

# Redistricting in Alabama

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Much of the material in this presentation is from [Redistricting Law 2020](#), published by the National Conference of State Legislatures

The Goal of the Decennial Census

***To Count everyone  
once, only once, and in  
the right place.***

# The Decennial Census

## **Purpose:**

To count the entire population of the country, and at the location where each person Usually lives.

## **Primary Uses of the Decennial Census Data:**

Apportion Representation among States mandated by the U.S. Constitution

Draw Congressional, State Legislative districts and Local government districts

Evidence in Voting Rights and Civil Rights Litigation

Distribute Federal Dollars to States

Provide Population Benchmark for nearly every other United States survey

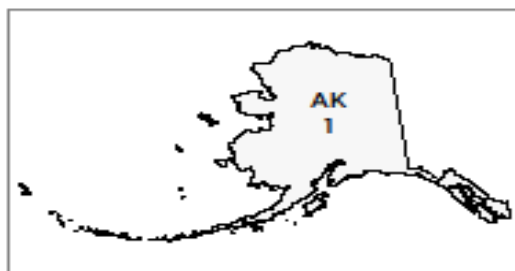
# Department of Commerce v U.S. House of Representatives

- For the 2000 Census, the Census Bureau had planned to use two forms of statistical sampling to improve the accuracy of the 2000 census.
- The Supreme Court held that 13 U.S.C. Section 195 specifically prohibits the use of statistical sampling for reapportioning purposes and is inconsistent with provisions of the Census Act.

# 2020 Census Apportionment Populations

*\*\*\*Released April 26, 2020*

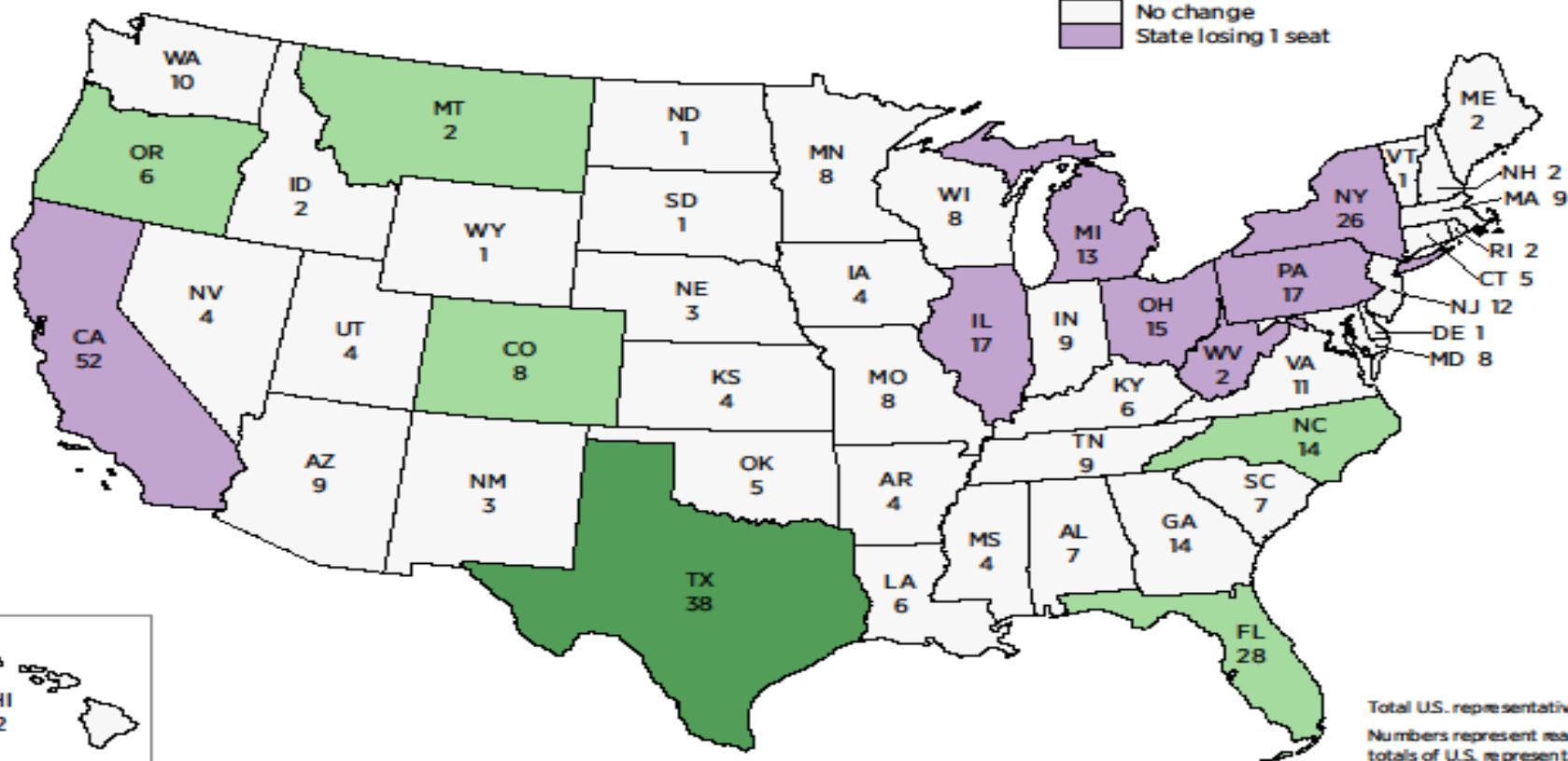
Alabama now has Total Population of  
5,030,053



