

Voting Rights Act and Redistricting: Minority Representation

Town Hall – May 24, 2021



Distinguished Guests and Agenda



Prof. Fred Smith
Emory Law



Rahul Garabadu
ACLU - GA



Hannah Wheelen
Princeton
Gerrymandering
Project



Sen. Tonya Anderson
GA Legislative Black
Caucus

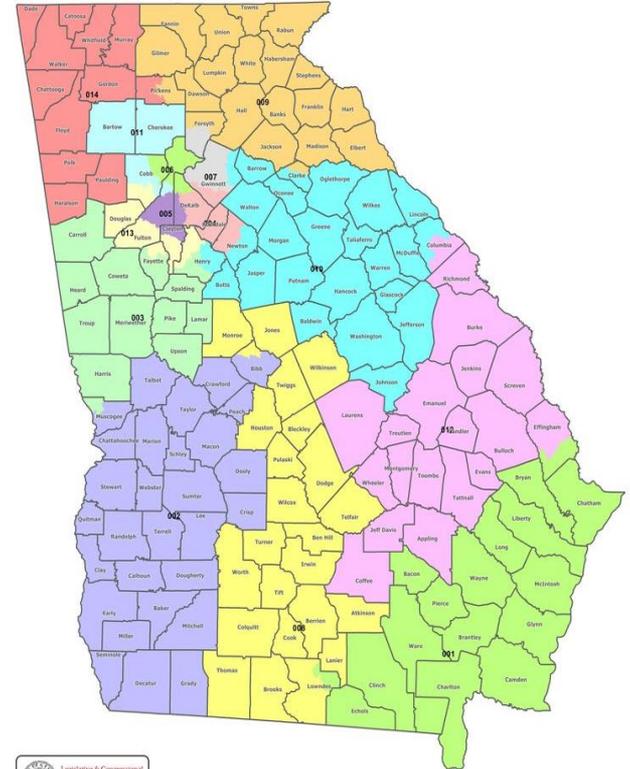
- Georgia legal landscape
- Minority representation study – State Senate
- Legislative perspective
- Q/A

Georgia Landscape

Georgia Congressional Districts

©2011 State
Plan: Congress '12
Topic: Congress

- Georgia and US Constitutions require reapportionment and redistricting
 - Reapportionment: redistributing seats in U.S. House of Representatives based on population changes
 - Redistricting: drawing the lines for districts within a state
- Redistricting applies to:
 - U.S. House of Representatives
 - Georgia General Assembly
 - State House
 - State Senate
 - Public Service Commission

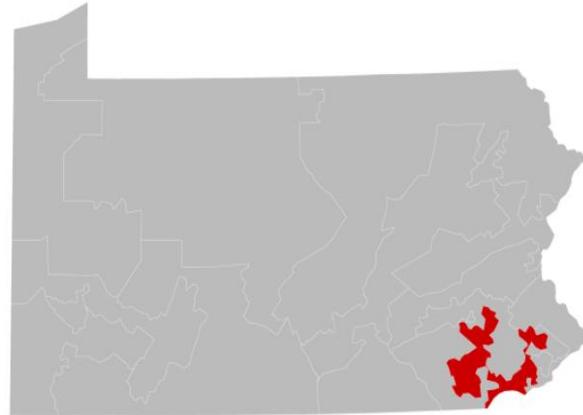
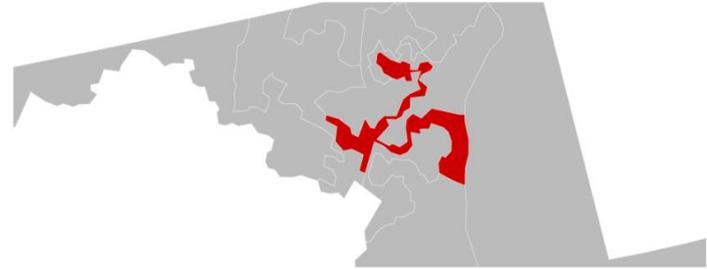


Source: AJC

<https://www.ajc.com/news/state-regional-govt--politics/map-georgia-congressional-districts/Et0YbsSE34JD6Xjo7FJLSK/>

Gerrymandering

- **Gerrymandering:** manipulating electoral boundaries to create an advantage for a party or class of citizens (like race)
 - **Packing:** consolidating a group into small number of districts.
 - **Cracking:** dividing a group across several districts.
- Legality?
 - Partisan gerrymandering = ✓
 - Racial gerrymandering = ✗



