Shahil Pal| April 4, 2022 | Policy Practicum: Draw Congress: Stanford
Redistricting Project- Persily

Redistricting Nevada

Introduction

This memorandum contains a redistricting plan for Nevada's congressional districts following

the 2020 Census and resulting population changes. This plan attempts to prioritize a Good

Government Plan, which refers to a plan that attempts to draw compact districts based on

political subdivisions lines, such as counties and cities. Alongside, this plan will consider

communities of interest, which is a contiguous population which shares common social and

economic interests that should be included within a single district for purposes of its effective

and fair representation.

While Good Government and Communities of Interest serve as the integral principles for this

redistricting proposal, I have carefully applied all conventional redistricting principles, such as

compactness and contiguity, in compliance with federal law and Nevada' state law. This

memorandum offers insight into the explanation of how this plan minimizes political subdivision

splits and includes comparison to existing and drafted plans. Further, this paper will detail the

various components of the proposed plan, including legal compliance, measures of political

fairness, and other challenges accounted for throughout the redistricting process.

2020 Census and Changes

Following the 2020 U.S Census, the state of Nevada holds a population of 3,104,614 people. In 2010, the state held approximately 2,700,551 people. That is a significant increase since the 2010 U.S Census. Accordingly, Nevada was apportioned 4 districts, remaining the same since the 2010 cycle. The population grew by almost 15% in the past 10 years and the Hispanic population grew by almost 24%. Similarly, the Black and Asian populations in the state drastically grew over the past 10 years.

Currently, the adopted plan faces legal challenges. A Republican Assemblyman alleges that the adopted plan is a partisan gerrymander that denies voters an equal opportunity to vote fairly, in violation of the 5th and 14th Amendment. The lawmaker states this is an attempt to dilute the rural Nevadans' voting power.

Plan Summary: Good Government and Communities of Interest

Given these changes, my redistricting plan attempts to appropriately account for population changes while respecting political subdivision lines and other geographical boundaries, such as cities and towns. In my redistricting plan, I began redistricting by placing entire counties into 4 districts irrespective of population in order to minimize the number of counties being split in the later stages of redistricting. While maintaining county lines was an important principle to this plan, I defaulted to preserving towns and cities when it was necessary to break counties to reach a perfect population. An effective Good Government plan attempts to keep county splits below the number of congressional districts in the plan, which this plan achieves. This plan has 2 county splits spanning for all 4 districts. Additionally, this plan

considers the various Indian Reservations and community interests at stake given the

concentrated population in particular areas. This paper discusses the legal implications and

further challenges faced in constructing these districts and the overall plan.

