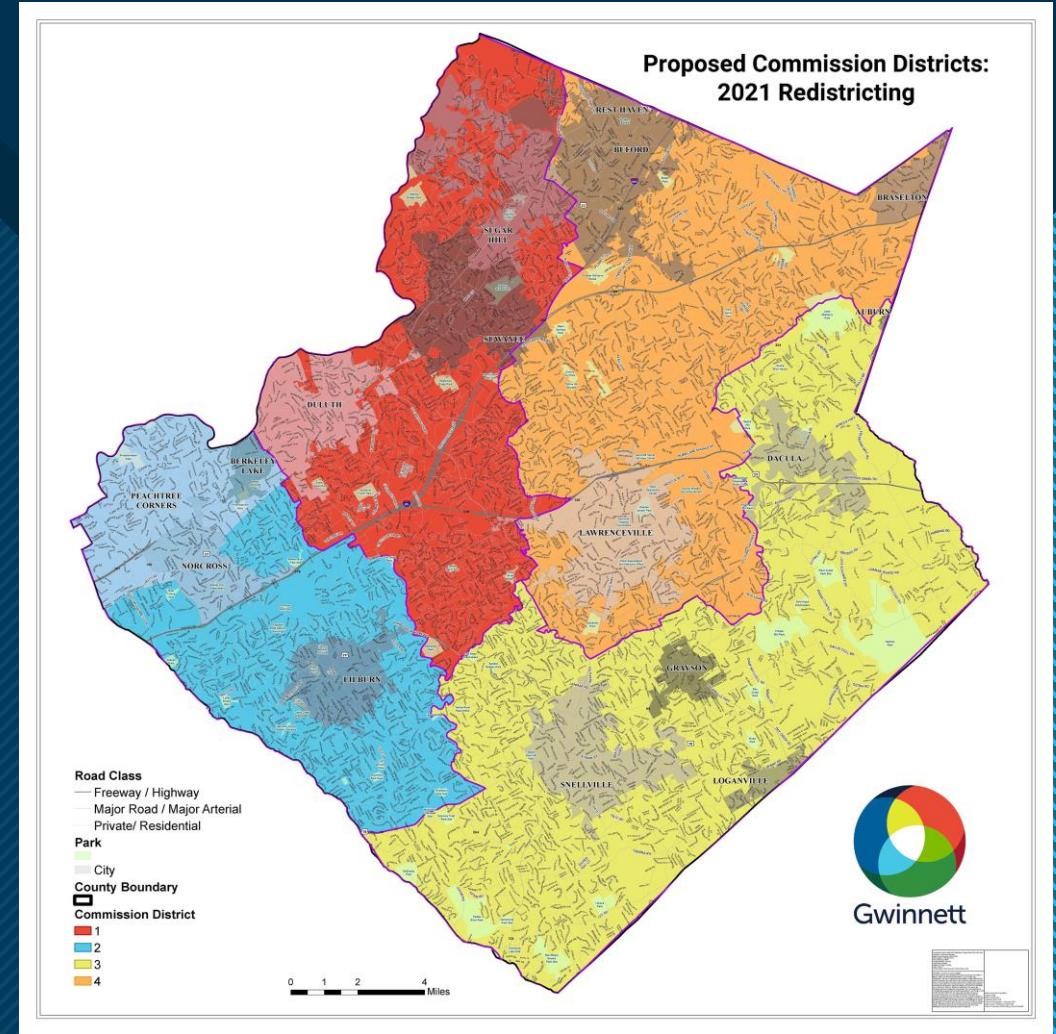
District	Population	Deviation	% Devn.	[18+_Pop]	[% 18+_Pop]	[% NH_Wht]	[% NH_Blkl]	[% Hispanic]	[% NH_Asn]	[% NH_Ind]	[% NH_Hwn]	[% NH_Oth]	[% NH_2+ Races]
001	106,195	-145	-0.14%	78,217	73.65%	23.34%	53.88%	13.8%	3.97%	0.18%	0.05%	0.79%	3.98%
002	105,126	-1,214	-1.14%	78,235	74.42%	43.26%	24.41%	11.89%	15.31%	0.21%	0.02%	0.77%	4.12%
003	106,528	188	0.18%	76,626	71.93%	11.45%	20.7%	51.19%	13.75%	0.15%	0.05%	0.63%	2.08%
004	106,080	-260	-0.24%	81,805	77.12%	26.4%	22.61%	22.08%	24.59%	0.18%	0.03%	0.67%	3.44%
005	106,508	168	0.16%	78,699	73.89%	50.95%	19.88%	14.7%	9.67%	0.12%	0.03%	0.6%	4.04%
006	107,510	1,170	1.10%	77,858	72.42%	48.85%	14.11%	15.19%	17.02%	0.12%	0.04%	0.6%	4.08%
007	107,818	1,478	1.39%	82,150	76.19%	31.4%	22.13%	28.86%	13.13%	0.15%	0.06%	0.68%	3.59%
008	103,829	-2,511	-2.36%	75,391	72.61%	32.31%	39.19%	18.39%	5.39%	0.16%	0.04%	0.72%	3.79%
009	107,468	1,128	1.06%	80,503	74.91%	24.12%	25.41%	30.86%	15.93%	0.17%	0.05%	0.64%	2.83%

