



NOTES ON KENTUCKY REDISTRICTING

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Lexington League of Women Voters Panel

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What is redistricting?

- ✓ The process of changing legislative district boundaries
- ✓ Needed when 10-year federal census identifies population changes
- ✓ Important for:
 - 6** US Representative seats
 - 38** Kentucky Senate seats
 - 100** Kentucky House seats
 - Many** city, county, and school board seats



Redistricting can make it easier or harder for:

- ✓ ***Voters*** to learn about candidates
- ✓ ***Citizens*** to communicate with representatives
- ✓ ***Parties*** to compete against another
- ✓ ***Members of racial and language minorities*** to elect candidates they prefer
- ✓ ***Regions within a state*** to get distinctive interests considered



RULES AND CASES

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Three key rules

One person, one vote - Districts must be nearly equal in population. U.S. House districts must be very, very close to perfectly equal. Kentucky House and Senate seats must be within 5% of perfectly equal size.

Minority opportunity - Redistricting must provide “districts of opportunity” where minority voters have a chance to select representatives of their choosing

County lines - Kentucky House and Senate districts must not divide counties except when needed to create nearly equal districts.

Lawsuits underway

Wisconsin: Gill v. Whitford

“The 2012 and 2014 election results reveal that the drafters’ design in distributing Republican voters to secure a legislative majority was, in fact, a success. In 2012, Republicans garnered 48.6% of the vote, but secured 60 seats in the Assembly. In 2014, Republicans increased their vote percentage to 52 and secured 63 Assembly seats.”

Lawsuits underway

Wisconsin: Gill v. Whitford

Lower court ruled that voters' First Amendment and Equal Protection rights were violated by that difference between vote share and seat share

Lower court used a statistical equity test for identifying what counts as a violation

The United States Supreme Court heard oral argument on that case *today*

Lawsuits underway

Maryland: Shapiro v McManus

Plaintiff says:

- ✓ Legislature used “big data” on what citizens read, buy, contribute to estimate how they will vote
- ✓ Legislator treated citizens differently in a way that violated their First Amendment rights to freedom of speech and association

That case is in the lower courts, but may well also come to the Supreme Court for consideration.