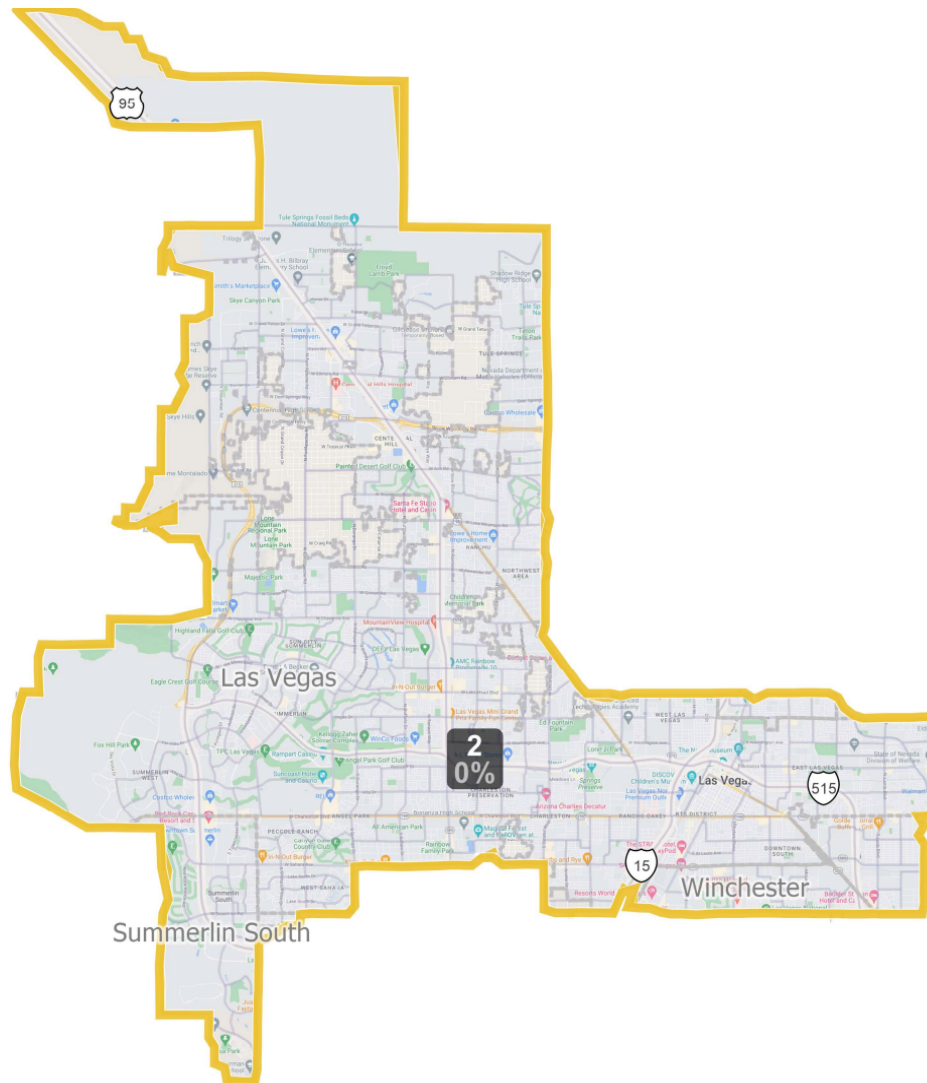## District Breakdown

District 1:
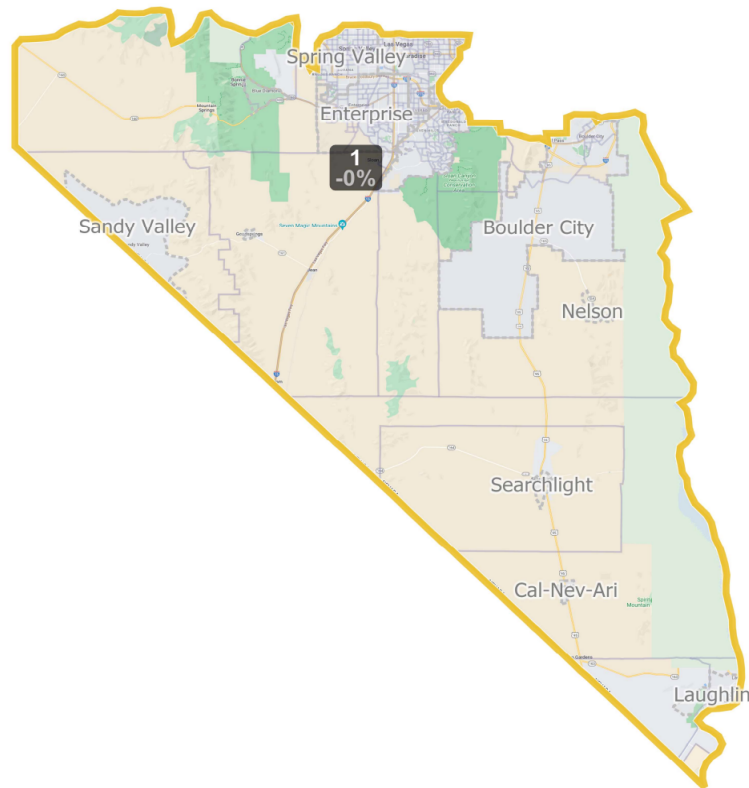
This district is located in the southeastern corner of Nevada, which splits Clark County with two

other districts. The district circles to an end as it nears District 2 and where a concentrated

amount of towns and cities are present. When drawing this congressional line, I remained

cognizant of the cities that may be broken up in the process and attempted to include entire cities

into the district. Though, some cities were broken up in the process. The district has a Reouk

compactness score of .33. The district holds a plurality of white voters and PlanScore predicts

that it would be a lean Democrat district.