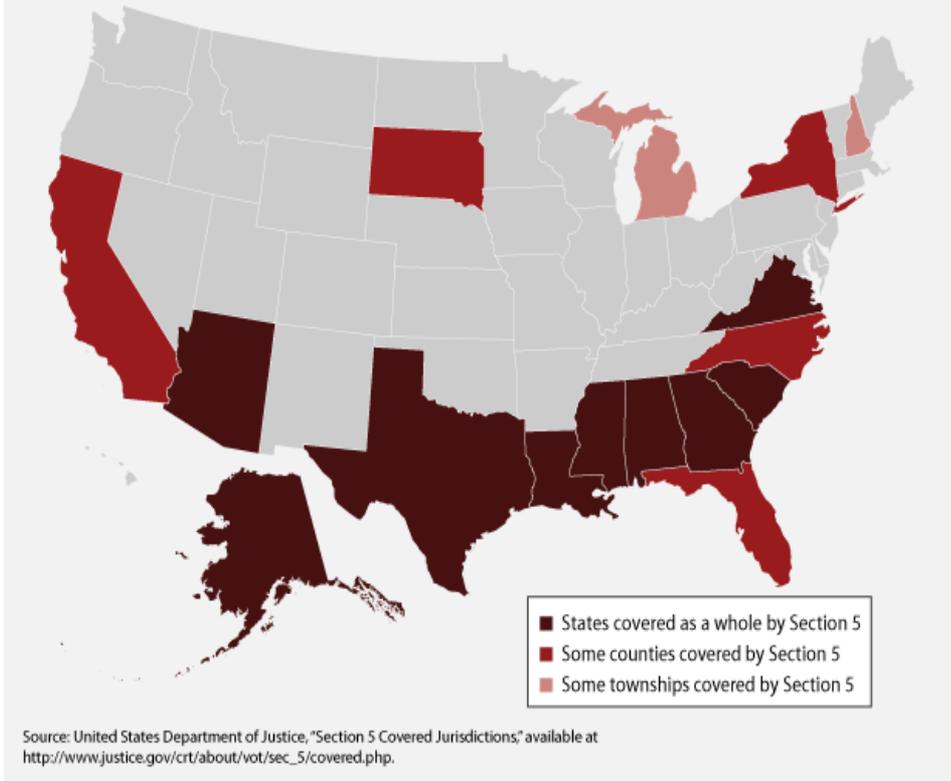
Source: CNN

<https://www.cnn.com/2017/10/03/politics/redistricting-supreme-court-gerrymandered>

Section 5: Preclearance

FIGURE 1

Jurisdictions covered by Section 5 of the Voting Rights Act



From 1965-2013, some parts of the country were required to submit proposed changes in voting laws to the Department of Justice for “preclearance.”

DOJ would determine whether the change was “retrogressive,” reducing minority voting power.

Covered jurisdictions were in parts of the country with a particularly acute record of discriminating on the basis of race in voting.

Shelby County v. Holder (2013)

5-4

A central portion of the Voting Rights Act is unconstitutional



Kennedy

Roberts

Alito

Scalia

Thomas



Kagan

Sotomayor

Breyer

Ginsburg

The Supreme Court expressed doubts about the use of preclearance in a 2009 case, observing, “Things have changed in the South.”

In 2013, the Court went further, invalidating the use of preclearance in covered jurisdictions. Disparate treatment of states on matters of sovereignty, the Court reasoned, must be justified by current needs.

This will be Georgia’s first major round of redistricting without DOJ preclearance in fifty years.

Section 2 of Voting Rights Act

- “(a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision **in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color**, or in contravention of the guarantees set forth in section 10303(f)(2) of this title, as provided in subsection (b).”

52 U.S.C. §10301(a)

United States Supreme Court currently considering the reach of this language in *Brnovich v. DNC*.

Proposed Federal Legislation and Impact on Redistricting

- For the People Act (HR1/S1)
 - Outlaws partisan gerrymandering
 - Requires states to prioritize protections for communities of color
 - Keeps communities of interest together
 - Requires independent commissions for congressional maps
- John Lewis Voting Rights Act (HR4)
 - Restores preclearance provisions of Section 5 of Voting Rights Act



