

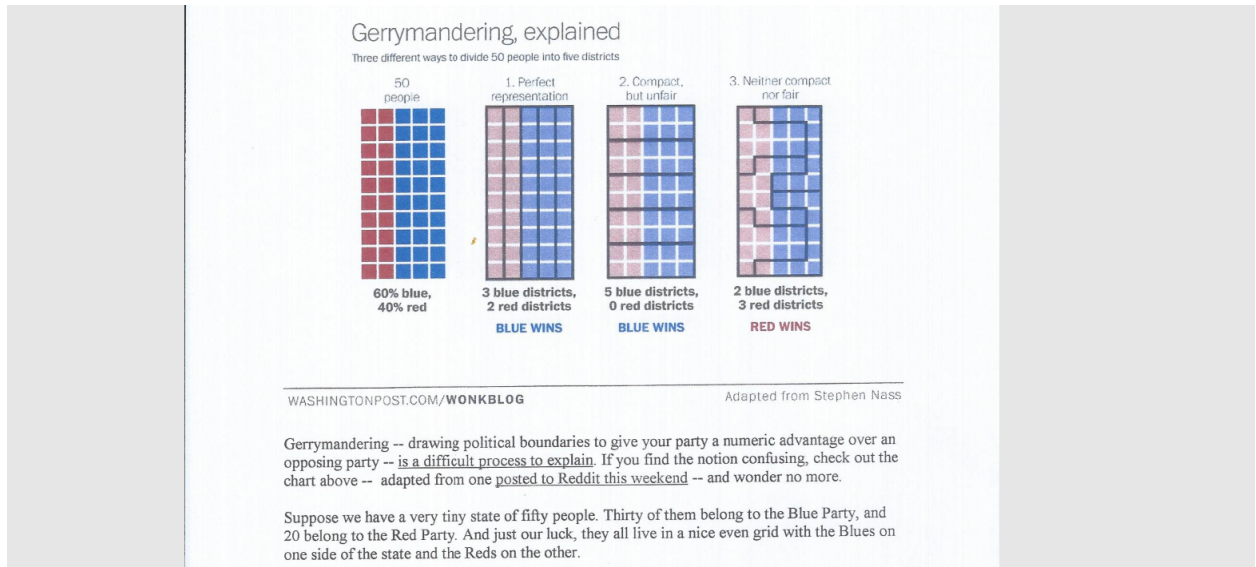
In the 2018 general election, Alabama votes were about 40.1% Democrat, and about 59.9% Republican. However, 72% of state legislative seats went to Republicans, and 85% of Congressional seats went to Republicans. How did this happen? It happened due to a legislative district building technique commonly referred to as “gerrymandering.” Gerrymandering is named after an early governor of Massachusetts, Elbridge Gerry, who devised a very strange looking district to advantage his own political party. The district resembled a salamander, and so earned the nickname “gerrymander,” from Gerry’s name.

The opposing political party coined the term “gerrymander” by combining the Governor’s name with the “salamander” shape of the district.



