

The Election Process

Apportionment

The League's Position

Statement of Position on Apportionment, as announced by the National Board, January 1966, and revised March 1982:

The League of Women Voters of the United States believes that congressional districts and government legislative bodies should be apportioned substantially on population. The League is convinced that this standard, established by the Supreme Court, should be maintained, and that the U.S. Constitution should not be amended to allow for consideration of factors other than population in apportionment.

League History

The apportionment of election districts was a state issue until 1962 and 1964 Supreme Court rulings, requiring that both houses of state legislatures must be apportioned substantially on population, transferred the issue to the national arena. These rulings, spelling out the basic constitutional right to equal representation, prompted introduction in Congress of constitutional amendments and laws to subvert the Court's one-person, one-vote doctrine. Leagues in 33 states already had positions on the issue when, in 1965, the League's national council adopted a study on apportionment. By January 1966, the League had reached national member agreement on a position that both houses of state legislatures must be apportioned substantially on population. The 1972 Convention extended the position to cover all voting districts.

League action on both the national and state levels during the late 1960s had a significant role in the defeat of efforts to circumvent the Court's ruling. The League first lobbied in Congress against the Dirksen Amendment, which would have allowed apportionment of one legislative house based on factors other than population, and later worked to defeat resolutions to amend the Constitution by petition of state legislatures for a constitutional Convention. Successful efforts to fend off inadvisable constitutional amendments have left the responsibility for work on this position at the state and local levels. Successive League Conventions have reaffirmed the commitment to an LWVUS apportionment position to be available for action should the need arise. After the 1980 census, state and local Leagues used this position to work for equitable apportionment of state and local representative bodies

In addition, since 1988, LWVEF worked with state and local Leagues to encourage full participation in the census and to ensure that subsequent reapportionment and redistricting complied with one-person, one-vote requirements under the *Voting Rights Act*. Leagues conducted projects to encourage the widest possible participation in the 1990 census as a way to ensure the most accurate population base for apportionment and redistricting. Leagues also work for equitable apportionment and redistricting of all elected government bodies, using techniques from public education and testimony to monitoring and litigation.

Behind the League position on apportionment is a conviction that a population standard is the most equitable way of assuring that each vote is of equal value in a democratic and representative system of government. The term "substantially" used in U.S. Supreme Court decisions allows adequate leeway

for districting to provide for any necessary local diversities, and to protect minority representation under the League's voting rights position.

In 1998-1999 the League urged Congress to fully fund the 2000 census and to support scientific sampling as the means to ensure the most accurate count. State Leagues also have worked to ensure that scientific sampling is used for redistricting within the states.

In 2009, LWVEF was an official partner of the U.S. Census, with the goal of getting everyone counted. LWVEF staff worked closely with national partners (such as civil rights and Latino groups), and provided information and support to state and local Leagues in their efforts to minimize an undercount.

The League also submitted an amicus brief in the U.S. Supreme Court case *Evenwel v. Abbott*. The case determined whether states are required to use a metric other than total population, such as registered voters or citizen voting age population (CVAP) when apportioning districts for state legislative districts. The League's brief in this case supported the current practice of drawing district lines based on population counts and the U.S. Supreme Court upheld this practice.

As the 2020 U.S. Census approaches, LWVUS has worked to encourage participation and provide guidance for state and local Leagues wishing to participate in Complete Count committees. This included publishing a Census Action Kit which contains printable materials for engaging communities in census activities.

The League also engaged in efforts to remove a citizenship question from the 2020 U.S. Census. LWVNY joined one of six lawsuits across the country challenging the inclusion of the question. LWVUS joined an amicus as it headed to the U.S. Supreme Court challenging the question's inclusion without proper vetting. LWVUS also lobbied Congress, engaged the LWVUS Lobby Corps, and activated its grassroots network yielding the most successful engagement campaign of 2018 all to raise awareness of the damaging effects this question would have on communities around the country.

See also the position on Voting Rights which applies to apportionment issues. Leagues applying the Apportionment position should be aware that the Voting Rights position (and League actions supporting the *Voting Rights Act*) recognizes that both the Constitution and the Voting Rights Act require that reapportionment not dilute the effective representation of minority citizens.