Minority Representation Study State Senate



Hannah Wheelen
Princeton
Gerrymandering
Project



**PRINCETON
GERRYMANDERING
PROJECT**

Fixing bugs in democracy

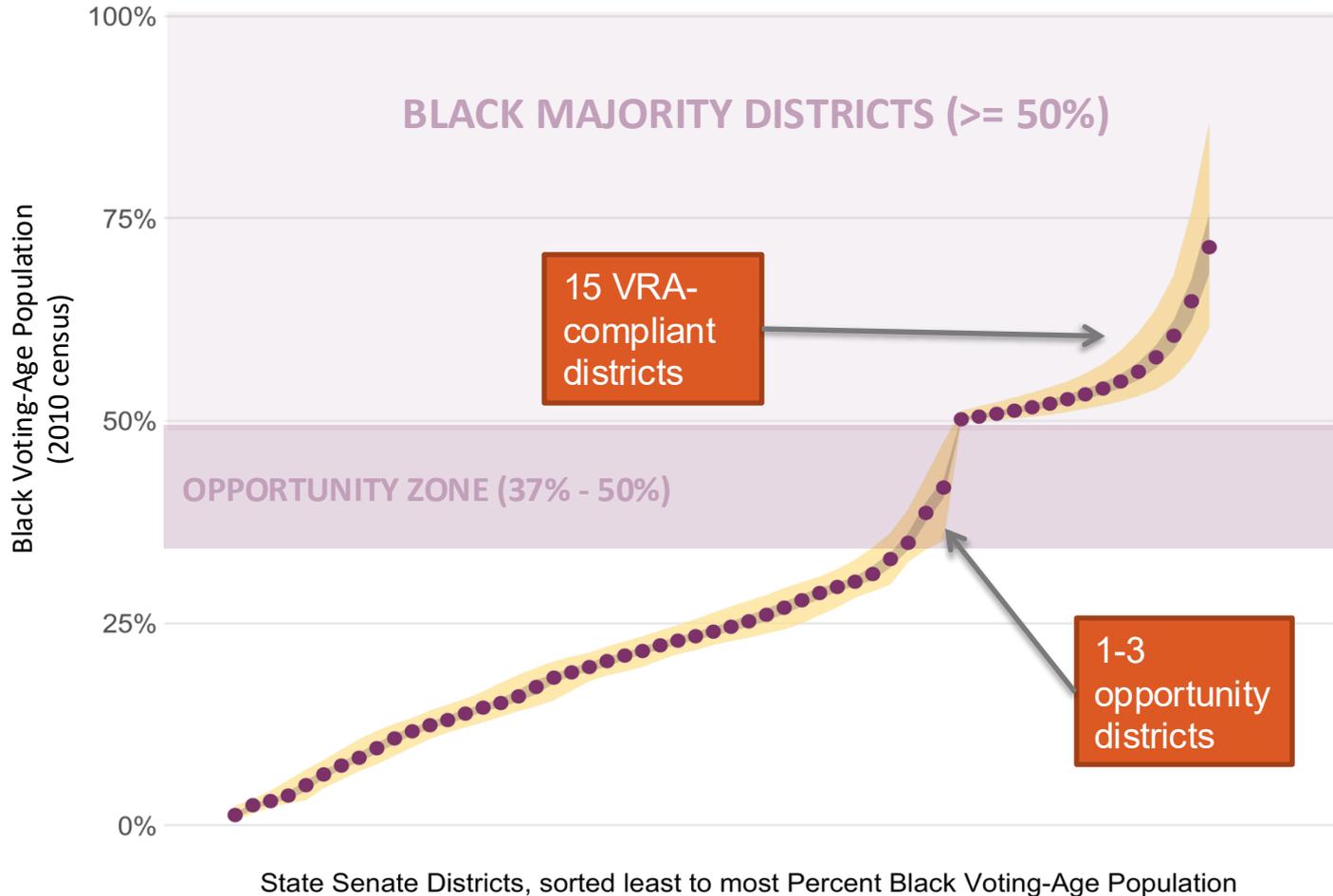
Minority Representation Study - State Senate

Princeton Gerrymandering Project simulation

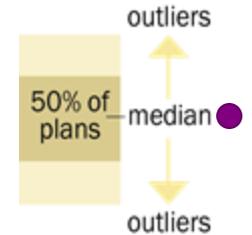
- Create 500,000 Senate maps at random based on 2010 census
- Comply with laws and traditional redistricting criteria
- Estimate Black Voting Age Population (BVAP) for 56 districts x 500,000 maps



Simulated maps have 15 Voting Rights Act-compliant (>50%) districts and 1-3 minority opportunity districts



