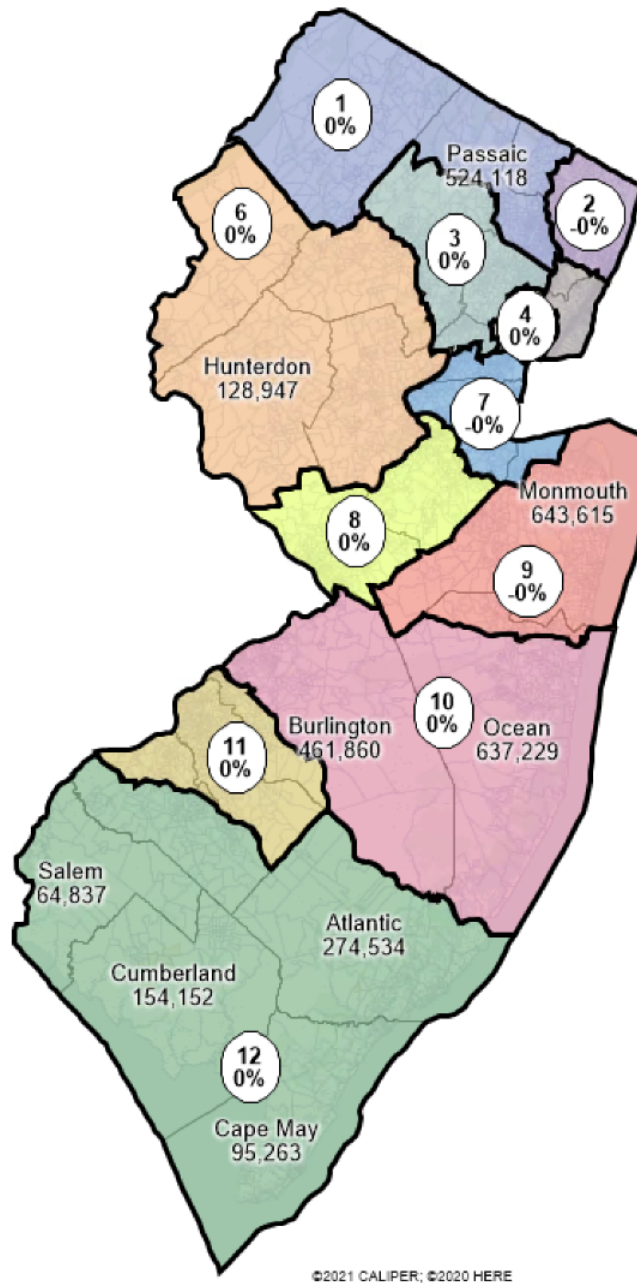


Catherine Seita
New Jersey, Massachusetts, Iowa, and Kansas Reports
Draw Congress: Stanford Redistricting Project
Professor Persily, Fall 2021
January 17, 2022

New Jersey

Good Government Plan



I. Introduction

This good government map of New Jersey was primarily motivated by the goal of respecting county lines, as well as those of other political subdivisions (e.g. cities and towns). Accordingly, there are only 10 instances of county splits, and in all but two of those instances, the county is split between just two districts. As for cities and towns, 684 remain intact, leaving only 13 divided. Finally, the planned districts achieve perfect population equality, are compact to the extent possible, and are otherwise in compliance with federal and state law.

II. Evaluation of Relevant Criteria

A. Demographic Considerations

Attempting to preserve county lines while drawing districts had the unfortunate effect of eliminating what was previously a majority-Hispanic district (District 8 under the preexisting plan) that cut across four counties and resulted in two counties being split between four districts. The Hispanic citizen voting-age population (CVAP), however, remains a sizable minority in several of the planned districts (22.4% in the new District 1; 26.3% in the new District 4; 35.1% in the new District 5). The combination of Hispanic, Black, and Asian CVAPs ensures that District 5 is a majority-minority district. Additionally, this plan retains a majority-Black district—in District 4 the Black CVAP is at 52.7%.

B. Geographic Considerations

Another guiding principle behind the creation of this plan was the idea that districts should be contiguous and as compact as possible. Compared to the preexisting districts, the new districts are, on average, measured as more compact under all of the performed compactness tests.

