

The shape of Maryland’s 3rd Congressional District has been described as “a crazy quilt,” “a blood spatter from a crime scene,” and a “broken-winged pterodactyl lying prostrate across the center of a state.”¹ This district, along with many others, is the result of gerrymandering. Often called corruption at its worse, the partisan practices that dominate redistricting harm American democracy in more ways than one. Redistricting reform is perhaps the most significant step that can be taken towards increasing political representation and voter enfranchisement in America.

Once every ten years, each state is required to redraw the boundaries of its congressional and state legislative districts. Currently, in 42 states, state legislatures are in charge of this redistricting, giving de facto control to the majority party in the legislature.² Those parties invariably seize an opportunity to give themselves an electoral advantage, distorting the shapes of districts in a practice known as gerrymandering. Imagine, for example, that a state contained 30 Republicans and 20 Democrats. To obtain equal and accurate representation, the state would logically be divided into 5 districts, 3 of which could vote Republican and 2 of which could vote Democrat. If the Republicans were the majority party in charge of redistricting, however, they could place 6 Republicans and 4 Democrats into each district, giving themselves a majority in all 5. Under that system, those 20 Democrats would lose their chance to send a representative to Washington or their state capital to represent their views. This example, first told by Christopher Ingraham of the Washington Post,³ is mirrored in real life. In Pennsylvania, Democrats received 50% of the popular vote in 2012, but instead of receiving half of the state’s legislative seats, they received less than one third.⁴ On average, when state legislatures gerrymander, the majority party gains 10-13% more seats than it would have under a system of accurate representation.⁵ A government is created that does not accurately represent the views of the people.

By creating districts where outcomes are predetermined, gerrymandering makes the voices of millions of Americans disappear. In a district that has been drawn in a way that guarantees a Republican victory, the voices of Democrats are lost. In 2012, Democrats received 1.36 million more votes than Republicans, but because of gerrymandering, the Republicans won more seats in Congress. When citizens realize that their votes will have no impact on the outcome of the election, they no longer bother to cast them. In some state elections, voter turnout

¹ Robert Barnes, “Supreme Court Says Challenge of Maryland District Lines May Proceed,” *Washington Post*, December 8, 2015, July 28, 2016. https://www.washingtonpost.com/politics/courts_law/2015/12/08/190bd7c0-9dbe-11e5-8728-1af6af208198_story.html

² Justin Levitt, “Who Draws the Lines?” *Loyola Law School*, July 27, 2016. <http://redistricting.lls.edu/who.php>

³ Christopher Ingraham, “This is the Best Explanation of Gerrymandering You Will Ever See,” *Washington Post*, March 1, 2015, July 27, 2016. <https://www.washingtonpost.com/news/wonk/wp/2015/03/01/this-is-the-best-explanation-of-gerrymandering-you-will-ever-see/>

⁴ Ingraham.

⁵ Andrea Gelman and Gary King, *Fixing the Boundaries*. (Hanover, Vermont: Dartmouth Publishing Co., 1996)

in gerrymandered districts has reached as low as 5%.⁶ Essentially, elections in gerrymandered districts cease to matter.

With districts drawn in such a way that it is impossible for an opposing party candidate to offer serious opposition, incumbents up for reelection typically coast to victory. In 2012, 90% of incumbents in Congress won reelection.⁷ When Congressmen do not have to worry about reelection, they become more likely to disregard the needs of their constituents. In 2013, almost all the congressmen who caused the government shutdown were either not up for reelection or representing safe districts.⁸ In contrast, when the government almost shut down over Planned Parenthood in 2015, the Republican senators who were least willing to risk a government shutdown were all up for reelection in 2016.⁹ With no threat of reelection, congressmen often take more extreme, partisan positions, and this increased polarization creates entrenched gridlock. After five states placed independent commissions in charge of redistricting, partisan voting amongst their representatives decreased by 13%.¹⁰ The threat of losing reelection keeps legislators accountable to their constituency and forces them to remain moderate so that they can appeal to voters across party lines. Safe districts take away that threat and destroy accountability in Congress.

The American people overwhelmingly support gerrymandering reform. In 2013, one poll found that over seven in ten Americans support efforts to end gerrymandering, with support equal amongst both Republicans and Democrats.¹¹ All fifty states have had ballot initiatives or have proposed legislation to end gerrymandering.¹² The strongest option for reform is the creation of independent redistricting commissions. In the past, reforms that gave redistricting power to the courts or commissions appointed by the legislature failed to adequately stem partisanship and even resulted in litigation battles that cost taxpayers as much as \$11 million.¹³

⁶ Robin E. Best and Michael M. McDonald, *Unfair Partisan Gerrymanders in Politics and Law: A Diagnostic Applied to Six Cases*. (Election Law Journal 14.4, 2015): 312-330.

⁷ Charles Mahtesian, "2012 Reelection Rate: 90 Percent," *Politico*, December 13, 2012, July 28, 2016. <http://www.politico.com/blogs/charlie-mahtesian/2012/12/2012-reelection-rate-90-percent-151898>

⁸ Stephanie Condon, "Government Shutdown: Is Congress Acting Selfishly?" *CBS News*, October 2, 2013, July 27, 2016. <http://www.cbsnews.com/news/government-shutdown-is-congress-acting-selfishly/>

⁹ Jamie Fuller, "GOP Senators Up for Reelection Are Not Happy About a Potential Shutdown," *New York Magazine*, September 23, 2015, July 27, 2016. <http://nymag.com/daily/intelligencer/2015/09/these-gop-senators-are-not-happy-about-shutdown.html>

¹⁰ David Oedel, "Can Redistricting Reforms Reduce Polarization in Congress?" *Woodrow Wilson International Center for Scholars*, July 27, 2016. <https://www.wilsoncenter.org/event/can-redistricting-reforms-reduce-polarization-congress>

¹¹ *Americans Across Party Lines Oppose Common Gerrymandering Practices*. New York, NY: Harris Poll, November 7, 2013.

