# Redistricting Criteria for 2021

# Recommendations

Apportionment redistricting plans for the Senate, House of Representatives, and United States House of Representatives districts should meet the following criteria.

* Districts must:
* comply with the United States Constitution and the federal Voting Rights Act, 42 U.S.C. 1971, et seq.
* be drawn to achieve substantial population equality among districts with deviations for state House of Representatives and Senate districts allowable up to +/- 5 % to achieve compliance with nondiscriminatory criteria, such as avoiding split precincts.
* be geographically contiguous. (Contiguity by water is acceptable to link territory within a district provided that there is a reasonable opportunity to access all parts of the district and the linkage is designed to meet the other criteria stated herein. Point-to-point contiguity is acceptable so long as adjacent districts do not use the same vertex as points of transversal.)
* Districts must NOT:
  + be apportioned for the purpose of favoring or discriminating against an incumbent, political candidate, or political party. (The place of residence of an incumbent or a political candidate may not be considered in the apportionment of districts. “Political beliefs” may not be considered.)
  + be apportioned to reduce competitiveness.
* To the greatest extent possible, districts should:
  + be geographically compact; bizarre shapes are to be avoided except when required by one or more of the following factors: (a) census or physical geography; (b) efforts to achieve equal population; or (c) efforts to comply with the United States Constitution or the Voting Rights Act of 1965, as amended.
  + maintain and respect the geographic integrity of any municipality, county,or voting precinct;
  + consider communities of interest based upon the following factors:
    - economic, social and cultural, and historic influences;
    - respect for the geographic integrity of any city, county, city and county, neighborhood, or communities of interest including, but not limited to, rural communities, coastal communities, or separation by geographic features such as lakes, major rivers, national forest, or mountains;
    - governmental services;
    - geographic location and features;
    - commonality of media markets;
    - Communities of interest may not be interpreted to include:
      * relationships with political parties, incumbency, or political candidates.
      * “Political beliefs” (effectively a surrogate for partisan affiliation)

# Background Information

## Criteria used or required in various states include:

* Compact districts (Maptitude software includes 9 measures of compactness)
* Contiguous districts (can be contiguous over water)
* Preserve political subdivisions, including precincts, wards, etc.
* Preserve communities of interest. The 2010 criteria for communities of interest used by the SC Senate were not clearly defined. The House included:
* Economic
* Social and cultural
* Historic influences
* Political beliefs
* Voting behavior
* Governmental services
* Commonality of communications
* Geographic location and features
  + Preserve cores of prior districts
  + Protect or prohibit protecting incumbents (We wish to prohibit)
  + Allow or prohibit partisan advantage (We wish to prohibit)

## H.3054 Criteria, Clary et al 2018

Apportionment redistricting plans for the Senate, House of Representatives, and United States House of Representatives districts shall comply with the United States Constitution and the federal Voting Rights Act, 42 U.S.C. 1971, et seq. Redistricting plans must be comprised of districts that are geographically contiguous and, to the greatest extent possible, geographically compact, while maintaining and respecting the geographic integrity of any city, county, city and county, neighborhood, or communities of interest including, but not limited to, rural communities, coastal communities, or separation by geographic features such as lakes, major rivers, national forest, or mountains. Communities of interest may not be interpreted to include relationships with political parties, incumbency, or political candidates. The place of residence of an incumbent or a political candidate may not be considered in the apportionment of districts, nor shall districts be apportioned for the purpose of favoring or discriminating against an incumbent, political candidate, or political party. In drawing districts, the commission shall seek to achieve substantial population equality among districts with deviations for state House of Representatives and Senate districts allowable to achieve compliance with nondiscriminatory criteria.

## LWVUS Impact on Issues 2020-22 (https://www.lwv.org/sites/default/files/2020-12/LWV-impact-2020.pdf)

Statement of Position on Apportionment, as announced by the National Board, January 1966, and revised March 1982:  
The League of Women Voters of the United States believes that congressional districts and government legislative bodies should be apportioned substantially on population. The League is convinced that this standard, established by the Supreme Court, should be maintained, and that the U.S. Constitution should not be amended to allow for consideration of factors other than population in apportionment.

### Criteria

**“3**. The standards on which a redistricting plan is based, and on which any plan should be judged, must:

1. Be enforceable in court;
2. Require:
   1. Substantially equal population,
   2. Geographic contiguity, and
   3. Effective representation of racial and linguistic minorities. c.
3. Provide for (to the extent possible):
   1. Promotion of partisan fairness,
   2. ii. Preservation and protection of “communities of interest,” and
   3. Respect for boundaries of municipalities and counties.
4. Compactness and competitiveness may also be considered as criteria so long as they do not conflict with the above criteria
5. Explicitly reject
   1. Protection of incumbents, through such devices as considering an incumbent’s address; and
   2. ii. Preferential treatment for a political party, through such devices as considering party affiliation, voting history and candidate residence.”