



Redistricting in Georgia: A Twenty-year History and Case for Reform

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Executive Summary

Over the past 20 years, Georgia's redistricting process has been subject to near-constant gerrymandering. Georgia's constitution provides that the General Assembly will perform redistricting every 10 years. Except for requiring contiguous districts and complying with federal law and court decisions, the General Assembly is given wide latitude to draw the maps. Georgia has no other standards written into law to guide the process. In fact the law cloaks the entire process in secrecy until the finished maps are ready to be considered in special legislative session.

The research described in this report reveals that both Democrats and Republicans have taken advantage of this power and secrecy to create maps that favor themselves. In particular:

- Following the 2000 census, Democrats gerrymandered the state House and Senate maps to retain a majority of seats in the 2002 election despite *losing a majority* of the statewide vote. The U.S. Supreme Court declared these maps unconstitutional in 2004.
- Following the 2010 census, Republicans gerrymandered those same maps to create super-majorities in both chambers in the 2012 election despite *winning a declining share* of the statewide vote.
- The current state House map favors Republicans compared to the natural political geography of the state. In part, this advantage has been created by splitting up two-thirds of Georgia's mid-size cities into multiple districts.
- The current state Senate map also favors Republicans. And while complying with the letter of the Voting Rights Act (VRA), it nonetheless disadvantages minority voters by eliminating districts containing between 37% and 50% minority population. Research shows that such minorities in such "opportunity" districts have a distinct chance to elect a representative of their choice.
- Since 2005, the General Assembly has taken advantage of mid-decade redistricting – changes not required by a court order or census – to protect incumbents in 64 districts covered by 9 different bills.

The pattern revealed by this research is clear: given the chance, both major political parties have tilted the playing field in their favor. Fair Districts GA believes that this cycle must be broken in 2021. Georgians deserve a redistricting process that inspires trust and confidence from all citizens.

This document lays out the case for change by presenting extensive research into the last 20 years of redistricting in Georgia. It also provides a blueprint for a fairer, more transparent redistricting process in 2021, comprising three principles:

Listen

Draw maps based on community input. Use information gleaned in public hearings, submitted maps, and community definitions to produce maps responsive to voter desires.

Show your work

Waive the secrecy provision built into the law that allows all redistricting work by staff to remain hidden. Allow 2 weeks for the public to review maps before heard in committee. Release all data and criteria used to create the maps. Explain how citizen and community inputs were used in creating maps. Release information in non-English languages to reach Georgia's diverse population.

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Check your work

Draw maps that meet non-partisan, independent benchmarks as provided by Fair Districts GA and Princeton Gerrymandering project. These benchmarks, described in more detail in this report, will guide development of maps that are not biased towards any political party but will reflect the natural political preferences of Georgia's population. They will also maximize the opportunity for minority representation, complying with both the letter and spirit of the Voting Rights Act.

Redistricting Timeline: 2000-2020

Our research examines the last 2 decennial redistricting cycles and all the redistricting bills considered by the General Assembly over the last 20 years. Figure 1 shows this history.

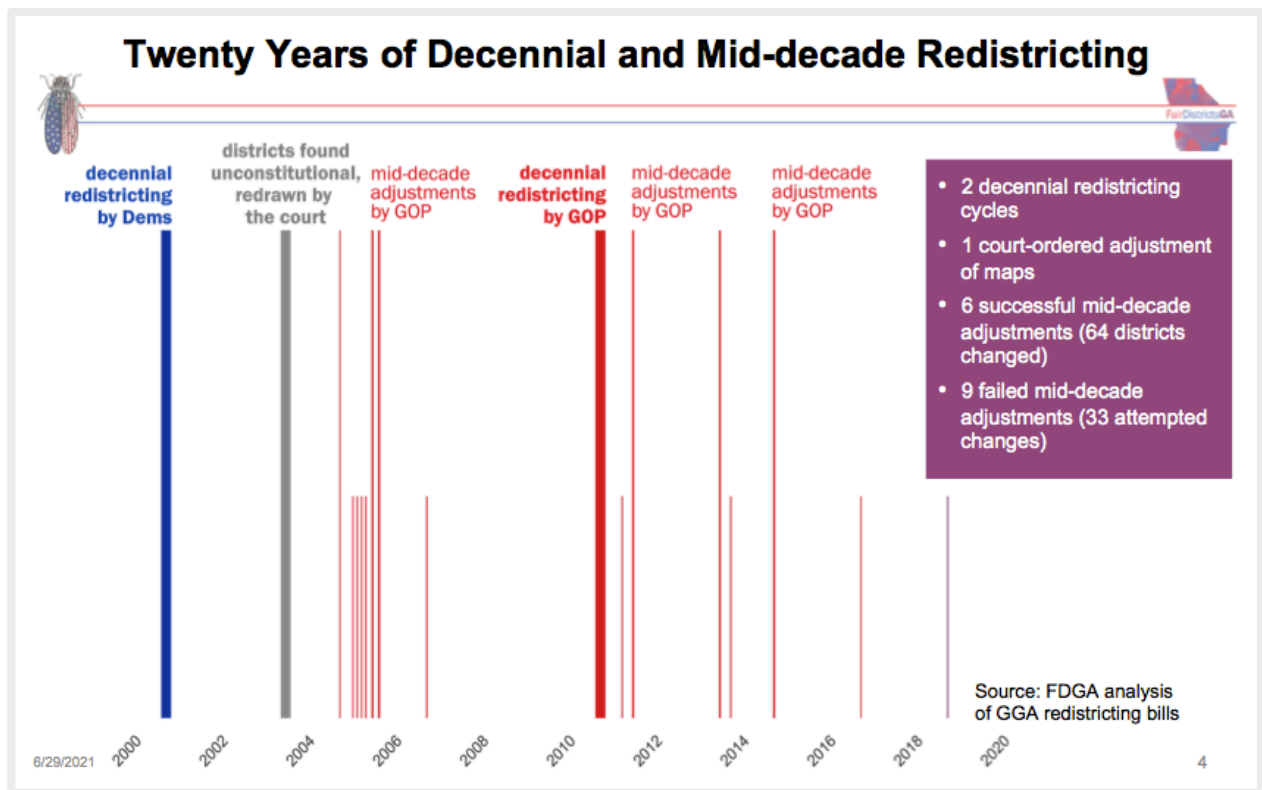


Figure 1 – Timeline of redistricting events 2000-2020

From 2000-2002, Democrats had the legislative majority in both assembly chambers, so they had complete control of redistricting following the 2000 census.

In 2003, Republicans gained control of the state Senate when four senators elected as Democrats in the 2002 election switched parties as the assembly convened. (Our research examines the effects of maps on elections and does not draw conclusions based on members switching parties.) Following the 2002 election, Republicans challenged the state House, Senate, and Congressional maps in federal court. At

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that time, federal courts were still hearing cases regarding partisan gerrymandering.¹ In *Larios v. Cox* in 2004, the Supreme Court ultimately ruled that the state House and Senate maps were unconstitutional and ordered new maps for the 2004 election, while leaving the Congressional map intact. However, the state House and Senate were unable to agree on new maps, so a federal court redrew the maps. The 2004 election is unique in that it was the only one in the last 20 years to use maps that were not drawn by the Georgia legislature.

In 2005, control of both the state House and Senate passed to Republicans, and they have had complete control of redistricting since then. Figure 1 shows the six mid-decade adjustment bills that altered 64 districts from 2005 through 2015.² Also noted on Figure 1 are nine attempted adjustments altering 33 more districts; these did not pass in the legislature. These adjustments were not required by either court order or census. Other than rare technical corrections to district specifications, generally these adjustments are implemented to assist incumbents in future elections, a form of partisan gerrymandering. Note that the 2005 adjustments changed all 13 Congressional districts despite previous approval by the federal court.

As equal-opportunity critics, Fair Districts GA views gerrymandering as bad no matter which party is involved. While some of our research in this 20-year period is focused on the most recent maps, we do not criticize Republicans only. We simply note that for 15 of the 20 years covered by our study, redistricting in Georgia has been under Republican control.

¹ As of the *Rucho v. Common Cause* ruling by the U.S. Supreme Court in 2019, partisan gerrymandering cases are no longer justiciable in Federal courts.

² Although Georgia's Constitution specifies redistricting every 10 years, mid-decade redistricting is also legal. Mid-decade redistricting was upheld by Georgia Supreme Court in *Blum v. Schrader*, (2006) and the U.S. Supreme Court in a 2006 case out of Texas, *League of United Latin American Citizens v. Perry*. The Georgia case was an attempt to get around an adverse federal court ruling in *Kidd v. Cox* that upheld the split up of Athens-Clarke County into two Senate Districts.

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Gerrymandering of the Georgia State House of Representatives

Next we look at the effects of changed maps on the outcome of elections for the General Assembly, beginning with the state House of Representatives.

The most important question is, “Do the maps allow election results to respond to voters’ change in preferences to elect candidates of their choice?” Figure 2 answers this question for the state House over the 20-year period. The shaded areas of the chart indicate which party (blue=Dem, red=GOP) or court (grey) controlled redistricting.

