

Institute for Public Policy
and Economic Analysis

**The Redistricting Process in
Washington State**

By:
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With this latest monograph from the Institute for Public Policy & Economic Analysis, I welcome you to Eastern Washington University. I hope this research will inform your knowledge of the Inland Northwest. Efforts like this Institute monograph series are manifestations of this University's commitment to serve the region. I applaud the initiative of Eastern's Board of Trustees to launch this Institute.

Teaching remains our core mission at Eastern Washington University. Increasingly, teaching and research are interwoven. Our faculty members stay professionally current when publishing in peer-reviewed journals. These achievements, in turn, allow them to better convey the evolving knowledge base of our academic disciplines.

Our students receive an enhanced education if their classroom experience is informed by the content and enthusiasm of their professor's research. Increasingly, we ask students to conduct research projects of their own. Whether conducting their own projects or assisting professors, our students acquire a richer learning experience through research.

Research for academic journals is not the only area our faculty members target, however. Our University also asks its faculty to engage the communities and region from which we draw our students. This research provides a greater sense of place and a commitment by our faculty to it. It also translates academic methods and findings into a broader, and ultimately more relevant, arena: the lives of the residents of the Inland Northwest.

The overarching goal of the Institute for Public Policy & Economic Analysis is to serve the region by translating knowledge. It does this through a variety of activities, including this series, annual economic forecasts, contract research and the Community Indicators Initiative. I invite you to explore its web site (www.ewu.edu/policyinstitute) to learn more.

I have tremendous optimism that by collaborating with EWU's faculty, staff and partners, I will continue to ensure our institution will be anchored into the daily course of life throughout the Inland Northwest. During these difficult economic times, our collective future depends on an educated and informed citizenry. Helping our region reach higher levels of knowledge is something this University can and will do.

My office and that of the Institute director welcome all comments on how we might better serve.

A handwritten signature in black ink, reading "Rodolfo Arévalo". The signature is written in a cursive, flowing style.

Rodolfo Arévalo, PhD
President

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Executive Summary

Every ten years, as a result of the census, each state is required to redraw the legislative lines for both their state legislative and Congressional districts. This process has captured the imagination of politicians, academics, journalists and others who believe the political process can be manipulated by drawing lines on a map in a certain way. This notion of drawing political lines for the political benefit of one group – gerrymandering—has been cited as the root cause of a whole host of political ills including the lack of turnover among elected officials, decline in voter turnout, increased political cynicism among citizens and political polarization among elected officials. In the state of Washington, however, there are restrictions which limit the ability of political actors to manipulate the redistricting process.

Since 1990, Washington State has used a five person, bipartisan redistricting commission to draw the Congressional and legislative boundaries. Designed to ensure that neither of the major political parties has an unfair advantage, the commission – which has two Democrats, two Republicans, and a fifth, non-voting member chosen by the other four members – has certain requirements which it must follow. First, the federal courts have held that congressional districts must have as close to equal population as possible, which, with modern mapping technologies effectively means the districts must have the same population. Additionally, while the U.S. Supreme Court did not explicitly state the same holds true for state legislative districts, the Court appears to be encouraging equal population as well for those districts.

Additionally, the Court has held that redistricting cannot be used to break up the political power of a racial or ethnic minority which lives in the same community.

Furthermore, the state requires that the Redistricting Commission draw the boundaries in the state to be as compact as possible, follow previously established political boundaries (such as county or city lines), and be as politically competitive as possible. It is important to note that these three state requirements might not always be possible and that, at times, they may be contradictory. For example, in recent decades it has become apparent that people are living in politically distinct neighborhoods with Democrats living in Democratic neighborhoods and Republicans living in Republican neighborhoods. With this phenomenon, it might be challenging to make politically competitive districts which are also compact. In addition, because certain political parties tend to do better in some regions of the state, it might not be possible to always create politically competitive districts.

Despite these challenges, it appears that the 2001 Redistricting Commission did attempt to follow these three directives and, while there is no uniform metric of success, appears to have generally succeeded. At the Congressional level, most of the districts are relatively compact – especially when considering that the equal population requirement forces some districts to be geographically large. In those districts that are less compact, it is because the district is following previously created political or natural boundaries. Likewise, many of the legislative and a few of the congressional districts are politically competitive – and in

many cases where the districts are not exceptionally competitive, it appears to be a result of the politics of the region rather than mischief in the redistricting processes. For example, many of the most uncompetitive districts were found in the city of Seattle or rural eastern Washington, where each party has a distinct numerical advantage. Finally, in many instances districts do keep political entities whole and follow already created city, county, or natural boundaries.