## Apportionment of the U.S. House of Representatives Based on the 2020 Census

### Change from 2010 to 2020

- State gaining 2 seats
- State gaining 1 seat
- No change
- State losing 1 seat



Total U.S. representatives: 435  
Numbers represent reapportioned totals of U.S. representatives.

# American Community Survey (ACS)

- The ASC contains more detailed questions than the census itself and the data is based on a sampling of the population.
- The ASC is conducted by the Census Bureau on an ongoing basis. It is reported yearly as well as on a rolling five-year basis.

# It's the Law

Title 13, Section 9 of the United State Code prohibits the Census Bureau from releasing identifiable data “furnished by any particular establishment or individual



# Privacy and Data Usability

Every disclosure avoidance method reduces the accuracy and usability of the data

# Differential Privacy

A method of measuring how much “noise” –basically fake information—to add to the data in order to minimally impact the quality of the dataset while mathematically ensuring that individuals can’t be identified.

# Imputation

Method of using information about neighbors with similar characteristics to fill in head counts or demographic characteristics for households lacking data.



# What is Redistricting

It is the way we change the districts that determine who represents us.

Required After Every Federal Census

Roughly Equal Population in Every District

In 1946, the U.S. Supreme Court considered the apportionment issue to be “non-justiciable” and a “political thicket” into which the Courts should not enter.