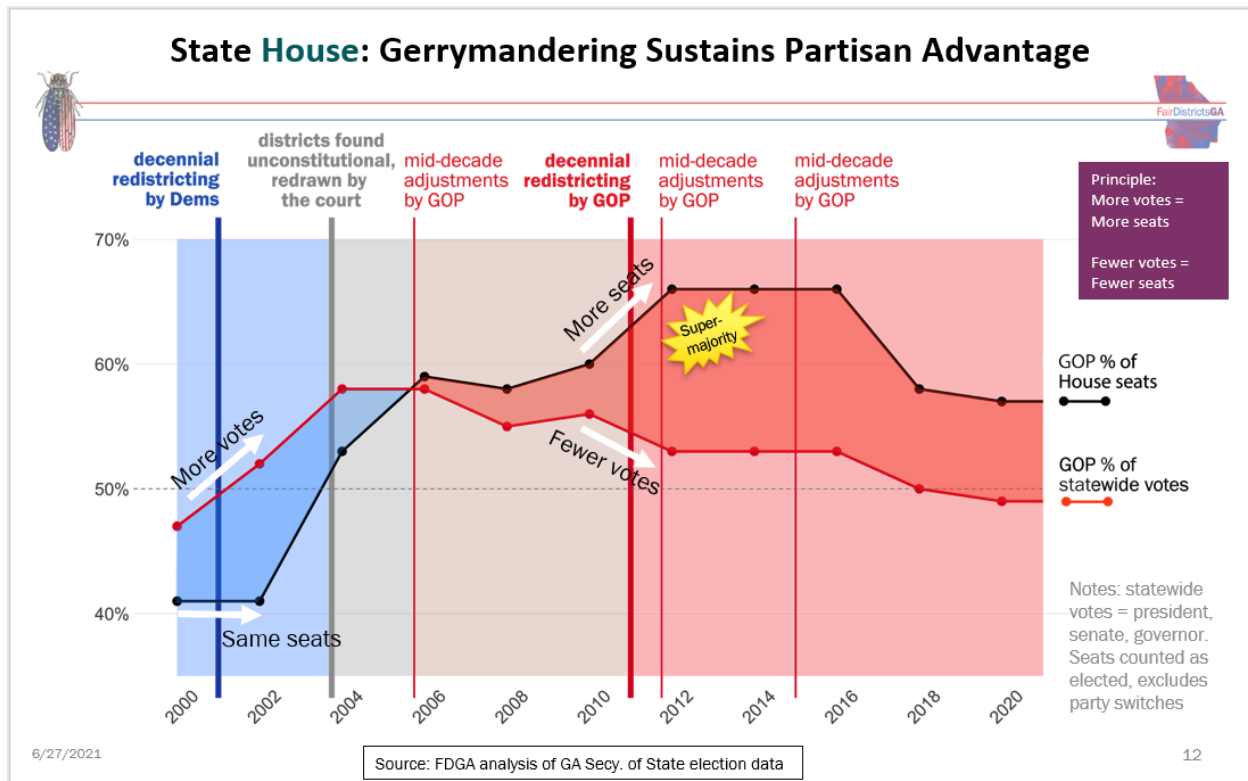


Figure 2: Vote-share and seat-share analysis of the Georgia state House

We compare the results of elections before and after a mapping event starting with the 2001 decennial redistricting. Figure 2 shows the results of statewide vote share³ and percent of seats won in each election. (Although the figure shows GOP vote share and seat share, one can clearly discern the view through a Democratic lens.) In the 2000 election, the GOP won 46.5% of the statewide vote share and 40.6% (73) of the House seats.⁴ In 2002 voters’ preferences shifted to the GOP and they won 52.1% of

³ Because Georgia has a history of uncontested district races, we calculate statewide vote share as the average share of votes for President, U.S. Senate, and/or Governor for each year. Experts agree that these proxies provide the best view of voters’ partisan preference at the state level.

⁴ The difference between statewide vote share and seat share *in a given election year* is not very meaningful. This difference can be caused by natural political geography, i.e. the relative distribution of Republicans and Democrats in the state, uncontested races, or even quality of candidates. In a later section we present studies that compensate for these factors. The most important use of vote-share vs. seat-share is to compare elections before and after mapping events.

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the statewide vote, yet they did not gain a single House seat. The Democrats' gerrymander of the 2001 map clearly contributed to this outcome.

In the 2004 election the Republicans won 58% of the statewide vote. Using the court-drawn maps, they finally won a majority of the House seats (53%=96). In effect, the court-drawn maps restored partisan balance.

Between the 2004 and 2006 elections, Republicans adjusted a number of state House districts, ostensibly to "correct the mistakes" made by the original Democratic gerrymander, despite the fact that the court had already done so. In 2006, Republicans won nearly the same share of votes (57.9%), but they gained 10 more seats (106 = 59%).

The next major mapping event was the 2011 House redistricting combined with another mid-decade adjustment in 2012. This map was used for the 2012 election. By 2012 voters' statewide preference had begun to shift toward the Democrats and the GOP's vote share declined to 53.3%. Yet the new map now produced a near super majority of House seats (66% = 119).

One further mid-decade adjustment in 2015 sustained that majority until 2018, when Democrats made major gains and the statewide vote share for Republicans was 50.2% for Brian Kemp compared to 48.8% for Stacey Abrams. In the 2018 election, the results do show a response to this large shift in voter preferences. However, even after the 2020 election in which Republican vote share was 49.2%⁵, the party retained a 13-seat majority.

Split Cities in the Georgia State House Map

One technique used to draw the state House map, especially since 2011, is to split small and medium-sized cities with populations of 10,000 to 54,000 people among multiple districts. In 2011, the average size of a House district was 53,820 people. Cities of this size, if contained within a single district, would stand a good chance of electing a representative of their choice either alone or by forming coalitions with other groups of voters.

Although the 2011 redistricting guidelines under which the plan was drawn stated that communities of interest should be considered, two-thirds of Georgia's small and medium sized cities are split among multiple House districts. Figure 3 shows the extent of the problem.

⁵ Includes November Presidential election and 2 Senate run-offs on January 4, 2021

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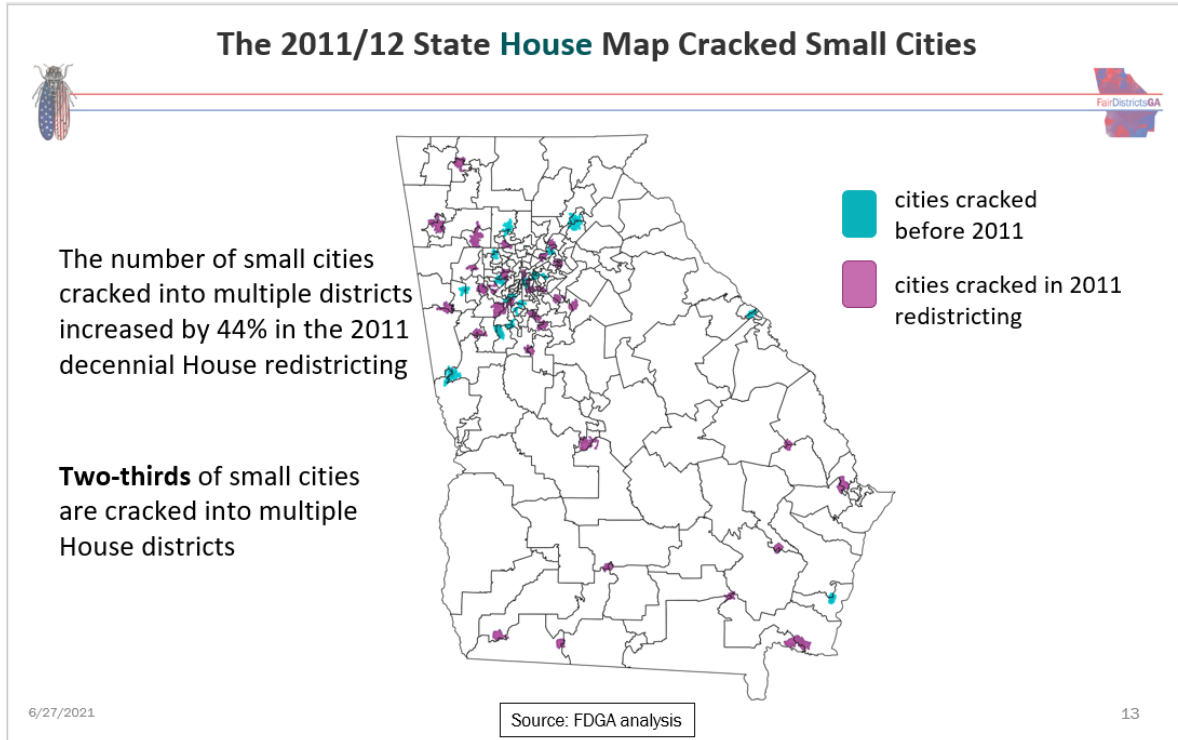
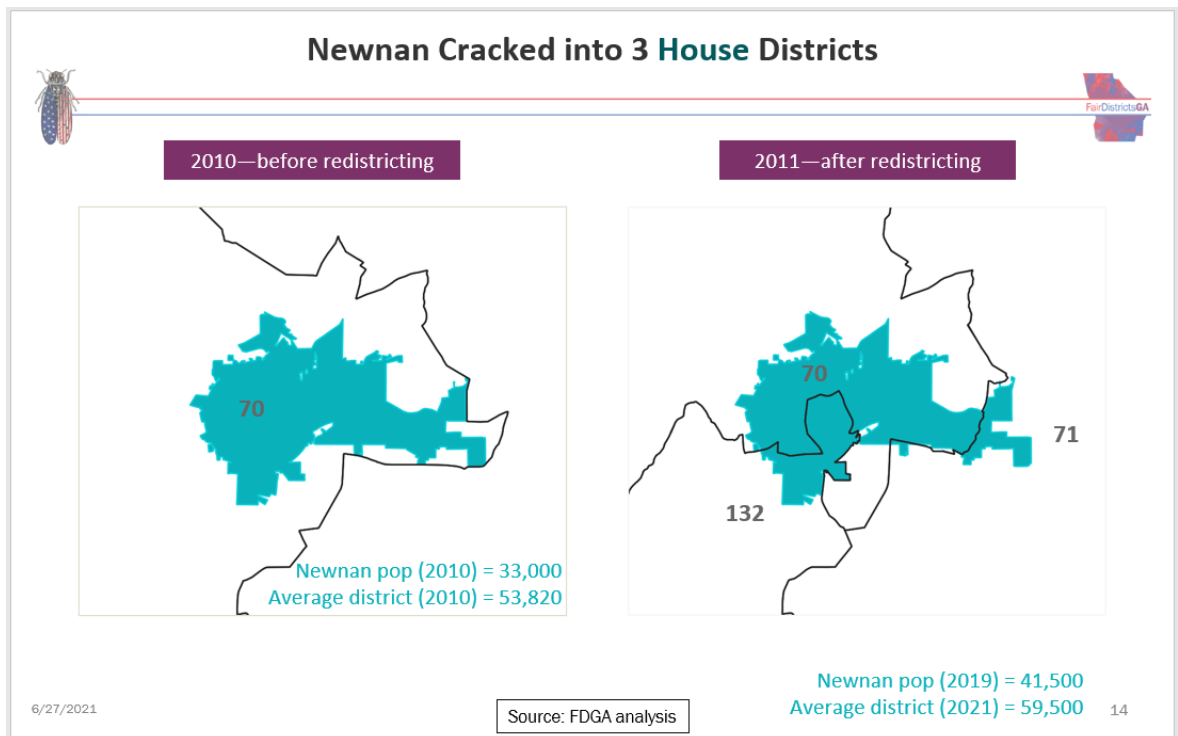


Figure 3: Extent of small and medium city splitting in 2011 state House map

As examples, consider Figures 4 and 5 that show how the cities of Newnan and Lawrenceville have been split since 2010.



