

Redistricting

AND THE GAY, LESBIAN, BISEXUAL
AND TRANSGENDER COMMUNITY

A STRATEGY MEMO

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“The opportunity to control the drawing of electoral boundaries through the legislative process of apportionment is a critical and traditional part of politics in the United States, and one that plays no small role in fostering active participation in the political parties at every level.”

Davis v. Bandemer, 478 U.S. 109, 145 (1986)

Supreme Court Justice Sandra Day O'Connor, concurring in the judgement

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Introduction

WHY IS REDISTRICTING IMPORTANT, AND WHAT SHOULD WE DO ABOUT IT?

by Sean Cahill, Director of the NGLTF Policy Institute

Over the next year and a half, state legislatures across the United States will redraw district lines for Congressional House districts, state senate and house districts, and most city council districts, to accord with population shifts reflected in the 2000 US Census. Some northeastern and mid-western states will lose seats in the U.S. House of Representatives and, thereby, Electoral College votes, while some southern and western states will gain seats and votes. Even if your state doesn't lose or gain Congressional House seats, shifts in population such as those accompanying suburban sprawl over the past decade will require changes in state legislative district lines.

Many communities whose basic rights are contested in political arenas—in particular, people of color, language minorities, and women—have a great deal at stake in the outcome of redistricting. Why? Because redistricting now will largely determine who will be elected from those districts from 2002 to 2012. Will the new district be most likely to elect a conservative, a liberal or a moderate? A Republican, Democrat, or Independent? Someone who is friendly to the interests of communities of color and women, or someone who is hostile?

Many communities whose basic rights are contested in political arenas have a great deal at stake in the outcome of redistricting.

The gay, lesbian, bisexual, and transgender (GLBT) community also has a great deal at stake in the outcome of redistricting. Will the two House seats lost in Pennsylvania mean the loss of two progressive, pro-GLBT votes in the House, or the loss of two anti-GLBT votes? Will the two new House members from Florida support equality for GLBT people, or will they join the ranks of our opponents? Will shifting state legislative district lines due to population shifts within states increase or decrease our power at the local level? Will the newly-elected lesbian state representative from your state find her incumbency threatened by the redrawing of lines that cuts out a key progressive constituency and adds in a conservative enclave?

The outcome of redistricting will shape the composition of the new state legislatures and the new Congress elected in 2002 at least as much as those elections themselves. It is imperative that the GLBT community seize this moment and engage this process in a thoughtful, strategic way.

Traditionally, redistricting has not been a very democratic process. We, the people, have largely been shut out of the process, while incumbent politicians have cut back-room deals to maintain their seats and advantage the political party in power. For nearly two centuries, as this publication documents, politicians have also redistricted to favor the dominant race or ethnic group, at the expense of marginalized racial and ethnic groups.

The National Gay and Lesbian Task Force supports efforts to reform the redistricting process and open it up to greater public scrutiny and involvement. (For more on reform efforts, see Appendices D and F at the end of this document.) This strategy memo aims to mobilize the GLBT community—our key constituency—to play a bigger role in this process.

The National Gay and Lesbian Task Force supports efforts to reform the redistricting process and open it up to greater public scrutiny and involvement.

For the past two years, the National Gay and Lesbian Task Force Policy Institute has convened a working group on redistricting comprised of the three authors of this report, former Policy Institute Director Urvashi Vaid, and myself.¹ (Endnotes begin on page 35.) This strategy memo is aimed at providing state and local GLBT activists the background, analysis and tools they need to advocate for the GLBT community in the redistricting process.

NGLTF encourages state and local GLBT activists to forge alliances or join already existing alliances with other progressive constituency groups to work toward the creation of progressive districts which make it more likely that a candidate supportive of GLBT equality will get elected. Specifically, this requires:

- working in coalition with local civil rights activists, with women's groups, immigrant rights groups, and labor activists to draw districts that do not disadvantage—through “packing” or through “diluting”²—communities of color, immigrant and non-English language communities, or low-income people.
- identifying the members of the redistricting committee in one's state, and working with the members of that committee, first and foremost those who have exhibited support for GLBT equality, to draw district lines that don't disadvantage the GLBT communities and population clusters in that state.
- providing information to both the progressive coalition and the redistricting committee documenting concentrations of GLBT people to ensure the drawing of lines that neither pack nor split GLBT communities.

This work will require initial on-the-ground research with key legislative allies to determine if there are already proposals pending, and who the key players are in this process. You may want to start off by calling the staff person for the redistricting committee and asking him or her basic questions, such as: when will the committee form? when will hearings be held? when will proposals be considered, and when will a plan be approved? Your contacts in the city council or state house may also refer you to other, non-gay progressive activists working on this issue.

It may be necessary to make a number of calls before you get the answers you need. The political establishment does not make it easy for citizens to participate in the political process in this country, and this is especially true of the redistricting process.

We strongly urge GLBT activists to help create and maintain districts which will make local and state legislatures and the US House of Representatives more representative of the racial, cultural, and gender diversity of the US population. This is not only an ethical imperative; it is in our self-interest in at least two ways. First, we are a diverse community, and therefore GLBT people of color, lesbians and bisexual women, and others all benefit from elected representative bodies which embody and reflect the nation's diversity. Second, elected officials who are women, people of color, and members of other underrepresented populations have traditionally been among the GLBT community's staunchest allies. Of course there are always exceptions to this rule. But of the 59 Democratic members of the Congressional Progressive Congress, fully one-half are black and Latino.³ Women are also generally more supportive of gay and lesbian equality than men.⁴ We strongly encourage GLBT activists to support existing coalitions which are seeking to draw districts that make it easier for a person of color or a woman to get elected, since this is in our own interest no matter what our race or gender.

This memo

- explains the basics of redistricting to activists, including who will do what by when;
- summarizes recent Supreme Court interpretations of the Voting Rights Act (VRA) and redistricting law, and explains the particular attention the VRA pays to racial and linguistic minorities;
- specifies which states will lose and gain seats in the reapportionment of US House of Representatives seats to occur in 2001-2002;
- provides specific suggestions for documenting GLBT population concentrations, which activists can present to redistricting committees so that the GLBT community's interests are taken into account when district lines are drawn;
- provides a series of appendices which offer more detailed information on redistricting in each state, including: contact information for redistricting committees in each state; deadlines for commissions to be appointed and a redistricting plan adopted; the powers of each state's redistricting commission; and directions for using Geographical Information System (GIS) software to document GLBT residential concentrations from 2000 US Census data and other sources.

We encourage GLBT activists to identify and document concentrations of GLBT people, one of several progressive-leaning constituencies which may justify the drawing of lines in a particular way. In some instances, such work may lead to the creation of a district in which a gay, lesbian, bisexual or transgender candidate is more likely to emerge and have a serious chance of winning. But regardless of whether the eventual representative of that district is gay or straight, we want to do everything in our power to ensure that that representative supports GLBT equality and other progressive goals. This strategy memo provides the tools to accomplish that objective.

Not everything in this memo may be of immediate use to you. You may not have the resources to analyze US Census data, although we may be able to connect you with a GLBT social scientist who can help you with this. The review of Supreme Court

jurisprudence on voting rights from 1964 to the present may be more information than you need. We encourage you to use what's helpful to you from this memo and, if necessary, skim over the rest. Redistricting is a somewhat complex process but at the same time it should be about a very simple principle: one person, one vote. Everybody's vote should count equally. This memo provides the analysis and strategy for local and state GLBT activists to engage the redistricting process and protect the interests of GLBT residential concentrations.

NGLTF has long stressed the centrality of state and local organizing to the struggle for GLBT equality and liberation. The importance of redistricting—a state process with local, state and national ramifications—attests to the critical nature of local and state political activism. It also underlines the need for data to document the existence, characteristics, and geography of GLBT communities. Finally, our recommendation that GLBT activists push for the creation of “progressive” districts, which will often mean districts more likely to elect a person of color or a woman, demonstrates the importance of coalition building and incorporating issues of racial and gender equity into the “gay agenda.”

In the past, GLBT communities have not had much voice in the districting process. Our communities have been split or united based on power struggles from which we have largely been excluded. GLBT communities have been overlooked as the parties involved in districting debated various proposals. This strategy memo to GLBT activists is aimed at increasing the involvement of our communities in the districting debates that so crucially affect our lives. Armed with the information and strategies contained in this memo, our communities can influence the upcoming round of districting through focused and creative advocacy.

The importance of redistricting attests to the critical nature of local and state political activism.

TIMELINE FOR REDISTRICTING, 2000-2002

March-July 2000	US Census Bureau conducts national count of US population
Dec. 31, 2000	Size of each state's population and the number of Congressional House seats for each state released
April 1, 2001	Census data for redistricting released; data tapes released with racial and age demographic information
April 2001 - Spring 2002	State legislatures redraw districts for Congress, state senate and state house/assembly; city councils draw districts for city council
Spring 2002	Approval by US Justice Department (if applicable)
Summer/Fall 2002	Candidates campaign for new district seats
Nov. 2002	New members elected from new districts

CONGRESSIONAL DISTRICT REAPPORTIONMENT TO OCCUR IN 2001-2002

Actual apportionment data based on state population changes documented in
2000 Census.

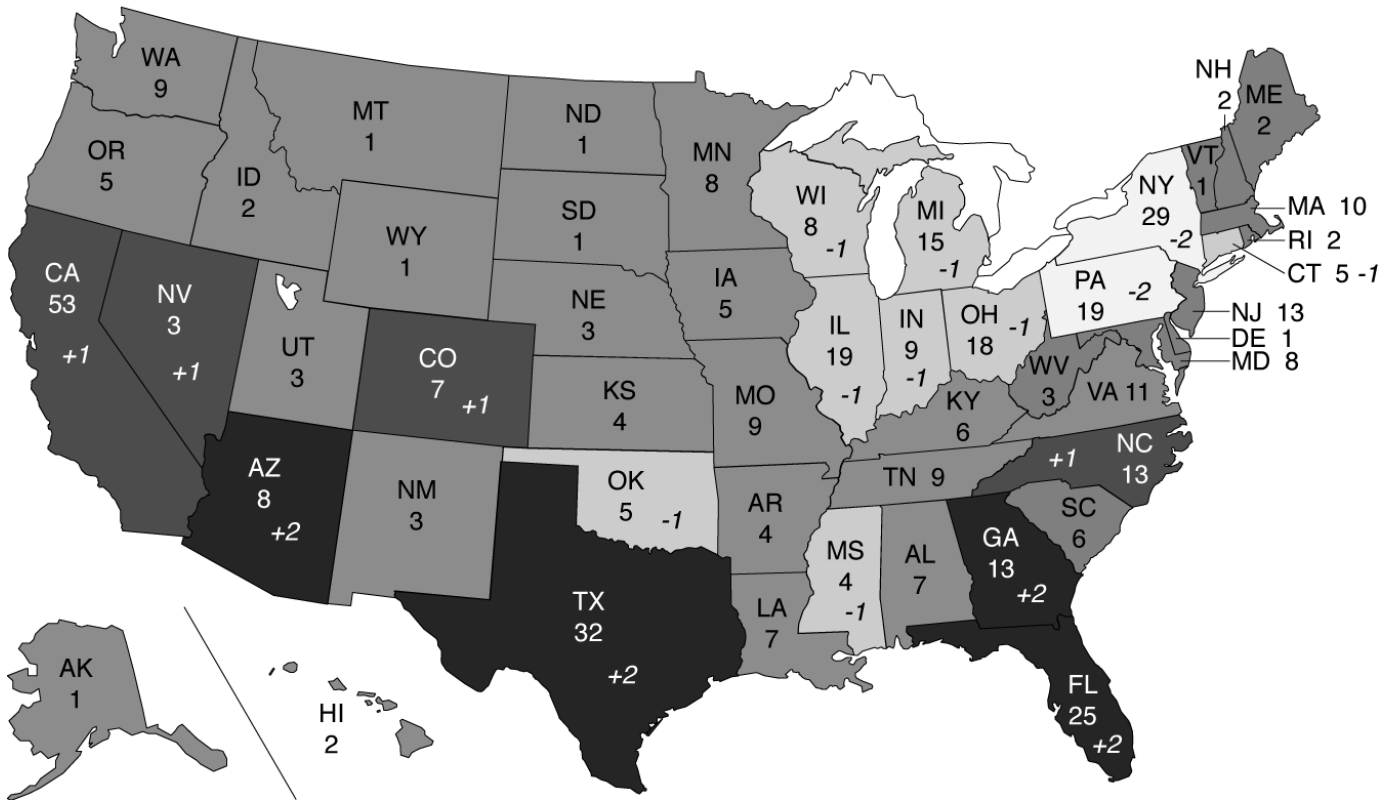
State	Population*	Number of US House districts as of 2002	Number of US House seats to be gained or lost after redistricting
Alabama	4,461,130	7	0
Alaska	628,933	1	0
Arizona	5,140,683	8	+2
Arkansas	2,679,733	4	0
California	33,930,798	53	+1
Colorado	4,311,882	7	+1
Connecticut	3,409,535	5	-1
Delaware	785,068	1	0
Florida	16,028,890	25	+2
Georgia	8,206,975	13	+2
Hawaii	1,216,642	2	0
Idaho	1,297,274	2	0
Illinois	12,439,042	19	-1
Indiana	6,090,782	9	-1
Iowa	2,931,923	5	0
Kansas	2,693,824	4	0
Kentucky	4,049,431	6	0
Louisiana	4,480,271	7	0
Maine	1,277,731	2	0
Maryland	5,307,886	8	0
Massachusetts	6,355,568	10	0
Michigan	9,995,829	15	-1
Minnesota	4,925,670	8	0
Mississippi	2,852,927	4	-1
Missouri	5,606,260	9	0
Montana	905,316	1	0
Nebraska	1,715,369	3	0
Nevada	2,002,032	3	+1
New Hampshire	1,238,415	2	0
New Jersey	8,424,354	13	0
New Mexico	1,823,821	3	0
New York	19,004,973	29	-2
North Carolina	8,067,673	13	+1
North Dakota	643,756	1	0
Ohio	11,374,540	18	-1
Oklahoma	3,458,819	5	-1
Oregon	3,428,543	5	0
Pennsylvania	12,300,670	19	-2
Rhode Island	1,049,662	2	0
South Carolina	4,025,061	6	0
South Dakota	756,874	1	0
Tennessee	5,700,037	9	0

chart continues on next page

State	Population*	Number of US House districts as of 2002	Number of US House seats to be gained or lost after redistricting
Texas	20,903,994	32	+2
Utah	2,236,714	3	0
Vermont	609,890	1	0
Virginia	7,100,702	11	0
Washington	5,908,684	9	0
West Virginia	1,813,077	3	0
Wisconsin	5,371,210	8	-1
Wyoming	495,304	1	0

* Source: US Bureau of the Census, January 2001.

