

REDISTRICTING 2012: THE WORST CONGRESSIONAL MAP EVER?

Spotlighted Facts

- **Fewer competitive districts**
 - Number of congressional districts in 2010 with a partisanship balance closer than 54% to 46% for either major party: **89**.
 - Number of 2012 election districts with such a partisan balance: **74**.

- **More one-party districts**
 - Percentage of all congressional districts where partisanship advantage is more than 58% for one party: **62%**
 - Number of such strongly partisan districts currently represented by a Member of the minority party: **5**.

- **Vulnerable incumbents protected**
 - Number of incumbents who won by less than 10% in 2010 and had their district shift in redistricting by more than 3% in their party's favor: **21**
 - Number of such incumbents who had a shift of 3% against their party: **7**

In the 1960s, the Supreme Court leapt squarely into the “political thicket,” ignoring the famous warning of Supreme Court Justice Felix Frankfurter the hazards of judicial intervention into matters involving representation in Congress. The Court ordered all states to have congressional districts in which each representative had the same number of constituents, changing longstanding practices where urban districts often had far more people than rural districts.

While correcting an obvious abuse of the principles of political equality, the Court's ruling threw open the doors to another abuse of equality: political gerrymandering. Now every state with more than one House seat redraws congressional district lines after each decennial census. When drawing those lines, state legislators may consider the public interest, but typically

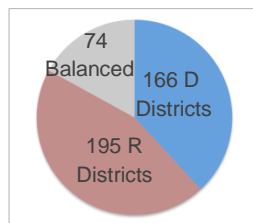
prioritize protecting political friends, hurting political enemies, and maximizing partisan advantage.

Furthermore, because we use winner-take-all voting rules for electing the U.S. House of Representatives and because voters are increasingly consistent when choosing between a Democrat and a Republican in federal elections, those drawing redistricting maps have immense power to determine outcomes and affect competitiveness in congressional elections. When mapmakers have easy ways to determine the likely preferences of the great majority of voters, the gerrymandering problem grows worse every time we redraw district lines.

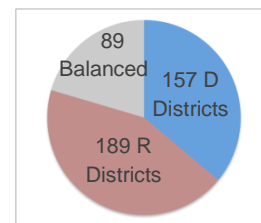
After redistricting in 2011-2012, districts as a whole have become more partisan than ever. Although the 2012 elections will be tumultuous in some states – with some incumbents targeted in redistricting losing their seats and others paired with fellow incumbents – it is nearly certain that the new congressional map will lead to Congresses that are even more polarized and less likely to be responsive to the American people. Indeed, only two changes might affect this projection: a sea change in partisan preferences during the decade or a change in voting rules to replace single member districts with fair voting methods. Neither change looks likely, but taking action on electoral reform at least is a change within our control.

The Partisan Landscape of U.S. House Districts: Competition and Representation

2012 Districts



2010 Districts



Without a general election vote being cast in 2012, redistricting in 2011-2012 already has reduced competition. The number of congressional districts with a balanced partisanship (meaning districts where the presidential candidates in 2008 ran within 4% of their national average in that district) declined by 17% from 89 to 74. Overall, only one in six of our nation's congressional districts are now relatively balanced in terms of partisanship.

Meanwhile, more than three in five congressional districts (62%) strongly favor either Democrats or Republicans, with the presidential candidates on average running at least 8% ahead or behind of their national average. There are 15 more strongly partisan districts than there were in 2010, with 195 having a strong Republican lean and 166 having a strong

Democratic lean. In strongly partisan-districts it is becoming extremely difficult for a member of the minority party to win a seat. Nearly half of the House (110 Republican-leaning seats and 112 Democratic-leaning seats) is elected from districts where the partisan tilt is greater than 58% to 42% for one of the major parties. Democrats won all 112 districts that were more than 58% Democratic, and Republicans won 105 of 110 districts that were more than 58% Republican, including defeating 10 of 15 Democratic incumbents in these districts.

Even when we see apparent signs of bipartisan voting patterns in Congress, it can be a mirage. Most apparent bipartisan voting comes from the shrinking number of Members who represent the other party's terrain, as the electoral pressures on these Members can lead them to vote against their own party. A striking example is the House vote in June 2012 on whether to hold Attorney General Eric Holder in criminal contempt. Of the 17 Democrats who voted with the Republicans, 16 of them are from Republican-favored districts. Only three Democrats from Republican-favored districts did not break with their party.

The following are more specific lowlights from the latest round of redistricting:

- ***Most vulnerable incumbents were helped:*** The great majority of potentially vulnerable incumbents were not hurt in redistricting, and many were helped. For those incumbents who had won close elections in 2010 (meaning a victory margin of less than 10%), 21 were significantly helped by having their district's partisanship grow by at least 3% toward their party – for example, a Republican in a 52% Democratic district might get a new district that is 53% Republican district, which would reflect a 5% shift in partisanship and a 10% projected shift in victory margin. Only seven such incumbents were significantly hurt in redistricting.
- ***2010 class of incumbents gets a boost:*** Republicans had a very successful year in 2010, with 52 House challengers defeating Democratic incumbents and 37 Republican candidates winning open seats. These first-term Republicans typically saw their newly-won seats entrenched by redistricting. Of 21 new Members significantly helped in redistricting, 19 were Republicans. Only six Republicans and two Democrats were among the eight incumbents of the class of 2010 saw their district move in a comparable fashion toward the opposing party.
- ***Open seat races in 2012 likely to reinforce partisan voting trends:*** Even when no incumbent was directly affected by redistricting, most districts ended up with a strong partisan tilt, usually because most of the country itself has a strong partisan lean. Of the 52 open seats in the November 2012 elections, only eight are considered balanced by our partisanship standards. Given how the outcome of open seats overwhelmingly is determined by district partisanship, there is every reason to believe that these districts'

new representatives will be strongly grounded in their party and rarely likely to vote with Members of the other party.

No simple change in how district lines are drawn alone will solve the problems of underrepresentation and party polarization that plague the United States Congress today. These problems persisted even in states that used an independent redistricting commission. In California, for example, the number of balanced districts declined in redistricting, and only a single Democratic-held seat has even a remote chance of flipping to the Republicans. Changes in how campaigns are funded will also not change the one-party domination of most districts.

The one reform that would open the doors of representation to nearly all voters and would create meaningful elections across the country would be to replace winner-take-all elections with forms of proportional representation. Our fair voting plans represent the kind of transformative – and urgently necessary – reform congressional elections need.