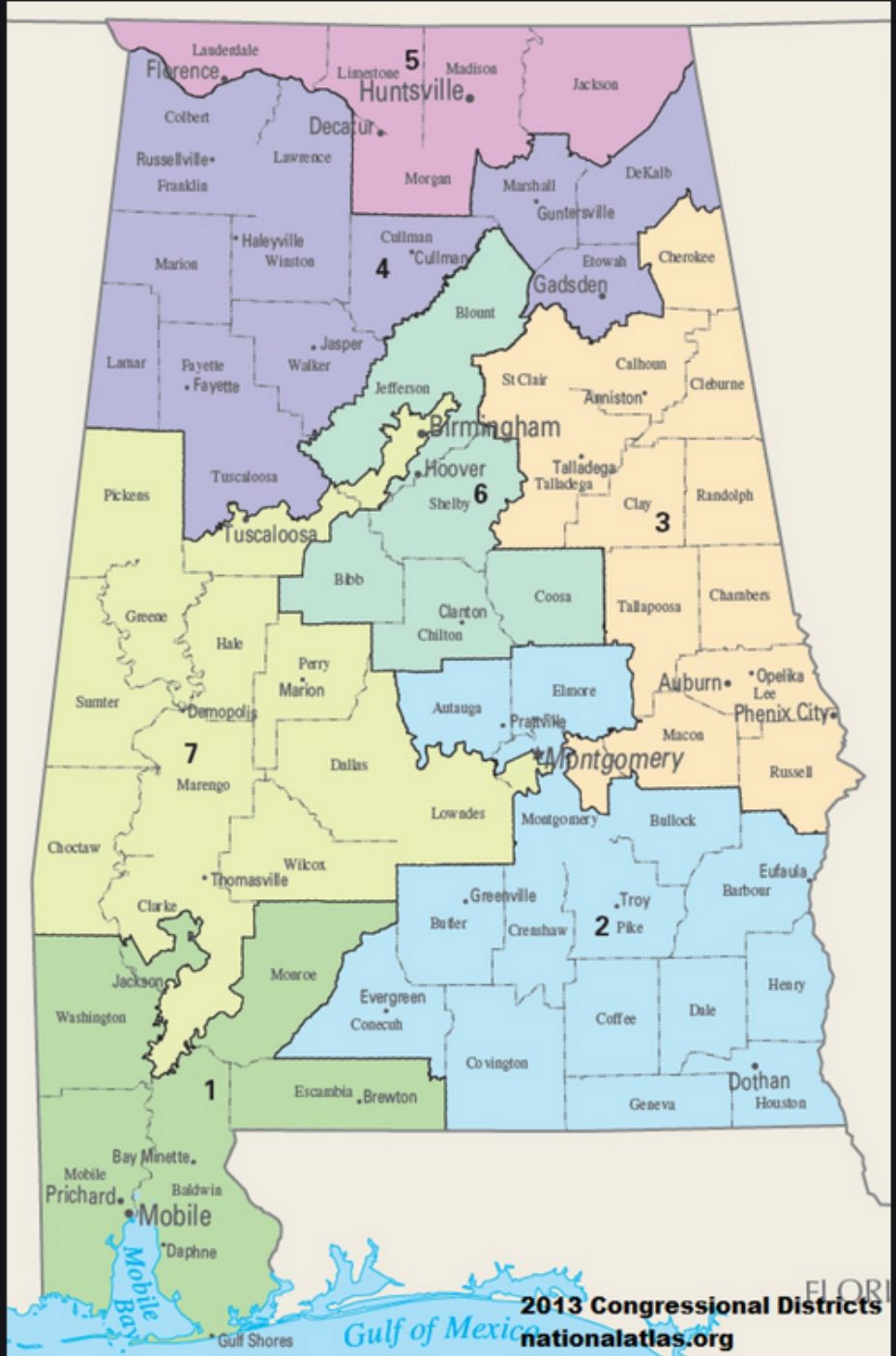
Massachusetts Governor Elbridge Gerry and the “gerrymander” political cartoon. (John Vanderlyn, Elkanah Tisdale)

What is gerrymandering? It is a technique to draw legislative districts in such a way as to maximize the number of districts that have a voting majority of one party. This is done by “cracking” and “packing.” Cracking is the division of an area containing a concentration of voters of the victimized party, so that pieces of that area are distributed into districts “safe” for the controlling party. Packing is the creation of districts that contain as many voters of the victimized party as possible, in order to minimize their ability to influence outcomes in other districts. In the hypothetical example shown below with 50 voters, 30 Blue and 20 Red, if Party Blue is controlling the districting or redistricting process, you might end up with 5 districts, each of which has 6 party Blue voters and 4 party Red voters. Party Blue would control all the districts. The picture also shows other examples of redistricting strategies, one equitable, and one advantaging Party Red. In this last one, Blue voters are packed into two overwhelmingly Blue-majority districts so that Red voters can outnumber the remaining Blue voters in the other three. There are constraints on this process. In Alabama, and in most other states, an approximately equal number of people must live in each district, and a district must be contiguous. That means that a district cannot be made up of pieces cut off from each other. Most states also mandate that a district be “compact” to minimize the distance between any two points in it, and that it respect geographical and political communities of interest. In practice, these constraints, not precisely defined, are often flouted. The US Supreme Court has also ruled that racial gerrymandering is not allowable. That is, redistricting to minimize the influence of, say, African American people in Alabama, is illegal.



