

NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC.

REDRAWING THE LINES

THE IMPACT OF REDISTRICTING ON
BLACK PEOPLE'S POLITICAL POWER





What Is Redistricting?

Redistricting is when the lines of electoral districts for local, state, and congressional seats are redrawn.

Redistricting happens every ten years and is one of the most important events for our democracy. Fair redistricting plans ensure that Black, Latinx, Asian, and other communities are represented in school boards, city councils, state legislatures, and the U.S. Congress. Without fair redistricting plans, communities of color may have reduced or no representation in the local, state, or federal government. So, it is crucial that Black communities, as well as other people of color, participate in the redistricting process to create redistricting maps that reflect the diversity of our communities.

Why Is Redistricting Important?

Redistricting is important because it is the means to access political representation.

When it is done fairly it makes the ideal of "one person, one vote" a reality. Unfortunately, when redistricting is done unfairly, it can make it harder for you or other members of your community to elect your preferred candidates and have your voices heard in government. How and where legislative districts are drawn in your state may ultimately determine who gets elected and makes important decisions about the lives and health of you and your community.



How Is The Census Connected To Redistricting?

The Census provides key data that is used to develop redistricting maps.

Every ten years, the Census seeks to count every person living in the United States. The next Census will take place in Spring 2020. Once the Census is finished, federal, state, and local governments will use that count to make decisions about redistricting and where government funds and other resources should be provided. During redistricting, this Census data is used to redraw district lines so that each district is roughly equal in population size. It also is used to ensure that communities of color can elect their preferred candidates to serve them in Congress, state legislature, and local governing bodies.

Experts are predicting that the 2020 Census will show that the United States has become a much more racially and ethnically diverse nation.

To learn more about the Census and the importance of an accurate count, please see NAACP Legal Defense Fund & Educational Fund's 2020 Census Guide, available at www.naacpldf.org.

Who Controls Redistricting?

It depends.

In most states, the state legislature takes the lead in drawing lines for their own legislative districts as well as those for U.S. Congress. However, in Arizona, California, Colorado, Hawaii, Idaho, Michigan, Montana, New Jersey, and Washington, independent redistricting commissions draw congressional lines.¹ In those states and in Alaska, Arkansas, Missouri, Ohio, and Pennsylvania, independent commissions also draw state legislative lines.² In Maine, New York, Rhode Island, Utah, Vermont, and Virginia, independent commissions advise the state legislature, but do not draw the districts.³

At the local level, some counties, cities, and school boards redistrict themselves, while others require the state legislature to take action to draw new districts. Sometimes redistricting requires state and local action. Some cities like San Diego, California, Minneapolis, Minnesota, and Austin, Texas, also use independent redistricting commissions.⁴

Be sure to research your state and local governments' redistricting procedures to learn how to get involved.

Regardless of who leads the redistricting process in your state, you need to be involved in it to make sure that the plans are fair and that your community gets the full representation that it deserves.



Who May Participate in the Redistricting Process?

Anyone and everyone!

Interested individuals and groups—including churches, non-profit organizations, and political parties—may use maps and population counts of their states, counties, and cities to tell state and local government leaders where they believe district lines should be drawn. However, all redistricting plans must meet the requirements of the Voting Rights Act, the U.S. Constitution, and relevant state laws.





How Can Community Members and Individuals Participate in the Redistricting Process?

Interested individuals and community groups are strongly encouraged to participate in the redistricting process to protect your individual and community's voting rights.

It is critical that interested individuals and groups that represent people of color participate in the 2020 redistricting process. Now more than ever before, it is important for people of color to act as a checkpoint on unfair and discriminatory redistricting plans. In 2013, the U.S. Supreme Court ended a process that, for decades, allowed the federal government to review congressional, state, and local redistricting decisions to stop racial discrimination in voting, including in the drawing of redistricting plans. This process required certain states to obtain the government's approval (also known as "preclearance") before making any redistricting or other voting-related changes.

