

# **Gerrymandering as a Path to Undemocratic Representation**

Milica Stupar

University of Illinois at Urbana-Champaign

## **Abstract**

Gerrymandering is a practice of deliberate and unfair manipulation of district lines to favor one party over others during the election cycles. This political ideology has emerged as a resilient issue in American politics which quietly steals voices from citizens who are often not aware of its negative effects and far-reaching implications on equal representation. This paper examines the way gerrymandering creates a path to an undemocratic representation through the analysis of historical origins of gerrymandering and its close relationship with the redistricting process. Additionally, the technological advancements in the redistricting process, and an examination of notable election cycles and Supreme Court cases are one of the main tools that delve into the negative consequences of gerrymandering throughout this analysis. Notably, the paper also analyzes a way of reversing the practice of gerrymandering through utilizing governmental laws and authorities in the American political system.

Throughout the U.S. election years, there have been many factors that can influence election outcomes. Many believe that the popular sovereignty of the people and the “one person, one vote” in the U.S. are the deciding factors on election outcomes. However, one of the hidden factors, gerrymandering, has an imminent effect on election results. The practice of gerrymandering is commonly known as the deliberate and unfair manipulation of district lines to favor one party over others (McGhee 171). Dominantly, both the Democratic and Republican parties in the U.S. use gerrymandering to influence the results of elections in their respective favor. However, more often than not, gerrymandering renders voters of unrepresented parties worthless in their attempts to bring about change by casting their names on the ballot. The effectiveness of gerrymandering and its propensity to undermine the equal representation of U.S. citizens from different partisan affiliations are encouraged by one party’s dominance and the advancement of redistricting. Consequently, gerrymandering of U.S. House Districts negatively affects the equal political representation of U.S. citizens.

Historically, gerrymandering has been developed through the redistricting process which continues to have a negative influence on today’s election outcomes. The history of gerrymandering is closely examined in the scholarly article “Partisan Gerrymandering and Political Science” authored by Eric McGhee. McGhee is a political scientist at the Public Policy Institute of California who explores the history of gerrymandering through a lens of empirical data. His research explores Supreme Court cases such as *Baker v. Carr* (1962), *Wesberry v. Sanders* (1964), and *Reynolds v. Sims* (1964), which help establish the historical context of redistricting and also provide a foundation for understanding the origin of gerrymandering. These cases established an essential principle of “one person, one vote,” which resulted in mid-decade redistricting to ensure an equal proportion of the population during U.S. House elections

(McGhee 173). A sudden mandate for the district lines to be drawn every ten years left the world of politics with a “flurry of research on the causes, mechanics, and consequences of redistricting” (McGhee 173). Most importantly, partisan dynamics rose as mechanisms that served as a foundational principle of gerrymandering (McGhee 173). Ultimately, the redistricting process opened an abundance of new questions as to how partisan affiliation strategies affect popular representation in the redistricting process. Partisan affiliation strategy dictates the way lines are drawn during the redistricting process as one party’s dominance is the leading factor that determines the layout of redistricting. Conclusively, the beginning of an intense redistricting process in the 1960s soon caused the practice of gerrymandering through a cycle of elections which unproportionally affected the political representation of U.S. citizens.

2012 serves as a crucial “Great Gerrymander” election year of the U.S. House of Representatives as it advanced the process of gerrymandering and ultimately disintegrated an equal political representation of the U.S. citizens. Gary Jacobson; a professor of political science at the University of California, San Diego, emphasizes the importance of the “Great Gerrymander” year as a leading author in his book “The Politics of Congressional Elections.” Jacobson highlights that the redistricting process in 2012 has set the future of gerrymandering in the Republican favor. More importantly, in the 2012 election, Republicans were in charge of 9 states where the arrangement of House seats changed as a result of the redistricting process, giving them control over 18 states with 202 House seats in total (Jacobson & Carson 13). Furthermore, Democratic dominance over this process was limited to 6 states. Republicans have benefited from this since they were able to "shore up some of their marginal districts" by increasing voter turnout in some of their vulnerable districts (Jacobson & Carson 13). Because Republicans were able to gather more votes in the redistricting process, the current minority

party (Democrats) has lost seats. Ultimately, this led to an unequal representation of the voters who identify as members of the Democratic party. Clearly, this year serves as proof that gerrymandering sidelines voters of an underrepresented party, the Democrats, and instead enlarges the overrepresentation of the Republican party through the statistical data of a 2012 election. In the long run, people who affiliate themselves with an underrepresented party do not receive an equal representation in the election process. Ultimately, it is evident that gerrymandering hinders an equal political representation of U.S. citizens in strategic election cycles.

