



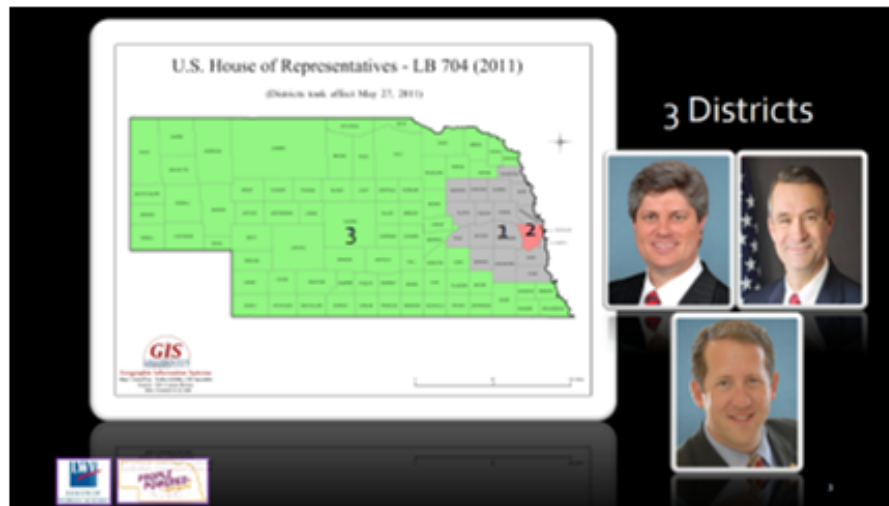
Crash Course: Redistricting in Nebraska 2020

Redistricting may seem complicated and not connected to anything in your life, but actually it has a very big impact, but it may not seem obvious---at least at first.

This 8 minute video is a brief and entertaining overview of redistricting. After the video we will take a look at redistricting in Nebraska.

Secondary link to video:

<https://www.youtube.com/watch?v=MnhFm5QVVT0>



Let's take a look at Redistricting in Nebraska

- Nebraska has 3 Congressional seats out of a total 435 members of Congress.

Congressional Dist. 1	Jeff Fortenberry
Congressional Dist. 2	Don Bacon
Congressional Dist. 3	Adrian Smith
- **Instructor Note: Looking at this map, which member of Congress represents you?**
- The 2020 Census will most likely mean a change in the boundaries of these congressional districts.
- There is also a possibility Nebraska may lose a Congressional seat based on the 2020 Census. That is one reason Nebraska should strive for a complete and accurate Census.

Elected Positions Subject to Redistricting

Elected Position	# Districts
Nebraska State Legislature (Unicameral)	49
Nebraska Supreme Court Judicial Districts	6
Nebraska State Board of Education	8
University of Nebraska Board of Regents	8
Public Service Commission	5



There is immense power associated with redistricting.

Besides drawing new maps for Nebraska's members of the House of Representatives, the Nebraska Unicameral also is charged with drawing new district maps for several state offices.



Instructor Note--Optional: In the interest of time, participants may be provided with a copy of the document to review on their own.

1935-The Unicameral was created with 43 legislative districts based on the 1930 census. No changes made until the 1960's.

1962-NE Constitutional amendment passed to allow districts to not conform to county lines and allows for consideration of "area". Ruled unconstitutional in 1963—cannot use "area" as a consideration in redistricting.

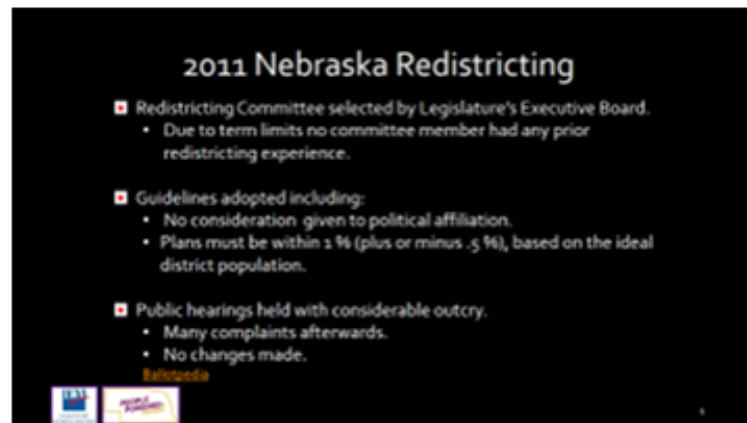
1965-Unicameral enacts a new redistricting plan increasing the number of legislative districts to 50. The US District Court rules the population variance of more than 15 % violates the Equal Protection Clause of the 14th Amendment.