Total: 957,062
 Ideal District: 106,340

Gwinnett BOC's 2022 Proposal

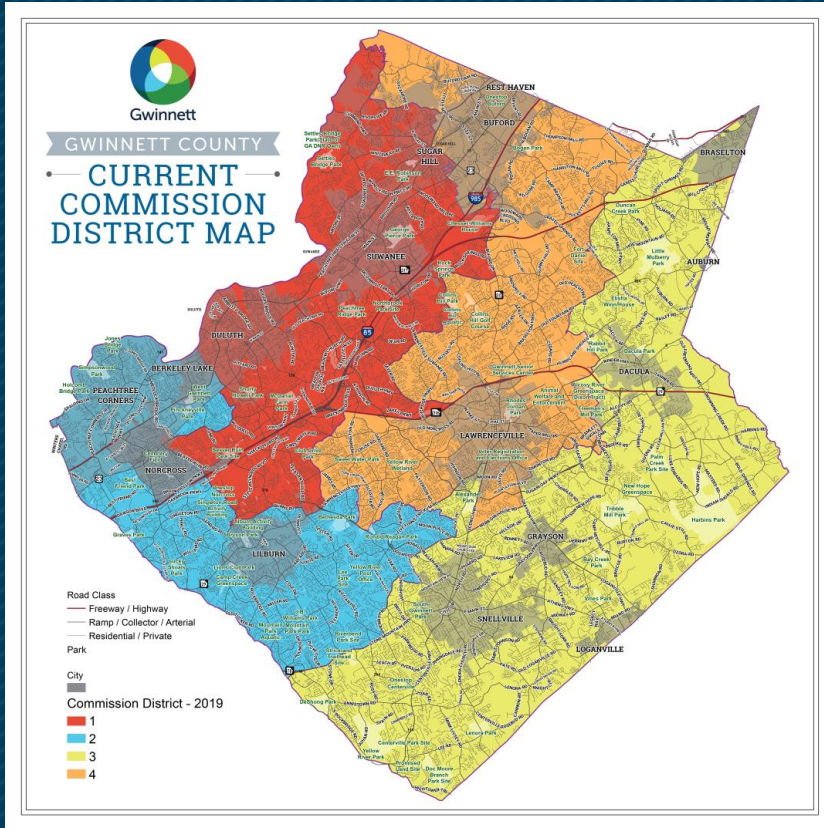


Current Map

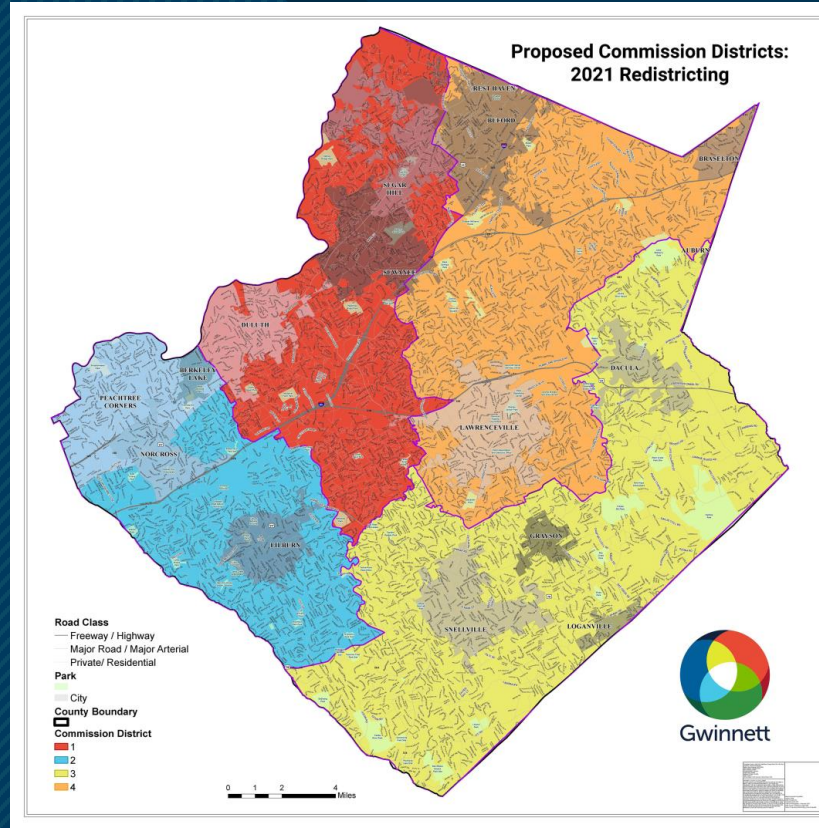


Proposed Local Map

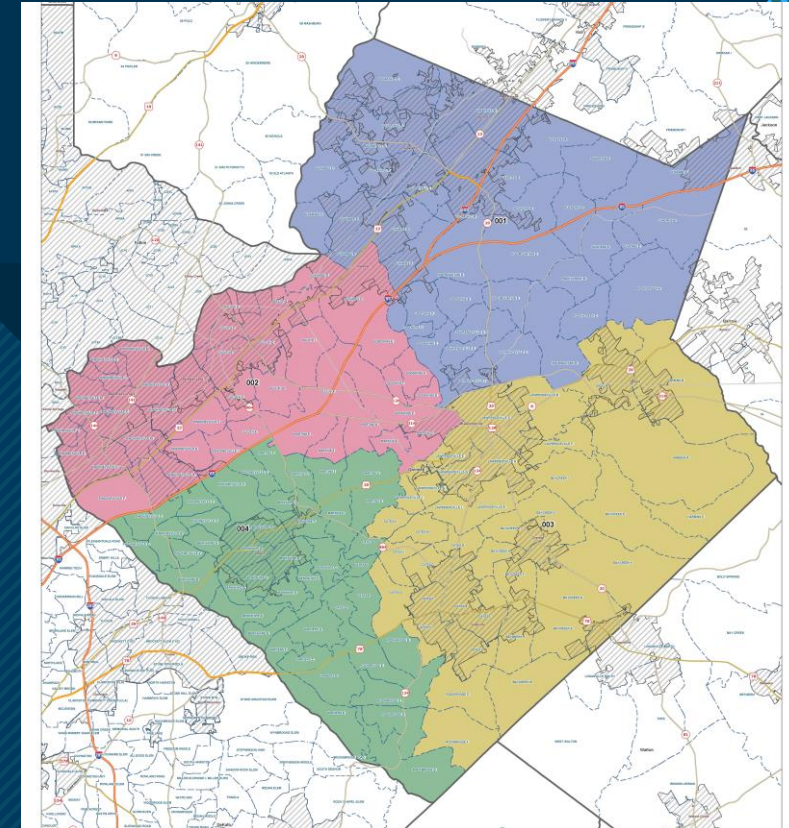
Georgia Republican's Proposal



Current Map



Proposed Local Map



Adopted State Map

VAP Population Summaries of Local vs. State Redistricting Map

User: Gwinnett CC
Plan Name: GwinnettCC-draft2-2021
Plan Type: Local

Population Summary
Thursday, December 30, 2021 9:55 AM

Summary Statistics:
Population Range: 235,084 to 242,641
Ratio Range: 0.03
Absolute Range: -4,182 to 3,375
Absolute Overall Range: 7,557
Relative Range: -1.75% to 1.41%
Relative Overall Range: 3.16%
Absolute Mean Deviation: 2,090.50
Relative Mean Deviation: 0.87%
Standard Deviation: 2,713.56