Apportionment of U.S. House of Representatives for the 108th Congress



Total U.S. Representatives: 435
 Numbers represent totals of U.S Representatives in 2002
 Numbers in *italics* represent change from 1992 to 2002

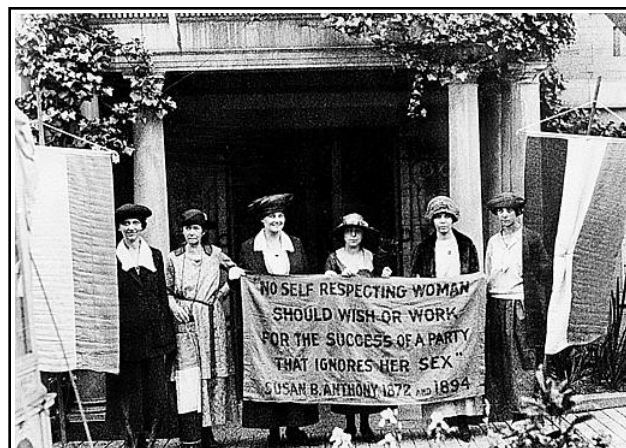
- State gaining 2 seats in the house: AZ, FL, GA, TX
- State gaining 1 seat in the house: CA, CO, NC, NV
- No change
- State losing 1 seat in the house: CT, IL, IN, MI, MS, OH, OK, WI
- State losing 2 seats in the house: NY, PA

Underrepresentation

OF GLBT PEOPLE IN ELECTED LEGISLATIVE BODIES

Gay, lesbian, and bisexual voters represent at least 4-5% of the electorate.⁵ Roughly 4 million openly GLB voters cast votes in the 2000 presidential election. Yet only 200 (0.04%) of the half million elected officials in the United States are openly gay, lesbian, bisexual, or transgender. Although the number of elected officials supporting equality for GLBT people is steadily increasing, our communities still face an unquestionable lack of direct political representation. In order for our communities to win the crucial issues of the day, from domestic partnership and marriage rights to nondiscrimination laws and adoption rights, we need more GLBT and pro-gay heterosexual representatives to voice our communities' needs. Many heterosexual legislators and councilors have attested to the impact of having openly GLBT colleagues when a gay rights issue is discussed. Two openly GLBT elected officials in five thousand hardly meets the needs of GLBT people. GLBT constituents are worthy of far greater representation in the decision-making bodies of our country.

GLBT people are not the only demographic group underrepresented in elected office. African Americans, Latinos, Asian Americans and Native Americans are also underrepresented to varying degrees at all levels of government. Women are underrepresented at all levels of government. Immigrants and members of language minorities are also often underrepresented. But the history of each of these groups is different, and their treatment by the Voting Rights Act of 1965 differs. Millions of African Americans, women, and other people of color were systematically denied the right to vote for more than a century in the US because of their race or gender. Americans who don't speak English as a first language, including Latinos and



Suffrage activists demonstrate for the ratification of the 19th Amendment granting women the right to vote. This picture was taken two months before the Suffrage Amendment was ratified in 1920. (AP photo)

Native Americans, have also experienced discrimination and barriers to voting. To our knowledge, GLBT people have not been systematically denied the right to vote based on their sexual orientation or gender identity. Women finally won the right to vote in 1920, after nearly a century of struggle and repression. Because of the institutionalized racism in place up to the 1960s, the Voting Rights Act of 1965 applies a particular degree of scrutiny to the treatment of people of color and people whose first language is not English in a number of jurisdictions across the US. Because of the lack of systematic voting rights discrimination based on sexual orientation and gender identity prejudice, the Voting Rights Act does not apply this degree of scrutiny to the treatment of GLBT people.

The National Gay and Lesbian Task Force encourages efforts to increase the diversity of the elected legislative bodies at the local, state and federal level. We support efforts to increase the likelihood of more people of color, women, and members of other under-represented groups—including openly GLBT people—being elected to city councils, state legislatures and Congress. Among the most powerful institutional changes that we can support to increase the diversity of the elected government is redistricting.

Elections for city councils, state legislatures, school boards, and other representative bodies in the United States are usually held by district. Several candidates run within that district, and whoever wins the most votes (the “plurality” of votes) wins the right to represent that district in the legislature. The geographic parameters of these districts—which are reexamined and often redrawn once a decade based on the latest US Census data—often play a large part in determining who wins, or is able to win, election from each district.

For example, Congressman Barney Frank is able to win reelection as an openly gay man for a number of reasons, including his constituents’ overall satisfaction with his service and his skills as a campaigner and politician. But Frank is also repeatedly reelected in part because his district is relatively liberal. There are many Congressional House districts in the US in which someone with Frank’s liberal politics, and perhaps even someone who is openly gay regardless of his politics, would have great difficulty getting elected.

The elected officials who have a vested interest in retaining their political power are generally those given the job of drawing the lines for those districts once a decade. Redistricting is a highly political, and partisan, process. To have a voice in the political system, our communities must advocate for districts that represent our needs. In our analysis, this means advocating—in as many cases as possible—for the drawing of district lines that make it more likely that progressive, pro-GLBT candidates get elected, regardless of their political party affiliation.

A Profile of the GLB Vote

As a group, gay, lesbian and bisexual people share a particular set of voting behaviors and political and ideological beliefs. There has been considerable progress in the past 10 years in identifying the size, character and location of the gay, lesbian, and bisexual (GLB) vote.⁶ This discrete and describable GLB voting bloc demonstrates the need for districting that reflects the particular political interests of this voting group. Before the 1990s most local activists had to rely on anecdotal information or the analysis of voters in “key wards”⁷ to get any sense of how lesbians and gay men voted. Today, we can combine Voter News Service exit poll data, direct mail and marketing data, and local voter registration data to more accurately identify clusters of sexual minority voters and examine how they vote. Exit poll data allow us to determine the size and character of GLB voters, and show that sexual identity is in fact an important factor in how individuals vote.

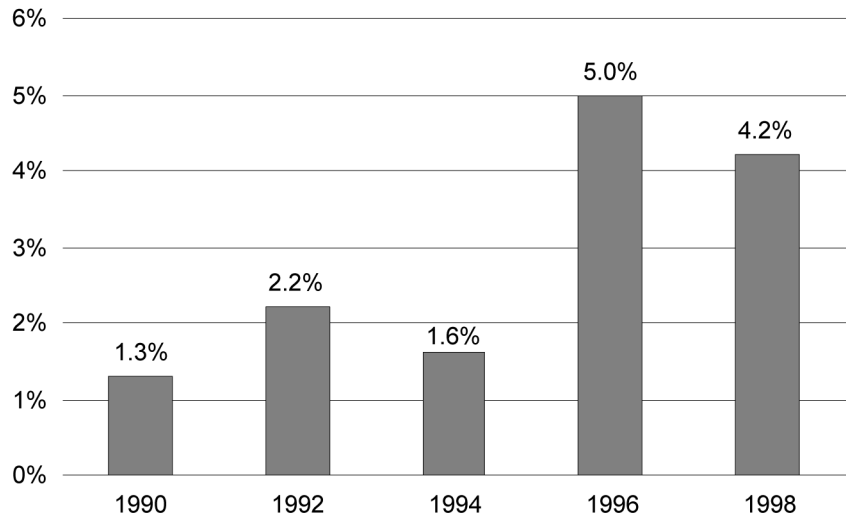
A SIZABLE VOTING BLOC

Since 1990, when the Voter News Service (VNS) first started asking about sexual orientation along with other demographic variables in its exit polls, VNS data have documented a coherent voting bloc organized around sexual identity. This means that sexual identity, along with gender, race, some religious identifications, income level, party identification and political ideology, contributes to the formulation of individual voter choices on election day. Indeed, there is some indication that sexual identity is more important than income level and gender (but not race or party identification) in describing how some voters cast their ballot.

From 1990 to 1998, the overall proportion of the identifiable GLB vote on the national level increased dramatically, from 1.3% in 1990, to 2.2% in 1992, to 5.0% in 1996, to 4.2% of the electorate in 1998 (and 6.4% of voters under 40 years old that year).⁸ Unofficial returns for 2000 indicate the GLB vote in the recent presidential election

remained at about 4.1% of the electorate. This increase in self-identified GLB voters over the past decade can be attributed to many causes, but at least one is the politicization of issues associated with sexual identity in national politics by both the movement for lesbian and gay rights and by social conservatives who resist change. At 4-5% of the vote, the GLB voting bloc is as large as the Latino voting bloc (5%), and larger than the Jewish and Asian American voting blocs (about 3 and 1% respectively).⁹ In a close election, GLB support can provide the margin of victory.

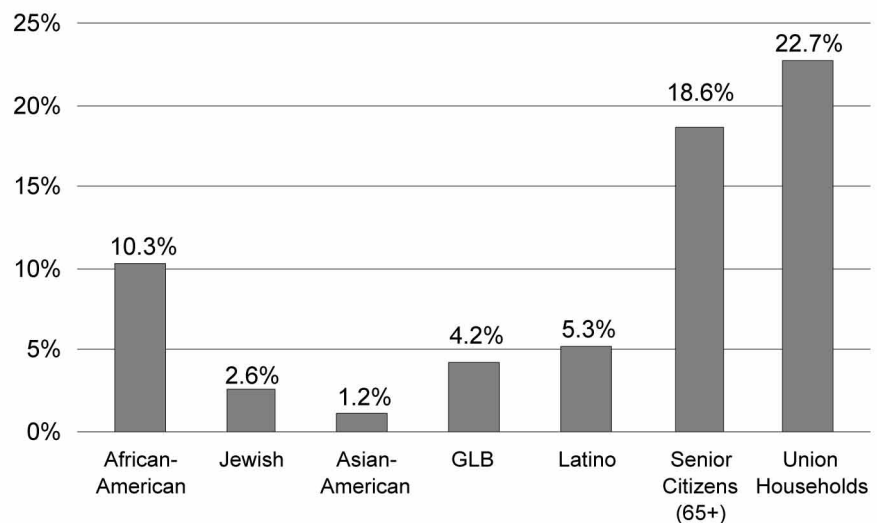
Percentage of GLB Self-Identified Voters



Percentages represent those voters who self-identified as gay, lesbian or bisexual (in VRS/VNS questionnaires).

Source: VRS/VNS National Exit Polls

Voting Group Percentage of Total Vote in 1998



Percentages represent those voters who self-identify as a member of each group.

Source: VNS Data

Note: The voting groups represented here are not necessarily mutually exclusive.

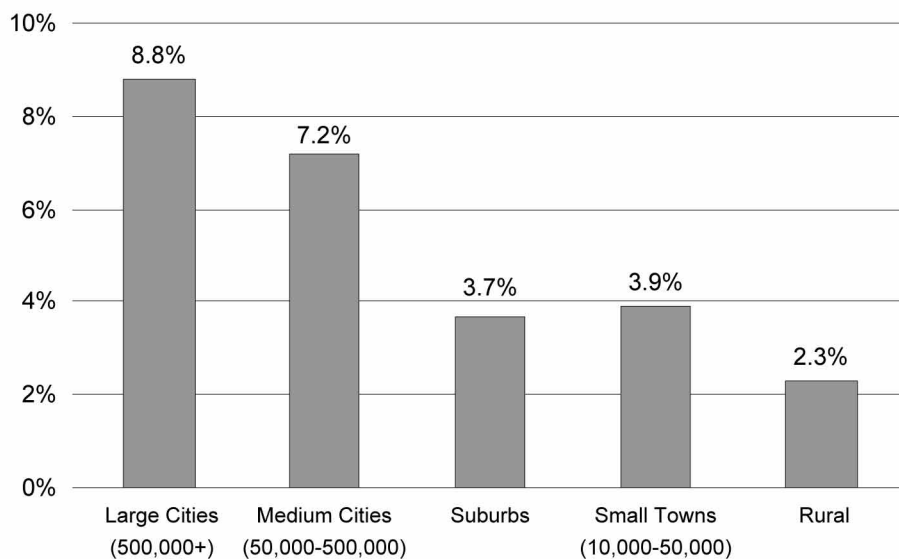
SOCIAL PROFILE OF THE GLB ELECTORATE: URBAN AND YOUNG

The maxim that “we are everywhere” is, of course, true. But the “out” GLB vote is not evenly distributed across the US: rather, it is concentrated in medium and large-sized cities (7.2% and 8.8% respectively), and less concentrated in suburbs and small towns (about 4%) and rural areas (2.3%).¹⁰

The most striking descriptor of the GLB electorate in all exit poll data is age. The data from 1990 through 1998 show that younger men and women are more likely to identify as GLB when compared to older samples. Furthermore, in 1992, 1996 and 1998, the national exit poll data demonstrate that the GLB sample is disproportionately young while the non-GLB sample tends to be older. For example, in 1998 6.4% of voters under 40 self-identified as GLB, while only 3.3% of voters over 40 did so.¹¹

Self-identified lesbian, bisexual and gay male voters also tend to be slightly better educated than other voters of the same age. A high proportion of these better educated GLB voters hold post-graduate degrees. Age, education and the urban/suburban/rural distinction do reflect differences between gay and non-gay voters. However, gay and non-gay voters have a similar distribution of race and gender.¹²

Distribution of the GLB Vote in Cities and Towns 1996 and 1998 Average

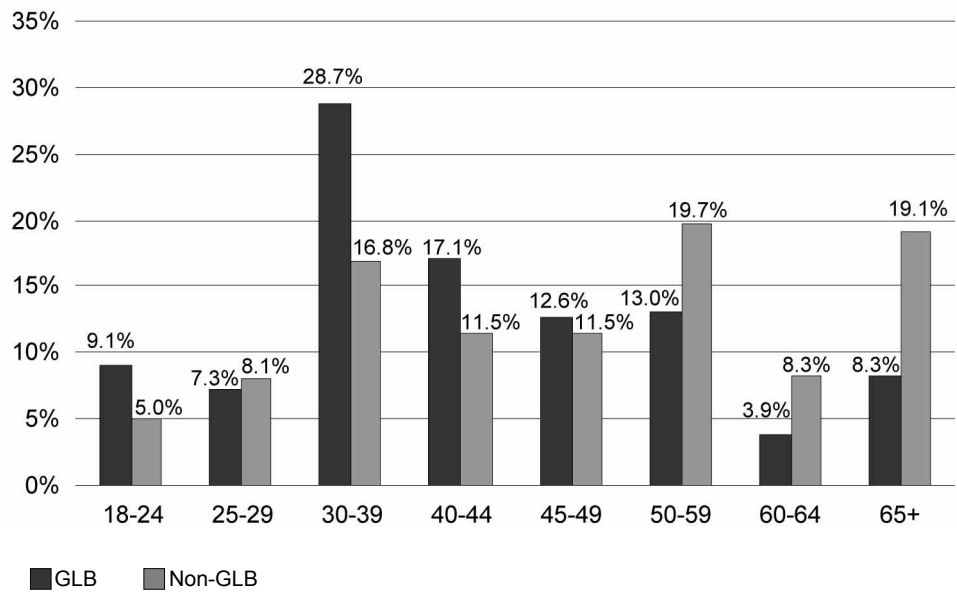


Percentages represent self-identified GLB voter distribution as a percentage of municipal population, averaged for 1996 and 1998.

Source: 1998 VNS National Exit Poll (n=218). 1996 VNS National Exit Poll (n=196). US Census Bureau MSAs provided the scale.

Note: When analyzed, the data for 1990, 1992, 1994, 1996, and 1998 reveal similar distributions.

Age Distribution of GLB and Non-GLB Voters, 1998



Percentages represent those voters in each age group who do or do not self-identify as GLB.