The Reock test assesses compactness by comparing the total area of a district to the area

of a circle that would completely enclose it. Higher Reock scores indicate a higher degree of compactness—the mean Reock score for the new districts is 0.50, while the preexisting districts averaged 0.39.

The Schwartzberg test compares the perimeter of a district to the circumference of a circle containing the same area. Schwartzberg scores closer to “1” indicate higher compactness, and with the new districts averaging 1.52, compared to the preexisting districts’ average of 2.22, there is significant improvement under this measure.

The Polsby-Popper test compares the area of a district to the area of a circle with an equivalent perimeter. The new districts have a mean Polsby-Popper score of 0.4, more compact than 0.2, the old districts’ mean score.

The Population Polygon test compares the population of a district to the approximated population of the minimum convex polygon that could contain that district. The mean Population Polygon score of the new districts is 0.81—more compact than 0.63, the mean score of the old districts.

The Area/Convex Hull test compares the area of a district to the area of the minimum convex polygon that could contain the district. Again, the mean Area/Convex Hull score of the new districts, at 0.82, indicates a higher degree of compactness than the mean score of the old districts, 0.65.

The Population Circle test compares the population of a district to the approximated population of the smallest circle that could enclose the district. With a mean Population Circle score of 0.53, the new districts are more compact than the old districts, averaging a score of 0.42, under this measure as well.

Finally, the Ehrenberg test compares the area of a district to the area of the largest circle

that could be drawn inside the district. The new districts have an average Ehrenberg score of 0.50, higher than that of the preexisting districts, which is 0.29.

A more detailed breakdown of compactness can be found in the appendix. In addition, all districts are contiguous and there are no unassigned areas.

C. Political Subdivisions

Of the 21 counties in New Jersey, 11 are fully preserved under this plan. Eight of the 10 divided counties are split among just two districts, with only two counties split among three districts and no counties split among more than three districts. Bergen County, New Jersey's most populous county, was split among three districts in the process of ensuring that one district would remain majority-Black.

This marks an improvement upon the preexisting plan, where only five counties were contained within a single district; and of the 16 divided counties, five were split among three districts and two were split among four districts.

D. Communities of Interest

Of New Jersey's 697 cities and towns, 684 are left whole in this map. Out of the 13 cities and towns that were divided, 12 were split in two and one was split in three, leaving a total of 27 splits overall. These divisions were necessary to ensure that the districts would achieve perfect population equality.

Again, this marks an improvement upon the preexisting plan, where 680 cities and towns were left undivided; and of the 17 divided cities and towns, one was split in three and one was split in four.

E. Partisan Considerations

Currently, 10 of New Jersey's 12 districts have elected Democrats, while the remaining

two have elected Republicans. According to the PlanScore Assessment¹ of this new plan, five districts will remain reliably Democratic, two will lean Democratic, three will lean Republican, and two will be reliably Republican. With Democrats poised to win a higher percentage of seats than percentage of votes, this map still gives Democrats an advantage over Republicans, albeit less so than the previous plan. This change appears to be an unintended consequence of avoiding county division and drawing more compact districts.

III. Legal Compliance

A. One Person, One Vote

In 1964, the Supreme Court applied the principle of “one person, one vote” in *Wesberry v. Sanders*, holding that Article I, Section 2 of the United States Constitution commands that “one [person]’s vote in a congressional election is to be worth as much as another’s” to the extent practicable.² In 1983, the Court further clarified in *Karcher v. Daggett* that, while precise mathematical equality may be impossible, even insignificant deviations in population between districts are unacceptable when avoidable and unjustified.³ In *Karcher*, the Court rejected the state of New Jersey’s argument that a population deviation of 0.7% between districts should be excused as *de minimis*.⁴

This plan complies with the “one person, one vote” requirement. Because each district contains 774,083 people (plus or minus one person), there is essential perfect population equality.

B. Voting Rights Act

Section 2 of the Voting Rights Act disallows congressional maps that deny minority

¹ Available at <https://planscore.campaignlegal.org/plan.html?20211123T052451.001379093Z>.

² *Wesberry v. Sanders*, 376 U.S. 1, 8 (1964).

³ *Karcher v. Daggett*, 462 U.S. 725, 734 (1983).

