

Gerrymandering 101: How to Rig Elections

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Something you probably think about democracy

To win elections, you convince voters.

(This is wrong.)

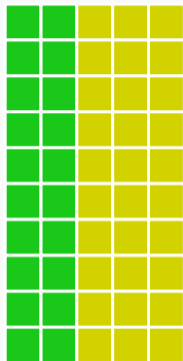
Redistricting

Drawing congressional districts that partition every state. This occurs every decade.

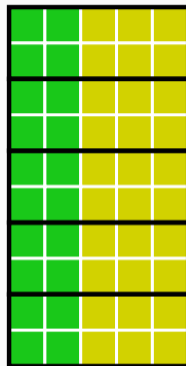
Gerrymandering

Drawing electoral maps so that your elections are easier to win.

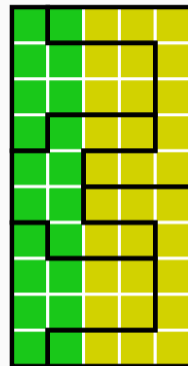
Example



50 Precincts
60% Yellow
40% Green



5 DISTRICTS
5 Yellow
0 Green
YELLOW
WINS ALL



5 DISTRICTS
3 Green
2 Yellow
GREEN WINS
MAJORITY

Goal: Draw five districts with exactly ten precincts each.

Ultra-realistic example

Let's look at Texas' 30th congressional district.

For more examples (and there are plenty), see:

- <https://what-the-district.aclu.org/>
- <https://projects.fivethirtyeight.com/redistricting-maps/>

So what?

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— Anonymous California state Democrat

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- *“If my colleagues are smart, they’ll pay their \$20,000 and [get a district] they can win in. Those that have refused to pay, god help them.*
— Anonymous California state Democrat
- *You’re not gonna’ put another fucking Asian in my district.*
— California state senator Carole Migden to mapmakers

The courts

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. . . but they won't, usually.

How do you *prove* that gerrymandering occurred?

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1. "Weird" districts are probably bad.



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2. ???



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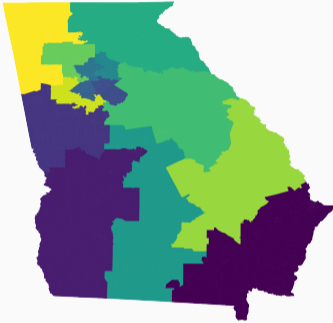
(We really don't have good ways to do this.)

Measurements need context. What is the “gerrymandered” threshold?

Idea: *Out of all possible plans*, the proposed plan is an outlier.

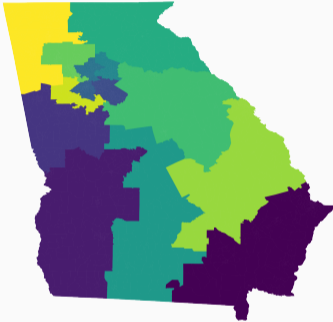
Technique *Randomly sample* lots of plans.

Example: Georgia

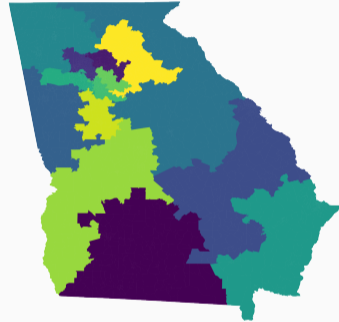


Original plan

Example: Georgia

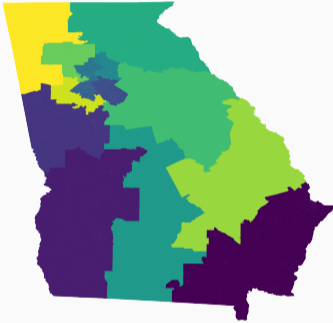


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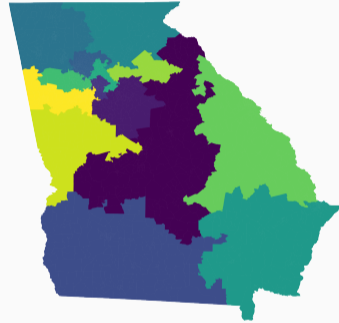


