

Redistricting in Nebraska



LPS Arts and Humanities Program

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Outline

- 1) Overview of redistricting and gerrymandering
- 2) Nebraska's 2021 redistricting process
- 3) Our analysis and critique



Article 1, Section 2 of the U.S. Constitution

“Representatives and direct Taxes shall be apportioned among the several States ... according to their respective Numbers... .”

Census is decennial

Supreme Court and “one person, one vote”

Colgrove vs. Green, 1946 : apportionment is nonjusticiable
(courts should not get in “political thicket”)

Equal protection clause in 14th Amendment

Baker vs. Carr, 1962: apportionment is justiciable

Reynolds vs. Sims, 1964: districts must have same size of population

Gerrymandering

- *gerrymander*: manipulate the boundaries (of an electoral constituency) so as to favor one party or class
- Gerrymandering uses foreknowledge with intent to favor

Consequences:

- A. Stealing votes before they can be cast.
- B. Legislators get to choose their voters.

Named for governor Elbridge Gerry of Massachusetts who created a district resembling a salamander to favor his party in 1812 elections

Gerry + salamander=gerrymander

(For word buffs, this is a portmanteau.)



How to gerrymander

Goal: Divide 50 people into 5 districts of 10 people each.

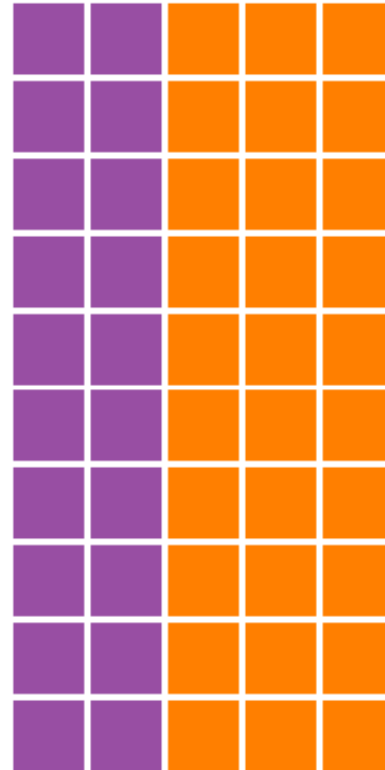
40% purple

60% orange

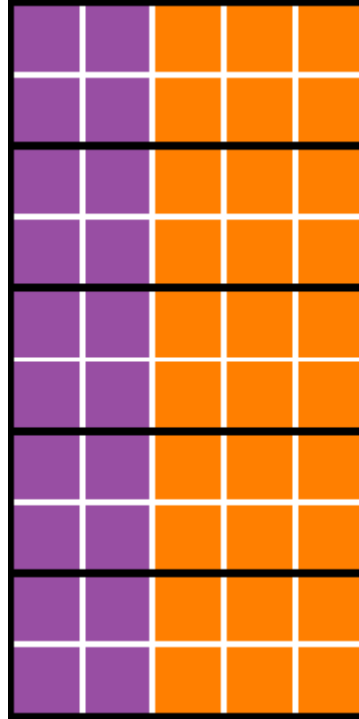
What seems fair?