Redistricting in Alabama is the responsibility of the State Legislature. The legislature has a standing committee on redistricting, called the “Permanent Legislative Committee on Reapportionment.” It includes members of both Houses (three each), appointed by the Lieutenant Governor and the Speaker of the House, respectively. During the redistricting following each US census, the committee expands. It then includes a member of the House from each congressional district, a member of the Senate from each congressional district, and four members from each House, appointed by the Lieutenant Governor and the Speaker of the House, respectively. The committee is to “make a continuous study of the reapportionment problems in Alabama.” It reports to the legislature whenever it deems necessary. The legislature votes on the redistricting plan, which is then signed or vetoed by the governor.

The practical effect of the contiguity constraint in Alabama is that in areas of highly concentrated Democratic voters, like the Black Belt in South Alabama, there are districts packed with Democrats. It is not possible to crack up these areas and assign them to safe Republican districts (it would also violate the prohibition against racial gerrymandering, as these areas have a large African-American population). In urban areas, such as western Madison and eastern Limestone counties, it is easier to crack an area demographically Democratic and assign pieces of it to surrounding Republican areas so that most districts end up reliably Republican. Alabama uses a very tight equal population constraint ($\pm 1\%$) in order to justify non-compactness and breaking up geographical and political communities of interest. See Alabama Congressional districts below. Note the 2nd, 6th, and 7th districts, especially how the 7th snakes through Birmingham. The 7th district is the only one in Alabama represented by a Democrat (Terri Sewell), and she was unopposed in the last election. Looking at the vote tallies for US President in the last three elections (70%-72% Democrat), the district is packed overwhelmingly with Democrats. It is surrounded by safely Republican districts.