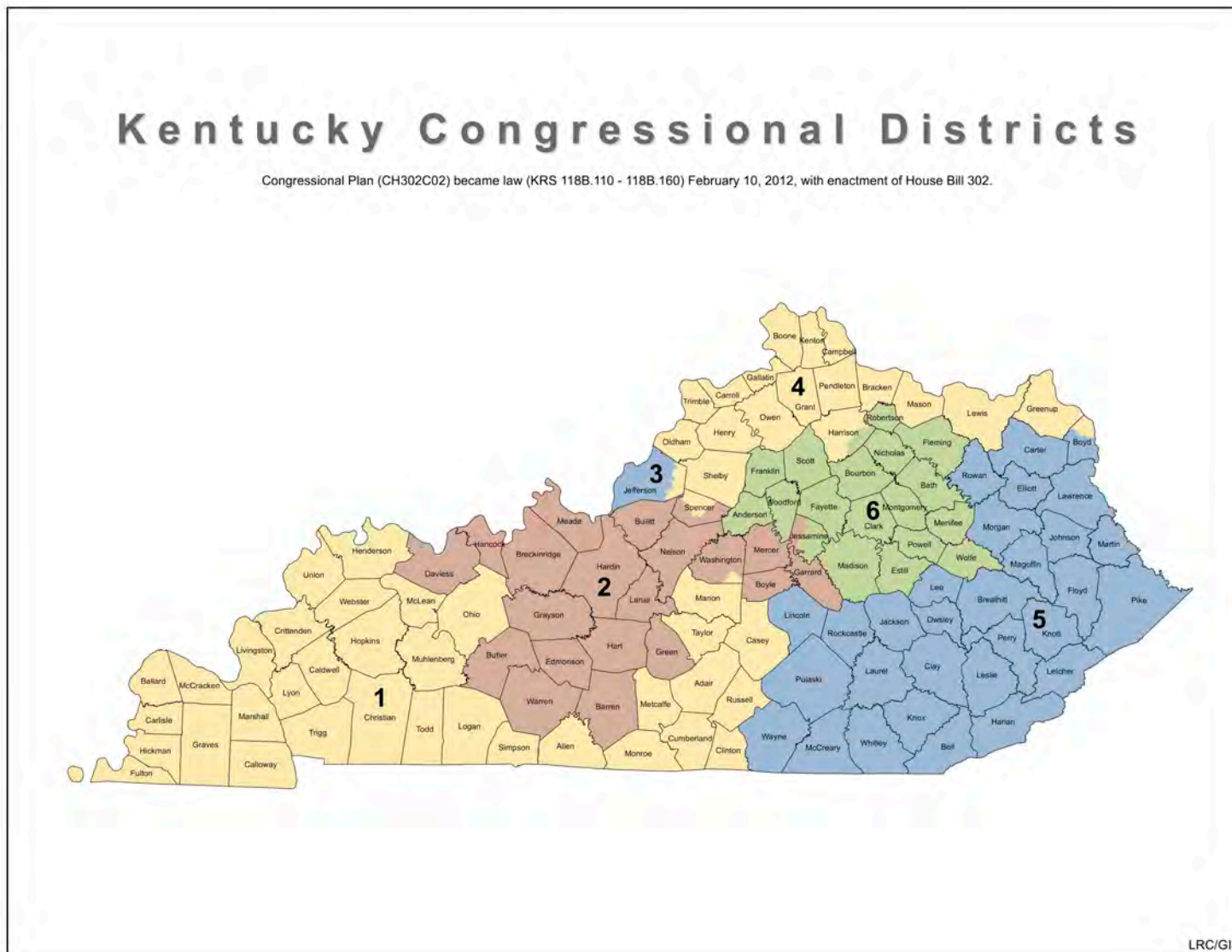
MAPS

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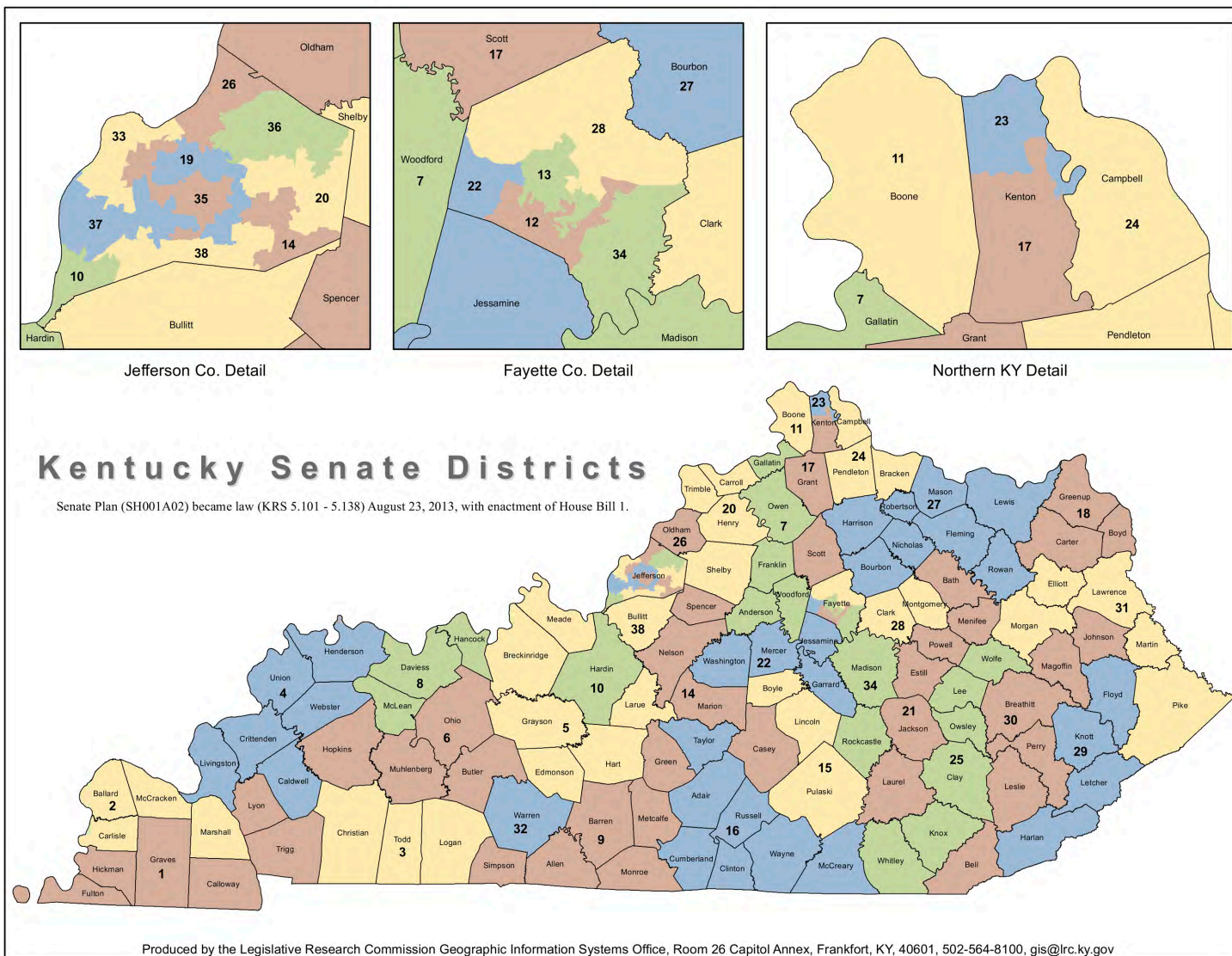
Pennsylvania: Donald Kicking Goofy



