

# The Next Swing Region: Reapportionment and Redistricting in the Intermountain West

David F. Damore

Associate Professor of Political Science  
University of Nevada, Las Vegas

Nonresident Senior Fellow  
Brookings Institution

# Reapportionment and Redistricting in the Intermountain West

- I. Reapportionment and Redistricting Politics
- II. Regional Quirks
- III. 2001 Overview
- IV. A Decade of Transition
- V. 2011 Overview
- VI. Implications

# Reapportionment and Redistricting in the Intermountain West

## I. Reapportionment and Redistricting Politics

# Reapportionment and Redistricting Politics

- Reapportionment
  - After the decennial census, House seats are reapportioned to account for population disparities.
    - In 2000, NC bested UT by fewer than 900 citizens for the 435<sup>th</sup> House seat.
    - Because the size of the House is capped, reapportionment is a zero sum game.
  - Disparate growth patterns within states often necessitate the reapportionment of state legislative seats.

## 2010 Reapportionment of House Seats

---

State	+/-	New Total
Arizona	+1	10
Florida	+2	27
Georgia	+1	14
Nevada	+1	4
South Carolina	+1	7
Texas	+4	36
Washington	+1	10
Utah	+1	4
Illinois	-1	18
Iowa	-1	4
Louisiana	-1	6
Massachusetts	-1	9
Michigan	-1	14
Missouri	-1	8
New Jersey	-1	12
New York	-2	27
Ohio	-2	16
Pennsylvania	-1	18

---

# Reapportionment and Redistricting Politics

- Redistricting
  - Transforms raw population data and geographic spaces into political representation.
  - Prior to the 1960s states devised their own standards.
    - Gerrymandering.
    - Malapportionment.
      - In the 1950s, 12% of the population could elect a majority of the Nevada Senate.

# Reapportionment and Redistricting Politics

- The Reapportionment Revolution
  - *Baker v. Carr* (1962) and *Wesberry v. Sanders* (1964) established the “one person, one vote” standard that eradicated malapportionment.
  - States are obligated to regularly redraw boundaries.
    - New Mexico used the same plan from 1911 to 1949.
  - State courts take over if the political branches fail.

# Reapportionment and Redistricting Politics

- The Voting Rights Act
  - Section 2 permits, and in some instances requires, states to create majority-minority districts to protect against minority vote dilution.
  - Section 5 obligates that redistricting plans in some locales be precleared by the Department of Justice.
    - Arizona is the only preclearance state in the region.



# Reapportionment and Redistricting Politics

- Other Constraints
  - Compact, contiguous, and keeping communities of interest intact.
  - Partisan gerrymandering is constitutional.
  - Population deviations.
    - House: none.
    - State legislative districts: up to 10%.

# Reapportionment and Redistricting Politics

- Responsibility for Redistricting
  - Historically, under the purview of state legislatures.
  - Today, 21 states use commissions for all or part of their redistricting.
    - In 13 states commissions have responsibility.
    - In two states commissions advise legislators.
    - In five states commissions serve as “backups.”
    - The Iowa process.

# Reapportionment and Redistricting in the Intermountain West

- I. Reapportionment and Redistricting Politics
- II. Regional Quirks

## Redistricting Related Characteristics of the Intermountain West States

State	2000-2010 Growth <sup>a</sup>	Upper Chamber Size	Lower Chamber Size	Size of Legislature Set by	Professionalism Ranking <sup>b</sup>	Redistricting Controlled by	Term Limits
AZ	24.6%	30	60	Statute	10	Commission	Yes
CO	16.9%	35	65	Constitution	14	Commission/ Legislature <sup>c</sup>	Yes
ID	21.1%	35	70	Constitution	29	Commission	No <sup>d</sup>
NV	35.1%	21	42	Statute	30	Legislature	Yes
NM	13.2%	42	70	Constitution	39	Legislature	No
UT	23.8%	29	75	Constitution	46	Legislature	No <sup>d</sup>

<sup>a</sup> Data from the U.S. Census Bureau,

<sup>b</sup> Data from the Squire Index for 2003.

<sup>c</sup> Maps for the Colorado Legislature are drawn by the Colorado Reapportionment Commission, while the Colorado Legislature draws the maps for the state's seats in the U.S. House of Representatives.

<sup>d</sup> Voter initiated and approved term limits in Idaho and Utah were repealed via legislative action.

# Reapportionment and Redistricting in the Intermountain West

- I. Reapportionment and Redistricting Politics
- II. Regional Quirks
- III. 2001 Overview

## Summary of Redistricting Outcomes in the Intermountain West States, 2001

State	Litigated	Issues	Outcome
AZ	Yes	Initial preclearance denied and lack of competitiveness challenged (final resolution 5/04).	Effective Republican gerrymander
CO	Yes	Initial CRC Senate and U.S. House maps and 2003 U.S. House redistricting invalidated (final resolution 6/04).	Lean Democratic
ID	Yes	Excessive population variation for state legislative districts. Third plan accepted by Idaho Supreme Court	Favorable to Republicans and rural interests
NV	No	Partisan composition of CD3 and legislative expansion (resolved in special session).	Bipartisan incumbent protection
NM	Yes	Reversion plan set by state court for U.S. House map and some state legislative districts redrawn to insure electoral access for Native American communities.	Lean Democratic
UT	Yes	The Census Bureau undercounted Utah's population by not considering Mormon missionaries and used illegal statistical estimates for part of the 2000 count (both cases dismissed in federal court).	Republican gerrymander

# 2001 Overview

- Commissions are no panaceas.
- Redistricting guidelines across the region vary considerably.
- Partisan gerrymanders are rare.