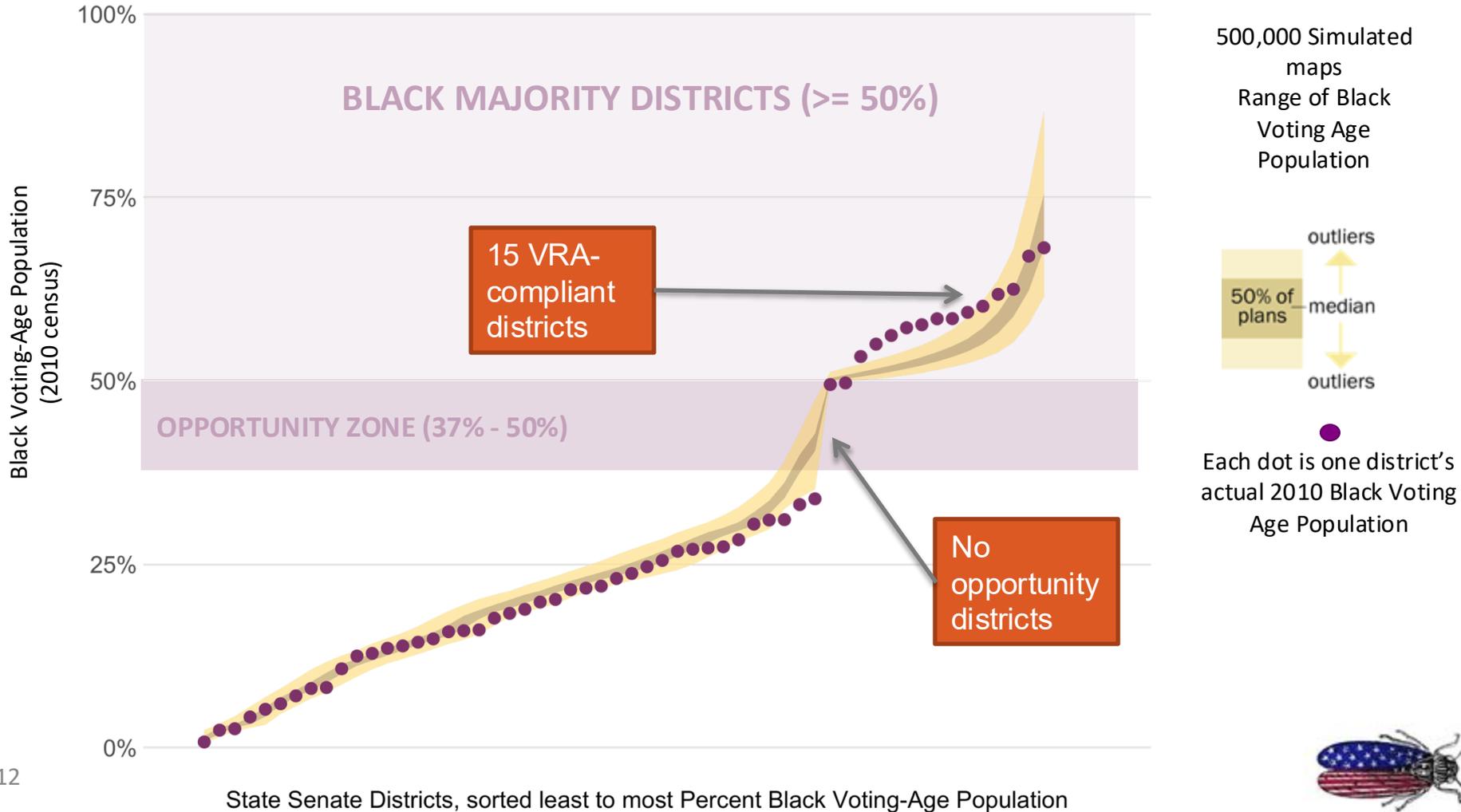
500,000 Simulated maps
Range of Black Voting Age Population



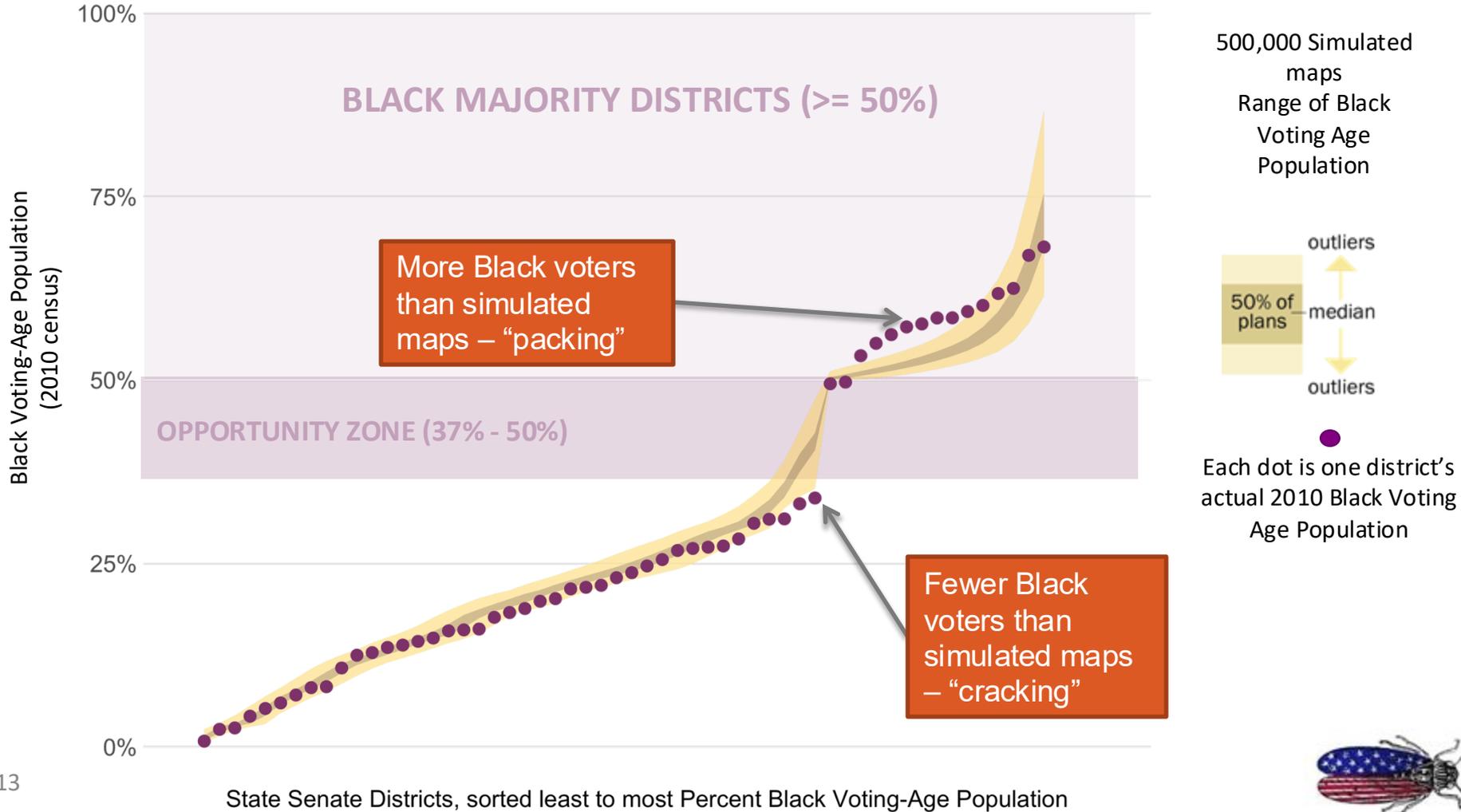
Each dot is a district with "average" 2010 Black Voting Age Population



