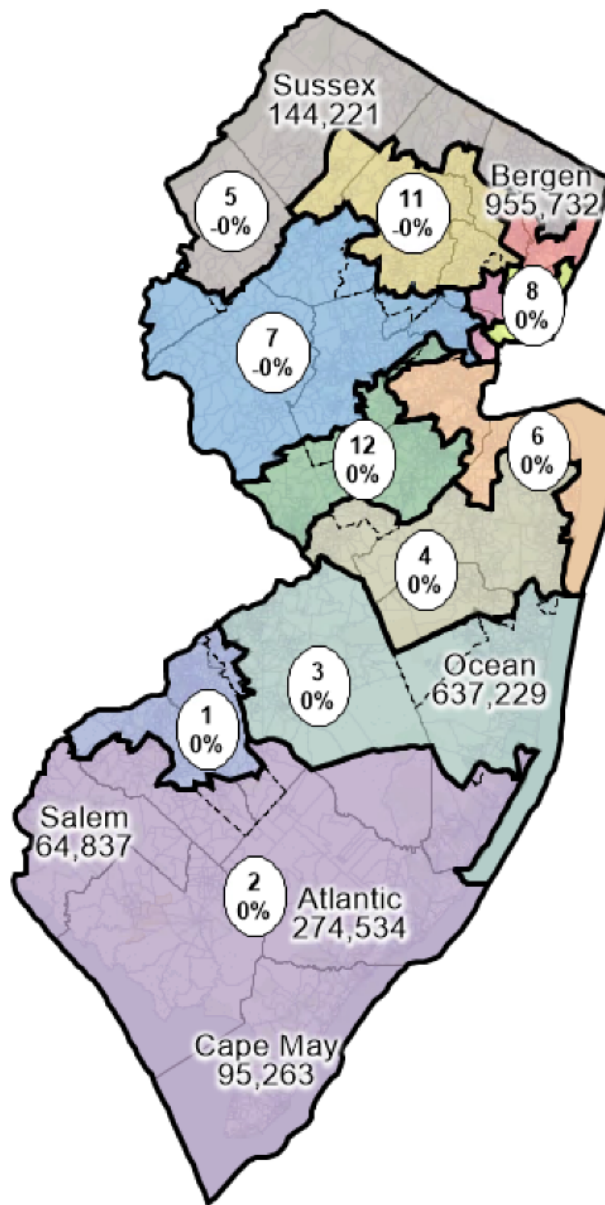Catherine Seita
New Jersey, Massachusetts, Iowa, and Kansas Reports
Draw Congress: Stanford Redistricting Project
Professor Persily, Fall 2021
January 17, 2022

New Jersey

Least Change Plan[1]

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[1] Dotted lines indicate previous district boundaries.

I.   Introduction

For this least change map of New Jersey, the goal was to draw district lines resembling those of the preexisting map as closely as possible. As demonstrated by the image of the map on page 14, there is minimal deviance between the old and new lines. I did, however, also attempt to adjust districts to make their shapes more regular, where possible. Like the good government map of New Jersey, the planned districts achieve perfect population equality and are otherwise in compliance with federal and state law.

II.   Evaluation of Relevant Criteria

A. Demographic Considerations

With the original lines largely left undisturbed, the demographics of the newly-drawn districts are very similar to what they would have been had the districts remained completely unchanged. For the most part, across all districts, there is less than a one percent difference between what the white, Black, and Hispanic CVAPs are under this least change plan, and what they would be if the 2010 plan was left standing. District 8, which was majority-Hispanic in 2010, has a Hispanic CVAP of 47.4% under this proposed plan and a total Hispanic population that makes up 52.7% of the district. District 10 remains majority-Black, with the Black CVAP at 54.8%, and District 9 remains majority-minority, with the white CVAP at 44.8%.

B. Geographic Considerations

The priority in drawing this map was to adhere to the preexisting district lines, while also ensuring that the districts achieved perfect population equality. A secondary concern was making the districts slightly more compact as lines were adjusted. The resulting map contains districts that largely resemble the preexisting ones (although with slight changes due to population shifts), but are slightly more compact by nearly all measures of compactness. All districts are contiguous

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and there are no unassigned areas.

