



# TX RACIAL GERRYMANDERING



## Congressional District 35

**D** Lloyd Doggett

This district was flagged by federal judges as an impermissible racial gerrymander because lawmakers illegally used race as the predominant factor in how it was drawn.



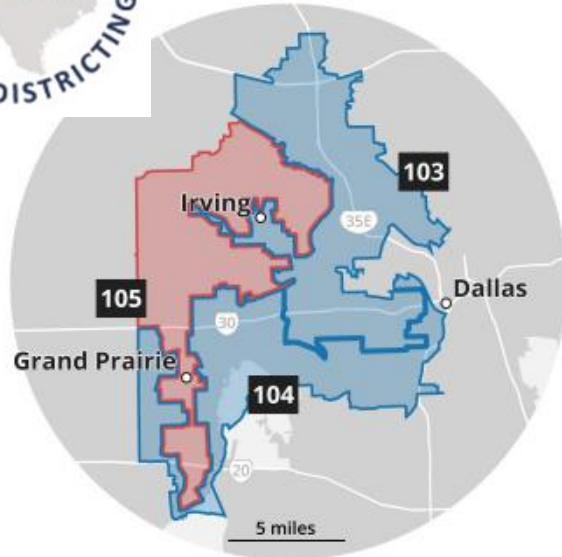
## Congressional District 27

**R** Blake Farenthold

The lower court found that lawmakers diluted the votes of Hispanics in Nueces County when they drastically redrew this district and placed them in a district "dominated" by white voters.



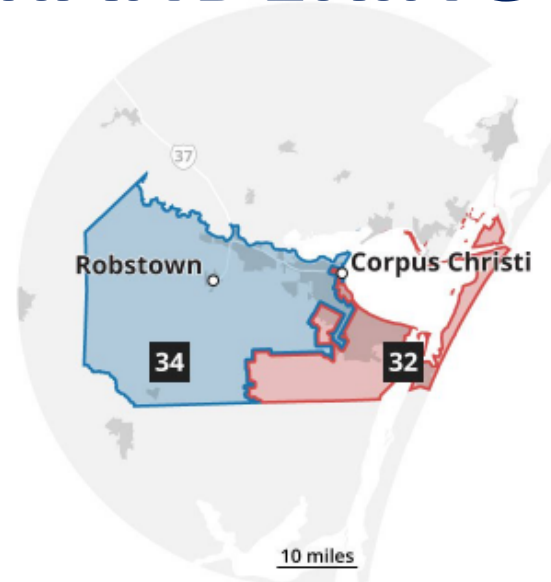
# TX RACIAL GERRYMANDERING



## Dallas County state House districts

- D** Rafael Anchia, HD-103
- D** Roberto Alonzo, HD-104
- R** Rodney Anderson, HD-105

These Dallas County districts were flagged by federal judges for intentional vote dilution. State lawmakers "packed" Hispanics into HD-103 and HD-104 to minimize their influence in surrounding districts, while boosting the white population in HD-105.



## Nueces County state House districts

- R** Todd Hunter, HD-32
- D** Abel Herrero, HD-34

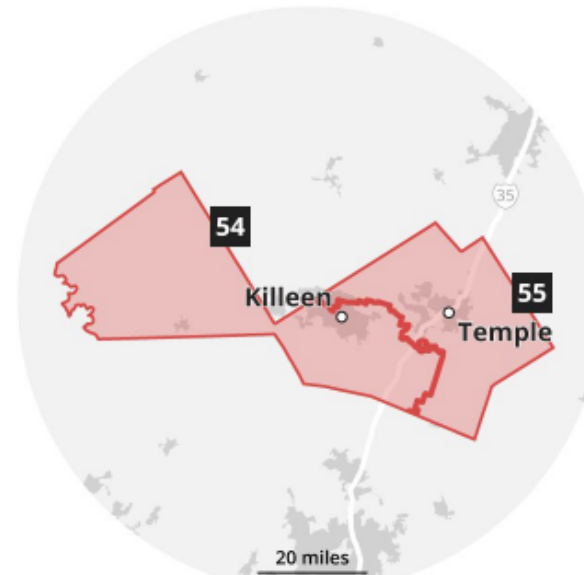
The court ruled that lawmakers redrew these Nueces County districts to "undermine Latino voting strength." They packed Hispanic voters into HD-34 to minimize their influence in the area and left HD-32 as a less populous district to protect the white incumbent.



## Tarrant County state House districts

- D** Ramon Romero, HD-90
- R** Matt Krause, HD-93

These Tarrant County districts were flagged by federal judges for intentional discrimination. Specifically, the court noted that HD-90 was an impermissible racial gerrymander because lawmakers illegally used race as the predominant factor in deciding its boundaries.



## Bell County state House districts

- R** Scott Cosper, HD-54
- R** Hugh Shine, HD-55

The court found intentional vote dilution based on race in these two Bell County districts where lawmakers split Killeen to simultaneously boost the white population in one district and pull mostly people of color into a neighboring white-dominated district.



# Constitution/Laws on Redistricting

## Article 1, Sec. 2 of the U.S. Constitution

- Requirement to conduct a census every 10 years.
- Data is used for **Congressional Reapportionment**.
- House of Representatives was capped at 435 seats in 1913.
- Supreme Court held in 1992 that reapportionment must be carried out using the Census Bureau's actual enumeration and not the statistically adjusted data that it also obtains.
- The Census Bureau and states have used actual enumeration to **redistrict**.

## Article 1, Sec. 4 of the U.S. Constitution

- The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.



