



CRASH COURSE:  
REDISTRICTING IN NEBRASKA  
2020

SUPPLEMENTAL MATERIALS AND RESOURCES



[FairMapsNe.org](https://FairMapsNe.org)



**The League of Women Voters**, a nonpartisan, political organization with representation in every state, has pursued its mission of promoting active and unhampered participation in government since its establishment in 1920.

The League functions today as a multi-issue grassroots action group open to both men and women that promotes active participation in government and works to influence public policy through education and advocacy.

With a focus on registering people to vote, providing funding for education about political issues, and defending voting rights, the League is one of the largest nonpartisan political organizations in the United States and one of the only such organizations that successfully provides broad, comprehensive information on a wide variety of political issues.

*Encyclopedia Britannica*

**Contact Us:**

League of Women Voters-Nebraska

4600 Valley Road, Suite 306

Lincoln NE 68510

(402) 475-1411

<https://www.lwv-ne.org/>

<http://fairmapsne.org/>

[fairmapsne@gmail.com](mailto:fairmapsne@gmail.com).



## Nebraska Fair Maps Fair, Transparent, People-Powered Redistricting

- Let's work together to end partisan gerrymandering by putting redistricting into the hands of the people of Nebraska.
- When Nebraskans are included in the process of drawing new election district maps, our fundamental right to choose who represents us is preserved. Voters feel like their vote makes a difference.
- When districts are gerrymandered, our elected representatives have been allowed to choose their voters instead of the voters choosing them.
- Gerrymandering is unfair, undemocratic and goes against Nebraska's long-standing traditions of nonpartisanship and fair play.
- Join us in our campaign for fair and open redistricting. Contact us at <http://fairmapsne.org/> to see how you can become a Fair Maps activist!

### Gerrymandered, Unfair Maps

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Maps biased in favor of dominant party  
Parties become more polarized  
Promotes one party control  
Minority groups cracked or packed  
Elections a forgone conclusion  
Process not transparent  
Process fundamentally unfair

### Fair Maps

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Lower level of bias  
Parties more willing to compromise  
Allows for diversity  
Minority groups fairly represented  
More contested elections  
Allows for citizen participation  
Process is fairer

TERM	DEFINITION
<b>Gerrymandering</b>	Gerrymandering is a practice intended to establish a political advantage for a particular party or group by manipulating district boundaries. Gerrymandering can also be used to protect incumbents.
<b>Communities of Interest</b>	Respect communities of interest, i.e., with shared characteristics, interests, or needs.
<b>Compact</b>	To the extent permitted by natural or political boundaries, districts should be square, rectangular, or hexagonal in shape--not elongated, spread out, or jagged.
<b>Congressional Reapportionment</b>	Every ten years Congress adjusts the distribution of 435 US House of Representative seats among the 50 states according to the population as determined by the census. Each state is assured of at least one congressional seat. Nebraska currently has three Congressional representatives. Each state is allowed two US Senators no matter the population.
<b>Contiguous</b>	All areas within a district must be physically adjacent.
<b>Cracking &amp; Packing</b>	Two gerrymandering tactics that minimize the impact of a voting bloc: 1. <u>Packing</u> concentrates members of a group into a single district, thereby allowing the other party to win the remainder of the districts. 2. <u>Cracking</u> splits a bloc among multiple districts, so as to dilute their impact and to prevent them from constituting a majority in any of the districts.
<b>Geographic &amp; Political Boundaries</b>	Where possible, district lines should follow permanent and easily recognized features, such as rivers, highways, streets; should coincide with census tract boundaries, main city, town, & county boundaries, and not subdivide any city block.
<b>Hijacking-Kidnapping</b>	Hi-jacking redraws two districts in such a way as to force two incumbents to run against each other in one district, ensuring that one of them will be eliminated. Kidnapping moves an incumbent's home address into another district.
<b>Majority-Minority Districts</b>	Redistricting in such a way as to produce a majority of constituents of African-American or other racial minorities within a particular district.
<b>Other</b>	Districts should not be drawn to favor any political party, incumbent in office, or any other person or group. The political affiliation of registered voters, previous election results, or other demographic data should not be part of the consideration in drawing the maps. <b><u>In June 2019, the U.S. Supreme Court ruled federal courts may not police partisan gerrymandering, leaving it to state courts or the political process.</u></b>
<b>Population equality</b>	Federal law requires political districts to have the same (or nearly the same) number of residents so that every person's vote carries equal weight--"one person, one vote."
<b>Redistricting</b>	The process of redrawing the boundaries of electoral districts. The Nebraska State Legislature is responsible (but can delegate some responsibilities) for redrawing the districts for these elective offices in Nebraska: US House of Representatives, State Legislature, Supreme Court, Public Service Commission, University of Nebraska Board of Regents and State Board of Education.
<b>Voting Rights Act</b>	The 1965 Voting Rights Act prohibits discrimination in voting laws which result in discrimination against racial, ethnic or language minorities.