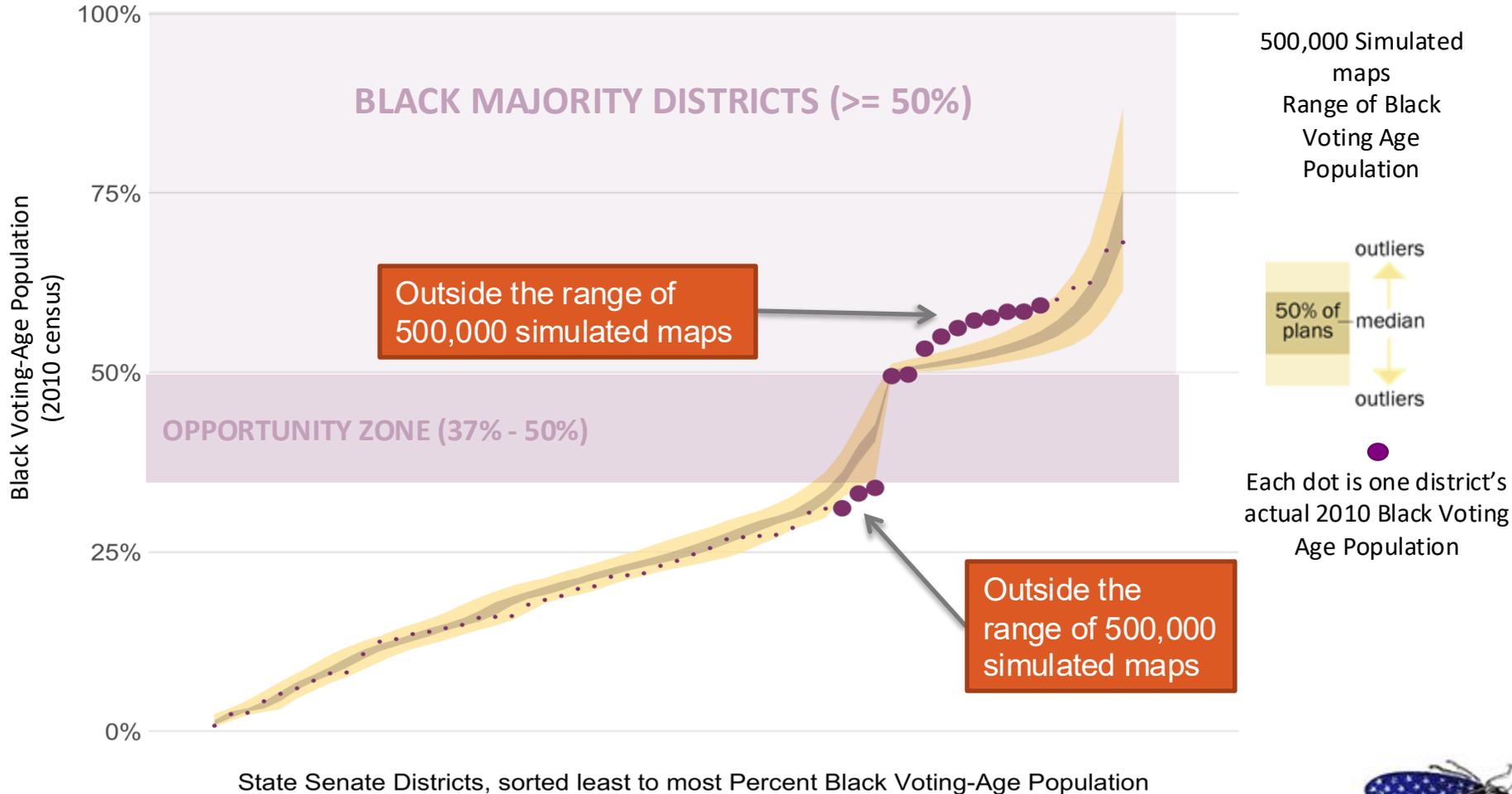
Current Senate map has no minority opportunity districts



