Gerrymandering Is a Form of Legal Voter Fraud

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Article Commentary

Harry McAlevey, "Gerrymandering and the Art of Legal Election Fraud," *Daily Kos*, May 9, 2014. Courtesy of 2014 Daily Kos. All rights reserved. Reproduced with permission.

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Gerrymandering—the redrawing of congressional districts to favor one political party or the other—threatens democracy and disenfranchises voters, and Republicans are largely to blame for using such systematic tactics to obstruct the electoral process. Independent, nonpartisan voting commissions should be given control of redistricting—not biased politicians.

In any representative democracy, changes in population and territory necessitate redistricting, so as to give equal value to all voters. This idea, popularly known as "one person, one vote," is crucial for the preservation and promotion of true democracy. Unfortunately, the people who decide exactly how to best draw a district are politicians, who are less concerned with proper representation and more concerned with holding onto their power. The problem of rigging the redistricting process in favor of a certain party, candidate, or incumbent, is known as "gerrymandering," and it is arguably the largest threat to democracy currently facing the United States.

Minority Voters Are Disenfranchised in the Current System

In a perfect system, each district would be exactly the same. In a country of a million people with one hundred districts, each district would have 10,000 people, with the same per capita representation of minorities, women, and economic disparities. Obviously this is not possible, especially in a nation as diverse and with such a controversial history as the United States; the next best option, then, is to strive to meet that perfect system as strongly as possible. Yet the current map is full of discrepancies and errors, with minority voters often disenfranchised and districts that weave and wind like a snake without any coherency or rationality.

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Redistricting happens every ten years, in a convoluted process that is supposedly based off the results of the census. Gerrymandering districts is not a complicated process; it only requires drawing of districts in such a way that hostile voters are "packed" into one district, giving the opposition a landslide in that district while turning another, traditionally safe district into a competitive one. Incumbents utilize gerrymandering to stay in power, and they have been using it more and more often as the electorate rapidly diversifies.

The midterm election of 2010, arguably the largest disaster in Democratic Party history, had far more implications than most thought. The switch of House control to Republicans was devastating for national Democrats, but state legislatures also swung hard to the right. This gave Republicans a chance to control much of the redistricting process across the country. The result? While Democratic candidates in the House won the nation-wide election by over 1.4 million votes, Republicans took a 33-seat majority.

To be sure, the Democratic Party is not exempt from using gerrymandering to their advantage; but more often than not it is Republicans who use a widespread, systematic program to disenfranchise voters. With a diversifying electorate beginning to sour to obstructionist, outdated conservative politics, [Republican strategist] Karl Rove and others sought new ways for the GOP to retain its power. The Republican State Leadership Committee created such a program, the Redistricting Majority Project (REDMAP), which

according to the header on their website "fight[s] for a fair process." Yet the rest of the website flaunts their ability to disenfranchise voters, including in Pennsylvania, which reelected [Barack] Obama by more than five points but, due to heavy investment in 2010, sent 13 Republicans to the House, compared to only 5 Democrats. This rigging of the system is not limited to any specific state or region. Republicans have been so good at packing districts that, with current districts in place, Democrats would have to win the popular vote by 7 percentage points to take a majority in the house.

Redistricting Should Be Controlled by an Independent Commission

No one can claim the current system is functioning properly. Moreover, this is not an issue that can be kicked down the road, and dealt with in future generations. Reducing the impact of a vote reduces the interest of the voter, shrinking an already pitifully small electorate and creating widespread apathy. Allowing elected officials to essentially choose who is elected perpetuates a system rife with inefficiency, complacency, and dysfunction. Change needs to come now.

Control of the redistricting process should immediately be taken out of the hands of politicians and given to independent electoral commissions. Allowing state legislatures to map out congressional districts is an abhorrent idea, with any hope for non-bias being ludicrous. These non-partisan groups can use advanced software and data to accurately map out the country according to demographic statistics, pushing us closer to the ideal system mentioned earlier. No district can look exactly like another; urban areas in Detroit will never resemble the plains of Nebraska. But they can even the playing field and ensure that, as best as possible, one person's vote is equivalent to any others. The fact that this has to be fought for is appalling in and of itself, but it is something worth fighting for.

The current political system in America is a disaster: the House is rigged and unfixable until 2020 (the next census), the Senate is incapable of action because 41 senators are apparently equivalent to 59, and the president has essentially turned into a lame duck. Those in office are typically out-of-touch or corporate panhandlers, and party elites stifle the few seeking to actually make a difference. Pessimistic as it may seem, it is unfortunately the realistic picture. The change has to come from the people, who, at the very least, can vote into office the people they think can make a difference. That is, if their vote actually counts.