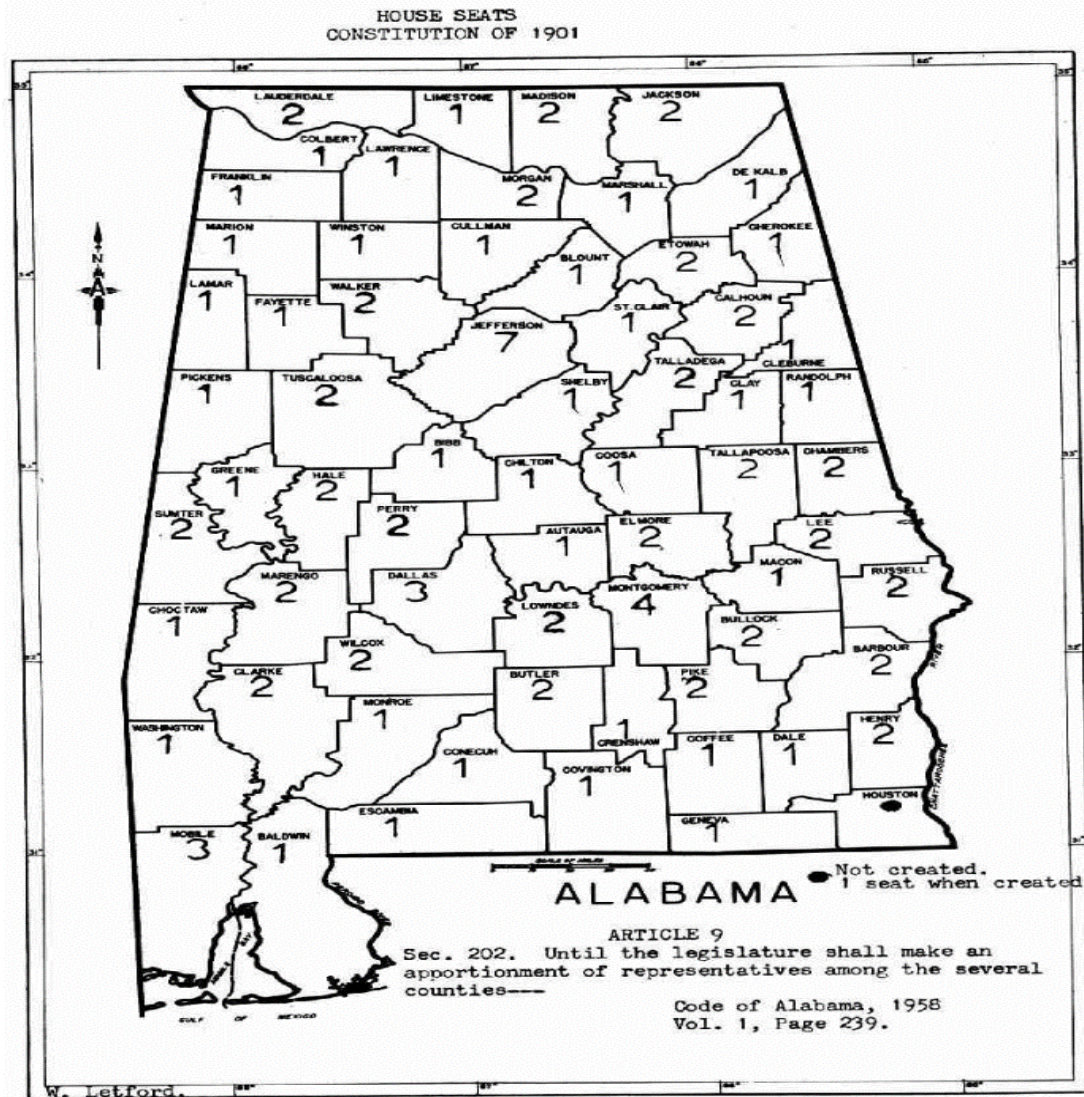
## *Reynolds v Sims (1964)*

One-Person, One-vote

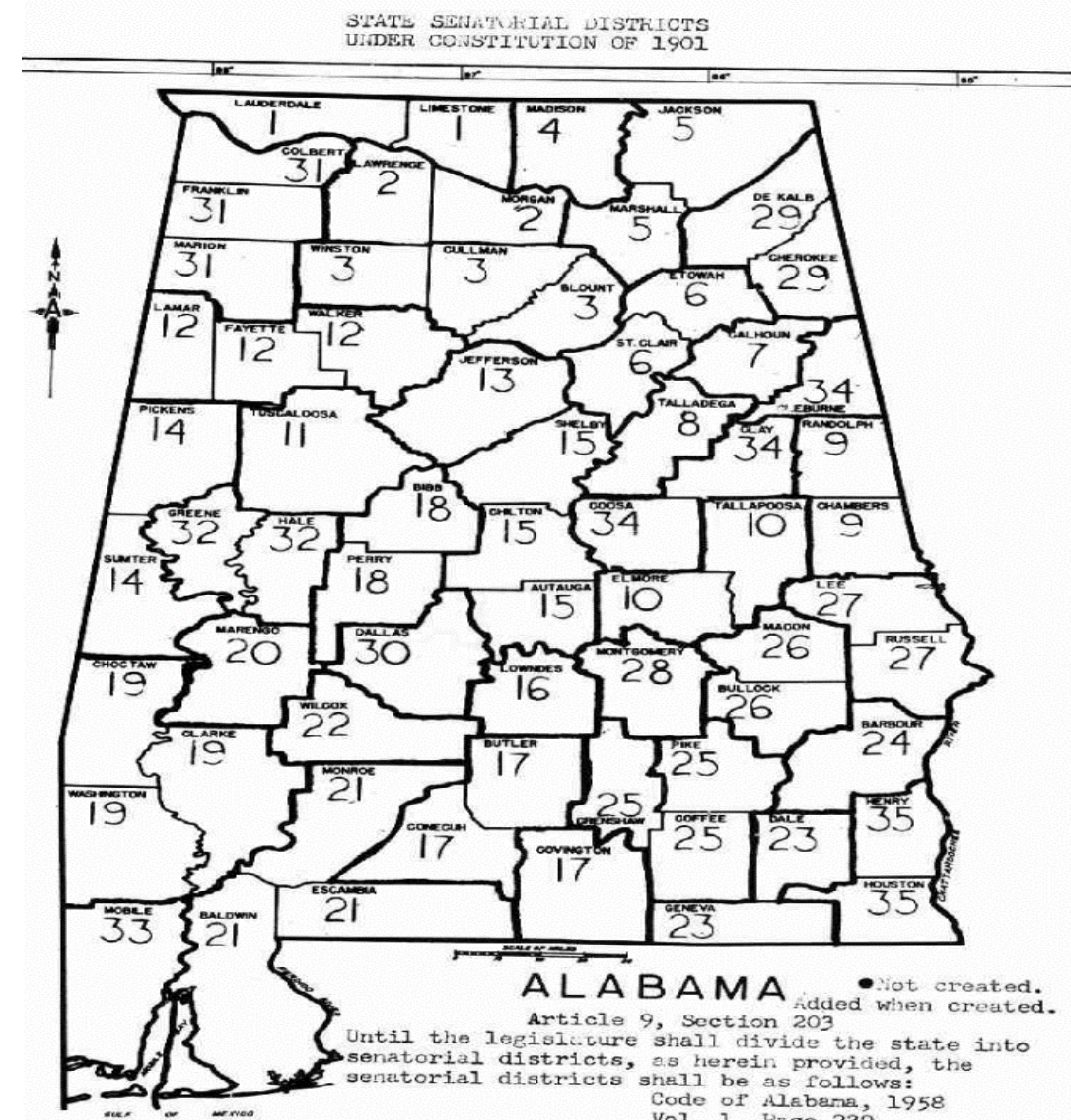
Alabama State Constitution required counties to be whole



# CONSTITUTION OF 1901 HOUSE AND SENATE SEATS



W. Lafford,  
Archives & History  
June 26, 1961.





# Alabama's Problem

<b>COUNTY</b>	<b>1960 Population</b>	<b>Legislators</b>	<b>Ratio</b>
Bullock	13,462	2	6,371
Henry	15,286	2	7,643
Jefferson	634,864	7	90,695
Mobile	314,301	3	104,767

# Why do we Redistrict?

14<sup>th</sup> Amendment, Equal Protection Clause

1965 Voting Rights Act



## For Congressional Redistricting

The Apportionment Clause of Article I, Section 2, of the U.S. Constitution requires that all districts be as nearly equal in population as practicable, which essentially means exactly equal

# Equal Protection Clause of the 14<sup>th</sup> Amendment

## Using Total Population vs using Registered Voters

*Evenwel v Abbott* (2016)

The Supreme Court held that a state *may* use total population in order to comply with the one-person, one-vote principle of the Equal Protection Clause if the state has a constitutional history, judicial precedent and it has been a consistent state practice. However, the Court did not hold that a state could not use other methods such as registered voters in drawing districts.

Since the ratification of the 14<sup>th</sup> and 15<sup>th</sup> Amendments to the U.S. Constitution, it has been prohibited to deny a citizen to vote based on race or color.

However, there was no way to enforce the 15<sup>th</sup> Amendment.....until

The Voting Rights Act (VRA) of 1965 was passed.

Since then, most racial discrimination challenges to redistricting maps allege either a violation of the Voting Rights Act or the 14<sup>th</sup> Amendment Equal Protection Clause

# Voting Rights Act of 1965

## *Section 2 of the VRA:*

Prohibits any state from imposing any voting qualification, standard, practice or procedure that results in the denial of any U.S. citizen's right to vote based on race, color or status as a member of a language minority group.