# Reapportionment and Redistricting in the Intermountain West

- I. Reapportionment and Redistricting Politics
- II. Regional Quirks
- III. 2001 Overview
- IV. A Decade of Transition



## Change in Population Diversity in the Intermountain West States, 2000-2010

State	Non-White Population			Hispanic or Latino Population		
	2000	2010	+/-	2000	2010	+/-
AZ	36.2%	42.2%	+6%	25.3%	29.6%	+4.3%
CO	26.5%	30%	+3.5%	17.1%	20.7%	+3.6%
ID	12%	16%	+4%	7.9%	11.2%	+3.3%
NV	34.8%	45.9%	+10.1%	19.7%	26.5%	+6.8%
NM	55.3%	59.5%	+4.2%	42.1%	46.3%	+4.2%
UT	14.7%	19.6%	+4.9%	9%	13%	+4%

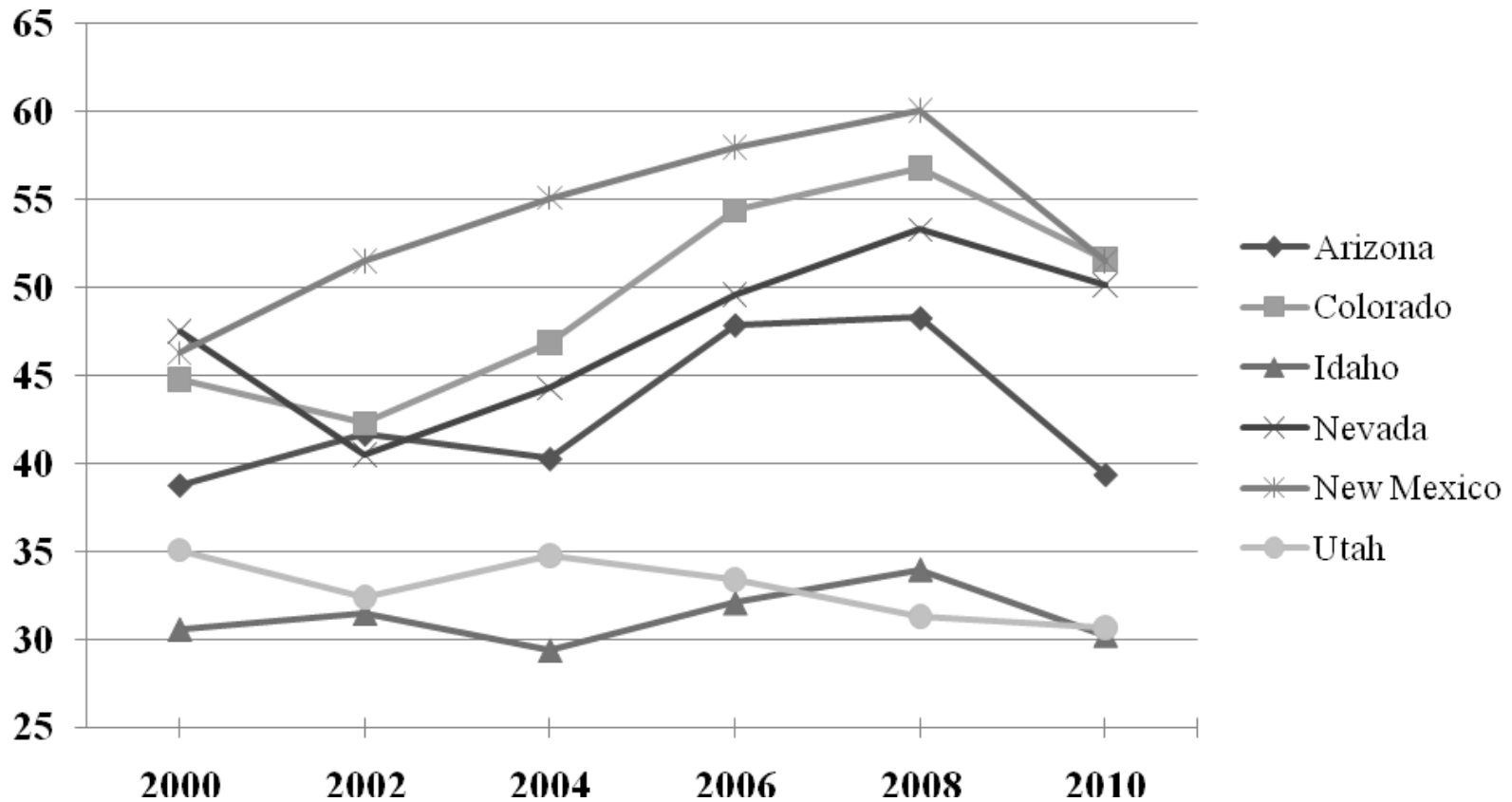
Data from the U.S. Census Bureau.

