

REDISTRICTING IN INDIAN COUNTRY



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It is crucial that Native Americans and Alaska Natives have an equal voice in redistricting, to protect the ability of Native voters to elect candidates of their choice. How can your Native community participate in this process? How can you ensure that your political power is protected? This guide explains the redistricting process and how we can all participate.

WHAT IS REDISTRICTING?

Redistricting is the constitutionally required redrawing of the geographic lines that divide districts for the U.S. House of Representatives, state legislatures, county boards of commissioners, city councils, school boards and other local bodies. It usually takes place every ten years, after the United States conducts a census to determine how many people live in the United States and its territories.

The main goal of redistricting is to ensure that districts have approximately the same number of people. This protects the American constitutional right to have a vote that is equal to any other person's vote. By redrawing the lines every ten years, the government can make changes based on where people have moved or where populations have increased or shrunk.

WHY IS REDISTRICTING IMPORTANT?

Redistricting matters because it controls access to political representation in the United States. It influences who runs for office and who is actually elected. Elected representatives make many decisions that influence our daily lives, from acknowledging tribal sovereignty to honoring treaties to protecting our environment. And the people who live in the representative's district can call on them to help make positive change.

When people are represented through districts, the U.S. Constitution requires that those districts have roughly equal populations. This requirement ensures that each person's vote is worth the same as any other person's. Because populations change over time, districts have to be redrawn. Otherwise, the voting power of a particular community would be diluted. For example, without redistricting one state legislator might represent 45,000 constituents, while another only represents 20,000. The people in the smaller district would have disproportionately more representation, making the system unfair.

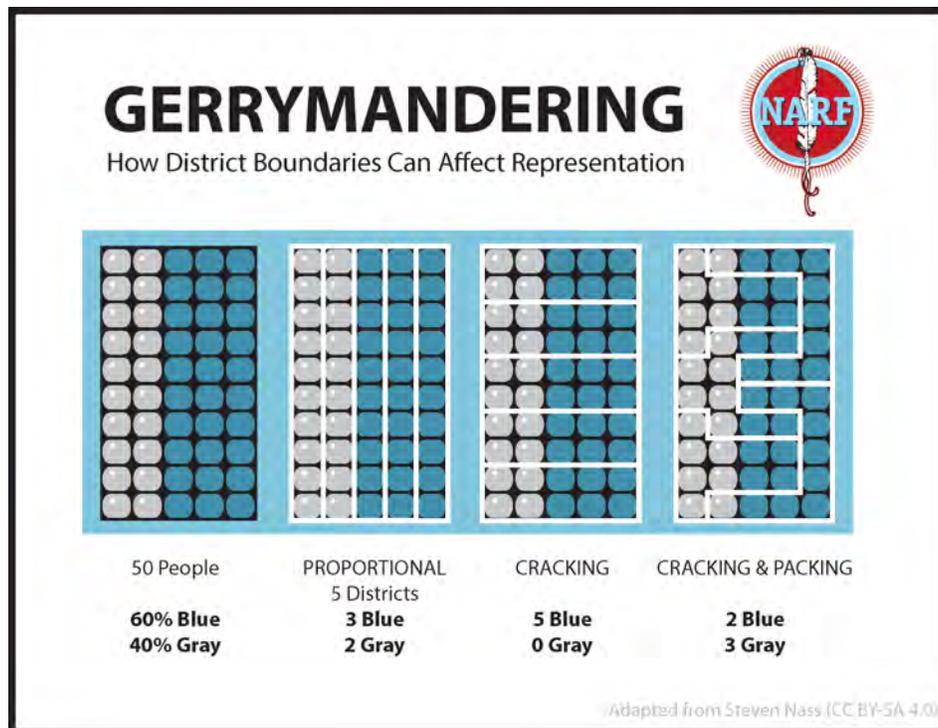


WHAT ABOUT GERRYMANDERING?

Even when districts have nearly equal populations, a map can still limit a certain group's political power. This abuse of redistricting is called *gerrymandering*. Often it is used to exclude communities from political power completely. Even if we have 100% voter turnout in an election, gerrymandering can mean that we still lose, if the system is rigged against us.