District	Population	Deviation	% Devn.	[18+_Pop]	[% 18+_Pop]	[% NH18+_Wht]	[% NH18+_Blk]	[% H18+_Pop]	[% NH18+_Asn]	[% NH18+_Ind]	[% NH18+_Hwn]	[% NH18+_Oth]	[% NH18+_2 + Races]
001	240,022	756	0.32%	180,589	75.24%	33.97%	20.3%	19.83%	22.4%	0.15%	0.05%	0.54%	2.77%
002	239,315	49	0.02%	177,112	74.01%	28.35%	20.75%	32.61%	15%	0.16%	0.04%	0.56%	2.53%
003	235,084	-4,182	-1.75%	171,693	73.03%	37.52%	40.03%	11.7%	6.56%	0.18%	0.03%	0.7%	3.28%
004	242,641	3,375	1.41%	180,090	74.22%	42.23%	24.18%	18.33%	11.66%	0.16%	0.04%	0.5%	2.91%
Total:	957,062												
Ideal District:	239,266												

Proposed Local Map

“Based on the 2020 census, Gwinnett County is 35.4% white; 29.8% black; 21.7% Latino; 12.5% Asian; and 0.6% other. To make sure we are comparing apples to apples, based on the population summary of the voting age population of those 18 years and older, as there is no single racial majority group in Gwinnett County, the original map does not create any district that has a majority of one race to the detriment of any other. Instead, the original map creates a plurality white district with 42.23% of white voters over the age of 18; a plurality black district of 40.03% black voters; a plurality Latino district with 32.61% Latino voters; and a near plurality Asian American district in Gwinnett of 22.4%.

On the other hand, despite publicly stating multiple times that the committee substitute’s new map does not create a majority white district in the most diverse county in Georgia, based on the population summary from LCRO of Gwinnett residents over the age of 18, the new map does just that creating a district with 50.82% of white voters. This new map further dilutes the voting power of minority communities, decreasing the plurality black district to 37.75%; the plurality Latino district is decreased to 29.95%; and Asian American representation is decreased to 19.42%, respectively. To create this majority white voting district in Gwinnett, this new map took white voters out of all the other districts, increased black and Latino voters in three other districts, and decreased Asian American representation in 3 of the 4 new districts compared to the original map.” –Rep. Sam Park, Minority Report in Opposition to HB 873 provided on February 3, 2022.