Source: VNS 1998 National Exit Poll

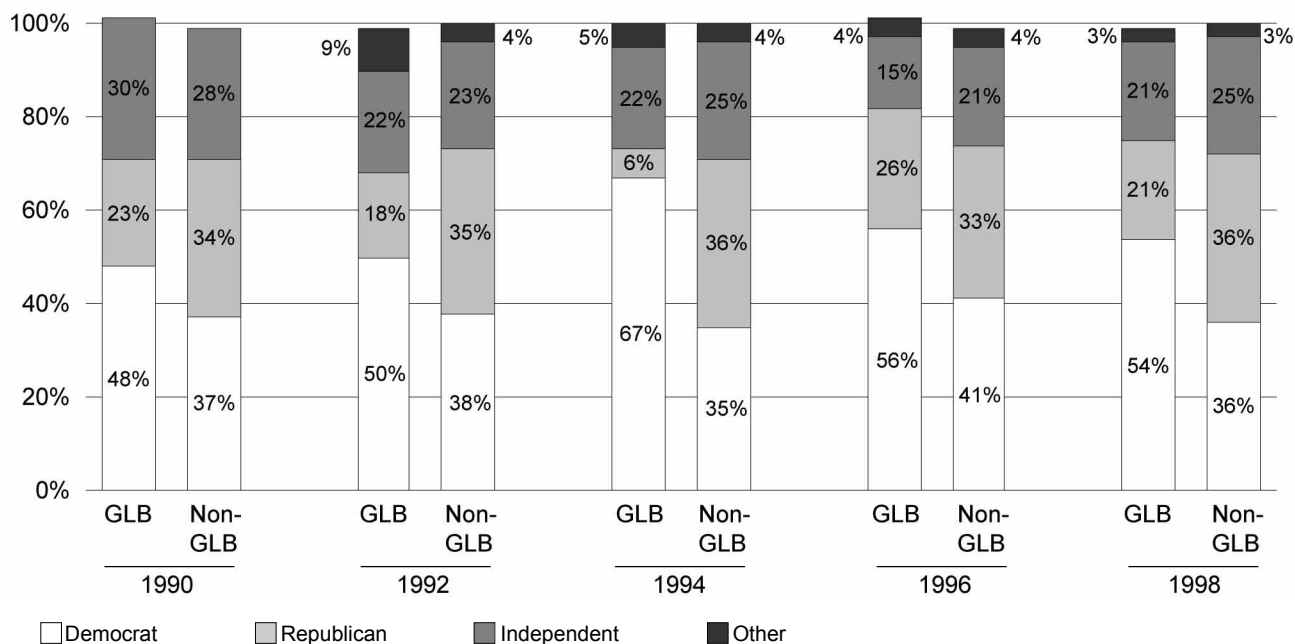
POLITICAL PROFILE OF GLB VOTERS: DISPROPORTIONATELY LIBERAL, MORE LIKELY TO SUPPORT DEMOCRATS AND INDEPENDENTS

GLB voters are twice likely as heterosexual voters to describe themselves as “liberal,” and only half as likely to self-identify as “conservative.” In the 2000 election, 41% of GLB voters identified as liberal, 44% as moderate and 15% as conservative. In contrast, only 21% of heterosexual voters self-identified as liberal, 49% described themselves as moderate, and 30% as conservative.

The GLB vote is independent: in 1998, one third of GLB voters backed Republican Congressional candidates. In California's March 7, 2000 presidential primary, GLB voters were five times as likely to support Green Party candidate Ralph Nader as heterosexual voters, with 5 percent of GLB voters choosing Nader vs. only 1 percent of heterosexual voters. In 2000, about one in four GLB voters backed George W. Bush, and 4% voted for Ralph Nader. In the 1992 elections, 23% of GLB voters cast their ballots for Republican Congressional candidates. This figure rose to 26% in 1994, 28% in 1996 and 32% in 1998. On the presidential level, self-identified lesbians, gay men, and bisexuals have voted overwhelmingly for the Democratic ticket of in the past two elections: 72% in 1992 and 66% in 1996 (both elections with three major candidates), and 70% in 2000.

At the state and local level, there is significant support for gay-friendly Republican candidates.¹³ That said, GLB voters are among the Democratic party's most loyal voting blocs: only African American and Jewish voters back Democrats at higher rates (about 90% and 80%, respectively) than GLB voters (who support Democrat House candidates about 70% of the time).

Party Identification by Sexual Identity
1990-1998 Congressional Elections



Percentages represent those GLB or Non-GLB voters who identify with each political party.

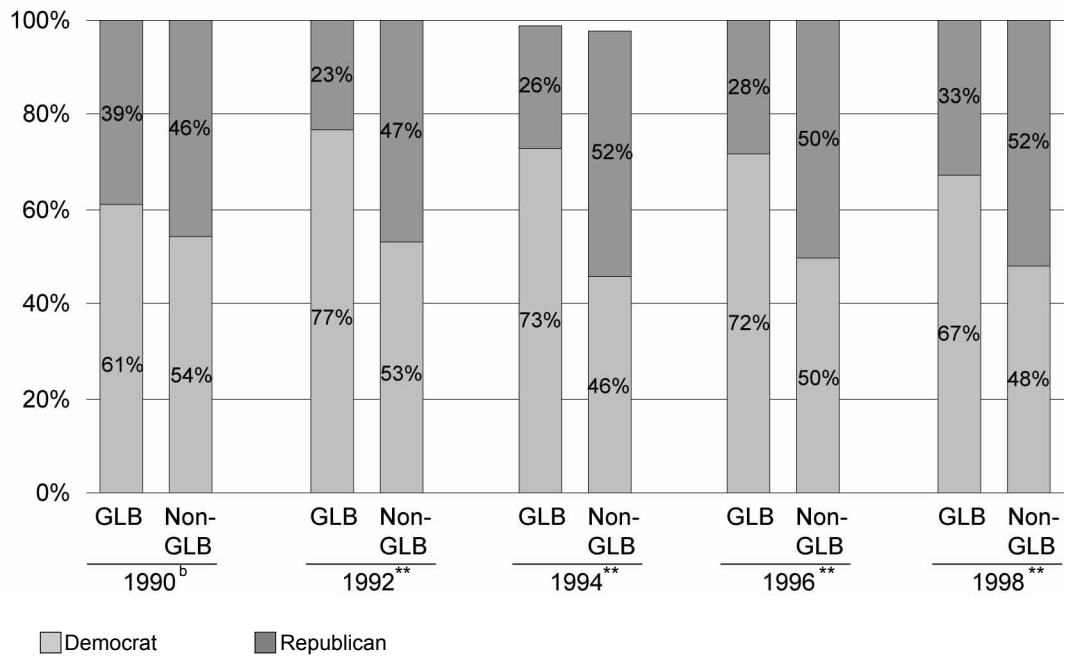
Source: VNS National Exit Polls

Note: Percentages may not add up to 100 due to round-off error.

In terms of issues, exit polls also show that lesbians, gay men and bisexuals are in some ways similar to all Americans and in some ways different. As with all Americans, the state of the economy typically is one of the top three issues of concern for gay voters. But education and health care are priority issues, and at a much higher rate for the typical American voter. In referenda in San Francisco and Los Angeles, the GLB vote overwhelmingly favored taxes and bonds to fund public education, even though GLB people may be less likely to have children than heterosexual people.

In conclusion, GLB voters, and most likely, transgender voters as well, are a discrete, identifiable voting bloc which encompasses a broad spectrum of political and ideological perspectives. As a group, however, GLB voters are more likely to have liberal or moderate politics, to vote Democratic, or to vote independent. In some of these behaviors, GLB voters share characteristics of other voting blocs, like black and Jewish voters, who also lean to the left in their ideological outlook and voting behavior.

Sexual Identity and House District Elections: 1990-1998
Party of House Candidate Selected by Voters^a



Percentages represent those GLB or Non-GLB voters selecting Democratic or Republican Candidates.

Source: VRS/New York Times National Election Poll, 1990; VRS National Exit Poll, 1992; VNS National Election poll, 1994, 1996.

Note: Percentages may not add up to 100 due to round-off error.

^a Independent and third party candidates excluded.

^b "Bisexual" category not accounted for in 1990 surveys.

Differences between GLB and Non-GLB voting patterns significant at: **=<.001 *=<.01

Historical Context

REDISTRICTING AS A TOOL OF RACISM

In order to work on redistricting in 2001 and 2002, GLBT activists need a basic understanding of the laws governing this process. There have been dramatic shifts in judicial thinking and interpretation of redistricting laws since the key US Supreme Court decisions and legislative advances of the 1960s. In order to understand the changes in voting rights and redistricting law, activists should examine the history of redistricting as a tool of racism in the US.

MINORITY VOTER “DILUTION” AND “PACKING”

In the South from the 1890s through the 1960s, racial gerrymandering¹⁴ was an important strategy used to deny African Americans the right to vote and elect members of their community to the US Congress and state legislatures. (Other strategies included restrictive state constitutions, poll taxes, literacy exams in a context in which blacks were persecuted for learning to read and write, and white only primaries.) Clusters of black voters were divided among many different districts, which then consisted of white majorities. This is called “dilution” of the vote. To this day it is still very rare for a white majority legislative district in the South to elect an African American who has not been an incumbent. Even after some of the most restrictive practices were removed by Congressional or judicial action, this conscious dilution of black voting strength effectively precluded the interests of African Americans being directly represented in Congressional and state legislative decision-making.¹⁵

In the North the opposite strategy was pursued. Clusters of black voters were jammed into a single district which would then elect an African American legislator who would be the single voice representing a black state-wide population of anywhere from 5% to 30% of all voters. The tactic is called “packing” voters. A classic case of “packing” black voters from the 1930s through to the 1960s was the Congressional district drawn for African Americans in New York state, centered in New York City’s Harlem neighbor-

hood, providing Adam Clayton Powell, Jr. with a secure seat for a generation. Similarly, in Illinois, the district held by Congressman Bill Sawyer on Chicago's South Side was the sole black Congressional voice for all Illinois citizens who were of African descent. Until the 1970s, African American representation in state Congressional delegations and in the state legislatures from the North was nowhere near their proportion of the population as a whole, with a few notable exceptions like US Senator Edward Brooke of Massachusetts. Today, though representation is better, most communities of color in the North still do not hold legislative seats in proportion to their percentage of the population.

Similar strategies of packing were deployed in Texas, California and the Southwest, and in New York City restricting the legislative influence of Mexican Americans and other Latinos. In the plains states and Alaska, these strategies minimized the number of Congressional and most importantly state legislative seats held by Native Americans, Inuit and Aleut people. In the cities along the Pacific and in New York strategies to limit the influence of Asian Americans are also evident.

Since the 1970s, several factors have altered the redistricting process toward a more rational and less biased process. The most important of these has been the passage of the Voting Rights Act of 1965, the amendments to it passed in 1975 and 1982, and the accumulated case law associated with its enforcement.



The above cartoon comes from an 1812 district in Essex County, MA. The bizarrely shaped district was represented in political cartoons as a salamander, and called a "Gerrymander" after the governor at the time, Elbridge Gerry.

THE VOTING RIGHTS ACT OF 1965

With the 1965 Voting Rights Act, Congress finally took seriously its responsibility to enforce the 15th Amendment, which guaranteed the right to vote regardless of race or previous condition of servitude. Its initial impact was to end literacy tests, biased voter registration processes, white only primaries, and other tactics used to deny African Americans their right to vote.

Congressional action in 1975 added language minorities and indigenous Americans to the groups protected by the act and extended it for seven years. Amendments in 1982 strengthened the hand of the Justice Department to monitor state and local redistricting plans guarding against racial discrimination.

In the early 1970s, the focus of enforcement of the Voting Rights Act moved onto the redistricting process, a process usually dominated by state legislatures. Increasingly the United State Department of Justice and the courts became proactive in regulating the redistricting process. At first the courts focused their attention on the use of multiple-member districts and their effect on the dilution of the voting power of minorities. The federal courts had become intensely skeptical of "at-large" and "multi-member" districts

in which people of color voting blocs could be diluted through redistricting procedures. In addition, the courts expanded the domain of the Voting Rights Act as it pertained to redistricting to include state, county, and municipal districts and school boards.¹⁶

The Voting Rights Act now requires the pre-clearance of any change in election laws or election districts that might have an effect on protected minorities in “covered jurisdictions.” Jurisdictions were determined “covered” under the Voting Rights Act if they had a history of discrimination against minorities.¹⁷ Nine entire states are covered in Section 5 of the Voting Rights Act: Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas and Virginia. Also covered are three boroughs of New York City (the Bronx, Manhattan and Brooklyn) and 40 of 100 counties in North Carolina. In addition, small portions of California (Yuba, Merced, Monterey and Kings counties), Florida (Collier, Harder, Hendry, Hillsborough [City of Tampa], and Monroe counties), South Dakota (Shannon and Todd counties), Michigan (Clyde and Buena Vista townships) and 10 towns in New Hampshire are also covered. Once part of a state is covered under Section 5 of the VRA, the entire state’s redistricting plan must be pre-cleared by the Justice Department to ensure that it does not adversely affect the representation of people of color or language minorities in that state. If an adverse effect is determined, the Justice Department can order that the plan be redone.

The VRA requires pre-clearance of redistricting plans in nine entire states and parts of seven other states.

The distinction between those jurisdictions that are covered by the Voting Rights Act and those that are not is thus a critical one for the practical politics of redistricting. It automatically makes the Voting Rights Section of the US Justice Department a participant in the local redistricting process and almost assures litigation by at least one of the classes of voters protected by the Voting Rights Act. Even with recent court rulings—what is sometimes referred to as the “post-Shaw”¹⁸ era of case law—the Justice Department plays a significant role in the redistricting process in those states and counties that are subject to section 5 of the Voting Rights Act.



Demonstrators gather around open casket containing a copy of the 15th Amendment on the steps of the Atlanta, GA post office in 1963. (AP photo)

The Basics of Redistricting¹⁹

HOW IT IS DONE

Every 10 years, after the decennial US Census that the Constitution requires the federal government to conduct, the 435 Congressional House seats are apportioned among the states²⁰ and the boundaries of Congressional, state legislative, and city council voting districts are redrawn to comport with population changes.

The act of districting is subject to constitutional and statutory guidelines. Legislatures are required by the Constitution and federal statute to redistrict every ten years to reflect population shifts revealed by the most recent census. In so doing, legislatures must adhere to three core principles, namely:

- that each district have the same population;
- that redistricting plans not discriminate against minority voting power; and
- that plans adhere to principles of compactness and respect traditional political boundaries.

First, according to the US Supreme Court in the 1964 case *Reynolds v. Sims*, all districts within a jurisdiction must have the same population. The Voting Rights Act of 1965 (VRA), its 1982 Amendment, and its original interpretation by the Supreme Court prevent districting designed to weaken the voting potential of a racial or language minority. Section 2 of the Act permits racial and language minorities to challenge districting plans that dilute their voting power and ability to elect representatives from their community, either by splitting minority population concentrations among several mostly white districts, or by packing minority voters into a single district. Section 5, as noted above, protects the voting rights of racial and linguistic minorities in jurisdictions with a history of minority voter discrimination by requiring that jurisdiction to preclear its districting plans with the United States Justice Department.

Before the VRA was passed, there were five black members of Congress, of a total of 535.

Voting Rights Act enforcement has had a measurable impact on racial minority representation in the electoral process. Before the Voting Rights Act was passed, there were five black members of Congress, of a total of 535. When the 1982 Amendment to the Voting Rights Act was enacted, that number had nearly quadrupled. Since the 1990 Census-based redistricting, the number of African Americans serving as members of the US House of Representatives has risen to nearly 40, coming close to reflecting the African American share of the population. However, in the US Senate not one African American serves among its 100 members.

