

A History of Gerrymandering: Effects, Issues, and Solutions

by

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Abstract

Gerrymandering has been affecting the American political system since the country's inception. To better understand the problem that it poses to democratic nations, the history of gerrymandering and its evolution through modern political machines must be understood. Likewise, being able to recognize gerrymandering and react appropriately is a skill that must be developed, and political scientists and mathematicians alike have stepped up to the task so that the public can be informed. Many studies on gerrymandering focus on specific issues and how they relate to the overall political climate at certain time periods. The intent of this article is to follow the threads of gerrymandering all the way through to potential solutions and inform the reader of where gerrymandering can, might, or does exist. I find that to understand the problem you have to know the history of it. Gerrymandering must be examined as a standalone political phenomenon as well as a factor that affects other aspects of political activity.

Keywords: gerrymandering, politics, redistricting, elections

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Introduction

The United States Constitution and US elections have long been models for other democracies across the world. Indeed, as far back as 1835, Alexis de Tocqueville observed a notably high level of civic engagement while traveling the United States and collecting research for his masterwork, *Democracy in America*. The level of engagement in democratic processes and the importance of civic responsibility that de Tocqueville saw in America has been long recognized by the international community. Elections and the sanctity of the electorate and its representative body are incredibly important to Americans and have been since the first days of the country. However, over the last few decades, an old political tactic, long used to maintain power for politicians savvy enough to understand it, has regained its strength and importance in the modern political arena. That tactic is gerrymandering, and it has been used to undermine the principles of fair and equitable elections in the United States more and more often in recent years.

Gerrymandering is the practice of intentionally drawing legislative district maps that are biased in some way to ensure, or make more likely, a certain outcome from elections. The term was coined in 1812 after the Massachusetts state legislature under then-Governor of Massachusetts Elbridge Gerry approved a district map containing a heavily partisan district in the shape of a medieval salamander on the map. The purpose of this tactic is to influence the outcome of democratic elections and determine the outcome before the election occurs. Historically, the worst examples of gerrymandering were ones that involved intentional dilution of voting power along racial lines, via packing of black voters into single districts so that they were afforded less representation in government than they

would have otherwise been allotted in a fair system. These types of gerrymanders were common during the Jim Crow era and were generally struck down as unconstitutional under the 14th Amendment or illegal following the passage of the Voting Rights Act of 1965. However, before the Voting Rights Act, there were several important legal precedents set that helped control the problem and establish the standards that we still use to find fair representation under the law.

Gerrymandering can create scenarios where the act of voting by citizens is not worth undertaking—whether the voter is aware of this or not does not matter—because the vote they cast is unable to affect the predetermined outcome that the gerrymander has put in place. This is the basis of the “efficiency gap” argument for why gerrymandering presents a danger to the ability of the people to leverage the representative system in the expected manner (Kean, 2018). An efficiency gap exists when votes are “wasted” by the voter voting in a district where the outcome is assured already. This can happen in both winning and losing scenarios for the chosen candidate. A vote is wasted “if it is cast (1) for a losing candidate, or (2) for a winning candidate but in excess of what [they] needed to prevail” (Stephanopoulos & McGhee, 2014). When a district has been created in such a way that the very act of voting is no longer impactful to which candidate is selected, the quality of the election is degraded by a perceived lack of choice for voters.

The goal of this project is to distill the highly complex problem of gerrymandering into a digestible format that explores the topic in-depth. Most studies about gerrymandering focus on the data from elections that were conducted in newly redistricted states, usually looking at the differences between legislative-drawn districts and independent panel-drawn districts, such as in the article written by Masket et al. in

2012. They found that the method of redistricting being used does not necessarily affect the election outcome, nor does it meaningfully increase or decrease competition in the new districts. Instead, they say “The lesson for would-be reformers is that the process can be used for multiple purposes and with varying outcomes depending on the motives of those who manage it” (Masket et al., 2012). Essentially what the authors are saying is that the method of redistricting matters far less than the intent of the authority tasked with the redistricting process. In other words, gerrymandering can occur under any kind of drawing method.

Because of the breadth of research on elections in political science, this piece will look to explain in detail certain key factors of gerrymandering. To present the issue as a digestible single article, this review will look at the history of gerrymandering in the United States, the current state of gerrymandering, including legal challenges, social reactions to the problem, political responses to gerrymandering, polarization as a symptom of gerrymandering, management strategies for moving forward, including redistricting method discussion, and how technology has impacted the subject of gerrymandering in both good and bad ways.

History of Gerrymandering

To determine the actual impact of gerrymandering, studies of historical examples of redistricting must be considered. Most literature on gerrymandering focuses on the period of the post-1960s when redistricting was brought to the front of the national stage with multiple Supreme Court cases, including attempts at racial gerrymandering which

were struck down (*Baker v. Carr*, 1962, *Wesberry v. Sanders*, 1964, *Reynolds v. Sims*, 1964.) These cases focused on the justiciability of redistricting and on how districts were apportioned according to population, something that was important during the Jim Crow era due to high levels of flagrantly disenfranchising districting practices. However, redistricting has been occurring regularly with each census since the early years of the United States. So, first, how has the process evolved over the years? Second, has gerrymandering, a term coined in 1812, been a stable feature of American politics or has it become more prominent in recent years?

Many writers have touched on the issue of gerrymandering throughout the years and how it has impacted modern elections. *Partisan Gerrymandering and the Construction of American Democracy*, by Erik J. Engstrom, is one of the most in-depth works on the subject. Engstrom sees the history of gerrymandering as being extremely important to be able to understand the political climate that led to the highly studied 1960s age of redistricting. The previous ~one hundred and fifty years of gerrymandering history are the precursor to why the practice remained relevant in the Civil Rights Era. Engstrom begins by recognizing that the problem, while not new, is far more visible today and since the 1960s than it ever was before. His explanation for this is that the issue of gerrymandering had only recently been defined as a problem. In many ways, gerrymandering was an accepted tactic that was used to maintain political power in states and federally, without many, if any, complaints. During the 1800's, there were dozens of significant election years where the makeup of Congress shifted dramatically, while the vote results in states remained very similar. The reason for this is that the state legislators were allowed essentially complete freedom to alter the districts and the way voting for

House members was conducted in their state. As Engstrom (2013) notes, states, as with Ohio in his example, were redrawing districts up to six times in twelve years to fit what political leaders needed to retain control of the legislature. This style of complete autonomy to manipulate the districts as needed led to a huge turnover in the election process in key years and was only somewhat curtailed by congressional acts designed to maintain the continuity of districts and compactness (Decennial Apportionment Acts, 1842-1911). Notably, the first time some of those acts were enforced was in the previously mentioned case of *Baker v. Carr* in 1962, showing just how long the political leadership had been manipulating the system to hold power when needed. Tennessee was not the only state to ignore redistricting protocols either. Connecticut went seventy years without altering its district borders between 1832 and 1900, only finally doing so once the Reapportionment Act of 1900, which was later ignored by Tennessee, was enacted.