Purple wins 2 districts

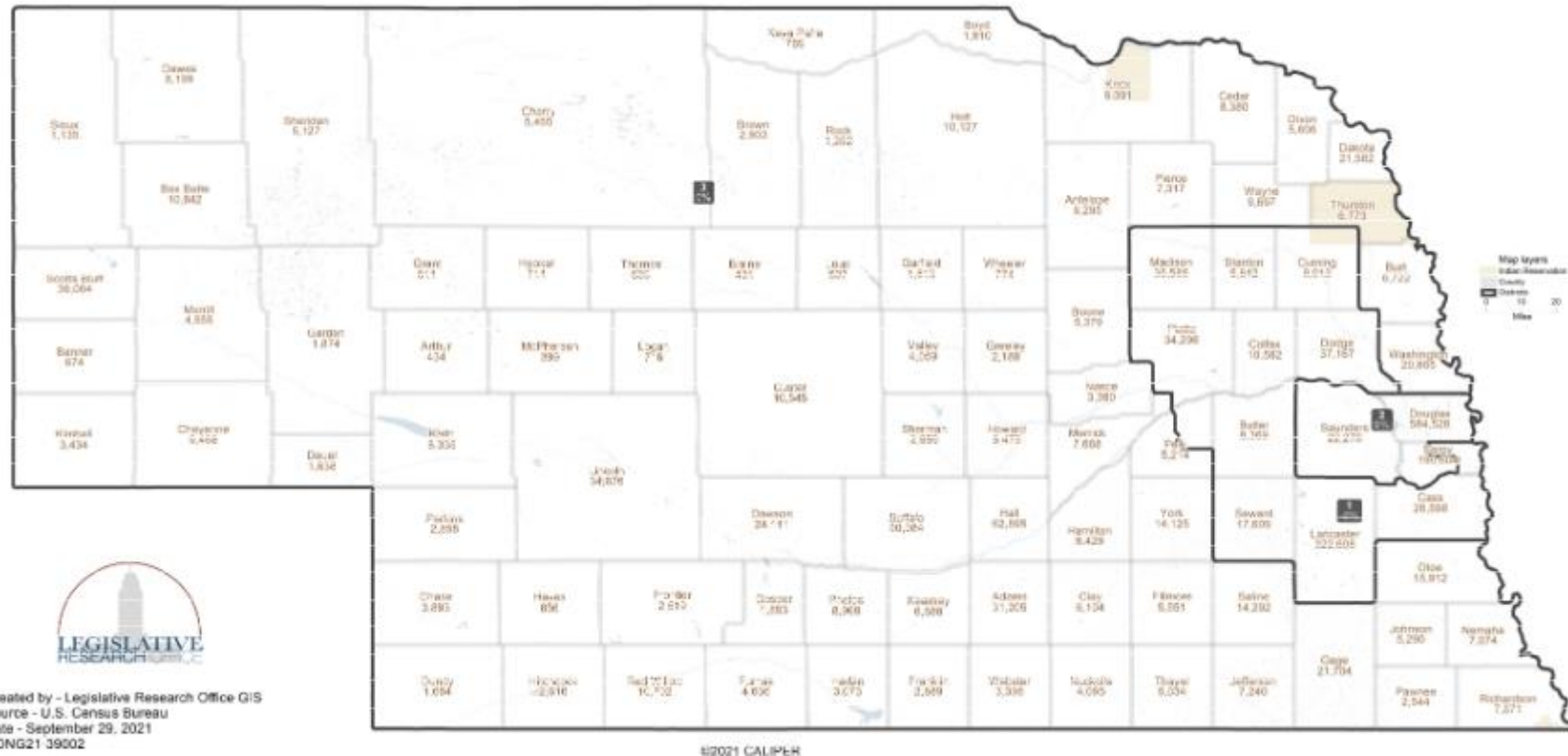
Orange wins 3 districts



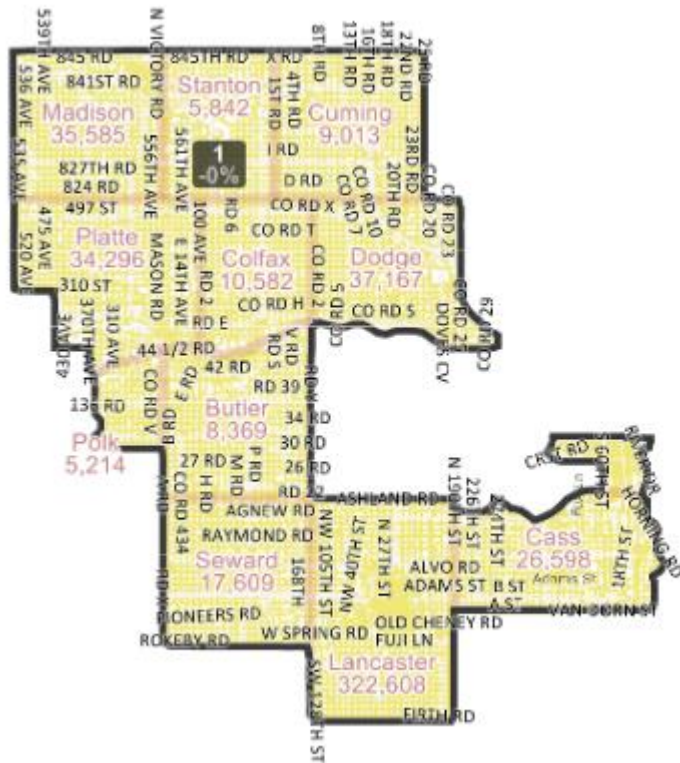
Orange wins all by “cracking”
- losing parties are *thinly distributed*