Redistricting

The League's Position

Statement of Position on Redistricting, as adopted by concurrence, June 2016:

1. Responsibility for redistricting preferably should be vested in an independent special commission, with membership that reflects the diversity of the unit of government, including citizens at large, representatives of public interest groups, and members of minority groups.
2. Every redistricting process should include:
 - a. Specific timelines for the steps leading to a redistricting plan;
 - b. Full disclosure throughout the process and public hearings on the plan proposed for adoption;

- i. Redistricting at all levels of government must be accomplished in an open, unbiased manner with citizen participation and access at all levels and steps of the process;
 - ii. Should be subject to open meeting laws;
 - c. A provision that any redistricting plan should be adopted by the redistricting authority with more than a simple majority vote;
 - d. Remedial provisions established in the event that the redistricting authority fails to enact a plan. Specific provisions should be made for court review of redistricting measures and for courts to require the redistricting authority to act on a specific schedule;
 - i. Time limits should be set for initiating court action for review,
 - ii. The courts should promptly review and rule on any challenge to a redistricting plan and require adjustments if the standards have not been met.
- 3. The standards on which a redistricting plan is based, and on which any plan should be judged, must:
 - a. Be enforceable in court;
 - b. Require:
 - i. Substantially equal population,
 - ii. Geographic contiguity, and
 - iii. Effective representation of racial and linguistic minorities.
 - c. Provide for (to the extent possible):
 - i. Promotion of partisan fairness,
 - ii. Preservation and protection of “communities of interest,” and
 - iii. Respect for boundaries of municipalities and counties.
 - d. Compactness and competitiveness may also be considered as criteria so long as they do not conflict with the above criteria
 - e. Explicitly reject:
 - i. Protection of incumbents, through such devices as considering an incumbent’s address; and
 - ii. Preferential treatment for a political party, through such devices as considering party affiliation, voting history and candidate residence.

This position does not supersede any existing state League redistricting position.

League History

Partisan and racial gerrymandering distorts and undermines representative democracy by allowing officials to select their voters rather than voters to select their officials. When done for purposes of racial discrimination or to ensure the dominance of one political party, or even to ensure the election of a specific legislator, gerrymandering runs counter to equal voting rights for all.

For much of the League’s history, redistricting has been considered a state and local issue, but as state Leagues have become more active—and the political gerrymandering of the U.S. Congress and state legislative districts have become more apparent—LWVUS has provided assistance and, in the 2014-2016 biennium, developed a nationwide position statement.

Before the adoption of a specific position on redistricting, the National Board affirmed that Leagues at all levels may act under LWVUS positions relating to redistricting. Using the positions on Apportionment, Citizen’s Right to Vote, and Congress, Leagues should work to achieve three goals

consistent with those positions: (1) Congressional districts and government legislative bodies should be apportioned substantially on population (“one person, one vote”); (2) Redistricting should not dilute the effective representation of minority citizens; and (3) Efforts that attempt or result in partisan gerrymandering should be opposed.

In 2006, the League joined other groups in holding a nonpartisan redistricting conference in Salt Lake City, Utah. As a result of that meeting, the League and partners released a report, *Building a National Redistricting Reform Movement*, which looks at lessons learned from unsuccessful redistricting reform attempts in 2005 and suggests strategies to pursue and pitfalls to avoid in future reform efforts. Leagues across the country continue to press for redistricting reform at the state level and LWVUS has gone to the Supreme Court with amicus briefs in landmark cases against partisan and racial gerrymandering. In 2009, LWVEF hosted a unique redistricting conference that brought together experts and stakeholders from across the nation to discuss how to work together to influence the results of the state redistricting processes following the 2010 Census. The participants agreed upon several core principles and wrote a report emphasizing the importance of transparency in the redistricting process.

In the 2010s the League expressed concern about “prison-based gerrymandering” in which inmates are counted as residents in the district where the prison is located instead of at their home addresses. Working with other organizations, the League sought better information from the Census to support the push to end such gerrymandering.