## Change in Population Density in the Intermountain West States, 2000-2010

<b>State</b>	<b>Metropolitan Census Statistical Area</b>	<b>National Rank</b>	<b>2000-2010 Growth</b>	<b>Population Share (2000)</b>	<b>Population Share (2010)</b>	<b>+/-</b>
AZ	Phoenix-Mesa-Glendale	14	28.94%	63.38%	65.59%	+2.21%
CO	Denver-Aurora-Broomfield	21	16.71%	50.65%	50.57%	-.08%
ID	Boise-Nampa	86	32.64%	35.92%	39.33%	+3.41%
NV	Las Vegas-Paradise	30	41.38%	69.19%	72.25%	+3.06%
NM	Albuquerque	57	24.41%	40.11%	44.08%	+3.97%
UT	Salt Lake City	50	16.03%	43.38%	40.67%	-2.70%

Data from the U.S. Census Bureau.

## Democratic Party Strength in the Intermountain West States, 2000-2010



Data are Ceasar and Saldin's measure of state party strength with higher values indicating greater Democratic electoral strength. Data for years 2000 through 2008 from <http://scholar.harvard.edu/saldin/data>. Data for 2010 calculated by author.

## Impact of the 2010 Election in the Intermountain West States

State	Governorship	Upper Chamber	Lower Chamber	U.S. House	U.S. Senate
AZ	Republican Hold	- 2 Democrats	-5 Democrats	-2 Democrats	Republican Hold
CO	Democratic Hold	-1 Democrat	-5 Democrats	-2 Democrats	Democratic Hold
ID	Republican Hold	No Change	-5 Democrats	-1 Democrat	Republican Hold
NV	Republican Hold	-1 Democrat	-2 Democrats	-1 Democrat	Democratic Hold
NM	Republican Pick-up	No Change	-8 Democrats	-1 Democrat	No Race
UT	Republican Hold	-1 Democrat	-5 Democrats	No Change	Republican Hold

Data from National Conference of State Legislatures.

## Partisan Control in the Intermountain West States, 2010 and 2011

State	2010			2011		
	Legislative Control	Governor Party	State Control	Legislative Control	Governor Party	State Control
AZ	Republican	Republican <sup>a</sup>	Republican	Republican	Republican	Republican
CO	Democratic	Democratic	Democratic	Divided	Democratic	Divided
ID	Republican	Republican	Republican	Republican	Republican	Republican
NV	Democratic	Republican	Divided	Democratic	Republican	Divided
NM	Democratic	Democratic	Democratic	Democratic	Republican	Divided
UT	Republican	Republican <sup>a</sup>	Republican	Republican	Republican	Republican

Data from the U.S. Census Bureau.

<sup>a</sup> Governor took office via succession in 2009.

# Reapportionment and Redistricting in the Intermountain West

- I. Reapportionment and Redistricting Politics
- II. Regional Quirks
- III. 2001 Overview
- IV. A Decade of Transition
- V. 2011 Overview

## Summary of Redistricting Outcomes in the Intermountain West States, 2011

State	Litigated	Issues	Likely Outcome
AZ	Yes	Federal challenge to preclearance requirement and state challenge to AIRC open meeting and procurement laws.	Effective Republican gerrymander
CO	Yes	Reversion plan set by state court for House maps. Competitive and Latino friendly map adopted by CRC.	Competitive
ID	Yes	Inability to resolve constitutional and statutory space constraints prior to ICCR expiration (process to be completed by new commissioners).	Favorable to Republicans and minimizing urban influence
NV	Yes	Reversion plan set by state court and applicability of Section 2 of Voting Rights Act.	Lean Democratic
NM	Not yet	Reversion plan likely to be set by state court.	Lean Democratic
UT	Not yet	Division of communities of interest.	Republican gerrymander

# Reapportionment and Redistricting in the Intermountain West

- I. Reapportionment and Redistricting Politics
- II. Regional Quirks
- III. 2001 Overview
- IV. A Decade of Transition
- V. 2011 Overview
- VI. Implications



# Implications

- Two Schools of Thought
  - “The most political activity in America.”
    - Partisanship triumphs in the swing states.
    - The politics of space are at issue in the red states.
    - Term limits and political ambition.
  - Fomenting political renewal and uncertainty.
    - Future growth patterns.
    - The rise of the nonpartisans.

# Implications

- State Level Effects
  - The withering of rural influence.
  - Rising Latino clout.
- A Mixed Bag Nationally
  - 29 House seats doesn't cut it.
  - A green Senate delegation.
  - Four swings states?