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Figure 4: Newnan example

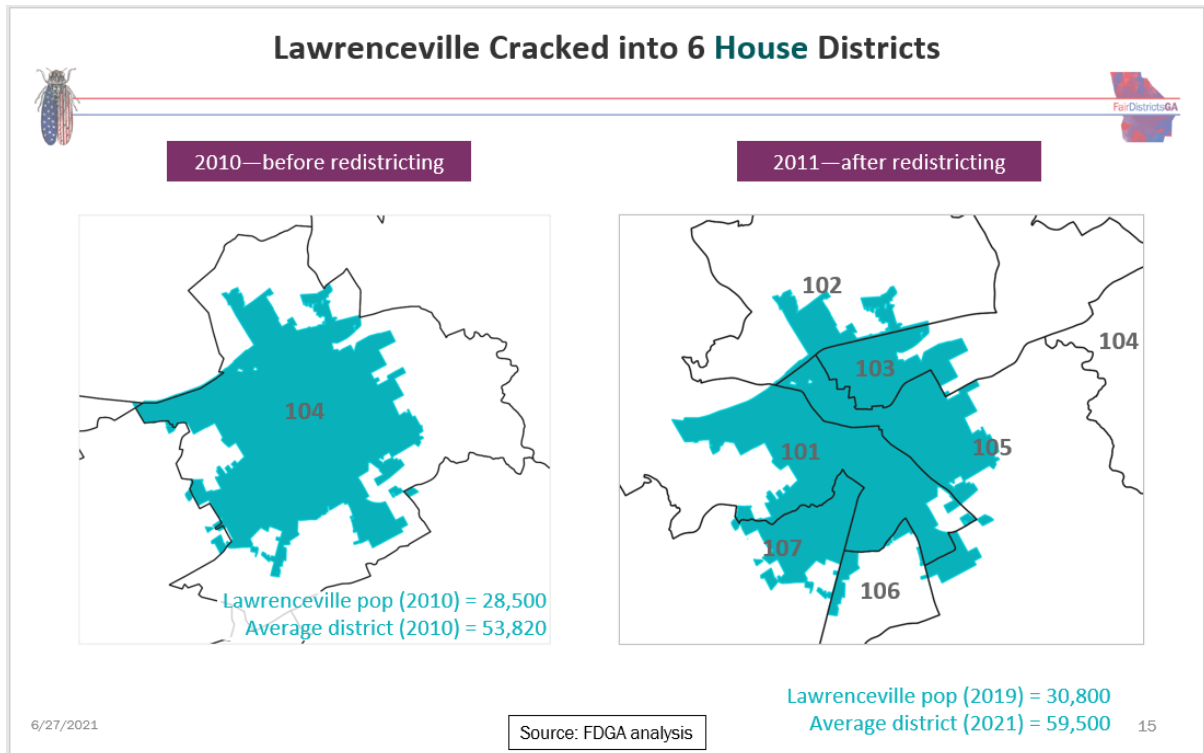


Figure 5: Lawrenceville example

Both of these cities are more than 50% of the population of a House district, which could allow them to elect a representative of their choice if they were contained within a single district. Newnan, split into three districts, and Lawrenceville, split into six districts, are not afforded that opportunity. As communities of interest, their voices are effectively diluted.

Residents of small cities around Georgia have distinct needs regarding housing, employment, transportation, and land use. In the past, the General Assembly considered “existing political subdivisions” and communities of interest when they drew district maps. However, since the 2011 decennial redistricting it appears that legislators systemically break apart small cities across the state, reducing their representation in the General Assembly. The number of small cities that were split increased by 44% in the 2011 map.

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Gerrymandering of the Georgia State Senate

Figure 6 shows the 20-year redistricting history for the state Senate, which bears a striking resemblance to that of the state House.

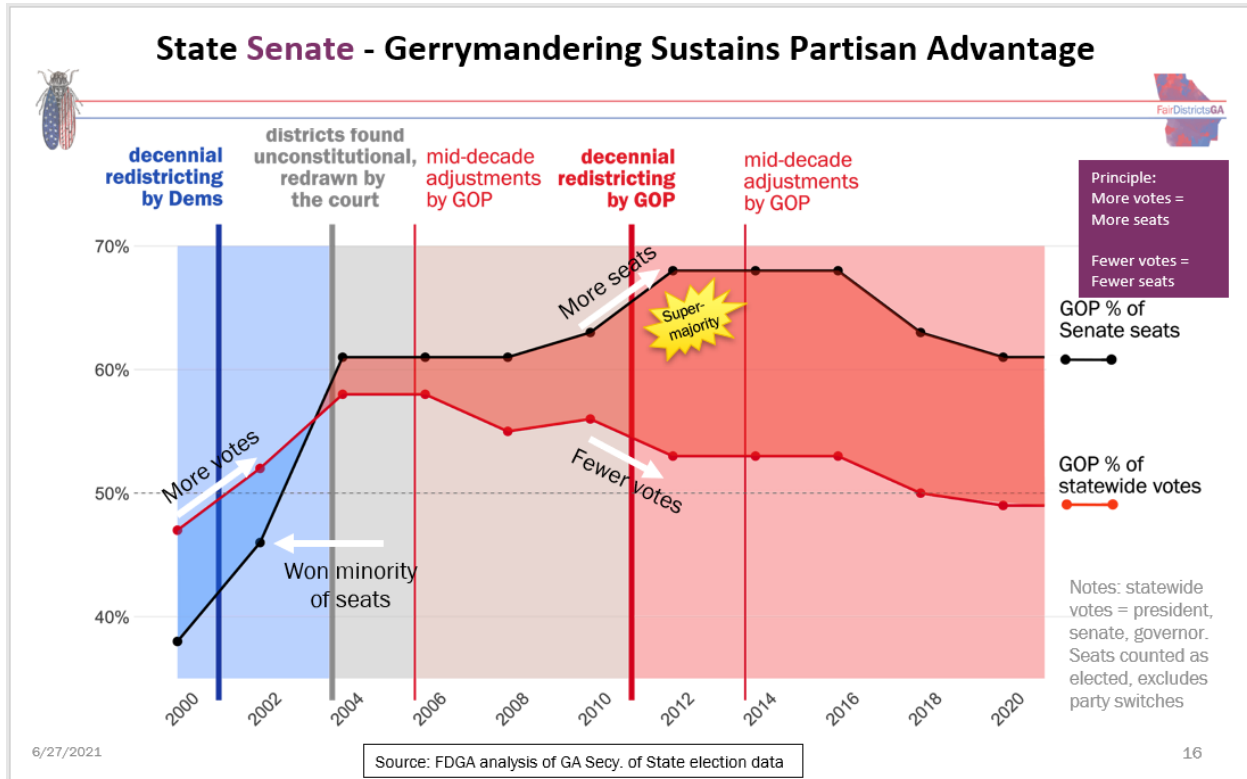


Figure 6: Vote-share and seat-share analysis of the Georgia state Senate

The relevant numbers are:

Election year	Republican Statewide vote share (President, Governor, U.S. Senate)	State Senate seats won by Republicans (as elected)	State Senate seat share for Republicans (%)
2000	46.5%	24	43%
2002	52.1%	26	46%
2004	58.0%	34	61%
2006	57.9%	34	61%
2008	54.8%	34	61%
2010	55.7%	35	63%
2012	53.3%	38	68%
2014	52.8%	38	68%
2016	52.9%	38	68%
2018	50.2%	35	63%
2020	49.2%	34	61%

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The major difference in the Senate pattern is that Republicans gained two seats in the 2002 election in response to gaining a majority of the statewide vote. However, the Democrats' map prevented them from electing a majority. As noted above, however, four Senators elected as Democrats switched seats to produce a Republican majority in the 2003-4 General Assembly.

Democrats were able to gain four seats in the 2018-20 elections, however, Republicans maintain a 6-seat advantage.

Pre-clearance and the Effects of Changing Technology

One narrative sometimes expressed about this 20-year period is that the Democratic maps from 2001 were clearly a gerrymander as evidenced by the Supreme Court's judgment in *Larios v. Cox*, and the Republicans' adjustments in 2005 were simply fixing what Democrats had broken. It goes on to say that the maps drawn by Republicans in 2011 must have been fair because they passed the pre-clearance test under the VRA. This is an unfair comparison for several reasons.

- The state House and Congressional maps drawn in 2001 were also pre-cleared. The Senate map required an adjustment in 2002 to obtain clearance. Nonetheless, the court overturned the state House and Senate maps. Pre-clearance by itself does not always guarantee fairness.
- In 2001, gerrymandered maps were much easier to detect by observing extremely contrived shapes on the map itself.
- By 2011, modern software and more comprehensive data allowed maps to be gerrymandered without contrived shapes. At that time, the only way to measure the impact of a map was to observe how it performed in an election, which is outside the scope of pre-clearance by definition. Our analysis of the 2012 election results strongly suggests that the maps were created to obtain a partisan outcome, in fact a super-majority of seats.

The good news is that in 2021 it is now possible to create benchmarks or fairness tests for maps before drawing them, based on census and recent election data. The next section describes the benchmarking method and applies the results to measure the current state House, state Senate, and Congressional maps.

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Testing Maps Against Non-partisan Statistical Benchmarks

The existing state House and Senate maps exhibit durable Republican majorities over the 2018 and 2020 elections cycles in which Georgia's statewide voting preferences have become much more balanced. Georgia has become a swing state with close margins in major elections for Governor, President, and U.S. Senate. Is this durable majority due to gerrymandering, or is it simply a reflection of Georgia's natural political geography? Georgia tends to be a politically polarized state with Democrats clustered in cities and Republicans occupying more exurban and rural areas with some competitive territory in between.