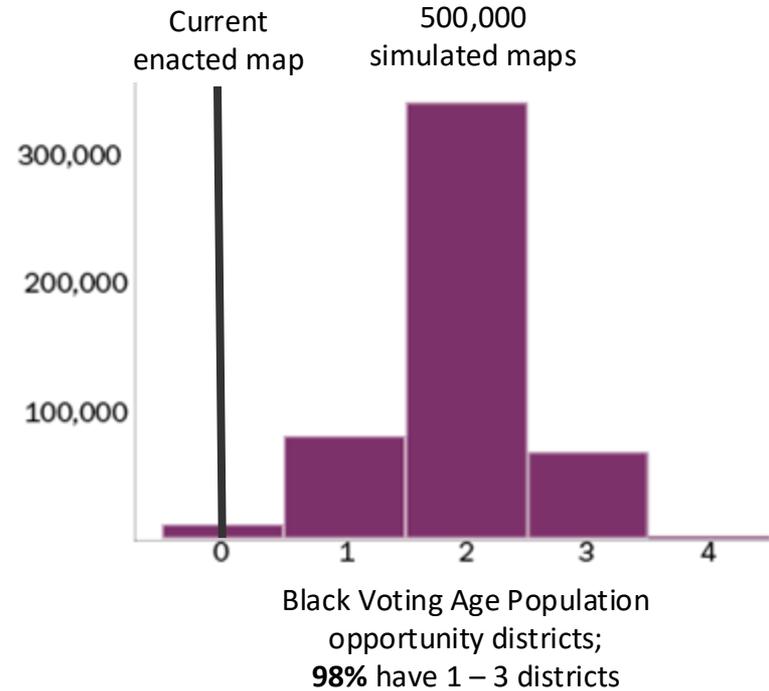
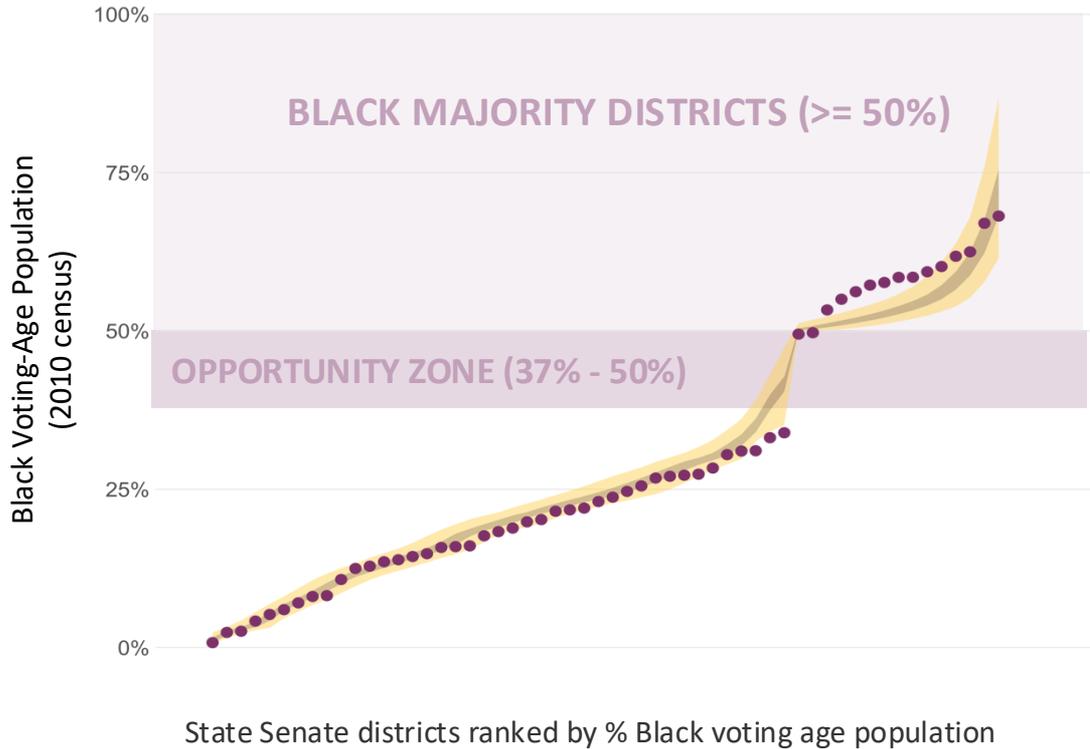
Black voters are packed into Voting Rights Act districts at the expense of opportunity districts