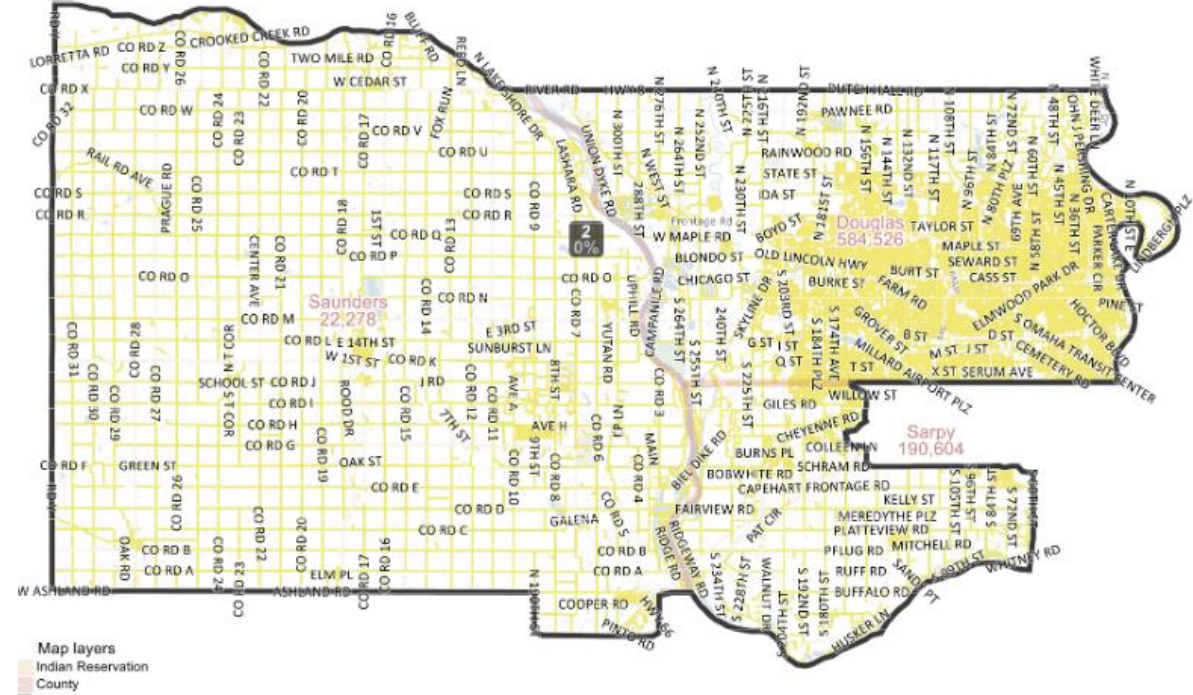
2021 Nebraska Congressional Districts



Nebraska 2021 Congressional Redistricting

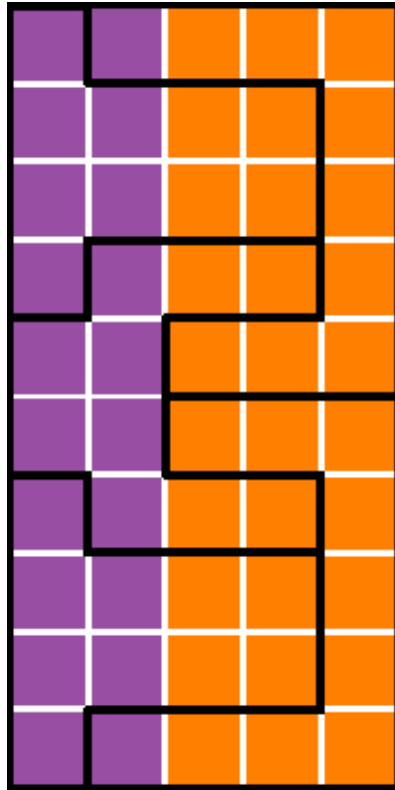


Nebraska Congressional District 1

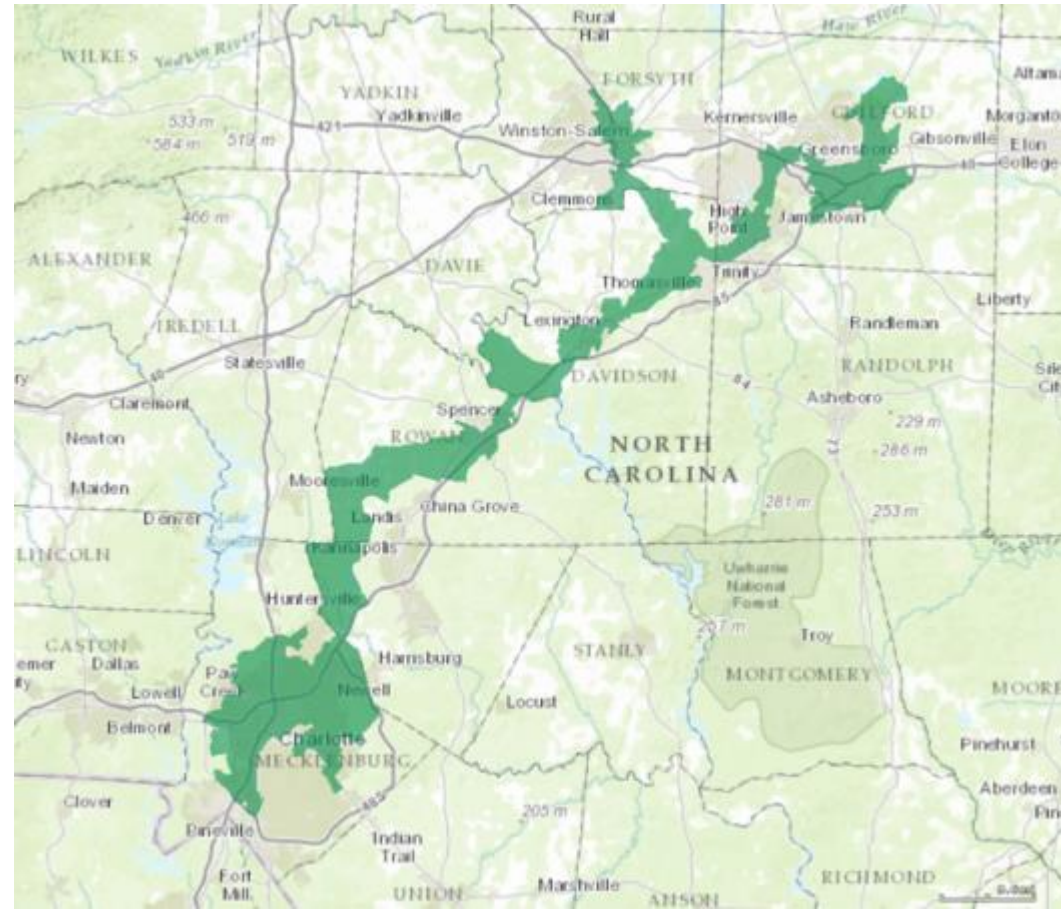


Nebraska Congressional District 2

Purple wins 3 of the districts by “packing”
-unnecessary super-majorities

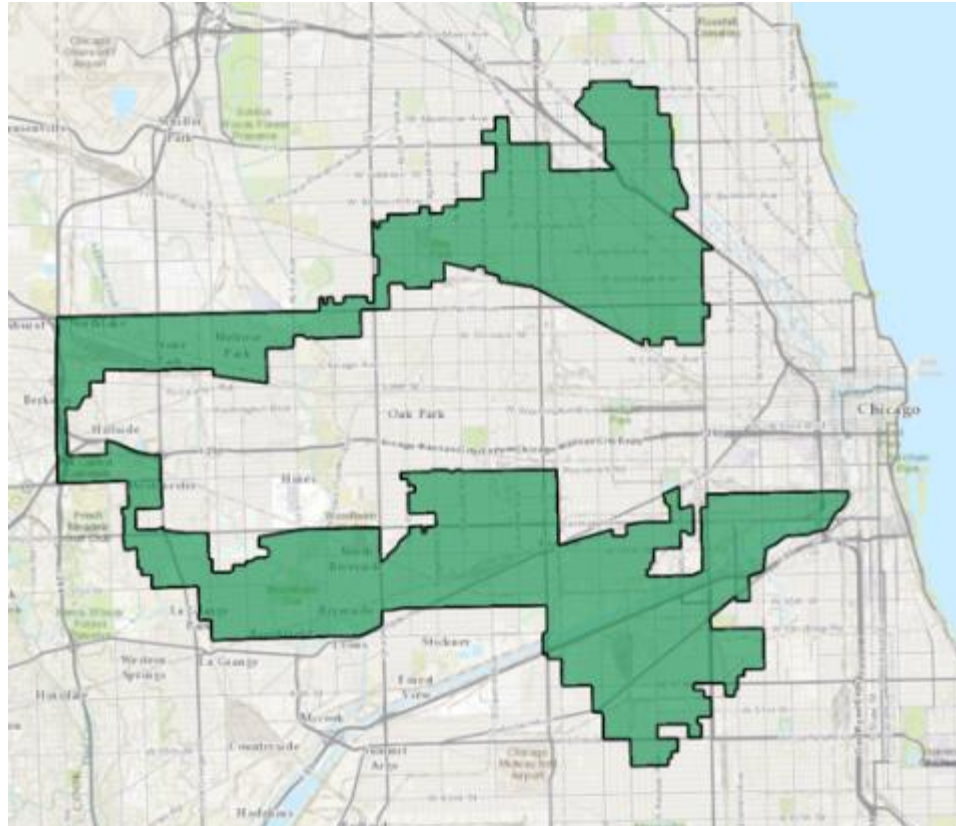


North Carolina's 12th District (2013-2017)



Are “badly shaped” districts bad?