One way to separate the effects of gerrymandering from natural political geography is to compare each currently enacted map, such as that of the state Senate, to a large collection of state Senate maps drawn without political influence. This collection of maps, sometimes called an ensemble, should reflect Georgia's natural demographic distribution and political preferences. Characteristics of the ensemble such as partisan balance, competitiveness, and minority representation become the statistical benchmarks, or fairness tests, for enacted maps. Statistically, we can compare how closely an enacted map meets the benchmarks by calculating what percentage of the collection of maps is similar to the enacted map. Ideally, enacted maps should closely resemble a significant number of the ensemble maps.

The Princeton Gerrymandering Project (PGP) is bringing this innovation to Georgia for the first time. This document presents PGP's findings for the current state House, Senate, and Congressional maps. This is Phase 1 of a two-phase project. Phase 2 will create benchmarks for 2021 maps using the 2020 census data.

Simulated map methodology – state Senate

For the state Senate map analysis, PGP has created an ensemble of 500,000 simulated maps based on 2010 census data. Although they are created at random with no political influence or intent, each potential map must comply with traditional redistricting criteria such as compactness, county boundaries, contiguity, and compliance with laws including the VRA. To comply with the VRA, each potential map must include, at a minimum, the same number of majority-minority districts as the currently enacted map. The 500,000 simulated maps selected for the ensemble are analyzed to determine the natural demographics and political preferences we might expect to see in an unbiased Senate map. A similar analysis is then applied to the enacted Senate map for comparison. Note that these results do not predict the current demographic and political environment in the state, which requires the 2020 Georgia census data.

First test: minority representation

The first benchmark we apply to the existing state Senate map is minority representation. For each of the 500,000 simulated maps, we calculate the Black voting age population (BVAP) for each of the 56 Senate districts. We then summarize the results of the entire ensemble to create the distribution shown in Figure 7.

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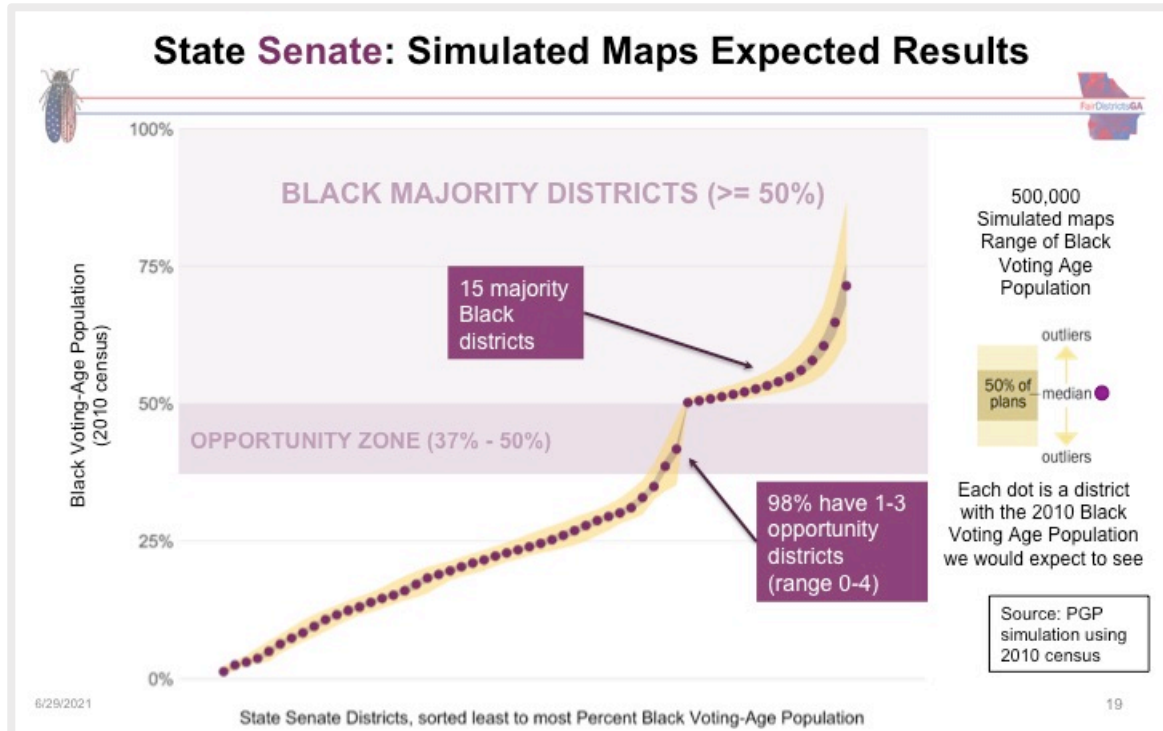


Figure 7: State Senate simulated maps – BVAP distribution

The ensemble of simulated maps has 15 districts in which BVAP is 50% or greater. These districts comply with the VRA because they can be drawn with at least 50% BVAP. In fact the map simulation forces this compliance because we select for the final ensemble only maps that have at least the same number of VRA-compliant districts as the current enacted map. The curve showing the distribution of the districts has a discontinuity as a result.

The distribution curve includes between zero and four districts in which BVAP is between 37% and 50%, with 98% of the maps having between one and three such districts. The population spread of 37% to 50% is called the Opportunity Zone. Research has shown that districts with BVAP populations in the Opportunity Zone have a good probability of electing a candidate of their choice.⁶ If the goal is to maximize such opportunities, maps should create as many opportunity districts while complying with other criteria such as compactness and contiguity. This benchmark tells us that the natural demographic distribution of the Black voting age population in Georgia should allow the creation of one to three opportunity districts 98% of the time.

Compare the simulated map ensemble with the BVAP distribution of the currently enacted state Senate map in Figure 8.

⁶ See Metric Geometry and Gerrymandering Group's analysis at <https://mggg.org/VA-report.pdf>

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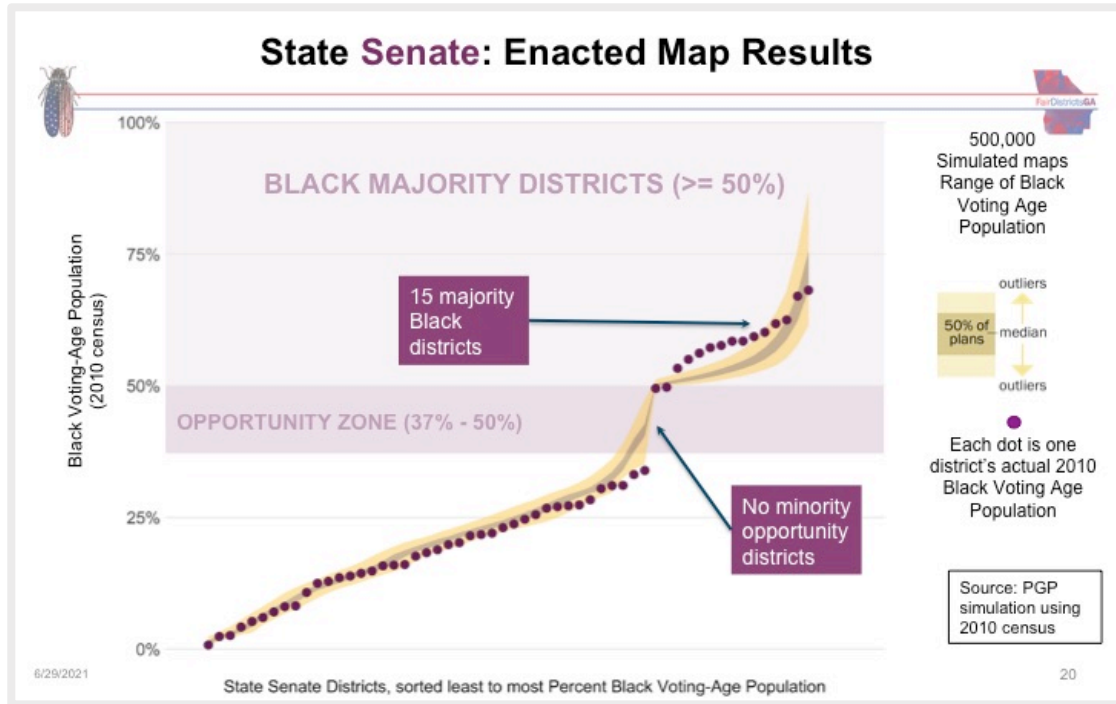


Figure 8: State Senate Enacted map – BVAP distribution

The currently enacted map also has 15 VRA-compliant districts, but it has no minority opportunity districts. Also notice that eight of the 15 VRA-compliant districts have a larger concentration of Black voters than the natural demographic distribution shown on the curve of 500,000 simulated maps. In addition, the three districts just below the opportunity zone have a lower-than-natural concentration of Black voters. We call these higher-than-natural and lower-than-natural concentrations packing and cracking, respectively. Georgia's state Senate map shows evidence of packed and cracked districts as shown in Figure 9.