July 1965--Unicameral adopts a third redistricting plan with 49 legislative districts. This survives a constitutional challenge.

1990's-Madison County is divided between 2 legislative districts. Madison County citizens sue (Day v. Nelson) and the court rules in their favor: "County lines shall be followed whenever practicable during redistricting and a county with a population sufficient to constitute a single legislative district must be kept whole." In response, the Unicameral holds a special session to reconfigure Madison County into one Legislative District.

2001-More legal challenges regarding crossing country lines in regard to Douglas County. All are eventually dismissed.

2010-No legislative districts within Douglas County cross county lines, no further legal challenges.



Instructor Note:

Q: Why did redistricting last occur in 2011?

A: Redistricting is required by the US Constitution following the Census every 10 years. The last Census was held in 2010.

- The Nebraska Constitution requires the Unicameral to be in charge of redistricting.
- A simple majority is required to approve a redistricting plan, subject to veto by the governor.
- Nebraska Constitution also requires districts to "be contiguous and compact, and they keep to county boundaries 'whenever practicable.'"

Supplemental: Page 4 Handout, Rules of the Nebraska Legislature regarding redistricting.



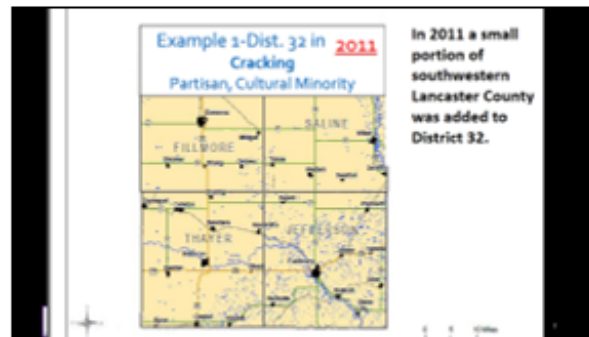
We are the Good Guys, but here are two examples of what many have viewed as gerrymandering by the Nebraska Legislature in 2011 and a possible conflict of interest.

No lawsuits were filed, but many believe the districting was done in a way to strengthen the dominant party.

Instructor Note:

Q: What is the difference between gerrymandering and redistricting?

A: Refer to Page 3 Handout. Point to emphasize: Gerrymandering is practiced by both parties—it all depends on who is the dominant party and if they have the political muscle to pull it off.



Gerrymandering—Cracking a Partisan, Cultural Minority

This slide shows how even small changes can disrupt traditional voting patterns.

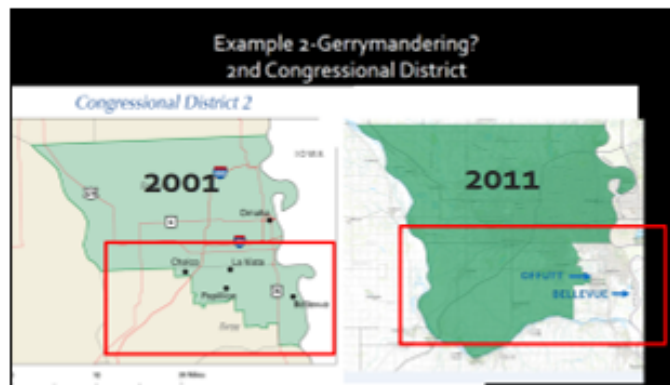
- Prior to 2011, LD 32 was four rural counties in southeast Nebraska.
- It was considered a swing district-sometimes electing a Democrat and sometimes a Republican to the nonpartisan Unicameral.
- It had a traditional Czech population that often (not always) voted Democratic as well as a rising Latino population that also trended Democratic.

In 2011, District 32 was redrawn in a way that turned it from a swing district to one party dominance-Republican in this instance.

- This was accomplished by annexing a small portion of southwestern Lancaster County which tended to vote solidly Republican. This seemingly small change upended the traditional character and voting patterns of this district.
- In 2014, the Republican candidate easily defeated a more moderate Democrat.
- In 2018, there was no Democrat in the race.

Residents have expressed concern their district was gerrymandered by cracking a partisan or cultural minority.

Instructor Note: Page 3 Handout, review definition of cracking and packing. Discussion: Could there be other factors to consider that might explain why this district experienced a change in its voting pattern?