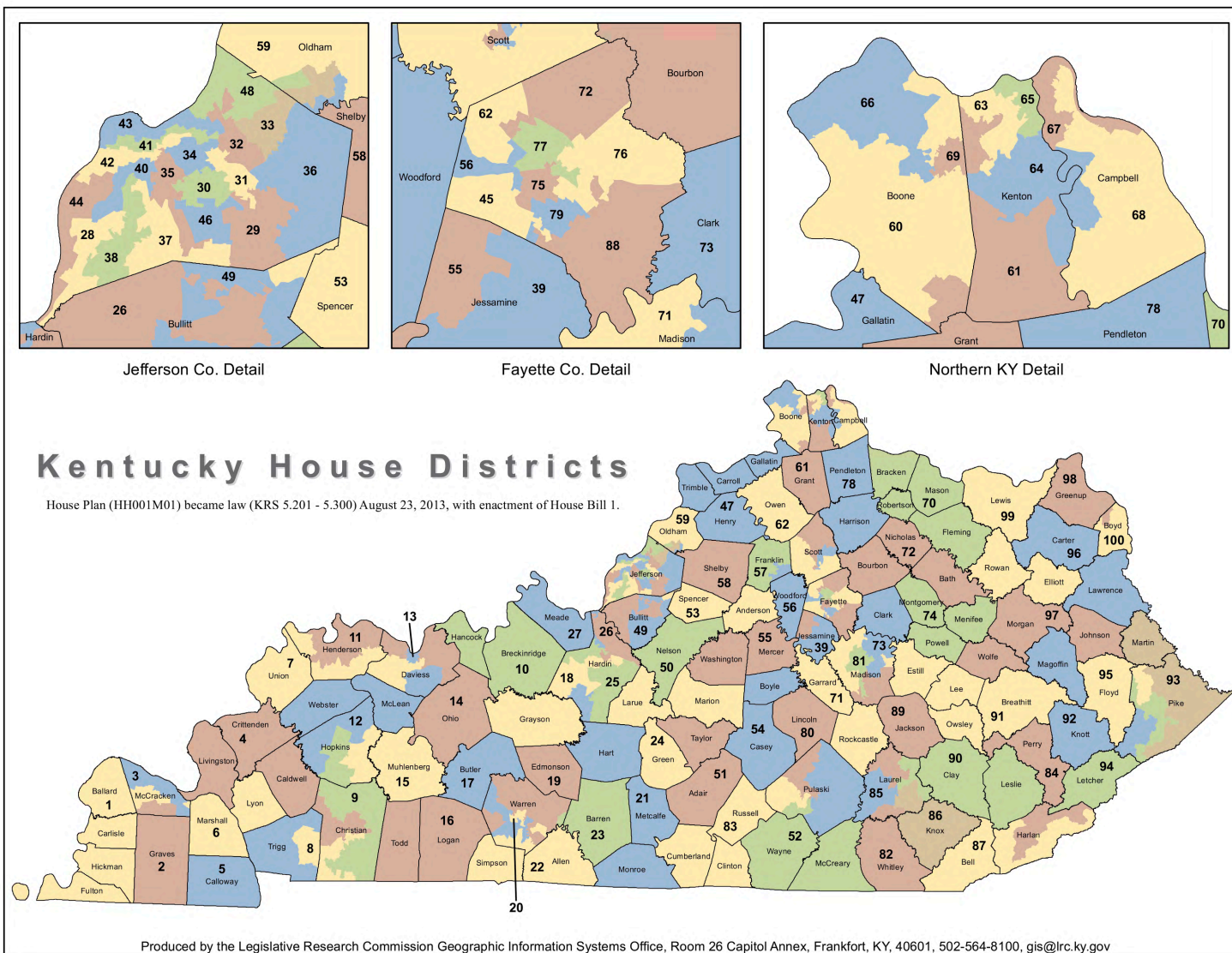
Kentucky Take 1: No Disney Characters



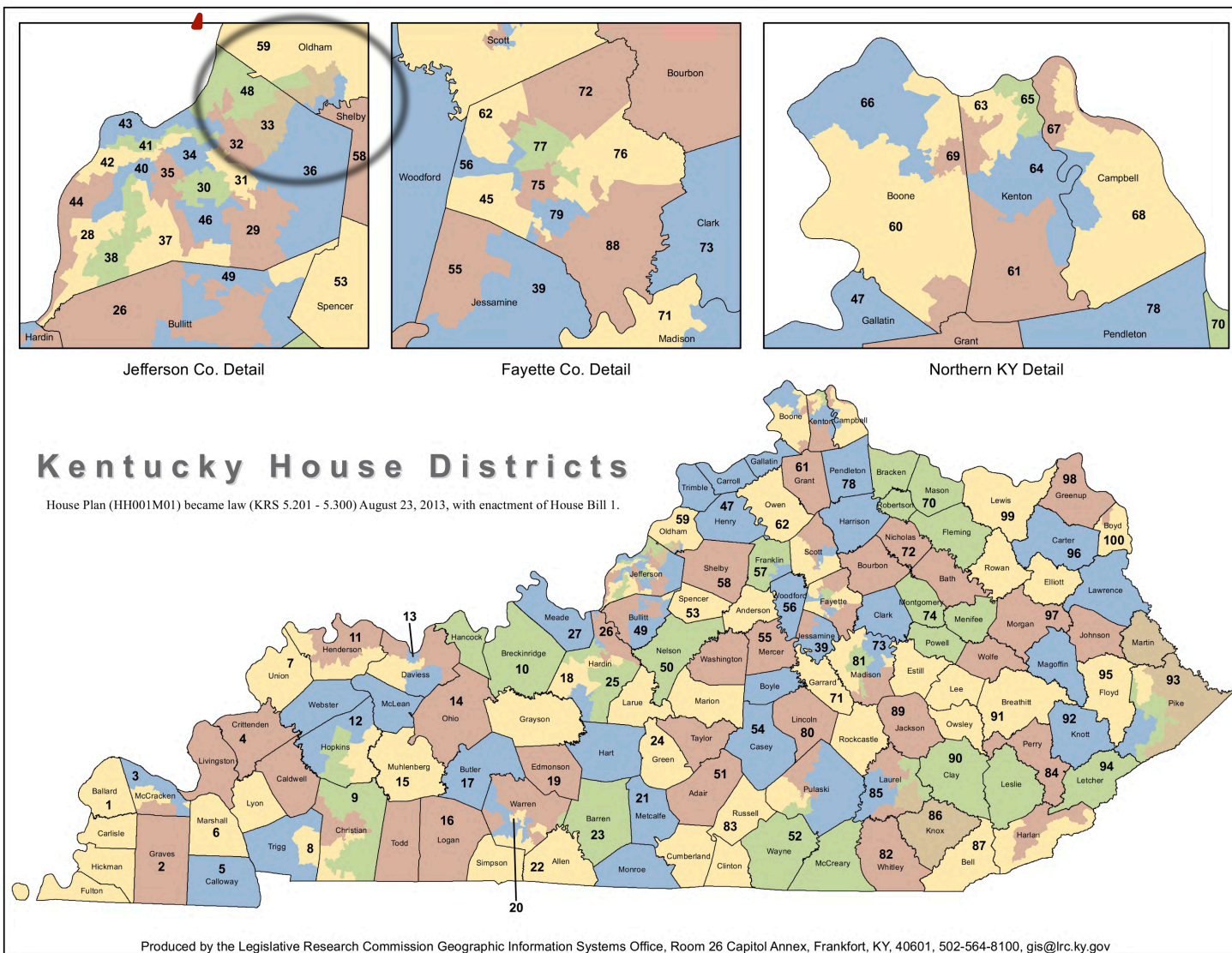
...And none in the State Senate



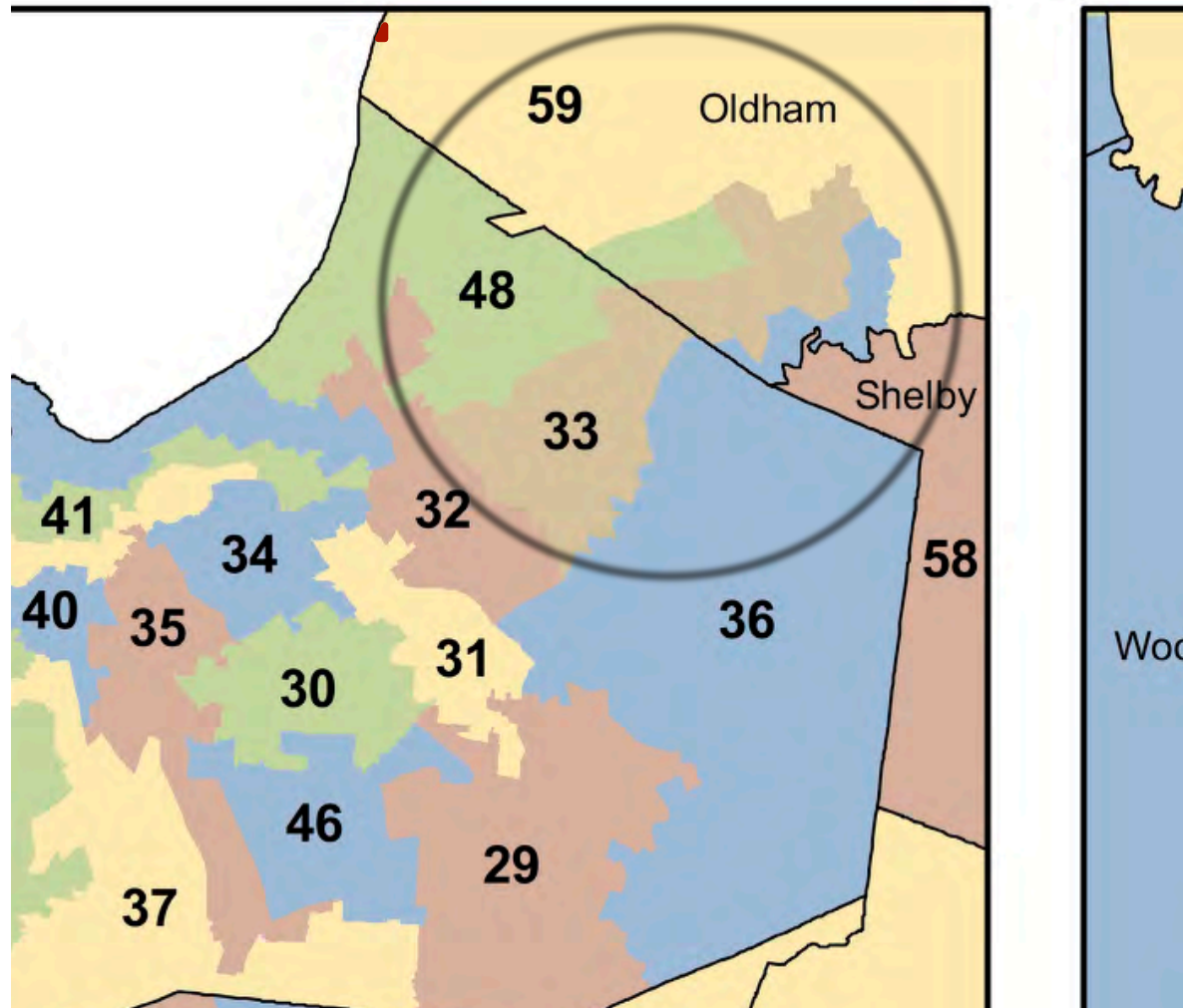
...and State House lines aren't that odd