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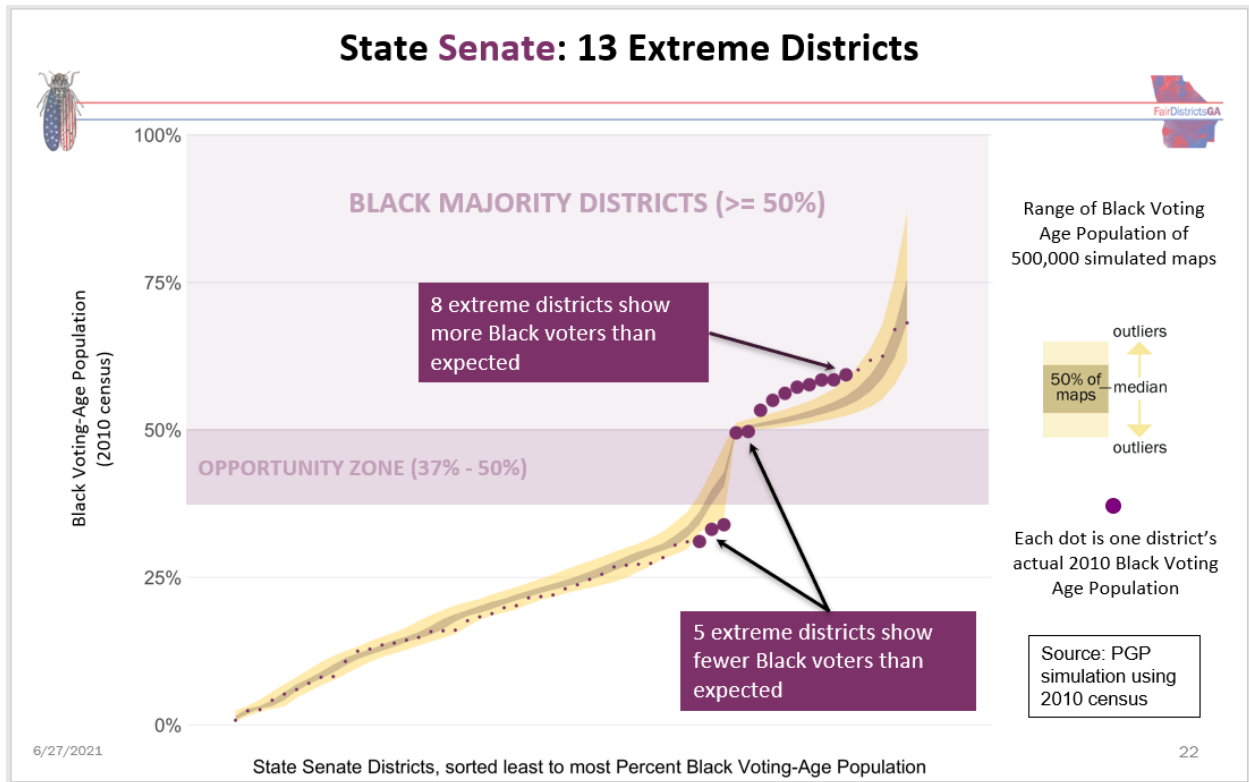


Figure 9: Packing and cracking Black voters in the current state Senate map

Finally Figure 10 shows the statistical comparison of minority opportunity districts between the 500,000-map ensemble and the enacted map.

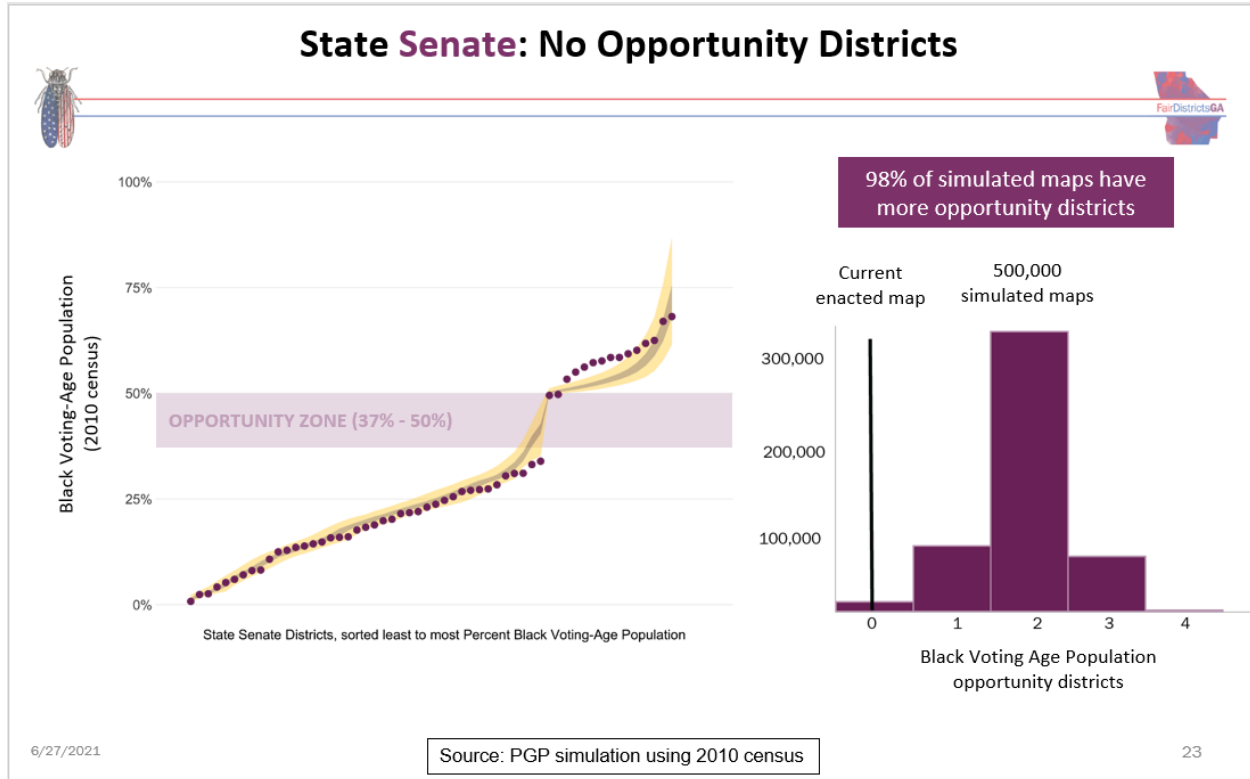


Figure 10: Missing minority opportunity districts

As the graph on the right side of Figure 10 shows, the natural distribution of Black voters could yield anywhere between zero and four opportunity districts. And 98% percent of the maps in the ensemble have between one and three opportunity districts, with two being the most likely number. Due to the packing and cracking, the enacted map has no opportunity districts and is thus not an accurate reflection of natural distribution of Black voters in the state.

We conclude that while the today’s state Senate map complies with the letter of the VRA with 15 compliant districts (50% or greater BVAP), it fails to provide any additional opportunities for minority representation and thus fails this benchmark.

Note that because this benchmark is based on 2010 census data, it does not predict the number of VRA-compliant or opportunity districts that could be created in 2021. Those benchmarks will be created based on the 2020 census when available. However, the VRA does specify that new maps cannot undo prior progress. Thus, the 15 compliant districts in the current map can be considered as a floor for 2021 maps.

Failing this benchmark isn’t just a matter of statistics. The voices of people living in packed and cracked districts have been diminished by the current Senate map. For an on-the-ground example, see Figures 11 and 12.

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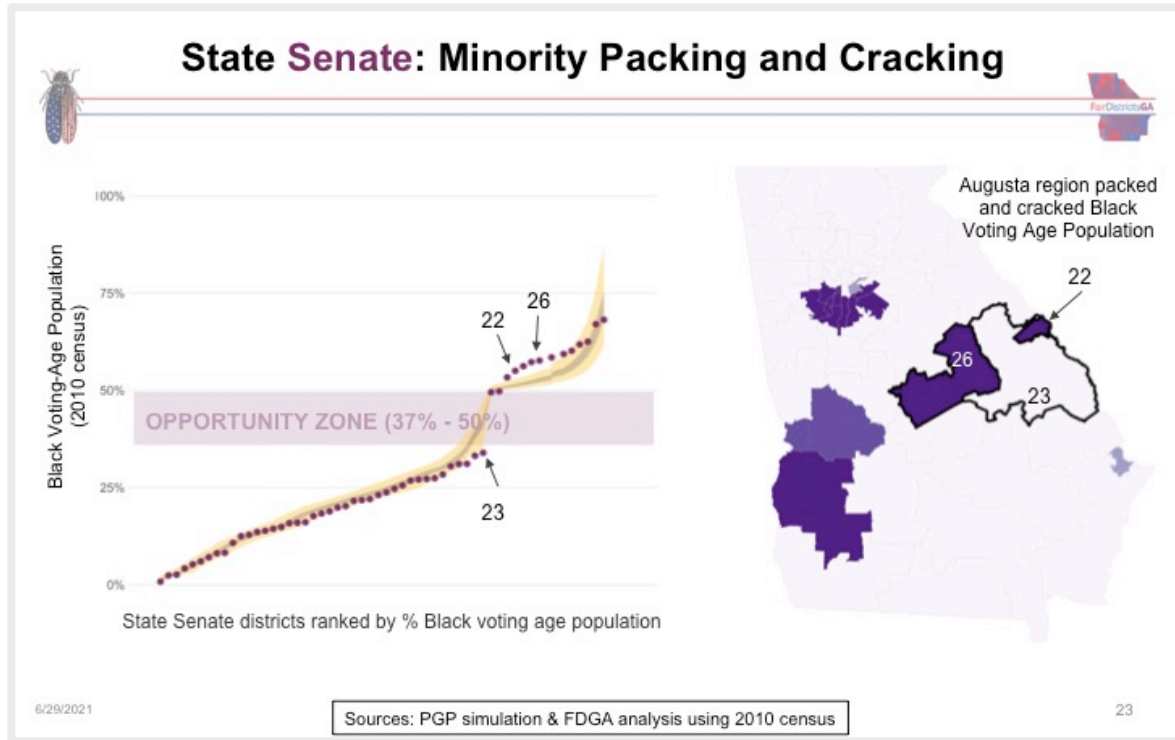


