



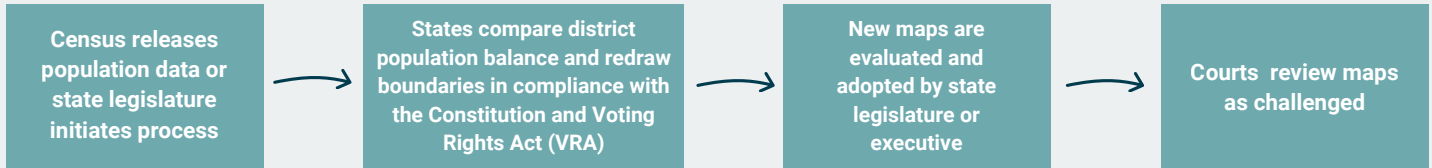
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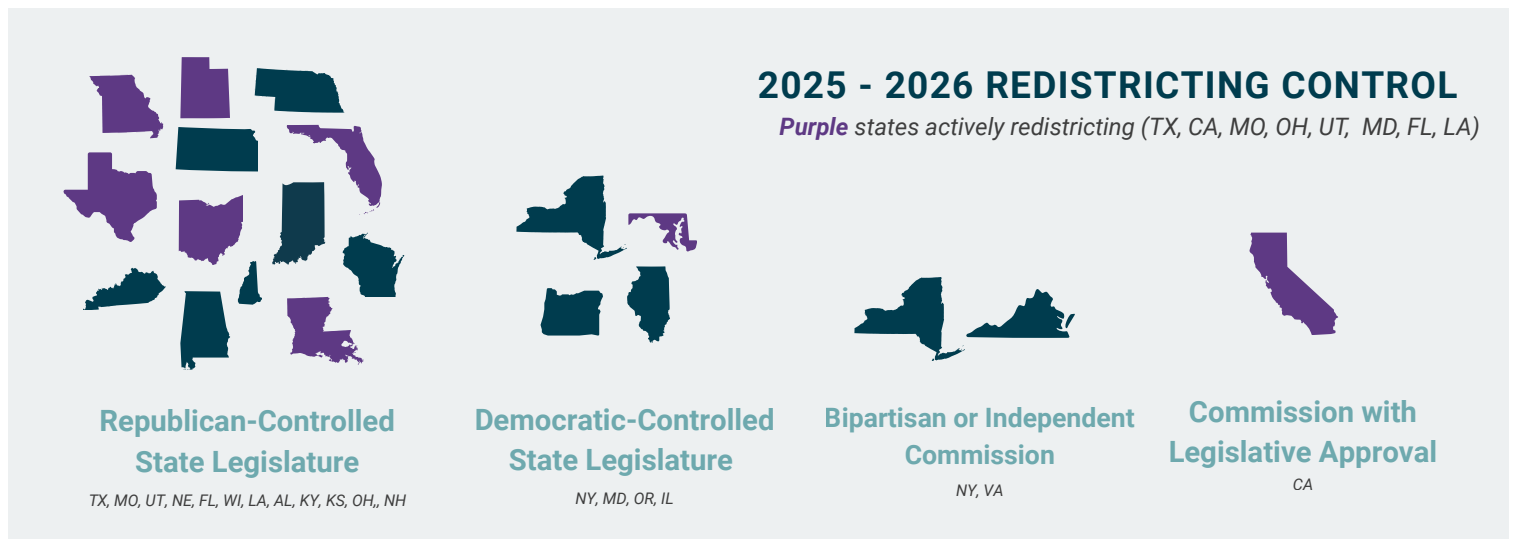
STATE OF PLAY: *REDISTRICTING*

Redistricting is the process of drawing electoral boundaries in states to ensure equal representation across each district. It typically occurs once every 10 years following the release of Census data, but a mid-decade redistricting battle has broken out before the 2026 election as state legislatures pursue new maps for political gains and courts order changes.