## RULES of the NEBRASKA UNICAMERAL LEGISLATURE

### One Hundred Sixth Legislature Second Session 2020

#### Sec. 6. Redistricting Committee.

(a) The Redistricting Committee of the Legislature shall be established as a special committee of the Legislature in January of each year ending in one. The committee is authorized to introduce and exercise jurisdiction over legislative bills and resolutions relating to redistricting and hold hearings regarding such legislation.

(b) The committee shall be comprised of nine members of the Legislature, three from each congressional district existing on January 1 of each year ending in zero. The Executive Board shall appoint the members of the committee in January of each year ending in one. No more than five members appointed to the committee shall be affiliated with the same political party. A vacancy on the committee shall be filled by the Executive Board as soon as possible after the vacancy occurs.

(c) At the first meeting of the committee, the members shall select from among themselves by majority vote one member to serve as chairperson of the committee and one member to serve as vice chairperson of the committee. The chair and vice chair shall not be a member of the same political party.

(d) The committee shall continue in existence until all bills containing redistricting plans for which the Legislature has responsibility are passed and signed by the Governor. In the event of a successful legal challenge to any part of a redistricting plan, the committee shall be reconstituted for purposes of reformulating the challenged redistricting plan.

(e) The committee shall receive staff support from the office of the director of Legislative Research. (f) The

committee shall, after reviewing previous redistricting guidelines used by the Legislature, adopt substantive and procedural guidelines that will guide the Legislature's redistricting process. During the legislative session of each year ending in one, the substantive guidelines adopted by the committee shall be presented to the Legislature for approval.

(g) The committee shall at the earliest feasible time make available to the public the substantive guidelines prepared by the committee.

(h) The committee, with approval of a majority of its members, may introduce bills at any time during the legislative session of each year ending in one.

(i) Based upon the information received from the United States Department of Commerce, Bureau of the Census, the committee shall formulate redistricting plans for congressional districts and other districts. The statistics and redistricting plans shall be made available to the Legislature and the public.

(j) After the statistics and redistricting plans are made available to the Legislature and the public, the committee shall schedule and conduct, as expeditiously as reasonably possible, at least one public hearing in each congressional district for the purposes of soliciting input on the proposed redistricting plans. Video and other methods may be used in addition to the procedures outlined for public hearings but not in substitution for such procedures.

## Questions raised on newly announced candidate's role in redistricting

JoANNE YOUNG /

Lincoln Journal Star Jun 2, 2011

The controversy over legislative redistricting and partisan politics continued this week with an announcement that a staffer who helped draw legislative maps will seek the new District 49 seat.

John Murante, who lives in Gretna and is legislative aide to Redistricting Committee member John Nelson of Omaha, declared his candidacy to run for the Legislature the day after the redistricting law passed. There were questions almost immediately. District 49, now served by Sen. LeRoy Loudon, was moved from the Panhandle to Sarpy County during redistricting. Now, some are accusing Murante, the "go-to" staffer who worked with Republicans Nelson and Omaha Sen. Scott Lautenbaugh in drawing maps for consideration, of creating the district so he could run.

Omaha Sen. Heath Mello had fought against maps he said were created by partisan politics. But he said Thursday he, too, had offered a map that moved the new district to western Sarpy County, including Gretna.

In any new open district, he said, you would expect multiple people to seek the seat.

"And it's not uncommon to see legislative staffers run," he said.

Adam Morfeld, executive director of Nebraskans for Civic Reform, said Murante's candidacy was yet another reason Nebraska should use a nonpartisan redistricting committee next time around.

Candidates run for the Legislature on nonpartisan tickets, but parties unofficially play a role in the unicameral form of government, especially in issues such as redistricting.

Kyle Michaelis of the progressive New Nebraska Network said that when Murante announced the morning after the maps became official, he already was claiming support from Congressman Lee Terry, state Treasurer Don Stenberg, Speaker Mike Flood and a number of state senators.

"That's a whole lot of high-powered Republicans throwing their support behind Murante before

anyone else has even had a chance to realize they live in the 49th District -- let alone that there'll be an open seat," Michaelis wrote in his blog.

Murante, 29, who managed John Nelson's campaign and worked on Stenberg's 2006 Senate campaign, said his role in creating the maps was mostly in the initial stages.