Illinois' 4th Congressional District



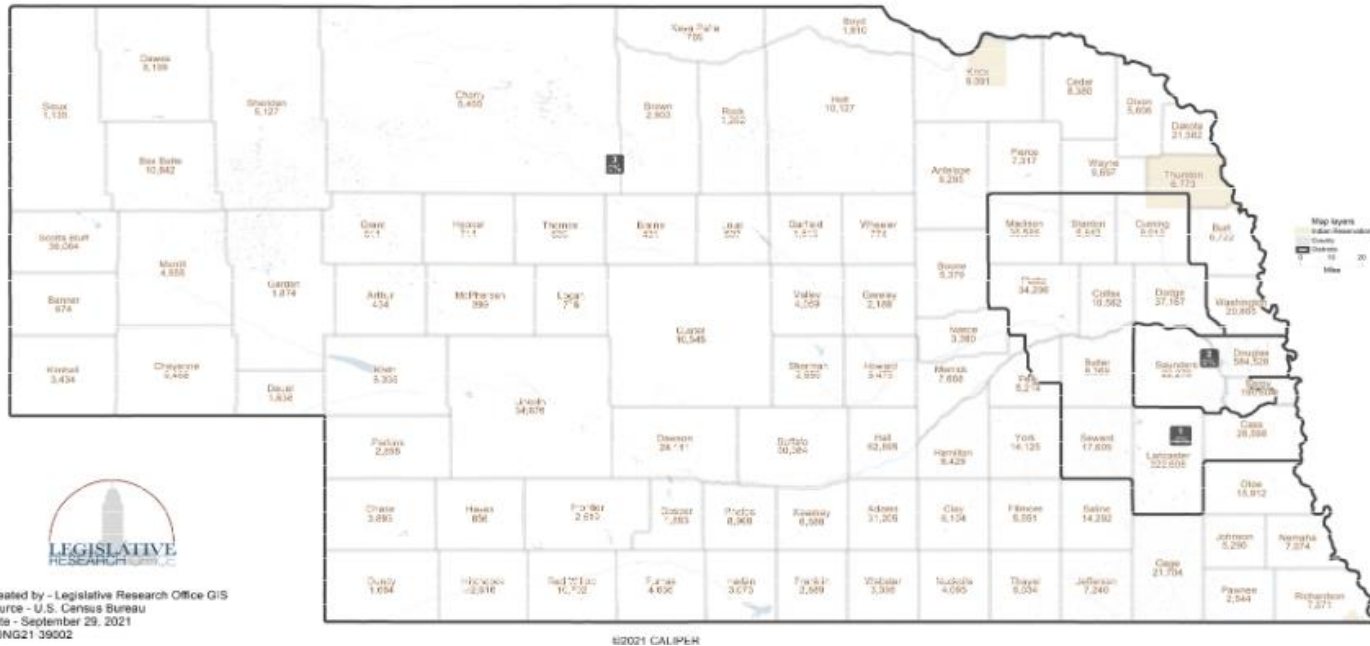
Nebraska

Six different public bodies for which NE legislature creates new district boundaries

2021 U.S. Congressional Districts

(U.S. House of Representatives)