While it was in place, the preclearance process provided numerous safeguards for communities of color, including: notice of proposed redistricting plans, an opportunity to provide feedback on those plans' impacts on communities of color and propose alternative plans, and, if needed, the power for the federal government to block discriminatory redistricting plans.

Communities of color must now replicate that process and fight against discriminatory redistricting plans before officials enact them by:

- monitoring state and local legislative sessions to learn about proposed plans under consideration;
- providing written and verbal feedback to officials, including at public hearings, about the impact of those plans on their communities and your perspective regarding the facts and process leading up to the creation and adoption of a proposed redistricting plan or other voting change;
- offering alternative plans that better reflect the political power of their communities; and
- sounding the alarm by bringing public attention to potentially discriminatory redistricting plans on social media and to officials, journalists, and local, state and national organizations (like the NAACP Legal Defense Fund).

We must be the checkpoint against discrimination in our communities!

To learn more about how you can be involved in the redistricting process, stay tuned for a detailed redistricting guide that the NAACP Legal Defense and Educational Fund (LDF), in conjunction with the Mexican American Legal Defense and Educational Fund (MALDEF), and Asian Americans Advancing Justice (AAJC) plan to publish in 2019 at www.naacpldf.org.



How Does The Voting Rights Act Affect Redistricting?

Since 1965, the Voting Rights Act has helped to protect minority voting rights. Special attention must be paid to the Voting Rights Act whenever redistricting occurs. The Voting Rights Act forbids officials from drawing redistricting plans that discriminate. This discrimination most commonly happens when a redistricting plan concentrates minority communities into a small number of districts (known as “packing”) or spreads minorities out into too many districts (known as “cracking” or “splitting”). Both schemes weaken the political power of communities of color.

The Voting Rights Act, the U.S. Constitution, and other laws offer important protection against discrimination. Organizations like the NAACP Legal Defense Fund (LDF), the Mexican American Legal Defense & Educational Fund (MALDEF), and Asian Americans Advancing Justice (AAJC), in partnership with local community advocates, can use federal and state laws to fight back against discriminatory redistricting plans.

Visit www.naacpldf.org to learn more.

What Resources Do I Need To Support Redistricting In My Community?



LDF, MALDEF, and AAJC expect to release an important guide in 2019. To request a copy of the guide, please contact us at vote@naacpldf.org or visit our website at www.naacpldf.org.

This guide will include details about the redistricting process and its impact on communities of color. The guide will describe the 2020 redistricting process and ways that you can advocate for fair representation in your community. The guide will also describe the central role that the Voting Rights Act and U.S. Constitution play in protecting communities of color in the 2020 redistricting cycle. Finally, the guide will include a directory with specific contact information for people involved in the redistricting process in many states.



Additionally, the NAACP Legal Defense Fund will be available throughout the redistricting process to ensure that the 2020 decennial redistricting cycle produces maps that fairly reflect Black voting strength. For legal advocacy or other redistricting-related support in your community, please contact the NAACP Legal Defense Fund at vote@naacpldf.org or by calling **(212) 965-2200**.





Endnotes

- 1 Nat'l Conference of State Legislatures, *Redistricting Commissions: Congressional Plans* (Jan. 2, 2019), <http://www.ncsl.org/research/redistricting/redistricting-commissions-congressional-plans.aspx>.
- 2 Nat'l Conference of State Legislatures, *Redistricting Commissions: State Legislative Plans* (Jan. 2, 2019), <http://www.ncsl.org/research/redistricting/2009-redistricting-commissions-table.aspx>.
- 3 Nat'l Conference of State Legislatures, *Redistricting Commissions: Advisory Commissions* (Jan. 2, 2019), <http://www.ncsl.org/research/redistricting/2009-redistricting-commissions-table.aspx#Advisory>.
- 4 See Steve Bickerstaff, *Independent Redistricting Commissions for U.S. Cities: Redistricting Need Not Be a Quintessentially Political Process* 11-12 (Jan. 17, 2014), https://dallascityhall.com/government/meetings/DCH%20Documents/charter-review-commission/RedistrictingCommission-Article11_011714.pdf.

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