Figure 11: Packing and cracking around Augusta

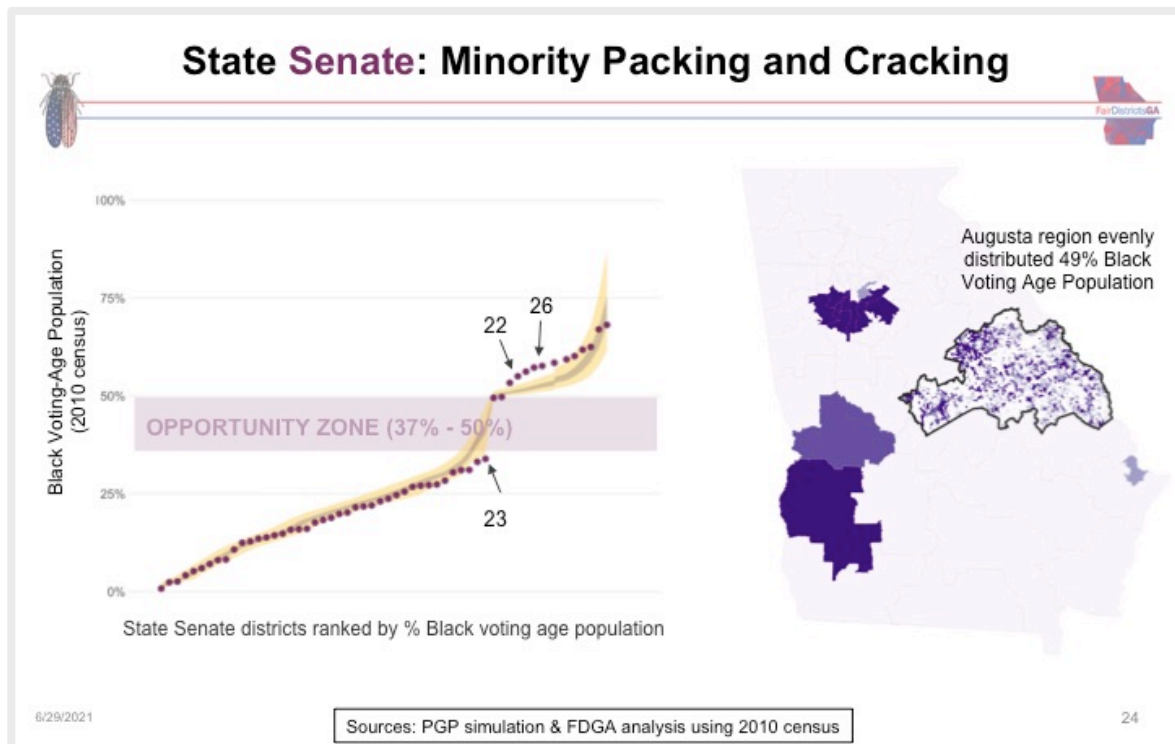


Figure 12: BVAP distribution in the Augusta region

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Figure 11 shows that two of the packed districts are SD 22 and SD 26 in the Augusta area, which is adjacent to SD 23, which appears to be cracked. Figure 12 shows that across these three districts, there is a fairly even distribution of Black voters, comprising around 49% of the total population. This means that it should be possible to create two, but not three VRA-compliant districts while creating one opportunity district. But the map was drawn to push SD 23 below the opportunity zone threshold.

Second test: partisan balance

The second benchmark we apply to the existing state Senate map is partisan balance. The benchmark will determine how closely the existing map reflects the natural partisan preferences of Georgia voters. To create this benchmark using the 500,000 potential maps, we simulate how a state Senate election might have turned out using each of these maps. The simulation averages the precinct-level voting results for the last three major statewide elections (2016 President, 2018 Governor, and 2020 President) and calculates which party would have won each state Senate seat.⁷ We chose these three elections to create a balanced average indicative of the 5-year partisan trend of statewide elections in Georgia. (The 2016 election was a Republican win, 2018 was a close Republican win, and 2020 was a close Democratic win.) We then apply this average to all 500,000 maps in the ensemble to create the distribution shown in Figure 13.

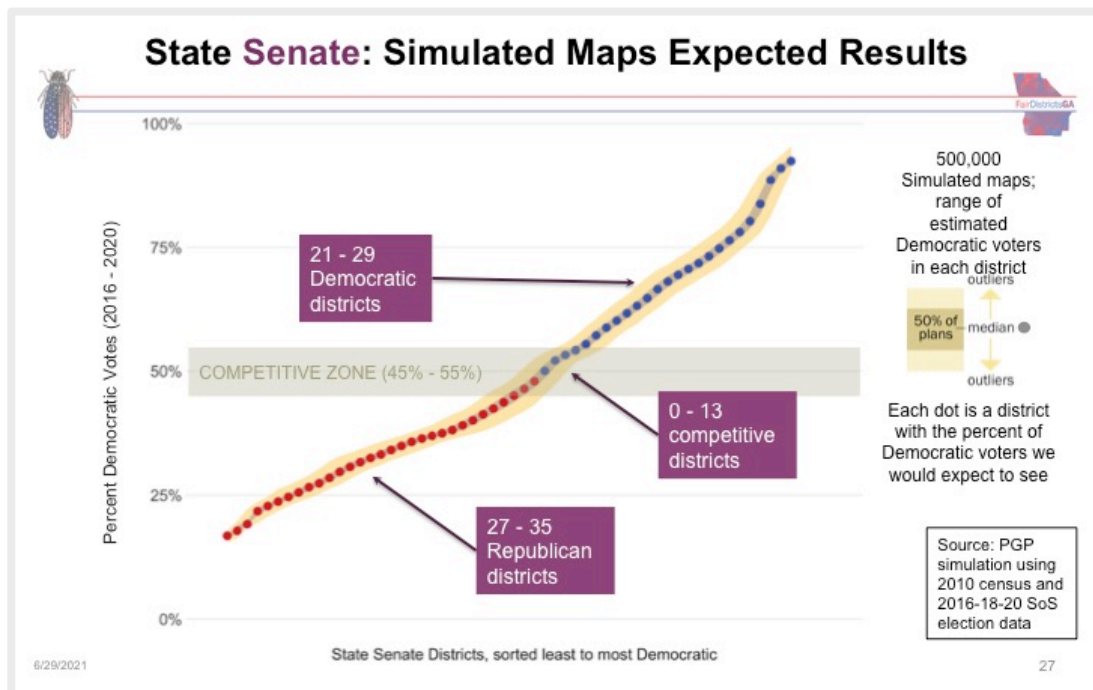


Figure 13: Natural partisan distribution in simulated state Senate maps

As expected, the distribution shows that Georgia is a polarized state. Figure 13 shows the 56 state Senate districts sorted by the percent of Democratic votes. Displaying and sorting by Republican votes would yield a mirror image. Georgia has districts in which the Democratic vote share is less than 20%

⁷ We use major statewide elections as the best determinant of voters' partisan preferences rather than the direct vote in state Senate elections for two reasons: 1) It eliminates the distortion caused by large numbers of uncontested Senate races. 2) It eliminates the variations due to individual candidates and campaigns.

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and some with vote share above 90%. This is a natural distribution and is derived strictly from voters' preferences in the last three statewide elections.

With this natural distribution, we would expect typical state Senate maps to have between 21 and 29 Democratic-leaning districts, 27 to 35 Republican-leaning districts, and between 0 and 13 competitive districts (win-loss range between 55% and 45%). This distribution reveals a slight natural advantage for Republicans. We can measure the fairness of the current map by comparing it to this distribution.

To calculate a comparable result for the current state Senate map, we average the precinct-level voting results for the last 3 major statewide elections (2016 President, 2018 Governor, and 2020 President) and calculate which party would have won each state Senate seat using the enacted map alone. Figure 14 shows the resulting distribution.

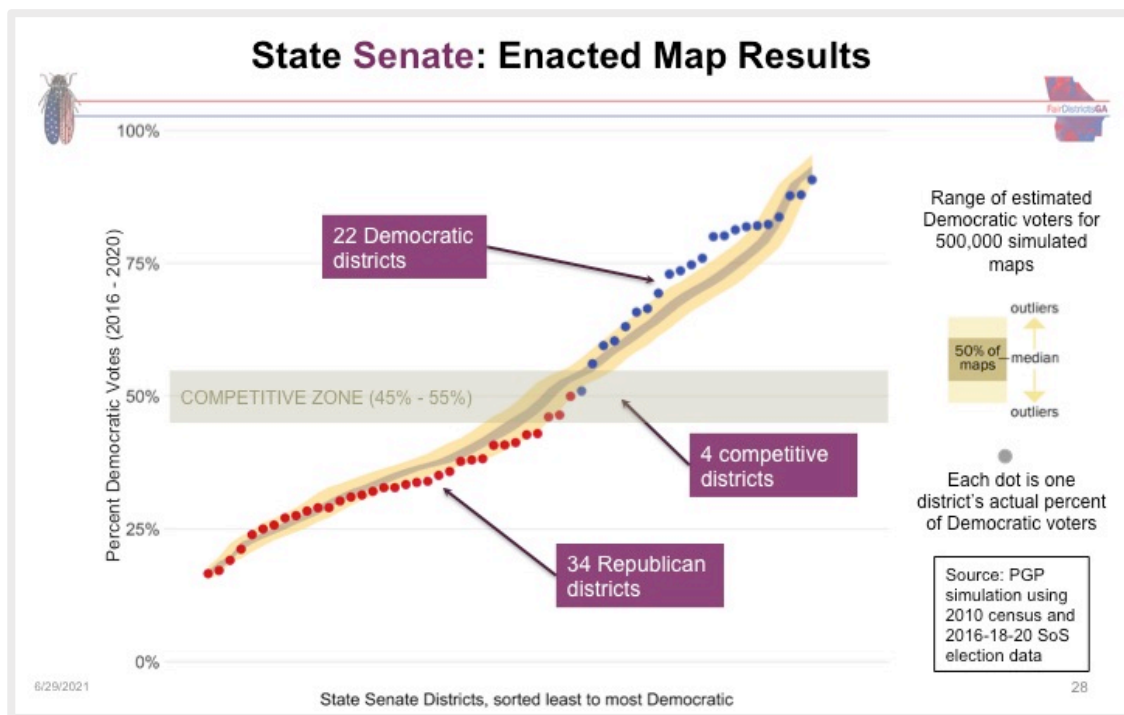


Figure 14: Partisan preference of current state Senate map

Like the minority representation analysis, we see some evidence of packing Democratic and Republican voters into districts to create safe wins. The effect is to create very few competitive districts compared to the natural distribution. Figure 15 shows the extreme districts.