Nelson and Lautenbaugh told him they wanted to see whether it would work to put 14 senators within the boundaries of Douglas County and four within the boundaries of Sarpy County, he said.

Every map he saw had Gretna in the new district, he said. Previously, Gretna was in District 3, represented by Sen. Scott Price of Bellevue.

Murante said he informally committed to running after the Legislature passed the redistricting maps. He has not yet filed for the seat officially, he said.

Lautenbaugh said putting District 49 where it is was his choice. He didn't know at the time that Murante lived in the district and was thinking of running, he said.

Those who would say the Republican Party was trying to put a young Republican "operative" into the Legislature from that district implies a level of organization and elaborate planning and scheming that's just not there, he said.

Morfeld said it was commonly known legislators protect themselves with the redistricting process. But when staffers have a hand in it, it's even more concerning.

The process should be as detached from politics as possible, he said, such as Iowa's process, which gives its Legislative Service Bureau the primary responsibility for drawing proposed congressional and legislative districts, subject to legislative and gubernatorial approval.

# Omaha World-Herald

## Pro & Con: Was the 2<sup>nd</sup> Congressional District Gerrymandered?

The Public Pulse, Jan 19, 2020

2020 2nd District gerrymander

At some 567,000, Douglas County is the largest urban area in Nebraska, accounting for almost 29% of the state's total population. What is more, it is decidedly more blue than the rest of the state, with 38% registered Democrats versus 30% for Nebraska as a whole. Unfortunately for county residents, when it comes time to pick their 2nd District congressional representative, gerrymandering has virtually ensured that local voters are disenfranchised.

Time and again from 2012 to 2018, Douglas County voters voted in favor of the Democratic candidate by an average margin of over 4 percentage points, only to see a Republican win due to the strongly Republican voting pattern of Gretna and northern Sarpy County that were shoehorned into the district following the 2010 Census. The exception was 2014 when a strong Democratic

turnout in the county, combined with a weak Republican incumbent, elected Brad Ashford to the House.

In 2016, despite winning the county's support by 3.7 points, Ashford was ousted by voters living outside our borders as Don Bacon carried the district as a whole by a narrow 1.2 point margin.

When will this travesty end and voters in Douglas County, who account for almost one of three residents of the state, be allowed to elect their own representative? No time soon, if Gov. Ricketts has his way.

He has already gone on record supporting redistricting by the current Republican-dominated Legislature. So much for democracy in Nebraska.

Peter S. Gadzinski, *Omaha*

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### Midlands Voices: 2nd District's 'purple' character disproves gerrymander claim

By Theresa Thibodeau *The writer is chairwoman of the Douglas County Republican Party and former state senator.*

As the Jan. 19 Public Pulse letter from Peter Gadzinski so well illustrates, the accusation of gerrymandering has now become the de facto excuse for Democrat Party losses in the 2nd Congressional District of Nebraska, and Sarpy County scapegoats are now the evil villain in this diabolical tale. However, the accusations of the left are bereft of facts and reason.

Let us first consider what gerrymandering is. The term comes from 1812 in reaction to the redrawing of lines in Massachusetts by Gov. Elbridge Gerry. While designed to benefit one party, the district lines were so contorted that they were said to resemble a salamander. A modern definition provided by Merriam-Webster defines the term as "to divide or arrange (a territorial unit) into

election districts in a way that gives one political party an unfair advantage."

Throughout the United States today, there are many places where state legislatures are guilty of gerrymandering, the State of Maryland being one such example. Nevertheless, to accuse the Unicameral of this practice with regard to the local congressional district is rather absurd. This district is extremely compact, only Sarpy county is divided and the district lines in Sarpy County largely follow along the western boundaries of Bellevue.

Moreover, the aforementioned purpose of gerrymandering is to create districts where one party has an unfair advantage. The purpose is not to create a district in which the seat is competitive, now known as a purple district. Prior to the last redistricting 10 years ago, the 2nd District was a considerably more red district, with the Republican incumbent winning by an average of 18 points over the course of a decade. Three of those victories were crowned with margins of over 20%, and only one election saw a margin of less than 5% between the winner and loser.

Since the redistricting of 2011, the 2nd District has moved from being a relatively safe Republican district to what is now a highly competitive swing district in which no margin of victory by either side has ever reached even 4%. Additionally, the single largest election victory in terms of both percentage and actual number of votes cast was achieved by a Democrat. Think about that. How can one side claim that there is a truly unfair advantage when you consider these facts? The numbers don't lie, and the lines are compact around logical communities of interest.