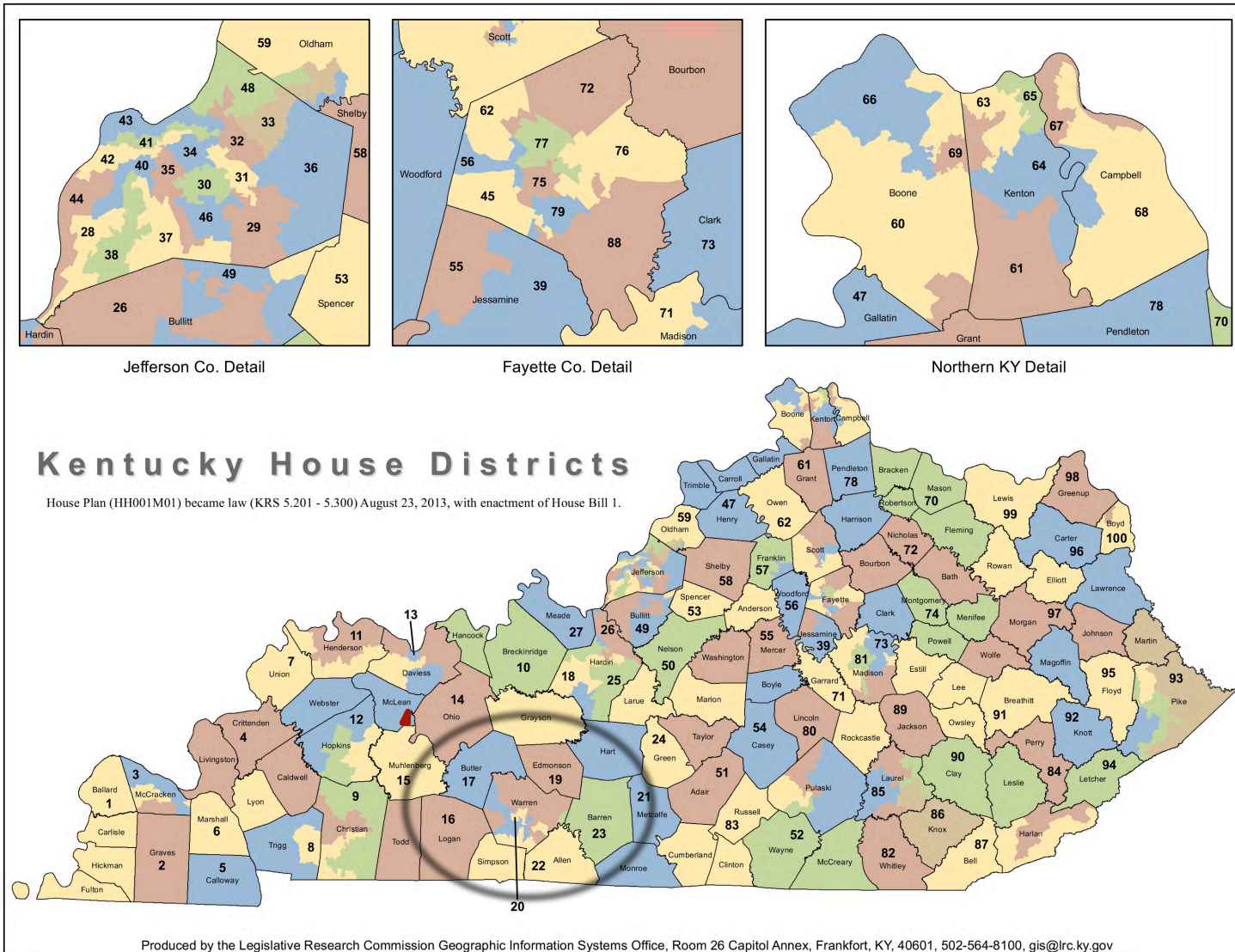
Take 2: We still have some puzzling elements



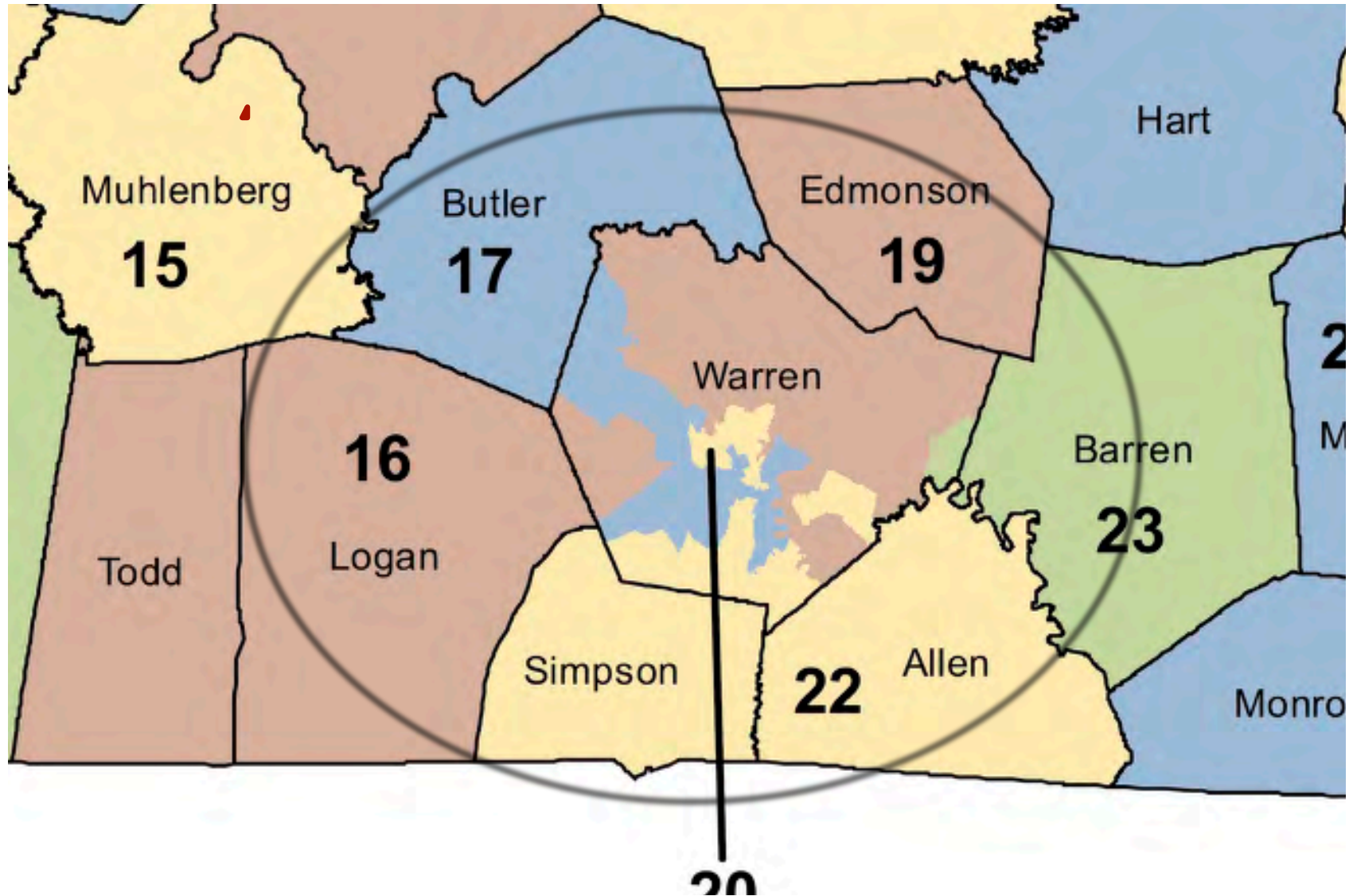
Poked by three Jefferson County “fingers”