User: HD097
Plan Name: GwinnettCCr-HD097-2022
Plan Type: Local

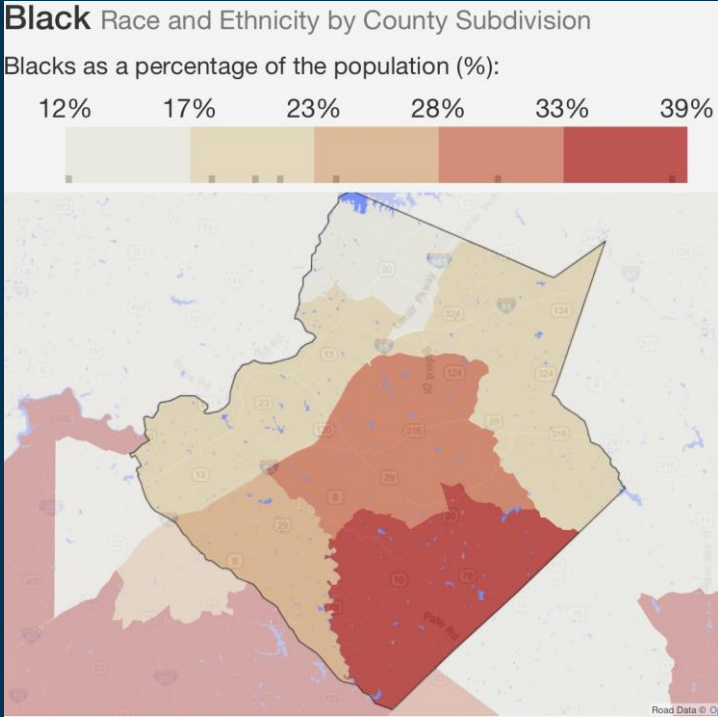
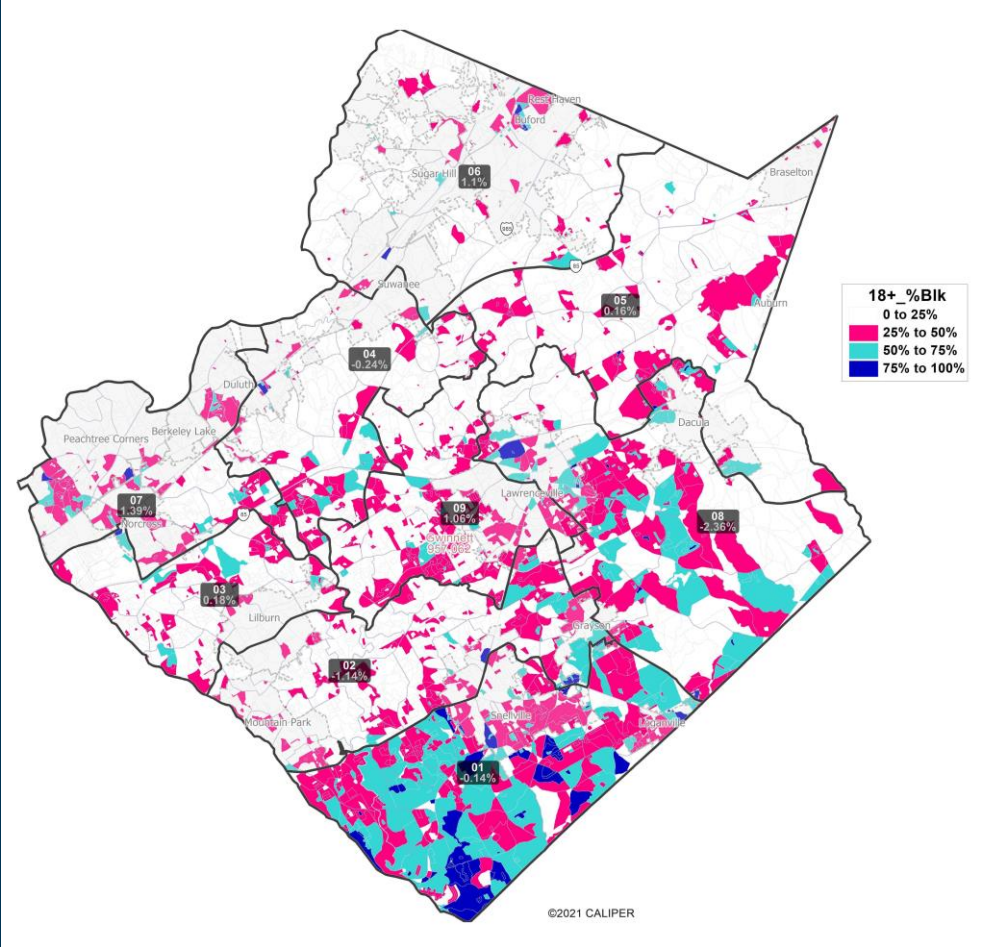
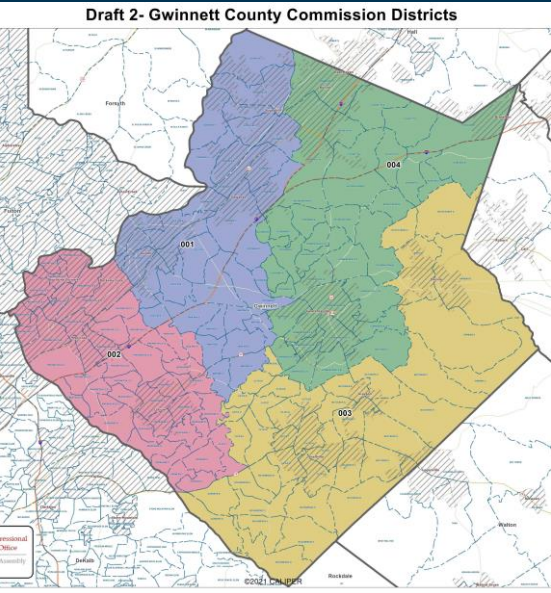
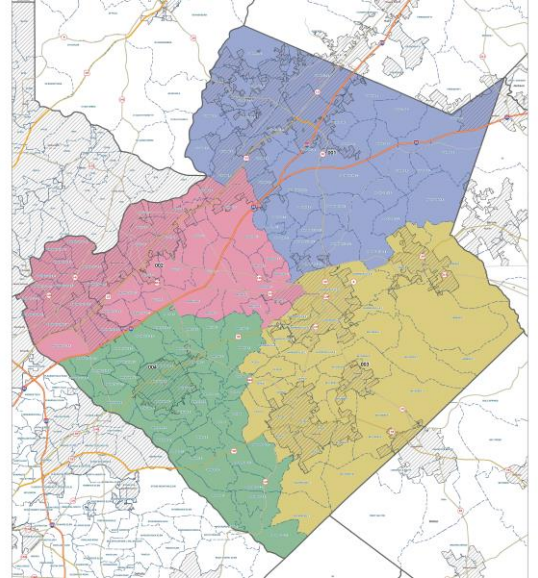
Population Summary
Monday, January 31, 2022 8:32 PM

Summary Statistics:
Population Range: 237,772 to 240,808
Ratio Range: 0.01
Absolute Range: -1,494 to 1,542
Absolute Overall Range: 3,036
Relative Range: -0.62% to 0.64%
Relative Overall Range: 1.27%
Absolute Mean Deviation: 1,058.50
Relative Mean Deviation: 0.44%
Standard Deviation: 1,154.19