What this means is that not only is the practice of gerrymandering inherent to the political nature of the United States, but the current period also has the least drastic and most scrutinized era of gerrymandering of any time since the term's inception in 1812. Gerrymandering has become more impactful in the modern political theater yet in many ways less effective. This outcome is reflected in the 1987 work by Backstrom and Robins on the Supreme Court deciding *Davis v. Bandemer* (1986), which focused on the perspective of a loss of state control to federal judiciary oversight, and whether that was a bad thing for election processes. In the current landscape of the post-Rucho era, however, it is a lack of judicial intervention that may be problematic. Furthermore, in Backstrom and Robins' (1987) article, they focus heavily on the fact that the Supreme Court, while they agree with the federal district court that the Indiana plan in *Bandemer* is a justiciable

issue, offers no guidance on how to determine whether an unconstitutional gerrymander has occurred and in fact cannot agree on or maintain a position on any single point of order on the subject. The problem of federalism at the time was also a factor in the way cases like *Bandemer* were handled since the increase in pushback against federal oversight of traditionally state-controlled actions was a well-known point of emphasis politically during the Reagan administration.

To bring about change in the way redistricting is conducted, many lawsuits have been filed on behalf of private interest groups, individual voters, state political parties, and other actors over the last sixty years. These cases are designed to use the judicial system as a weapon against the political machines that are often unobtainable for disenfranchised voters. To begin, the case of *Baker v. Carr* (1962) provides an excellent test case for measuring the judicial system's effect on gerrymandering issues. In *Baker*, the Supreme Court was asked to review a Tennessee statute that was supposed to ensure equal apportionment of state districts. The legislature in Tennessee had consistently failed to redistrict since 1901, resulting in districts and apportionment reflecting the population of 1901 still being the enacted situation in 1960. This issue became one that the court system had to involve itself in because voters could not enact an amendment to the Tennessee Constitution through traditional means due to the unconstitutional nature of the 1901 Apportionment Act. This is summarized in a concurring opinion written by Justice Tom C. Clark, who stated that “although I find the Tennessee apportionment statute offends the Equal Protection Clause, I would not consider intervention by this Court into so delicate a field if there were any other relief available to the people of Tennessee . . . without judicial intervention [they] will be saddled with the present

discrimination in the affairs of their state government” (Baker v. Carr, 1962). The opinion of Justice Clark supported the idea that the judicial system was a viable “last resort” for political problems, which allowed for other challenges to suspected unconstitutional matters which could not otherwise be altered.

However, new challenges to gerrymandering in the court system must be undertaken through the individual state systems. After the *Rucho v. Common Cause* (2019) decision, federal courts may not consider partisan gerrymandering as it is considered a “political question” and therefore the realm of the state political machines or Congress and not federal court systems. This decision took the wind out of the sails of other court cases but has not dissuaded support for cases moving through the state systems. Common Cause was successful in its attempt to overturn the maps drawn in North Carolina in the state's highest court, requiring a redistricting immediately before the 2020 elections (*Common Cause v. Lewis*, 2020). Much of the new basis for legal challenges to gerrymandering is through the quantification of districts and the voting maps that are in place currently and compared to potential maps. Mathematicians have been highly influential in helping get results in gerrymandering cases, such as the *Common Cause v. Lewis* decision that saw the legislative maps thrown out by a three-judge panel. This was unfortunately overturned in 2023 after the North Carolina Supreme Court revisited the issue (Montellaro et al., 2023) Wes Pegden and other mathematicians from Duke University were called on to testify, and mathematicians have been active since 2013 in supplying *amici* briefs to different court systems to inform judges of the problems in evaluating district mapping issues.

The history of gerrymandering has been tumultuous, with many different eras changing how the process of gerrymandered distribution of votes has affected politics. It is a field of study that requires an understanding of the political machines that govern American life, ones that generally have felt little pressure from the public to change their methods. In the last few decades, and especially since the Civil Rights era, the attempts of political leaders to alter the nature of the political game have been noticed and decried by the voting public.

1. Recognizing the Impacts in the Current Era

In the age of technological advancement, gerrymandering has become a highly publicized issue that is sold by the media as constantly dramatically altering the state of politics across the country. Media coverage of gerrymandering has been far more common with the advent of twenty-first-century information technology and, before that, the twenty-four-hour news cycle. Despite that, has gerrymandering impacted the outcome of elections as much as claimed? To find out, the problem must be examined through empirical data of the results of past elections, specifically by looking at the rate of reelection for incumbents. Before doing so, I would like to note that in Engstrom's book, he remarks that a major difference in the eras of gerrymandering before the 20th century and after is that in the 20th century and beyond, career, or professional, politicians are incentivized to maintain the status quo to keep their seats (Engstrom, 2013). This is significant because some of the data surrounding the purpose of gerrymandering points to a rising incumbent reelection rate as being the driving factor in determining the district

lines drawn by state legislators. However, the 2009 article by Friedman and Holden explains that the increase in election and district data has allowed incumbents to maximize their advantages to retain their seats or expand political advantages, but rarely does it have a true impact on the reelection rate of incumbents. In essence, incumbents retain their seats at a high enough rate that gerrymandering is rarely needed to ensure reelection in most cases. Their data shows the regression pattern of elections over time and its relationship with reelection rates. Interestingly, they find that on average incumbents have been less likely to retain their seat in the election immediately following redistricting, although the rate of reelection of sitting politicians has increased over the