3 Districts



CD1 – Flood

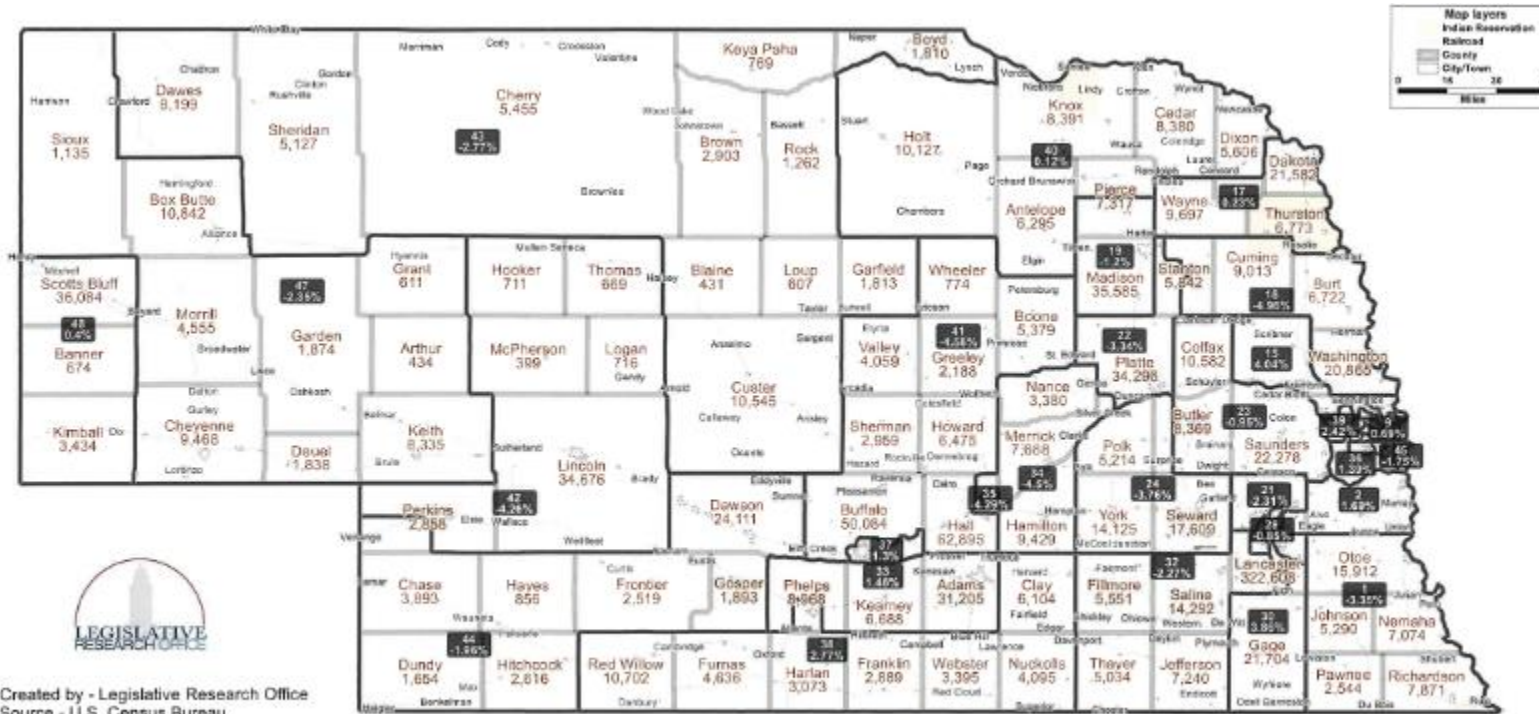


CD2 – Bacon

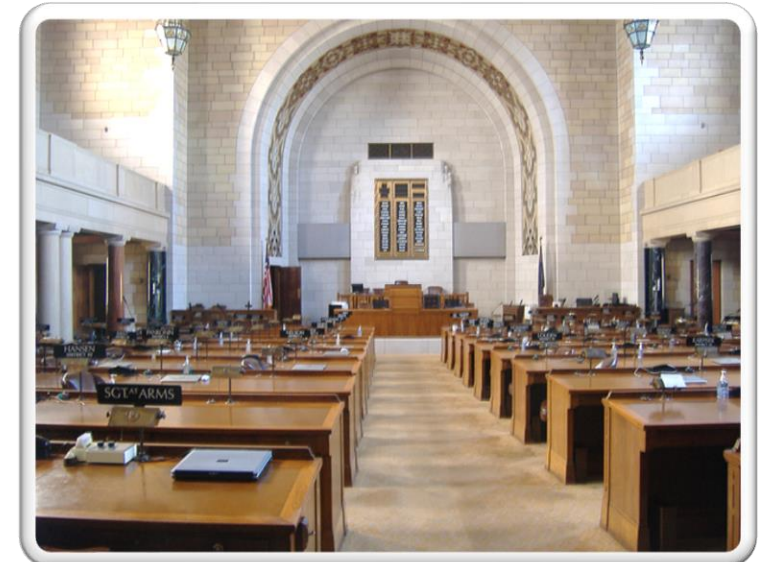


CD3 – Smith

2021 Nebraska Legislative Districts



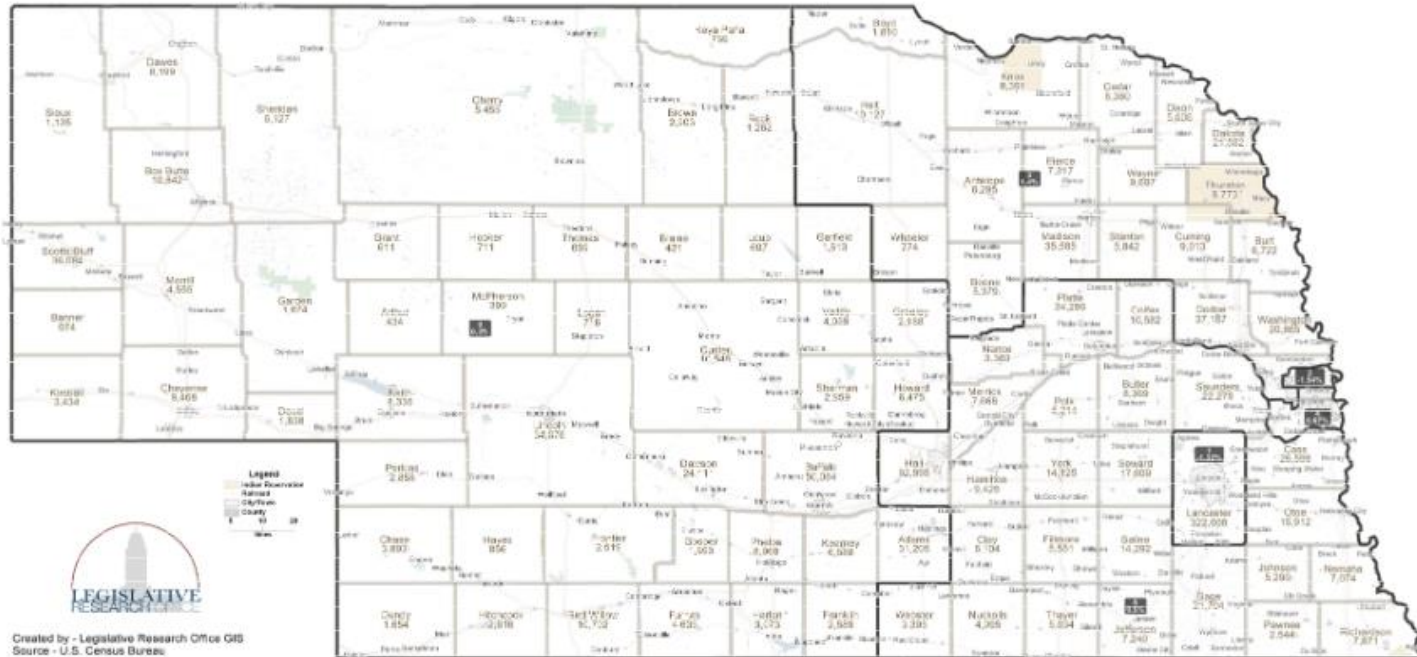
- 49 districts
- Non-partisan




Created by - Legislative Research Office
Source - U.S. Census Bureau
Date - September 29, 2021
LEG21-39006
(Final Reading Version)