In 2011 and 2012, state Leagues played pivotal roles in advocating for improved redistricting processes through a nationwide funded *Shining a Light* project. Leagues hosted public events, delivered much-quoted testimony before decision-making bodies, presented alternative maps, launched major public education and media campaigns, and engaged key allies to promote transparent and fair redistricting processes. Key League priorities included advocating for adequate public comment periods before and after the introduction of redistricting proposals; disclosure of committee timelines and other important details; and opportunities for community groups, especially those representing diverse voices, to get involved.

Following the 2011 redistricting process, several state Leagues engaged in litigation or statewide ballot initiative campaigns to challenge unsatisfactory redistricting outcomes. The Texas League and LWVEF jointly submitted comments urging the US Department of Justice to object to the removal of preclearance protections covered under Section 5 of the *Voting Rights Act* for what the League deemed a discriminatory redistricting proposal. Elsewhere, the North Carolina League joined other civil rights groups in challenging a redistricting plan that would negatively impact minorities and other voters, the Arizona League filed an amicus brief which successfully urged the state Supreme Court to protect that state’s independent redistricting commission, and the Pennsylvania League participated in a successful citizen’s appeal of a state plan.

In California, League leaders worked throughout 2011 and 2012 to defend and ensure success for that state’s new Independent Citizens Commission process in California, and also provided a detailed analysis of and recommendations for future redistricting commissions. In Florida, the League spearheaded multiple legislative and legal efforts to ensure the integrity of new, groundbreaking redistricting criteria would be upheld. The League prevailed in court when it challenged the 2010

redistricting plan for violating the new criteria. The Florida League garnered an impressive array of statewide and national media coverage for its efforts.

In early 2012, LWVEF published *Shining a Light: Redistricting Lessons Learned*, which lays out key League priorities related to redistricting reform. The publication has been widely shared with Leagues and partners nationwide. In Ohio, the League led a high-profile—yet ultimately unsuccessful—effort to pass a November 2012 ballot initiative that would have instituted an independent redistricting commission.

Public opinion polling has shown high public support for taking the redistricting process out of the hands of partisan legislatures, and many Leagues continue to consider how best to achieve more representative processes. Leagues remain engaged in pending legal challenges or appeals in several states and continue to pursue a range of opportunities to reform the redistricting process.

Wishing to give redistricting a higher profile for League action, the 2014 national Program on *Key Structures of Democracy* called for a Task Force on Redistricting which surveyed existing state League positions and recommended a new concurrence statement to the 2016 convention.

League action on redistricting ramped up during the 2016-2018 biennium. Leagues built and participated in coalitions for reform efforts in states all across the country. In 2018, Leagues in Colorado, Michigan, Missouri, Ohio, and Utah were instrumental in passing ballot initiatives that created more independent redistricting processes. Other states also participated in LWVUS and LWVEF redistricting grants which invited specific Leagues to apply for grant funding related to redistricting efforts. In addition to the five states that passed ballot initiatives, Leagues worked to build support and educate voters about the need for redistricting reform in 12 different states across the country.

The League was also a plaintiff and filed amicus briefs in key litigation efforts around the country. The League filed an amicus brief in the case of *Gill v. Whitford* at the Supreme Court in 2018. The League's own case in North Carolina, *League of Women Voters of North Carolina v. Rucho*, was also found to be an unconstitutional partisan gerrymander by the lower courts and was agreed to be heard by the U.S. Supreme Court in March of 2019. Following the 2018 election, LWVMI began discussion with the

Michigan Secretary of State to potentially settle the case which included redrawing 11 state legislative districts that the League challenged as partisan gerrymanders in the case of *League of Women Voters of Michigan v. Benson*. All these cases were still pending at the close of 2018.

Money in Politics

The League's Position

Statement of Position on Campaign Finance, as announced by the National Board, April 2016:

The League of Women Voters of the United States believes that the methods of financing political campaigns should:

Enhance political equality for all citizens; ensure maximum participation by citizens in the political process; protect representative democracy from being distorted by big spending in election campaigns; provide voters sufficient information about candidates and campaign issues to make informed choices; ensure transparency and the public's right to know who is using money to influence elections; enable