Electoral Districts and Gerrymandering

Every elective position has an electoral district. The only individuals who can vote in a political contest for an elective position are the registered voters who live in that position's electoral district. The electoral district for many positions is defined by state, county or city boundaries. But when it comes to congressional and state legislative districts, things are different.

Federal law makes the total number of Congresspersons fairly stable, but the number allocated to the different states can change every ten years, depending on how much of an increase or decrease the latest U.S. Census finds in a state's population. When the number of a state's Congresspersons changes, it must create new congressional districts. Many states also redraw their state legislative districts at the same time.

The constitution and laws of each state dictate who determines the boundaries for its congressional and state legislative districts. In most states, the state legislature does this by a simple majority vote. Starting in the early 1800s and continuing to the present day, some state legislatures have used a district-drawing method known as gerrymandering, a method that has generated intense opposition and for good reason.

Gerrymandering is the drawing of electoral district lines in a way that favors the party that draws them. When gerrymandering is successful, the percentage of offices won by a political party is higher, sometimes much higher, than the percentage of votes it won. In 2012, Democrats won 66% of votes for the New York state house of representatives, but they won 78% of the seats. In Pennsylvania that same year, though Republicans won 49% of votes for the state house,

they won 72% of the seats. In 2018 in Wisconsin, Republicans won less than half of statewide votes for the state assembly, but they won 64% of the seats. In the 2012 Congressional elections, Democrats won 1.36 million more votes than Republicans nationwide, but Republicans ended up with a 33 seat majority in the U.S. House of Representatives. At different times and places, both parties have used gerrymandering to win more seats in elections than they should have, given their share of votes. When electoral outcomes don't reflect voters' clear intentions, it is the voters who lose.

Gerrymandering uses two techniques. One, known as cracking, spreads the other party's voters across multiple districts, making them a minority in each district. The other technique, known as packing, concentrates the other party's voters, so that they become a large majority in a few districts and a minority in as many districts as possible. Through these two techniques, a party with fewer voters overall can win elections by small majorities in a majority of districts, while the party with more total votes wins by large majorities, but only in a few districts. Gerrymandering even makes it possible that a party winning 60% of statewide votes could win 100% of the legislative or Congressional seats.

As of 2022, the legislatures in 33 states controlled the drawing of boundaries for both Congressional and state legislative districts. In most of these states, a simple majority vote is all it takes to approve new electoral district boundaries. This is the situation that makes gerrymandering possible. And with increasingly sophisticated databases of voters and voting behaviors, along with increasingly

sophisticated district mapping software, the political party controlling a state's legislature can gerrymander more effectively than ever before.

There are two solutions to gerrymandering. In a few states, it takes a legislative supermajority, such as two-thirds in each house, to approve new district lines. If neither party has a supermajority on its own, a requirement for supermajority approval will necessitate some form of bipartisan agreement, which should prevent gerrymandering. However, a bipartisan redistricting agreement by the California legislature in 2000 appeared to give Congressional incumbents a nearly insurmountable advantage in elections over the next ten years. So the second solution looks preferable. As of 2022, nine states use an independent commission to draw district boundaries that don't intentionally favor either party. This seems like the best solution, provided that a commission's members and the techniques it uses are as free of partisan bias and political influence as possible. Furthermore, the process and methods that are used to draw electoral district boundaries should always be visible and transparent to the voting public.

For a state to transfer the authority for drawing electoral district lines from the legislature to an independent commission, the state legislature or the state's voters must amend the relevant state laws or the appropriate section of the state constitution. To accomplish this will take a citizen's ballot initiative or pressure from voters on their state legislators to take the necessary steps. Either way, for the will of the people to prevail, the people will have to act.