⁴ *Id.* at 732.

voters an equal opportunity to “participate in the political process and to elect representatives of their choice.”⁵ Under *Thornburg v. Gingles*, challenges to district lines on the basis of this provision must first pass a three-part test to prevail. First, the minority group must “demonstrate that it is sufficiently large and geographically compact to constitute a majority” in a district in the state; second, the minority group “must be able to show that it is politically cohesive”; third, the minority group “must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it ... usually to defeat the minority’s preferred candidate”.⁶

The largest minority groups in New Jersey are its Black and Hispanic populations. Section 2 of the Voting Rights Act appears to compel the creation of a majority-Black district, which this map contains—there is one compact district where 52.7% of the CVAP is Black. It is unlikely that Section 2 would demand the formulation of a second majority-Black district, since there is no other area with the same kind of large and geographically compact Black population. The preexisting congressional map of New Jersey also contains exactly one majority-Black district.

Although there is a sufficiently significant Hispanic population in New Jersey to create a majority-Hispanic district, doing so is probably not necessitated by Section 2 because of concerns regarding geographic compactness. A district akin to the majority-Hispanic district in the preexisting map could have been formed under this plan, but the distribution of New Jersey’s Hispanic population is such that the district would be long, thin, and irregular in shape. That district, regrettably, would also have been at odds with the good government principle of keeping county lines intact.

C. *Shaw v. Reno*

⁵ 52 U.S.C. §10301(b) (1982).

⁶ *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986).

Although Section 2 of the Voting Rights Act requires that states draw districts that provide minority groups a chance to elect their own candidates where feasible, the Supreme Court has also made it clear that districts drawn with race as the predominant factor must be evaluated with skepticism. In *Shaw vs. Reno*, the Court held that plaintiffs can be granted relief under the Equal Protection Clause when challenging a plan that is “so extremely irregular on its face that it rationally can be viewed only as an effort to segregate the races for purposes of voting, without regard for traditional districting principles and without sufficiently compelling justification.”⁷ Two years later, the Court further developed this idea, holding in *Miller v. Johnson* that strict scrutiny is triggered when the predominant factor motivating the drawing of district lines was race.⁸ Also in *Miller*, the Court determined that bizarrely-shaped districts may indicate that race was in fact the predominant factor.⁹

The majority-Black district drawn in this plan (District 4), resembles a polygon in shape, without tendrils or appendages. Additionally, by most measures of compactness, this district is more compact than the average district in this map. It is therefore unlikely to trigger a *Shaw* claim.

D. New Jersey State Law

New Jersey state law provides additional requirements for *state* legislative districts in regard to compactness, contiguity, and keeping municipalities intact, but places no additional requirements on congressional districts that extend beyond federal law.

IV. Comparison to the Approved Plan

On December 22, 2021, the New Jersey Congressional Redistricting Commission

⁷ *Shaw v. Reno*, 509 U.S. 630, 642 (1993).

⁸ *Miller v. Johnson*, 515 U.S. 900, 920 (1995).

⁹ *Id.* at 913.

approved a new congressional map.¹⁰ This approved plan left some of the more oddly-shaped districts from the preexisting plan mostly intact—such as its District 8, the majority-Hispanic district—and further exaggerated the shapes of others. Its District 3, for example, now contains one “arm” that protrudes far past the rest of the district. On the whole, the approved plan’s districts appear far less compact and regular in shape than the ones created under this good government plan.

The plan, approved through a tiebreaker in what was otherwise a party-line vote, has been the subject of some controversy, with Republicans arguing that the map unfairly favors Democrats.¹¹ The Chair of the GOP’s redistricting delegation, for instance, complained that this plan would result in Democrats holding a 9-3 majority in New Jersey’s House delegation¹² (although even this would be an improvement for Republicans compared to Democrats’ current 10-2 majority). If this assessment of the approved plan is accurate, it is more partisan than my plan, which is predicted to give Republicans five seats.

V. Conclusion

This proposed plan set out to create districts that abide by county, city, and town lines, and are nearly equal in population. I believe this goal was accomplished without sacrificing compactness, which was a secondary aim. The plan is also legally defensible, with a majority-Black district created for Section 2 purposes and no districts that would obviously be struck down by legal challenges.

