

## 2020 CENSUS REDISTRICTING IMPACT STATEMENT

U.S. Constitution, Article I, Section 2. Article I, Section 2 of the United States Constitution commands that representatives be chosen “by the People of the several States.” That command has evolved into the driving principle that, in any given jurisdiction, each person’s vote is to be worth the same as any other person’s vote – the “one-person, one-vote” principle. [See, *Baker v. Carr*, 369 U.S. 186 (1962); *Wesberry v. Sanders*, 376 U.S. 1 (1964); *Reynolds v. Sims*, 377 U.S. 533 (1964).] As to state legislative districts and municipal districts such as single-member county board districts, this requirement derives from the Equal Protection Clause of the Fourteenth Amendment. As such, such districts are presumptively valid as long as the population differential between the most populated district and the least populated district does not exceed 10%. [See, *Mahan v. Howell*, 410 U.S. 315 (1973); *Gaffney v. Cummings*, 412 U.S. 735 (1973); *Connor v. Finch*, 431 U.S. 407 (1977).] This principle was most recently restated by the Supreme Court in *Evenwel v. Abbott*, 577 U.S. 937 (2016):

Where the maximum population deviation between the largest and smallest district is less than 10%, the Court has held, a state or local legislative map presumptively complies with the one-person, one-vote rule.

537 U.S. \_\_\_\_; 136 S.Ct. 1124

Under the proposed map, the maximum population differential (using PL 94-171 data for the 2020 Census) between the most populated district and the least populated district does not exceed 10%.

Voting Rights Act of 1965, 42 U.S.C. §1973(a); Fourteenth Amendment. As the District Court noted in reviewing the Illinois congressional redistricting plan following the 2010 census, as to protected groups, “[i]ntentional vote dilution through the drawing of district lines violates both Section 2 of the Voting Rights Act and the Fourteenth Amendment” [*Committee for a Fair and Balanced Map v. Illinois State Board of Elections*, 835 F.Fupp.2d 563, 580 (N.D.Ill., 2011)].

For purposes of Section 2 of the Voting Rights Act, vote dilution is the practice of reducing the potential effectiveness of a group’s voting strength by limiting the group’s chances to translate that strength into voting power. See, e.g, *Shaw I*, 509 U.S. at 641, 113 S.Ct. 2816.

*Ibid.*

The map adopted by the Cook County Board in 2012 (the “Current Map”) has five majority Black districts (1, 2, 3, 4, and 5) and three majority Latino districts (7, 8, and 16). The proposed map maintains five majority Black districts and three majority Latino districts. The proposed map maintains two west side majority Black districts and three south side majority Black districts. The proposed map also has one northwest side Chicago majority Latino district, one southwest side Chicago majority Latino district, and a Latino district that is substantially west suburban that wraps around a west side Black district. We considered that the Latino population comprises a larger proportion of the total population of Cook County since 2010. However, that growth has been realized largely across Cook County.

Maintaining existing districts and keeping constituencies substantially intact so that officeholders are accountable for promises made or broken are also appropriate considerations. In the words of the *Committee for a Fair and Balanced Map* court, “Maintaining incumbent-constituent relationships is a legitimate redistricting goal ...” [*Committee for a Fair and Balanced Map*, 835 F.Fupp.2d 563, 584]. The proposed map keeps a substantial portion of every district in the Current Map intact.

#### Illinois Law.

55 ILCS 5/2-3003(1)(b) requires that each district “... shall be comprised of contiguous territory” (in other words, that all parts of the district must touch each other and be encompassed within a single common boundary). This requirement is satisfied under the proposed map.

In 2011, the Illinois legislature passed the “Illinois Voting Rights Act of 2011, 10 ILCS 120/5-1, *et seq.* [P.A. 96-1541, eff. 3/7/11.] That Act applies by its terms only to State legislative districts. It provides that “... in addition and subordinate to any requirements or obligations imposed by the United States Constitution, ... the federal Voting Rights Act, and the Illinois Constitution,” for the creation of “crossover districts,” “coalition districts,” or “influence districts.” The proposed map contains additional four districts (6, 11, 13, and 15) which are majority-minority and which could be considered “crossover districts,” “coalition districts,” or “influence districts.”

The Committee received public testimony from representatives of (self-described) communities of interest. Groups representing an Orthodox Jewish community, a community of Muslims, and a community of Indians and the larger pan-Asian community requested that the district boundaries between Districts 10 and 13 not split their respective communities of interest into two districts. The proposed map respects that request. Residents of the Back of the Yards community in Chicago requested that that community be consolidated into one district. In balancing the principles described above, staff determined that the best outcome would be to make no substantial changes to the existing boundary in that neighborhood. Finally, the Committee received testimony from interests in the area east of Humboldt Park requesting that the community remain connected to the majority Latino district on the northwest side. However, changes in the demographic

composition of that area make that general area no longer majority Latino. The general westward shift of the district boundaries follows the westward movement of the Latino population on Chicago's northwest side.

The proposed map also endeavors, to the extent feasible, to follow municipal, township, and other political subdivision boundaries, avoid splitting municipalities, avoid splitting precincts, and avoid dividing communities of shared interest. The staff generally followed major thoroughfares and large geographic features, where feasible. This resulted in some precincts being split and some (largely suburban) municipalities being divided. However, we are cognizant of the fact that changes in legislative, congressional and Chicago ward districts, as well as other election districts, when combined with changes in Cook County Board districts, will cause election officials to re-draw some edge precincts to conform to the combination of redrawn districts.