# Constitution/Laws on Redistricting

## U.S. Constitutional Amendments

- **1<sup>st</sup> Amendment**

Freedom of Speech: Gerrymandering “imposes burdens on such individuals based on their past political speech and association.” District Court of North Carolina.

- **14<sup>th</sup> Amendment**

Baker v. Carr 1962 Supreme Court Decision ruled that state redistricting questions were judicialable. Based on the 14<sup>th</sup> Amendment’s Equal Protection Clause, it held that districts must be relatively equal in population: One person, one vote principle.

- **15<sup>th</sup> Amendment**

Bars discrimination in voting and requires Congress to enact legislation to safeguard voting. Voting Rights Act of 1965 is the result of the 15<sup>th</sup> Amendment.



# Constitution/Laws on Redistricting

- Based on the 2010 Census, Texas has 36 Congressional Seats. Every state has 2 senators.
- The Texas House of Representatives has 150 seats serving 254 counties.
- The Texas Senate has 31 seats.

## **Texas Constitution, 1876**

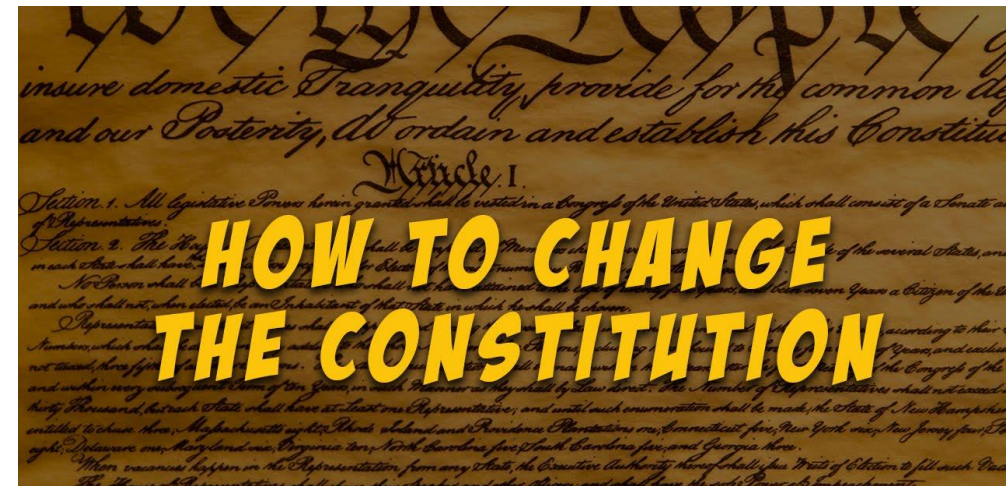
- **Article 3, Section 26:** "...House of Representatives shall be apportioned among the several counties, according to the number of population in each...; provided, that whenever a single county has sufficient population to be entitled to a Representative, such county shall be formed into a separate Representative District, and when two or more counties are required to make up the ratio of representation, such counties shall be **contiguous** to each other; and when any one county has more than sufficient population to be entitled to one or more Representatives,..... shall be apportioned to such county, and for any surplus of population... with any other contiguous county or counties.
- **Article 3, Section 28** Requires redistricting be completed by the first session after the Federal Census. Provides for a **Legislative Redistricting Board of Texas** if the legislature fails to draw new maps. New Maps will go into effect for the next election cycle. Board includes The Lieutenant Governor, the Speaker of the House of Representatives, the Attorney General, the Comptroller of Public Accounts and the Commissioner of the General Land Office. Governor retains veto authority over maps.



# Constitution/Laws on Redistricting

## Texas Constitution, 1876 - Crafting an Amendment, Article 17

- **Joint Resolution:** Proposed changes to the constitution must be made in a form of a joint resolution originating in either house. Such resolutions must pass each house by a 2/3 Majority or 100 House votes and 21 Senate votes.
- Resolutions must contain the proposed language change and when it would go before Texas Voters.
- Sufficient noticing must be provided. Secretary of State provides ballot explanation and it must be approved by the Attorney General of Texas.
- Constitutional amendments go into effective immediately after voter approval (by 50% or greater) unless a later date is set.
- Any changes to the redistricting process requires an amendment to the state's constitution.
- If legislation must be passed to enact the amendment, the Governor retains veto power.





# Constitution/Laws on Redistricting

## Criteria for Redistricting

- **Federal:**  
Reapportionment, States to manage redistricting, Districts must reflect one person, one vote; must comply with Voting Rights Act.
- **Texas:** rules include Contiguity and Political Boundaries. Specifically, it requires multi-county districts must be contiguous. Requires house seats align with counties as much as possible.
- **Other States' Requirements:**
  - Contiguity
  - Political Boundaries
  - Compactness
  - Community of Interest
  - Neutrality
  - Competitiveness



# Constitution/Laws on Redistricting

## Criteria for Redistricting

- **Contiguity:** all areas of a district must be physically adjacent. Nevada is the only state not to have that requirement.
- **Compactness:** constituents within a district must live as near to each other as possible. 37 states require this for State districts and 18 require it for Congressional districts.
- **Community of Interest:** As defined by FairVote "group of people in a geographical area, such as a specific region or neighborhood, who have common political, social or economic interests." 24 states require this for State districts and 13 require it for Congressional districts.
- **Political Boundaries:** requirement to respect boundaries of counties, cities, etc. 42 states require consideration of this for State districts and 19 require it for Congressional Districts.
- **Neutrality:** may not consider voting data, incumbent addresses, may not favor one party or candidate. – Iowa
- **Competitiveness:** requirement to make districts competitive if possible once satisfying main objectives – Arizona.





**What rules should govern the creation of voting districts in Texas?**