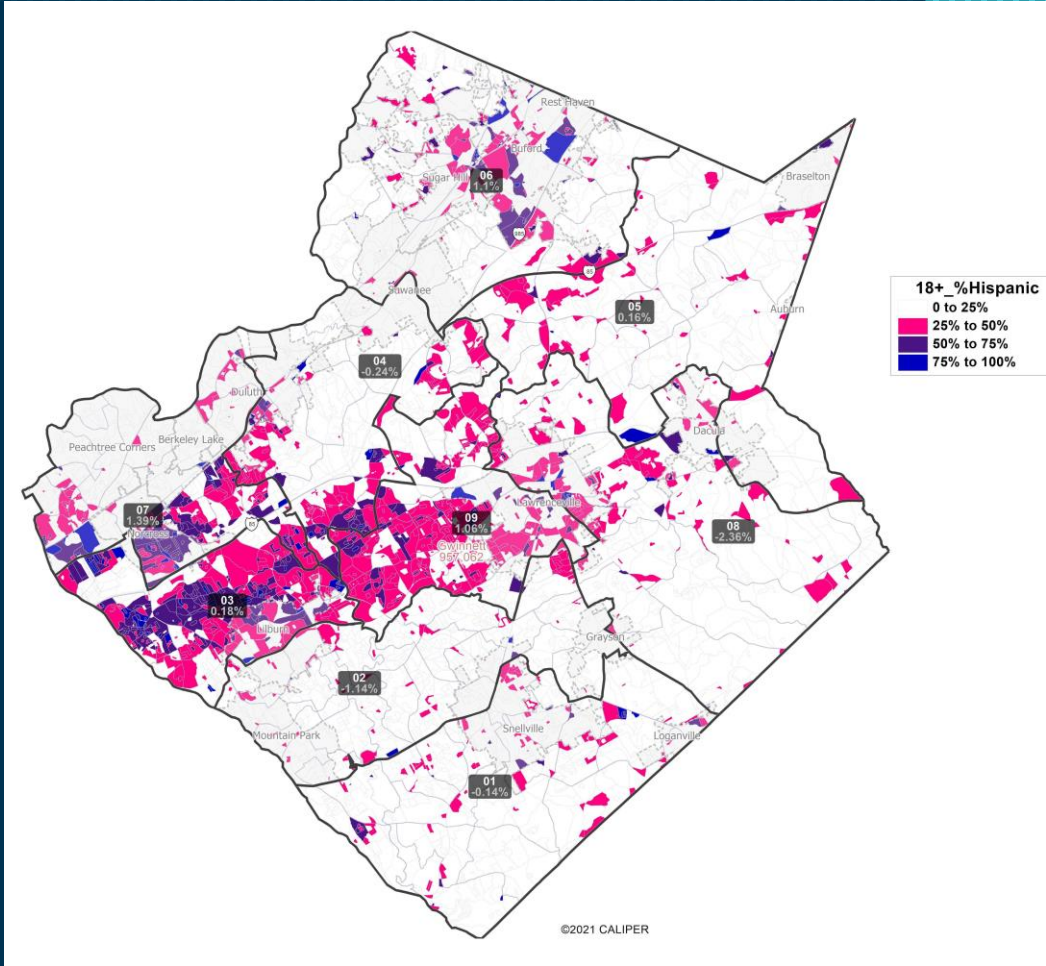
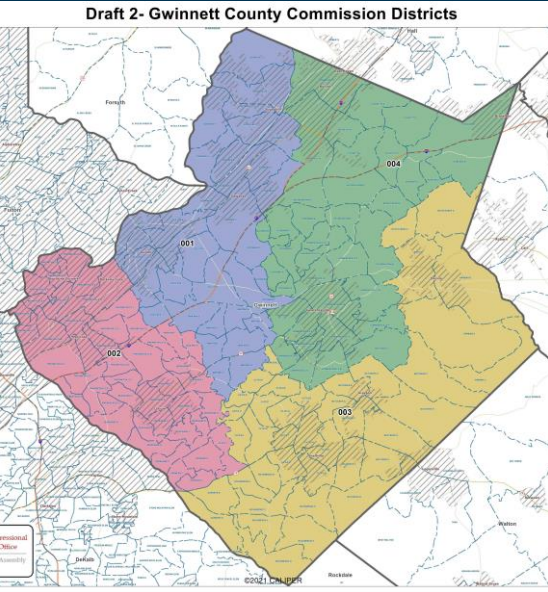
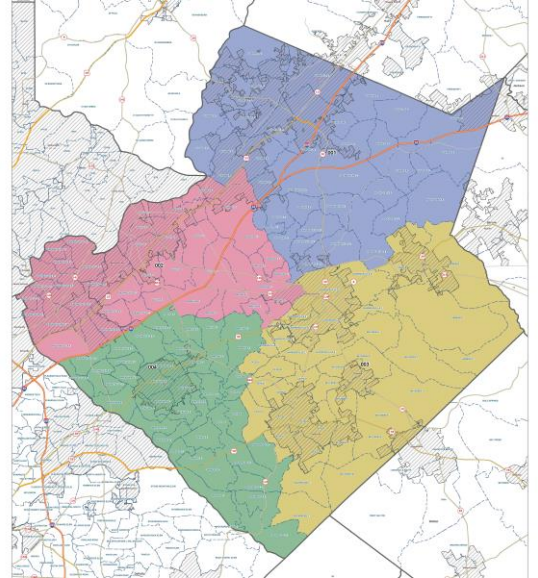
District	Population	Deviation	% Devn.	[18+_Pop]	[% 18+_Pop]	[% NH18+_Wht]	[% NH18+_Blk]	[% H18+_Pop]	[% NH18+_Asn]	[% NH18+_Ind]	[% NH18+_Hwn]	[% NH18+_Oth]	[% NH18+_2 + Races]
001	240,808	1,542	0.64%	184,120	76.46%	30.96%	22.21%	23.76%	19.42%	0.16%	0.04%	0.6%	2.84%
002	237,772	-1,494	-0.62%	174,258	73.29%	24.44%	27.73%	29.96%	14.64%	0.17%	0.05%	0.53%	2.48%
003	238,642	-624	-0.26%	173,908	72.87%	35.88%	37.75%	14.75%	7.62%	0.17%	0.03%	0.69%	3.11%
004	239,840	574	0.24%	177,198	73.88%	50.82%	17.39%	14.14%	13.97%	0.13%	0.04%	0.47%	3.04%
Total:	957,062												
Ideal District:	239,266												

