To: Jonathan Cervas, Ph.D. & Bernard Grofman, Ph.D.

From: Scott Matsuda

Date: 10/21/2022

Case Briefing

**[Miscellaneous Pending Cases: IL, NM]**

**ILLINOIS**

Note: Per the *All About Redistricting* webpage, there were three redistricting cases in Illinois. However, each of those cases were federal court challenges, which are beyond the scope of our review. For informational purposes, the three cases were:

* (1) *McConchie v. Illinois State Board of Elections*, No. 1:21-CV-3091 (N.D. Ill. Jun. 9, 2021) (Republican legislative leaders),
* (2) *United Congress of Community and Religious Organizations v. Illinois State Board of Elections*, No. 1:21-CV-5512 (N.D. Ill. Oct. 15, 2021) (Black-led organizations), and
* (3) *Contreras v. Illinois State Board of Elections*, No. 1:21-CV-3139 (N.D. Ill. Jun. 10, 2021) (Latino voters and organizations).
* The three cases were consolidated, and Plaintiffs challenged Illinois’ legislative redistricting map and asked the U.S. Dist. Ct. for the N.D. of Ill. to order alterations that would create additional districts featuring majorities of either Latino or Black voters.
  + All Plaintiffs brought statutory claims, arguing that the redistricting map impermissibly diluted minority votes in violation of § 2 of the Voting Rights Act of 1965, 52 U.S.C. § 10301, et seq.; the Contreras and East St. Louis NAACP Plaintiffs also presented constitutional claims, contending that several legislative districts were racially gerrymandered in violation of the Fourteenth Amendment’s Equal Protection Clause.
* On 12/30/2021, “a three-judge panel rejected all of the plaintiffs’ claims that the most-recently drafted legislative maps are racially gerrymandered, finding that partisanship—rather than race—predominated in the configuration of the challenged districts and that plaintiffs did not otherwise establish a violation of Section 2 of the Voting Rights Act.”[[1]](#footnote-1)
  + The federal court then ruled that “[o]ur role as federal judges is limited and does not extend to complaints about excessive partisanship in the drawing of legislative districts.”
  + The deadline to appeal expired.

**NEW MEXICO**

* *Republican Party of New Mexico* v. Oliver, No. D-506-CV-202200041 (N.M. D. Ct. Jan. 21, 2022).
  + Plaintiffs RPNM et al. filed a complaint alleging that “Senate Bill 1 . . . redraws New Mexico’s three congressional districts in contravention of traditional redistricting principles endorsed by the State Legislature and the New Mexico Supreme Court in order to accomplish a political gerrymander that unconstitutionally dilutes the votes of residents of southeastern New Mexico in order to achieve partisan advantage.”
  + Plaintiffs requested, among other things, for final Judgment against Defendants, a declaration that Senate Bill 1 violates the New Mexico Constitution, and the adoption of a partisan-neutral congressional map consistent with Congressional Concept E (Justice Chávez’s map).
  + Plaintiffs argued that SB1 is a political gerrymander in violation of Equal Protection, N.M. Const. art. II, § 18.

1. *Redistricting Litigation Roundup*, Brennan Ctr. for Justice (Oct. 12, 2022), <https://www.brennancenter.org/our-work/research-reports/redistricting-litigation-roundup-0>. [↑](#footnote-ref-1)