



# Geographic Planning & Demographic Services

Reapportionments | Census | Economic Analysis | Geocoding

## SUMMARY OF 2020 REDISTRICTING CRITERIA

### TRADITIONAL REDISTRICTING PRINCIPALS

The U.S. Supreme Court, in a series of decisions, has validated what is referred to as traditional redistricting principals. They are:

1. Compactness
2. Contiguity
3. Preservation of communities of interest
4. Preservation of cores of prior districts
5. Protection of Incumbents
6. Compliance with Section 2 of the Voting Rights Act
  - a. In 2013, the Supreme Court in the case of *Shelby County v Holder*, struck down as unconstitutional the Section 5 Pre-Clearance covered jurisdiction formula being used for election changes. Since that time Congress has not acted to adopt a new formula and until such time, Section 5 Pre-Clearance is not required.

### OTHER REDISTRICTING CRITERIA

1. One man, one vote principal (+/-5% from ideal district population)
2. State laws governing precincts, precinct splits, use of physical boundaries and census tabulation blocks.
3. State timelines

### RACE AND ITS EFFECT ON A PLAN

Race cannot be the primary consideration in forming districts without regard to traditional redistricting principals.<sup>1</sup> While preservation of the ability of minorities to elect a candidate of their choice is a critical part of any plan, going to extreme lengths that use race as the sole basis for drawing a district in violation of traditional redistricting principals opens the plan up to a Section 2 challenge.

The challenge is to preserve traditional minority voting strengths while adhering to traditional principals of redistricting. This can be difficult if the traditional minority communities have been diffused over time due to out-migration of minorities and/or the in-migration of non-minorities.

The prohibition on using race as a sole factor in redistricting cannot be used as an excuse to develop a plan that ignores or minimizes minorities. For a plan to survive a Section 2 challenge, the plan would have to meet the needs of the minority community and to preserve to the greatest extent practicable their ability to elect a candidate of their choice under current jurisprudence criteria.

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<sup>1</sup> Shaw v. Reno, 509 U.S. 630, 642 (1993)