## *Section 5 of the VRA:*

Designed by Congress to banish the blight of racial discrimination in voting applying only to certain jurisdictions. However, it has been unenforceable since 2013 after the U.S. Supreme Court ruled in *Shelby County v Holder*.

# For Legislative Redistricting

- **Equal Protection Clause of the 14<sup>th</sup> Amendment** to the U.S. Constitution requires that districts be substantially equal.
- The U.S. Supreme Court ruled in *Mahan v Howell* that a state is required to make an honest and good-faith effort to construct districts as nearly equal in population as practicable.

Other cases where the Supreme Court has ruled on the Equal Protection Clause regarding legislative districts..

In *White v Regester* and *Gaffney v Cummings*, the court took steps toward devising a standard for adjudicating disparities in legislative district populations.

The Court determined two things:

- State redistricting statutes are not subject to the stricter standard of Article 1 Section 2, that is applied in congressional redistricting cases, and
- Minor deviations from mathematical equality do not make out a prima facie case under the Equal Protection Clause

# Gerrymandering

The practice of intentionally manipulating the boundaries of legislative or congressional districts to achieve a desired political end.

# Cracking and Packing



**Cracking** involves drawing districts to spread a concentration of minority voters who could be a majority in one district across several districts, such that they are a minority in each one, with practically no hope of achieving representation in any of the districts.

**Packing** refers to the practice of drawing a district to include more minority members than are needed to make the district an effective minority-majority district; packing wastes minority votes.

# *Thornburg v Gingles*

## *Gingles 3 Prong Test*

1. The racial minority group “is sufficiently numerous and compact” to form a majority in a single member district
2. The majority group is “politically cohesive,” meaning its members tend to vote similarly
3. The “majority votes sufficiently as a bloc to enable it....usually to defeat the minority’s preferred candidate.”

# Who draws the districts in Alabama?

The Legislature is responsible for drawing:  
Congressional,  
Legislative, and  
State Board of Education  
Districts

# Guidelines

The rules used by the committee to ensure that each district is approximately equal in population and is drawn in accordance with race-neutral traditional redistricting criteria.

# Traditional Districting Principles or Criteria

- **Compactness:** having the minimum distance between all parts of a district; sometimes expressed as not going around one group of people to get to another group of people
- **Contiguity:** all parts of a district being connected at some point with the rest of the district
- **Preservation of counties and other political sub-divisions:** refers to not crossing county or city boundaries

# More Traditional Principles in Redistricting

- **Preservation of communities of interest:** geographical areas, such as neighborhoods, where residents have similarities of interests based on real social, cultural, or geographical interest.
- **Preservation of core of prior districts:** refers to maintaining districts as previously drawn as much as possible
- **Avoiding pairing incumbents:** not putting two incumbents in the same district

## Additional Criteria Adopted by the Committee:

- Legislative and State Board of Education districts shall be drawn not to exceed an overall population deviation range of **plus or minus 5%**
- Districts shall be drawn in compliance with the Voting Rights Act of 1965, as amended.
- Districts shall be drawn on the basis of total population, except that voting age population may be considered, as necessary to comply with Section 2 of the Voting Rights Act.