Redistricting is also constrained by the additional requirements of “compactness, contiguity and respect for political subdivision.” Essentially, this could mean that a district have a “normal” shape and be drawn within existing city and county lines.

In *Shaw v. Reno* (1993), the Court significantly cut back on the VRA’s goal of enfranchising racial or ethnic minorities. The Court’s “colorblind” standards for examining districts often struck down districts that favored minority representation.²¹ *Shaw v. Reno* held for the first time that a district could be rejected because white voters drawn into a voting district containing a majority of minority voters were unfairly marginalized by race-based district lines.²²

The redistricting process is also subject to state constitutional and statutory regulations which may set redistricting timelines, proscribe operational parameters for redistricting committees, require public hearings, or impose additional requirements like the preservation of political subdivisions, the preservation of “communities of interest,” or the nesting of house districts within senate districts. Specific information on the redistricting laws and deadlines for each state is available from the National Conference of State Legislatures, at www.ncsl.org and described in Appendix F at the end of this publication.

Redistricting is not an objective process, and district lines are not neutral phenomena.

As recognized by the Supreme Court in *Gaffney v. Cummings*, redistricting is not an objective process, and district lines are not neutral phenomena. Rather, they often determine whether a district will be predominantly Democratic or predominantly Republican. Districting inevitably has and is intended to have substantial political consequences. The fact that the Democratic Party dominates the Massachusetts legislature (which oversees redistricting) is at least partly responsible for the fact that Massachusetts’ 10 US Representatives are all Democrats.

In practice, districting must be performed by a group—either a legislature or an entity appointed by a legislature—that is necessarily minuscule relative to the population being divided. Any such group can attempt to engineer electoral politics by dividing the population into favorably constructed electorates. When the majority group has the power to draw district lines without any protections for minority groups, the majority can institutionalize its dominance. We have seen this in the case of white majorities disenfranchising racial minorities. Such a representational system in a pervasively homophobic society could also limit GLBT interest representation.

HOW LEGISLATURES DRAW DISTRICTS

The mission of each state's redistricting committee is to adapt its current districting plan to the most recent US Census data—in this case the 2000 Census data which will be released by April 2001. In doing so, each state must conform to the federal constitutional and statutory guidelines mentioned above. Additionally, each committee operates according to its state's guidelines. In some states, committees are formed two to three years in advance of the Census. But in others, committees have not yet been formed. Committees may take the form of individual committees from both legislative houses, or may exist as a joint committee or an independent commission. To find out the specific rules in your state, consult "Appendix B: Dominant Redistricting Authority in Each State," and "Appendix C: Redistricting Commissions—Composition and Authority" at the end of this publication. All committees receive proposed districting plans from interested political factions. To guide them in assessing these proposed plans, committees adopt general districting principles. Some states require the committee to transmit basic Census data, precinct maps, and redistricting plans and process information to the public. Each committee must not only work within the legal parameters of its state and local government, but, because districting plays a large role in determining the results of political contests, it must also navigate among warring political factions.

FACTORS REDISTRICTING COMMITTEES CONSIDER

In redrawing district lines, committees consider various factors. These include: which officeholders will be retiring; which officeholders' seats are "safe"; i.e. not at serious risk of defeat; where new candidates would fare best; the political objectives of critical stakeholders; and, when a district must grow or shrink in response to population shifts, where to make that addition or subtraction and the concomitant effects on the interests groups residing therein. The protection of incumbents is often the top priority.

Many software packages exist to aid in the redistricting process.²³ Generally, these provide means to analyze voting patterns, district compactness, population deviations, and the demographic and political profiles of districts which figure into districting decisions. Such comprehensive data allow "even novices to project the likely electoral outcomes in each new district."²⁴ Additionally, myriad districting consulting services exist which help state committees to set up districting offices, choose software, select districting criteria, navigate the legal and political regulations particular to that state, and provide legal assistance if a districting plan encounters a legal challenge.

Historically, minority voting rights advocates have been involved in the redistricting process to guard against the gerrymandering of minority communities, and more recently, to enfranchise minority voters in the hopes of creating truly representative and inclusive legislative bodies by drawing district lines that make it more likely a candidate of color will be elected.

In many ways, voting rights law is inapplicable to the GLBT community. GLBT people have never been explicitly barred as a class from the right to vote. Nevertheless, those involved in redistricting must be mindful of voting rights law. Often it contains

obligatory considerations in redrawing voting districts. Furthermore, some concepts have been adopted by states and localities as criteria to apply to all communities when redrawing voting district boundaries.

STRATEGIES OF RACIAL AND ETHNIC MINORITY REPRESENTATION

The VRA guards against the dilution of minority voting strength in the redistricting process, regardless of whether this dilution is intentional or in effect.²⁵ Intentional discrimination was most pronounced in the Old South, where communities of color were gerrymandered with the intent of racial animus. Discrimination in effect involves dilution of minority voting strength, irrespective of any racial animus. One example is the drawing of a voting district that splits minority voters between two or more districts so that the community could never elect a minority representative. For instance, in the 1982 New York state legislative redistricting, Chinatown was split between two state assembly districts. This made it more difficult for a Chinese American candidate to get elected than if Chinatown had been kept in a single assembly district.

Another inquiry looks to the composition of the legislative body. Up until the 1990s, if the legislature did not at least somewhat reflect the demographic makeup of that political jurisdiction, this could be viewed as effective racial discrimination, and thus a violation of the Voting Rights Act.

“Majority Minority” Districts

Candidates who are members of racial minority groups very rarely win elections from majority-white voting districts. In order to address this problem, in the 1980s and early 1990s civil rights groups pushed for the drawing of districts in which a majority of the residents were people of color. The aim of these “majority minority” voting districts was to facilitate the representation of people of color in the legislative body. The U.S. Supreme Court originally held in the 1986 case *Thornburg v. Gingles* (478 U.S. 30, 48-52 (1986)) that three “preconditions” were required for the creation of a majority minority district. The minority community had to (1) be sufficiently numerous and compact to form a majority in a single voting district; (2) be politically cohesive, in that members of the minority group tend to vote alike; and (3) suffer from racially polarized voting where the white majority votes as a bloc so as to routinely defeat the minority group’s preferred candidate. In some cases, *Gingles*’ interpretation of the Voting Rights Act resulted in increased representation for communities of color.²⁶

The Retrenchment of *Shaw v. Reno* (1993)

Shaw v. Reno initiated significant changes in decades of settled voting rights law. *Shaw* struck down a “majority minority” district in North Carolina on the ground that it “stigmatized” white people.²⁷ In *Miller v. Johnson* (1995), the Court clarified *Shaw*, holding that the consideration of race could not be the “predominant criterion” in redrawing voting districts.²⁸ If the consideration of race did predominate, then the district would most likely be held unconstitutional.²⁹ Subsequently, courts struck down majority minority voting districts in North Carolina, Georgia, Louisiana, Texas,

Florida, New York, and Virginia, and ordered the legislature in every instance to redraw the voting districts.³⁰

The New Standard under *Miller v. Johnson* (1995): “Communities of Interest”

Shaw and *Miller* held that in drawing majority minority districts, the consideration of race could not subordinate “traditional districting criteria” such as compactness, contiguity, respect for geographic and political boundaries, incumbency protection,³¹ and preserving “communities of interest.”³²

Although race cannot predominate in the redistricting process, nor can race be totally ignored. Race may still be taken into consideration, as long as it is merely one criterion among many.³³

Many voting rights lawyers believe “communities of interest” is the new standard for examining districts challenged under *Shaw*, and for affirmatively drawing districts giving representation to racial and ethnic minorities. But occasionally it is mandated as the standard by which all districts must be drawn.³⁴

Over 20 states have constitutional provisions, statutes, or redistricting guidelines that allow state redistricting bodies to consider “communities of interest.” No universal definition of “communities of interest” exists, a fact that may help GLBT communities in districting efforts. Some states and local governments have tried to define this concept, and some courts, in applying this standard, have taken on a general definition. Many state definitions refer only in general terms to neighborhoods, communities, and socioeconomic interests or characteristics. For example, Colorado requires “communities of interest, including ethnic, cultural, economic, trade area, geographic, and demographic factors, [to] be preserved within a single district whenever possible.”

Courts in California, Wisconsin, Pennsylvania, and Texas have also defined the concept of communities of interest.³⁵ In one instance, the California State Supreme Court referred to communities that share geographic location, living standards, transportation facilities, work opportunities, or access to the same media of communication relevant to the election process.³⁶

The concept of communities of interest is fluid. It can be used to define existing racial, voting, or other minority communities. But it can also be used—and should be used when mandated—in drawing districts enfranchising GLBT communities and population enclaves.

District drawing of communities of interest cannot be a mere legal fiction or proxy for race. Rather, race and ethnicity, along with income level, educational level, language, English proficiency, and other criteria can be used to prove that specific communities are communities of interest.

No universal definition of “communities of interest” exists, a fact that may help GLBT communities in districting efforts.

GLBT Communities and Redistricting³⁷

FIRST STEPS: GETTING BASIC INFORMATION AND MOBILIZING THE COMMUNITY

Redistricting activism requires initial on-the-ground research with key legislative allies to determine if there are already proposals pending, and who the key players are in this process. You may want to start off by calling the redistricting committee staffer and asking him or her basic questions, such as: when will the committee form? when will hearings be held? when will proposals be considered, and when will a plan be approved? You may be able to find contact information and other information at the National Conference of State Legislature's excellent redistricting website: <http://lije.commissions.leg.state.mn.us/scripts/esrimap.dll?Name=redistprof&Cmd=Map>. If you don't find good leads on this site, try asking the statehouse switchboard operator, ask a staff person in a friendly legislator's office, or call the House or Senate Clerk's office and ask them. Talk to your allies in the city council, state house/assembly and senate, and Congressional staffers who may be in the loop. Ask them more details about the process, who is drafting proposals, and when those proposals will be presented to or by the committee. Your contacts in the city council or state house may also refer you to other, non-gay progressive activists working on this issue who could have more information on what redistricting work is already underway. Be persistent.

You should analyze any proposals and determine how they would benefit or hurt the GLBT community.

Once you've completed this initial reconnaissance, you should analyze any proposals and determine how they would benefit or hurt the GLBT community. This could take the form of splitting the community down the middle into two largely homophobic districts, or packing the community into one district in such a way that the influence of GLBT people is minimized in adjoining districts. Either extreme is to be avoided. Proposals that make it likely a pro-gay incumbent will be defeated could also represent a threat to the GLBT community. This information should be conveyed to the community through a public meeting on the issue and/or other, higher tech forms of communication, and an action plan developed to lobby the redistricting committee in favor of or against specific proposals. Amendments to proposals can also be offered. Whenever possible, GLBT activists should work with other progressive activists and form a united front for or against various proposals.

In some states, activists will seek the approval of already existing redistricting proposals which don't disadvantage local GLBT communities, and the defeat of existing proposals which would disadvantage GLBT communities. But in other states not as far along in the redistricting process, activists may be able to proactively influence the drawing of district lines. This depends largely on the timeline in each state, described in "Appendix A: Deadlines for Redistricting (by State)" and "Appendix C: Redistricting Commissions—Composition and Authority" at the end of this publication. Such information can also be found on the National Conference of State Legislatures redistricting website cited above.

Following your initial research, community education and strategy development, there are a number of specific goals you might push for. A number of options are described below. Some are more likely than others, and all will depend on the local context with which you are most familiar.

MAJORITY GLBT DISTRICTS AND THE VOTING RIGHTS ACT ³⁸

Demographically, there are few if any potential majority GLBT districts. Each Congressional House district represents more than half a million people. It is hard to imagine a potential Congressional House district that would be majority GLBT. It is estimated that even gay-identified neighborhoods like the Castro in San Francisco and New York's Chelsea are at most one-fifth to one-quarter gay.³⁹ Nonetheless, in certain local jurisdictions GLBT districts have been created—such as the "gay" New York City Council district once held by Tom Duane, and now held by Christine Quinn—principally on the basis of demonstrating the existence of an identifiable GLBT community. We encourage GLBT activists to document the existence of GLBT communities not necessarily to create GLBT districts, but to identify geographical sites to prioritize in their redistricting advocacy over the next year. In some cases, though, a majority or near-majority GLBT district may be possible.

DISTRICTING CHALLENGES FOR GLBT COMMUNITIES

The GLBT community does not need to abide by minority voting rights law, but such law is instructive and can guide efforts to draw progressive, pro-GLBT districts, and even the occasional GLBT majority district at the city council level. The minority group should demonstrate that it is both geographically concentrated and sufficiently numerous to constitute a majority of a single-member district, that it is politically cohesive, and that the community shares common interests.

Political cohesiveness is demonstrated by a high correlation between the community identification of the voter and the voter's choice of certain candidates. GLBT people might indeed vote alike on certain issues. As noted above, GLB voters are among the Democratic Party's most loyal constituencies, surpassed only by black and Jewish voters.⁴⁰ Gay, lesbian and bisexual voters are also much more likely to identify as "liberal" and much less likely to identify as "conservative."⁴¹ Proving political cohesiveness, however, is challenging because US Census data do not include specific information on

sexual orientation.⁴² Alternative sources, such as records of contributors to GLBT organizations and the mapping of gay-owned businesses and institutions, may be helpful in identifying GLBT residential concentrations.

While bringing a claim of GLBT vote dilution or packing under the Voting Rights Act would be likely to fail, it is possible that GLBT people could challenge vote dilution under the Equal Protection Clause of the Fourteenth Amendment. But until the United States Supreme Court clarifies the constitutional status of GLBT people, the ultimate success of any equal protection challenge to districting is highly questionable. In sum, it is unlikely that challenges under either the Voting Rights Act or the Equal Protection Clause will succeed in remedying the inadequate representation of GLBT interests under our current districting system.

Another complicating factor is that GLBT people comprise many racial, ethnic, class, and gender groups and, therefore, often face multiple discriminations. Respecting the unique ways in which women, people of color, poor people, and other disadvantaged and marginalized groups experience anti-GLBT discrimination requires consideration of their different interests as part of the overall need for GLBT interest representation.

GLBT people are geographically dispersed. Although some lesbians and gay men live in identifiable urban “ghettos,” many live in neighborhoods that correlate with their class, race, or ethnicity rather than their sexual orientation—either by choice or economic necessity. Lesbians are particularly dispersed in that they tend not to concentrate in a given territory as much as gay men, but establish social and interpersonal networks. In addition, the increasing tendency among lesbians and gay men to move to the suburbs, which reflects the movement of the population as a whole, contributes to geographic dispersion. This lack of incontrovertible, objective group boundaries hampers GLBT districting activism.

For the purposes of redistricting, we also must demonstrate a geographic dimension to the GLBT community.

SUPPORTING GLBT REPRESENTATION THROUGH COMMUNITY EVIDENCE

Ten years ago, several lesbian and gay communities successfully utilized community-based evidence to support the creation of majority lesbian and gay districts. Today, in 2001, we encourage activists to emulate these efforts as a means to achieving the goal of creating progressive, pro-GLBT districts in which an openly GLBT candidate has a decent chance of getting elected.

Although “community” once meant a neighborhood and thus was a geographic concept, today the term “community” is more likely to apply to a group of people with a common sense of history, assumed values and even common slang. GLBT communities, in order to assert their political power, need to break into the state sanctioned consortium of groups that participate in the redistricting process. A coherent identity, a “community of interest” that expresses itself through common political values can be demonstrated through the analysis of GLBT voting patterns. But, for the purposes of redistricting, we also must demonstrate a geographic dimension to the GLBT commu-

nity. Knowledge of such geographic patterns will not only assist redistricting efforts. Such knowledge will also add to the long-term infrastructural development of the GLBT political movement, by documenting for GLBT activists where potential members and activists live, as well as potential voters.