District 2:

This district is located in the southeastern part of Nevada, which splits Clark county with two

other districts. This district encompasses an extremely small area as it accounts for Las Vegas,

where population is densely concentrated. Hence, to avoid splitting the town and potential community interests there, it is a smaller district with the appropriate perfect population. This district has a compactness Reouk score of .31. This district contains a plurality of White voters and is predicted to be a lean Democrat district.
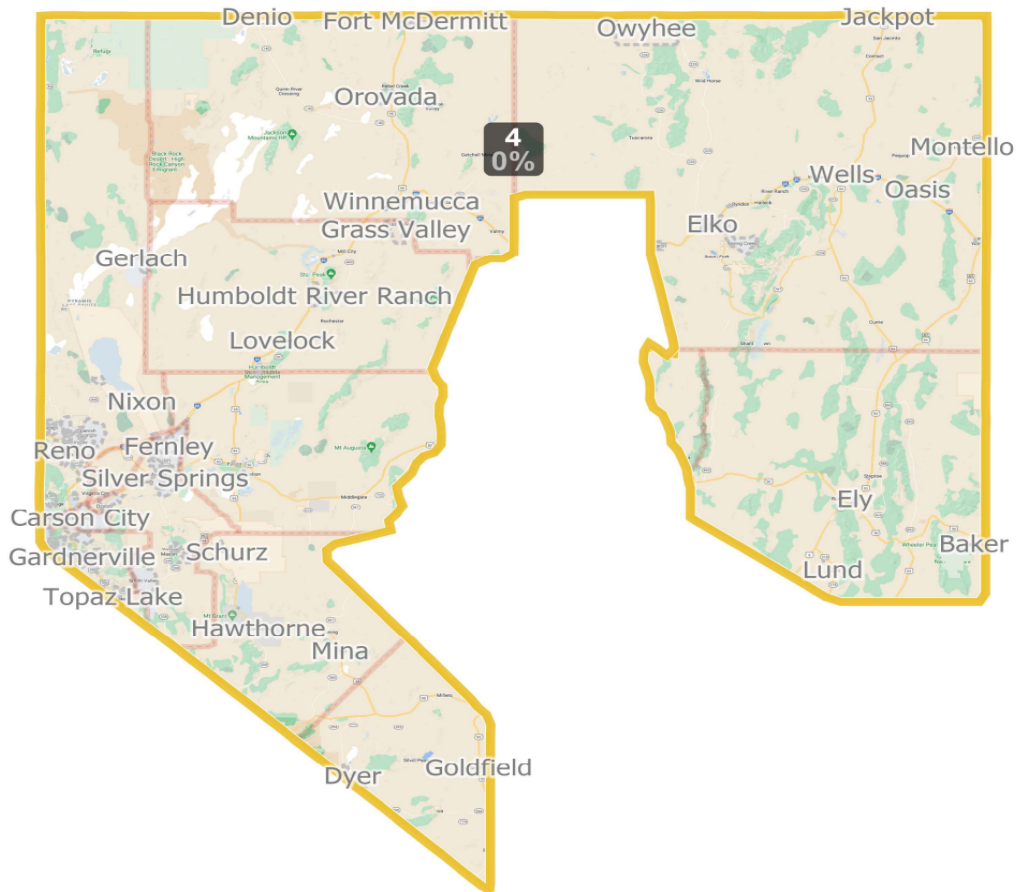
District 3:
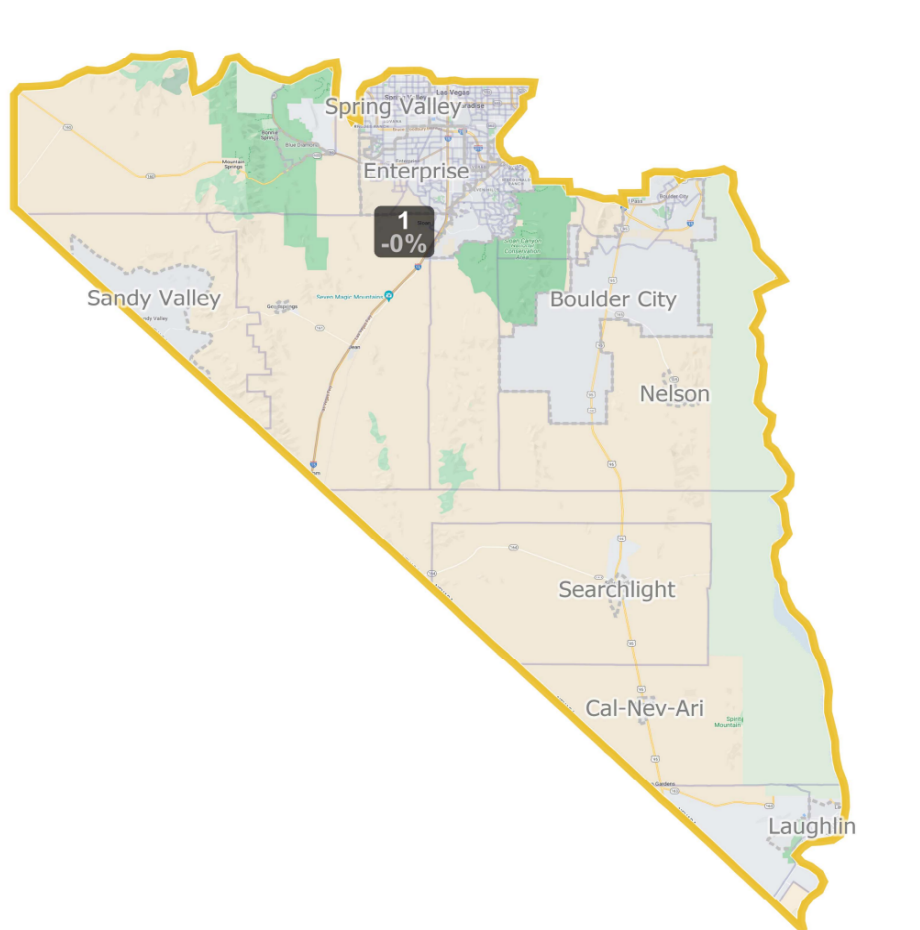
This district is located in the southeast point of Nevada and reaches towards the Northwest, including Clark County, Lander County, Eureka County, Nye County, and Lincoln County. This district expands wide over the state in order to reach perfect population equality by avoiding to

