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## Urban areas win as Supreme Court rejects challenge to basing legislative districts on total population

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The U.S. Supreme Court unanimously rejected the argument that legislative districts should be based on the number of eligible voters vs. total population.

In an 8-0 ruling in *Evenwel v. Abbott*, the court rejected a challenge to Texas' decision to use total population to draw lines for legislative districts. Because the population of some districts include greater percentages of people who are ineligible to vote — e.g. undocumented immigrants, prisoners and children — there are wide disparities in the number of eligible voters in Texas' legislative districts. This means some votes have less weight than others, and therefore violates the Constitution, the plaintiffs argued.

The court unanimously rejected that argument.

“As the Framers of the Constitution and the Fourteenth Amendment comprehended, representatives serve all residents, not just those eligible or registered to vote,” Justice Ruth Bader Ginsburg wrote in the court's ruling.

The decision was a victory for urban areas, which tend to have more ineligible voters than rural areas do, and for Democrats, which tend to win elections in urban areas.

“The Supreme Court wisely rejected an effort to dilute the political representation of minorities and children,” said Caroline Frederickson, president of the American Constitution Society. “As states across the country implement new voting restrictions at breakneck speed, it is vital to reaffirm our commitment to equal representation for all people.”

Republicans, however, took solace in the fact that the court did not explicitly rule that states couldn't use the number of eligible voters for legislative redistricting. It simply ruled that states could continue to use total population.

The ruling "leaves open to the state the ability to experiment further," said Ilya Shapiro, a senior fellow in constitutional studies at the Cato Institute.

"Some states already exclude aliens, nonpermanent residents, nonresident military personnel, inmates who were not state residents prior to incarceration, and other non-permanent or non-voting populations. States like Texas where total-population allocations continue to diverge from eligible-voter allocations — resulting in great disparities of eligible voters between districts — should indeed try to ensure that each vote has the same relative weight, forcing the Supreme Court's hand in some future case."