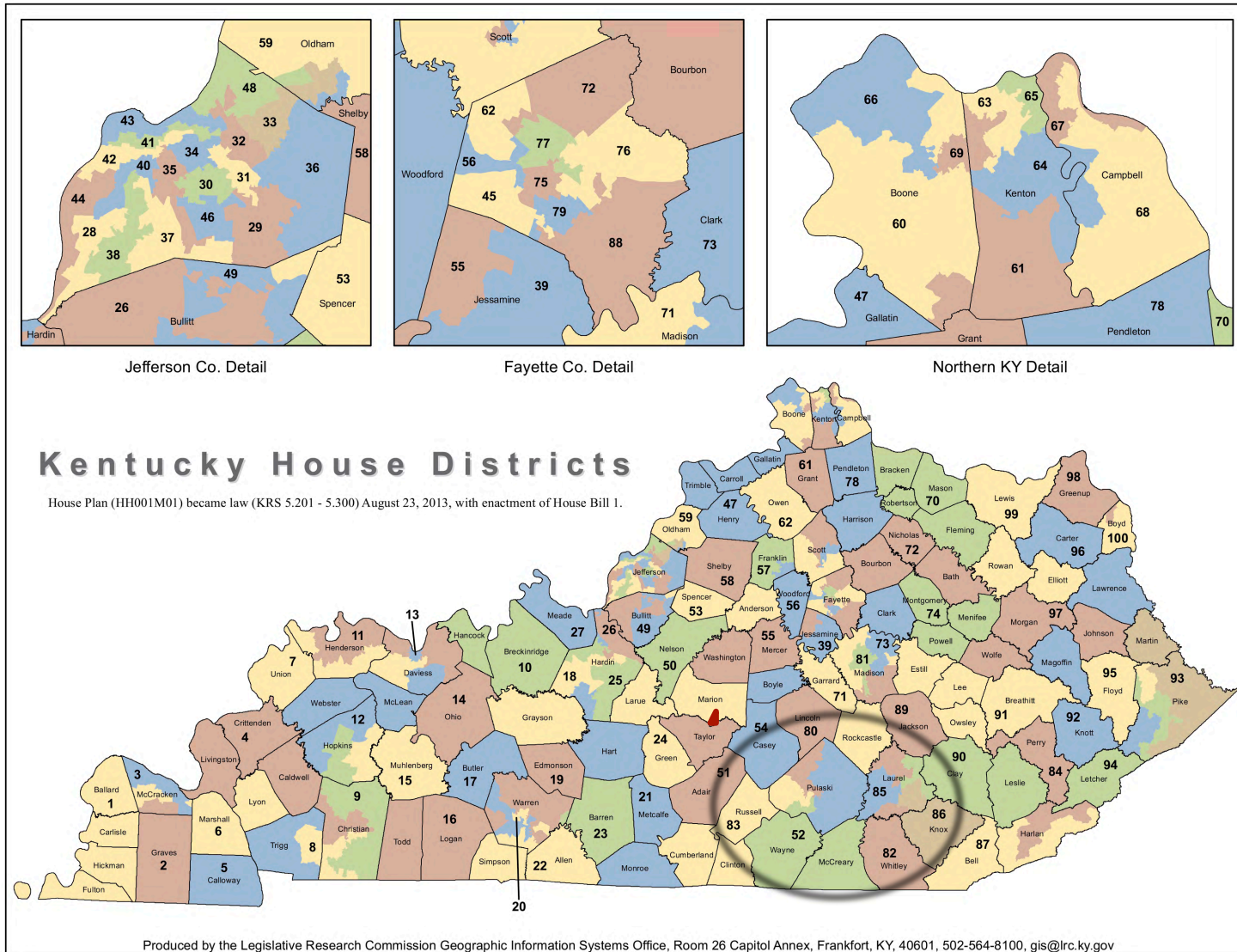
Warren County



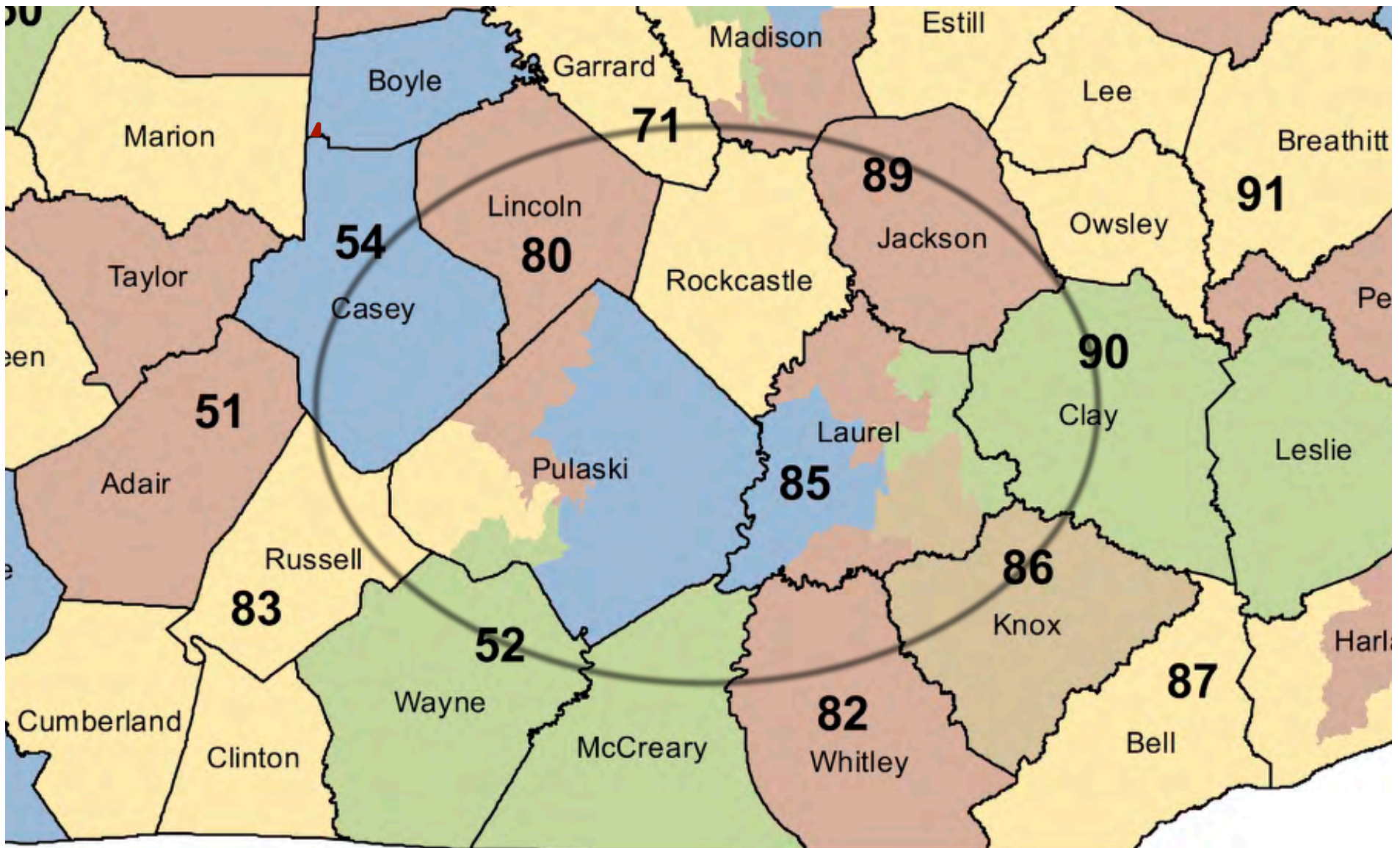
Tentacles around Bowling Green



Laurel & Pulaski Counties



Jigsawed into eight districts over 14 counties



Major idea: big counties as *fair game*

Kentucky has a rule against dividing more counties than necessary...

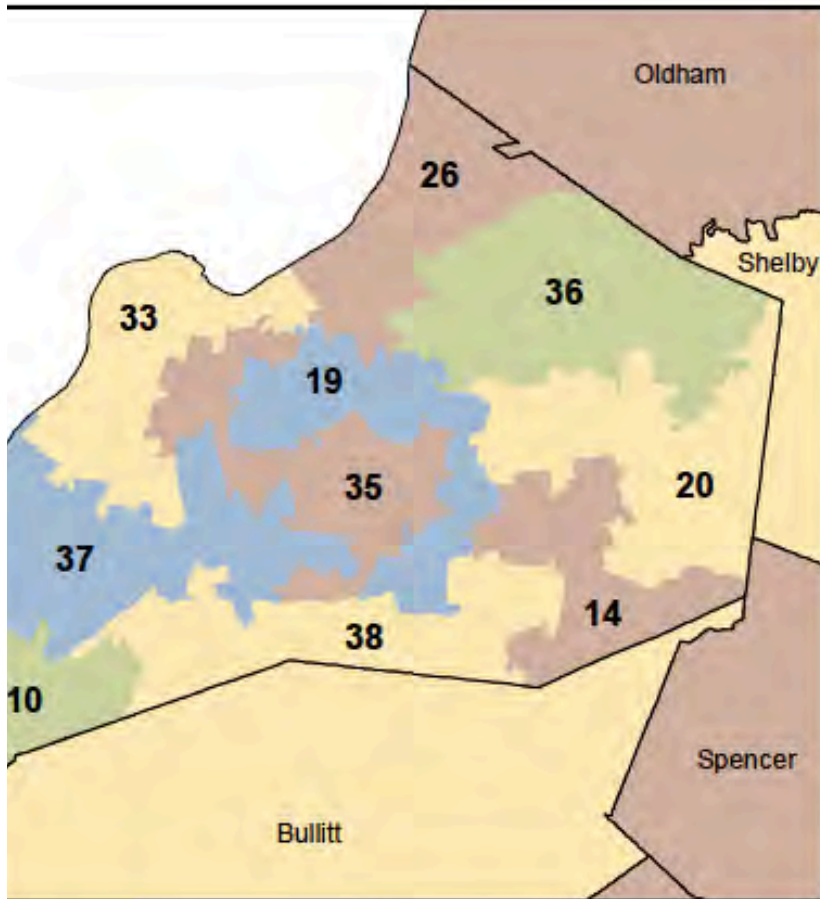