THE REDISTRICTING PROCESS



The redistricting process varies widely across the country in accordance with state-specific statutes. Some **state legislatures control redistricting directly**, while other states employ **independent citizen commissions** to draw maps to limit partisan influence. A number of states employ **bipartisan commissions**, while others use maps subject to legislative approval.



REASONS TO REDISTRICT

1

Maintaining Equal Population

The most common reason to redistrict is in compliance with the constitutional requirement that districts be equal in population; demographic shifts after each census make boundaries uneven.

2

Equal Protection for Minorities

Federal law (Section 2 of the VRA and Constitution Article I & 14th Amendment) prohibits diluting minority voting strength amounting in racial discrimination in voting, and may result in the creation of minority-opportunity districts.

3

Court Order

Courts can order redrawn maps. The Supreme Court has affirmed that courts retain authority to enforce state and federal statutes on redistricting, but the Supreme Court cannot consider cases of partisan gerrymandering.

REDISTRICTING LAWS

While there has been a flurry of action surrounding mid-cycle redistricting, the process remains tightly regulated by **Constitutional** requirements (namely Article I and the 14th Amendment), the **VRA**, and **state-specific** provisions. Litigation, legislation, and ballot measures all play a role in shaping political representation. Courts continue to strike down maps that include partisan gerrymandering or unlawfully dilute minority voting strength.

Equal Population

The **“one person, one vote”** doctrine, established in *Reynolds v. Sims* (1964), requires state legislative districts to have virtually equal populations. The Court ruled states should aim for mathematical equality, though some deviations are constitutionally permissible, especially if justified by state policy. For example, states may deviate to respect municipal boundaries, preserve the cores of prior districts, or in compliance with the VRA.

- ✓ Texas’s explosive population growth following the 2000 and 2010 Censuses made districts imbalanced, and courts required the maps be redrawn to be equal size in population.

Equal Protection

Section 2 of the VRA **prohibits redistricting plans that dilute minority voting strength**. Courts apply the *Gingles* test, which asks whether minority groups are sufficiently large and geographically compact to form a majority district, whether they vote cohesively, and whether white bloc voting usually defeats their candidates of choice. If those conditions are met under the totality of circumstances, the state may be required to create an additional **minority-opportunity district**. Six of the last thirteen redistricting challenges since the 2020 census were for VRA violations.

The Constitution limits how much race can be used when re-drawing district lines. While race must be considered under the requirements of the VRA, **race cannot be the predominant factor** for how districts are shaped.

- ✓ The Supreme Court held that Alabama’s redistricting plan following the 2020 census violated the VRA by diluting the power of Black voters, and required the state to draw maps with a second majority-Black district.

Partisan Challenges

The Supreme Court ruled partisan gerrymandering cases are **federally non-justiciable**, but many state courts have adjudicated such claims under state statute. State courts use **partisan fairness metrics** such as efficiency gaps, partisan symmetry, and proportionality to determine if partisan gerrymandering has taken place.

- ✓ In 2022, the North Carolina Supreme Court struck down maps as an extreme partisan gerrymander under the state constitution’s free elections clause (though this was later reversed after a partisan flip in the court).

State Authority

Article I, Section 4 of the Constitution **gives states the primary authority** to regulate the times, places, and manner of federal elections, but leaves room for Congress to “make or alter” such regulations. While states have the power to set the specific times, places, and manner for elections, **Congress retains oversight of the process**.

- ✓ In the 1840s, Congress used this authority to create a uniform federal election day on the first Monday in November, and passed legislation in 1967 to require states to use single-member districts, preventing states from electing representatives at-large.

Court Checks

The Supreme Court has confirmed that courts retain authority to enforce state and federal constitutional provisions on redistricting, rejecting the **independent state legislature theory** that posited state legislatures have near-unchecked authority to set local rules for federal elections.

- ✓ The case originated in North Carolina, where the Republican-legislature drew maps that the state supreme court struck down as an illegal partisan gerrymander. Legislators appealed to the Supreme Court, arguing the state constitution’s “free elections clause” granted the North Carolina legislature unchecked authority to set federal election rules.