TABLE 6 Gerrymandering Year Effects and Incumbent Reelection Rates

	Dependent Variable: Prob(Incumbent Reelection)					
	Period: 1914–2004		Period: 1972–2004			
	(1)	(2)	(3)	(4)	(5)	(6)
<i>Redistricting:</i>						
1920s	1.537 (3.556)	1.596 (3.591)				
1930s	-10.339** (2.972)	-10.276** (2.961)				
1940s	-0.675 (3.330)	-0.667 (3.344)				
1950s	6.335 (3.992)	6.493 (3.995)				
1960s	-4.021 (3.105)	-3.906 (3.047)				
1970s	-0.321 (3.527)	-0.676 (3.415)	(omitted)	(omitted)	(omitted)	(omitted)
1980s	-1.343 (1.832)	-1.634 (1.857)	-0.647 (2.672)	0.477 (1.924)	-1.097 (2.437)	-1.897 (2.532)
1990s	-5.289** (1.822)	-5.642** (2.019)	-7.826** (2.288)	-7.967** (1.642)	-8.380** (1.845)	-8.525** (1.885)
2000s	-2.124 (2.059)	-2.673 (2.236)	0.881 (2.487)	-1.837 (2.792)	-1.754 (2.732)	-2.436 (2.468)
<i>Redistricting Year Fixed Effect</i>		0.522 (1.123)		1.790 (1.234)		
<i>Redistricting Type × Redistricting Year</i>						
<i>Bipartisan</i>					1.796 (1.929)	1.961 (1.667)
<i>Court Imposed</i>					1.718 (1.129)	1.958 (0.972)
<i>Partisan</i>					1.830 (1.164)	2.015 (1.036)
<i>Smooth Cubic Spline?</i>	Yes	Yes	Yes	Yes	Yes	Yes
<i>Control Variables?</i>	Yes	Yes	Yes	Yes	Yes	Yes
<i>State Fixed Effects?</i>	Yes	Yes	Yes	Yes	No	Yes
<i>Redistricting Type FE?</i>	No	No	No	No	Yes	Yes
N	17143	17143	6601	6601	6601	6601

All Standard Errors are clustered by year. * and ** denote statistical significance at the 5% and 1% level, respectively. Election data are from ICPSR Study #6311 (Gelman and King) and Gary Jacobson. Growth data are taken from Alesina and Rosenthal (1995). Redistricting data compiled by the authors from www.fairvote.com, articles from LexisNexis, and Reapportionment Politics, ed. Hardy,

Figure 1: Friedman and Holden Regression Data

last century based on the authors' data (Friedman & Holden, 2009). This could be explained by recognizing that many state parties will intentionally alter districts to remove incumbents

from the other party, which is dependent on state-level political control at the time of a census.

Instead, they posit that the real barrier to entry for new political candidates running against incumbents is the connections, political experience, campaign strategies, and access to funding that are the most influential on whether an incumbent will retain their seat in an election cycle. However, this way of looking at the problem was devised before the research conducted by Jeong and Shenoy (2022), in which state-level political parties are incentivized to put more effort into winning state senate and house races in the election before redistricting processes to win future elections. The data as compiled by Friedman and Holden may fail to build in this variable, which would mean that the rate of reelection of incumbents could fail to determine true gerrymandering impact if the seat that was lost by an incumbent was a seat that had previously been won by the minority party during the years between the redistricting occurring.

If that was the case, the change in demographics in the district that flipped a seat could then have the seat re-flipped and show up in the data as a lost race for an incumbent when the gerrymandering power of the state political machine has simply reclaimed a lost seat that had naturally changed over time between unfair redistricting procedures being carried out. For example, if over the course of the ten years between census' a state has a 7-4 split of congressional representatives, and in the year before the new district map is enacted it becomes a 6-5 split, if the new map is gerrymandered and removes the newly flipped district from the control of the minority party it looks like an incumbent lost. In reality, it was just a reclaimed seat by the majority party retaken through potentially unfair redistricting procedures.

While the impact of gerrymandering on the reelection rate may not be the sole reason behind its use in general, the political control that is granted from redistricting processes in many states does have a direct result on the proportional representation of voters in certain states. Hebert and Jenkins (2010) note that states like Texas undergo forced mid-decade redistricting when the state political party in control of the legislature deems it in their favor to do so. In Tennessee, the Republican super-majority in the state legislature has led to the removal of representation for democrats in the state, as eight of the nine U.S. House districts are Republican after the 2022 election, an 88% rate of republican representation, although the vote returns for Tennessee in the most recent midterm saw Democratic candidates for office receive ~33% of the vote in House and Governor races (CNN, 2022).

This lines up with the previous district plan far more closely, which saw Democratic candidates win two of the nine seats, a rate of 22%, which while still below the threshold of the expected 33% in a perfect scenario, is far better than the 12% proportional representation which exists in the current cycle. Accomplishing the goals of reducing proportional representation through gerrymandering has gotten significantly easier in recent years, as explained later in this paper. Because of the advent of mathematical models for conducting redistribution of voting populations, the number of variables considered, and the accuracy of application is increased. Increasingly often, the methods of addressing gerrymandering are also a means of extending the practice further. Most academics prescribe “competitive districts” as being the best way to ensure correct representation for voters (FiveThirtyEight). One problem with this is that the natural buildup of homogenous partisan communities, known as partisan geographic sorting,

makes drawing competitive districts challenging. City centers and rural communities are usually on opposite sides of the political spectrum, and to create competitive districts, it is hard to keep these communities together. The normal geographic distribution of certain voting blocs can make districts appear gerrymandered when they have the most connected representation to the population simply by being based in naturally distinct populations in those districts. Being able to see that difference is just as important as being able to find gerrymandering in the first place.

2. Gerrymandering Mechanisms

One of the things that has changed in how gerrymandering is conducted is the use of sophisticated mapping software that takes U.S. Census data and overlays it onto district maps, allowing redistricting committees to be extremely precise when drawing district lines to gain advantages. In the past, the data used for drawing districts and altering the election potential of certain parties was mostly focused on county-level voting results, meaning that it was more difficult to ensure a specific outcome from the realignment of districts. In the recent years of gerrymandering, the technology used has become much more sophisticated. Programs like Maptitude, a product of the Boston-based Caliper Corporation, are the most widely used (Levine, 2021). This product can create district maps while fulfilling preset criteria that the redistricting committees choose. These criteria include race, gender, age, election results, voter turnout rates, and more, which are all factors that redistricting officials look at to optimize their maps. They can then use the power of the algorithms to find district lines that most closely fit the

criteria they have told it to look for by using census blocks compiled by the Census Bureau. This technology has been around since the 1990s and has only gotten more sophisticated and prevalent as time passed. Now, map-makers can develop tens of thousands of maps in minutes, going street by street to find the smallest differences in voting expectations to ensure the results they seek. This influence of technology has made it so that gerrymandering can be accomplished with relative ease by redistricting officials, making the act of gerrymandering more readily available as a political tool.