Adopted State Map

Black Community in Gwinnett County



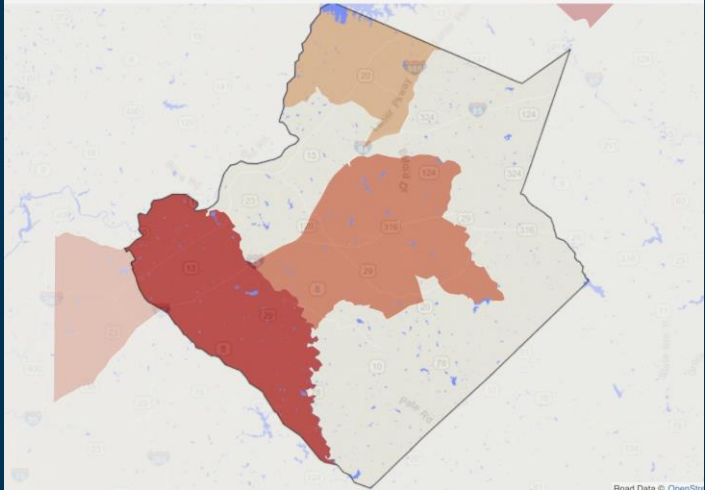
Hispanic Community in Gwinnett County



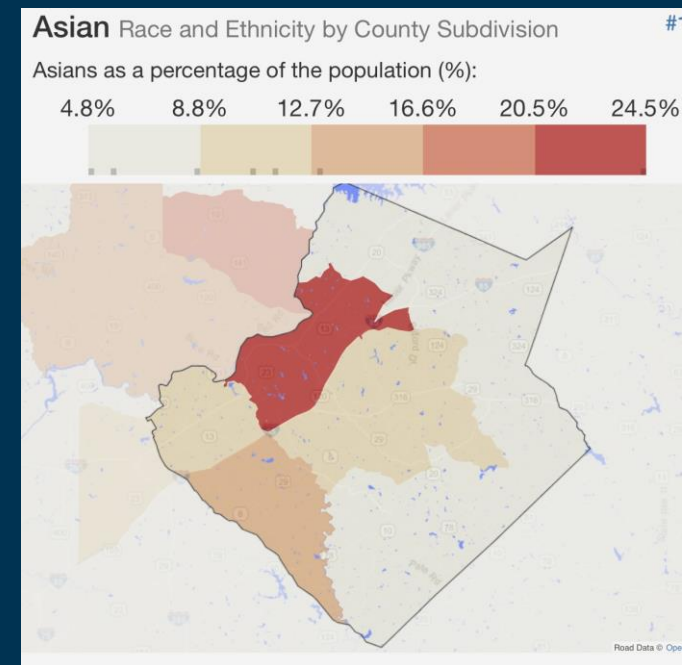
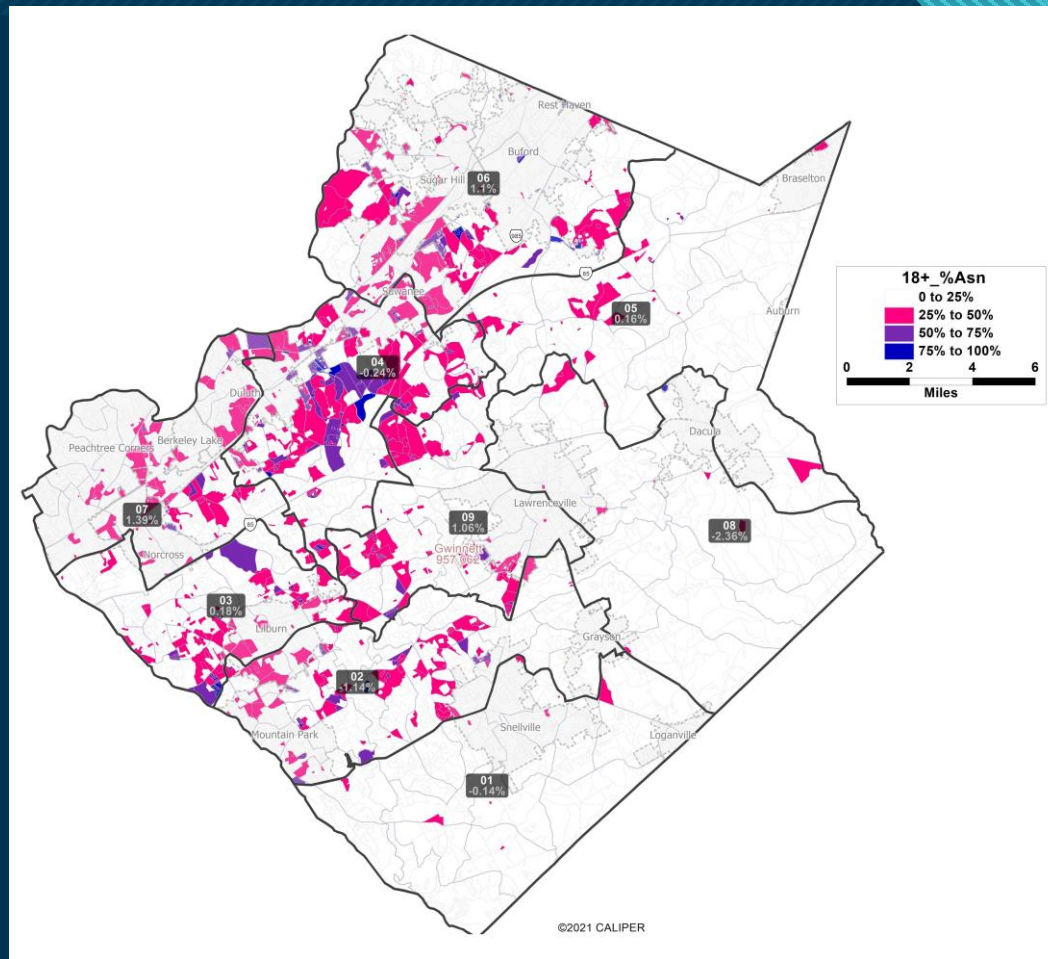
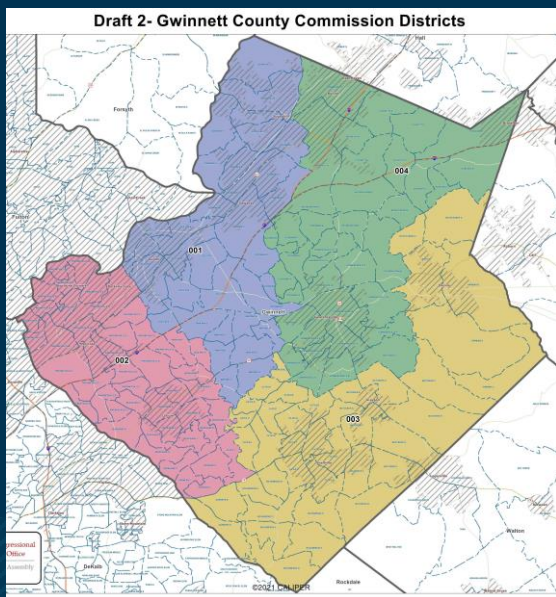
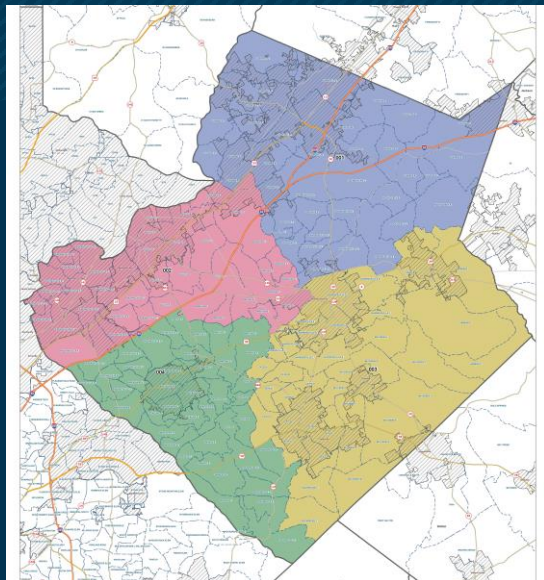
Hispanic Race and Ethnicity by County Subdivision #8

Hispanics (excluding black and Asian Hispanics) as a percentage of the population (%):

8.8% 13.5% 18.2% 22.8% 27.5% 32.2%



Asian Community in Gwinnett County





Questions?