This political ideology certainly creates misrepresentation among voters of an underrepresented party who reside in places that receive little to no representation, and thus their votes often get wasted. According to the Efficiency Gap (a quantitative measure for the effects of gerrymandering), the definition of wasted votes refers to “all the votes cast for a party in a district that the party loses, as well as the votes cast in excess of 50% in a district that the party wins” (McGhee 173). Therefore, unrepresented votes that are cast in districts in which the dominant party wins are essentially “worthless” because they have no effect on bringing change due to the strategic layout of district lines. In the long run, this leads to an unequal representation of those whose votes identify with the weaker party because of the way their local districts are designed. For instance, a large portion of Democratic voters are concentrated in urban areas which receive little representation. Moreover, urban areas are counted as singular districts, despite their propensity to represent a large population. In the long run, districts are not equally divided based on their representative population. As a consequence, many of those voters are sidelined and cannot attain equal representation. The geographical location in the process of redistricting additionally creates a stronger foundation for gerrymandering and makes it difficult

for people who are underrepresented to bring about change by casting their names on the ballot. Hence, gerrymandering adversely influences the political representation of U.S. citizens through the redistricting process.

The practice of gerrymandering unquestionably targets minority groups who more often than not identify as members of a Democratic Party. Consequently, the validity of the Voting Rights Act is deteriorating with a wave of partisan gerrymandering. This is illustrated in the article “How the Supreme Court's New Gerrymandering Case Threatens the Voting Rights Act”, which closely examines the effect of gerrymandering on minority groups. Authors, Michael Li and Yuriy Rudensky, who are members of the Senior Counsel for the Brennan Center of Justice, discuss the dangers of gerrymandering in affiliation with minority groups. Their article explores the new redistricting Supreme Court Case in Alabama, *Merrill v. Milligan*, which brings attention to political representation because it shows that communities are often divided for the benefit of political gain. The background of the issue lies in federal lawsuits brought by Black voters when it was alleged that the state violated the Voting Rights Act by failing to draw a second congressional district with a majority of Black people in the state's "Black Belt," an 18-county area that is primarily rural and home to some of the nation's highest poverty rates (Li & Rudensky 2022).

Moreover, Alabama lawmakers drew a map that maintains a practice of dividing the Black Belt into four congressional districts, disregarding the request of Black constituents to be kept together in two districts for better representation as well as the significant demographic changes in the region over the last couple of decades (Li & Rudensky 2022). Ultimately, redistricting without major restrictions results in unfair gerrymandering, which as presented in this case, ignores the community of African American people. In cases like these, the representation of the

Democratic party is undermined which is reflected through outcomes in which the minority groups who lean Democrat cannot get an equal representation. Undoubtedly, the exigency of this Supreme Court case speaks to minority communities in the United States who feel the consequences of gerrymandering. Thus, gerrymandering dismantles the equal representation of minorities and creates a path for democratic backsliding.

Gerrymandering robs many people of their privacy and more importantly, unfairly pinpoints people's political affiliation through an advancement of redistricting. Hence, "packing" and "cracking" (different methods of gerrymandering), in addition to the new technology improvements, do not leave much room for fair improvement in the redistricting process. More specifically, technological improvements have been a significant factor that contributes to unfair redistricting acts. The article, "How Redistricting Became a Technological Arms Race" authored by Vann R. Newkirk II, a senior editor at The Atlantic, discusses how technological improvements throughout the years of redistricting affect the gerrymandering process. Historically, gerrymandering used to be a process that required "the high cost of hardware, the unwieldiness of computers, and the use of giant, slow map printers that literally drew maps with big markers" (Newkirk II 2017).

