

Gerrymandering

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Definitions:

- **Redistricting** is the redrawing of congressional maps every ten years to reflect the changing demographics of communities. District maps should accurately reflect the state demographics as a whole.
- **Gerrymandering** is a partisan technique in the process of redistricting when a redistricting commission draws maps with the intention of influencing an election.

Gerrymandering is accomplished through “cracking” and “packing” groups of people in districts.

- **Cracking** divides groups of people with similar characteristics (i.e. political party) across multiple districts, weakening their voting strength.
- **Packing** crowds voter groups into as few districts as possible, diminishing their voting strength in other districts.

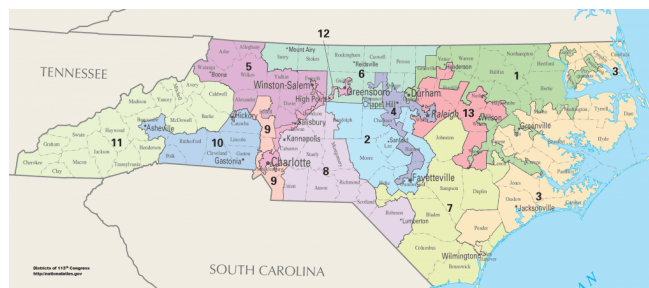
Background:

The term “gerrymander” originated during the redistricting cycle of 1812, when then Massachusetts Governor Elbridge Gerry manufactured districts to benefit his political party ([Bailey 2020](#)). The meandering district lines created a shape that was compared to a salamander (Gerry + mander). However, the practice of gerrymandering goes back as early as the 1780s when Patrick Henry used the tactic to beat his congressional competitor, James Madison ([Kirschenbaum 2021](#)).

Gerrymandered maps do not always have oddly-shaped districts. Below are two examples of gerrymandered maps:



Source: Ohio Redistricting Commission.



Source: Populationeducation.org

While South Carolina’s district lines encompass a seemingly nonsensical range, Ohio’s districts remain relatively geometric. Both maps use the tactics of cracking and packing to generate unfair districts.

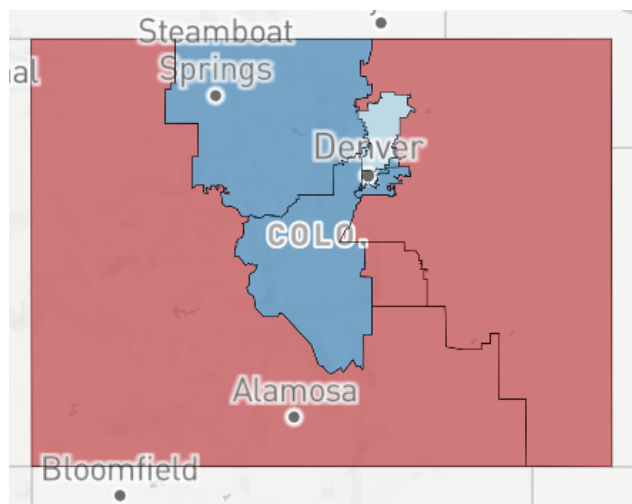
Gerrymandering has since been challenged in the United States Supreme Court as a violation of the Equal Protection Clause of the First Amendment. As a result, the Court ruled in *Rucho V. Common Cause* (2019) that gerrymandering is nonjusticiable. In other words, claims of gerrymandering cannot be reviewed by a federal court because of their political nature. This led many state governments to pursue their own prevention mechanisms against gerrymandering.

Ohio voters chose to amend their state constitution in 2015 to combat gerrymandering and create a bipartisan redistricting commission. The commission requires two members (or 29% of commission seats) from the minority party. The amendment has taken effect since the 2021 redistricting cycle. Because of this, congressional maps drawn by the independent commission can be challenged in the Ohio Supreme Court.

Significance

Done right, redistricting ensures that each district is an accurate representation of the state as a whole. The map below, Colorado's 2021 congressional map, displays a (nonpartisan) fairly drawn map: neither the Democratic nor the Republican parties have an advantage.

Similar to Ohio, Colorado also piloted an [independent redistricting commission](#) as a result of a 2018 constitutional amendment that “prohibits the Commission from adopting a plan that dilutes the impact of a racial or language minority group’s electoral influence” ([CO 73](#)).



