

Congressional Redistricting

Representation in the US House of Representatives

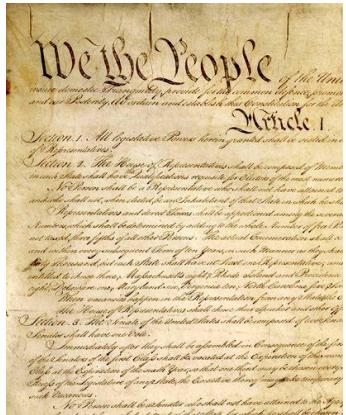
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League of Women Voters of Butte County

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The US Constitution

Article 1, Section 2

- ▶ “Representatives shall be **apportioned** among the several States according to their respective numbers”
- ▶ The **actual enumeration** shall be made . . . every subsequent term of ten years”
- ▶ “The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative”

Dividing Up the Seats

- ▶ First census 1790, House membership set at 105, with each state given 1 seat per 33,000 inhabitants. As population grew, number of House seats increased . . .
- ▶ . . . until **1911**, when House membership was set at **435** and has been there since: now a **zero-sum game**
- ▶ **1910 – 1930**: big population shifts reapportioned many seats to cities and fast-growing states like California
- ▶ **2020** reapportionment: average of **761,169** people in each House district!

House Malapportionment

- ▶ Many districts had **unequal populations** until . . .
 - ▶ *Westberry v. Sanders* (1964):
states must base apportionment on population or violation 14th Amendment equal protection - **one person, one vote**
- ▶ **Who should be counted?**

Entire population (Ds) or just citizens (Rs)?
2016: Supreme Court finally said must count whole population.

Few Guidelines for Redistricting

Sometimes contradictory and not always followed

- ▶ **Contiguous and Compact**
 - ▶ 1901 Reapportionment Act – seldom enforced
- ▶ Respect for **political communities** (towns, cities, counties)
 - ▶ may challenge equal population goal
- ▶ **Equal population** in each House district (the only rule required by Supreme Court)
 - ▶ may have to ignore community boundaries

Gerrymandering

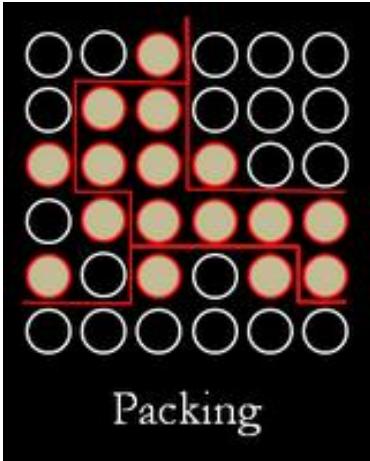
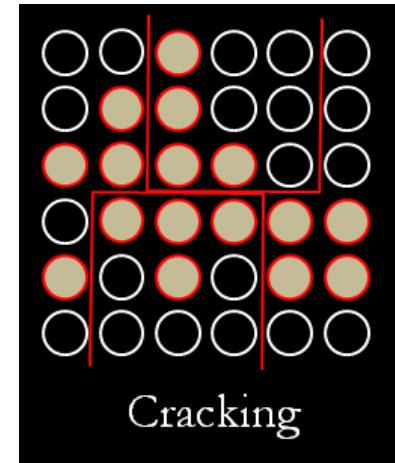


- ▶ Drawing electoral district boundaries to gain an electoral advantage for a party or group (e.g., racial, ethnic, class, incumbent)

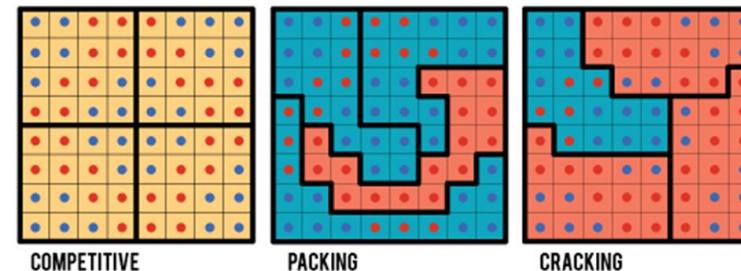
"Gerry-Mander" by Elkanah Tisdale,
Boston's *Columbian Centinel*, 1812

Tools of Gerrymandering

Cracking: splits an area of partisan/group strength among two or more districts, diluting the party's/group's voting leverage

