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Fixing the Maps:

Why The Best Congressional Redistricting Heuristic Is Proportionality

In the ongoing battle to influence public policy, American political parties are often inconveniently bound by the will of the voters. Politicians that enact or are associated with unpopular legislation frequently get booted out. This effect is especially felt in the House of Representatives, the lower house of the bicameral United States Congress that, being elected every two years, is much more responsive to changes in the national mood than the comparatively shielded Senate. When President Obama enacted the controversial Affordable Care Act in 2010, Democrats lost 63 House seats— almost twenty-five percent of their caucus— but only six of 59 Senators in the midterm election of that year. Similarly, President Trump lost 42 House seats in 2018, but *gained* two Senate seats because the Senate seats up for election were extremely unfavorable to Democrats. Therefore, it is no surprise that both parties' strategists try to insulate their House members from a potentially hostile national environment and force rival politicians into unfavorable territory during the redistricting process that occurs after every decennial census. This political game is called *gerrymandering*, named after Elbridge Gerry, who as Governor of Massachusetts in the 1810s drew a salamander-like Boston-based district that helped his party hold the state Senate in an otherwise brutal election year (Seabrook). Now that the salience of the once-per-decade redistricting prize has been established, we turn to the concept of *fairness*. Different districts' constituents have diametrically opposed ideas of what constitutes fair representation in Congress. We will examine three of these metrics— compactness, communities of interest, and proportionality— and reveal why proportionality is ideal.

All Congressional districts must follow federal law. Under the Constitution, redistricting must happen at least once after each decennial census, and each district must have roughly equal

population as the others in the state. Under the Voting Rights Act of 1965, the voting power of minorities that vote as a unified bloc cannot be diluted by splitting them into multiple districts. For this reason, both Alabama and Mississippi have one heavily black, heavily Democratic congressional district, even though the Republican legislatures in both states could, if not for the VRA, *crack* those seats by redistricting Black voters into the surrounding Republican, White areas. Whoever controls the redistricting process in a state, whether it be an independent board, the state Supreme Court, or the legislature, must also adhere to state-level guidelines and rules: Iowa's congressional districts must follow county borders ("Iowa Constitution Art. III §37"), and Hawaii's redistricting statute says that "except in the case of districts encompassing more than one island, districts shall be contiguous" ("Hawaii Constitution Art. IV §6"). Some of these requirements and guidelines are borne out of court decision: in 2022, when selecting a Congressional map to use this decade, the conservative Wisconsin Supreme Court selected a Congressional map based only on similarity to the 2011-2021 map, which was heavily biased in favor of Republicans, eschewing any other redistricting metric (*Johnson et. al. v. Wisconsin Elections Commission et. al.*).

Many states also seek *compactness*, usually measured by how close people in the same district live, or geometric features, like the smoothness of the district boundary or the number of tendrils sticking out of the district. Compactness is ultimately a faulty measure: Only twelve of the seventeen states that have a compactness guideline have any reasonably objective measure—Ohio's law simply states that "every congressional district shall be compact" ("Ohio Constitution §XIX.02"). Even if a rational scoring system is used, it is still feasible to draw districts that lock out a party from power while maintaining aesthetically pleasing district shapes. Wisconsin's congressional districts are fairly compact, but Democrats would require an unprecedented landslide in the statewide popular vote to win more than three of the state's eight seats. Inversely, a seemingly ugly map may be forced to exist by the VRA. The often derided "earmuffs district" in Chicago actually serves to connect two majority-Hispanic communities. Compactness should therefore not be used to judge the fairness of districts.