Wikipedia

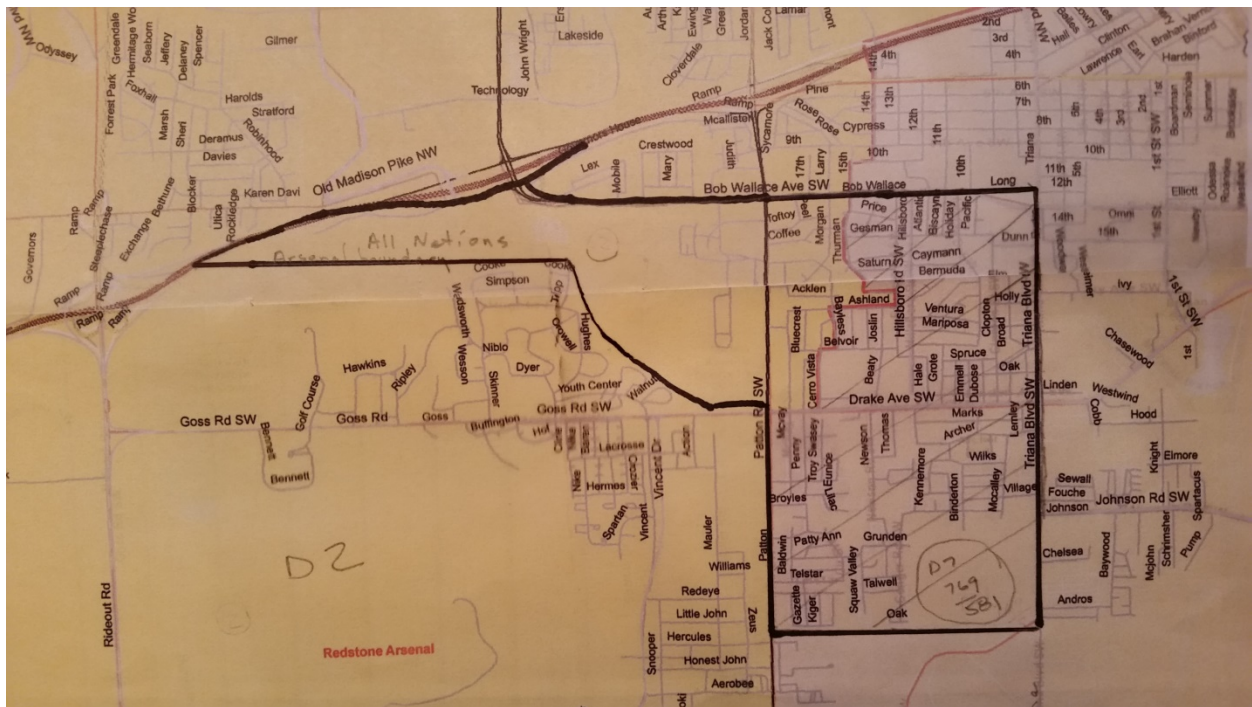
The League of Women Voters, Tennessee Valley, has done a detailed analysis of Alabama State Senate District 2. In the 2018 general election, District 2 votes for State Senate were 26,911 for the Democratic candidate Wasyluka versus 31,997 for the Republican candidate Butler. District 2 has a rather irregular shape, partly due to the fact that precincts lying along its edge tend to be split: different sections of each precinct are placed into different representative districts. The precinct voting at All Nations Church, for example, voted 1040 to 700 for Democrat Joffrion against Republican Brooks. But 769 Democrats versus 581 Republicans voted in District 7, a safe Republican district, resulting in only 235 votes for Wasyluka (and 148 for Butler). The Oakwood University Church precinct produced 2688 votes for Joffrion versus 437 for Brooks. But 551 Democratic and 60 Republican votes went to District 1, and 1047 Democratic and 179 Republican votes went to District 7. So the Wasyluka versus Butler vote tally here was 1059 versus 220. Looking at all the precincts around the edge of District 2, and reversing the splits so that no precinct voted for more than one state senator, it appears that the election could have been much closer. In Madison County, which has 93 voting precincts, only two are not split among various state senate and house seats. We have not yet looked at the whole state, but in rural areas of North Alabama, which tend to be overwhelmingly Republican, we do not see split precincts. We suspect that these only occur in urban areas in which demographically Democratic areas coexist with Republican enclaves. We hope to interest the LWVAL in tackling analysis of the rest of the state.

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U
1	State Senate Madison County District 2 Precincts Split into more than one state Senate District: vote tallies																				
2									2	1		3	7		8	9	Sen Dem	Sen Rep			
3	Madison County			Maddox	Ivey	Joffrion	Brooks	Wasyluka	Butler	Self	Melson	Orr	Barros	Givhan	Livingston	Scofield					
4																					
5	All Nations Church			1007	736	1040	700	235	148				769	581			1004	729			
6	Calvary Hill Friendship			764	122	778	107	262	79				520	19			782	98			
7	Grace United Methodist			1759	1118	1755	1117	1747	1099	2	0						1749	1099			
8	Madison Baptist Church			1063	1465	1082	1440	1096	1413				2				1096	1415			
9	Madison Mission 7th Day Adv			1048	1027	1042	1028	851	593			457					851	1050			
10	Oakwood University Church			2643	481	2688	437	1059	220	551	60		1047	179			2657	459			
11	Pineview Baptist Church			791	630	797	624	715	620	59	21						774	641			
12	The Dwelling Place			1066	1903	1054	1913	110	98			75	0	1	2616	257	110	3047			
13	Toney United Methodist			759	1351	774	1337	276	304	476	1035						752	1339			
14	West Huntsville Baptist Church			664	348	693	320	144	54				525	184			669	238			
15								6495	4628	1088	1116	534	2861	964	2616	257	10444	10115			
16	Limestone County Precincts wholly or partly in District 2													opposed	opposed						
17																					
18	Athens Rec Center			666	1593	643	1607	59	248	562	1361		3949	2080							
19	Bethel Church of Christ			671	1903	649	1919	628	1930												
20	Capshaw Baptist Church			1216	1418	1208	1412	1220	1400												
21	Copeland Presbyterian Church			285	886	292	873	268	900												
22	Elkton Road Baptist Church			205	672	205	667	62	303	131	365										
23	Isom's Chapel United Meth Ch			383	1104	389	1100	363	1123												
24	Mays Memorial Baptist Church			166	808	154	818	140	832												
25	Wooley Springs Baptist Church			208	1175	225	1161	121	687												
26								2861	7423	693	1726										
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	Sheet1 Sheet2 Sheet3																				

