



# WORLD

## Unanimous Supreme Court ruling leaves room for redistricting debate

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April 5, 2016

The U.S. Supreme Court unanimously struck down a challenge forcing states to draw legislative district lines based on eligible voters and not total population—but in this case, an 8-0 vote did not end debate.

The high court's decision on *Evenwel v. Abbott* halted a conservative push in Texas to overrule the long-standing “one person, one vote” principle by which the population of an area determines the size of its corresponding legislative district. The court determined there is no constitutional basis for the current one person, one vote system, but there are even weaker grounds for apportioning congressional districts based on the number of eligible voters.

The defendants feared a defeat would mean children, immigrants, or anyone who lost voter eligibility because of incarceration or another reason would not count when reshaping legislative districts after each census. But some said apportioning a district by total population promotes a different inequality.

Ilya Shapiro, a senior fellow in constitutional studies at the Cato Institute, filed a brief supporting the plaintiffs in *Evenwel v. Abbott*. Shapiro worries the one person, one vote rule dilutes votes.

He told me that under the current system, there could be two districts with the same total population, but one district could have 100 voters and the other 1,000. Votes in the first district would count 10 times more since each district only has one representative in government.

“I think that power should belong to the voter,” Shapiro said. “This violates the basic principal of voter equality.”

Shapiro wrote on Tuesday that the real disappointment in the case was not that court did not rule in his favor, but that it decided to “punt” the decision by not clarifying a federal standard. Shapiro said the Supreme Court will probably have to weigh in again after states receive the 2020 census report.

Justice Ruth Bader Ginsburg wrote the main opinion for the court, which did not create a federal precedent for states to observe. Monday's ruling simply said states are not required to draw

districts based on voter numbers and each state can determine its own guidelines. All 50 states currently use total population numbers from the decennial census for crafting congressional and state legislative districts. And only a handful of states make significant adjustments between census reports.

Many spoke out to praise the court for stopping a districting system based solely on eligible voters.

“We don’t deny children police protection because they are not registered to vote, so why would we deny fair representation based on who is registered and who is not?” said Kathay Feng, the redistricting director for Common Cause.

Although the vote was unanimous, Justices Samuel Alito and Clarence Thomas were unable to agree in total and each wrote separate concurring opinions.

Alito wrote there is no point of reference for a state to draw district lines other than by total population, which made the ruling more challenging.

“Whether a state is permitted to use some measure other than total population is an important and sensitive question,” he wrote. “For centuries, political theorists have debated the proper role of representatives, and political scientists have studied the conduct of legislators and the interests that they actually advance.”

But both Thomas and Alito still agreed there is no constitutional requirement for state districts to be chained to the number of eligible voters.