Books

- R. Michael Alvarez, Triad E. Hall, and Susan D. Hyde, eds. *Election Fraud: Detecting and Deterring Electoral Manipulation*. Washington, DC: Brookings Institution Press, 2008.
- Donathan L. Brown and Michael L. Clemons *Voting Rights Under Fire: The Continuing Struggle for People of Color*. Santa Barbara, CA: Praeger, 2015.
- Richard J. Ellis and Michael Nelson, eds. *Debating Reform: Conflicting Perspectives on How to Fix the American Political System*. Washington, DC: CQ Press, 2011.
- Erik J. Engstrom *Partisan Gerrymandering and the Construction of American Democracy*. Ann Arbor: University of Michigan Press, 2013.
- John Fund *Stealing Elections: How Voter Fraud Threatens Our Democracy*. San Francisco: Encounter Books, 2004.
- John Fund and Hans von Spakovsky *Who's Counting?: How Fraudsters and Bureaucrats Put Your Vote at Risk*. New York: Encounter Books, 2012.
- Richard L. Hasen *The Voting Wars: From Florida 2000 to the Next Election Meltdown*. New Haven, CT: Yale University Press, 2012.
- Ron Hayduk *Democracy for All: Restoring Immigrant Voting Rights in the United States*. New York: Routledge Taylor & Francis Group, 2006.
- Alexander Keyssar *The Right to Vote: The Contested History of Democracy in the United States*. New York: Basic Books, 2000.
- Gary May *Bending Toward Justice: The Voting Rights Act and the Transformation of American Democracy*. New York: Basic Books, 2013.
- Lorraine C. Minnite *The Myth of Voter Fraud*. Ithaca, NY: Cornell University Press, 2010.

Periodicals and Internet Sources

- Michael Agresta "Will the Next Election Be Hacked?," *Wall Street Journal*, August 17, 2012.
- Laura Lee Baris "Stopping Voter Fraud Without So-Called Racist Voter ID Laws," *People's Pundit Daily*, November 8, 2014. www.peoplespunditdaily.com.
- Gene Berardelli "Hard Evidence Supports the Need for Voter ID Laws," IVN, January 16, 2014. www.ivn.com.
- Nick Bilton "Disruptions: Casting a Ballot by Smartphone," *New York Times*, November 11, 2012.
- Jamelle Bouie "The Most Brazen Attempt at Voter Suppression Yet," *Slate*, October 29, 2014. www.slate.com.
- DiversityInc "Is Jim Crow Back? Racist Voter Laws Exclude 5 Million Blacks, Latinos from Polls," October 23, 2012. www.diversityinc.com.
- Kevin Drum "The Quick Way to End the Voter-Fraud Wars? A National ID Card," *Mother Jones*, July/August 2012.
- David A. Fahrenthold "Selling Votes Is a Common Type of Election Fraud," *Washington Post*, October 1, 2012.
- John Fund "Voter Fraud: We've Got Proof It's Easy," *National Review*, January 12, 2014. www.nationalreview.com.
- Jeremiah Goulka "Are Voter ID Laws a Form of Racism?," *Mother Jones*, October 15, 2012.
- Meagan Hatcher-Mays "31 in a Billion: Election Expert's Report Shatters Right-Wing Media Voter ID Myths," Media Matters for America, October 24, 2014. www.mediamatters.org.
- Christopher Ingraham "7 Papers, 4 Government Inquiries, 2 News Investigations and 1 Court Ruling Proving Voter Fraud Is Mostly a Myth," *Washington Post*, July 9, 2014.
- Investor's Business Daily "Voter Fraud Is Rampant, and Democrats Ignore It," November 4, 2014. www.investors.com.
- Howard Koplowitz "Illegal Immigration 2015: Obama Executive Actions Could Result in Immigrants Voting, Voter Fraud, GOP

Warns," *International Business Times*, February 13, 2015. www.ibtimes.com.
- Suevon Lee "Everything You've Ever Wanted to Know About Voter ID Laws," ProPublica, November 5, 2012. www.propublica.com.
- Doug MacEachern "Election Fraud Debate a Fraud," AZCentral, April 1, 2015. www.azcentral.com.
- Bruce McConnell and Pamela Smith "Hack the Vote: The Perils of the Online Ballot Box," *Wall Street Journal*, May 28, 2014.
- Leon Neyfakh "Why Can't Ex-Cons Vote?," *Slate*, March 17, 2015. www.slate.com.
- Heather Digby Parton "GOP's Maniacal New Vote Scheme: What Wingnuts Are Hatching to Keep the 'Riff-Raff' Away," *Salon*, October 23, 2014. www.salon.com.
- Mark Pomerleau "Online Voting Still Faces Security Issues," GCN, March 25, 2015. www.gcn.com.
- Robert D. Popper "The Voter Suppression Myth Takes Another Hit," *Wall Street Journal*, December 28, 2014.
- Jamin B. Raskin "Legal Aliens, Local Citizens: The Historical Constitutional and Theoretical Meanings of Alien Suffrage," *University of Pennsylvania Law Review*, Vol. 141, 1993. http://scholarship.law.upenn.edu.
- Thomas Sowell "Voter Fraud and Voter ID," RealClearPolitics, November 4, 2014. www.realclearpolitics.com.
- David Talbot "Why You Can't Vote Online," *MIT Technology Review*, November 5, 2012. www.technologyreview.com.
- Sam Wang "The Great Gerrymander of 2012," *New York Times*, February 2, 2013.