CURRENT STATE OF PLAY

Texas

New map passed state legislature

Governor Greg Abbott signed new congressional maps into law at the end of August that could provide the GOP with 3-5 new seats in the state, amid pending lawsuits arguing the new district lines dilute Black, Latino, and Asian American voters in urban areas like Houston, Austin, and Dallas-Forth Worth. In July, the head of the Department of Justice's Civil Rights division, Harmeet Dhillon, wrote to Governor Abbot and the state attorney general noting four of the state's current districts were "coalition districts" - districts with different racial groups that support the same candidate - and were not protected by the VRA. Dhillon advised Texas to correct the districts and referred to them as "vestiges of an unconstitutional racially based gerrymandering past." The new congressional maps shift Texas' 9th and 32nd Districts into safe red seats, and weaken Democrat-advantages in the 35th, 28th, and 34th Districts.

Missouri

Target for Republicans

Governor Mike Kehoe's proposed map would flip Missouri's 5th District into a safe red seat stretching deep into central Missouri. The map would also make the 2nd District less competitive for Republicans. Governor Kehoe called the legislature into special session and argued the updated map would better reflect Missouri values. The Missouri House approved the new map on September 9th, and now must be approved by the state Senate.

Florida

Target for Republicans

Governor Ron DeSantis is arguing Florida was undercounted in the 2020 census and should be given an additional seat in Congress. However, this can only happen after the next census in 2030, so the state would have to redraw its maps to create a new seat without adding a district. The Florida House has created a committee to explore changing the current congressional map; 8 of the 11 members are Republicans.

Maryland

Target for Democrats

Governor Wes Moore and Maryland Democrats are considering redistricting possibilities, with a Democratic state legislator filing a proposal on August 30th to redraw the map. Redrawing the map could allow Democrats to flip Maryland's 1st District, a currently safe Republican seat. In 2022, Democrats tried to gerrymander the 1st District in their favor, but the maps were struck down as an unconstitutional partisan gerrymander in a state circuit court.

California

Special election scheduled 11/4

In a special election on November 4, Californians will be voting on Proposition 50 -- a measure to temporarily bypass the independent commission and adopt new congressional lines drawn by the legislature. Democratic Governor Gavin Newsom and allies are justifying the redistricting as "necessary counter to Republican-led redistricting" in Texas. The proposal would apply from 2026 to 2030, with the Citizens Redistricting Commission resuming map-drawing after the 2030 Census. The proposed map would give Democrats the ability to flip anywhere from three to five House seats, including California's 1st, 3rd, and 4th districts becoming safe blue districts, and the 22nd and 48th districts becoming more competitive.

Ohio

New maps expected in September

Ohio is the only state scheduled for a redrawing of maps this year. In 2020, the Ohio Supreme Court rejected Republican-backed maps five times before the Ohio Redistricting Commission adopted a temporary four-year map which expires in 2026. The Ohio General Assembly has until September 30 to vote on a bipartisan map. If they fail to do so, the Ohio Redistricting Commission will have until October 31 to approve a bipartisan map.

Utah

New map expected in September

A district judge struck down Utah's congressional map at the end of August, ruling the Republican-controlled state Legislature went around voter-approved anti-gerrymandering protections with the latest congressional lines and must redraw ahead of next year's midterms. In 2018, Utah voters approved an independent redistricting commission, but the setup was repealed and rendered advisory only by a state law passed in 2020. The redrawn maps could potentially give Democrats the chance to pick up a seat based in Salt Lake City.

Louisiana

Court challenge pending

Redistricting is pending on U.S. Supreme Court decision related to the Fourteenth Amendment's role in racial gerrymandering compared to the VRA. There is potential for the Court to make VRA challenges more difficult to bring, as the case will determine the constitutionality of using race as a factor in drawing boundaries, even in cases to prevent racial discrimination.