Rahul Garabadu

Voting Rights Staff Attorney
ACLU of GA



ACLU

Georgia

Redistricting Litigation in Georgia

Rahul Garabadu

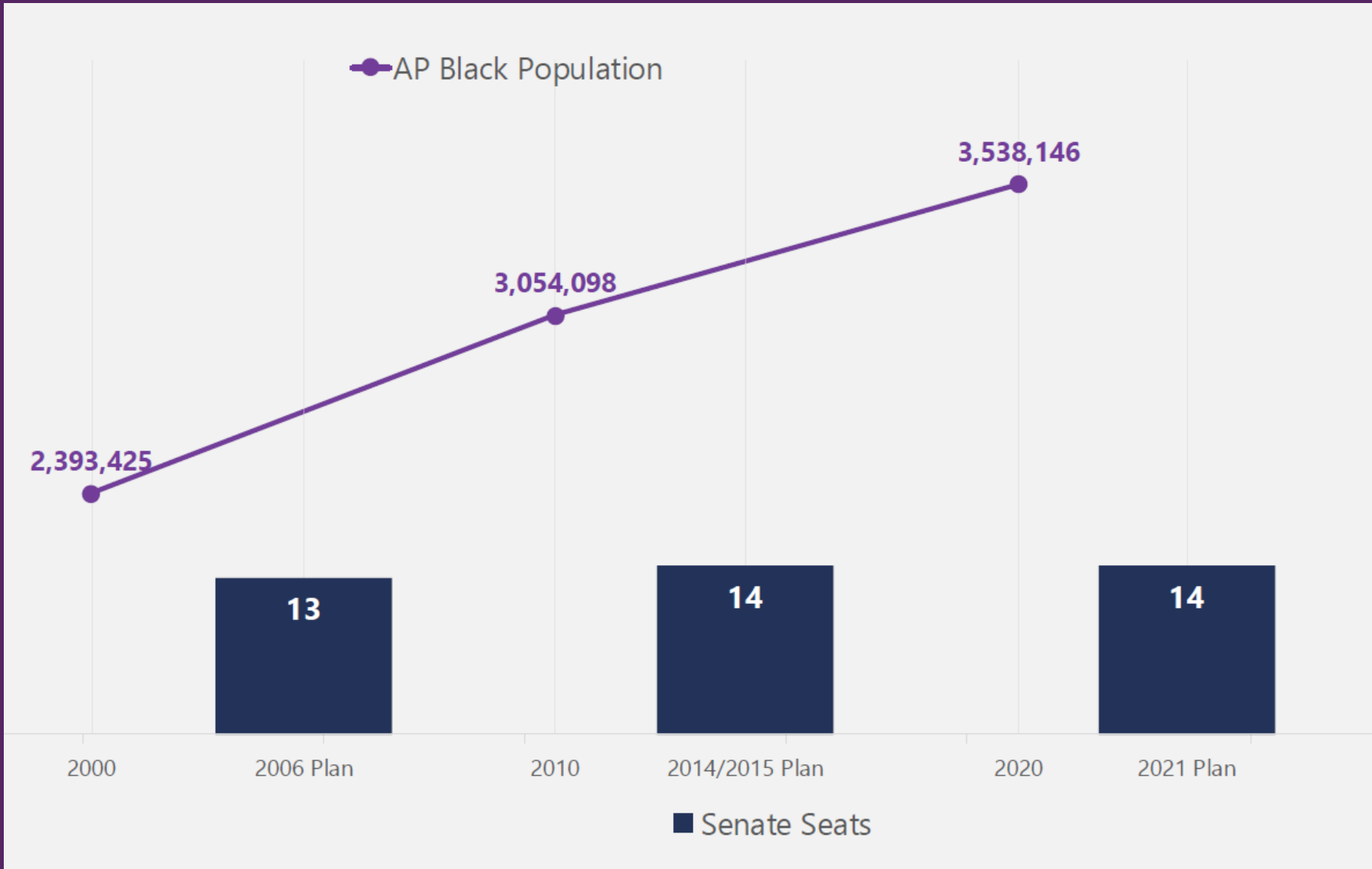
Voting Rights Staff Attorney

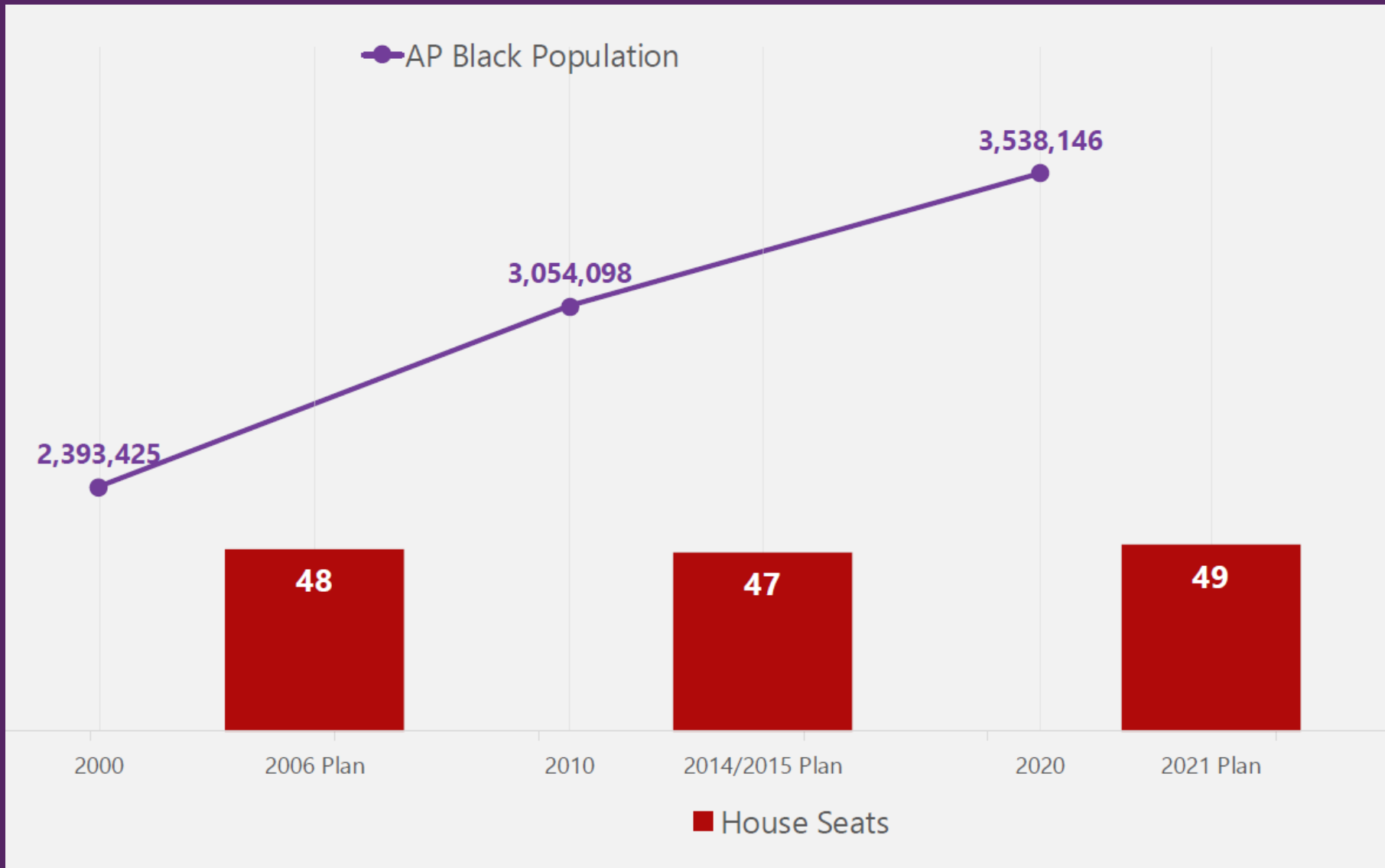
ACLU of Georgia

February 28, 2022

Alpha Phi Alpha et al v. Raffensperger

- Plaintiffs
 - Alpha Phi Alpha Fraternity Inc.
 - Sixth District of the African Methodist Episcopal Church
 - Individual voters around the state
- Challenge to state legislative maps under Section 2 of the Voting Rights Act (statutory claim) → “vote dilution”
- **Bottom line: given the explosive growth in Black population in Georgia over the last ten years, more Black-majority state legislative districts could have and should have been drawn.**





Q In your estimation, does the 2021 Senate Plan reflect the population growth patterns that we saw in the 2020 Census that were just discussed?

A Certainly not at first glance. There's virtually been no change in the number of Senate and House districts since the 2006 Plan that would have been drawn under the 2000 Census and so since that time -- not looking at the chart -- but the population growth of African Americans in Metro Atlanta and statewide is well over a million. So, it's kind of impossible to understand why they're not more majority Black House and Senate districts in the state, given all of the growth that has been happening over the past 30 years, but especially over the past 20. Because there were some additional districts created in the '90's.

Testimony of Bill Cooper, Feb. 7, 2022 Tr. 127:12-127:25

What We Have to Prove

- *Gingles* Preconditions
 - Sufficiently large and geographically compact Black populations exist to comprise majorities in new districts
 - Black voters are politically cohesive
 - Blocs of white voters prevent the election of Black preferred candidates
- Totality of circumstances
 - Looking at political opportunity for Black voters in broader context

Timeline

- **November 3, 2021** – GA General Assembly convenes to draw new state legislative and Congressional maps
- **November 22, 2021** – General Assembly approves final map (congressional) and adjourns, send maps to Governor to sign.
- **December 30, 2021** – Governor signs maps into law, and lawsuit is filed the same day
- **January 7, 2022** – Alpha Plaintiffs file a motion for preliminary injunction to block the maps passed by the State

Why We Were Recently in Court

- Motion for Preliminary Injunction Hearing
