



# RACIAL GERRYMANDERING

**Racial Gerrymandering** purposeful drawing of boundaries of electoral districts in such a way that dilutes the vote of racial minorities or fails to provide an opportunity for racial minorities to elect a representative for their community per the Voting Rights Act of 1965.





# RACIAL GERRYMANDERING



**VOTING RIGHTS ACT**



# RACIAL GERRYMANDERING

## **Voting Rights Act – Section 2**

b. A violation....is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) of this section in that its member have less opportunity than other members of the electorate to participate in the political process and **to elect representatives of their choice.**“

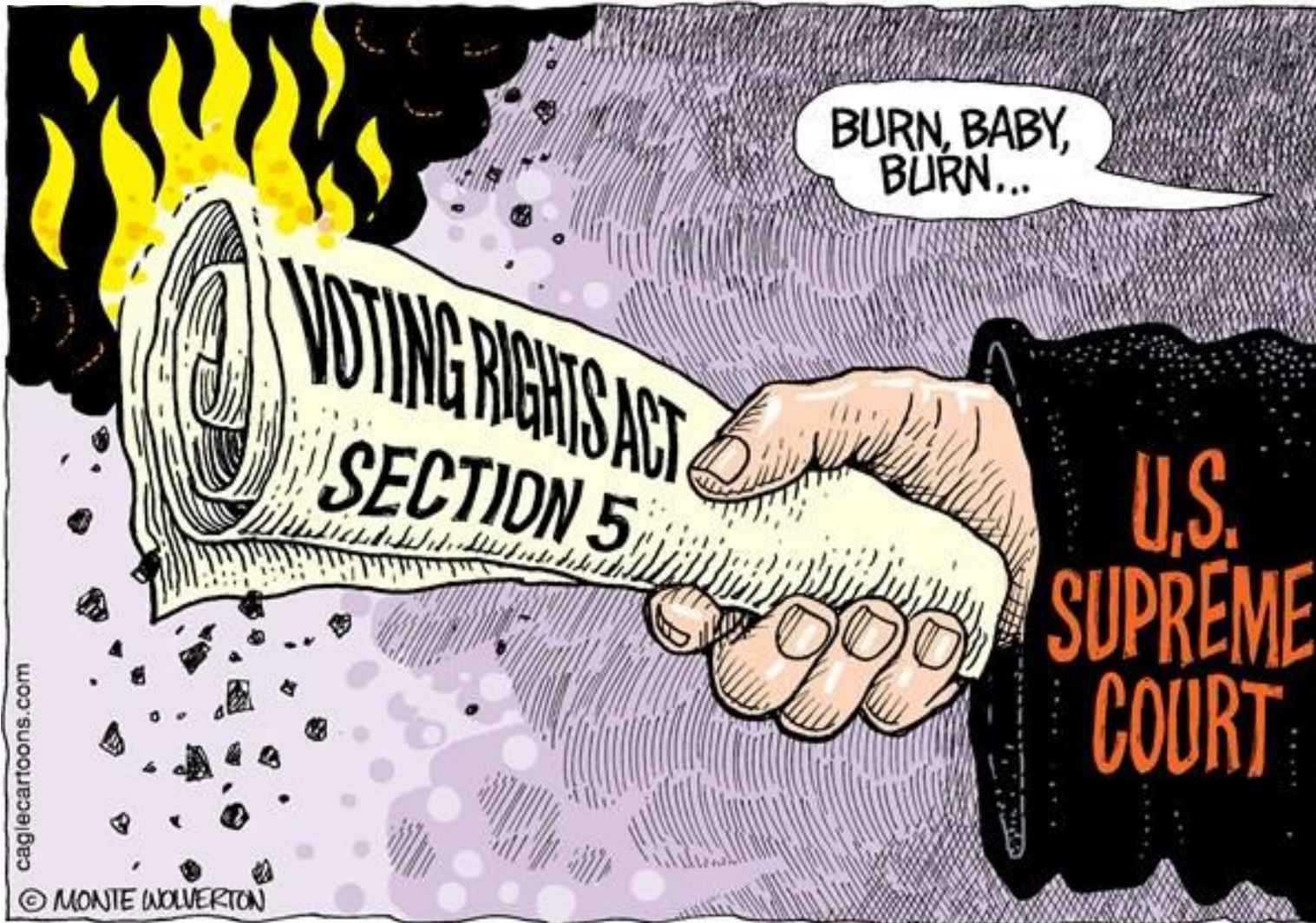
**Voting Rights Act – Section 5** applied to nine states — Texas, South Carolina, Arizona, Georgia, Louisiana, Mississippi, Alabama, Virginia and Alaska — and to parts of Florida, California, New York, North Carolina, South Dakota, Michigan and New Hampshire for engaging in systemic discrimination against minorities for voting. Before making any changes to criteria for voter registration, voting eligibility, the counting of votes or redistricting, covered states and jurisdictions must get preclearance from the Justice Department or from a panel of judges at the U.S. District Court for the District of Columbia.

**Voting Rights Act – Section 4** – set the criteria for what states fell under Section 5





# RACIAL GERRYMANDERING



**Vacated Section 4** of the Voting Rights Act, saying the data is antiquated.

**Immediate impact:** states no longer fell under pre-clearance for changing voting laws, redistricting, etc.

**New Voter ID Laws** became prevalent after 2013.

**North Carolina and Texas** continue to racially gerrymander.



# RACIAL GERRYMANDERING

## Texas Racial Gerrymandering Case

**Texas:** In April 2017, the Federal District Court ruled the 2011 maps: 3 Congressional Maps and 11 State House Districts were unconstitutionally drawn in violation of the Voting Rights Act, § 2. Further, it stated that the maps failed to create a minority opportunity district in the Dallas area.

In July 2017, the Federal Court ruled on the redrawn 2013 maps: several maps drawn in violation of the Voting Rights Act.

April 2018, the Supreme Court will hear the case on both the 2013 Congressional and State House District Maps.

**Mexican American Legal Defense and Educational Fund (MALDEF):** "With this final of several rulings on liability in Texas state redistricting in 2011 and 2013, the case now moves to remedy; this is a most welcome development. The state of Texas needs to move on with fixing permanently the rights violations in which it has regularly – as confirmed by this court's recent rulings – and continually engaged. The people of Texas need to have confidence that the electoral system in which more and more will participate is untainted by intentional discrimination or discriminatory effects."



# RACIAL GERRYMANDERING

## Texas Racial Gerrymandering Case

“Federal courts have scolded the Texas Legislature — whether led by Republicans or Democrats — for engaging in a pattern of racial discrimination in every redistricting cycle since 1970. And such legal challenges commonly move at a glacial pace.

.... In 2013, the U.S. Supreme Court [\*Shelby County v. Holder\*](#) — allowed the Texas maps and other new election laws to take effect even before courts finished considering the impact on minority voters. It also shifted legal burdens onto those challenging such laws.

(Texas)... would probably see revised maps for just one election, in 2020, before another U.S. Census triggers another round of redistricting and perhaps more litigation.

In the old days, which was not that long ago, Texas couldn’t put a discriminatory plan in place. It had to get permission, and it had to prove the plan was not discriminatory before it could go forward,” said Rick Hasen, a professor and election law expert at the University of California, Irvine’s law school. “Now, it not only takes years, it takes millions of dollars in legal fees in order to fight each of these things and, as we see, along the way there could be a number of elections where there is illegal or unconstitutional conduct.”

<https://www.texastribune.org/2017/10/18/drawn-out-texas-redistricting-fight-people-are-passing-away-while-await>



**Is the Voting Rights Act still necessary?**

