

Chapter 24

Epilogue: The view from 2022

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This book was begun in 2018 and has come together slowly over the few years since then. Meanwhile, once the Decennial data was released in August 2021, states started redistricting immediately (and some didn't even wait for the new data!). Now the book is on the verge of publication in February 2022, and most states have new plans in place and ready for the midterm elections in November.

So, what have we seen this time?¹

New commissions. There were new redistricting commissions of some description in Michigan, Utah, New Mexico, Missouri, Ohio, Colorado, Virginia, and more—running the gamut from being fully independent to playing a merely advisory role to being dominated by partisan elected officials and behaving just as self-interestedly as the legislature. So this year has provided a crash course in all the promise and limitations of alternative configurations of decisionmakers. It was not without drama. There were tears in Michigan; commissioners threatened to quit in Virginia, and one actually quit and walked out in Utah. Some commissions gridlocked and refused to draw, or re-draw, maps, throwing the process to the

¹For full disclosure, work of the MGGG Redistricting Lab from 2020 through Feb 2022 includes the following: Collecting public input in the form of districting plans and/or community mapping for the Michigan Department of State, the Wisconsin Department of Administration, the New Mexico Citizens Redistricting Committee, the Pennsylvania Governor's Office, and the Alaska Redistricting Board. Grass-roots and/or local community map collection in Ohio, Missouri, Florida, Minneapolis, MN, Dallas, TX, San Diego, CA, and so on—approximately 100 localities altogether. Support for mapping competitions in Missouri and Indiana. Two presentations for the Arizona Independent Redistricting Commission. Support for analytical work of line-drawing bodies (e.g., partisan fairness or racial polarization analysis) for the Wisconsin People's Maps Commission, the Maryland Citizens Redistricting Commission, the Utah Independent Redistricting Commission, and the Massachusetts State Senate. And I have done expert work in litigation in state court in Wisconsin, North Carolina, Pennsylvania, and South Carolina, and in federal court in Alabama.

courts. Some commissions drew maps and were fully ignored by the legislatures that were supposed to act on them. It will take some time for the dust to settle and to sort out all the lessons learned!

Lots more attention to Communities of Interest. Many line-drawing bodies launched major campaigns to collect community of interest testimony in the form of digital mapping data. Some of the campaigns were extraordinarily successful, with COI submissions in the hundreds or even thousands! But... then what? Next up, we need ideas for persuasive accounting of how all that data was taken into account.

All the litigation. Every ten years comes the Census, the maps, and the lawsuits! This cycle has been no exception. There have already been initial decisions in a bunch of states, but in most cases things are still ping-ponging between various courts and panels. It's too early for a postmortem, but one thing we can say is that state courts look highly willing to step in.

Leaching out competition. One hot-take narrative that is emerging about new maps in several states is that they are strikingly uncompetitive. In some cases this seems to be done expressly, in classic incumbent-favoring gerrymander fashion. But in other cases, it is possibly a byproduct of trying to create a map that has good features: good efficiency gaps, good proportionality, and so on. After all, if you're a state like Minnesota that has 8 seats and a typical vote that's in spitting distance of 50-50 between the major parties, then one way to get a map that looks shiny to lots of the metrics is to lock 4 districts down for each party. If you make a map with more swing and responsiveness, then it could give unexpected results in an individual election and bring unwanted attention. In a moment with so much scrutiny, predictable is safe.

Dark clouds for the VRA. In early January of 2022, a district court held a week-long hearing about whether Alabama has a VRA obligation to create a second effective district for Black voters, out of seven Congressional districts. They found for the plaintiffs, requiring the state to re-draw the districts; when the state refused, a special master was set to take up the pen in early February. But at the eleventh hour, the U.S. Supreme Court stepped in with a "stay," putting the brakes on the re-draw. The Supreme Court majority indicated that the outcome is not sure when they finally hear the case.... next year. So the VRA is in a serious kind of limbo for something like 15 months, and it's cued up for reshaping by a hostile court. Especially alluring to this court might be the long shot implication by Alabama that maybe key provisions of the VRA should be read race-blind.

So this book, which aimed to cover all of the tools for redistricting in its messy interdisciplinary richness, might now especially be read to help you understand four things:

- What does it look like to take citizen input seriously?

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- What is this VRA thing I keep hearing about, and what are the stakes if it goes away?
 - How do algorithms come in to the picture, and what do they tell us about how districts work when they're run "blind"?
 - Yikes, if districts can't do the work we want them to do, then **what else can we do?**

It's a dispatch from within a turbulent moment... but it has all the tools for the hard democracy work that comes next.