The technology of this type has not just helped create more efficient gerrymanders, however. It has also been implemented to help find cases of extreme partisan gerrymandering and use the same kind of algorithms to identify when maps have been altered to unfairly favor one party over another. Mathematicians involved in anti-gerrymandering groups have utilized the procedural nature of redistricting processes to showcase how bad some of the partisan maps can be. In a 2018 case involving Pennsylvania, University of Michigan Professor Jowei Chen used an algorithm similar to Maptitude to show that the map enacted in 2011 in the state was partisan favoring to a degree that violated the state constitution in Pennsylvania (Levine, 2021). Other resources help combat gerrymandering in similar ways. The Gerrymandering Project, a segment of FiveThirtyEight, a politically focused arm of ABC News, has a section of their website dedicated to building U.S. House districts that use different criteria to draw the maps, showcasing the level of discrepancies that partisan maps can provide compared to truly unbiased maps (Bycoffe et al., 2018). This project, and others, seek to educate and expose just how much of the United States suffers from partisan or non-

competitively drawn districts, which limit the ability of voters to elect representatives who are connected to issues they care about.

Case Study: How Gerrymandering Impacts Tennessee

Of the many issues surrounding the propagation of gerrymandering, the potential impact it holds on the participation of Americans in the political systems that govern them is possibly the most important. To investigate the effects of gerrymandering on voter turnout, I used federal elections in Tennessee between 2008, 2012, 2018, and 2022 as a case study. This allows us to view elections pre- and post-census redistricting, and elections that are both midterm and presidential elections. Using midterm and presidential election years together gives a more consistent view of voter participation since midterms generally have lower turnout than presidential election cycle years (DeSilver, 2014). I have also included maps showing the county-level district proportions from both the 2001-2010 legislative district map, the 2011-2020 legislative district map, and the 2021-onward



map to illustrate the level of cracking occurring in the most recent iteration compared to previous years.

Figure 1: 2021-Onwards, USGIS Data

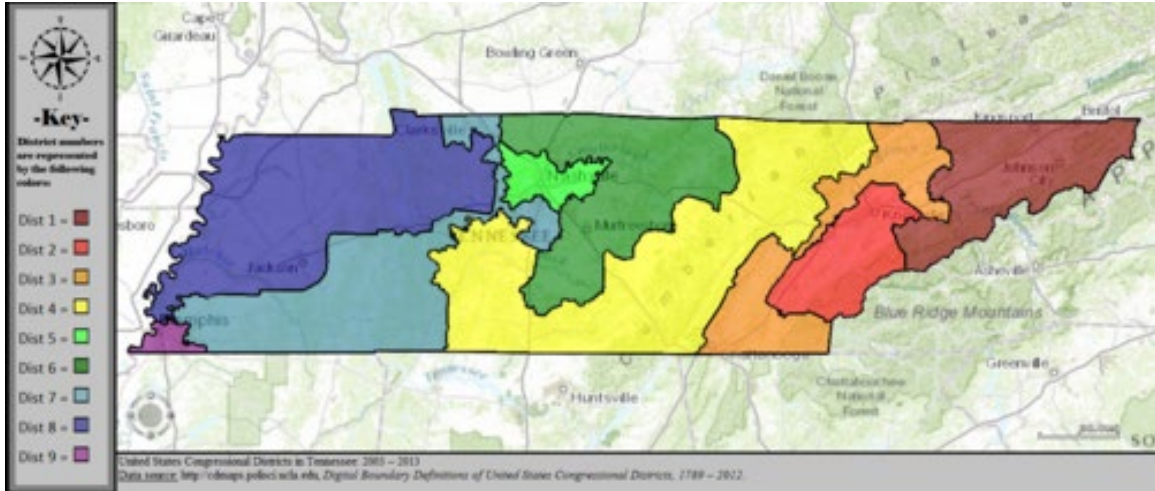


Figure 2: 2011-2020, USGIS Data

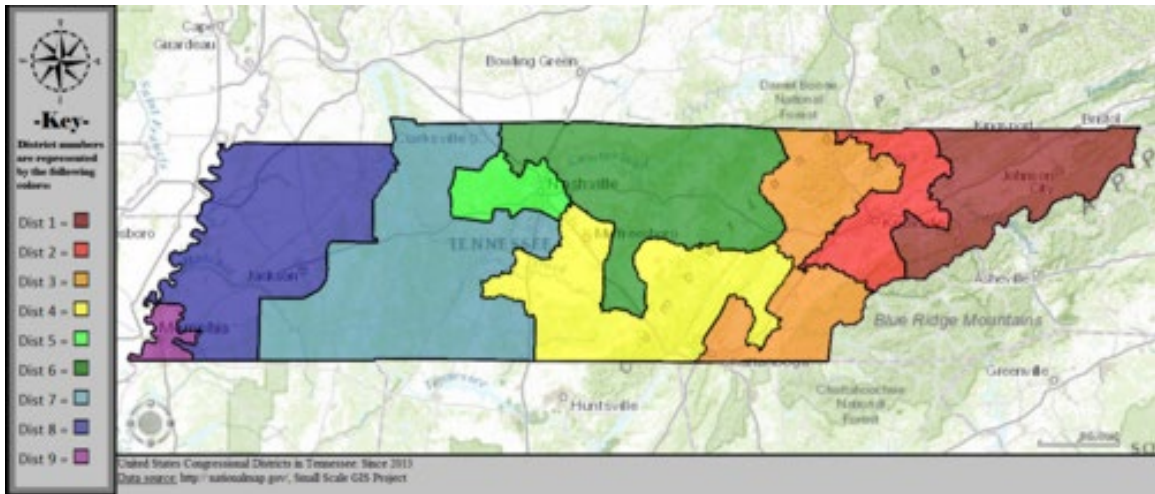


Figure 3: 2001-2010, USGIS Data

As can be seen in these maps, Davidson County had retained a mostly homogeneous single district for most of the County for the previous two legislative map cycles. In the most recent map, figure 1, the County is split into three districts. This is an example of cracking, a type of gerrymandering commonly used when there are many highly safe districts for one party and few safe districts for the opposing party. In this

case, the state legislative redistricting committee used the Republican dominance over the regions surrounding Davidson County to split it into three solidly red districts, removing one of the two Democratic-controlled areas from the system as they cracked democratic voters into largely Republican districts. This change caused Davidson County residents to suddenly potentially be without a sitting Congressional Representative whom they voted for in the 2020 election, instead having two Republican incumbents in the 6th and 7th districts and a fight over the newly open seat in the altered 5th district that was without a sitting Representative.