This spreadsheet breaks down each District 2 precinct in Madison and Limestone Counties to show how blocks of votes were moved around. In every precinct that was wholly contained in District 2, the vote tallies for the candidates for State Senate closely followed the tallies for candidates for Governor and for US Representative. These tallies are shown here for the split precincts to illustrate what the State Senate Democratic candidate potentially lost due to the split precincts. Keep in mind that split precincts are not

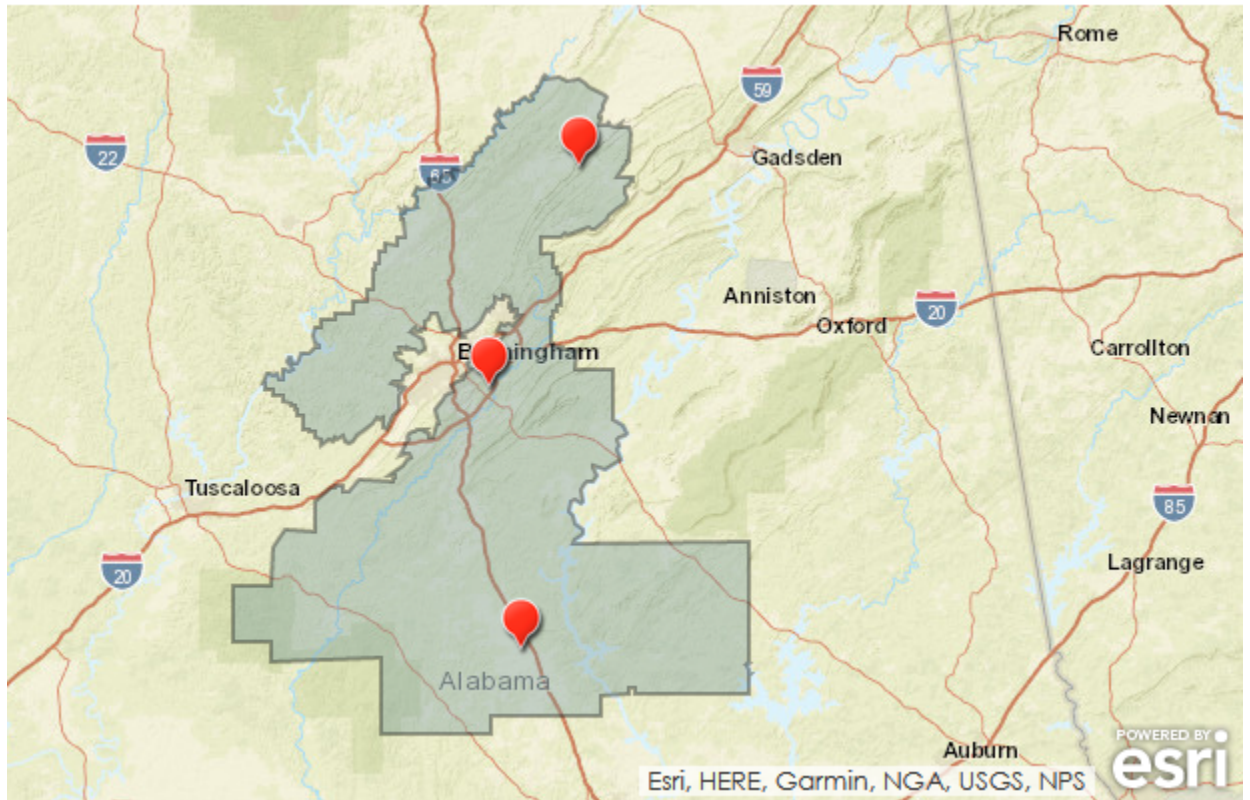
the whole story. Entire precincts can be moved in and out of a district to manipulate the vote total. In this case, the split precinct subtractions in Madison County appear to have been replaced by whole and split precincts in Limestone County. If all the precincts in Madison County that were split had been left in District 2, and Limestone County had been left out, it appears that a Democrat would have won Senate District 2. All types of districts – Congressional, State Senate, State House, county commission, etc. can be drawn completely independently of each other. Lists of voters in each primary are readily available to make estimates of party membership, as are demographics to determine likely affiliations. Even the data available for free on the Alabama Secretary of State website, which is what I am using here, can provide great insights.