...but no rule about how many times a county can be divided once it's split the first time.

For the House, 20 counties were so big that they had to be broken up.

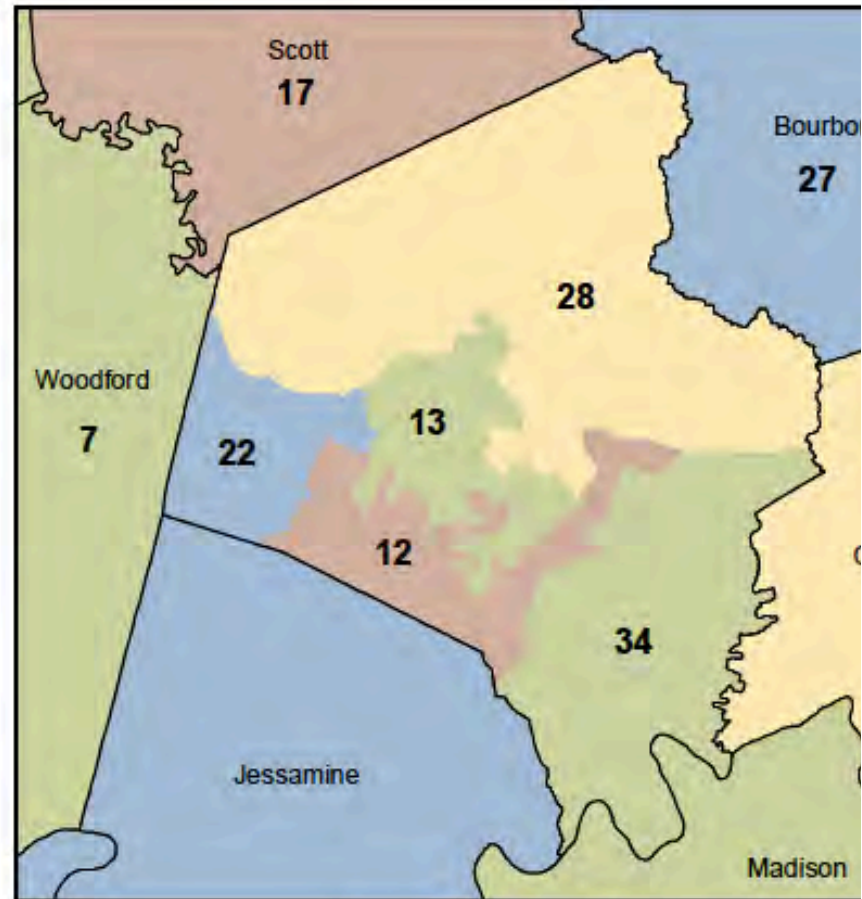
It sure looks like they were considered “fair game” for taking a few voters or a few thousand voters to top up other counties to the required size.