POSSIBILITIES FOR GLBT DISTRICTING

There are at least three different scenarios which hold possibilities for representation of lesbian and gay communities. The first two scenarios for GLBT representation center around a whole GLBT community in a district, while the third involves a district that splits a GLBT community geographically.

GLBT Influence District

A GLBT community too small to form a GLBT majority district might be sizable enough to comprise a GLBT influence district, in which candidates will likely be sensitive to issues of concern to the GLBT community because its voters can sway election outcomes. Activists in Boston saw the effect of this in December 1997 when two historically anti-gay candidates, one a city councilor and one a state representative, ran for higher office in a larger state senate district which included the heavily lesbian neighborhood of Jamaica Plain. Both moderated their positions on gay issues, specifically endorsing domestic partner benefits, so as not to alienate the lesbian and gay voting bloc, which was a small minority in the district overall. In addition to influencing the positions of heterosexual politicians, the strength of a GLBT minority vote in a district could also result in a successful bid for office by a gay, lesbian, bisexual or transgender candidate whose positions on issues appeal to broader communities.

District with GLBT Minority and Strongly Anti-Gay Minority

A second scenario involves a district in which anti-GLBT sentiment divides the population. Efforts to promote GLBT interests will likely fail—even if 49% of the district is pro-gay. Despite the size of its population, a GLBT community in such a jurisdiction could consistently be outvoted by the conservative, anti-gay voters in the district, effectively depriving GLBT voters of their political voice. This is the case with Boston's heavily gay South End, which is represented by an anti-gay City Councilor from South Boston. This scenario has also occurred in regard to race. In the US South the vast majority of whites have shown a consistent reluctance to back a black candidate. When whites vote as a near monolithic bloc, a 45% or even 49% black district can have a difficult time electing a black representative. This is why, even after the civil rights reforms of the 1960s, most districts from the South did not elect black representatives to Congress until the “majority minority” or “minority influence” districts of the 1980s and early 1990s. But given the widespread support for equal rights for GLBT people, it is hard to imagine a nearly half gay district in which a few heterosexual supporters could not be found to vote for a gay candidate. So this second Gingles scenario is highly unlikely.

Gerrymandering: The Dilution of GLBT Communities Among Several Districts

GLBT majority or influence districts assure that some degree of GLBT representation will exist in the jurisdiction's legislature. But when a GLBT community is fractured among two or more districts, any potential GLBT electoral voice is diminished. The primacy of constitutional and statutory mandates, as well as districting conventions, over GLBT representation renders fracturing a common result in districting. In this situation, a GLBT community that might be large enough to qualify as a majority in a district, but that lacks the power necessary to sway those involved in the districting process, would be split into small, politically impotent groups.

When a GLBT community is fractured among two or more districts, any potential GLBT electoral voice is diminished.

MAPPING THE GLBT COMMUNITY

Finding GLBT voters is not an exact science, since the Census does not ask about sexual orientation or gender identity. Lacking “hard” statistics on the GLBT population, activists working on the 1990 redistricting had to rely on “soft” statistics to locate GLBT communities. For example, California activists used GLBT organizational mailing lists and voting patterns in supervisor races where gay candidates were running. In New York, Texas, and California, advocates for GLBT representation have, with varying degrees of success, employed similar methods to identify their communities for districting purposes: maps depicting previous electoral support for GLBT interests; maps reflecting community group member lists; and maps reflecting the locations of GLBT businesses and community institutions, like community centers or health centers.

In the past, several methods were used to identify clusters of gay and lesbian households, and thus gay and lesbian voters. No one of these methods is fool proof, and all infer residential patterns from secondary information sources. Thus you should never rely solely on one method but use several to arrive at a best estimate of local GLBT residential patterns. These methods or strategies include:

- Analyzing local GLBT mailing lists including GLBT community service centers;
- Analyzing national fund-raising, community and direct sales mailing lists focused on the GLBT community;
- Examining the “dedicated household” dimension of the 1990 and 2000 Census that allows same-sex couples to identify themselves by identifying as “unmarried partners;”
- Identifying local neighborhoods that have characteristics similar to neighborhoods in other cities that are known to be prime residential choices for GLBT residents;
- Mapping social service, business and recreational centers servicing the GLBT community in the city;
- Analyzing voting patterns in support of openly GLBT candidates;
- Analyzing voter registration records for same-sex households (which may or may not be same-sex couples); and

- Conducting an “ethnography” of GLBT neighborhoods.

All these strategies will show some identifiable patterns of lesbian and gay residential clusters—the kind of clustering that is typically needed in court challenges of districting plans based on dilution of minority voting power. Nevertheless, to emphasize the point, the key is not to rely on only one or even two of these methods, but to use several and overlap the results geographically. Particularly fruitful methods are discussed below in more detail.

GLBT communities maximize their political power by building coalitions with other groups.

ELECTION RETURNS: VOTES FOR GLBT CANDIDATES

Votes for a candidate who is openly gay, lesbian, bisexual or transgender also point to the location of a GLBT community. Election day results where an openly gay candidate is involved can be a surrogate indicator for pockets of GLBT voters. Where several attempts have been made to win a local, state or federal elected office by a member of the GLBT community, succeeding election day results can be overlapped to enhance a map of the GLBT community. Analysts using this method should be aware of other factors influencing support for openly gay candidates, factors that may pertain to the specific candidates. The credibility of voting patterns as evidence of the existence of GLBT communities is tempered by the possibility of heterosexuals voting for GLBT candidates. For example, in New York, openly gay state senate candidate Tom Duane received major support from non-GLBT communities as well as from within the community. Nonetheless, the returns from previous elections in which gay and lesbian candidates had participated formed the principal evidence justifying the creation of a gay City Council district in New York following the 1990 Census. Combined maps of voting patterns for gay and lesbian candidates in past primaries and elections demonstrated the existence of an identifiable population of supporters for GLBT candidates.

IDENTIFYING GLBT RESIDENTIAL CONCENTRATIONS THROUGH CORRELATION WITH KEY CENSUS VARIABLES

Another indirect method of identifying geographic concentrations of GLBT residents is to use Census data to pinpoint neighborhoods in your region that have the types of demographic characteristics that are usually associated with the presence of gay men and lesbians. Extensive correlation analysis of over 40 metropolitan areas has shown, at the zip code level, that the strongest association among 225 different Census variables and heavy concentration of households on GLBT mailing lists are the categories “Percent Non-Family Households,” “Percent Housing With 5 or More Units,” and “Percent of Residents who are Renters.”⁴³ In addition, there is also a negative association between “Percentage of Residents 1-4 years old” and the likely presence of gay and lesbian residents. The strength of these statistical associations is uneven across the 40 metropolitan areas, but the patterns are consistent. Obviously, this method is subject to a greater possibility of error than other methods outlined here, and thus it should be combined with at least one additional tactic to identify the location of GLBT voters.

EXAMINATION OF VOTER REGISTRATION LISTS

A strategy first developed in the study of gay male domains in San Francisco, and now more widely used, is to search voter registration records for same sex co-habiting voters.⁴⁴ One great benefit of this approach is that the analysis can go down not only to the level of Census tract, but also to election districts or precincts. The method again requires several steps of data management to obtain usable results. The first step is to identify households with more than one registered voter. This result is then screened for two person, same-sex households. When these households are identified you should further filter the results by taking out households in which both parties have the same last name (and thus may be sisters, brothers or mother/daughter households). You should also screen out households in which the age difference between the two parties is more than 25 years (assuming age or birth date information is available from the registration lists). While this last step may falsely reduce the total number of GLBT households, it is much more likely to identify father/son, mother/daughter or other family situations which would add greater error to the final results.

Again, this method will not provide a complete picture of the residential patterns of GLBT people. It will not, for example, identify single households, GLBT people living with parents, or lesbians or gay men living with opposite sex roommates. This surrogate indicator will provide at least some useful information that can be compared with data generated by other methods.

SAME-SEX “PARTNERED” HOUSEHOLD DATA FROM THE 2000 CENSUS

While the United States Census does not offer any fully reliable measures of the number or character of GLBT households in the US, there is one dimension within the Household Survey portion of the Census that can be used to infer concentrations of GLBT residents. The “Partnered Household” dimension was added to the 1990 census questionnaire and was continued on the 2000 census form. The question asks two co-habiting adults who were not married to define their relationship. Among the labels offered is “unmarried partner.” The sex of both parties is also asked. When the “partner” dimension is screened for the sex of each party, same-sex partnered households can be identified. Unfortunately, at least in 1990, the question did not generate a large sample—only about 150,000 same-sex households. Nevertheless, the responses can be used to identify geographic concentrations of such households. A public education campaign led by the NGLTF Policy Institute and the Institute for Gay and Lesbian Strategic Studies in spring 2000 may result in an increase in self-identified same sex partners in the 2000 Census.

A similar use of the Census to impute residential concentrations of GLB residents has been used by students of the urban geography of hate crimes.⁴⁵ A surrogate indicator of concentrations of gay male



**The Census 2000
Visibility Project**

Last spring NGLTF and IGLSS led a national public education campaign to encourage same-sex partners living in the same household to identify themselves as “unmarried partners.” The campaign reached 16 million people.

households can be tabulated by counting the number of households composed of two unrelated males over the age of 30. This list can then be screened such that neither resident of the household is enrolled in school. The number of lesbian households can be estimated similarly by counting households containing two unrelated, non-student women over 30. As a proportionate variable needs to be estimated (raw data is useless when trying to identify *comparative concentrations* of GLBT voters), a “denominator” is then calculated by screening for over 30, opposite sex households, married or unmarried, with neither household resident enrolled in school. The ratio between the “same sex” household versus the “non-same sex” households is the basis of the analysis. While this method can only provide Census tracts or zip codes with a high probability of GLBT residential concentrations, other analysis shows that the method does identify concentrations nearly as well as the analysis of GLBT mailing lists.

GLBT INSTITUTIONS—MAPPING OF SERVICE, BUSINESS AND SOCIAL LOCATIONS

Districting advocates can also point to the densities of the GLBT population through the locations of GLBT institutions. Visible signs of the GLBT community, such as businesses, bars and clubs, book stores, providers of professional services, social service organizations, and religious institutions targeting or run by GLBT people, suggest where a GLBT-favorable district may be drawn. “Providers of professional services” should be read in the broad sense to include lawyers, doctors, dentists and real estate brokers, financial planners, therapists, bed and breakfast hotels, etc. who have large GLBT clienteles. Similarly “social service organizations” should include at a minimum GLBT community service centers, Metropolitan Community Churches (a pro-gay church), gay and pro-gay congregations of other religious denominations, meeting sites of GLBT 12-step affinity groups, community sponsored HIV prevention and service organizations, GLBT senior services, social service organizations, and schools that have GLBT youth programs, among others. Typically a GLBT commercial or social service center is within the bounds of a larger GLBT residential cluster (and thus a voting cluster). But there may be some exceptions to this (for example, South Beach, Miami Beach is a national GLBT commercial center, but it is not within the largest cluster of gay and lesbian residents in the greater Miami area). Especially in larger cities or in sprawling urban regions (such as the San Francisco Bay area, greater Tampa/St. Petersburg, Minneapolis/St. Paul or metro Atlanta) there may be more than one focus of gay and lesbian residential concentrations. In New York, organizations serving the GLBT community are also extremely high in the neighborhoods of Chelsea and the West Village. In the 1991 City Council redistricting, local activists drew a geographically compact map around this concentration of GLBT institutions in the West Village and Chelsea.

ORGANIZATIONAL MAILING LISTS

Analysis of local GLBT organizational member lists

One of the most effective and easy ways to identify concentrations of GLBT residents is to examine the mailing lists of local GLBT organizations and businesses. While most organizations and businesses may not want to share the actual names and addresses with you, they may be willing to share the number of people per zip code or per Census tract.⁴⁶ This is all you need to plot distributions and concentrations of GLBT people in your area. Explain why you are doing this and how important it is to the GLBT community in terms of our political representation over the next decade. Promise to share the data only with redistricting committee members and sympathetic activist allies. Many civic-minded GLBT organizations and businesses may comply with your request.

Such mapping can be conducted at the zip code level, the Census tract level or even the “block group” level—all geographic levels of analysis for which the Census Bureau produces machine readable data. If there is a local GLBT community service center, its list is a good place to start. The mailing list of the local GLBT newspaper or GLBT bookstore would also be useful. Lists of donors to any openly gay or lesbian candidates should be useful. But remember, unless there is a universal, local, merged mailing list, each list will be skewed toward certain demographic groups. Thus you should always use more than one list, preferably more than five if possible. You should be especially sensitive to obtaining lists which are likely to have a disproportionate number of women, people of color, seniors and youth to balance off other lists that are dominated by white men in their thirties and forties. In some of these cases there will be local lists of this kind to assist you.⁴⁷ But be imaginative. Local disco lists often have a large percentage of young people, Latinos and African Americans on them. There are also local distributors of sexual material whose lists might be useful. These lists may yield contacts that would not show up on other mailing lists.

If there are no local mailing lists that specifically target people of color, low-income people, youth, or seniors, you might ask national organizations who do target these audiences to break out their clients from their national lists within those zip codes you consider important. Remember, you do not need names, nor even addresses, but simply a count either by Census tract or zip code (e.g. 8 people in 10001 and 3 people in 10023). During the 1990 redistricting, an analysis of mailing lists containing the names of members of community groups, organized by zip code, was used successfully in Manhattan. The lists suggested that the concentration of gay and lesbian donors was five times higher in Chelsea and the West Village than in the rest of Manhattan. This information served as supporting evidence in efforts to establish the presence of a lesbian and gay community in Manhattan. It was also used as the primary evidence by activists attempting to gain a lesbian and gay district in Brooklyn, where activists lacked access to the kind of electoral records data that had been made available to Manhattan activists.

It's important to note that the use of lists helps us identify concentrations of GLBT people, but that many lists—especially donor lists—will be skewed in terms of income, education, home ownership, etc. These provide evidence of relative concentrations of GLBT people, not actual demographic numbers.

Use of national mailing lists

Similarly, national mailing lists can also be examined—though the very size of these data sets may be a barrier for local analysis unless the analysts have access to mainframes. Extracts from the lists—without names, addresses, imputed income levels and other data fields—can be used with the better personal computers available today (though even these data-sets can be as large as 15MB or larger). National mailing lists are most easily broken out at the zip code level, a geographic level of analysis that is sufficient for redistricting analysis but not as good as Census tract. There are programs that allow for the reformatting of Census tract data into zip code data and vice-versa, but local analysts can usually rely on the zip code data. However, activists could partner with a GLBT or pro-gay social scientist or graduate student at a local university to accomplish this goal. (If you are serious about doing this work and want a referral to someone in the LGB Caucus of the American Political Science Association who may be able to help you conduct data analysis, please contact Sean Cahill at the NGLTF Policy Institute at 212-604-9830, x 17, or scahill@nglrf.org.)