Yet another definition for compactness, this time from the Supreme Court, uses residents' *cultural cohesion*, although this is usually referred to as respecting *communities of interest*. These communities are sometimes meant to transcend socioeconomic fault lines— one nonprofit gives examples of "residents who have been working together to advocate for keeping a local health clinic open" and "neighbors who are advocating for the closure of a nearby coal plant" (et. al.), but these very rarely take precedence over ethnographic concerns, such as the aforementioned Hispanic majority-minority district in Chicago or Minnesota's heavily suburban third district. There are also "opportunity districts," districts created to elect a minority group's choice with the help of some of the people in the majority in that district [1]. In some cases, lumping together communities of interest helps effective representation and good government, but most communities of interest are too small to get their own district and must be lumped with others, who sometimes have unaligned priorities. If the House had 5000 members, my hometown of Rochester, Minnesota could get its own district; with only 435, it's lumped in with farmers in the southwest of the state, who do not share political, industrial, or cultural interests with the medical town. Therefore, respecting communities of interest should be a priority for map-drawers only when those communities have some aligned interest, whether that's a shared culture, ethnic heritage, industry, or geography. The reality is that those concerns exist for only a couple dozen districts in the country, and are often used to justify partisan gerrymandering. In the eyes of many liberal Nevadans, drawing three of the state's four House seats to overlap with Las Vegas leads to better representation for their state's biggest economic hub. It is also objectively a partisan gerrymander. Furthermore, the need for citizens to have some deep-seated hyper-local interest with their representative is limited at best. Roughly three quarters of voters polled in the 2022 midterm elections said that "it really matters which party wins control of Congress" (Schaeffer and Van Green). Although candidate quality and grasp of local issues are still relevant, voters clearly care far more about their representative's party than their representative. In this way, party affiliation in itself could be described as a community to be preserved.

[1] A running joke among demographers and electoral statisticians is that Idaho's first district, which includes the northern panhandle, is a Nazi opportunity district.

Therefore, voters' partisan preferences should be weighted heavily in the redistricting process—this is known as *proportionality*. If Republicans get sixty percent of the vote in a state, they should win roughly sixty percent of the seats. Admittedly, voters' geographical distribution sometimes makes this near-impossible; in Massachusetts, a state which went roughly two-to-one for Joe Biden in 2020, it is *barely* possible to draw a barely Republican-leaning district by carving a snake-like gash into the state (YePolitics_). This phenomenon is due to Republicans' terrible distribution in the state— "Republican votes clear 30%, but are distributed so uniformly that they are locked out of the possibility of representation" (Duchin et al.). Democrats similarly have poor geography in Wisconsin, and Republicans again in Nevada, although the gerrymandering in both states has significantly exacerbated the asymmetry (Johnson; *Political History of Nevada*). Also, 21 states have four or fewer congressional seats in the 2021-2031 redistricting cycle, so many seat distributions may not perfectly reflect the will of the population as a whole (e.g. winning 60% of the vote and $2/4$ seats). At any rate, major effort should still be made to match statewide vote share to seat share as much as possible, even if it means drawing a sort of "reversed gerrymander" to correct for one party's poor geography, so as to not disenfranchise partisans just because of where they live [2]. Voters clearly care about partisan control of Congress. Let them decide, even if it makes for ugly maps.

Redistricting officials embracing proportionality is not panacea for American democracy. Neither is a federal anti-gerrymandering bill, or uncapping the size of the House, or ranked-choice voting, or abolishing the Senate, or any of the major reforms suggested in the last hundred years. There is no perfect way to have majoritarian consensus without leaving the minority disappointed and angry some of the time. Nevertheless, we can strive for continual improvement of electoral democracy, and having Congressional districts prioritize the most salient issue for voters of both parties— that the winning party will get control of the House— will at least give prior-

[2]Consideration must also be made to make sure this fairness lasts through the decade as coalitions and demographics shift. Although it is impossible to perfectly predict the makeup of a district eight or ten years in the future, mapmakers should not, for example, expect an increasingly educated, diverse northern Virginia district to keep voting for Republicans forever. Past voting totals are also a poor metric— the district for the Driftless area in western Wisconsin didn't even have a Republican candidate in 2016, but flipped to Republicans in 2022. The only solution in some cases may be mid-decade redistricting, although this isn't always politically feasible.

ity to voters' top issue instead of dancing around the matter. Saying that we should place greater emphasis on partisanship is not a call to end community of interest considerations, or dismantle the Voting Rights Act. On the contrary, if there is strong evidence for a minority group benefiting from a district, that should be weighted even more than proportionality. But in the other ninety-nine percent of cases, trying to match the seats won by each party with the popular vote is an objective, rational place to start.

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