While there are numerous ways in which the redistricting process in 2011 may occur, there are some outcomes which will clearly happen. First, due to the federal law of equal population, one Congressional district must cross the Cascades and represent a sizable portion of both eastern and western Washington, composed of about 153,000 people from eastern Washington and lightly more than 500,000 people from western Washington. In addition, there have been certain parts of the state which have grown faster over the past ten years, while other parts of the state have not grown rapidly.

Those places which grew more rapidly – including areas in southeastern unincorporated Pierce County, Spanaway and parts of Fort Lewis; Issaquah and North Bend; Snohomish County east of Everett; the Vancouver suburbs, including Camas and Battle Ground; and Walla Walla generally have trended Republican. Districts now representing these areas will shrink, implying an increase of representation in the Legislature.

The slowest growing districts are in major cities or in the first ring of suburbs surrounding those cities. The 28th legislative district in Tacoma (University Place and parts of Fort Lewis), which was the only district in Washington to lose population, and another district in Tacoma were among the slowest growing. The other three low population growth districts were found in central Spokane; Vashon Island and West Seattle; and one representing Lake Forest Park and Shoreline, just north of Seattle, all of which have trended towards the Democrats. Districts now representing these areas will necessarily grow, implying a diminution of influence in the Legislature for existing residents.

1. Introduction

The popular conception of the United States' electoral system is that the people come together and vote for their preferred candidate, and that when the ballots are counted, those with the most votes are elected. Implicit in this understanding of democratic governance is the idea that there is one public whose voice is heard on Election Day, when in fact there are many different groups in any society whose views and opinions vary. Because of this, one of the most critical aspects of a democratic society is in drawing the lines on a map that determine which groups will be put together into districts to select their elected representatives.

Starting in the early 1800s, when Massachusetts Governor Elbridge Gerry supported a redistricting plan which created extraordinarily circuitous district boundaries (looking slightly like a salamander) solely to benefit his Democratic-Republican Party, the American body politic has been fascinated by the notion that political fortunes could be made or destroyed by doing nothing more than drawing different boundaries. Generations of scholars, politicians, journalists, and others have spent countless hours and dollars pouring over maps and census figures trying to determine where these districts should be drawn. Because of this fascination with the notion of power through mapmaking, a perception has entered the national psyche that there might be something amiss in a representative government which could be manipulated by the process of redistricting.

Among the results of this attitude towards redistricting, has been a widespread belief that the high reelection rates in the United States might be due to packing districts with partisan supporters and making the electoral process less competitive. This lack of electoral competition has then been blamed for a whole myriad of political ills, including a possible decline in voter turnout, decreased cooperation between the two major political parties, and both political parties becoming more extreme in their views. Despite this concern, the scholarly evidence that gerrymandering is as powerful as we collectively assume and that it leads to these other issues is scant.

Rather than finding gerrymandering as the primary culprit in the increased partisanship and decline in electoral competition, scholars have found a number of other factors responsible for these issues. First, over the past generation the United States has seen an increased level of geographic sorting based, in part, on partisanship. Simply put, it is now more likely that Democrats live with other like-minded Democrats, while Republicans tend to live in Republican communities. Whereas it used to be common to see cities, neighborhoods, or even blocks which were diverse in their political orientation, this is becoming a rare occurrence.

In addition, the increased partisanship in the United States might be due to changes in partisanship where Democrats have become more liberal and Republicans have become more conservative (McCarty et al. 2008). Because of this, it would be reasonable to assume that as Democrats become more liberal and Republicans become more conservative, while at the same time Democrats and Republicans become less likely to live in the

same neighborhood, then the districts would become more polarized. This may create the erroneous impression that the districts were drawn in such a manner that benefited certain political parties. Similarly, scholars also have pointed out that high rates of incumbency reelection are occurring in offices which cannot be gerrymandered. For example, U.S. Senators, governors, and other statewide elected officials are reelected at similar rates as legislators who run in districts. If gerrymandering was the only culprit behind incumbency advantages, we would not expect to find those reelection rates in statewide offices.

Despite these facts, redistricting becomes the grand political battle in many states. Occurring once every ten years, each state is required to redraw the political boundaries in the state to reflect the changing population of the state and the nation. Because it is a state issue, with few federal guidelines about what must occur, there are a number of different possible alternatives for how redistricting can occur. The remainder of this study will explore how redistricting occurs in Washington State, including the laws and Court rulings which govern redistricting, along with the guidelines for redistricting in Washington State.