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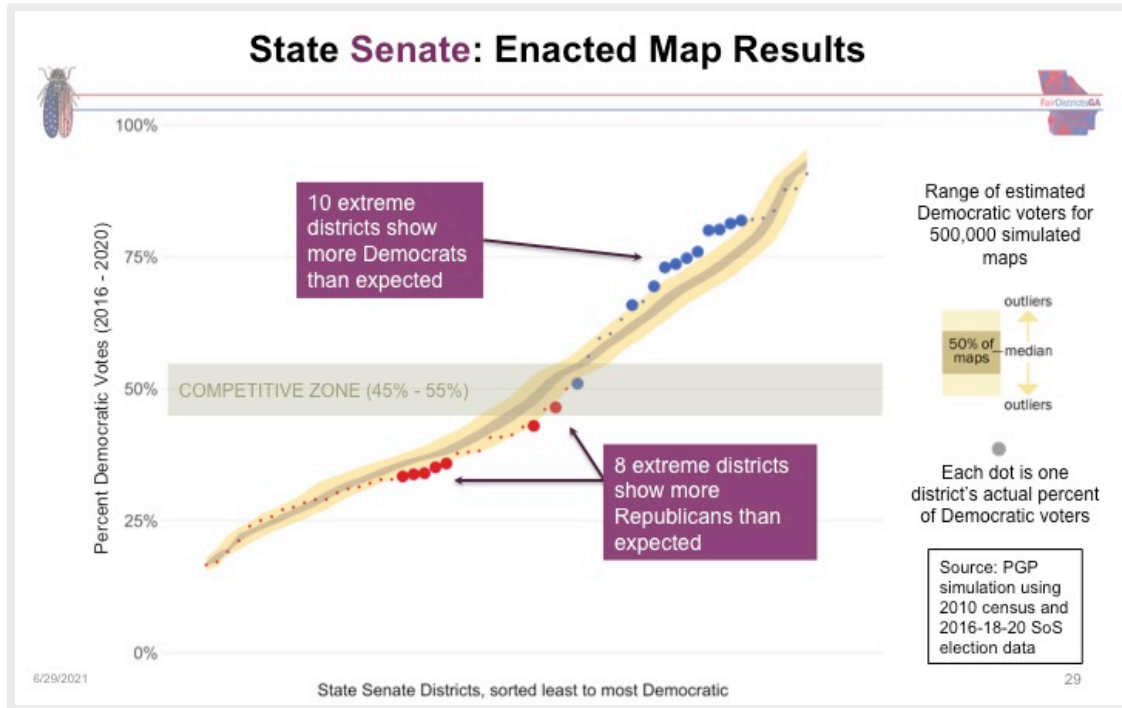


Figure 15: Districts in the enacted map show packing and cracking of Republicans and Democrats

Figure 16 shows the statistical benchmark comparison between the enacted map and the ensemble.

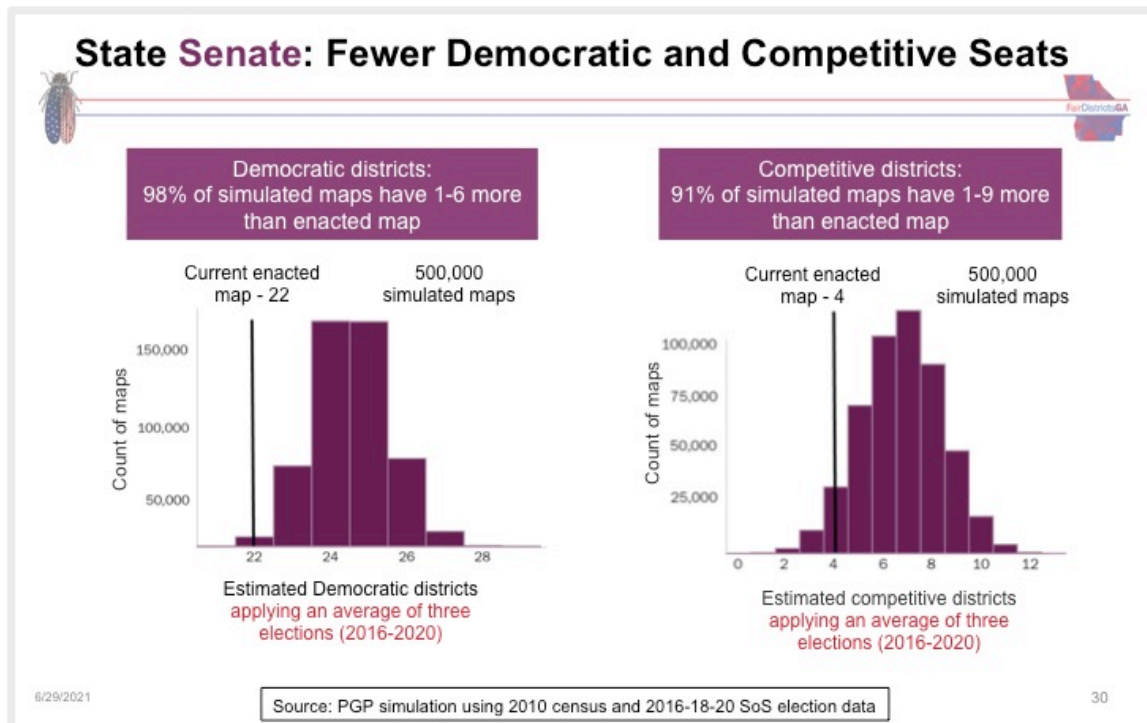


Figure 16: Comparison of enacted Senate map to simulated benchmark

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To determine how closely the enacted map represents the natural partisan preference distribution, we apply two tests: the number of districts won by each party and the number of competitive districts.

As the chart on the left in Figure 16 shows, 98% of the 500,000 maps in the ensemble representing the natural distribution have between one and six additional Democratic districts. (The Republican view would be a mirror image showing one to six fewer districts.) While the enacted map provides 22 Democratic districts, within the full range of 21-29, it is not within range of the 98% of the maps. We conclude that the Senate map confers an unnatural advantage to Republicans.

Because partisan packing and cracking also has the effect of reducing competition and creating safer seats, we can look at the number of competitive districts for an indication of an enacted map that was engineered with a partisan intent. As the chart on the right in Figure 16 shows, 91% of the maps in the ensemble have from one to nine more competitive districts. Again, while the enacted map is within the full range of 0 to 13 competitive districts, 91% of enacted maps would provide a more competitive political landscape. Thus the enacted map appears to artificially reduce competition.

We conclude that the current state Senate map fails the benchmark test and is not an accurate reflection of Georgia's natural political geography.

Note that this benchmark does not predict the partisan distribution of voters today. We will create new benchmarks based on the 2020 census data for that purpose.

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Summary of FDGA/PGP Phase I Findings

With a firm understanding of the methodology and the detailed examples above, we can now present a summary of our findings across all three maps: state House, Senate, and Congressional.

The outcome is not all bad news; two of Georgia’s current maps comply with some of the benchmarks, as seen in Figure 17 below.

Summary of Phase 1 Findings				
	Benchmarks / Fairness tests (compared to unbiased maps)			Observations
	Partisan balance	Competitive districts	Minority representation	
State House	<p>X</p> <p>1-7 fewer Dem districts than 83% of unbiased maps</p>	<p>✓</p> <p>23 competitive districts, more than 81% of unbiased maps</p>	<p>✓</p> <ul style="list-style-type: none"> • 47 Black majority districts (as expected) • 8 opportunity districts (more than expected) 	<p>Decennial gerrymandering</p> <ul style="list-style-type: none"> • Dems – 2001 • Reps – 2011 <p>Extensive mid-decade redistricting</p> <p>2/3 of small cities split</p> <p>Black voter packing and cracking</p>
State Senate	<p>X</p> <p>1-6 fewer Dem districts than 98% of unbiased maps</p>	<p>X</p> <p>1-9 fewer competitive districts than 91% of unbiased maps</p>	<p>X</p> <ul style="list-style-type: none"> • 15 Black majority districts (as expected) • Missing 1-3 opportunity districts compared to 98% of unbiased maps 	<p>Decennial gerrymandering</p> <ul style="list-style-type: none"> • Dems – 2001 • Reps – 2011 <p>Extensive mid-decade redistricting</p> <p>Black voter packing and cracking eliminates opportunity districts</p>
Congress	<p>✓</p> <p>Balanced as of 2016-2020</p>	<p>✓</p> <p>2 competitive districts, 78% have 1-2</p>	<p>✓</p> <ul style="list-style-type: none"> • 4 Black majority districts (as expected) • Slight chance to create 1 opportunity district 	<p>Mid-decade redistricting</p> <p>Demographic shift has increased competitiveness of 2011 map</p>

Figure 17: Summary of Phase I findings for state House, Senate, and Congressional maps

As noted above, the state Senate map fails all benchmark tests and has been subject to gerrymandering by both parties. It has also been subject to unnecessary mid-decade adjustments, often to protect incumbents from changes in voter demographics and partisan preferences.

The state House map fails the partisan balance benchmark with 83% of the ensemble maps having from one to seven more Democratic districts. However, the map provides a reasonable number of competitive districts and has adequate minority representation. In fact, it has more minority opportunity districts than expected, although there is some evidence of Black voter packing. The map has been subject to gerrymandering by both parties, and the splitting of small cities is a distinct disadvantage for community representation across the state.

Finally Georgia’s congressional map passes all three benchmarks. However, it has been subject to one round of unnecessary mid-decade redistricting during the last 20 years. As of the 2016-18-20 election period, two of Georgia’s Congressional districts have proven to be competitive. As we saw from the statewide vote-share metrics, Georgia’s partisan preferences have been gradually shifting toward swing-state status since at least 2010. We suspect that this shift moves more districts into the competitive

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range across all three maps, as evidenced by two Congressional districts changing from Republican to Democrat during the last decade. Although some partisans express dismay at the boundaries of some Congressional districts, they appear statistically sound.

Due to space limitations we have not included graphs illustrating every conclusion in Figure 17. Readers interested in more detail may inquire with Fair Districts GA.

Note these findings cannot be used to predict the partisan preferences of voters or distribution of minority voters today. We will create new benchmarks based on the 2020 census data for that purpose.

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A Better Way Forward for 2021

Much has been written about the harms of gerrymandering. Across the country, gerrymandering is viewed as unfair and against good government principles. Fair Districts GA believes we must stop this cycle in 2021 and reform the process. The General Assembly failed to seriously consider any redistricting reform bills that were introduced in both the 2019-20 and 2021 sessions.⁸ Nonetheless, we advocate for a more fair, transparent process that can restore public trust and confidence in redistricting.