 - Asking federal court to block the implementation of the State's maps because they likely violate the Voting Rights Act
- State could have drawn more Black-majority districts (but did not)
 - At least 3 more Black-majority State Senate districts
 - At least 4 more Black-majority State House districts
- Asking for relief in advance of primary elections

SCOTUS Ruling in Alabama

- In January, three-judge panel had unanimously ruled that AL state legislature could have drawn a second Black-majority congressional district pursuant to VRA
 - Ordered the state to redraw the maps before primary elections in AL
- Alabama asked Supreme Court to “stay” the decision
- In a 5-4 opinion, the Supreme Court granted Alabama’s application for stay and put the lower court’s ruling on hold

Other Parties That Weighed In

- Amicus Brief submitted by Fair Districts Georgia and Harvard Law School Election Law Clinic

In sum, Mr. Kenny produced ten thousand Simulated Plans—five thousand for each of the House and Senate—in a matter of days, using publicly available software. All told, the plans he generated keep an average of 85.4% of Georgians in precisely the same House district, and an average of 76.2% of Georgians in precisely the same Senate district, as in the Enacted Plans. The Simulated Plans are also comparable to the Enacted Plans on the metrics the General Assembly prioritized—and in some cases beat the Enacted Plans on those metrics. All while drawing as many majority-BVAP districts as Plaintiffs' expert, Mr. Cooper.

ECF 90-1 at 19

Where We Are Now

- Decision from the court imminent re: preliminary injunction
 - Will determine whether there is any relief before 2022 primary elections
- Later on, there will be a full trial on the merits of the case





ACLU Georgia

[ACLU of Georgia links](#)

acluga.org/georgias-anti-voter-law

acluga.org/legal

acluga.org/redistricting

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Action Alert!



- Learn what has happened in your county, city
- Reach out to your elected officials to tell them what you think and to express your support for fair and transparent redistricting
- Talk with your neighbors about local redistricting and invite them to join in
- Submit an op-ed to your local paper

Fair Districts GA Redistricting Toolkit: bit.ly/FDGALocalToolkit

Q and A

Thank you

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Web: fairdistrictsga.org

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Next Town Hall



*Please complete the Town Hall survey,
link in the chat*

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