Below is a map showing the All Nations precinct in Madison County, and how it is split between State Senate Districts 2 and 7. The precinct is outlined in black. The yellow-colored part of the precinct is contained in District 2. The beige part, most of the rectangular part on the right, is contained in District 7. Note the red line inside the box separating the part of the precinct in District 2 from that part in District 7. The numbers 769 versus 581 are taken from the spreadsheet.



Now I'd like to discuss some analysis I have been doing on Birmingham and the 6th Congressional District. Prior to 1992, the 6th district encompassed all of Birmingham and Jefferson County. Jefferson County as a whole has a solid Democratic voting majority. In the 2018 election, Walt Maddox received 152,103 votes, and Kay Ivey received 105,661. The Democratic margin for Lieutenant Governor was not much different. Depending upon which source you consult, Jefferson County has a population of around 659,000. The population of Alabama is about 4.9 million. One seventh of that, the ideal Congressional district size, is about 700,000 people. So Jefferson County is very close to the size of a district by itself.

However, it would be a Democratic district, and our legislature has a Republican majority in control of redistricting. If you look at the series of slides showing the 6th Congressional District, you will see that they zero in on the “neck” joining the head to the body of an apparent Hammerhead shark.







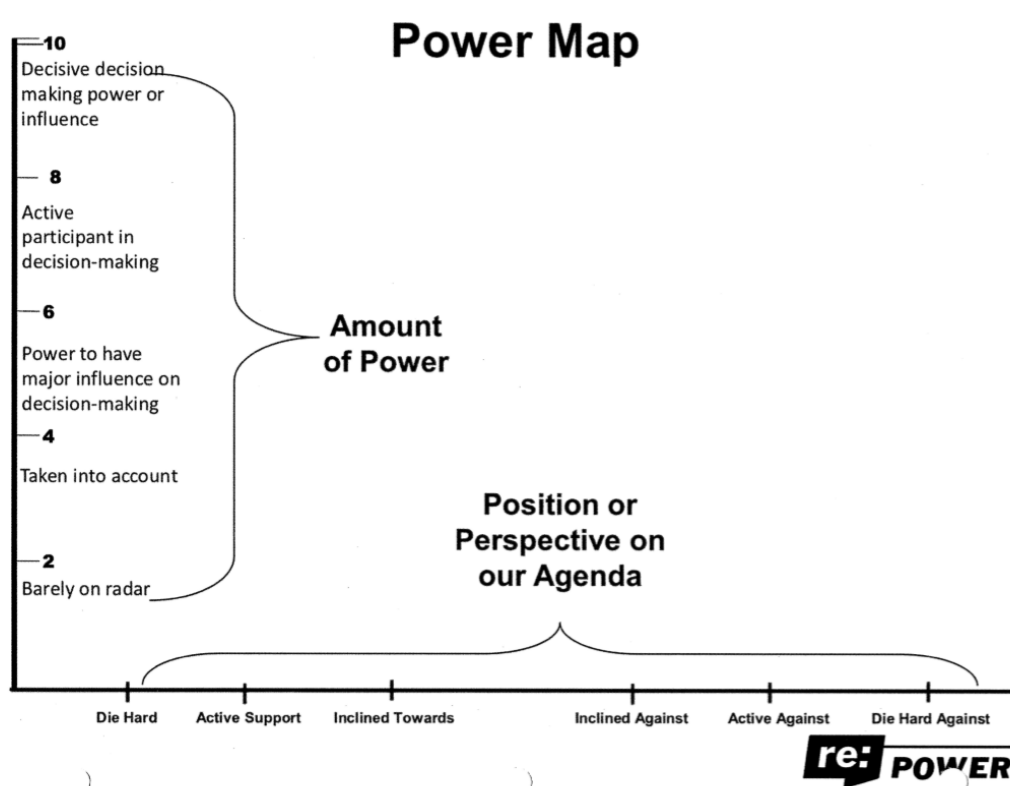
If you look at the slide showing part of a map of Birmingham, you can see a yellow line that traces the very irregular district boundary. The head and the body have pink stickers. These mark typical precinct locations in the 6th district, and they vote Republican. On the district boundary you see green stickers. These mark the locations of split precincts: parts of their populations are in the 6th district, and parts are in the 7th. The precincts themselves straddle the line. The orange stickers mark typical precincts in the 7th district. It will probably come as no surprise to you that those 6th district precincts are majority Republican, and those 7th district precincts are majority Democrat. The bottom line is that Terri Sewell received 91,062 Jefferson County votes in the 2018 election. The portion of Jefferson County in the 6th district gave 55,322 votes to the Democratic candidate, and 96,484 to the Republican. To maintain approximately equal sizes in Congressional districts, the 6th now includes Coosa, Chilton, Bibb, and Shelby counties, all solidly Republican. What you see here is a masterful job of “packing” as many Democratic votes as possible into one Congressional district.