Sampled

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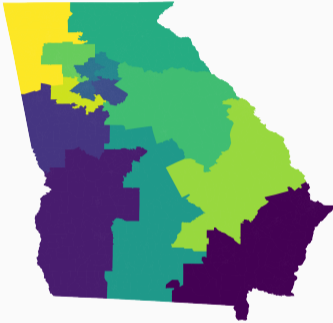


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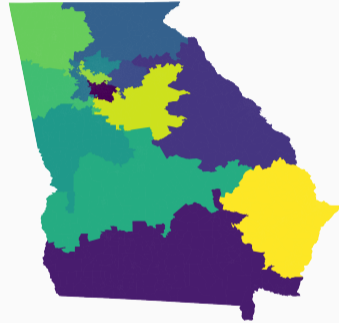


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Example: Georgia

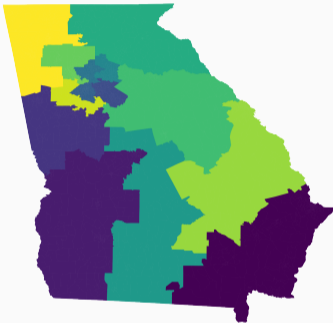


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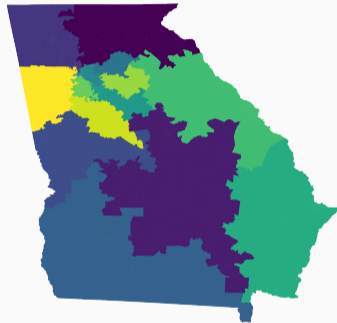


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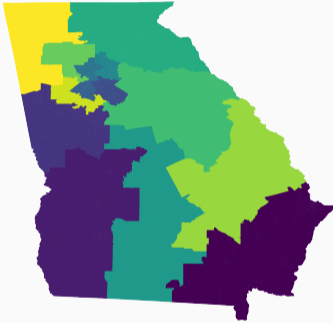


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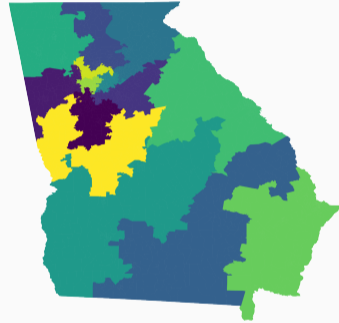


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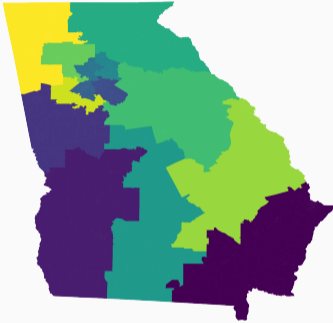


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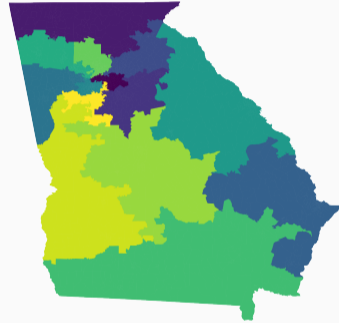


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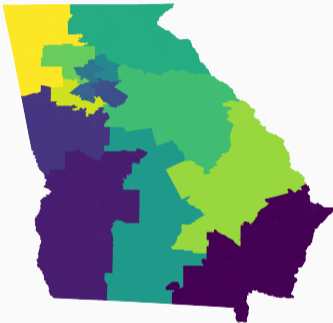


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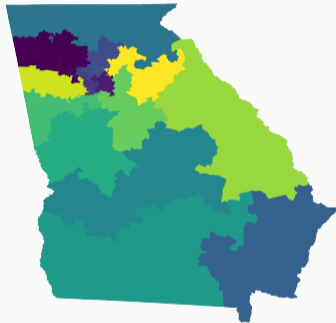


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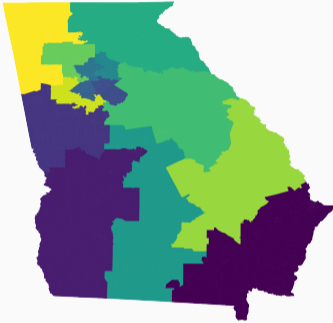