The cost and efficiency of the previous redistricting process clearly were not supported by favorable conditions. However, modern technology nowadays favorably impacts the development of today's redistricting process. Newkirk asserts that "with the rise of big data and big datasets, mapmakers have been able to scry—with remarkable accuracy—both the political leanings and voting likelihood of blocks and households, which then allow them much more fine-tuning of district lines" (Newkirk II 2017). The advancement of technology evidently allows for precise and strategic redistricting which further develops gerrymandering. Ultimately, the

newer redistricting process highlights that because gerrymanders have much wider knowledge about voters, such as their political affiliations and other personal information, the gerrymandering process has become even more efficient in recent years. The improvements in redistricting additionally make it easier for one party to “dig deep into the field of big data in order to gain advantages” (Newkirk II 2017). The abundance of this data allows the dominant party to gerrymander electoral districts effectively. Thus, this method fails to produce an accurate representation of the actual party affiliation in several districts. The used data is manipulated to create gerrymandering and confirm one party's unfair electoral advantage. In the end, votes are calculated and used to one party's benefit which reflects unequal political representation. Ultimately, many voters are at risk of being robbed of their privacy along with the validity of their representation in the redistricting process. Therefore, the process of technological improvements for the purposes of gerrymandering negatively affects the political representation of U.S. citizens.

In exploring other perspectives of gerrymandering, there are those who believe in the positive implications of gerrymandering. The scholarly article “Is Gerrymandering Good for Democracy?”, authored by Jacob Rubel, a political science student at Tufts University, closely examines the hidden values of gerrymandering. More specifically, the author argues that gerrymandering may be advantageous to American democracy because it “restores an essential principle of the American republic by balancing elite and popular influence” (Rubel 2). Rubel utilizes the Founding Principles of the U.S. Constitution to explain how the republic was intended to strike a precise balance between the desire of the people and the independent judgment of a few intelligent and aspirational elites. In his view, because gerrymandering is done through the judgment of a few individuals who draw district lines, the act of doing so

accomplishes the goal of balancing democracy between the will of the people and a few ambitious elites. Rubel follows up his argument by stating that if we were to rely on the complete will of the common people, we would be closer to creating a tyranny that would destroy individual rights the government was initially created to protect (Rubel 3).

Even though Rubel argues that the intended creation of government strives to stay away from tyranny, the practice of gerrymandering still continues to present an obstacle to a healthy democracy. More often than not, the unlimited power of a few individuals will be used for the benefit of one political party over another. In addition, the unfair actions of a few individuals serve as a representation of the whole population's voice. Many people are victims of the principles that build the practice of gerrymandering, and the power of few elites is one of those principles because it dismantles the votes of many people. Ultimately, this practice does not allow for a fair political representation. Therefore, an intended purpose of a representative democracy of the United States, as Rubel envisions while he discusses the values of gerrymandering, cannot be fulfilled with the progressing power of gerrymandering. Furthermore, the power of the few elites who cause the practice of gerrymandering should be limited by the supreme law of the land.

Gerrymandering has been an ongoing issue for many years that is stealing voices from citizens who are often not even aware of the negative effects of this political ideology. In recent years, gerrymandering has been a political term that creates Supreme Court cases and raises a question of democratic validity in the United States. It has been a common practice to use gerrymandering to destroy equal representation of voters whose voices are ultimately not equally heard in order to benefit one party's dominance. The redistricting process, which involves drawing district lines in a way that will favor one partisan party, is undemocratic. Consequently,



the enormous prevalence of gerrymandering in today's elections renders many groups of people worthless in their attempts to bring about change by casting their names on the ballot. However, the future of gerrymandering could be reversed with the power of the governmental authorities. The article "How Can We Combat Gerrymandering?" authored by Georgia Lyon, discusses possible ways to combat the power of gerrymandering, with the main focus being on governmental laws. The article highlights that in order to slow down the effects of gerrymandering on the national level, the Congress should pass The Freedom to Vote Act. This Act would "employ standard quantitative measures of partisan fairness to see if each voter's vote counts equally and make it easier to bring legal challenges to a disputed map by permitting individual residents of a state and the U.S. Attorney General to sue to enforce the law" (Lyon 2021). Therefore, this legislative bill incentivizes the creation of fairer maps due to its ability to allow voters to express their concerns about disputed maps. Thus, the power of a legislative body to enforce a bill that will extend on a national level proves that the future of gerrymandering could be reversed and ensure an equal political representation of all U.S. citizens.

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