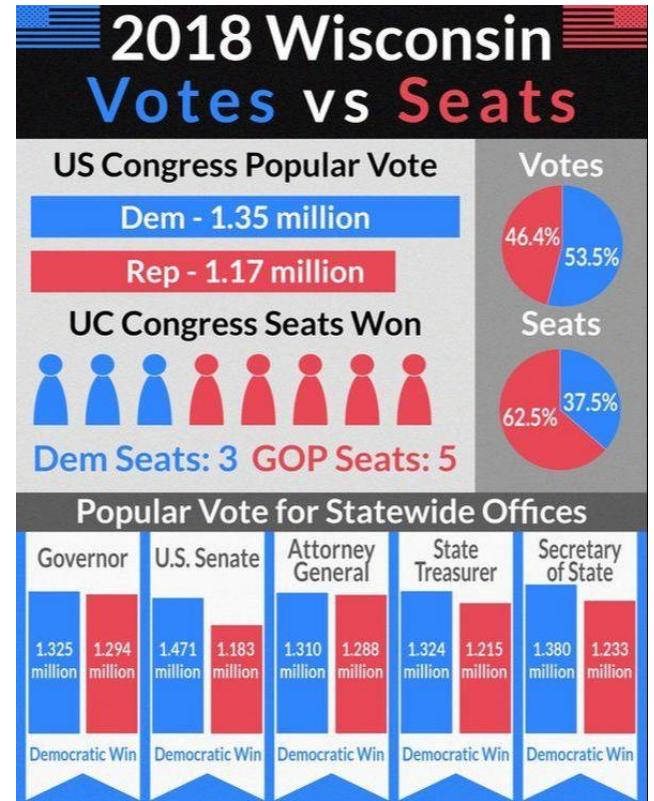
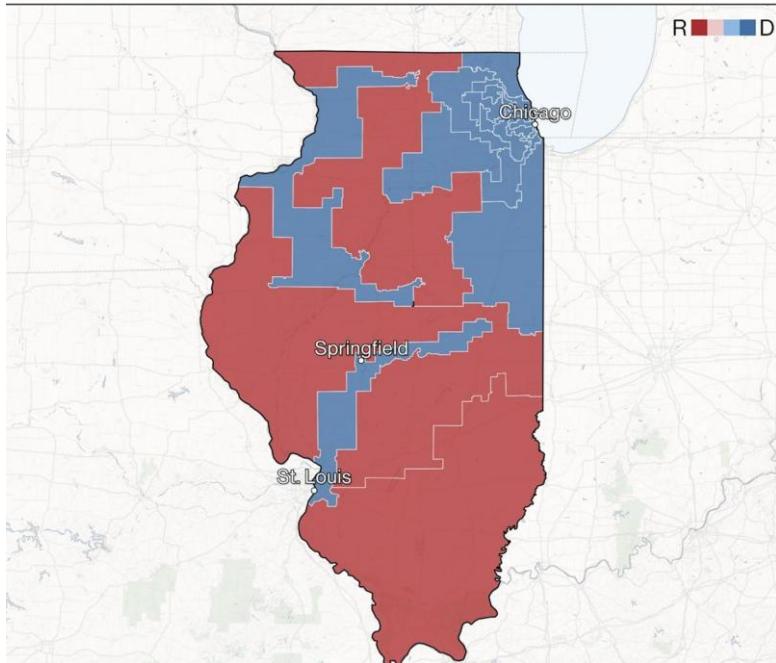


Packing: draws the lines to include as many of one party's/group's voters as possible, rendering the district safe—so win with more votes than needed (**wasted votes**)



Partisan Gerrymandering

Illinois 2021 Congressional – Enacted



Rucho v. Common Cause (2019)

Supreme Court bars challenges to partisan Gerrymandering

Partisan gerrymandering may be “incompatible with democratic principles,” but federal courts cannot review such allegations, as they are political questions outside our jurisdiction.

