The Courts Have Ruled...What Does It Mean For Redistricting?
This case addressed what population is relevant for redistricting—total population or voter-eligible population. The unanimous opinion concluding that Texas may redistrict using total population is “based on constitutional history, this Court’s decisions, and longstanding practice.”

“It cannot be that the Fourteenth Amendment calls for the apportionment of congressional districts based on total population, but simultaneously prohibits States from apportioning their own legislative districts on the same basis.”

The ruling did not determine that redistricting based on something other than total population would or would not be constitutional.
This decision held that Arizona’s redistricting plan, which had a total population deviation among districts of 8.8 percent, wasn’t unconstitutional.

A group of Arizona voters claimed that the deviations from “absolute equality” reflect the fact that the Commission was trying to help the Democratic Party by making changes to District 8. The Court assumed, but did not decide, that partisanship is an illegitimate redistricting factor. Regardless, the Court concluded that the deviations predominately reflected the Commission’s efforts to comply with the VRA, which requires that redistricting plans not worsen the position of minority voters, and not to help a political party.
Shapiro v. McManus

Maryland

Are three-judge panels required for certain redistricting suits?

The Court held unanimously that a three-judge court must be convened to decide a constitutional challenge to a redistricting plan, even if the judge to which the request was made doesn’t think the challenger will win.

The plaintiff, dissatisfied with Maryland’s “crazy-quilt gerrymandering,” sued Maryland. Per federal law, three judges “shall be convened” to hear such challenges “unless [the judge whom the request for three judges is made] determines that three judges are not required.”

“Shall be convened” won out.
The Court held unanimously that members of Virginia’s congressional delegation lacked “standing” to intervene in a lawsuit alleging that Virginia’s redistricting plan resulted in an unconstitutional racial gerrymander.

A federal district court twice concluded that Virginia’s plan was unconstitutional. Neither time did Virginia appeal, but three members of Congress intervened, claiming that rejecting Virginia’s redistricting plan harmed their reelection prospects.

One legislator ultimately told the Court he would not be affected by its decision; the other two legislators failed to identify evidence indicating rejecting Virginia’s plan would harm them.
Thank you to Lisa Soronen, of the State and Local Legal Center, for help in creating these synopses

- All presentations and resources from this session can be found on the NCSL Legislative Summit Agenda & Resources webpage