split an Indian Reservation. This district has a compact Reouk score of .38. This district contains a plurality of White voters and is predicted to be a lean Democrat state.

District 4:

This district wraps around Nevada, including 11 counties from the state. This district was necessary in order to reach perfect population equality by splitting with another district. At the same time, it allowed an Indian Reservation to be broken based on the other existing districts. It

has a compactness Reouk score of .47. This district contains a majority of White voters and is predicted to be a Republican district.

Federal and State Laws

Federal Law

<u>One Person, One Vote</u>

One of the crucial requirements of redistricting law is the "**one person, one vote**" rule. Under Article I, Section 2 of the U.S Constitution it is required that Congressional districts "be apportioned among the several states…according to their respective numbers…" In *Karcher v. Daggett,* the Supreme Court held that any deviation from perfect population equality in congressional districts must be justified with respect to traditional districting principles, including respect for political subdivisions, compactness, and avoiding contests between incumbents. Hence, a population deviation of 0% is regarded as the effective standard when drawing congressional lines. This rule is often known as the perfect population rule, in which population deviation ideally should not exceed more or less 1 person in each congressional district.

However, in *Tennant v. Jefferson County Commission*, it was determined that a state can deviate from this rule if they can demonstrate that it was done to respect political subdivisions. The concerned state would have to prove there was no alternate way to draw the congressional district without having a greater population deviation. As of the 2020 census, Nevada has a population of 3,104,614 placing the ideal population for each district at about 776,154 people. All districts in this plan meet this criteria. This plan fulfills the perfect population equality rule as

all proposed districts have a population deviation of 0% and most hover at perfect equality or a difference of one person.

Shaw v. Reno

In *Shaw v. Reno,* the Supreme Court affirmed that a plaintiff could challenge a redistricting plan under the 14th Amendment's Equal Protection Clause if they believed that the legislature had used race as the controlling factor in drawing a plan. The court applies a strict scrutiny in regards to Shaw claims meaning that the Court will directly weigh the constitutionality of the law and action. Thus, a plan that is devised to draw congressional districts simply on the basis of race would be deemed illegal–unless intentionally required by the VRA. Nonetheless, I have applied traditional redistricting principles to ensure that districts are compact and respect political subdivisions rather than any other extraneous factors.

Section 2 of the Voting Rights Act

Section 2 of the Voting Rights Act necessitates the creation of majority-minority districts when these three conditions are present:

(a) the minority is large enough to constitute a majority of the citizen voting age population in a potential district;

(b) the minority community is politically cohesive (meaning they vote together);

(c) whites vote sufficiently as a block to prevent the minority from electing its candidate of choice. (In addition there needs to be some history of discrimination under what is known as the Senate Factors.)

This three pronged test originates from *Thornburg v. Gringles*. Nevada does not meet the requirements for a VRA district. Though, there is significant community interest given the Hispanic community in the state.

State Requirements

The Nevada Constitution states, "representation shall be apportioned according to population…and the census…shall serve as the basis of representation." There are no further instructions rendered by the State Constitution. In 2011, a state court case imposed several requirements for congressional plans. The court ruled that congressional plans cannot deviate by more than one person, avoid dividing political subdivisions, must be contiguous and preserve communities of interest.