We are asking the legislature to do three things differently this cycle: Listen, Show your work, and Check your work.

Listen: Give genuine consideration to public input when drawing maps

As of this writing, public hearings are taking place across the state in which legislative committees are accepting public comments and written input. While such hearings took place in prior redistricting cycles, it was not clear how the input was actually used. Citizens are providing extensive input. The legislative committees and staff need to demonstrate that this input will be put to good use.

Show Your Work: Provide more transparency and public visibility into the process

Georgia's redistricting process largely operates in secret. The bulk of the work takes place under a legal cloak of secrecy, behind closed doors. The process is governed by a set of guidelines that do not have the force of law and provide wide leeway for legislators drawing maps. In fact, the guidelines for 2021 have not yet been adopted despite the process already being underway.

Fair Districts GA joins with other organizations across the state in asking for reforms to make this process more publicly accessible and transparent. The appendix to this report contains a letter dated April 19 from 20 organizations to the House and Senate committees with a list of 15 specific reforms. This letter has also been submitted in writing as part of public testimony to the committees. As of this writing, we have had no response to this list.

A second letter to the committees from the Georgia Redistricting Alliance on June 15 further explained some of these reforms and the importance of them to communities of color and non-English speakers. A link to this letter is also in the appendix.

Check Your Work: Commit to meet benchmarks for new maps

Fair Districts GA believes that the statistical benchmarks demonstrated in this report are accurate and valuable tools for measuring enacted maps against naturally occurring distributions of minority voters and voters' political preferences. But this same method can provide benchmarks prior to new maps being proposed.

Fair Districts GA and the Princeton Gerrymandering Project will create fresh benchmarks based on the 2020 census data as it released. We will offer these benchmarks to legislative committees and staff to guide the development of proposed maps. Ideally the benchmarks will be available before maps are released to the public because the benchmarks can be created faster than maps from the same data.

⁸ From the 2021 session, see SR20/HR55 – Democracy Act providing for an independent citizens' commission and rigorous standards. Also HB189 & SB186 – Transparency Act requiring additional disclosure of information.

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We will also evaluate maps proposed by the legislature, ideally before the maps are considered for approval in the special legislative session. Figure 18 shows the plan for which benchmarks will be created.

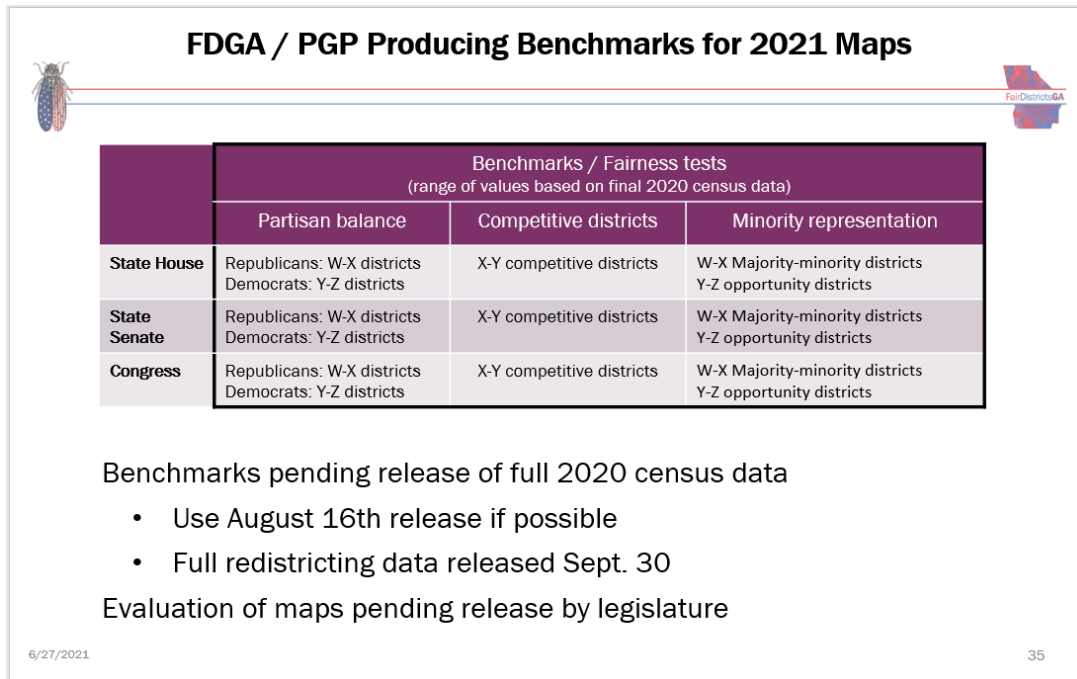


Figure 18: FDGA and PGP plan for benchmarks and map evaluation

About Fair Districts GA

Fair Districts GA (FairDistrictsGA.org) is the sole non-partisan organization in Georgia focused exclusively on fighting gerrymandering, the practice of drawing legislative district lines to favor one group over another. Our ultimate goal is to reform Georgia’s process for drawing state and federal electoral maps. We support stronger standards and a non-partisan, transparent, accountable redistricting process.

About Princeton Gerrymandering Project

Operating at the intersection of law, math, and political science, PGP (gerrymander.princeton.edu) is dedicated to reforming redistricting nationwide. PGP’s state-of-the art analysis will use existing maps and recent election results to uncover the true extent of gerrymandering in Georgia. Using 2020 census data, PGP will create benchmarks for fair electoral maps that can be used to evaluate proposed maps drawn by the Georgia state legislature. Experts have submitted similar analysis as testimony in significant anti-gerrymandering litigation in federal and state courts.

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[Appendix – Recommendations for more transparent redistricting](#)

The following letter was sent to the House and Senate Committees on April 19, 2021 by 20 organizations advocating for a more transparent, publicly accessible redistricting process.

April 19, 2021

To: The Honorable Geoff Duncan, Lieutenant Governor, Georgia State Senate
The Honorable David Ralston, Speaker of the Georgia House of Representatives
All members of Georgia House Legislative & Congressional Reapportionment Committee
All members of Georgia Senate Reapportionment & Redistricting Committee

From: The undersigned coalition of organizations

Subject: Public participation in the upcoming redistricting process

Dear Lt. Gov. Duncan, Speaker Ralston, Senators, and Representatives:

We the undersigned organizations urge you to adopt new guidelines for redistricting that improve public access, public participation and provide more opportunity for timely public comment.

Georgians deserve a redistricting process that inspires trust and confidence from all citizens. In the past, the bulk of the redistricting work has taken place behind closed doors with only minimal public involvement and disclosure. As the law now stands, all legislative communications with the LCRO are by statute deemed legally confidential communications. In addition, both the Open Records and Open Meetings Acts do not apply to the General Assembly. Those secrecy provisions should be waived during all reapportionment deliberations by the General Assembly.

Furthermore, Georgia has almost no laws guiding the development of redistricting plans. The information released for proposed plans is very minimal and not timely enough to allow citizens to comment or advocate for changes before votes are taken in the special legislative session.

During the 2011 cycle, House and Senate provided guidelines under which the committees and legislative staff operated. We have reviewed those guidelines and find that they provide inadequate public disclosure and lack of opportunity for citizen input. In addition to a general waiver of the secrecy provisions noted above, we respectfully submit for your consideration the following provisions for the guidelines that will govern the current redistricting cycle.

Public input

- Public input hearings should occur after census data are released so that current demographics can be taken into account. (We would welcome public hearings this summer prior to census data release, but a substantial number covering the state should occur after release)
- Public input hearings should be recorded and saved on LCRO's web site
- Committees shall provide for electronic submission of suggested maps and other written input including communities of interest definitions
- Public hearings should allow for the discussion and submission of communities of interest data by Georgians

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Accountability

- The committee shall provide a written responses to the communities of interest submissions and clearly indicate whether or not it was deemed applicable and why

Release of information

- Proposed maps must be released for public review via publicly accessible website. Maps should be downloadable files that do not require software for viewing
- Legislature will release a list of all factors taken into account when developing redistricting plans
- Legislature will release expected partisan lean of each district using last statewide election as a benchmark
- Legislature will release analysis of how proposed maps affects the ability of communities of color and VRA-protected language minorities to elect candidates of their choice.
- All plans and input provided to committee and/or committee staff (and LCRO) shall be released via publicly available website

Hearing schedules and timeframes

- Special session dates and rules should be announced at least one month in advance of convening
- Hearings to consider redistricting bills must not take place sooner than two weeks after the proposed maps are released to the public, and not sooner than five days for changed maps
- Hearings to consider redistricting bills must allow for virtual and remote participation, including citizen testimony, via video conference such that citizens from across the state have ample opportunity to participate

Accessibility

- Ensure language access as demonstrated by translating public facing materials into a minimum set of languages required to reach diverse Georgians (at least Spanish, Korean, Vietnamese, Mandarin/Cantonese, Hindi, Arabic). Also demonstrate language access by providing for interpretation where necessary and feasible to gain public input
- Ensure the website is compliant with S.508 of US Rehabilitation Act, making it accessible to people with disabilities

We recognize the challenge you face as leaders of the redistricting effort in this politically charged environment. With the delay in census data and extremely close 2020 elections, the pressure to produce fair maps will be intense and the time frame compressed. Nonetheless, Georgians deserve a redistricting process that instills confidence in the outcome.

We would be happy to meet with your committees to discuss the 2021 redistricting guidelines and these provisions.

Sincerely,

9to5

American Civil Liberties Union of Georgia

All On the Line

All Voting is Local-Georgia

Asian Americans Advancing Justice-Atlanta

Common Cause Georgia

Georgia NAACP

League of Women Voters of Georgia

New American Pathways

Planned Parenthood Southeast Advocates

Progress Georgia

SPARK Reproductive Justice NOW!, Inc.

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Fair Count
Fair Districts GA
Feminist Women's Health Center
Georgia AFL-CIO

SiX Action
SPLC Action Fund
The People's Agenda
Women Watch Afrika

Letter from Georgia Redistricting Alliance dated June 15 may be found at:
<https://www.garedistrictingalliance.org/news/we-demand-transparency-and-inclusion-with-redistricting-processes-at-every-level-of-government>