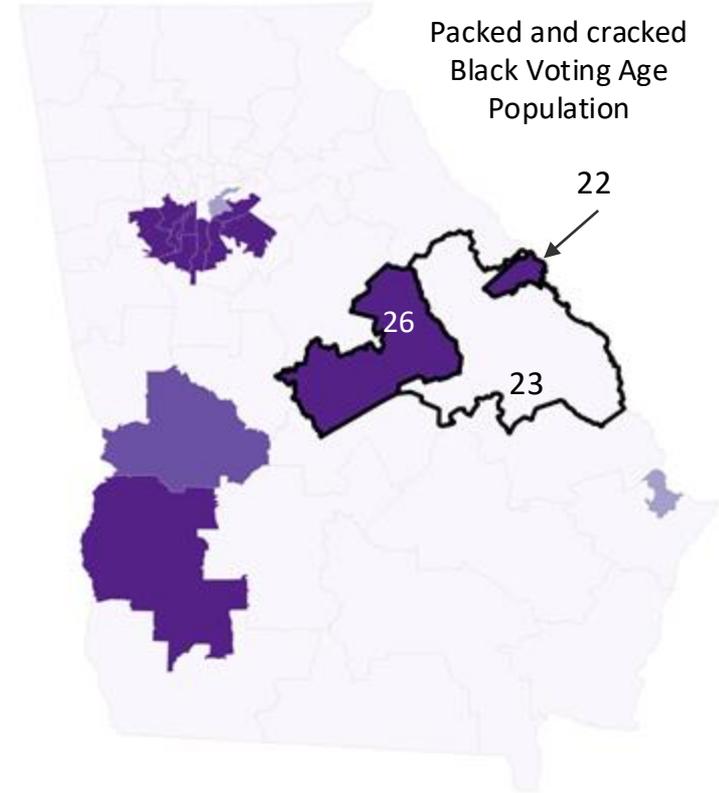
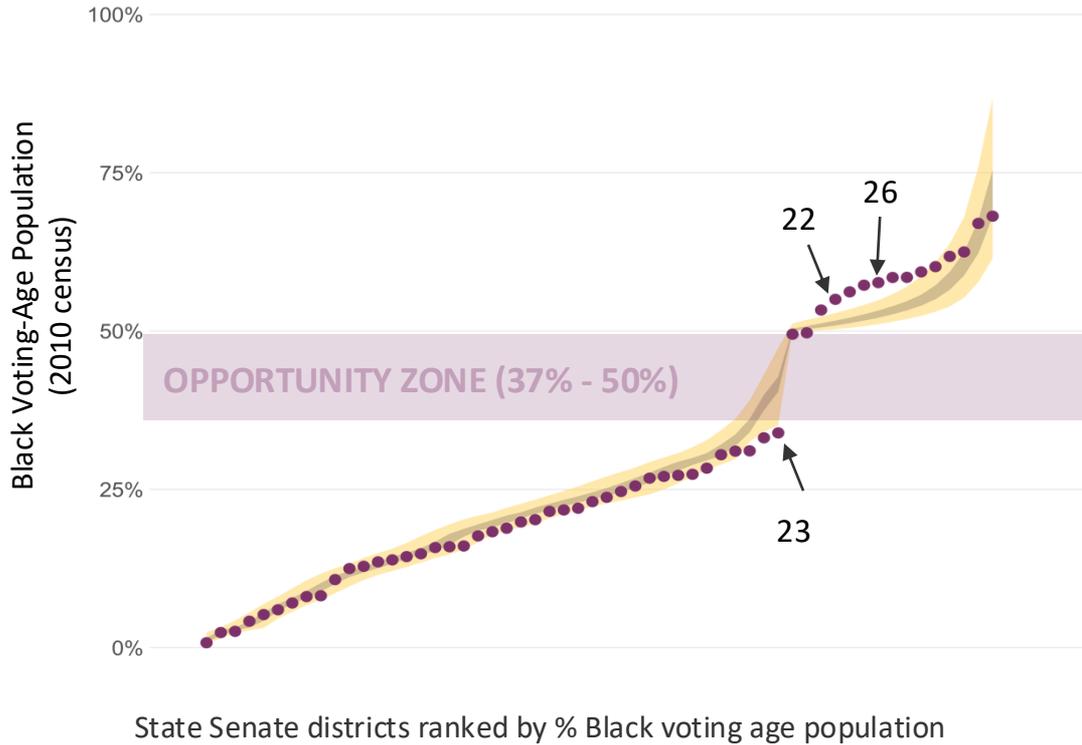
Current Senate map has 13 extreme examples of packing and cracking