Now we have looked at gerrymandering and seen how it works. We have seen examples of how it affects elections in Alabama. The LWVTNV hosted a presentation by State Sen. Arthur Orr in 2019. When asked about the redistricting methods in the Legislature, he was totally unapologetic, and said the incumbents like it the way it is, so there is no movement toward non-partisan reapportionment. With gerrymandering, the legislators pick their voters, not the other way around. Most districts in Alabama

are either large majority Republican or very large majority Democrat. Both sides tend to protect their incumbency, and have little incentive to change the system. Alabama does not have initiative and referendum, so there is no mechanism by which the citizenry at large could raise the issue and vote to institute fair reapportionment.

The LWVUS began a campaign in October called the People Powered Fair Maps Campaign. The plan is for a three-year campaign with an initial goal of “fixing” the voting rights act that lost preclearance protections for minorities with respect to state changes in voter regulations. This bill is called the Voting Rights Advancement Act (VRAA), and it restores the preclearance requirements that were lifted in the Supreme Court decision on “Shelby County versus Holder” in 2013. The longer term goal is legislation mandating non-partisan redistricting commissions in all the states that do not currently have them. This legislation is contained in the omnibus “For the People” Act. This bill was passed in the House of Representatives in March 2019, and the VRAA (sponsored by Rep. Terri Sewell, Democrat AL) was passed by the House in December 2019. The “Fair Maps” campaign has a multi-pronged approach to achieving redistricting fairness. There are “ballot” approaches in states that have ballot initiative. There are state constitutional approaches in states in which that is feasible. There are state legislative fixes in states where the legislature might be influenced to pass new laws. Finally, there is the federal legislative fix, which could be implemented by passage of the two bills above. Some states are amenable to more than one approach. Alabama has no initiative and referendum, so there is no way for citizens to force a statewide vote on an issue. The state government is overwhelmingly Republican, so there is unlikely to be a state law passed to address the problem. LWVUS has therefore placed Alabama in the group finding ways to push a change in Federal law.

At a workshop in October near Washington, the LWVUS described the campaign and led discussions on how to build coalitions to influence change. Two key subjects were “power Mapping” and “Story Telling.” Power Mapping is an activity that identifies groups and individuals that can influence the outcome of an issue of interest. Power mapping works best in a brainstorming scenario. The group in question is plotted on axes quantifying the extent of its influence versus the current position of the group on that issue. For example, the NRA has enormous influence on gun control legislation, and its position is far away from that of the League. In the chart below, it would be plotted in the far upper right corner.