Racial Gerrymandering

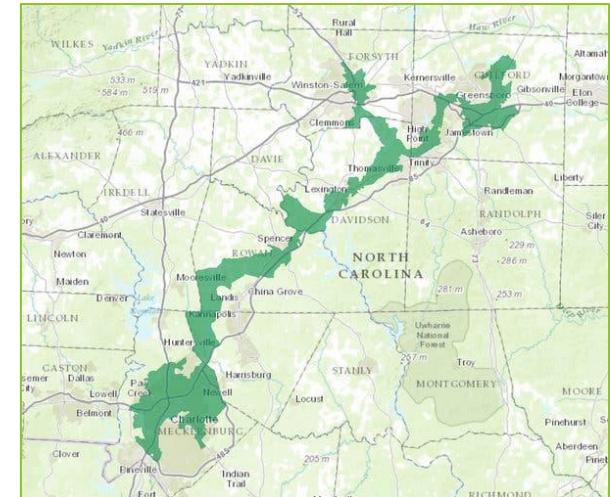
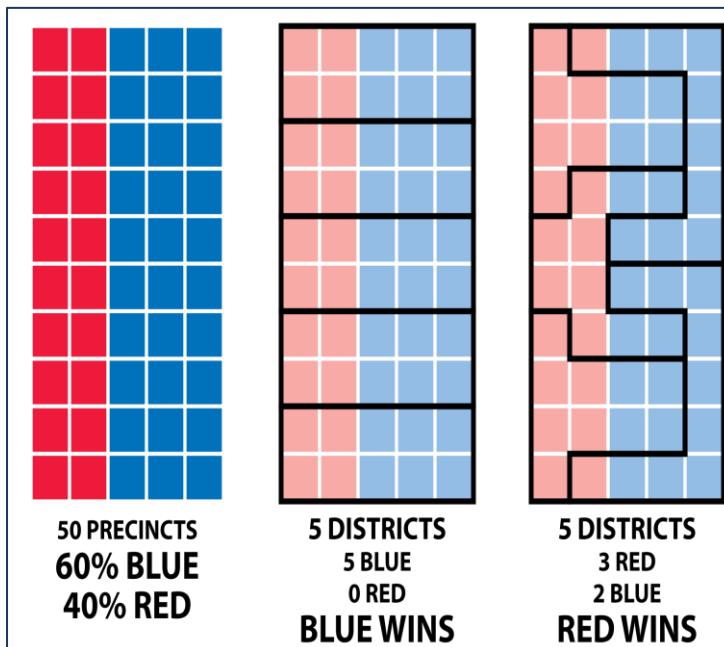
- ▶ *Thornberg v. Gingles* (1986): Voting Rights Act requires district lines shall not discriminate against racial minorities.
- ▶ *Shaw v. Reno* (1993): bizarrely shaped districts designed to concentrate minority voters may violate constitutional rights of white voters
- ▶ *Hunt v. Cromartie* (1999): race may be considered in drawing districts if the primary motive was to achieve partisan rather than racial concentration
- ▶ Recently, courts throwing out maps that do not reflect racial population growth

Consequences of Gerrymandering

Minority-Majority districts – an “Unholy Alliance”

Districts packed with minorities elected more minority legislators but led to more conservative House and less minority leverage

Votes vs. Seats



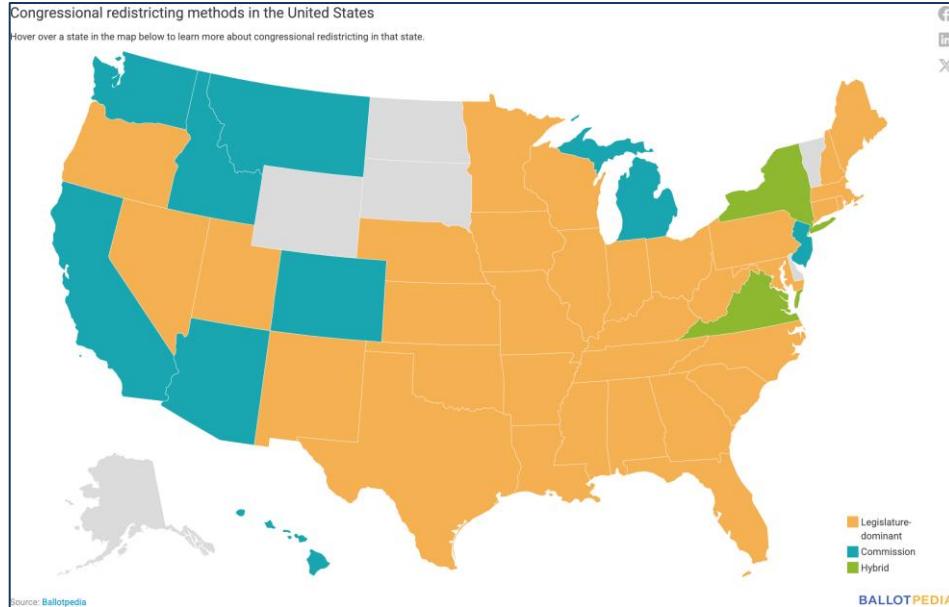
NC Republicans packed Black voters into the 12th Congressional District in 2016

GOP Advantage in House Districts

- ▶ Republican voters distributed more efficiently across House districts
- ▶ Democrats win more minority and urban voters who are **concentrated** in districts with big Democratic majorities



2024
presidential
vote by county



Who Draws the Lines?

2026 Redistricting . . .
thus far