C. Political Subdivisions

Of the 21 counties in New Jersey, four are preserved in a single district under this plan. Ten of the 17 counties that needed to be split are split among two districts, four are split among three, two are split among four, and one is split among five. These numbers are very similar to those of the preexisting plan's, where five counties were contained within a single district; and of the 16 counties that were split, five were split among three districts and two were split among four.

D. Communities of Interest

Of New Jersey's 697 cities and towns, 681 are left whole in this map. Out of the 16 cities and towns that were split, 14 were split in two and two were split in four, leaving a total of 36 splits overall. Again, this is similar to the preexisting plan, where 680 cities and towns were left undivided; and of the 17 split cities and towns, one was split in three and one was split in four.

E. Partisan Considerations

According to the PlanScore Assessment[2] of this map, five districts will remain reliably Democratic, while one will lean Democratic, four will lean Republican, and two will be reliably Republican. However, this analysis assumes that all seats will be open coming into the next election, which is not the case. Currently, Democrats hold 10 of New Jersey's 12 congressional seats, including three of the districts that lean Republican and one of the districts that is reliably Republican under this analysis. Thus, it is quite possible that Democrats could maintain their majority in New Jersey's House delegation under this plan, given its similarities to the preexisting one.

III. Legal Compliance

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[2] Available at https://planscore.campaignlegal.org/plan.html?20211123T050217.085541466Z.

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.[3] 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.[4] 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*.[5]

This plan complies with the "one person, one vote" requirement. As each district is home to 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 voters an equal opportunity to "participate in the political process and to elect representatives of their choice."[6] 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".[7]

The size and distribution of the Black population in New Jersey likely demands the

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[3] *Wesberry v. Sanders*, 376 U.S. 1, 8 (1964).
[4] *Karcher v. Daggett*, 462 U.S. 725, 734 (1983).
[5] *Id.* at 732.
[6] 52 U.S.C. §10301(b) (1982).
[7] *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986).

presence of a majority-Black district under Section 2, which this map retains. There is also a significant Hispanic population in New Jersey, but the population is not geographically compact enough to result in a clear Section 2 requirement for a majority-Hispanic district. Nonetheless, as a consequence of the goal of minimizing deviation from the previous plan, this map keeps the majority-Hispanic district (if measured by total population, rather than CVAP) from the preexisting one, District 8.

C. *Shaw v. Reno*

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."[8] 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.[9] Also in *Miller*, the Court determined that bizarrely-shaped districts may indicate that race was in fact the predominant factor.[10]

Districts 8 and 10 are geographically small compared to New Jersey's other districts, but somewhat irregular in shape (as seen in images in the appendix). Because of this, there is the potential for a *Shaw* claim, described in III(C) of the New Jersey good government plan, to arise. However, these districts greatly resemble their counterparts under the preexisting plan, which

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[8] *Shaw v. Reno*, 509 U.S. 630, 642 (1993).
[9] *Miller v. Johnson*, 515 U.S. 900, 920 (1995).
[10] *Id.* at 913.

were upheld in the last redistricting cycle. There is thus reason to believe that these planned districts would be left standing in the current cycle.

        D. New Jersey State Law

New Jersey state law places no additional requirements on congressional districts that extend beyond federal law.

IV.   Comparison to the Approved Plan

This plan bears a greater resemblance to the New Jersey plan[11] that was actually approved than does the good government plan. District 8, in particular, is quite similar in shape and covers roughly the same area in both plans. It is the southern half of the state where the differences between the plans becomes more pronounced–the mapmakers, for example, elected to push District 4 to the southeast and give District 3 a long, protruding section that now separates the former from District 12.

As for political repercussions, both maps are similar to the one from the 2010 redistricting cycle, which allowed Democrats to win all but two of New Jersey's congressional seats. As already discussed, the approved plan is currently facing criticism for its supposed bias in favor of Democrats. This least change map could perhaps avoid some of that criticism, as Democrats and Republicans are projected to win the same number of seats (although the Democratic seats are certainly safer).