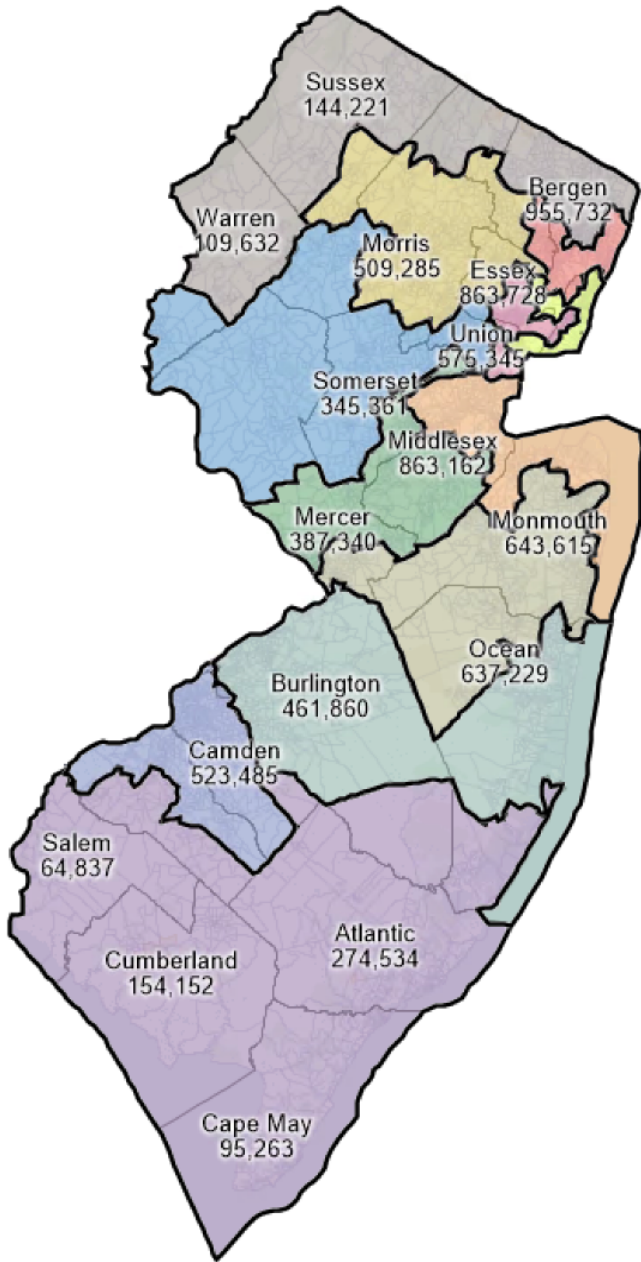
VI. Appendix

¹⁰ Available at https://njredistrictingcommission.org/documents/2021/Maps2021/NJCD_2021_ADOPTED_DEC22.pdf.

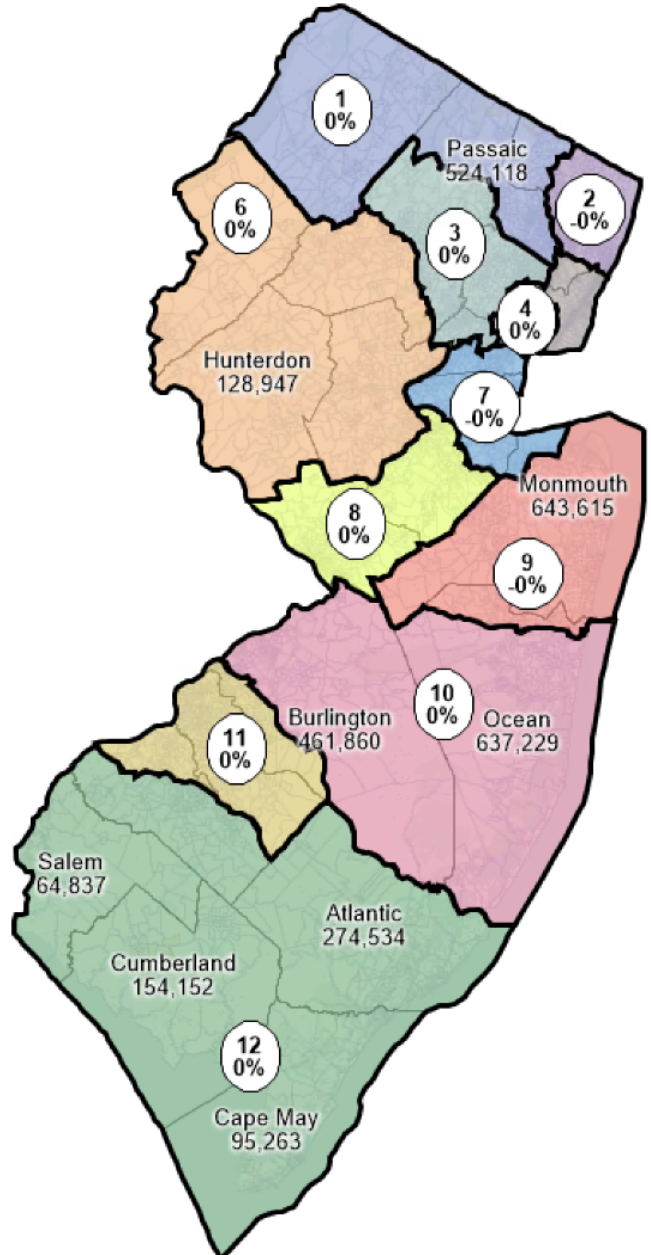
¹¹ Nikita Biryukov, *New congressional district map largely a victory for Democrats*, New Jersey Monitor, <https://newjerseymonitor.com/2021/12/22/new-congressional-district-map-largely-a-victory-for-democrats/> (Dec. 22, 2021).