An advantage of using national mailing lists is that they can provide a broader perspective on residential patterns within expansive metropolitan areas, or within the smaller states, than local mailing lists. In New Jersey, for example, an analysis of the Strubco community list for the state as a whole (with more than 650 zip codes) not only affirms residential concentrations that are well known—in Jersey City, Hoboken and North Plainfield, for example—but also less intense but still evident residential concentrations elsewhere in the state: throughout the Princeton corridor (New Brunswick southwest to Princeton along U.S. Routes 1 and 9), lower Bergen County, Red Bank, the Montclair/Bloomington area, and elsewhere. Similarly, an examination of the greater Los Angeles/Riverside County area again affirms the obvious—that many gay men and lesbians live in West Hollywood, Hollywood and Silverlake—but it also reveals concentrations of GLBT residents and voters in Santa Monica, Venice, ocean-front Long Beach and Laguna Nigul.

With more and more out GLBT people living in the suburbs, national lists also have an advantage in that a small number of residents—maybe even too small to be concerned about in the districting process—can be found. Analysis of present mailing lists does show that the type of suburban communities lesbians and gay men are most likely to choose as a residence are the older, inner ring suburbs—built either during the 1930s or in the years immediately after World War II. These suburbs typically have at least some rental housing, are closer to the core of the metropolitan area, and frequently have good public transportation. Examples are Oak Park and Andersonville around Chicago; North Plainfield and Red Bank, NJ; and Atlantic Beach and Hempstead, Long Island, near New York City.

GLBT “ETHNOGRAPHY”

As with other communities—such as Asian American and Latino communities—there are urban (and even rural) gay spaces readily identifiable to anyone regardless of their sexual orientation. One of the more anecdotal methods to identify residential clusters of GLBT people is to explore these terrains from the street up; to interview individuals familiar with the residential and commercial geography of the principle local GLBT community. The political symbols and signs, history, taverns and entertainment centers, shops, etc. can be identified to assess roughly the core and boundaries of the GLBT community. Local community leaders can be interviewed and lines of demarcation can be identified. The technique is sometimes used in areas with small “downtowns.” In some local cases of redistricting, historic communities are protected in redistricting criteria, though these receive lower priority than those classes protected by the Voting Rights Act (racial and linguistic minorities) or even county lines. Knowing the physical character of GLBT neighborhoods will help redistricting commission members (if they are open to public hearings) to visualize the GLBT domains of their respective cities and states.

Conclusion

Despite significant advances in public opinion toward gay and lesbian people and a dramatic growth in sexual orientation and gender identity nondiscrimination laws at the local and state level, the basic rights of GLBT people continue to be contested in political arenas across the US. Thus GLBT communities have a profound need for progressive, meaningful representation at all levels of government. The current round of redistricting, which will play out through mid-2002, offers an opportunity for local and state GLBT activists to influence the shape of Congressional House districts and state and local districts that will profoundly impact the make-up of elected government in America for the next decade. We hope this memo has provided strategies and tactics for engaging the redistricting process, identifying and documenting GLBT residential clusters, and advocating for the interests of the GLBT community as part of a broader coalition of progressive constituency groups. Smart, strategic, coalitional work on redistricting in states across the US over the next year will both advance the equality of GLBT people and make our elected government more reflective of the diversity of this country.

Endnotes

1. It's important to acknowledge that Robert Bailey, Darren Rosenblum and Glenn Magpantay donated hundreds of hours of time and expertise to this project, for which we are deeply grateful.
2. These terms are defined in the "Historical Context: Redistricting as a Tool of Racism" chapter of this strategy memo.
3. "Electoral politics as tactic," *Democratic Left*, Democratic Socialists of America, New York: Spring/Summer 2000, p. 4.
4. Yang, Alan, *From Wrongs to Rights: Public Opinion on Gay and Lesbian Americans Moves Toward Equality*, New York: Policy Institute of the National Gay and Lesbian Task Force, 1999, pp. 9-13.
5. Bailey, Robert W., *Out and Voting II: The Gay, Lesbian, and Bisexual Vote in Congressional Elections, 1990-1998*, New York: Policy Institute of the National Gay and Lesbian Task Force, 2000, p. 12.
6. Voter New Service exit polls, on which this analysis is based, do not capture data on transgender voting behavior.
7. Key precincts or wards representative of gay voters can provide a profile of how all voters from that class of voters vote. Examples would be San Francisco's Castro or New York's West Village neighborhoods. Bailey, Robert W., *Gay Politics, Urban Politics: Identity and Economics in the Urban Setting*, New York: Columbia, 1999, p. 139.
8. Bailey, 2000, p. 12.
9. Of course, many people fall into both or several of these identity groups. When we talk about the GLB vote and ethnic voting blocs, we do so in the interest of analyzing voting behavior, but with a full understanding that there is significant overlap among these groupings.
10. Bailey, 2000 p. 17.
11. Ibid, p. 15.
12. It is important to note, however, that not all GLB people will self identify to an exit pollster. If only half or two-thirds of GLB people "come out" on exit polls, and if the other half or third of the actual GLB vote votes very differently from the "out" GLB vote, then actual GLB voting behavior may be different from its description here.
13. In 1993, Republican Richard Riordan received 28% of the gay and lesbian vote in the Los Angeles mayoral runoff and in New York, Republican Rudolph Giuliani received 33% of the GLB vote. More recently, in the 1999 Philadelphia mayoral election, it appears that Republican Sam Katz may have received an even a higher percentage of gay voters in his run against Democrat John Street, who had a history of indifference toward GLB issues. Similarly, there is evidence that socially liberal Republican William Weld, in his first campaign for the Massachusetts Governorship in 1990, captured a greater percentage of the GLB vote than did his conservative Democratic opponent, John Silber. Weld was subsequently reelected with 70% of the vote, winning the endorsements of most gay political organizations and newspapers. Similarly, in her first campaign for the New Jersey Governorship, in 1993, exit poll data indicate that Republican Christine Todd Whitman received about 35% of the GLB vote.
14. The term "gerrymandering" comes from a district drawn by Jeffersonians in Essex County, Massachusetts in 1812 to favor the reelection of their candidate. The bizarrely shaped district was represented in editorial cartoons as a salamander, and called a "Gerrymander" after the governor at the time, Elbridge Gerry, who led the Jeffersonian faction in Massachusetts. (Prior to serving as governor, Gerry was vice president to President Thomas Jefferson.) Historically, gerrymandering on the basis of race meant splitting concentrations of African Americans or other ethnic minorities into several majority-white districts to dilute their voting strength and minimize the number of African Americans or other minorities elected to the legislature.
15. Gerrymandering was not solely motivated by racial prejudice, however. In cities dominated by political machines,

where Democrats dominated they redistricted to the disadvantage of Republicans, and vice versa. In the early to mid 19th century, Anglo Protestants in the cities of the Northeast drew districts to the disadvantage of the Irish who were predominantly Catholic. Later the Irish redistricted to the disadvantage of Italian, Jewish and African American voters from the late 19th century into the 20th century.

16. While the Supreme Court generally supported vigorous enforcement of the Act throughout the 1970s, a second period began with the 1980 decision, *City of Mobile v. Bolden* (446 U.S. 55). As the Court refocused its attention toward evidence of intent, differences among the justices began to emerge. Sufficient confusion had arisen that during the renewal of the law in 1982 the Congress returned to Section 2, amending it, and asserting the Congressional goal of maximizing minority voter effect. The staff of the United States Senate had generated a report that led to an explicit statement emphasizing *effect* rather than *intent* as a guiding principle in enforcement of the Act. The general criteria codified in the Act and outlined in the Senate report became known as the *Gingles* criteria (as a result of the Supreme Court recognizing the Senate report as being “authoritative” in *Thornburg v. Gingles* (478 U.S. 30, 1986)). In the period after *Gingles*, the courts have been much more open to the use of statistical techniques (especially ecological regression) in determining whether there are patterns of racial bloc voting, what is called “racial polarization” as a basis for judicial intervention. Ecological regression is a statistical technique where large-scale patterns of voting behavior are imputed to smaller jurisdictions or even individual votes.
17. This legal test required that at least 5 percent of their residents were minorities and their voter turnout was below 50% in the previous presidential election. In addition, any district that had literacy tests, other specific forms of testing or that had a substantial number of language minorities without producing ballots in the language of that minority met the Act’s criteria.
18. In *Shaw v. Reno* (1993), the Court significantly cut back on the Voting Rights Act’s ability to enfranchise racial or ethnic minorities, by requiring “colorblind” districts even though a number of other factors besides race are allowed to be taken into account. There is more on the impact of *Shaw* for GLBT redistricting efforts on page 19. *Shaw v. Reno*, 509 U.S. 630, 639-40, 649-50 (1993).
19. Much of this section has been adapted from two articles by Darren Rosenblum, “Geographically Sexual?: Advancing Lesbian and Gay Interests Through Proportional Representation,” *Harvard Civil Rights-Civil Liberties Law Review*, 31(1), 1996, pp. 119-154, and “Overcoming ‘Stigmas’: Lesbian and Gay Districts and Black Electoral Empowerment,” *Howard Law Journal*, 39(1), 1995, pp. 149-200.
20. See 2 U.S.C. § 2c (1994).
21. *Shaw v. Reno*, 509 U.S. 630, 639-40, 649-50 (1993).
22. See *id.* at 641-43, 647-49 (1993).
23. *E.g.*, Election Data Services, Maptitude for Redistricting by Caliper, AutoBound by Digital, PSA’s Plan 2000, Corona Solutions, Legislative Demographic Services, Sammamish Data Systems, Inc. Another software package, Geographic Information Software, is described in detail later in this section and in Appendix E at the end of this publication.
24. Issacharoff, Samuel, Pamela Karlan, and Richard H. Pildes, *Law of Democracy: Legal Structure of the Political Process*, New York: Foundation Press, 1998.
25. See 42 U.S.C. § 1973 (a) (b) (1994)
26. In the 1990 redistricting, an unprecedented number of new majority minority voting districts were created at the local, state, and federal levels. Fourteen states adopted Congressional redistricting plans that doubled the number of Congressional “majority minority” districts from 26 to 52. In addition to the *Shaw* retrenchment, the majority minority voting district strategy is not always effective due to other factors. First, in no jurisdiction are people of color represented in the legislature in at least near proportion to their percentage of the residents. Second, some racial groups, most notably Asian Americans outside of California and Hawaii, may not be able to gain representation through majority minority voting districts because of insufficient numbers or geographic dispersion. As an alternative, some have looked to multi-racial majority minority districts and minority influence districts for representation. Multi-racial majority minority districts bring two or more racial or ethnic minorities with similar interests into the same district. Together, they can constitute a majority of a district’s total population. In minority-influence districts, one minority group makes up a sizable enough portion of the district’s total population so as to enable it to influence the outcome of a race. Both types of districts give minority voters meaningful opportunities to vote for candidates who will represent their interests, but not necessarily direct self-representation, i.e. the election of a representative of their own race or ethnicity.
27. Rosenblum, Darren, “Geographically Sexual?: Advancing Lesbian and Gay Interests Through Proportional Representation,” *Harvard Civil Rights-Civil Liberties Review*, 31(1), Winter 1996, p. 150.
28. See *Miller v. Johnson*, 515 U.S. 900, 915-16 (1995) (citing *Shaw v. Reno*, 509 U.S. 630 (1993)).
29. If the consideration of race were found to predominate in redrawing a district, the Court would then apply a strict scrutiny analysis. This legal analysis is used to examine the permissibility of racial classifications. It is a very high standard which only allows racial classifications in the narrowest situations with the most compelling reasons.
30. See *Shaw v. Reno*, 509 U.S. 630 (1993) (North Carolina); *Miller v. Johnson*, 115 S. Ct. 2475 (1995) (Georgia); *Hays v. Louisiana*, 936 F. Supp. 360, 371-72 (W.D. 1996) (per curiam), *appeals dismissed as moot*, 116 S. Ct. 2542 (1996) (Louisiana); *Bush v. Vera*, 517 U.S. 952 (1996) (Texas); *Johnson v. Mortham*, 926 F. Supp. 1460 (N.D. Fla. 1996) (Florida); *Diaz v. Silver*, 978 F. Supp. 96 (E.D.N.Y. 1997), *aff’d mem.*, 118 S. Ct. 36 (1997) (New York); *Moon v. Meadows*, 952 F. Supp. 1141 (E.D. Va. 1997), *aff’d*, 117 S. Ct. 2501 (1997) (Virginia). In Illinois a majority minority voting district was challenged; however, it survived the court’s scrutiny. See *King v. State Board of Elections*, 979 F. Supp. 582 (N.D. Ill. 1996), *vacated mem.*, 117 S. Ct. 429 (1996), *remanded to*, 979 F. Supp. 619 (N.D. Ill. 1997), *aff’d*, 118 S. Ct. 877 (1998).
31. See *Bush v. Vera*, 517 U.S. 952 (1996) (recognizing incumbency protection as a traditional criterion).
32. See *Miller v. Johnson*, 515 U.S. 900, 915-16 (1995). Compactness looks to the geographic dispersion of the districts. Contiguity is ensuring every part of the district is connected. Respect for geographic and political boundaries means following, engulfing, or not dividing natural terrain or municipal boundary line. In other words, the district should minimize criss-crossing bodies of water, mountains, county or city lines. Incumbency protection

looks towards incorporating voters who routinely vote favorably for the current sitting legislator. Oftentimes this results in drawing districts with a majority of voters from the same political party. Finally, preserving “communities of interest” looks to districts which encompass are groupings of people with similar values, shared interests, or common socio-economic characteristics.

33. See *DeWitt v. Wilson*, 856 F. Supp. 1409 (E.D. Cal. 1994), *aff'd in part and appeal dismissed in part*, 515 U.S. 1170 (1995) (upholding California's 1992 redistricting plan which included several majority minority voting districts), see also *Shaw v. Reno*, 509 U.S. 630, 641-43 (1993).
34. See *Lawyer v. Department of Justice*, 117 S. Ct. 2186 (1997) (finding that a community of interest was not subordinated in the creation of a Florida state senate districts).
35. See *Legislature v. Reinecke*, 10 Cal. 3d 412, 422, 512 P.2d 6, 16 (1973); *Wisconsin State AFL-CIO v. Elections Board*, 543 F. Supp. 630, 636 (E.D. Wis. 1982); *Mellow v. Mitchell*, 607 A.2d 204, 220-21 (Pa. 1992); *Chen v. City of Houston*, 9 F. Supp. 745 (S.D. Tex. 1998).
36. *Legislature v. Reinecke*, 10 Cal. 3d 412, 422, 512 P.2d 6, 16 (1973).
37. Much of this section has been adapted from two articles by Darren Rosenblum, “Geographically Sexual?: Advancing Lesbian and Gay Interests Through Proportional Representation,” *Harvard Civil Rights-Civil Liberties Law Review*, 31(1), 1996, pp. 119-154, and “Overcoming ‘Stigmas’: Lesbian and Gay Districts and Black Electoral Empowerment,” *Howard Law Journal*, 39(1), 1995, pp. 149-200.
38. GLBT people, as a group, have not benefited from the Voting Rights Act because its provisions are primarily race-based and do not address issues of gender, sexual orientation, or other potential voting rights claims. Although some GLBT people, as members of racial or language minority groups, are protected under the Voting Rights Act, as a class defined by sexual orientation they are not. Even if the language of the Voting Rights Act were overtly changed to include GLBT people as a class, most of the theoretical districting constructs of the Voting Rights Act still would not effectively apply to GLBT people. But the Voting Rights Act does affect the representational potential of GLBT people because predominantly heterosexual communities of color and GLBT communities often share overlapping urban spaces.
39. Bailey, Robert W., *Gay Politics, Urban Politics: Identity and Economics in the Urban Setting*, New York: Columbia University Press, 1999, p. 63.
40. Bailey, Robert W., *Out and Voting II: The Gay, Lesbian Bisexual Vote in Congressional Elections, 1990-1998*, New York: Policy Institute of the National Gay and Lesbian Task Force, 2000, p. 24.
41. *Ibid*, pp.18-19.
42. The 1990 and 2000 Censuses did, however, capture data on same-sex couples living together who identify as “unmarried partners.” Both Census counts likely represent severe undercounts, however, but these data could be useful for the purposes of redistricting.
43. Bailey, 1999, pp. 81-86.
44. Manuel Castells, with Karen Murphy and Don Lee, *The City and the Grass Roots*, (Cambridge, MA: MIT Press, 1988).
45. Donald P. Green, Dara Z. Strolovitch, Janelle S. Wong and Robert W. Bailey, “Measuring Gay Population Density and the Incidence of Anti-Gay Hate Crime,” paper prepared for presentation at the annual meeting of the American Political Science Association, Atlanta, GA, August, 1999. If your local redistricting team has at least some resources, you can seek an extract either from a commercial firm, the Center for the International Earth Science Information Network (at Columbia University: <http://www.ciesin.org>), or from the US Census Bureau itself.
46. Census tracts are the units the US Census Bureau uses in its analysis. Smaller than a zip code but larger than a city block, they range from hundreds to thousands of residents.
47. For example, the mailing lists of local chapters of Black and White Men of Color Together (<http://www.nab-wmt.com>) or SAGE (<http://www.sageusa.org>), or a local women's center can offer some counter balance to other lists.