The accusation of gerrymandering seems to be predicated upon the notion that only Douglas County voters should "be allowed to elect their own representative" for the local congressional district and that the inclusion of Sarpy citizens is akin to electoral robbery.

It is pointed out that Douglas County is home to 567,000 residents. Unfortunately, the writer conveniently fails to acknowledge that the population of the state is

comprised of 1.93 million people and that each district should roughly represent 644,802 Nebraskans.

To give only the voters of Douglas County a say in the congressional district would require that we redraw the lines in a manner that would violate the one person, one vote principle. Such an action would undermine the ruling in *Wesberry v. Sanders* that held that members of the House of Representatives be selected by voters in districts of equal population.

Are our friends on the left suggesting that we should toss overboard this important judicial cornerstone of equal representation for the benefit of one party — in this case their own?

In the end, the proposition put forth that gerrymandering is the cause of Democrat Party failures is a smokescreen for the fact that they simply lost an election.

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## Redistricting Bills held over from 2019

### **Note: None advanced from Committee:**

**LB466**, introduced by Sen. Sara Howard, would adopt the Redistricting Act. Among other provisions, the act would specify the Legislature's redistricting process and require that new district maps be drawn using state-issued computer software and politically neutral criteria.

**LB253**, sponsored by Sen. John McCollister, would establish an Independent Redistricting Citizen's Advisory Commission.

**LB261**, sponsored by Sen. Wendy DeBoer, would require use of state-issued computer software to create redistricting maps;

**LB467**, sponsored by Sen. Tony Vargas, would prohibit consideration of the political affiliation of registered voters, demographic information other than population figures and results of previous elections when drawing boundaries for legislative districts.



# Omaha World-Herald

Editorial: 1/22/2020

## Legislature should explore options for a constructive redistricting process

Every 10 years, the Nebraska Legislature undertakes its redistricting duties. Past experience shows that even in the officially nonpartisan Legislature, redrawing the state's political maps can spur fierce partisan struggles. State senators this session can help the process by debating and deciding on general principles to channel the process in a more constructive direction next year.

It would be naive to think that Nebraska can completely shelter its redistricting process from partisan skirmishing. Still, the process a decade ago was particularly tense, and an effort to place the 2021 process on a less contentious path is worth exploring. "We were at our partisan worst," State Sen. Bill Avery, the then-chairman of the Government, Military and Veterans Affairs Committee, said of the 2011 experience. "It was bitter, it was divisive, it was highly partisan."

Lawmakers maneuvered in redrawing not only the state's congressional districts and 49 state legislative districts but also the political boundaries for the University of Nebraska Board of Regents, Public Service Commission and State Board of Education.

The Nebraska Constitution commendably sets out several sensible redistricting requirements. Districts must be nearly equal in population, to conform with the one person, one vote constitutional principle that votes carry generally equal weight. When the U.S. Supreme Court insisted on that principle in the 1960s, Nebraska was compelled in 1965 to redraw the Legislature's political boundaries for the first time since the 1930s, boosting the number of urban seats in Lincoln.

In addition, the state Constitution says, political districts should be generally compact and follow county lines as much as possible. In the 1990s, Madison County sued and won after it was split between two state legislative districts. The Nebraska Supreme Court ruled that a county with a population sufficient to constitute a single legislative district must be kept whole. But counties can still be split in certain instances. In another lawsuit from

the 1990s, residents in Sheridan County lost their legal fight to keep their county whole.

The question before the Legislature now is what additional guideposts could be adopted for the 2021 redistricting process. Suggested examples include ignoring political affiliation of voters, ignoring past voting data and placing two incumbents in redrawn districts. Some independent redistricting commissions, as in Iowa, use such principles.

It's difficult to see how another proposed guideline — to ignore racial considerations in redrawing a district — is workable, since federal civil rights law requires the creation of "majority-minority" districts when certain standards are met. An example of such a district in Nebraska is the Legislature's District 11 encompassing much of north Omaha and represented by State Sen. Ernie Chambers.

The Legislature's need to redraw state legislative districts in low-population rural regions proves especially difficult and painful. One proposal this session would increase the number of seats in the Legislature to 50; another would boost it to 55, up from the current 49. The general aim is to reduce the need to enlarge the districts in western Nebraska. The hearings can spell out the specific ramifications. The bottom line, though, is that no matter how many seats the Legislature has, the one person, one vote principle means that the number of urban seats will continue to grow, given the state's demographic trends.

Can the Legislature adopt guidelines to set its redistricting chores on a less divisive course next year? It's worth a debate this session to explore the possibilities.