Maps often dilute votes in two ways. First, a map can “crack” minority voters into many districts, where they are a small percentage of the population in each. This leaves them unable to elect their representative of choice, despite having enough votes to do so. In the image below, gray voters have been cracked in the third map, leaving them without control of any districts, even though they represent forty percent of the population. Second, a map might “pack” minority voters into one district, when if they were spread out in multiple districts they would have more political power. In the final map in the image below, most of the blue voters have been packed into two districts, and the rest of the blue voters have been cracked up in the other districts. This leaves the blue voters with forty percent of the districts, even though they are sixty percent of the population.

When voters are unfairly “packed” or “cracked,” even turning out every voter usually will not be enough to win an election. This is why redistricting is so important.



In order to prevent this sort of gerrymandering, it is necessary for Native Americans to advocate for their communities in the redistricting process. This is our chance to create a fair system that will stay in place for the next ten years.

WHO IS IN CHARGE OF DRAWING THE LINES?

Each state has different rules about who is responsible for drawing new lines. In many states, the state legislature draws lines for congressional districts and for state legislative districts.

In some states, including Alaska, Arizona, and Montana, special commissions draw new district lines. These commissions are made up of non-elected officials who are selected specifically to draw these maps. You can learn about many states within Indian Country at <https://vote.narf.org/redistricting/> or <https://redistricting.ils.edu/redistricting-101/who-draws-the-lines/>.

And at the county and local level, maps are usually drawn by county and local officials.

But just because these officials get to make the final decisions doesn't mean they make them alone. Many states have requirements for public hearings and public comment, giving you a chance to voice your opinion on draft maps or even submit a proposed map of your own.

WHEN DOES REDISTRICTING HAPPEN?

Redistricting takes place at least every ten years after the census is completed and the states know their populations. Every state has its own timeline for when maps should be finalized, but most are in 2021 and 2022. The COVID-19 pandemic has delayed the process of reporting the census results, which pushes back when states can start the redistricting process. Currently, we expect that census results will be released in September 2021. Even though the process may be behind schedule, you and your community can start getting involved now.

WHAT ARE THE RULES FOR DRAWING THE LINES?

Each state has its own rules about how to draw maps. But there are three federal rules that must be followed when redistricting in every state.

- **Single-member districts (Congress only)** —All seats in the U.S. House of Representatives must be elected from individual districts. Two or more representatives cannot represent the same district. In states that have only one seat in the U.S. House, every voter in the state votes in that election and no redistricting is required. Note that redistricting for state, county, and local government may not have this rule.



- **One person, one vote**—Districts must have roughly equal populations. This applies to congressional districts, state legislative districts, county board of commissioner districts, local school board districts, and more. However, this requirement doesn't always mean that every district must have the exact same number of people. Maps for congressional election must have populations as close to equal as possible. State, county, and local plans may have districts with total population deviations up to ten percent of the size of an ideal district.
- **Section 2 of the Voting Rights Act (VRA)**—This law prohibits redistricting plans that dilute the power of a person's vote due to their race or ethnicity. A map violates this law if members of one race (such as Native Americans or Alaska Natives) have less opportunity to elect representatives of their choice than other groups of voters do. In order for this rule to apply, the minority group must be relatively geographically compact, generally support the same candidates, and have enough people to be a majority in at least one district. When considering whether it is possible to draw a majority-Native district, determine the percentage of people of voting age who are Native, not just the overall percentage of Native people in the district. Fifty percent of the total population may not be enough.

When Native Americans meet these requirements, they may be entitled to a district in which they have the opportunity to elect their candidate of choice. This is called a "majority-minority district." In drawing an effective majority-minority district, you should consider the percentage of Native people who are of voting age, not just the overall percentage of Natives in the district. Make sure to also factor in registration and turnout rates when determining how many Native voters need to live in a district in order to have equal opportunities to elect candidates. This number could be lower than fifty percent if some non-Native voters usually support the Native-preferred candidate, or it could be considerably higher if Native turnout and registration rates are lower than average.

