DEMOCRACY IN FOCUS

DRAWN OUT

Redistricting Report Card

<table>
<thead>
<tr>
<th>A Good</th>
<th>B Better than average with some bias</th>
<th>C Average</th>
<th>D Poor</th>
<th>Insufficient data</th>
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Wonky maps minimize voters, sway balance of power in U.S. elections

TED MCDERMOTT AND VIRGINIA ANNABLE

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Mike Gadsden is well versed in the electoral process, having run for mayor, served as a polling precinct clerk and worked as a political activist over the past decade. But Gadsden said even she was having a hard time determining which congressional district she is slated to vote in later this year in South Carolina’s Charleston County.

Her confusion stems from a process known as gerrymandering, in which political parties in power manipulate the boundaries of voting districts to gain an electoral upper hand.

The process can amount to an “assault on democracy,” Gadsden said.

The effects of gerrymandering are neither new nor uncommon, but with Democrats and Republicans currently splitting control of Congress by the narrowest of margins, experts say a small number of pending redistricting battles and newly released maps could help determine which party holds the levers of power in the U.S. House of Representatives after this year’s elections. The states where the stakes are highest include:

Please see GERRYMANDERING, Page A6

Calhoun County, South Carolina, voters cast ballots on Feb. 24 in the Republican presidential primary at Calhoun County’s Dixie precinct, located at the John Ford Community Center.

YON LINE, TIMES & DEMOCRAT CORRESPONDENT
South Carolina’s contested redistricting

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When South Carolina’s congressional maps were redrawn in 2021, some 10,000 Black voters were moved from 1st-Congressional District to 6th-Congressional District. The U.S. Supreme Court is currently weighing arguments about whether that redistricting was racially motivated and thus of national concern.

Other factors can be understood by a gerrymandering tactic known as cracking, which involves splitting up groups of voters and assigning them to electoral districts that are safe for the party they don’t belong to.

Decisions in handful of cases could have nationwide effect

And with Republicans holding a razor-thin majority in the U.S. House of Representatives, experts say the ramifications of that court decision and handling of other pending cases that alleges gerrymandering could be nationwide.

“There are going to be some places where Democrats pick up a seat or two, or maybe in New York, three or four,” said Paul M. Smith, senior vice president of the nonpartisan Campaign Legal Center and a lawyer who has argued multiple landmark gerrymandering cases before the Supreme Court. “In North Carolina, when the new Supreme Court there had the map redrawn, the Democratic two or three of those seats.”

South Carolina, where the U.S. Supreme Court is expected to decide soon whether to allow a new congressional map to stand, could be significant. Should the court strike down the new map as illegal, those Black voters who were moved would not be able to cast ballots, said that a Democrat held as no contest as South Carolina Rep. Nancy Mace won election.

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Gerrymandering was

New York, where the state legislature redrew that state’s latest congressional maps drawn by a three-member commission.

Wisconsin, where a recent lawsuit could lead to the overhauling of congressional maps.

Louisiana, where a new map released in late January creates an additional majority-Black congressional district.

North Carolina, where redistricting has been the subject of Supreme Court rulings and ongoing court fights.

South Carolina’s electoral system

South Carolina voter Mika Gadsden, in an interview, said she and voting rights activists have employed the tactic for centuries, saying it’s been used to dilute the voting power of particular groups.

“arithmetic rejectes the idea of a certain party, Brown said.

The practice of moving electoral boundaries to promote certain outcomes, such as increasing the odds that a certain party wins or reducing the voting power of certain groups, is not a new one of electoral politics. Politicians have employed the tactic for centuries, and voting rights activists have tried to combat it for as long.

The back and forth has left courts to determine whether such redistricting crosses a legal line.

After South Carolina’s governor signed the new maps into law, the state NAACP and several voters sued, alleging that the new state map is an example of illegal gerrymandering that discriminates against those voters based on the color of their skin.

With the state now in the hands of the Supreme Court, the implications of Redistricting for other voters in Charleston could be significant. Should the court strike down the new map as illegal, those Black voters who were moved would not be able to cast ballots.

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For many, the stakes are too large for people to not at least try to overturn those maps,” Cohen said. “Both parties are challenging the maps. It’s very clear they know the maps mean power.”

Courts can intervene if race makes a difference

While state courts have become the main battleground over partisan gerrymandering, the U.S. Supreme Court has found that federal courts can get involved in race-based gerrymandering. That’s based in part on the Constitution’s Equal Protection Clause, which says: “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

That can be tricky, especially when voters feel like they’re being denied a fair chance at a voice. That’s a problem in making distinctions between race and party, Brown said. “If Black voters don’t have the same protections. All the legislation has to do is say, ‘Hey, we didn’t do this for racial reasons.’”

Courts, including the U.S. Supreme Court, have heard several cases that hinge on such determinations. While many of the decisions were widely viewed as upholding legal protections for Black voters, the court surprised observers last year when it upheld a piece of the Voting Rights Act that requires states to create opportunities for voters of color to elect candidates of their choice when they’re faced with massive racially polarized voting, like in the South, Smith said.

The effect of that decision will be felt in the upcoming congressional elections, because the ruling removed the “trigger” for drawing a second district in a state with a history of racial gerrymandering.

“T o believe that a legislature knows how to gerrymander. It’s based on a desire to pack Black voters in a particular way. A three-judge panel ruled the legislature did so with gerrymandering’s sole purpose being to pack Black voters into a single safe district, the court could order maps to be redrawn. Smith said he doesn’t think they’d be more gerrymandered.”

Smith said it’s important that the court examine the maps. He noted that the court’s findings in the Alabama case indicated that the plan failed to achieve its intended purpose. “The court held that the plan was drawn with the intent to dilute the votes of Black voters.”

In Congress, the stakes are too large for people to not at least try to overturn those maps,” Cohen said. “Both parties are challenging the maps. It’s very clear they know the maps mean power.”

A voter moves to cast their vote after filling out their ballot at a polling site inside The Shed arts center on Nov. 8, 2022, in New York. After maps voted on by the state’s Democrat-controlled legislature were struck down in court, the 2022 elections were held using maps drawn up by a special master appointed by the state Supreme Court.

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