¹² *Id.*

Comparison to Preexisting Plan:

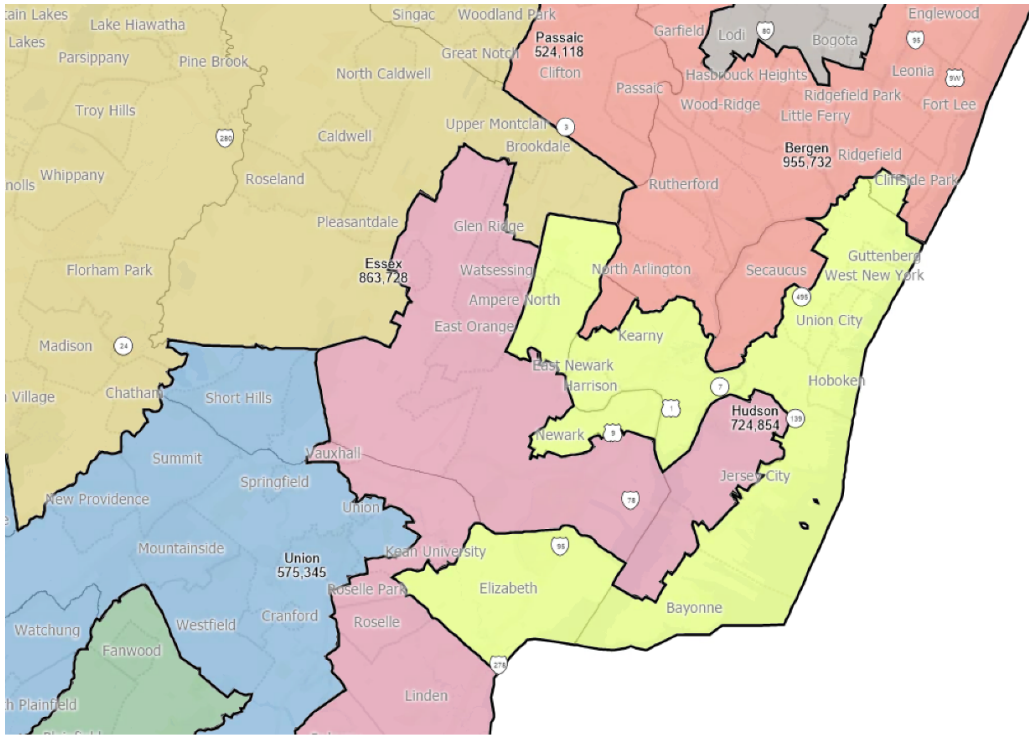


Preexisting

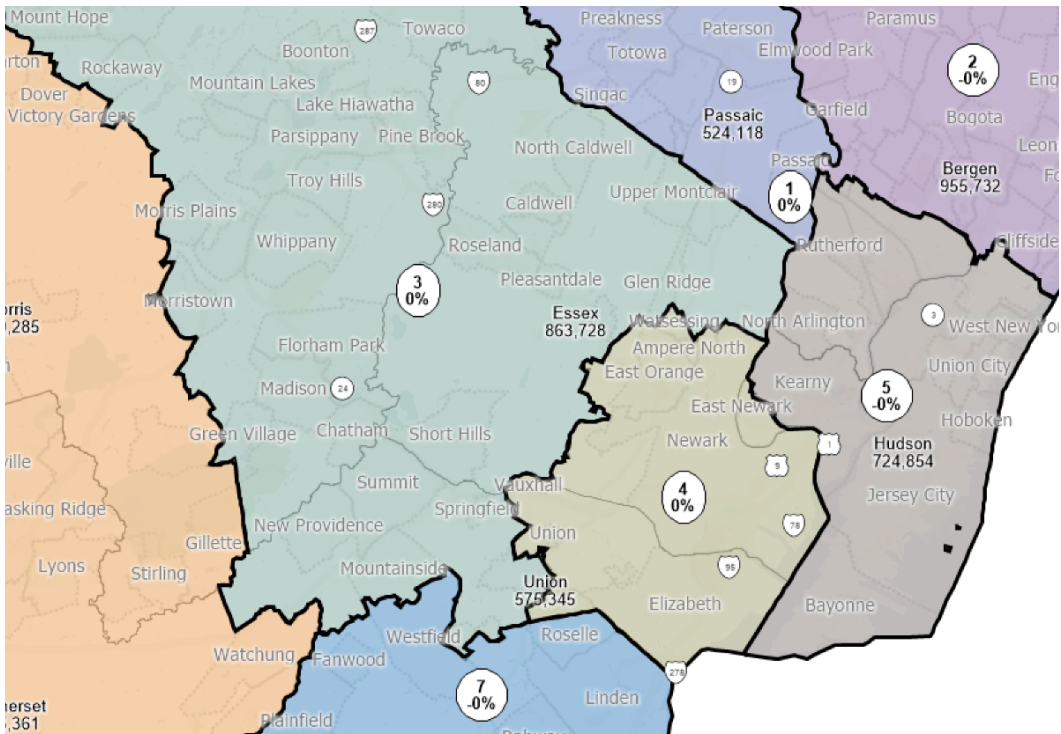