NARF can help you determine whether this legal protection applies to you and whether a potential district would be an effective Native-majority district. Contact us at vote@narf.org.

Each state also has rules that must be followed in redistricting its districts for U.S. Congress, state legislatures, and county and local bodies. Some of the most common rules are explained below, but your state may have different rules. It is really important to know what rules apply in your state or county. Not only must the redistricting officials' map follow these rules, but any map that you suggest should follow them as well.

- **Compactness.** This term describes a district's shape. There are many ways to measure compactness. Usually, analysts consider how far away the different parts of the district are or how long the perimeter of the district is to determine how difficult it is for one elected official to represent the district. While compactness is important in many states, it may sometimes be overridden due to other redistricting criteria, resulting in large and/or strangely shaped districts.



- **Contiguity.** Every part of a district must be physically connected. A district may not consist of two different areas of land that are not adjoined. However, a district can be split by water—this ensures that islands can be part of larger districts.
- **Communities of Interest.** A community of interest is a group that shares similar interests, such as economic, cultural, social, language, or demographic interests. It is a group of people who would benefit from having the same representative. Indian reservations or Alaska Native villages are likely a community of interest, although your community may be larger than the reservation itself. For example, a nearby border town with a substantial Native population may still be considered part of a community of interest.
- **Equal Population.** In addition to the federal equal population requirements, some states impose their own requirements on how close districts must be in population.
- **Respecting Existing Boundaries.** Some states require that redistricting follow existing political boundaries (such as counties or towns) or geographic features (such as rivers) where that is possible. A reservation itself may be a political subdivision, as are any tribal subdivisions of that reservation.
- **Preserving Cores of Prior Districts.** Some states require that new maps preserve the cores of prior districts—this generally has the result of protecting the existing legislators by keeping their new districts similar to the old ones.
- **Competitiveness.** Some states prioritize competitiveness, meaning that candidates of either major political party have a reasonable chance of winning in a particular district. A district that always votes for the Democrat by large margins is not a competitive district.
- **Nested House Districts.** Some states require that state House districts be nested within state Senate districts. This means that a Senate seat is formed by combining two (or sometimes three) House districts. This rule applies to states and doesn't apply to U.S. congressional redistricting.
- **Prohibition on Use of Partisan Data.** Some states now prohibit the use of partisan data entirely, including prior election results or the addresses of incumbent legislators.
- **Prohibition on Partisan Gerrymandering.** A new criterion in some states prohibits “partisan gerrymandering,” purposefully drawing maps that advantage or disadvantage one political party.



HOW CAN I PARTICIPATE?

Even though redistricting officials are in charge of making final decisions about how to draw district lines, everyone can and should participate in that process. Tribes, individual people, and groups can tell officials how they think the district lines should be drawn.

In order to participate, you first want to learn the basic rules of redistricting. Many of those rules are summarized in this packet. However, they are different for every state.

Next, you should organize your Native community. Find others who are interested in redistricting and educate your neighbors about why this process is important for Indian Country. As a community, you should talk about your goals. What issues are important to you—clean water, education, child welfare? What levels of government control those issues? Do you want to propose a single district or an entire map?

Part of this advocacy will require you to define your community. The people living on your reservation or in your village may be in your community. But there may be others as well. Think about what other reservations, towns, villages, or areas have similar, shared interests.

Once you've defined your community, you can advocate to the redistricting officials and to the public generally that your reservation or village should be kept together in a district. Or, if you have a large community, you may want to provide advice about how to fairly divide the community into multiple districts that maximize your political power.

NARF has prepared guides to help you organize and prepare redistricting testimony. We also have several state-specific guides to the redistricting process. All of these materials and more can be found at <https://vote.narf.org/redistricting/>.

Redistricting is a powerful tool that can be used to suppress or advance Native political power. You have the ability to make a meaningful impact on how your community is shaped for the next 10 years. We are here to help.

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More information available at <https://vote.narf.org/redistricting/>.

Contact us at vote@narf.org.