Using voter registration data and ballot counts from the appropriate years, the impact of redistricting in 2022 onwards on voter turnout in Davidson County can be explored. During the 2008 election cycle, Davidson County saw a 69.49% turnout of registered voters. In 2010, a midterm year, that number fell to 44.37%, as expected from non-presidential elections. In 2012, after the 2010 redistricting process, which changed little from the previous map for Davidson County residents, there was a 66.67% turnout for the county. According to election data from the Tennessee Secretary of State's office, 57.50% of the registered voters in Davidson County TN cast votes in the 2018 November 6th general election, a midterm year. Conversely, in 2022—also a midterm year—only 36.61% of eligible registered voters participated in the November 8th general election in Davidson County. This drop is not only from changes between midterm and presidential election years, since in previous elections the numbers did not drop nearly as far. In fact, in 2020, Davidson County saw a 65.13% turnout rate, in line with previous presidential election years. The numbers for the 2022 election are the outlier from previous years, even when controlling for higher-stakes elections. Further, the entire state sees similar

drops when a more unfair map is entered into use. Using data from the Election Lab run by the University of Florida, we see that while Tennessee had a total voter turnout of 2.267 million voters in 2018, it was still only 45.11% of the voting-eligible population in that year. To compare, in 2022, the voting-eligible population increased in Tennessee by ~200,000 voters. However, the total turnout of cast ballots dropped to 1.756 million, only 33.30%: a precipitous decline of 11.81%. Even with this significant drop in participation statewide, it is still not as large a gap as that of Davidson County alone, which saw a drop of 20.89%, almost double the statewide drop in participation. Because there has not yet been a presidential election cycle using the new district maps, it is difficult to estimate the voter turnout in Davidson County for 2024, but if the 2022 election is any indication of the real impact of gerrymandering, then the number of voters coming out to vote in the area may fall below the threshold set by previous presidential elections.

Of course, other factors influence the turnout rate, and it would be disingenuous to not reference them in this instance. Indeed, COVID itself allowed large numbers of voters to access the polls that otherwise could not through the emergency absentee ballot procedures enacted. Also, the 2020 election had one of the fiercest political battles in recent memory. However, the redistribution of voters in the 2021 redistricting process in Tennessee was highly publicized and was a national story for a good amount of time after the map was accepted by the Republican supermajority in the General Assembly. Because of this, the next election cycle would have the greatest likelihood of voters being discouraged in the region, since they would have been made acutely aware of the problems facing their political power in the new district maps.

Since there are so many factors that influence voter participation, they must be addressed to ensure valid criticism of the redistricting. The largest influences on voter participation in elections are socioeconomic status, age, and race. Using demographic data from the U.S. Census Bureau, we can see that Davidson County's ratios of both did not change significantly between 2018 and 2022 (U.S. Census Bureau, 2023). Further, the influence of COVID-19 on election turnout should also be examined. The easiest way to do this using the established data is by examining the number of ballots cast in person against those cast as absentee or mail-in ballots. If gerrymandering is a larger factor than the others discussed previously, then we would expect to see a reduction in overall turnout but not a reduction in the percentage of absentee voters necessarily. Using the same data source from the Tennessee Secretary of State, the numbers are as follows:

Davidson County	Mail-In/Early Voters	In-Person Day Of	Total Turnout
2018	160,460	85,400	245,860
2020	256,101	56,061	312,162
2022	95,602	83,748	179,350

*Figure 4: Davidson County
Election Statistics*

What this table shows is that the overall voter turnout, which saw a drop in 2022 compared to previous elections in general, was not solely influenced by COVID-19 precautions. The 2020 election saw much higher rates of early voting and absentee ballots by mail, as expected. So, COVID-19 is only a partial factor in the drop in turnout for 2022. Other factors may influence this and must also be investigated.

To do so, nationwide election statistics will be compared to Davidson County. First, we will look at the total number of ballots cast in both 2018 and 2022 nationwide. In 2018, 50.05% of the total population of eligible voters in the United States cast a ballot, with 118.58 million voters participating that year. In 2022, only 45.91% of the eligible voters cast a ballot, dropping to 112.03 million voters, a fall of 6.55 million votes. The reason this is so interesting is that the 2020 election cycle, between the two elections focused on here, is one of the most voted in elections in history with 65.99% of eligible voters casting votes in the election, numbering 159.74 million voters choosing to cast a ballot in that election, with the COVID crisis response changing the way people voted and removing election day turnout concerns. Why then, did one of the highest participation elections in history by volume, get followed up by such a massive drop in participation in the next election cycle? This is certainly explained in part by the increase in absentee ballot access and then the removal of that access in many states following the 2020 election. If turnout from 2014 and 2010 is also examined, the historic data of midterm turnout is lower on average than seen in both 2018 and 2022, with the previous five midterm elections since 1998 having 42% or lower turnout rates. During the same period, turnout for presidential elections was rising consistently. So, it can be argued that the 2022 drop was simply a return to form for midterm elections. This chart from the Election Lab at the University of Florida shows the relationship well.

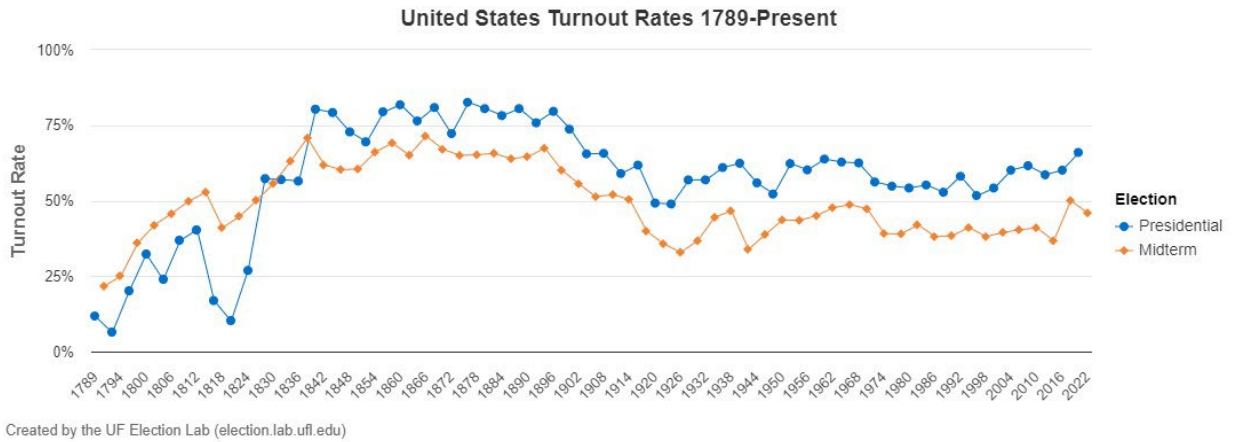



Figure 5: UF Election Lab Data

Using this graph and what we have established concerning turnout for midterms, there is no conclusive evidence of voter suppression via partisan gerrymandering in Davidson County, at least not yet. The 2024 election cycle will be the test case to see if a factor such as redistricting affects turnout more than other factors, especially since this election is expected to be quite close.