Example 2—Nebraska Congressional District 2

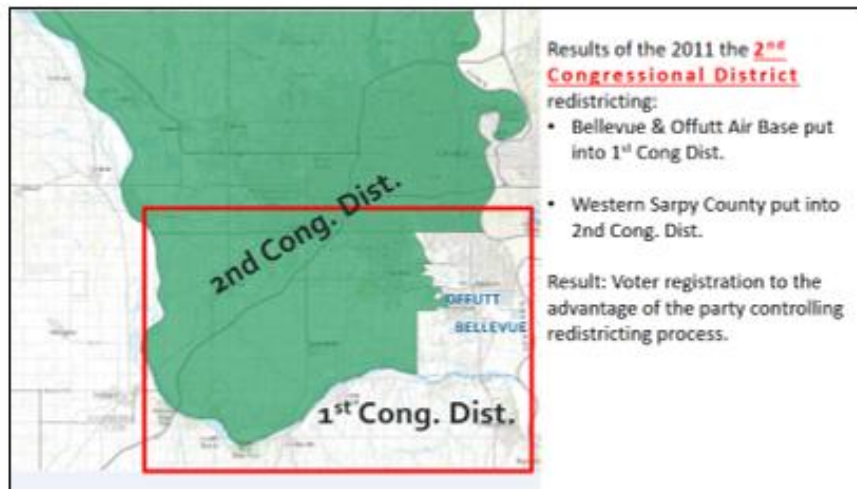
- These two maps show the changes made to the Second Congressional District from 2001 to 2011 in Sarpy County. Many consider this a classic case of gerrymandering.
- This was considered Nebraska’s only Congressional swing district—sometimes electing a Republican, sometimes a Democrat to Congress.
- The district crossed county lines which included Omaha, surrounding suburbs in Douglas County and extended into eastern Sarpy County--Bellevue and Offutt Air Base.

Instructor Note:

- **Locate Bellevue and Offutt on the maps. Note how they are in District 2 in 2001 but in District 1 in 2011.**
- **Why are Offutt Air Base and SAC headquarters important to Omaha? Many answers may be presented. This is from the Chamber of Commerce:**

“Offutt is one of Nebraska’s largest employers, with 8,000 military and civilian personnel. Nearly 32,000 military, civilians, contractors, dependents and retirees make their home in the area. The base generates almost 4,400 secondary jobs regionally. Offutt is a vital part of Nebraska’s economy with an annual economic impact of nearly \$2.7 billion. Additionally, more than 65 defense companies have a presence near Offutt, providing direct support to its missions.” Source: Omaha Chamber of Commerce:

<https://www.omahachamber.org/pdf/Offutt-AFB.pdf>



Partisan Gerrymandering? Separating a Community of Interest?

- This is all about how Sarpy County was redistricted.
- Bellevue and Offutt Airbase in eastern Sarpy County were separated from the Omaha Metro area and placed in the 1st Congressional District.
- More solidly Republican voters in Gretna and western Sarpy county replaced more Democrat leaning voters in Bellevue.
- Some have claimed the current map was gerrymandered by separating a “community of interest” for partisan gain.

Instructor Note:

Class Discussion-Pros and Cons: Was 2nd Congressional District Gerrymandered?

- **Pages 6-7 Handout**
- **Participants read: Letter to the Editor and Guest Editorial**
 - **In what way were both writers correct?**
 - **In what way do you see bias in either or both writers?**
 - **Besides dividing a community of interest, in what other ways could the Omaha Metro area be gerrymandered?**



Conflict of Interest?

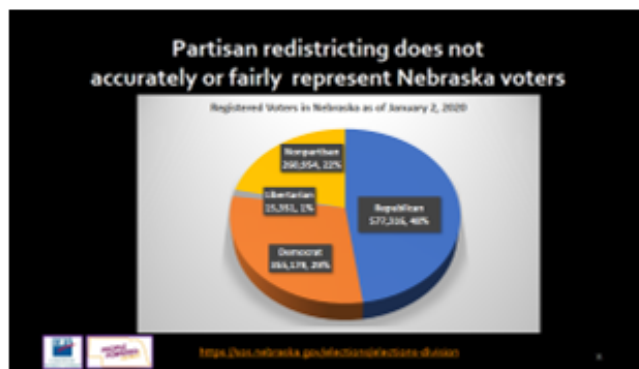
- Another change to Sarpy County: District 49 was moved from western Nebraska to Sarpy County by the 2011 Nebraska Legislature Redistricting Committee.
- John Murante, then a legislative aide and a resident of Sarpy County, was active in the Redistricting Committee. Immediately after his plan for creating a new District 49 was passed by the Unicameral and signed by the governor, Murante announced he would seek that same seat.
- Murante won the new District 49 seat with the support of key political leaders. He currently serves as State Treasurer.
- Adam Morfeld (now Senator 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.

