

ACLU of Georgia on Redistricting

Joint Meeting of Senate and
House Redistricting Committees

Christopher Bruce, Policy
Director and Sean Young, Legal
Director

Monday August 30, 2021



ACLU of Georgia: Who We Are

- We envision a state that guarantees all persons the civil liberties contained in the United States and Georgia Constitutions.
- We accomplish this through 1) legal action 2) legislative advocacy and 3) civic engagement.
- We represent ACLU of Georgia members in all 159 Georgia counties.

The Redistricting Process

- On behalf of our members across the state, we are advocating for the following within the redistricting process:
 1. Transparency.
 2. Meaningful public input.
 3. Reflection of the diversity of our state.

Georgia Demographic Changes 2010-2020

Total Population	Percent Change
Total	+10.6%
Non-Hispanic White	-1.0%
Black	+12.6%
Asian	+52.6%
Hispanic	+31.6%

Voting Age Pop.	Percent Change
Total	+14.2%
Non-Hispanic White	+2.4%
Black	+18.8%
Asian	+57.0%
Hispanic	+37.8%

Source: 2010 and 2020 Census Data

Takeaways from Demographic Changes

- Black Voting Age Population grew significantly in the last decade (+19%).
- The House had 45 Black majority districts in 2010. It currently has only 42.
- Despite the growth in Black population, there are fewer Black majority districts in the currently enacted map.
- BVAP has grown mostly in places that were already majority Black, leading to increased packing and overpopulated districts.

Takeaways from Demographic Changes

- The growth in diversity is likely to continue within Georgia's Voting Age Population
 - Among children under the age of 17, one million (46%) are white and 1.3 million (54%) are Black, Hispanic, or Asian.

Risks for Gerrymandering in Georgia

- Georgia, which combines single-party control with rapid growth and population change, is classified as a “highest-risk state” for gerrymandering.
- Although Georgia’s maps may not require preclearance in the next redistricting cycle, this Committee should ensure that maps comply with federal and constitutional requirements to avoid legal challenges.

Legal Requirements for Redistricting

- The maps that are drafted in the upcoming Special Session must comply with the following sources of law:
 - Voting Rights Act of 1965
 - U.S. Constitution

Voting Rights Act Requirements

- Section 2 of the Voting Rights Act requires that people of color have an equal opportunity to participate in the political process and elect candidates of their choice.
- This analysis is based on the “totality of circumstances.”
- Section 2 forbids redistricting maps that **dilute** the voting power of people of color.

Voting Rights Act Requirements

- Vote dilution may be established if the following preconditions (the “*Gingles* preconditions”) are met:
 - a district can be drawn in which a minority group is sufficiently large and geographically compact to constitute a majority;
 - the minority group is politically cohesive; and
 - white majority voters vote sufficiently as a bloc to usually defeat the minority group’s preferred candidates.
- These preconditions, along with an analysis of the totality of circumstances, can show that there has been a violation of the Voting Rights Act.

Voting Rights Act Requirements

Vote dilution that violates the Voting Rights Act can take many forms.

- **Cracking** refers to fragmenting concentrations of minority populations and dispersing them among other districts to ensure that districts remain majority-white.
- **Packing** refers to concentrating as many minorities as possible in as few districts as possible to minimize the number of majority-minority districts.
 - Note that legislators should not artificially create high levels of minority vote concentrations in a district in an attempt to avoid Section 2 liability without properly accounting for the *Gingles* preconditions.

U.S. Constitutional Requirements

- The U.S. Constitution requires that redistricting plans adhere to the principle of “one person one vote”—the idea that individuals have equal representation in legislative bodies.
- Race generally cannot be the **predominant** factor in drawing district lines, unless the use of race is narrowly tailored to achieve a compelling state interest.

Georgians Want Fairness & Transparency

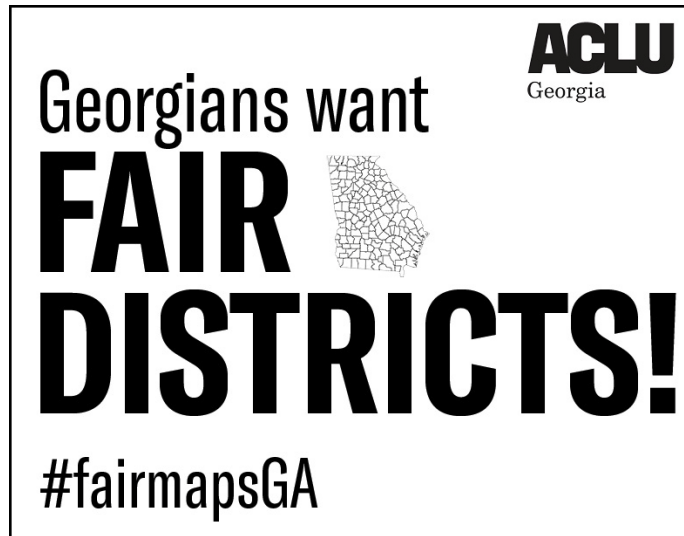
- The public is entitled to see the criteria used to draft maps and provide substantive feedback on draft maps before a final vote takes place.
 - Draft maps should be publicly available and easy to decipher for members of the public- this has not been the case previously.
- Transparency also requires that the public receive adequate notice of meetings and that the meetings be easily accessible to all.

Maps Must Reflect Diversity

- Keep HBCUs and diverse colleges in the same district.
 - Makes voting and civic engagement more easily accessible for students.
- Examples:
 - The Atlanta University Center (Spelman, Morehouse, Clark Atlanta, Morehouse School of Medicine, Morris Brown)
 - Albany State University
 - Fort Valley State University
 - Paine College
 - Savannah State University

Georgians Deserve Fair Maps

- In the current atmosphere, with so much misinformation, transparency and fairness are key to preserving faith and confidence in our democracy.
- With the growing diversity of our state, maps that are drawn in 2021 must ensure that voters of color have the same opportunity to elect candidates of their choice as white voters do.
- **Fair maps are crucial to preserving our democracy.**



QUESTIONS?