V.   Conclusion

This proposed least change plan set out to create districts that achieve perfect population equality without straying far from preexisting lines. I believe this goal was accomplished, although some thought was also given to making the districts more compact, which could have

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[11] Available at
https://njredistrictingcommission.org/documents/2021/Maps2021/NJCD_2021_ADOPTED_DEC22.pdf.

served as a small barrier to the primary goal. The plan is also legally defensible, retaining the

majority-Black and majority-Hispanic districts that were approved and left standing in the

previous cycle.

VI.   Appendix

Close-ups of Changes:
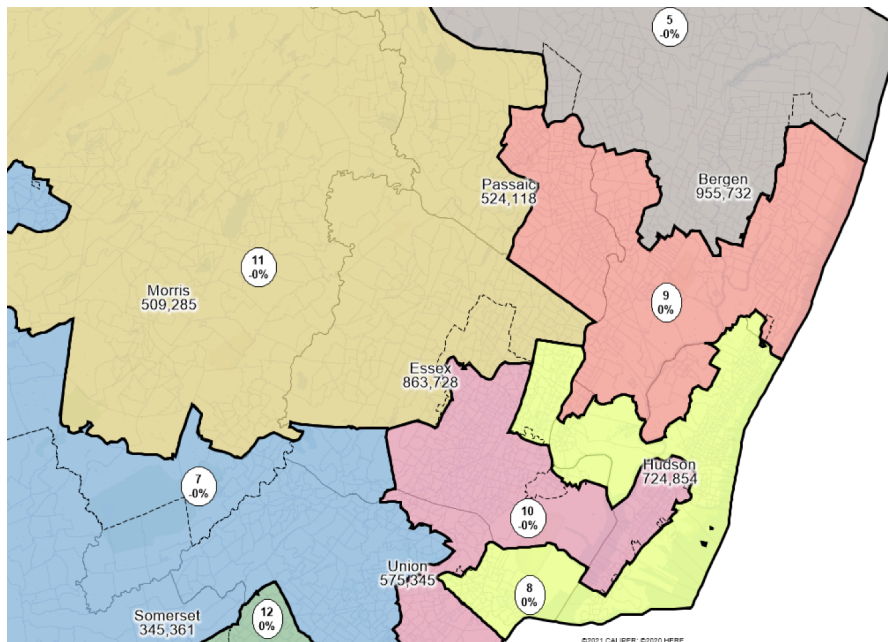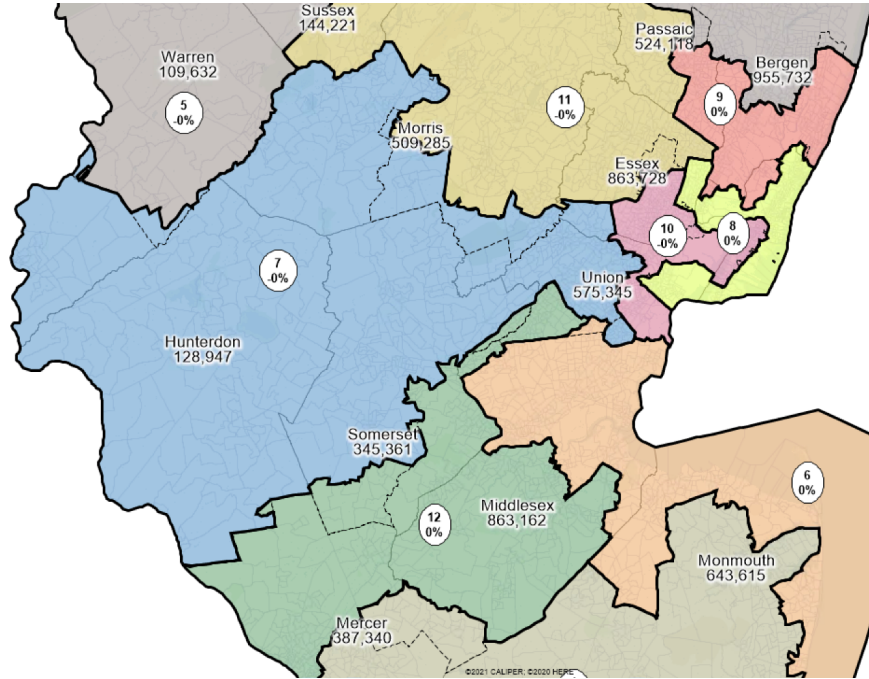
District Composition (Preexisting):