The next step in power mapping, after all individuals and groups of interest have been plotted, is to assess whether to devote resources to them to draw them into a coalition. To use the NRA example, probably the decision would be not to, since the odds of moving their position would be low. But if you plotted a group like the AMA, there could be some potential to develop it as an ally. Other groups, perhaps the AAUW, might be so aligned that no additional resources are necessary. The end result of a power mapping activity should be a list of groups and individuals to focus on when trying to build a coalition.

“Storytelling” is a powerful activity to persuade groups and individuals to become allies. The story is basically an anecdote about a problem that exists for a real person, that would be resolved by correcting the issue at hand. The example at the workshop was Jimmy Kimmel’s story about his infant son born with a terrible heart problem, and having open heart surgery at three days old. He told the story on live tv in support of the Affordable Care Act, and it resonated with millions of people. He said “if your baby is going to die, and it doesn’t have to, it shouldn’t matter how much money you make, I think that’s something that whether you’re a Republican, or a Democrat, or something else, we can all agree on.” The workshop offered a story connected with gerrymandering: In 1992, the riots in Los Angeles took a heavy toll on many neighborhoods, including the area known as Koreatown. It is estimated that the city suffered damages of more than \$1 billion, much of it concentrated on businesses operated by Koreans and other Asian immigrants. When residents of these neighborhoods appealed to their local officials for assistance with the cleanup and recovery effort, however, each of their purported

representatives – members of the City Council and the State Assembly – passed the buck, claiming that the area was a part of another official’s district. This was because new district lines drawn after the 1990 Census fractured Koreatown. Koreatown, barely over one mile square, was split into four City Council districts and five State Assembly districts, and because Asian Americans did not make up a significant portion of any official’s constituency, officials were left with little incentive to respond to the Asian American community. But here is the story framed with a real person, problem, and twist:

“Johnny Kim owned a restaurant in Koreatown. He was born and raised in California, but he took enormous pride in putting his grandmother’s kimchi stew and fishcakes on the tables for the 100+ customers he served on an average day. His father had opened the restaurant 20 years earlier and his daughter had recently expressed interest in taking over the restaurant as his retirement drew near. On April 29, 1992 – his hope for the future changed dramatically....”

A story has a goal to advance for the person who tells it. It establishes an emotional connection between the story and the audience – in Kimmel’s case, parents of children. It has a main character – baby Billy. It has a challenge – defeating efforts to kill Affordable Care. The audience will be surprised to hear that many children will be denied medical care they need to stay alive if the law is killed. The desired outcome is to preserve Affordable Care in order to save the lives of children.

We need stories to support fair redistricting in Alabama. I think there is a story to tell about Medicaid expansion. The state is almost dead last in maternal and infant mortality rates. Rural hospitals are closing at an alarming rate, and many women have no prenatal or obstetrical care available in their home county. Poor women – those who would qualify for Medicaid – often cannot afford the time or money to travel miles to get prenatal care, and even if they can, there is no guarantee that when they go into labor, that they will make it to a distant hospital in time. Economists have estimated that the economic effects of expanding access to Medicaid, considering that the federal government funds 90% of the cost, would far exceed in Alabama the cost to the state of 10%. Moreover, the reimbursement to hospitals would provide the revenue they need to stay open. I believe that if redistricting were fair, and legislators had to represent their constituents instead of being guaranteed incumbency, the state would reconsider Medicaid expansion. I want the League to come up with stories about real women and families whose lives would be changed if this were achieved.

The “People Powered Fair Maps” Campaign involves every state in the Union and the District of Columbia. It is intended to begin a new, more powerful era for the LWVUS. The league has trademarked the name and logo, and managing its efforts carefully to maintain League control and insure League credit for its successes. All League members have access to the work, but we are asked to protect it. If the League is to become more powerful and influential, it must get public credit for its work. We in Alabama understand that redistricting change in the near term for us can only come from Federal legislation and the courts. But we have the ability to influence at least some of our federal legislators. And our stories could resonate with people all over the United States.