2021 Nebraska Supreme Court

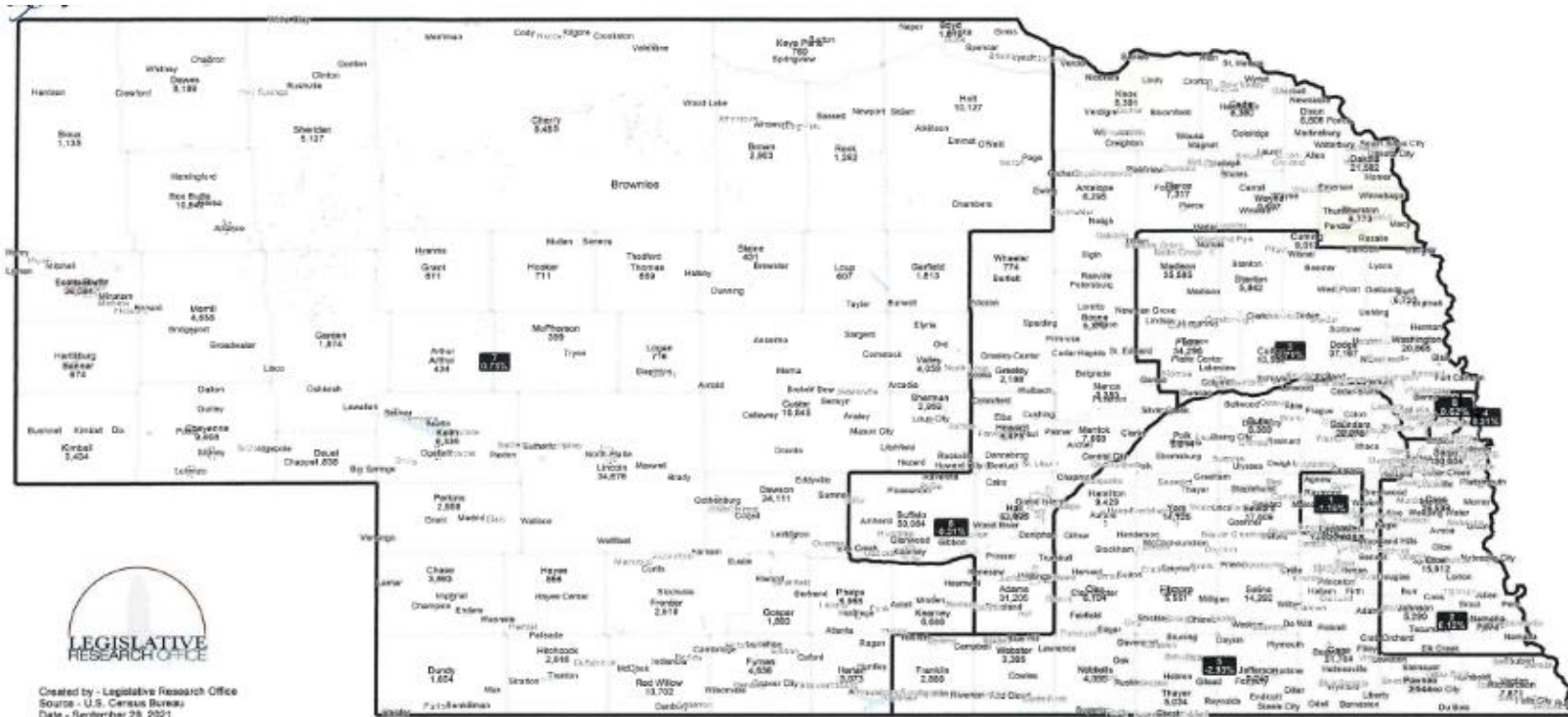
6 districts



2021 Nebraska Board of Education

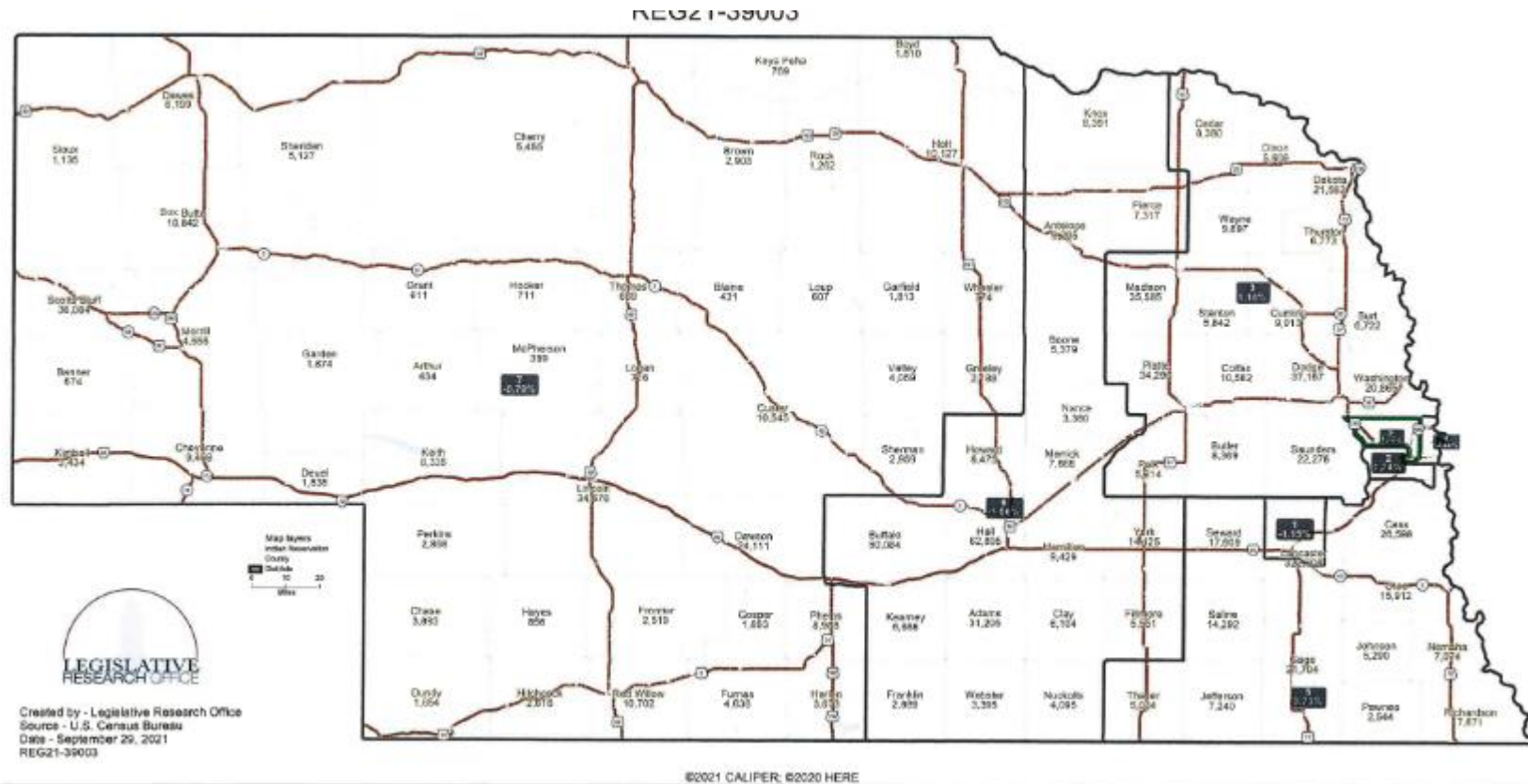
8 Districts

- #1: Patsy Koch Johns
- #2: Lisa Fricke
- #3: Patty Gubbels
- #4: Jacquelin Morrison
- #5: Kirk Penner
- #6: Maureen Nickels
- #7: Robin Stevens
- #8: Deborah Neary



Created by - Legislative Research Office
Source - U.S. Census Bureau
Date - September 28, 2021
ED21-09003