Appendix A

DEADLINES A FOR REDISTRICTING, BY STATE

Source: National Conference of State Legislatures

<http://www.ncsl.org/programs/legman/elect/redist.htm>

Alabama

First legislative session following the decennial census. However, the Federal District Court has ruled that the legislature is not limited to apportioning representation during the first session after the census. The Federal District Court will order reapportionment where the court is convinced that further delay is inappropriate.

Alaska

Commission must report plan 90 days after official census data are delivered.

Arizona

No specific date by which the legislature must redistrict.

Arkansas

The Board of Apportionment must redistrict on or before February 1 of the year following the decennial census.

California

No specific date by which the legislature must redistrict.

Colorado

The Reapportionment Commission must publish a preliminary plan within 90 days after the commission meets or when the census data are available, whichever is later. The final plan must be approved by the state supreme court by March 15, 2002.

Connecticut

The legislature must adopt a plan by September 15, 2001. If the legislature fails to meet

the deadline, the governor appoints eight members designated by the legislative leaders to a commission; the eight select a ninth. It must submit a plan to the secretary of the state by November 30, 2001.

Delaware

The legislature must adopt a plan by June 30, 2001.

Florida

The legislative deadline is indeterminate (see, Article III, § 16, and Article III, § 3(b), Florida Constitution). The deadline for qualifying for state office, however, is July 15-19, 2002 (see, § 99.061(1), F.S.). If the legislature fails to meet the deadline, the Florida Supreme Court redistricts.

Georgia

No specific date by which the legislature must redistrict.

Hawaii

The reapportionment commission has 150 days from the date the members of the commission are certified to adopt a plan.

Idaho

The reapportionment commission will be set up on June 1, 2001. The legislature must adopt a redistricting plan within 90 days after appointment of a commission.

Illinois

The legislature must adopt a plan by May 31, 2001. If the legislature fails to meet the deadline, an eight member commission must be formed by July 10, 2001, and must file a report with the secretary of state by August 10, 2001. If the commission does not adopt a plan by that date, the state supreme court selects two people by September 1, 2001, one of whom is chosen (at random) to be the commission tie-breaker. By October 5, 2001, the nine member commission must file its report.

Indiana

The congressional deadline is April 29, 2001 (end of first regular session). If that date is not met, the redistricting commission adopts an interim plan. The legislature must adopt a plan by April 29, 2001. Failure to meet that date can result in a special session of the general assembly, if called by the governor.

Iowa

The legislature must adopt a plan by September 1, 2001. Apportionment shall become law by September 15, 2001. If the legislature fails to meet the deadline, the state supreme court must adopt a plan prior to December 31, 2001.

Kansas

The legislature must adopt a plan before adjournment of the 2002 legislative session.

Kentucky

The legislature must adopt a plan by May 2003.

Louisiana

The legislature must redistrict by December 31 of the year following the year in which the census data is reported to the President of the United States. Failure to meet that deadline will result in the state supreme court, upon petition of any elector, reapportioning both houses.

Maine

Advisory commission submits plan to legislature no later than 90 calendar days after the convening of the 2003 legislative session. The legislature must adopt the commission plan or a plan of its own by a two-thirds vote of each house within 30 calendar days.

Maryland

Governor has reapportionment authority. He submits a plan to the legislature on the first day of the regular session in the second year following the census. The legislature has 45 days to amend and adopt that plan or adopt one of its own. If it does not act, the plan, as introduced by the governor, goes into effect.

Massachusetts

No specific date by which the legislature must redistrict.

Michigan

No specific date by which the legislature must redistrict.

Minnesota

25 weeks before the state primary election in the year ending in two (March 19, 2002).

Mississippi

The legislature must redistrict at its regular session the second year following the 2000 census.

Missouri

Missouri has two redistricting commissions, one for Congressional House redistricting and one for the General Assembly redistricting. The Congressional commission will be formed on May 18, 2001 and must develop a plan within six months of its formation. The General Assembly commission will be formed later this year, and must also develop a plan within six months, probably in early 2002.

Montana

The Districting and Apportionment Commission must submit its plan to the legislature at the first regular session after its appointment or after the census figures are available. Within 30 days after submission of the plan, the legislature must return the plan to the commission with its recommendations. Within 30 days thereafter, the commission shall file its final plan with the secretary of state and it shall become law.

Nebraska

No specific date by which the legislature must redistrict.

Nevada

By June 4, 2001. (Mandatory duty of the legislature to apportion itself at first legislative session following decennial census).

New Hampshire

No specific date by which the legislature must redistrict.

New Jersey

The Apportionment Commission must certify a redistricting plan within one month of receipt by the governor of the census count for the state from the clerk of the U.S. House of Representatives, or on or before February 1, 2001, whichever is later.

New Mexico

No specific date by which the legislature must redistrict.

New York

Before next election cycle (2002).

North Carolina

First regular session after return of the decennial federal census. Practically, in time for Section 5 preclearance before filing opens first Monday in January 2002.

North Dakota

First legislative session following the decennial census.

Ohio

The Apportionment Board must meet between August 1 and October 1, 2001, and the plan must be published by October 5, 2001.

Oklahoma

May 25, 2001.

Oregon

July 1, 2001.

Pennsylvania

The Legislative Reapportionment Commission must file a preliminary plan no later than 90 days from the time the commission membership is certified or when the census data has been received, whichever is later. Aggrieved parties have 30 days to file exceptions, and the commission must file a final plan within 30 days of the last exception. Any aggrieved person may file an appeal of the final plan directly to the state supreme court within 30 days. If the court finds the plan contrary to law, the commission must adopt another plan.

Rhode Island

No specific date by which the legislature must redistrict.

South Carolina

No specific date by which the legislature must redistrict.

South Dakota

December 1, 2001.

Tennessee

No specific date by which the legislature must redistrict.

Texas

The first regular legislative session following release of the census figures: applies to ongoing regular session in 2001.

Utah

“At the session next following an enumeration made by the authority of the United States...” The 2002 General Session begins on January 21, 2002, and ends on March 6, 2002.

Vermont

At the biennial session following the taking of the decennial census.

Virginia

Prior to 2001 State House elections that are scheduled for November 2001.

Washington

January 1, 2002.

West Virginia

No specific date by which the legislature must redistrict.

Wisconsin

First legislative session following the decennial census.

Wyoming

February 15, 2002.

Appendix B

DOMINANT REDISTRICTING AUTHORITY IN EACH STATE

Source: National Conference of State Legislatures

<http://www.ncsl.org/programs/legman/elect/redist.htm>

State	Congressional Districts	State Legislative Districts
Alabama	Legislature	Legislature
Alaska	Legislature	Redistricting Commission
Arizona	Legislature	Legislature
Arkansas	Legislature	Redistricting Board
California	Legislature	Legislature
Colorado	Legislature	Redistricting Commission
Connecticut	Legislature	Legislature
Delaware	Legislature	Legislature
Florida	Legislature	Legislature
Georgia	Legislature	Legislature
Hawaii	Redistricting Commission	Redistricting Commission
Idaho	Redistricting Commission	Redistricting Commission
Illinois	Legislature	Legislature
Indiana	Legislature	Legislature
Iowa	Legislature	Legislature
Kansas	Legislature	Legislature
Kentucky	Legislature	Legislature

State	Congressional Districts	State Legislative Districts
Louisiana	Legislature	Legislature
Maine	Legislature	Legislature
Maryland	Legislature	Governor/Legislature
Massachusetts	Legislature	Legislature
Michigan	Legislature	Legislature
Minnesota	Legislature	Legislature
Mississippi	Legislature	Legislature
Missouri	Legislature	Redistricting Commission
Montana	Redistricting Commission	Redistricting Commission
Nebraska	Legislature	Legislature
Nevada	Legislature	Legislature
New Hampshire	Legislature	Legislature
New Jersey	Redistricting Commission	Redistricting Commission
New Mexico	Legislature	Legislature
New York	Legislature	Legislature
North Carolina	Legislature	Legislature
North Dakota	Legislature	Legislature
Ohio	Legislature	Redistricting Board
Oklahoma	Legislature	Legislature
Oregon	Legislature	Legislature
Pennsylvania	Legislature	Redistricting Commission
Rhode Island	Legislature	Legislature
South Carolina	Legislature	Legislature
South Dakota	Legislature	Legislature
Tennessee	Legislature	Legislature
Texas	Legislature	Legislature
Utah	Legislature	Legislature
Vermont	Legislature	Legislature
Virginia	Legislature	Legislature
Washington	Redistricting Commission	Redistricting Commission
West Virginia	Legislature	Legislature
Wisconsin	Legislature	Legislature
Wyoming	Legislature	Legislature

Appendix C

REDISTRICTING COMMISSIONS—COMPOSITION AND AUTHORITY

Commissions with Primary Responsibility for Drawing a Plan

Source: National Conference of State Legislatures

<http://www.ncsl.org/programs/legman/elect/redist.htm>

Alaska

5 members

Selection Requirements: Governor appoints two; then president of the senate appoints one; then speaker of the house appoints one; then chief justice of the supreme court appoints one. At least one member must be a resident of each judicial district. No member may be a public employee or official.

Formation Date: By September 1, 2000

Initial Deadline: 30 days after census officially reported

Final Deadline: 90 days after census officially reported

Arkansas

3 members

Selection Requirements: Commission consists of the governor, secretary of state, and the attorney general

Formation Date: None

Initial Deadline: By February 1, 2001

Final Deadline: Plan becomes official 30 days after it is filed

Colorado

11 members

Selection Requirements: Legislature selects four: (speaker of the house; house minority leader; senate majority and minority leaders; or their delegates). Governor selects three. Judiciary selects four. Maximum of four from the legislature. Each congressional district must have at least one person, but no more than four people representing it on the commission. At least one member must live west of the Continental Divide.

Formation Date: By August 1, 2001

Initial Deadline: 90 days after the availability of the census data, or after the formation of the committee, whichever is later

Final Deadline: March 15, 2002

Hawaii

9 members

Selection Requirements: President of the senate selects two. Speaker of the house selects two. Minority senate party selects two. These eight select the ninth member, who is the chair. No commission member may run for the legislature in the two elections following redistricting.

Formation Date: By March 1, 2001

Initial Deadline: 80 days after the commission forms

Final Deadline: 150 days after commission formation

Idaho

6 members

Selection Requirements: Leaders of two largest political parties in each house of the legislature each designate one member; chairs of the two parties whose candidates for governor received the most votes in the last election each designate one member. No member may be an elected or appointed official in the state at the time of designation.

Formation Date: Within 15 days after the secretary of state orders creation of a commission

Initial Deadline: None

Final Deadline: 90 days after the commission is organized, or after census data is received, whichever is later

Missouri

18 members from the House and 10 from the Senate

Selection Requirements: There are two separate redistricting committees. Governor picks one person from each list of two submitted by the two main political parties in each congressional district to form the house committee. Governor picks five people from two lists of 10 submitted by the two major political parties in the state to form the senate committee. No commission member may hold office in the legislature for four years after redistricting.

Formation Date: Within 60 days of the census data becoming available

Initial Deadline: Five months after the commission forms

Final Deadline: Six months after formation

Montana

5 members

Selection Requirements: Majority and minority leaders of both houses of the legislature each select one member. Those four select a fifth, who is the chair. Members cannot be public officials. Members cannot run for public office in the two years after the completion of redistricting.

Formation Date: The legislative session before the census data is available

Initial Deadline: The commission must give the plan to the Legislature at the first regular session after its appointment

Final Deadline: 30 days after the plan is returned by the Legislature

New Jersey

10 members

Selection Requirements: The chairs of the two major parties each select five members. If these 10 members cannot develop a plan in the allotted time, the chief justice of the state supreme court will appoint an 11th member.

Formation Date: December 1, 2000

Initial Deadline: February 1, 2001, or one month after the census data becomes available

Final Deadline: The initial deadline, or one month after the 11th member is picked

Ohio

5 members

Selection Requirements: Board consists of the governor, auditor, secretary of state, and two people selected by the legislative leaders of each major political party.

Formation Date: Between August 1 and October 1, 2001

Initial Deadline: None

Final Deadline: October 5, 2001

Pennsylvania

5 members

Selection Requirements: Majority and minority leaders of the legislative houses each select one member. These four select a fifth to chair. If they fail to do so within 45 days, a majority of the state supreme court will select the fifth member. The chair cannot be a public official.

Formation Date: None listed

Initial Deadline: 90 days after the availability of the census data or after commission formation, whichever is later

Final Deadline: 30 days after the last public exception that is filed against the initial plan

Washington

5 members

Selection Requirements: Majority and minority leaders of the house and senate each select one. These four select a non-voting fifth to chair the commission. If they fail to do so by January 1, 2001, the state supreme court will select the fifth by February 5, 2001. No commission member may be a public official.

Formation Date: January 31, 2001

Initial Deadline: None

Final Deadline: January 1, 2002

Appendix D

OPEN AND CLOSED REDISTRICTING PROCESSES AND PROPOSALS FOR REDISTRICTING REFORM

In recent years there has been a concerted effort on the part of racial and language minorities, political parties out of power and a nascent redistricting reform movement to open the redistricting process to greater public input and scrutiny. Among the suggested reforms are:

- taking the redistricting responsibility out of the hands of state legislatures and placing it under the control of nonpartisan or bipartisan redistricting commissions;
- using what is referred to as PL 94-171 data—verifiable census data that is uniformly applied to redistricting—which is a requirement of the 1975 amendments to the Voting Rights Act for “covered” jurisdictions;
- using technical consultant and “expert” analysts to help prepare district lines;
- public hearings to review and critique redistricting proposals; and
- making GIS systems available to the public at large;

In some jurisdictions, change has been extensive. In New York City, for example, the last redistricting of the City Council lines, 1990, were conducted by an Independent Districting Commission required by the city’s new charter. Half the members were appointed by the mayor and half by the president of the City Council. The commission conducted a series of public hearings, accepted alternative plans submitted by non-partisan groups and organizations representing specific voting groups (including the gay and lesbian community) offering their own district lines. Such jurisdictions are typically thought to have “open” reapportionment process.