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

District Composition (Proposed):

District	Population	Deviation	W-CVAP	B-CVAP	H-CVAP	%D ('16)	%R ('16)
1	774,083	0	68.9%	16.3%	9.6%	62.8%	37.2%
2	774,083	0	73.0%	12.5%	10.4%	47.6%	52.4%
3	774,084	1	79.3%	10.6%	6.4%	44.9%	55.1%
4	774,083	0	79.9%	6.8%	7.2%	45.0%	55.0%
5	774,082	-1	74.6%	5.1%	11.3%	49.5%	50.5%
6	774,084	1	57.3%	11.2%	17.0%	57.7%	42.3%
7	774,082	-1	77.7%	5.5%	8.6%	50.7%	49.3%
8	774,083	0	33.7%	11.3%	47.4%	78.2%	21.8%
9	774,083	0	44.8%	11.1%	32.1%	66.8%	33.2%
10	774,082	-1	20.5%	54.8%	17.6%	87.5%	12.5%
11	774,082	-1	76.8%	5.4%	9.4%	51.6%	48.4%
12	774,083	0	56.2%	19.1%	12.1%	66.9%	33.1%

Measures of Compactness (Preexisting):[12]

District	Reock	Schwartz-berg	Alternate Schwartz-berg	Polsby-Popper	Population Polygon	Area/Convex Hull	Population Circle	Ehren-burg
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
3	0.38	2.18	2.31	0.19	0.65	0.62	0.37	0.39
4	0.43	2.00	2.14	0.22	0.66	0.71	0.41	0.34
5	0.31	2.04	2.19	0.21	0.38	0.58	0.14	0.19
6	0.28	2.60	2.70	0.14	0.65	0.58	0.37	0.16
7	0.49	2.03	2.20	0.21	0.55	0.70	0.33	0.43
8	0.29	3.01	3.16	0.10	0.63	0.54	0.44	0.11
9	0.42	2.31	2.40	0.17	0.59	0.59	0.48	0.16
10	0.33	2.72	2.79	0.13	0.62	0.56	0.50	0.18
11	0.53	1.98	2.13	0.22	0.62	0.73	0.37	0.42
12	0.35	2.34	2.47	0.16	0.58	0.63	0.43	0.38
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	0.40	1.97	2.07	0.23	0.87	0.70	0.79	0.40
2	0.48	1.53	1.65	0.37	0.77	0.86	0.41	0.52
3	0.42	2.00	2.10	0.23	0.71	0.66	0.42	0.30
4	0.45	1.89	2.04	0.24	0.69	0.74	0.35	0.33
5	0.31	2.05	2.20	0.21	0.40	0.60	0.15	0.19
6	0.28	2.63	2.74	0.13	0.64	0.57	0.38	0.16
7	0.50	2.03	2.17	0.21	0.54	0.73	0.34	0.41
8	0.29	2.78	2.91	0.12	0.60	0.53	0.42	0.11
9	0.43	2.18	2.28	0.19	0.63	0.65	0.47	0.17
10	0.40	2.35	2.41	0.17	0.66	0.59	0.58	0.26
11	0.49	1.93	2.05	0.24	0.67	0.76	0.38	0.48
12	0.35	2.36	2.52	0.16	0.57	0.63	0.42	0.30
Mean	0.49	2.14	2.26	0.21	0.65	0.67	0.43	0.13

[12] Numbers closer to 1 indicate a higher degree of compactness.