1. Voter Participation

The major factors that affect voter participation worldwide are discussed by Stockemer (2016) in his review of voter turnout literature. His findings suggest that the accepted literature on turnout is still accurate. Generally, the most influential factors in high voter turnout are, in order: compulsory voting, decisive elections, and a small population (Stockemer, 2016). Of the three, only one applies to elections in the United States, that of decisive elections; elections where the results of the election have an immediate effect on the government of the country. Interestingly, the determinant of proportional representation, the idea that the representation of citizens is directly tied to

the voter turnout which creates a higher incentive to vote, is no longer considered as important as in previous reviews. This is compounded by the fact that many of the countries listed in Stockemer's review, use proportional representation to allow more political parties to participate, leading to less influence being held by only a few parties (2016). 

Gerrymandering is likely not even on the list of issues voters consider when deciding whether to participate in an election cycle. Much of the literature surrounding turnout avoids discussing gerrymandering as an impact because it is difficult to measure the level of impact on people who do not vote compared to those who do without conducting surveys on a massive scale of all eligible voters and asking them about their voting choices. It is far more straightforward to use demographic data and build models that reflect the exit polling used in elections and the U.S. Census data on demographic differences to create theories that indicate increased or decreased voter turnout for certain groups.

But, without asking the question of whether gerrymandering is impacting the public will of voters to go out and vote, it becomes more difficult to determine how much impact on voter suppression the practice truly has. One hypothesis is that gerrymandering has a direct effect on voter turnout in places where there will not be close races, not because the voters see no point, but because the legislators and political leaders also see no point in campaigning in these places (Jaspers, 2021). This could better exemplify the issue of gerrymandering as an impact on participation since lower competitiveness in each district will potentially result in lower political activity overall from not just the community of voters but also the political leaders who reside there. Without an incentive

to campaign in certain districts, there is little reason to spend the money on getting voters to come out and participate in the political process.

Following these lines of reasoning shows interesting results for incumbent activity as well. In an article by the Massachusetts Institute of Technologies Election Data and Science Lab, researchers were able to determine that while there was not really conclusive evidence that politically dominated redistricting processes led to lower turnout rates, they were able to find evidence of another type of change that gerrymandering brings (Hyde and Santana, 2021). They were able to determine conclusively that when a legislator was from a state that used politically dominated means of redistricting, they produced less substantive legislation in Congress (Hyde and Santana, 2021). This single approach to measuring the impact of gerrymandering through legislative dominance at the state level shows that legislators are able to reduce their expenditures of effort and retain their seats in perpetuity.

To truly understand the impact of gerrymandering on the direct desire to be active politically in the United States, the question must be left to large-scale psychological surveys to explore in a way that allows them to respond in a manner that either does or does not indicate gerrymandering as a significant factor in their voting habits. Without this type of data, the argument against gerrymandering must continue to be based on the expected outcomes under mathematically fair election maps compared to existing maps in an attempt to prove that deliberate, unconstitutional gerrymandering, has affected the outcome for voters.

Gerrymandering also presents an interesting problem when considering the satisfaction of voters in the political system. Because gerrymandering is seen as hurting

the true representative nature of the government, voters who believe gerrymandering has occurred may become highly disillusioned with the system of voting in a place where they are, and it could lead to the voter no longer wishing to participate in a system they see as unfairly designed. The Brennan Center for Justice (2019) notes that “70% of voters from all parties agree the Supreme Court should place limits on gerrymandering.” To note, these surveys were conducted before the decision was released for *Rucho*, which influenced general opinions that gerrymandering needed to be curtailed in some manner, specifically through state courts and state legislators.

A poll conducted by the Economist in 2022 showed that 60% of both Democrats and Republicans want independent commissions to handle redistricting, and more than half of both parties want partisan gerrymandering to be combated by the Supreme Court (FiveThirtyEight/Economist, 2022). Reflecting this, in Ohio, a state constitutional amendment banning partisan gerrymandering passed with 75% of the vote in 2018. There is a widespread desire for reform on the issue of gerrymandering; the biggest detractor from getting that reform implemented is based on who is currently controlling the state legislatures now that federal recourse is not possible from a judicial standpoint and the fact that the U.S. Constitution leaves the development of redistricting processes to the states—or Congress—by omission.

The nature of gerrymandering as a political tool that is leveraged by interested parties makes it important to understand where the influence lies. The House of Representatives in the federal election system is a critical focus for anti-gerrymandering advocates because of the way districts are formulated and how impactful it can be on federal politics. Being able to control the way that those districts are designed grants the

controlling parties massive influence over national politics. In an article by UC Santa Cruz Professor of Economics Ajay Shenoy and World Bank economist Dahyeon Jeong, the problem of gerrymandering was calculated using “bunching tests” which were formulated to find “non-random patterns in election results that can only arise through strategic party behavior” (Jeong & Shenoy, 2022). This was focused on swing states where the electorate was in flux and potentially moving against the party in control of most House seats.

The results of the study showed that in years preceding a redistricting event, parties worked to win state legislative seats to control the redistricting process, which conferred an average of 11% likelihood to win more House seats in the next election to that party. The specific issue relevant to gerrymandering that this study exposes with this data is that “findings suggest that parties seek control of redistricting . . . to actively thwart the popular will” (Jeong & Shenoy, 2022). This conclusion shows that significant outcomes are being affected by the redistricting process when it is done with a potential partisan bias. The political machinations of state-level politicians are prompted by a resulting increase in their share of safe districts in the next redistricting process. Parties are incentivized to increase their pressure on state races to control the legislature to, as stated, “thwart the popular will” (Jeong & Shenoy, 2022).

This study is an excellent example of why gerrymandering is so heavily focused on by political scientists and civil rights advocates. If the political system is exploited to, as Shenoy and Jeong state, “thwart the popular will” then there is an inherent gap between the representative nature of the government and the actual outcome of the election processes. Shifting of political viewpoints in regional ways is expected, and not

necessarily something that is either good or bad. What becomes problematic is using mapping tools and exploiting the structures of populations to create uncompetitive and non-representative districts that do not reflect the citizens within them.

Measuring whether gerrymandering is a factor that influences voter activity is next to impossible using the existing quantitative data that we have explored in this paper so far. To better understand the impact of gerrymandering, different structures of research should be pursued that focus on the prevalence of gerrymandering in media and whether the knowledge that gerrymandering can happen influences voters. This can almost exclusively be done through qualitative studies such as widespread surveys or pre-election polling of the public.