Proposed

Close-up of Urban Areas (Preexisting):

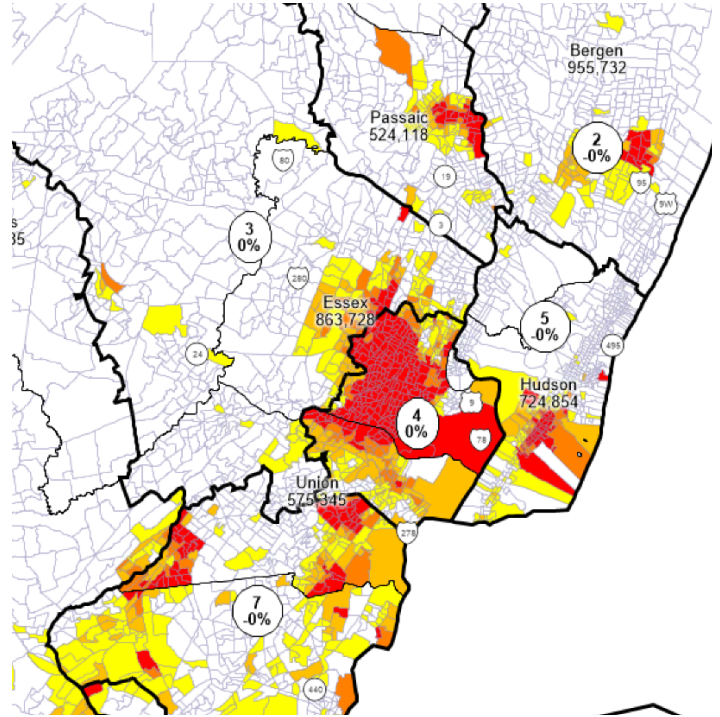
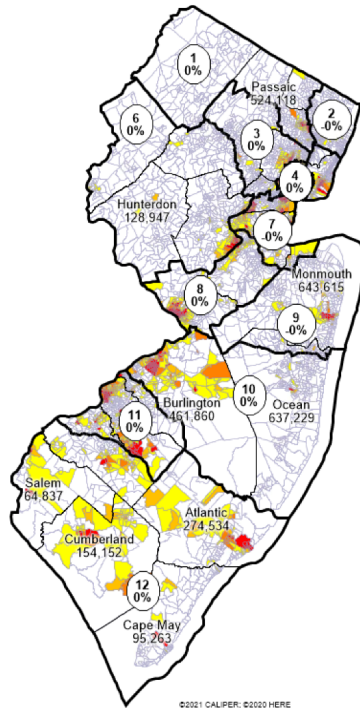