Instructor Note: Discussion:

- **Does it appear Mr. Murante had a conflict of interest?**
- **Do you believe he should have run for the legislative seat he was involved with creating?**
- **What do you think of Senator Morfeld's remark about setting up a nonpartisan redistricting committee?**

Supplemental: Page 5 "Questions raised on newly announced candidate's role in redistricting"

[Lincoln Journal Star Jun 2, 2011](#)



Instructor Note: Questions:

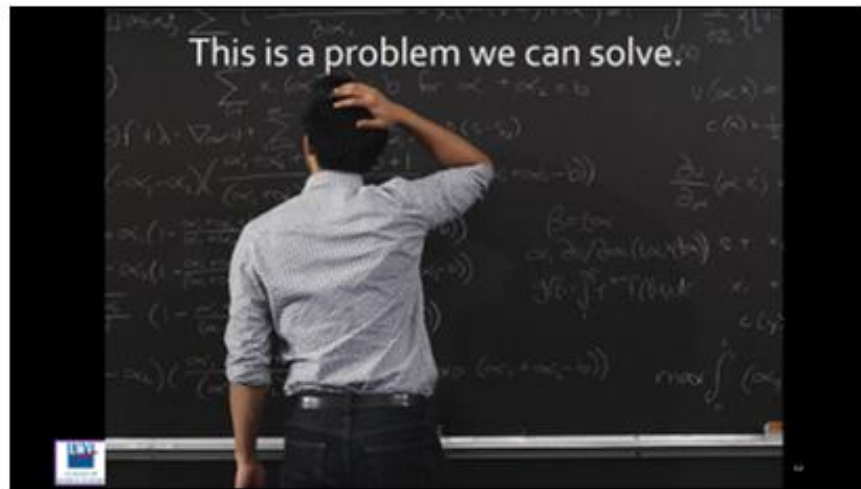
What percentage is Republican?

What percentage is Democratic?

What percentage is Nonpartisan?

Does any party have a majority of the registered voters?

- This chart shows no party has a majority of the voters but Nebraska is classified as a “trifecta” state.
- A **trifecta state** is a state where one party controls the legislature (both houses) and governorship. In Nebraska, the Unicameral combines upper and lower branches of legislature into one body.
- In Nebraska the dominant party is Republican, in other states the dominant party is Democrat.
- Gerrymandering occurs when the dominant party (Republican or Democrat) uses its power to control the redistricting process to gain an unfair advantage.
- Trifecta control of state government doesn’t match Nebraska’s voter registration.
 - That can be an indicator of gerrymandering.
 - It doesn’t **prove** gerrymandering.
 - It is only an indicator that electoral districts **may** have been drawn in favor dominant party.



The most commonly advocated reform proposal targeted at gerrymandering is to *change the redistricting process.*



States redistrict 3 different ways:

- 1. State Legislatures:** 37 states including Nebraska.
- 2. Independent Commissions:** 6 states Direct participation by elected officials is limited.
- 3. Politician Commissions** 7 states Varies from state to state, but elected officials are appointed to serve on redistricting commission.

Instructor Note:

Q: Why are some of the states listed as “NA”?

A: These are states with only one member of Congress. They are not included with national data about redistricting because they are only apportioned one member due to their low population.



- Redistricting may seem complicated, but it all boils down to setting up a process that is fair and unbiased.
- The Supreme Court ruled in the 2019 *Rucho Case* that partisan gerrymandering is a political question federal courts cannot police.
- That places fair redistricting in the hands of the voters.
- People Powered Fair Maps is a campaign started by the League of Women Voters and is active in every state where gerrymandering is still occurring.
- Look for this logo on our website, Facebook and Twitter.
- If you would like to be kept informed of redistricting bills, meetings, activities, go to our webpage and sign up—and we'll get you on our mail list.
- As on January 2020, LB 1207, is the only bill introduced so far. Link to LB1207:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB1207.pdf>

Supplemental: Page 7, Handout for a list of redistricting bills held over from the 2019 Unicameral Legislative Session.



Consider becoming a redistricting advocate

- You don't have to do everything, just do what you can.
- Make your voice heard and your vote count.

Supplemental: Participants may:

- 1. Take the online redistricting quiz at FairMapsNe.org.**
- 2. Sign up to be Fair Maps activist online**



If meaningful redistricting reform is not enacted in the 2020 legislative session, a collaboration of Nebraska based organizations have indicated interest in conducting a petition drive.

- Nebraska allows voters to mount an initiative for a direct popular vote.
- Such a route opens the possibility of creating a commission that takes redistricting power away from politicians.