For the Senate, three counties were big enough to be targeted that way.

Senate maps for Jefferson and Fayette

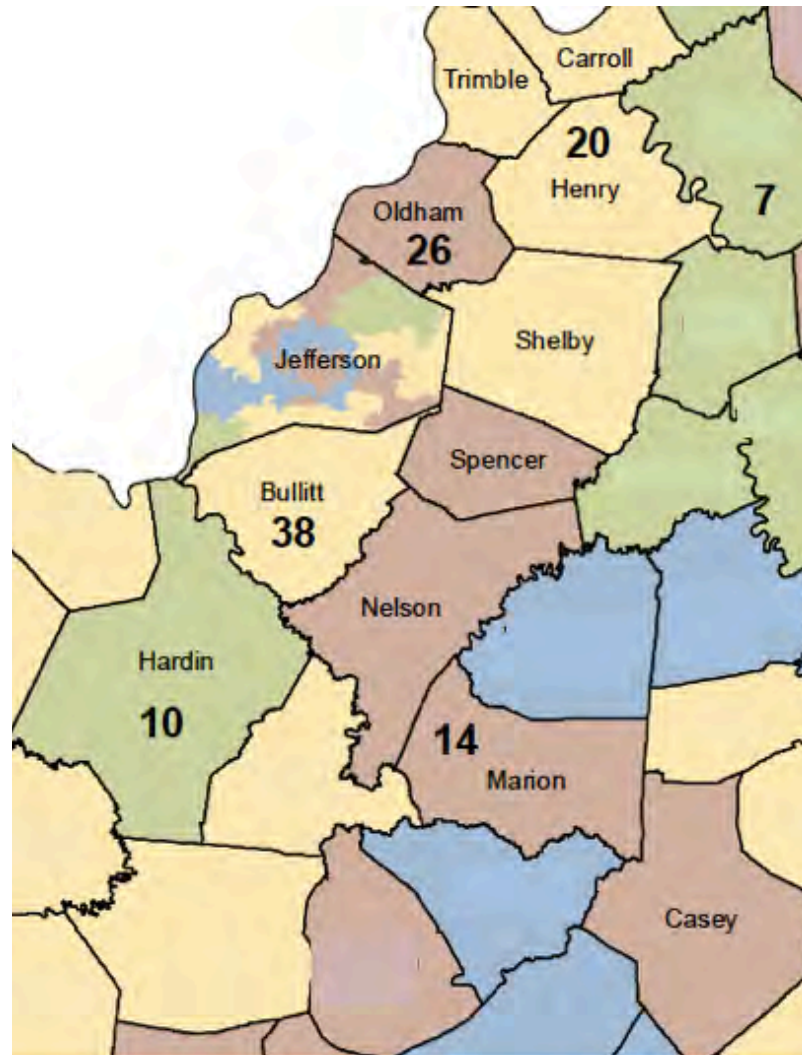


Jefferson Co. Detail

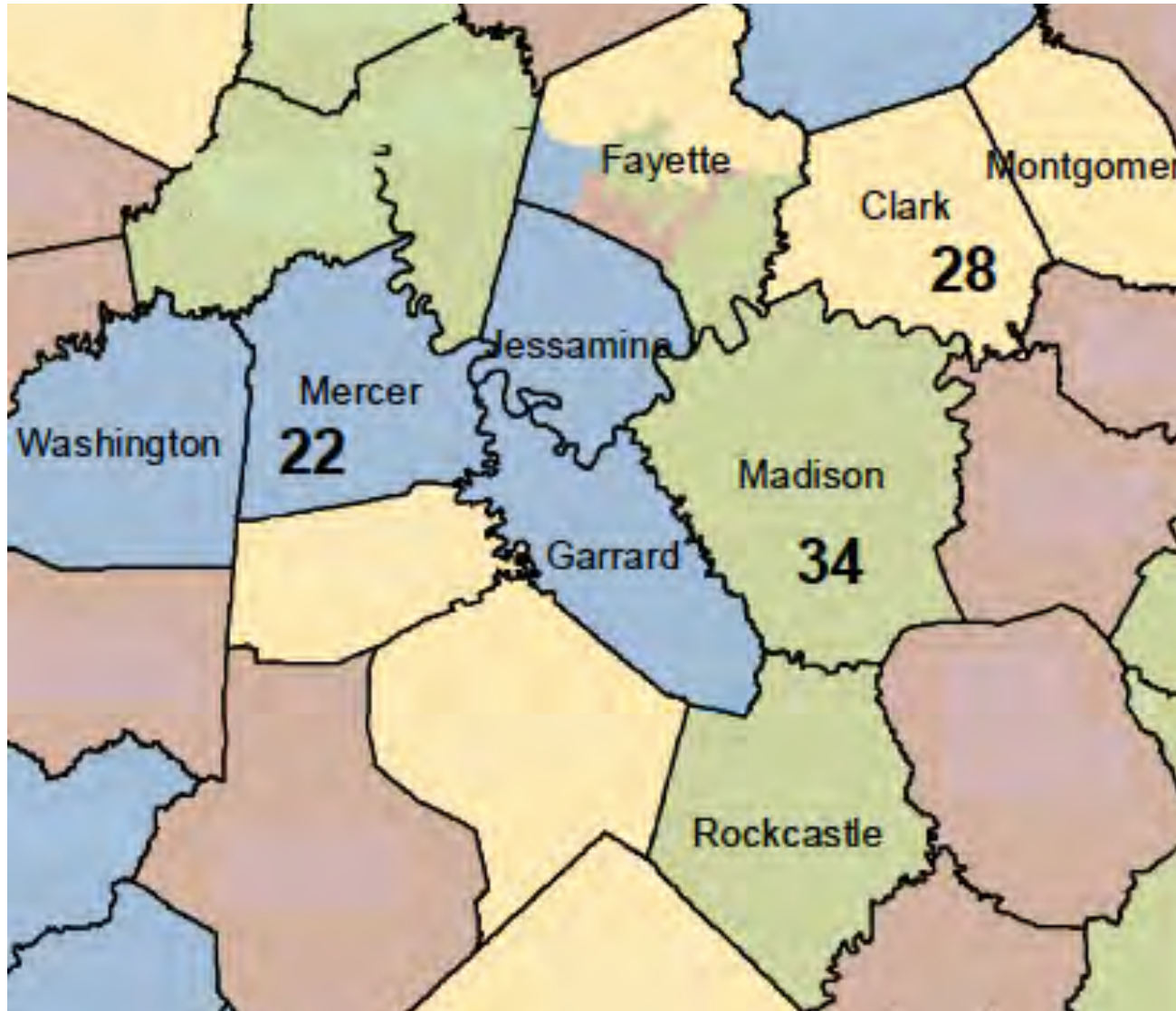


Fayette Co. Detail

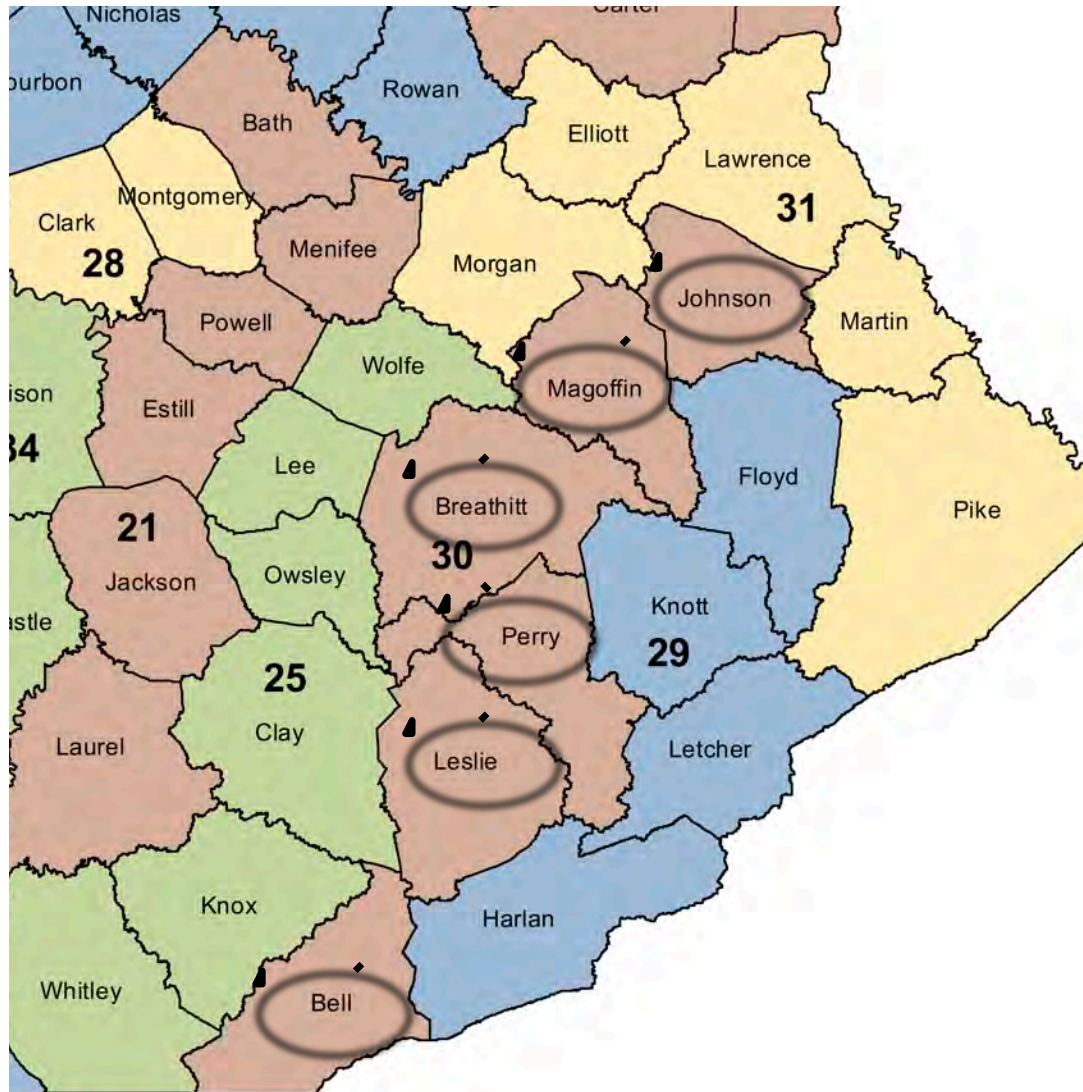
Jefferson: 5 districts inside the county and five more stretch across 11 counties



Fayette: 2 inside, 3 across 8 other counties



One more pattern: Senate “beads on a string”





PROCESS

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2012: Decisions in 18 Days

Jan 3 House Bill 1 assigned to House State Government Committee

Jan 4 House first reading

Jan 5 House second reading

Jan 11 Committee passage of a Committee Substitute

Jan 12 House third reading and passage of Committee Sub

And Senate first reading and bill sent to Senate State & Local Government Committee



2012: Decisions in 18 Days (ontinued)

Jan 17 Senate second reading

Jan 18 Committee passage of (an new) Committee Substitute with an added amendment

And Senate third reading and passage of amended Committee Sub

Jan 19 House vote to accept Senate amended Committee Sub

Jan 20 Governor's signature



2012: Kentucky Supreme Court Ruling

“House Bill 1 violates Section 33 of the Kentucky Constitution in two ways: (1) it fails to achieve sufficient population equality and (2) it fails to preserve county integrity.”

LRC v Fletcher

April 26, 2012



2013: Decisions in Five Days

Aug 19 House Bill 1 first reading and assignment to House State Government Committee

Aug 20 Committee passage of Committee Sub

And House second reading

Aug 21 House third reading and passage of Committee sub version with two floor amendments

And Senate first reading and assignment to Senate State & Local Government Committee

2013: Decisions in Five Days (continued)

Aug 22 Senate Committee passage with an amendment

And Senate second reading

Aug 23 Senate third reading and passage with
Committee amendment

And House agreement with Senate committee
amendment

And Governor's signature



A FEW CONCLUSIONS

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Kentucky redistricting

1. Can yield tangled districts for large counties and long, stretched-out districts (beads on a string) for smaller counties.
2. Can complicate citizen participation in campaigns, elections, and constituent interactions
3. Has been done with a speed that made public awareness, discussion, and input quite difficult
4. Could be done by a slower, more accessible, more transparent process to produce districts where citizen participation is easier