Contiguity

A district is generally thought to be contiguous if it is possible to travel between any two points in a district without crossing into a different district. For congressional districts, 34 states require contiguity–including Nevada. All districts in this plan are fully contiguous and no district protrudes between another district's boundaries.

Compactness

Another vital aspect of redistricting involves compactness, which requires a district to be concentrated in a geographic region. The current enacted plan for Nevada averages a Reock compactness score of .42, which is a high score for compactness. This Good Government Plan significantly improves on compactness. The average Reock score is .37 and the maximum score is a .47. The most compact district would have a score of 1. Yet, most districts in this plan exceed

the average Reock score of the enacted plan. Though, the adopted plan engages in county-splitting more often.

Another statistical measure worth for comparison is the Polsby-Popper score. On average, the current enacted plan received a score of .43. This proposed plan received an average score of .32, slightly less than the enacted plan. The maximum score in this plan was a .38. Additionally, the compactness of the districts can be visually measured as well. The districts drawn in this plan are typically rectangular or square in which a center can be easily spotted. These are signs of a relatively compact district. On the other hand, the enacted plan contains all four counties to be split.

Political Subdivisions Splits

Political subdivision splits entail any split between counties and towns among different congressional districts. Since this plan prioritized the Good Government principle, it was extremely important to ensure that counties and towns were not unnecessarily split among different congressional districts. Ideally, an effective good government plan would be one that minimizes county splits below the number of districts present in the state; in this case, that would be under 4. This plan splits 2 counties. One of these splits are shared between two districts and the one is shared among three districts. These counties include: Clark and Eureka. Of these counties, Clark had to be split because it contained more voters than a district should hold. Additionally, this Good Government Plan makes a concerted effort to not split cities and towns as well. Hence, many of the district lines are squiggly instead of straight because they are accounting for the cities and towns that may be unintentionally broken when the counties were split.

In contrast, the current enacted plan involves four split counties. This includes: Churchill, Clark, Lincoln, and Lyon. While both this plan and the enacted plan share some split counties in common, the enacted plan extends to more split counties that my proposed plan successfully manages not to split. An [independent redistricting website](#) concluded that splits in the enacted plan affects almost 3% of the state's voters.

Community Interest

While this redistricting plan did not have any majority-minority districts, Nevada holds various different tribes and other community interests that are absolutely essential to consider while redistricting. Nevada is home to a large number of Native American communities, including the Washoes, the Northern Paiutes, the Western Shoshones, and the Southern Paiutes. Hence, it was important to consider and respect the tribal land territories designated for these tribes. Consequently, District 4 wraps arounds the state in order to comply with this rule and avoids breaking an Indian Reservation. To add, the Reno metro area and Las Vegas Metro area are considered two other major community interests. These areas hold a large amount of population with various interacting communities that cannot be broken up. Hence, it is important that districts adequately consider this aspect as well. Lastly, the upper regions cover rural and frontier areas. Below is a map of the various Indian Reservations in Nevada:

Indian Reservations & Colonies of Nevada

Wa She Shu
Washoe

Numu
Northern Paiute

Newe
Western Shoshone

Nuwu
Southern Paiute

1 Duck Valley Indian Reservation
2 Duckwater Indian Reservation
3 Ely Indian Colony
4 Fallon Indian Colony
5 Fallon Indian Reservation
6 Ft. McDermitt Indian Reservation
7 Ft. McDermitt Indian Reservation
8 Ft. Mojave Indian Reservation
9 Goshute Indian Reservation
10 Las Vegas Indian Reservation
11 Las Vegas Indian Colony
12 Lovelock Indian Colony
13 Moapa River Indian Reservation
14 Pyramid Lake Indian Reservation
15 Hungry Valley Community
16 Reno-Sparks Indian Colony
17 Summit Lake Indian Reservation

TE-MOAK SHOSHONE TRIBE
18 Battle Mountain Indian Colony
19 Elko Indian Colony
20 South Fork Indian Colony
21 South Fork Indian Colony
22 Wells Indian Colony
23 Timbisha-Shoshone Tribe
24 Walker River Indian Reservation