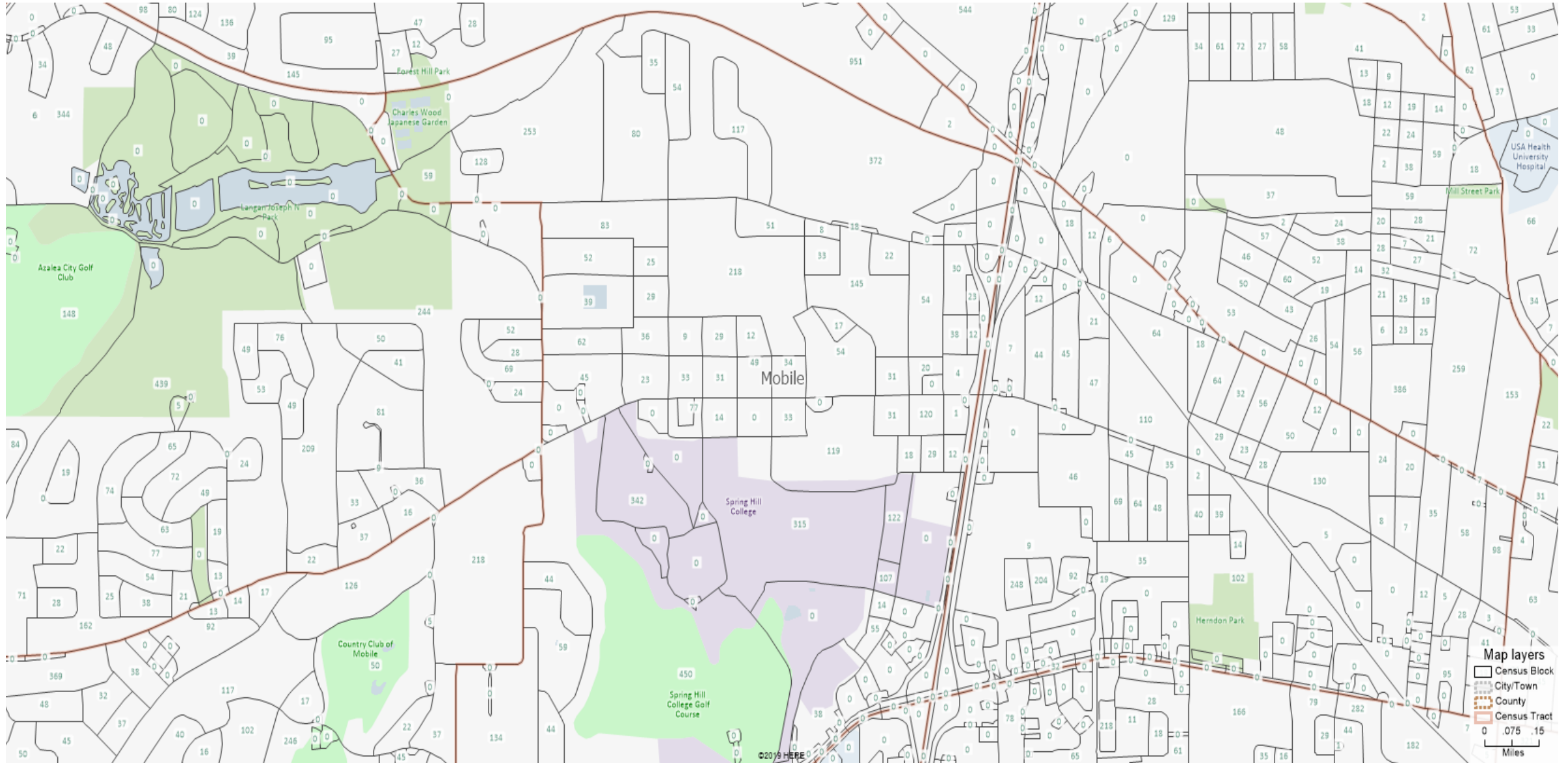


# Alabama Geographically