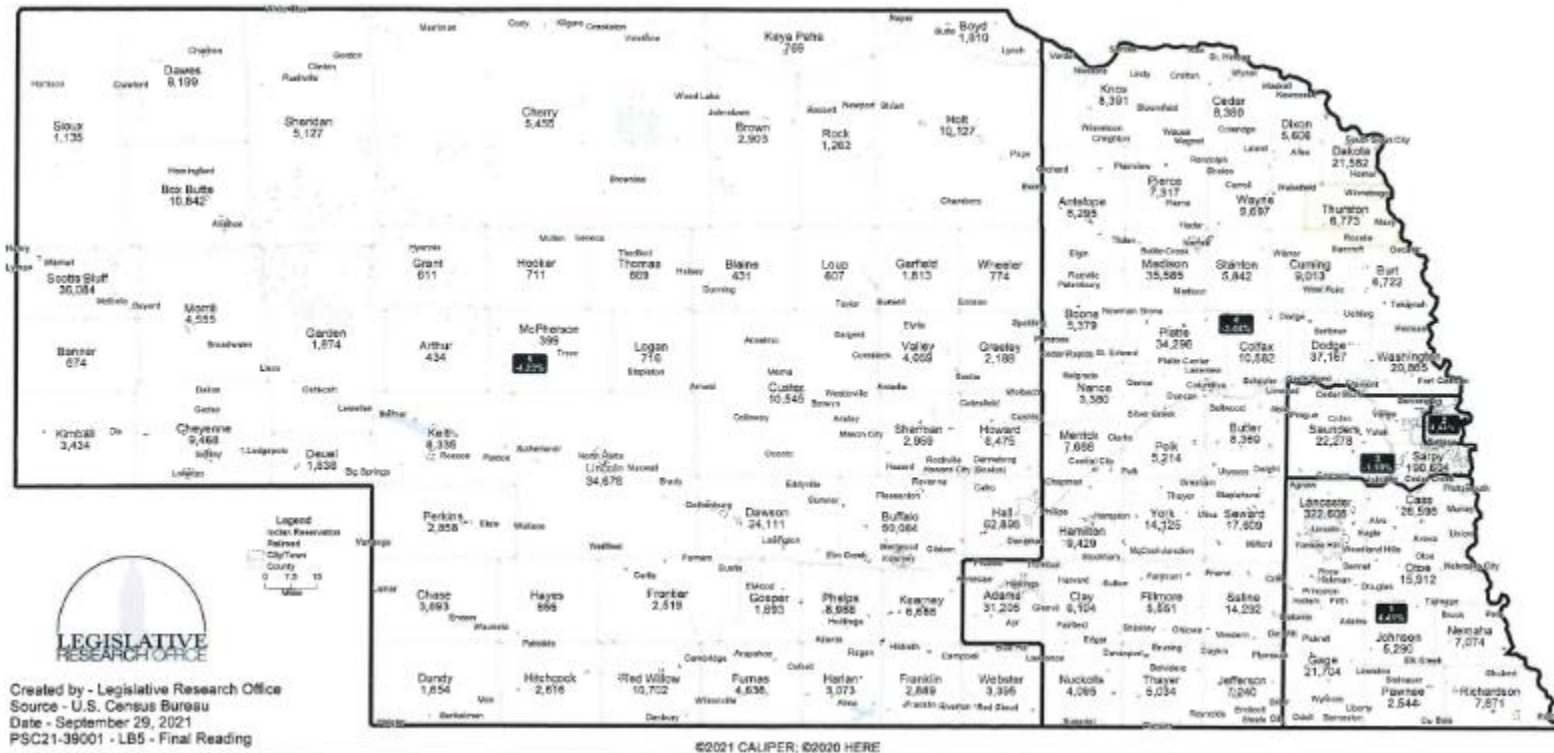
2021 Nebraska Board of Regents



8 Districts

- #1: Timothy Clare
- #2: Howard Hawks
- #3: Jim Pillen
- #4: Elizabeth O'Connor
- #5: Robert Schafer
- #6: Paul Kenney
- #7: Bob Phares
- #8: Barbara Weitz

2021 Nebraska Public Service Commission



5 Districts

- #1: Dan Watermeier
- #2: Chrystal Rhoades
- #3: Tim Schram
- #4: Rod Johnson
- #5: Mary Ridder

2021 Redistricting Process in Nebraska

Who?