WASHOE TRIBE OF NEVADA & CALIFORNIA
25 Carson Indian Colony
26 Dresslerville Indian Colony
27 Stewart Indian Community
28 Woodfords Indian Community
29 Winnemucca Indian Colony
30 Yerington Indian Reservation
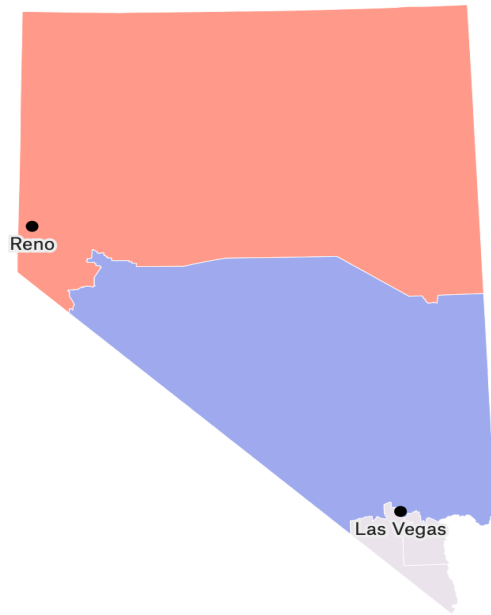31 Yerington Indian Colony
32 Yomba Indian Reservation

Comparison to Adopted Plan

As alluded to throughout the various parts of this plan, there are significant differences between the current enacted plan and this proposed plan, which includes compactness, splits, and overall construction. Most importantly, the official proposed plan employs many county splits, which my plan attempts to minimize to 2 counties. While this plan could be more compact, my plan also attempted to minimize political subdivision splits, which the enacted plan does not prioritize. Below is a side-by-side comparison:
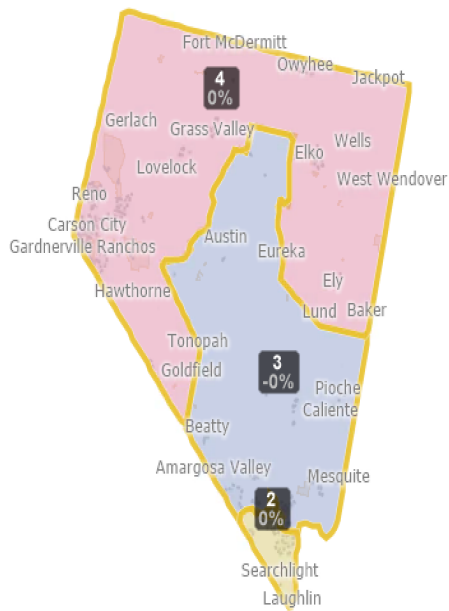
Proposed in this plan.   *Adopted.*

Partisan Considerations

This plan attempts to create a fair congressional map without weighing political benefits. PlansScore rendered a 3.1% efficiency gap for this plan. While the plan does favor Democratic candidates, it also creates one district that strongly tilt in the Republicans' favor. The current contested plan creates a safe seat for Democrats and leaves two highly competitive seats. Hence, my proposed plan is slightly more partisan and leans Democrat.

Challenges

Redistricting consists of various challenges depending on the nature of the particular state. Nevada is a particularly challenging state to redistrict keeping in mind the various factors,

concentrated populations in particular regions and lacking populations in other areas, increasing the difficulty to easily reach a perfect population. Nevada holds a lower density of its population in its upper regions, which allows it to more easily allocate counties into districts with minimal county splits. Though, the lower regions are quite challenging given that population is heavily concentrated in areas like Las Vegas and Clark County. Hence, it becomes necessary to split large areas like Las Vegas into various different districts. As a result, the lower region of Nevada becomes a complex area to redistrict, in order to meticulously achieve a perfect population equality and respect political subdivisions and Indian Reservations. In many instances, there weren't many census blocks that could achieve perfect population equality because there were no people to balance the population deviation.

Additionally, since some of the cities and towns were so heavily populated, it became necessary to break them in order to achieve perfect population equality. Also, many cities lay at the border of counties which had to be split in order to achieve perfect population equality. In this case, I attempted to include the entire city as part of the new district in order to avoid splitting the political subdivision, in line with the principle I applied to this plan. Nonetheless, there were various examples of where towns and cities had to be broken up in order to achieve perfect population equality.

Conclusion

In conclusion, this plan for Nevada's congressional map brings forth a Good Government principle, in which the map attempts to minimize the number of county and city splits. Consequently, this plan has split 2 counties in comparison to the 4 counties in the official proposed plan. Furthermore, this plan has shown respect to political subdivisions and community

interests. While the compactness could be higher, I attempted to reduce splits while simultaneously respecting Reservations, which necessitated that other counties were split in order to meet the perfect population equality rule. Nonetheless, at each point of this redistricting process, I have made a concerted effort to abide by traditional redistricting laws and achieve compactness.