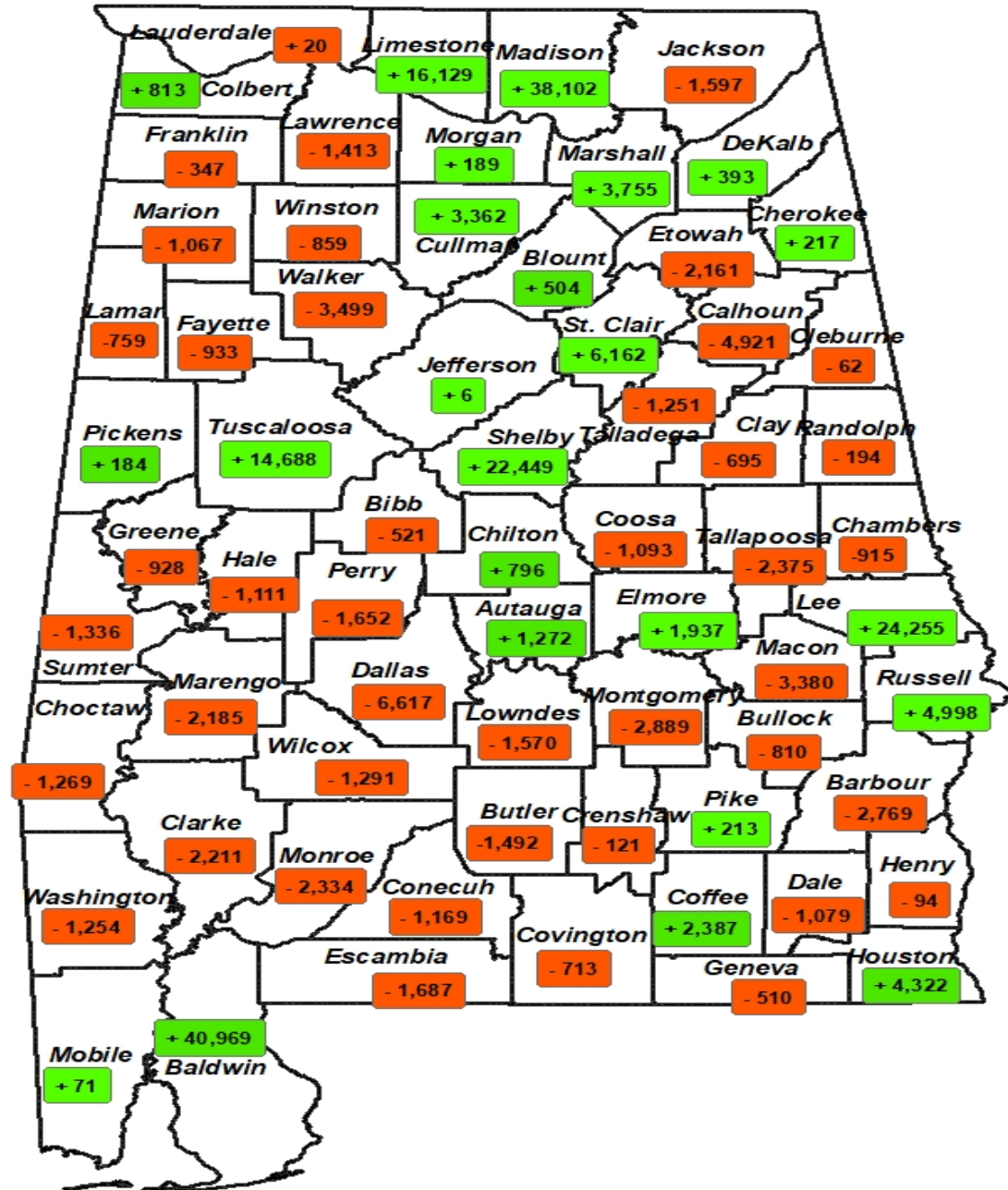
Alabama is made up of:

Land:	50,645.3 square miles
Places:	578
Tracts:	1,181
Blocks:	252,266

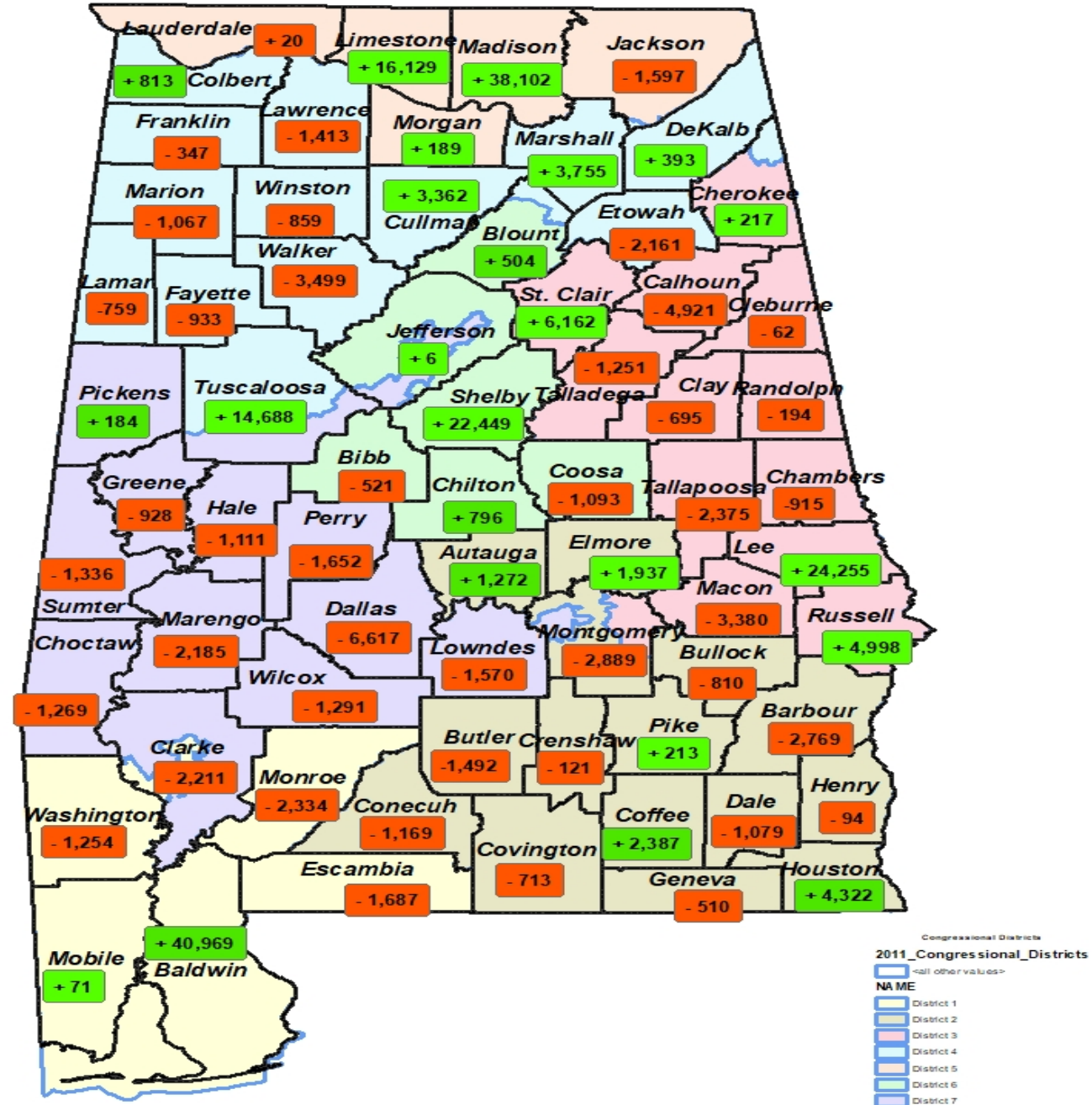
# What does a Block and Tract Look Like?



# 2019 Census Population Estimates



# 2019 Census Population Estimates with 2011 Congressional Districts



<b>Population Figures for Alabama</b>					
<b>Number of Districts</b>		<b><u>2010 Census</u></b>	<b>2019 CENSUS ESTIMATES</b>	<b><u>2020 Census</u></b>	<b>Increase From the 2010 Census</b>
	<b>Alabama Total Population</b>	<b>4,779,736</b>	<b>4,903,185</b>	<b>5,030,053</b>	<b>250,317</b>
			<b>difference (-126,868) from actual 2020 Pop</b>		
<b>7</b>	<b>Target Population: Congressional Districts</b>	<b>682,819</b>		<b>718,579</b>	<b>35,760</b>
<b>8</b>	<b>Target Population: State Bd of Education Districts</b>	<b>597,467</b>		<b>628,756</b>	<b>31,289</b>
<b>35</b>	<b>Target Population: State Senate Districts</b>	<b>136,564</b>		<b>143,715</b>	<b>7,151</b>
<b>105</b>	<b>Target Population: State House of Representative Districts</b>	<b>45,521</b>		<b>47,905</b>	<b>2,384</b>

# How can the Public have Input?

- \* Attend a Public Hearing in your area
- \* Attend the Reapportionment Committee Meetings
- \* Draw and submit a plan to your legislator
- \* Submit your recommendations to the Reapportionment Office