2. How to Combat Gerrymandering

Gerrymandering has no simple fix; nothing can be instituted and immediately end the problem. However, some straightforward alterations can limit the impact of gerrymandering on certain aspects of voting which can help mitigate the effects of widespread partisan gerrymandering. The first of these, and one that has been proscribed many times and is a common critique of the current American system, is making election day a federal holiday. This would increase the ability of citizens to participate in the act of voting since they would be able to access voting booths more easily if they did not have to plan as much to do so. This would allow for a reduction in the cost-benefit equation of spending time voting when as a voter in a gerrymandered region you may not

have as much reason to want to participate in political actions. Another similar fix would be to make voting incentivized, more so than it already is by social convention and impact on the lives of voters.

One way that this is done by other Western democratic states is through compulsory voting; in other words, not voting in elections when able to do against the fundamental laws of the country, such as in Australia (Australian Electoral Commission, 2023). This would make gerrymandering less impactful, although it would not reduce it entirely, by increasing the voting population and engaging more citizens in the process. Now, the problem with this is that no provision in the laws of the United States allows for the forcing of citizens to express political positions through voting. It would be expressly prohibited by freedom of speech laws and standards nationwide.

In the same vein, to best combat the problems that gerrymandering seems to create, the political process of gerrymandering must be curtailed by better policies from currently elected leaders. Now, the problem with this approach is that as previously determined, incumbent officials sometimes rely on redistricting processes to ensure their reelection, and altering the system which keeps them in the positions of power they inhabit will not be something easily sold to the current crop of career political figures which use the influence they are privy to as a tool to enhance their careers. In a 2023 report, Sabrina Lavery described the inherent problems that exist in the current winner-take-all elections that determine the U.S. House of Representatives. In the report, it is found that 62 million eligible voters are in districts that are “safe” from opposition by the party they favor.

The supporters of the system usually argue that it protects the idea of local politicians who are geographically connected to voters, which they say will increase the direct representation of those voters. But with the evidence of highly uncompetitive districts affecting so many voters, is the representation truly connected to voters under the current system either? Partisan sorting by geographical choice is a phenomenon that also impacts the representative nature of the districting process in modern elections. As people move to different areas, they self-select regions that have political and social connections with their ideals, creating a further regional divide between minority and majority political affiliations. This can reinforce feelings of unrepresentative government as geographical areas become more polarized. Moving to a system that uses total voting results from entire states and apportions seats based on the percentage of votes a party receives would cause this to be less of a factor. This system is known as a multi-member proportional representative government. Non-governmental organizations see the current structure of the election system for the House as unfair and unusual compared to other major democracies (FairVote, 2016). They argue that because very few use election systems like ours, and because the United States is often criticized for its approach to representative government by other countries and political theorists, leaders in the U.S. should adopt proportional representation for its elections for House seats, to lower or eliminate any vote wasting (FairVote, 2023).


Policymaking in issues like this is difficult since it is affecting the policymakers themselves. However, issues of a political nature must be dealt with through political means, especially after the decision in *Rucho v. Common Cause* in 2019 removed the possibility of federal courts interjecting themselves into issues that constitute a breach of

the Separation of Powers Doctrine. Other methods of controlling gerrymandering through legislation or constitutional amendments are also possible, but both of those require far higher barriers to entry than the courts do from a political perspective. The last constitutional amendment was passed in 1992 and sat at the docket for over two centuries, and legislators have a vested interest in keeping the current gerrymandering allowances in place for their own benefit. Therefore, creating a public understanding of the problem that gerrymandering presents and educating people on the problems it creates seems to be the best path to a solution.

Furthermore, using advanced technological techniques to spot and expose attempts to gerrymander would help make people aware of the problem, potentially leading to grassroots reform movements. This is the most direct path toward changes in the system since politicians rarely react without public pressure. Judicial systems can also be affected by public pressure. Having more voices concerned with the outcome of redistricting could lead to states having referendums passed, such as in Ohio and other states, to stop partisan gerrymandering completely, since it would immediately allow people to bring up lawsuits against unfairly drawn maps and get the judiciary involved at the state level, where positive impacts have already been seen.

After the Supreme Court issued the *Rucho v. Common Cause (2019)* ruling, the issue of partisan gerrymandering was removed from the federal courts as a means of redress. Generally, if a state map was egregiously gerrymandered, it was fought in court by activist groups and even Attorney Generals for states in certain cases. However, the 2021 redistricting was the first that was free from federal judicial challenges after the *Rucho* decision. Because of this, the partisan legislatures of many states have had more

freedom to create districts that remove political power from opponents than may have been previously attempted due to a fear of federal courts striking down maps drawn by state legislators. This has been heavily covered in news media and political commentary ever since that decision was released, and gerrymandering has been increasingly linked to rising rates of partisan polarization that has created widening ideological gaps in the United States (McCarty et al). Establishing a direct causal link has been difficult because of the complexity of the issue and the many facets that influence both polarization and participation in politics.

Even if data were brought evidencing the effects of gerrymandering on turnout, the  current legal framework does not allow for redress in the courts, something that has previously been an option in extreme gerrymandering cases. Before *Rucho*, there had been successful attempts to strike down partisan maps, although the Supreme Court had not yet agreed on a workable standard for determining when gerrymandering had occurred or what justiciability was needed to even hear cases involving the problem. As noted by Chen and Rodden (2013), for a case to reach the standard for justiciability set in *Davis v. Bandemer (1986)*, “the recent opinions of pivotal justices . . . suggest that a claimant would need to demonstrate that an ‘egregious’ gerrymander is intentional” (Chen & Rodden, 2013). Legislation may be passed granting jurisdiction over gerrymandering cases and district drawing to the federal courts, but the selection system for judges is also in many ways politically motivated now, so that solution could also be corrupted.