Close-up of Urban Areas (Proposed):



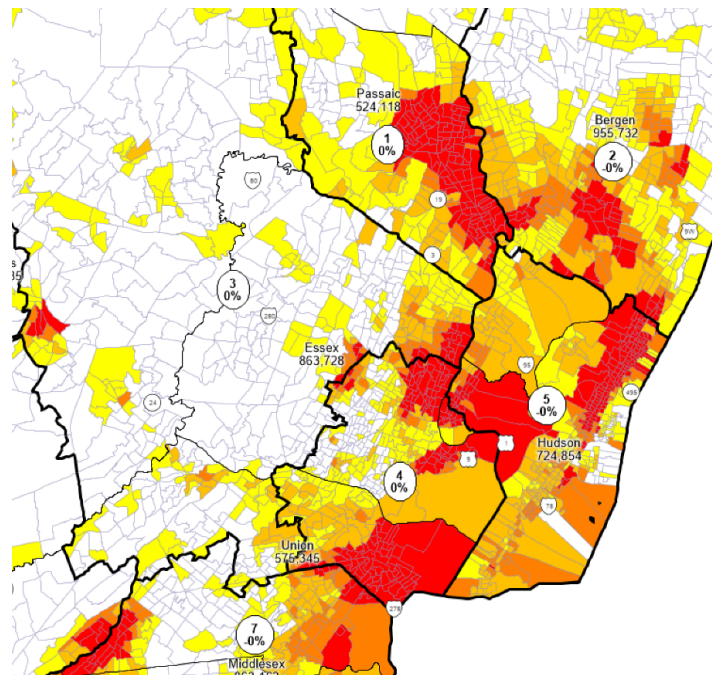
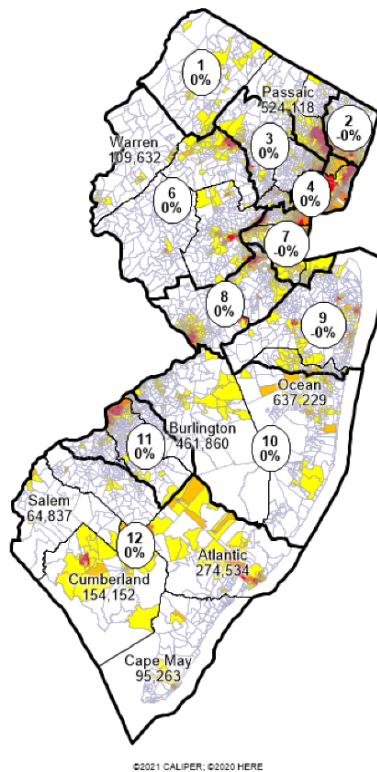
Black CVAP

Map:¹³



Hispanic

CVAP Map:



¹³ In all color maps, yellow indicates 10-20% of the population, light orange indicates 20-30% of the population, dark orange indicates 30-40% of the population, and red indicates 40-100% of the population.

District Composition (Preexisting):¹⁴

District	Population	Deviation	W-CVAP	B-CVAP	H-CVAP	%D ('16)	%R ('16)
5	747,197	-26,886	74.7%	5.1%	11.2%	49.4%	50.6%
9	792,321	18,238	46.1%	10.9%	31.1%	66.0%	34.0%
11	761,843	-12,240	78.5%	3.9%	9.2%	49.5%	50.5%
8	821,397	47,314	34.1%	11.1%	47.3%	77.9%	22.1%
10	816,008	41,925	23.0%	53.4%	16.6%	87.0%	13.0%
7	760,058	-14,025	77.7%	4.5%	8.8%	50.6%	49.4%
6	765,024	-9,059	56.9%	11.3%	17.1%	58.1%	41.9%
12	786,129	12,046	56.4%	18.7%	11.5%	67.1%	32.8%
4	797,608	23,525	82.4%	6.4%	6.8%	42.4%	57.6%
3	755,873	-18,210	78.8%	11.0%	6.3%	46.8%	53.2%
1	753,059	-21,024	68.0%	17.1%	9.9%	62.7%	37.4%
2	732,477	-41,606	72.6%	12.4%	10.7%	47.6%	52.4%