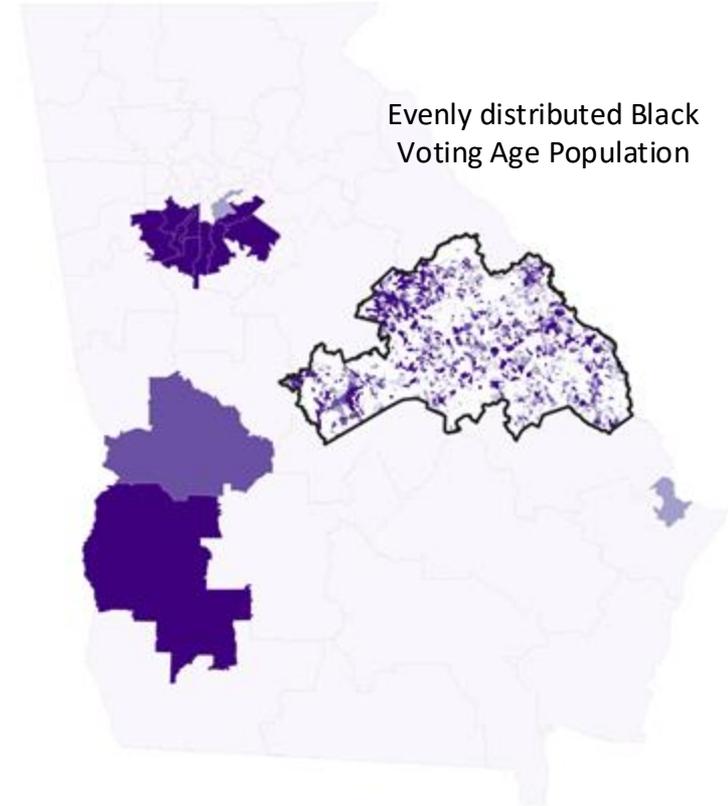
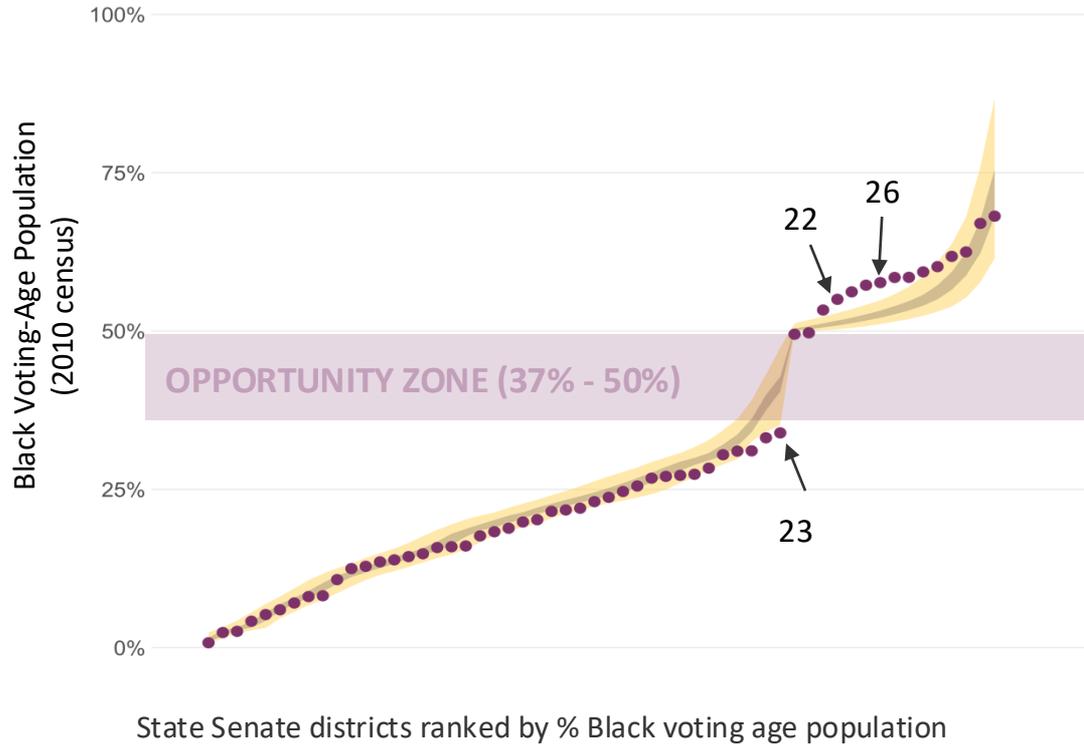
Current Senate map shows a clear disadvantage for minority representation



Example of minority packing and cracking—Augusta region



Example of minority packing and cracking—Augusta region



What's next?

Study Congressional and state House maps

Produce benchmarks for new maps based on 2020 census data (October)



Legislative Perspective



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Q/A



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Upcoming Events

May 27 (Thursday) - Letters to the editor

June 6 - Postcard party (virtual)

June 28 7:00 pm – Next Town Hall: 20-year history of redistricting w. Princeton Gerrymandering Project

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May 24 Town Hall