Source: [“Redistricting Report Card | Princeton Gerrymandering Project.” Princeton University, The Trustees of Princeton University, 4 Oct. 2021](#)

Gerrymandering may or may not be enacted with the express intention of discrimination on the basis of race, but the effect of gerrymandering is racially discriminatory. Hence Colorado’s constitutional amendment that cites gerrymandering as a violation of the Voting Rights Act. While racial discrimination is prohibited in the Constitution, politicians often defend racially discriminatory maps under the guise of political party discrimination, which is deemed constitutional by *Rucho v. Common Cause*. This practice is especially common in the South, where residential segregation makes it “easier for map drawers to pack or crack communities of color to achieve maximum political advantage” ([Kirschenbaum 2021](#)).

When partisan legislators draw the maps, they effectively choose their voters. This election manipulation decreases individual voting power. The 2010 redistricting cycle produced some of the most extreme gerrymandering—both by Democrats and Republicans. For example, in Pennsylvania, “the congressional map gave Republicans a virtual lock on 13 of the state’s 18 congressional districts, even in elections where Democrats won the majority of the statewide congressional vote” ([Kirschenbaum 2021](#)).

Today, state redistricting commissions still struggle to produce fair congressional maps, even with the intervention of (apolitical) judiciary and access to advanced map drawing technology. Though computer-generated maps can assist in choosing the most politically advantageous districts from an endless supply, these tools have the potential to make the redistricting process more fair and transparent ([Newkirk 2017](#)). Many independent organizations, like the [Princeton Gerrymandering Project](#) and the [Ohio Citizens Redistricting Commission](#) work to incorporate new mapping tools into their pursuit for a gerrymander-free future.

Key Resources:

Books:

Monmonier, Mark. *Bushmanders and Bullwinkles: How Politicians Manipulate Electronic Maps and Census Data to Win Elections*. University of Chicago Press, 2001.

Kury, Franklin L. *Gerrymandering: A Guide to Congressional Redistricting, Dark Money, and the US Supreme Court*. Hamilton Books, 2018.

Scholarly Articles:

Kang, Michael S. "Hyperpartisan Gerrymandering." *BCL rev.* 61 (2020): 1379.

Sánchez, Fernando. "Racial gerrymandering and geographic information systems: Subverting the 2011 Texas district map with election technologies." *Technical Communication* 65.4 (2018): 354-370.

Stephanopoulos, Nicholas O. "The causes and consequences of gerrymandering." *Wm. & Mary L. Rev.* 59 (2017): 2115.

Documentaries:

Slay the Dragon. Directed by Barak Goodman and Chris Durrance. Magnolia Pictures (2019).
<https://www.slaythedragonfilm.com/>

Podcasts:

"Gerrymandering 101." *Today, Explained*.
<https://shows.acast.com/5e8c5d30498811c656eb5923/episodes/5e8c5e2041c423e627c93d7a>. Vox (2018).

"Gerrymandering: How to Stifle Democracy." *Stuff You Should Know*.
<https://www.iheart.com/podcast/105-stuff-you-should-know-26940277/episode/gerrymandering-how-to-stifle-democracy-29583322/>. IHeartMedia (2018).

"The Gerrymandering Project." (series). *FiveThirtyEight*.
<https://fivethirtyeight.com/tag/the-gerrymandering-project/>. FiveThirtyEight (2017, 2018).

Works Cited:

Bailey, Pete. "A Brief History of How Gerrymandering Distorts U.S. Politics." *Population Education*, 13 Nov. 2020,
<https://populationeducation.org/a-brief-history-of-how-gerrymandering-distorts-u-s-politics/>.

Colo. Indep. Cong. Redistricting Comm'n. CO 73. (2021).

Kirschenbaum, Julia, and Michael Li. "Gerrymandering Explained." Brennan Center for Justice, 10 Aug. 2021,
<https://www.brennancenter.org/our-work/research-reports/gerrymandering-explained>.

Newkirk II, Vann R. "How Redistricting Became a Technological Arms Race." *The Atlantic*, Atlantic Media Company, 31 Oct. 2017,
<https://www.theatlantic.com/politics/archive/2017/10/gerrymandering-technology-redmap-2020/543888/>.

Ohio Redistricting Commission, <https://redistricting.ohio.gov/>.

"Redistricting Report Card | Princeton Gerrymandering Project." *Princeton University*, The Trustees of Princeton University, 4 Oct. 2021,
<https://gerrymander.princeton.edu/redistricting-report-card?planId=recT5HmyimzPdcZfb>

Rucho v. Common Cause., 18-422, 588 U.S. (2019)

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