Limitations of Gerrymandering-Focused Research

When studying gerrymandering, the nature of the problem is not easily divided and conquered using traditional data analysis techniques. This means that the problem, which is in many ways not possible to quantify accurately due to a lack of discreet data on how gerrymandering acts in different circumstances, must rely on qualitative measures in certain instances to maintain objectivity on causes of gerrymandering in socio-political discussions. Without a clear and direct focus on gerrymandering and gerrymandering alone, other factors will overshadow it when attempting to use quantitative data sources. Factors like race, socioeconomic status, historical voting patterns, age, gender, and party affiliation all influence the statistical likelihood of an individual deciding to go out and vote in each election. Whether gerrymandering has a significant effect on election results is a separate problem, which cannot be quantified by advanced mathematical formulas in many cases, since those data banks are limited to using data on cast votes, not those that were never cast at all, which is where the problem of researching gerrymandering as a political influence becomes difficult. We can track voter registration numbers against the number of cast ballots, but this is not only impacted by gerrymandering, as stated earlier. Still, other contextual factors are important to look at to help inform research on gerrymandering and are in themselves extremely important to understand to correctly portray gerrymandering and its specific impacts as a separate factor from other impacting factors on elections. Also, gerrymandering is likely a small influence on that decision compared to other more immediate factors that impact voter turnout. Because all these factors have a greater influence on the voter than gerrymandering might, it creates

difficulties in finding empirical data on the impact of gerrymandering on political participation. So, to find out if the reason for not voting is related to gerrymandering specifically, qualitative measurement techniques must substitute for the more commonly used quantitative data analysis that is used on large datasets of election results. Most studies of the impact of gerrymandering are based on the study of election outcomes, specifically whether a certain number of representatives would be from one party or another. The problem with this is that most gerrymandering is not conducted to truly maximize the political potential of a certain party so much as it is to protect the control that the party holds on the system overall. In theory, the ideal gerrymander would have districts with very few if any districts with greater than a 10% margin of victory, because they would be wasting votes on a sure win. So, to know whether a certain area has had its voters disenfranchised, the true measuring stick is whether the voters feel that their candidates have any chance of winning, not just if they have proportional representation to the total number of voters for a specific party in a state or district.

Unfortunately, as with many other disciplines, qualitative research suffers from inherent problems that affect how useful it can be for large-scale studies. Firstly, studies focusing on qualitative methods are far more costly to undertake, both in terms of time, and potentially money depending on the structure of the research. Secondly, qualitative methods are rarely easily reproducible, especially because they focus on individual experiences that are unique in nature. Thirdly, even when the data is collected, much of the responses will be translated into a quantitative context anyway since it is much easier to supplement quantitative with qualitative than the other way around, so there is rarely a real reason to pursue qualitative research if the answer could be found using much more

accessible means. Because of these factors, things like gerrymandering and its impacts make it difficult to pursue in-depth academic research without funding.

Further, gerrymandering needs to be studied in an interdisciplinary way, as seen with the increase in mathematicians who have lent their expertise to political scientists by creating models to gauge the amount of bias in legislative maps. To further utilize the multifaceted approach of understanding the total impact that gerrymandering has, viewing it with other practices that may create low turnout is also beneficial. Looking at other voter suppression tactics in tandem with gerrymandering might provide better conclusions on the level of voter discouragement that gerrymandering has. Without interdisciplinary research, the underlying implications of gerrymandering behavior may go unnoticed while political potential is removed from the voting population of the United States.

Methodology

This review was the result of an in-depth analysis of a large swath of literature on the problem of gerrymandering in modern political institutions in the United States. The purpose of this review is to distill that large body of literature into a manageable format to create a single article that can be used to understand the problem itself, the level of impact it has, and how the political science world sees the issue. Using different sources, such as academic articles, news reports, direct data, and interpretation of that data has allowed for the creation of a far-ranging introduction to the impacts of gerrymandering on modern political systems. Distilling the large amounts of research available on the topic of gerrymandering required careful reading of the existing literature to be able to compile

an accurate and thorough reference work which can be used to understand the problem. Using existing census data and election results allows me to create examples of the issues which are created by gerrymandering which had not previously been examined by existing literature, but were relevant to crafting a research article which properly touched on all aspects of gerrymandering.

Conclusion

Gerrymandering is a fascinating socio-political problem, one that has engaged a large portion of researchers from many disciplines who have attempted to understand and implement changes. On the surface, the problem is straightforward. Voters are undermined by the political machine and their ability to influence elections is intentionally harmed. Realistically, however, it is a complex and massive structural issue that has yet to be tamed in the political or legal arenas. The purpose of this review is to try to unpack the most important aspects of gerrymandering into a single article which can be used to inform and intrigue readers into a better understanding of the nature of partisan gerrymandering and its impact on American Democracy.

During this review, we have looked at the many sides of gerrymandering and how it has affected political institutions. This is by no means exhaustive, but it is a broad view of a complex topic that allows for a better understanding of the issue. Using case studies of places like Tennessee and the changes in election cycles with different district maps provides a clear view of how the problem can affect populations. As mentioned above, the voting population of Tennessee has remained fairly consistently split in the percentage of Democratic vs. Republican in the past two decades, at around a 30-70 split

respectively. However, the new district maps make the Congressional representation for the state fall below that split, with only one of the nine districts held by Democrats. In fact, this new map is listed by the Princeton University Gerrymandering Project as racially gerrymandered due to the over-representation of black voters in the only democratic district in Tennessee (2022). Changes like this is how gerrymandering is impacting representation for minority party voters all over the country, as party politics control state redistricting processes and seek to build advantages to their political power. This is not an isolated tactic either, all parties do this, when possible, since the second one loses power, they assume that the other will seek to bias future elections.

This is partially because of just how easy it is to create partisan advantages. The mapping technology discussed previously is available to anyone who has the money to pay for the software license. If a state political party whose legislators are tasked with redistricting wants to craft an advantage, it takes very little time, effort, or money to do so. Connected to this is the lack of legal boundaries to partisan political tactics. Very few states have laws that directly stop partisan gerrymandering from being enacted, and even those that do may not have groups willing to challenge redistricting maps in court, simply because the process of doing so is incredibly resource intensive. The removal of federal level challenges creates challenges as well because it means that avoiding state boundaries to gerrymandering challenges, such as in the states that do not have provisions to block partisan biased maps, is no longer possible through the federal courts.

Over the course of American history, gerrymandering has been a constant beast lurking behind the scenes of political battles, used to flip power between parties as needed. State political leaders have long been the controlling factor in whether

redistricting is done in a fair way, and rarely was that standard followed. Unfortunately, even in states where the citizens have enacted policies curtailing the practice, rarely does it impact the outcome of elections since the polarization of the population that has been taking place for generations has created geographical partisan sorting that limits the ability of minority candidates to have competitive races. At the same time, however, it becomes difficult to truly fix the problem, since in places where things like geographical partisan sorting have replaced gerrymandering as the dominant means of “fixing races” the solution would be to split those populations into multiple districts, which is inherently a form of gerrymandering. This is just one example of the Catch-22s that affect socio-political changes that are designed to limit interference by interested groups.

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