- Legislative Committee (9 members)
 - Sen. Lou Ann Linehan, Chairperson (Elkhorn, R)
 - Sen. Carol Blood (Bellevue, D)
 - Sen. Tom Briesse (Albion, R)
 - Sen. Tom Brewer (Gordon, R)
 - Sen. Suzanne Geist (Lincoln, R)
 - Sen. Steve Lathrop (Omaha, D)
 - Sen. John Lowe (Kearney, R)
 - Sen. Adam Morfeld (Lincoln, D)
 - Sen. Justin Wayne Vice Chair (Omaha, D)
- Legislative Research Office staff: GIS (geographic information system) specialists, analysts

Requirements

NE (and U.S.) Constitution criteria:

1. Compact districts
2. Contiguous districts
3. Equal population
4. Follow county lines “whenever practicable”
5. Voting Rights Act

Additional Requirements: LR 134

- Preserve communities of interest
- "not established with intention of favoring a political party or any other group"
- Allowance for preservation of cores of prior districts
- Allows +/- 0.5% population deviation from ideal for Congressional Districts-
- Allows +/- 5% population deviation from ideal for Legislative Districts

Our Analysis and Critique

Visit <https://kristie3.github.io/>

- a. Which district are you in?
- b. Congressional District #2
- c. Rural vs. urban districts
- d. Choice of rural district to move to urban
- e. Compactness

Justice Kagan's Dissent on Rucho

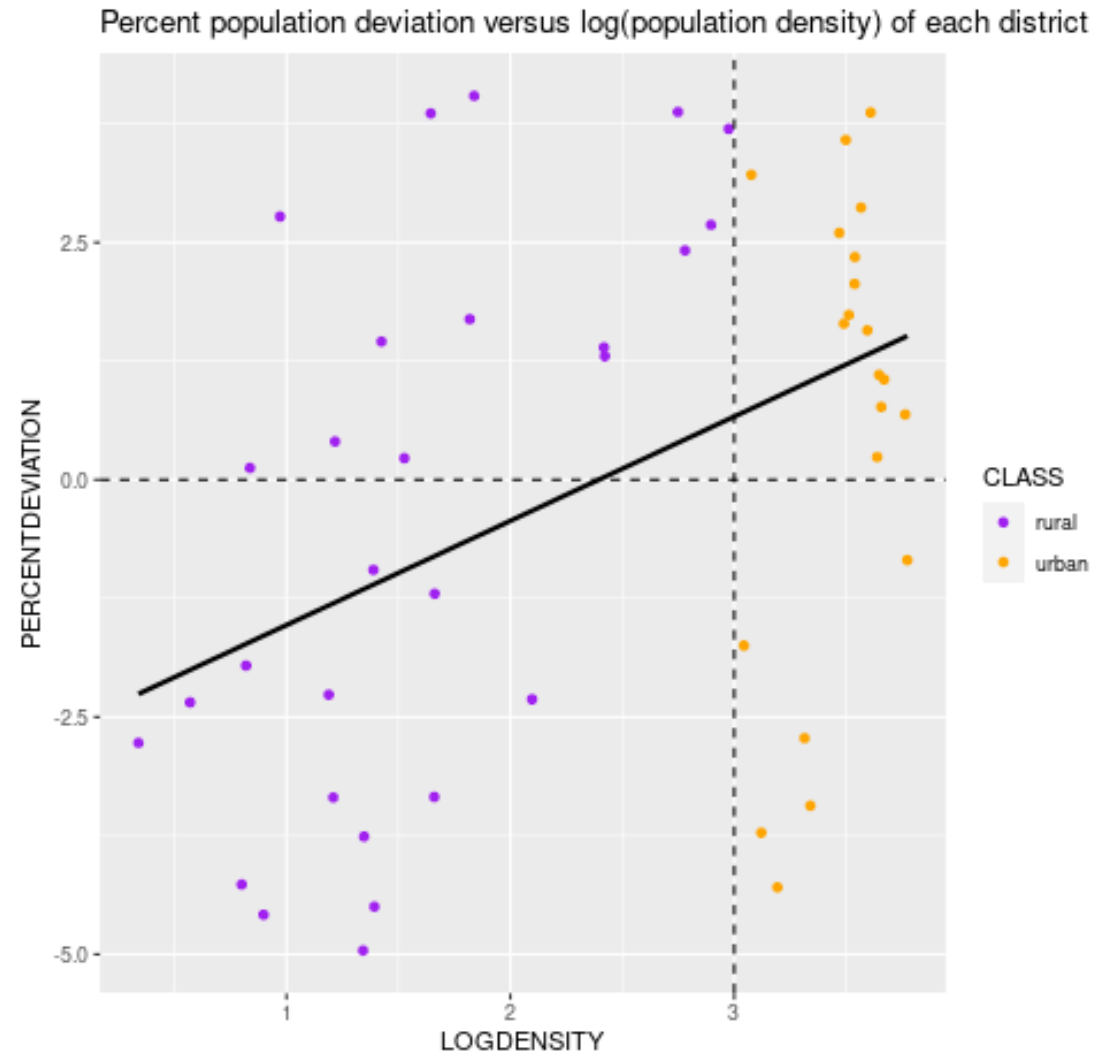
Computer applications make gerrymandering easy!

“... today's mapmakers can generate thousands of possibilities at the touch of a key – and then choose the one giving their party maximum advantage...”

Mathematical ideas developed in last 4 years detect gerrymandering

“... the same technologies and data that today facilitate extreme partisan gerrymanders also enable courts to discover them, by exposing just how much they dilute votes...”

Our Analysis of Population Packing In 2021 Nebraska Legislative Districts



Data Source: Legislative Research Office, LEG21-39006.zip

Local Redistricting – done by each jurisdiction

- City Council
- School Board
- Lancaster County Board
- others

Thank you to:

Metric Geometry and Gerrymandering Group

The Metric Geometry and Gerrymandering Group is a nonpartisan research organization. MGGG has major support from the Jonathan M. Tisch College of Civic Life at Tufts University and the Amar G. Bose Research Grant Program at MIT and an active partnership with the Lawyers' Committee for Civil Rights Under Law.