In other jurisdictions, there has been virtually no change. In these states, the process is dominated by a state legislative committee which, typically, is dominated by the majority party. In many cases the redistricting process is highly partisan, the committee’s work is often reclusive, and there is little or no public input. These cases are usually referred to as having a “closed” redistricting process.

Concerns over the partisan domination of redistricting, its role in maintaining entrenched incumbents, and the failure of elected legislatures to reflect the racial, gender and cultural diversity of the US population, have evoked a reform movement to open up the redistricting process to greater public scrutiny. In California, for example, where the process was dominated by the governor, the tradition of extreme partisanship in the drawing of Congressional and state legislative districts continued into the 1982 redistricting process. Only in 1992 did the process open a little, but it was then dominated by Democrats. The results were seen by Republicans as a Democratic gerrymandered plan and over five years of litigation ensued.

Differing types of commissions are used in some states. In New Jersey the commission is a mixed one, in some ways highly partisan with five members from each of the two major parties appointed by the two parties. If these ten members cannot get a majority for any one plan, the chief justice of the state supreme court appoints an eleventh member to the commission. In the state of Washington, majority and minority leaders of the house and senate each select one commission member. These four select a nonvoting fifth to chair the commission. (If the committee members fail to appoint the fifth member, the state supreme court selects him or her.) No commission member can be a public official. Any amendments to the plan must be approved by a two-thirds vote in both houses.

Montana or Iowa have a similar process to Washington. Iowa does not have a formal redistricting commission. Nevertheless, the Legislative Service Bureau of Iowa, a non-partisan research arm of the legislature, has been responsible for creating redistricting maps in Iowa since the 1980 census. The bureau is not allowed to use party registration or other demographic data in its work. The plan is given a thumbs up or down by the legislature. In 1991, the legislature accepted the first plan offered by the bureau.

But whatever the method of drawing an initial plan—even if approved by the state legislature—it has become commonplace for the courts to intervene, even if the state or other jurisdiction is not covered by Section 5 of the Voting Rights Act. In many cases judicial intervention is based on state constitutional and statutory law which might mandate traditional criteria of contiguity, compactness, and respecting county and city lines where possible, or which provide protections to minority voters or political parties beyond the protections of the Voting Rights Act. In some cases a court-appointed special master is assigned the responsibility to draw a redistricting plan that is either used as a basis for a final plan, or which serves to push the more political participants in the redistricting process to moderate their positions.

The fact that many states now use bipartisan redistricting commissions appointed by legislative leaders may be an improvement over legislative reapportionment committees, which were usually dominated by the majority party. Nevertheless, legislatively appointed commissions remain highly partisan. California offers an interesting case where reform may take a big step. There are several petitions circulating to establish alternative mechanisms for redistricting including the establishment of an independent commission, and having the secretary of state or a judicial panel oversee the redistricting process.

Appendix E

HOW TO USE GEOGRAPHICAL INFORMATION SYSTEM (GIS) SOFTWARE TO ANALYZE 2000 CENSUS DATA

The development of relatively inexpensive Geographic Information System (GIS) software programs and technology is a boon to GLBT activists seeking to document the existence of concentrations of GLBT people. The proliferation of such technologies—as well as the ready accessibility of U.S. Census Bureau information through free downloads from government and other websites—has greatly enhanced the ability of activists of color and other interested parties to participate in the redistricting process. Thanks to access provided by PC-based technologies, changes and proposed changes in lines can now be immediately assessed by interested parties. Multiple alternative plans can be drawn with their implications for all voting blocs known immediately.

The most widely used PC based software packages for redistricting purposes are Atlas-GIS and, more commonly, ARC/View-GIS. Both are products of ESRI, the premier GIS software firm in the United States. ARC/View can be run on Windows 95/99/2000 and NT as well as PC Unix platforms. The price is generally about \$500, with documentation and a substantial amount of data included. There is also a version for Palm hardware called ArcPad. A DOS version was once also available. No Linux version is yet available. Atlas-GIS is available for Windows platforms but not for Unix or Linux. The other major producer of GIS software is MAPInfo of Troy, N.Y. MAPInfo's software can run on Windows 95, Windows 3.1, Windows NT and PowerMac. MAPInfo can be used for redistricting, though the software is really written to examine sales and marketing districts.

In addition to ARC/View, ESRI produces ARC/Info, generally thought to be the most powerful and versatile GIS program available in the United States. ARC/Info is available only for Windows NT and Unix, and is usually “mainframe” based and networked. It is used by large corporations and government for interactive needs. Its power is beyond what is needed for simple redistrict purposes and the manipulation of Census and mailing-list data.

There also are customized redistricting programs usually based on ARC/View or

ARC/Info and they are more user friendly. But these programs are usually proprietary and offered along with training and consulting services by firms who specialize in redistricting and thus – as a practical matter – are usually available only to groups with large resource bases.

If a group of individuals wish to become familiar with the programs and data used in redistricting, data from 1990 is available on many websites – <http://www.esri.com/> and <http://www.census.gov> being the most prominent. As a matter of training this data can be used before the Census Bureau issues the data-sets which serve as the legally required based for all redistricting in the United States. The release of this PL94-171 data is expected on April 1, 2001. Nevertheless, any group wishing to participate in the redistricting process, should become broadly familiar with the demographics of their area prior to that, at least before they approach the actual PL94-171 data. For more information on PL94-171 data see the Census Bureau's Redistricting website: <http://www.census.gov/clo/www/redistricting.html>. If you are serious about doing this work and want a referral to someone in the LGB Caucus of the American Political Science Association who may be able to help you conduct data analysis, please contact Sean Cahill at the NGLTF Policy Institute at 212-604-9830, x 17, or scahill@nglrf.org.

Appendix F

RESOURCES ON REDISTRICTING

National Conference of State Legislatures

<http://lije.commissions.leg.state.mn.us/scripts/esrimap.dll?Name=redistprof&Cmd=Map>

This site should be the first stop for activists from all 50 states. It contains the relevant statutes regulating redistricting as well as names and phone numbers for contacts in each state legislature (legislators and committee staff), deadlines, etc. A wealth of information.

<http://www.senate.leg.state.mn.us/departments/scr/redist/Red2000/red-tc.htm>

Comprehensive overview article on the 2000 redistricting, including good definitions, legal/political history, discussion of race.

For additional resources, go to www.ncsl.org. Click on “Publications,” then “Books and Periodicals,” then enter “redistricting” as search term. You can order the following books on line:

Redistricting Case Summaries from '90s

Summary of legislative and congressional litigation, key judicial decisions arising from 1990 redistricting decisions. (ISBN 1580240143) \$25.

Redistricting Laws 2000

In this book, volunteers from every state summarize their reapportionment laws—which vary widely from state to state. (ISBN 1580240232) \$50.

State Redistricting 2000 Profiles

Summaries of all 50 states’ efforts to handle the redistricting following the 2000 census. Reference to relevant constitutional and statutory citations for each state, comparisons and information on key issues. (ISBN 1580240321) \$25.

You can also search the site for redistricting information, of which there is a lot.

Center for Voting and Democracy

<http://www.fairvote.org/redistricting/>

Excellent source, including definitions, fact sheets, state-by-state guides, interactive games and more.

US Census Bureau

<http://www.census.gov/clo/www/redistricting.html>

The general Census source page on redistricting. Explanations often very technical.

<http://www.census.gov/clo/www/biblio.html>

The US Census Bureau's bibliography of academic and governmental books and articles on redistricting. Much of the material is quite dated, however.

Republican National Committee

http://www.rnc.org/newsroom1/1216_101.htm

Excellent maps detailing party control of state legislatures and governorships, comparison with last two rounds of redistricting, current Congressional House representation by party, and reapportionment changes.

Democratic National Committee

<http://www.democrats.org/election2002/redistricting.html>

Fewer graphics, but an interesting prognosis as to how the Democrats will fare under reapportionment of Congressional House seats.

Miscellaneous

<http://www.state.ny.us>

Most official state websites have redistricting information and contact information for the legislature. To visit your state website replace "ny" with the abbreviation of your state in the address above.

<http://www.ncinsider.com/insider/redistrict/redistrict.html>

Full-text opinions from several key Supreme Court redistricting cases of the 1990s, including *Shaw v. Reno* (1993), *Miller v. Johnson* (1995), and *Bush v. Vera* (1996), a Texas redistricting case.

<http://www.bickerstaff.com/articles/redi99.htm>

Helpful analysis of issues surrounding the 2000 Census and subsequent redistricting, including the disproportionate racial impact of undercounting, the pros and cons of sampling, the impact of the addition of "multiracial" categories, etc.

<http://www.legis.state.ia.us/Redist/Redist.html>

Iowa General Assembly website on redistricting providing basic information.

<http://www.ncga.state.nc.us/Redistricting/>

This North Carolina General Assembly website is basic but user-friendly and offers clear explanations of the process and issues involved.

<http://www.tlc.state.tx.us/tlc/research/redist/redist.htm>

Texas Legislative Council website with timelines, laws, user-friendly explanations, etc.

<http://www.arizonarepublic.com/opinions/redistricting/>

Arizona Republic newspaper editorials about redistricting. A good place to start to get up to speed on debates that have been underway for at least a couple of years.

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National Gay and Lesbian Task Force

Policy Institute

bestsellers

Transgender Equality

A HANDBOOK FOR ACTIVISTS
AND POLICYMAKERS

An in-depth profile of the gay, lesbian, and bisexual voting bloc and the first-ever analysis of the impact of this emerging constituency in national congressional elections. By Dr. Robert Bailey of the Rutgers University School of Public Policy and Administration. Among the report's findings: out GLB voters comprise roughly 5% of the national electorate, and 8.8% of voters in cities of 500,000 or more. (January 2000; 54 pp; \$10.00; www.ngltf.org/pub.html)

Out and Voting II

THE GAY, LESBIAN, AND BISEXUAL VOTE
IN CONGRESSIONAL ELECTIONS, 1990-1998

An in-depth profile of the gay, lesbian, and bisexual voting bloc and the first-ever analysis of the impact of this emerging constituency in national congressional elections. By Dr. Robert Bailey of the Rutgers University School of Public Policy and Administration. Among the report's findings: out GLB voters comprise roughly 5% of the national electorate, and 8.8% of voters in cities of 500,000 or more. (January 2000; 54 pp; \$10.00; www.ngltf.org/pub.html)

What's at Stake

FOR THE GAY, LESBIAN, BISEXUAL,
AND TRANSGENDER COMMUNITY
IN THE 2000 PRESIDENTIAL ELECTIONS

The major candidates' statements and votes on 6 key issues are presented along with data and research to contextualize these policy debates. Although in the past decade the US has become much more supportive of equality for GLBT people, many presidential candidates are acting as if the country hasn't changed a bit. Written by Policy Institute Research and Policy Director Sean Cahill. (January 2000; 56pp; \$10.00; www.ngltf.org/pub.html)

Legislating Equality

A REVIEW OF LAWS AFFECTING
GAY, LESBIAN, BISEXUAL, AND TRANSGENDERED
PEOPLE IN THE UNITED STATES

This comprehensive report, written by Policy Institute Research Fellow Wayne van der Meide, provides the most extensive description to date of local, county and state laws addressing GLBT equality. This report is an invaluable tool for activists, journalists and policy-makers who require reliable facts on laws affecting GLBT people but lack the time, resources or desire to conduct primary research. (January 2000; 96 pp; \$10.00; www.ngltf.org/pub.html)

From Wrongs to Rights

1973 to 1999

PUBLIC OPINION ON
GAY AND LESBIAN AMERICANS
MOVES TOWARD EQUALITY

This groundbreaking report, written by Alan Yang of the Department of Political Science at Columbia University, tracks public opinion trends over the last 26 years on various gay and lesbian rights issues including: employment and housing non-discrimination, family issues, marriage, adoption, and the military. (December 1999; 32pp; \$10.00; www.ngltf.org/downloads/yang99.pdf)

The Domestic Partnership Organizing Manual

for employee benefits

This manual, written by Policy Institute Research Fellow Sally Kohn, provides comprehensive information on what domestic partnership benefits are, why employers should adopt these benefits, and how employees and citizens organize effectively for policy change. Sample policies and lists of who offers domestic partnership benefits are included. (May 1999; 140pp; \$10.00; www.ngltf.org/pubs/dp_pubs.html)

more **Policy Institute** bestsellers

Income Inflation

THE MYTH OF AFFLUENCE AMONG GAY, LESBIAN, AND BISEXUAL AMERICANS

This report, by Professor M.V. Lee Badgett, of the Department of Economics at the University of Massachusetts at Amherst, explores the pervasive and inaccurate notion that GLB people form an economic elite, insulated from discrimination by their wealth and disconnected from society at large by a special, privileged status. After examining data from seven different surveys, she finds that none support this stereotype. (November 1998; 23pp; \$10.00; www.nglftf.org/downloads/income.pdf)

Calculated Compassion

HOW THE EX-GAY MOVEMENT SERVES THE RIGHT'S ATTACK ON DEMOCRACY

This report documents that the ex-gay movement serves as a camouflage for a retooled and reinvigorated assault by the religious right on legal anti-discrimination protections for gay, lesbian, bisexual, and transgender persons. Calculated Compassion is a joint publication of NGLTF, Political Research Associates, and Equal Partners in Faith. (October 1998; 30pp; \$6.00; www.nglftf.org/downloads/calccomp.pdf)

Capital Gains and Losses 1999

A STATE BY STATE REVIEW OF GAY, LESBIAN, BISEXUAL, TRANSGENDER, AND HIV/AIDS-RELATED LEGISLATION

This report presents information about state legislative measures that sought to improve the quality of the lives of gay, lesbian, bisexual and transgendered (GLBT) people, as well as those that sought to denigrate and disenfranchise GLBT people.

(December 1999; 175pp; \$10.00; www.nglftf.org/99cgal/cgal99.html)

Capital Gains and Losses 1998 also still available! (December 1998; 106pp; \$5.00; www.nglftf.org/98cgal/cgal98.html)

Re-Thinking Elections

AN OP-ED SERIES ON CRITICAL ELECTORAL BATTLES FACING GLBT COMMUNITIES

The success of Right-wing anti-gay ballot measure campaigns across the country has unreasonably discouraged our community. The truth is, we could win most of these elections. This op-ed series, available for publication and distribution, will help many in our community make sense of recent campaign experience, and will encourage more rigorous thinking and more effective action as we confront the wave of critical ballot measures in 2000. For the last six years, author and Policy Institute Senior Fellow, Dave Fleischer has trained hundreds of our communities leaders in managing campaigns, running for office, and taking demanding leadership roles in ballot measure campaigns. (October 1999; 13pp; \$5.00 or FREE with other purchase; www.nglftf.org/pubs/rethink.pdf)

LGBT Campus Organizing

A COMPREHENSIVE MANUAL

An invaluable how-to manual for creating, stabilizing or building the capacity of a student, faculty, staff, or alumni group on campus. Includes an organizing guide to domestic partnership, AIDS education, media, responding to homophobia, GLBT studies and more.

(1995; 150 pp; \$25.00; www.nglftf.org/pubs/campus.html)

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