District Composition (Proposed):

District	Population	Deviation	W-CVAP	B-CVAP	H-CVAP	%D ('16)	%R ('16)
1	774,084	1	64.2%	8.4%	22.4%	62.4%	37.6%
2	774,082	-1	59.8%	7.0%	17.9%	88.0%	12.0%
3	774,083	0	73.6%	6.8%	10.3%	56.8%	43.2%
4	774,083	0	17.2%	52.7%	26.3%	65.3%	34.7%
5	774,082	-1	41.4%	12.2%	35.1%	49.0%	51.0%
6	774,083	0	75.6%	6.4%	9.2%	43.9%	56.1%
7	774,082	-1	51.6%	16.2%	19.4%	42.6%	57.4%
8	774,083	0	59.4%	15.5%	11.1%	52.4%	47.6%
9	774,082	-1	82.3%	6.2%	6.7%	62.3%	37.7%
10	774,084	1	79.4%	10.5%	6.4%	49.1%	50.9%
11	774,083	0	69.5%	15.8%	9.5%	73.6%	26.4%
12	774,083	0	71.7%	13.4%	10.6%	59.6%	40.4%

¹⁴ District 5 under the preexisting plan is called District 1 under the proposed plan, and so on; all population data is from 2019.

Measures of Compactness (Preexisting):¹⁵

District	Reock	Schwartz- berg	Alternate Schwartz- berg	Polsby- Popper	Population Polygon	Area/ Convex Hull	Population Circle	Ehren- burg
5	0.31	2.04	2.19	0.21	0.38	0.58	0.14	0.19
9	0.42	2.31	2.40	0.17	0.59	0.59	0.48	0.16
11	0.53	1.98	2.13	0.22	0.62	0.73	0.37	0.42
8	0.29	3.01	3.16	0.10	0.63	0.54	0.44	0.11
10	0.33	2.72	2.79	0.13	0.62	0.56	0.50	0.18
7	0.49	2.03	2.20	0.21	0.55	0.70	0.33	0.43
6	0.28	2.60	2.70	0.14	0.65	0.58	0.37	0.16
12	0.35	2.34	2.47	0.16	0.58	0.63	0.43	0.38
4	0.43	2.00	2.14	0.22	0.66	0.71	0.41	0.34
3	0.38	2.18	2.31	0.19	0.65	0.62	0.37	0.39
1	0.39	1.81	1.92	0.27	0.89	0.71	0.75	0.35
2	0.47	1.60	1.72	0.34	0.73	0.84	0.39	0.40
Mean	0.39	2.22	2.34	0.20	0.63	0.65	0.42	0.29

Measures of Compactness (Proposed):

District	Reock	Schwartz- berg	Alternate Schwartz- berg	Polsby- Popper	Population Polygon	Area/ Convex Hull	Population Circle	Ehren- burg
1	0.41	1.62	1.75	0.32	0.63	0.74	0.36	0.42
2	0.53	1.31	1.37	0.53	0.93	0.94	0.60	0.70
3	0.46	1.84	2.01	0.25	0.57	0.76	0.34	0.33
4	0.66	1.53	1.59	0.39	0.90	0.84	0.81	0.65
5	0.45	1.44	1.52	0.44	0.92	0.82	0.50	0.42
6	0.60	1.45	1.56	0.41	0.78	0.84	0.53	0.61
7	0.49	1.80	1.94	0.27	0.80	0.70	0.59	0.39
8	0.42	1.71	1.84	0.30	0.85	0.74	0.57	0.36
9	0.45	1.39	1.42	0.50	0.89	0.89	0.39	0.51
10	0.53	1.36	1.49	0.45	0.76	0.89	0.40	0.67
11	0.45	1.49	1.59	0.40	0.87	0.76	0.73	0.43
12	0.53	1.27	1.43	0.49	0.87	0.87	0.55	0.50
Mean	0.50	1.52	1.63	0.40	0.81	0.82	0.53	0.50

¹⁵ Numbers closer to 1 indicate a higher degree of compactness.