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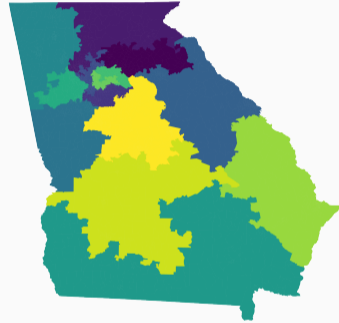


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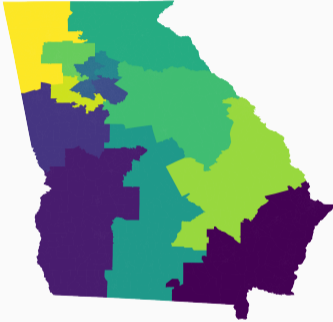


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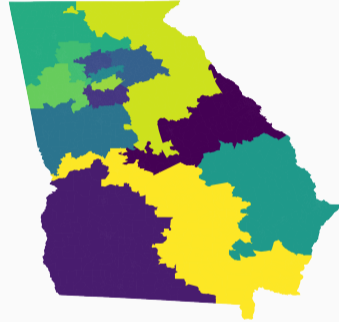


Sampled

Example: Georgia



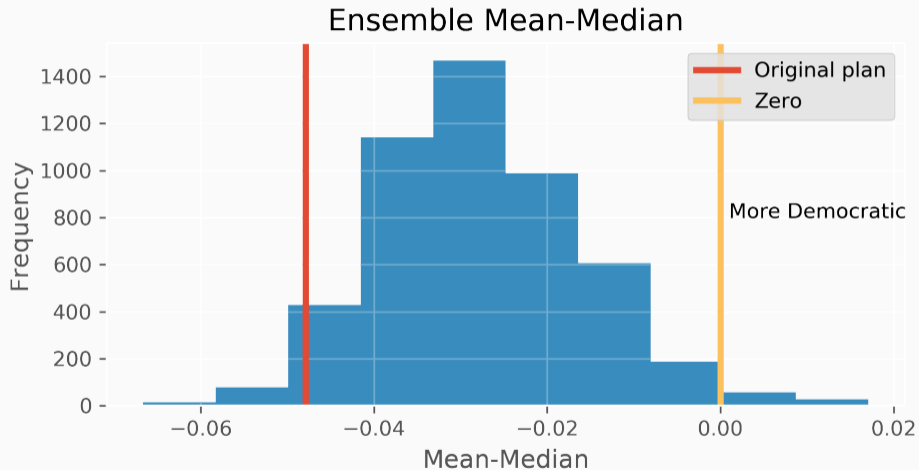
Original plan



Sampled

You get the idea.

Statistical summary



Example output from sampling analysis.

The future of gerrymandering

Politicians have incentives to keep gerrymandering.

A SCOTUS solution is probably best, but that needs to happen soon.

There's a 5-4 conservative split in the Supreme Court.

The oldest members are Ginsburg (86) and Breyer (80), both liberals.

Questions?

Appendix

Gerrymandering is difficult to fight in court. What right does it infringe?

Justice Frankfurter, dissenting in *Baker v. Carr*:

Appellants invoke the right to vote and to have their votes counted. But they are permitted to vote and their votes are counted . . . Their complaint is simply that the representatives are not sufficiently numerous or powerful.

The complaint is counterfactual. You *might* have more representation without gerrymandering.

1. There is no right to any proportion of representation. That's probably good.
2. Courts hate counterfactuals. (What harm actually *occurred*?)

A brief story from voting rights history

1. 1776: White men can vote.
2. 1861: Small disagreement about states' rights.
3. 1870: Fifteenth amendment.
4. 1900s: Jim Crow².

Jim Crow dodged the Fifteenth amendment. The Voting Rights Act requires a *new* workaround.

²For a much deeper discussion, I recommend Gates' *Stony the Road: Reconstruction, White Supremacy, and the Rise of Jim Crow*.

Recontextualizing

Politics is power. (*Political realism*)

Jim Crow was a workaround to protect power.

The Fifteenth Amendment mandates a *new* workaround.



The individual may say for himself: "Let justice be done, even if the world perish," but the state has no right to say so in the name of those who are in its care.

— Hans Morgenthau (1904–1980)