¹² Nicolas Stephanopoulos and Eric McGhee, *Partisan Gerrymandering and the Efficiency Gap* (Public Law and Legal Theory Working Paper No. 493, 2014)

¹³ Jack Fitzpatrick, "Florida's Anti-Gerrymandering Measures Didn't Work. Here's How Both Parties Hope to Change Them," *The Atlantic*, November 17, 2015, July 28, 2016.

In contrast, independent commissions have seen success. From 2002 until 2010, only one incumbent in California lost reelection, but in 2012, after the state had allowed independent commissions to draw district lines, 26% of incumbents were unseated.¹⁴ The format of California's independent commission is one that can be modeled throughout the other fifty states. The state auditor office accepted 36,000 applications for the 14 positions on the commission, and then randomly selected three Democrats, three Republicans, and two independents. The chosen group then picked the next two Republicans, two Democrats, and two independents. Public officials, lawmakers, legislative aides, lobbyists, party staffers, and their families were ineligible to serve on the commission. Instead, the commission was made up of a retired high school principal, a chiropractor, an architect, and a bookstore owner. People, not parties, were put in control of the redistricting process.

In all 50 states, independent commissions must be placed in charge of redistricting, putting power back in the hands of the people. For too long, partisan redistricting has disenfranchised voters and allowed congressmen to disregard the views of their constituents. Gerrymandering reform is the first step towards returning the United States to a true democracy - one where the word of the people is the word of law.

<http://www.theatlantic.com/politics/archive/2015/11/floridas-anti-gerrymandering-measures-didnt-work-heres-how-both-parties-hope-to-change-them/443478/>

¹⁴ Michael B. Marois, "California's Redistricting Shake-Up Shakes Out Politicians," Bloomberg Business, March 22, 2013, July 28, 2016.

<http://www.bloomberg.com/news/articles/2013-03-21/californias-redistricting-shake-up-shakes-out-politicians>

References

Americans Across Party Lines Oppose Common Gerrymandering Practices. New York, NY: Harris Poll, November 7, 2013.

Barnes, Robert. “Supreme Court Says Challenge of Maryland District Lines May Proceed.” Washington Post. December 8, 2015. July 28, 2016.
https://www.washingtonpost.com/politics/courts_law/2015/12/08/190bd7c0-9dbe-11e5-8728-1af6af208198_story.html

Best, Robin E., and Michael M. McDonald. *Unfair Partisan Gerrymanders in Politics and Law: A Diagnostic Applied to Six Cases*. Election Law Journal 14.4, 2015: 312-330.

Condon, Stephanie. “Government Shutdown: Is Congress Acting Selfishly?” CBS News. October 2, 2013. May 25, 2016. <http://www.cbsnews.com/news/government-shutdown-is-congress-acting-selfishly/>

Fitzpatrick, Jack, “Florida’s Anti-Gerrymandering Measures Didn’t Work. Here’s How Both Parties Hope to Change Them,” The Atlantic. November 17, 2015, July 28, 2016.
<http://www.theatlantic.com/politics/archive/2015/11/floridas-anti-gerrymandering-measures-didnt-work-heres-how-both-parties-hope-to-change-them/443478/>

Fuller, Jamie. “GOP Senators Up for Reelection Are Not Happy About a Potential Shutdown.” New York Magazine. September 23, 2015. July 27, 2016.
<http://nymag.com/daily/intelligencer/2015/09/these-gop-senators-are-not-happy-about-shutdown.html>

Gelman, Andrea and Gary King. *Fixing the Boundaries*. Hanover, Vermont: Dartmouth Publishing Co., 1996.

Ingraham, Christopher. “This is the Best Explanation of Gerrymandering You Will Ever See.” Washington Post. March 1, 2015. July 27, 2016.
<https://www.washingtonpost.com/news/wonk/wp/2015/03/01/this-is-the-best-explanation-of-gerrymandering-you-will-ever-see/>

Levitt, Justin. “Who Draws the Lines?” Loyola Law School. July 27, 2016.
<http://redistricting.lls.edu/who.php>

Mahtesian, Charles, “2012 Reelection Rate: 90 Percent,” Politico. December 13, 2012, July 28, 2016. <http://www.politico.com/blogs/charlie-mahtesian/2012/12/2012-reelection-rate-90-percent-151898>

Marois, Michael B. “California's Redistricting Shake-Up Shakes Out Politicians.” Bloomberg Business. March 22, 2013. July 28, 2016.



<http://www.bloomberg.com/news/articles/2013-03-21/californias-redistricting-shake-up-shakes-out-politicians>

Oedel, David. "Can Redistricting Reforms Reduce Polarization in Congress?" Woodrow Wilson International Center for Scholars. July 27, 2016. <https://www.wilsoncenter.org/event/can-redistricting-reforms-reduce-polarization-congress>

Stephanopoulos, Nicolas and Eric McGhee. *Partisan Gerrymandering and the Efficiency Gap*. Public Law and Legal Theory Working Paper No. 493, 2014.