<b>Document</b>	<b>Source</b>	<b>Link to Resource</b>
Gerrymandering: Crash Course Government #37	PBS	<a href="https://www.youtube.com/watch?v=MnhFm5QVVT0">https://www.youtube.com/watch?v=MnhFm5QVVT0</a>
Redistricting in Nebraska after the 2010 census	Ballotpedia	<a href="https://ballotpedia.org/Redistricting_in_Nebraska_after_the_2010_census">https://ballotpedia.org/Redistricting in Nebraska after the 2010 census</a>
Here's what Nebraska might have looked like in 2016 without congressional gerrymandering	Daily Kos	<a href="https://www.dailykos.com/stories/2017/1/2/1612729/-Here-s-what-Nebraska-might-have-looked-like-in-2016-without-congressional-gerrymandering">https://www.dailykos.com/stories/2017/1/2/1612729/-Here-s-what-Nebraska-might-have-looked-like-in-2016-without-congressional-gerrymandering</a>
Questions raised on newly announced candidate's role in redistricting	Journal Star	<a href="https://journalstar.com/news/local/questions-raised-on-newly-announced-candidate-s-role-in-redistricting/article_aae98f74-c5b5-50c4-8241-3454e1bb4162.html">https://journalstar.com/news/local/questions-raised-on-newly-announced-candidate-s-role-in-redistricting/article_aae98f74-c5b5-50c4-8241-3454e1bb4162.html</a>
State-by-state redistricting procedures	Ballotpedia	<a href="https://ballotpedia.org/State-by-state_redistricting_procedures">https://ballotpedia.org/State-by-state redistricting procedures</a>
Redistricting Position	League of Women Voters/US	<a href="https://www.lwv.org/sites/default/files/2018-06/LWV%20Redistricting%20Position.pdf">https://www.lwv.org/sites/default/files/2018-06/LWV%20Redistricting%20Position.pdf</a>
Redistricting Position	League of Women Voters/NE	<a href="https://lwvne.typepad.com/LWVNE%20PROGRAM%202019-2020.pdf">https://lwvne.typepad.com/LWVNE%20PROGRAM%202019-2020.pdf</a>
A Better Way to Draw Districts	Brennen Center for Justice	<a href="https://www.brennancenter.org/sites/default/files/2019-12/2019_10_ModelBillGuideFINAL.pdf">https://www.brennancenter.org/sites/default/files/2019-12/2019_10_ModelBillGuideFINAL.pdf</a>
The Atlas Of Redistricting/Nebraska	FiveThirtyEight	<a href="https://projects.fivethirtyeight.com/redistricting-maps/nebraska/#Compact">https://projects.fivethirtyeight.com/redistricting-maps/nebraska/#Compact</a>
Redistricting Reform	Common Cause Nebraska	<a href="https://www.commoncause.org/nebraska/our-work/ensure-fair-districts-reflective-democracy/fair-districts/">https://www.commoncause.org/nebraska/our-work/ensure-fair-districts-reflective-democracy/fair-districts/</a>
Civic Nebraska @ the Statehouse: Fair redistricting	Civic Nebraska	<a href="https://www.civicnebraska.org/executive-board-021419/">https://www.civicnebraska.org/executive-board-021419/</a>
Sec. 6. Redistricting Committee Page 18	Rules of the Unicameral Legislature	<a href="https://nebraskalegislature.gov/FloorDocs/Current/PDF/Rules/RuleBook.pdf">https://nebraskalegislature.gov/FloorDocs/Current/PDF/Rules/RuleBook.pdf</a>
Public Pulse 1/20/20, 2nd District Gerrymander	Omaha World Herald	<a href="https://www.omaha.com/opinion/the-public-pulse-students-and-restraints-electoral-college-gerrymandering-empathy/article_6925e853-d34e-5ce6-bdb5-477db2d1e3d7.html">https://www.omaha.com/opinion/the-public-pulse-students-and-restraints-electoral-college-gerrymandering-empathy/article_6925e853-d34e-5ce6-bdb5-477db2d1e3d7.html</a>
2020 Legislative Bill 1207 Redistricting Bill	NE Legislature	<a href="https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB1207.pdf">https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB1207.pdf</a>
A Brief History of Legislative Redistricting in Nebraska	NE Legislative Research Office	<a href="https://nebraskalegislature.gov/pdf/reports/research/snapshot_redistricting_2018.pdf">https://nebraskalegislature.gov/pdf/reports/research/snapshot_redistricting_2018.pdf</a>
Day V. Nelson	NE Supreme Court	<a href="https://law.justia.com/cases/nebraska/supreme-court/1992/230-5.html">https://law.justia.com/cases/nebraska/supreme-court/1992/230-5.html</a>