2. Overview of the Legal Framework of Redistricting in Washington State

2.1 National Law and Precedent

At the federal level, the U.S. Constitution requires a census to be conducted every ten years to determine the number of U.S. House members each state receives. Decisions by federal courts have also provided some relatively vague guidelines which all of the states must follow. First, those who draw the maps for states must attempt to make the populations in the districts as equal in population as possible. When commissions create political districts which are substantially different in populations it is known as *malapportionment*.

The practice of malapportionment was common throughout the nation during the 1800s and part of the 20th century, and in some cases, state legislative districts would be drawn to follow county boundaries. This could, and did, create situations where a rural district could have a population of a few thousand residents, while more urban districts in the same state could have a population of a few hundred thousand, yet each group would have one representative. Because of this, during much of this time political power in many states remained in rural areas despite the increased movement of the population into urban areas.

However, starting in the 1960s in a series of U.S. Supreme Court decisions, the Court ruled that malapportionment violated the Equal Protection clause of the 14th Amendment and districts should be as equal in population as possible. While the original decisions by the

Courts were vague as to what the phrase “equal as possible” actually means, more recent decisions have held that a variation in population among a state’s U.S. House of Representative districts is to be strongly discouraged. In the 1980s, the Court rejected a New Jersey plan which would have had a difference between the largest and smallest districts of 0.7 percent, or about 3,700 people.

In the ruling, the Court refused to state what would be an acceptable level of variation in district sizes because it might prevent the states from achieving truly equal districts (*Karcher v. Daggett*). Because of this, redistricting plans with population variations of as few as 19 people were unconstitutional if the redistricting commission could have found a way to make the districts have an even more equal population (*Vieth v. Pennsylvania*). In light of these Court rulings, states attempt to have no population differences in their U.S. House Districts, or if that is not possible, a variation of only one or two people.

However, the Court only used this standard for U.S. House districts, and it did not apply to other political boundaries. Consequently, rules governing state legislative apportionment are somewhat unclear. The Court has not pronounced a definitive standard for state legislative boundaries, and many experts once believed that having a population difference of less than ten percent between the most and least populated districts should provide a “safe harbor” from legal challenges. Recent apportionment attempts in Georgia, however, where one party attempted to use the 10 percent safe harbor to its own political benefit, were struck down as unconstitutional because they undermine the political power of certain regions of the state (*Cox v. Larios*). Because of

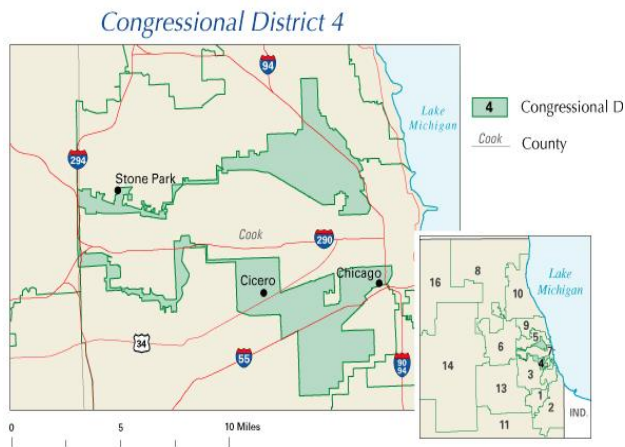
the uncertainty surrounding the Court's rulings, and because technology makes mapping based on population relatively simple in modern attempts at districting, many states attempt to make all districts uniformly even in population.

In addition to making certain that all electoral districts have equal population (with the exception of the U.S. Senate), the courts have also have issued some rulings about dividing people within these political boundaries. On the national level, the U.S. Supreme Court has ruled it is acceptable to take political considerations into account when drawing these boundaries. Taking the position that redistricting is essentially a political question; the Court has been very hesitant to second guess districting boundaries which privilege one political party instead of another. Simply put, the Court has ruled that it could theoretically be possible to create legislative districts which are unconstitutional because they are gerrymandered in such a partisan manner; however, it has yet to rule that any jurisdiction has yet met the threshold of unconstitutional partisan redistricting. While gerrymandering to prevent a political party from benefiting has been, in practice, accepted by the Court, which is not the case for preventing racial and ethnic groups from exercising their political power. Drawing district lines specifically to dilute the power of a geographically cohesive racial or ethnic group is prohibited by the 14th Amendment, according to the Court.

This ruling on political redistricting has created the possibility that partisans could exploit the redistricting process to benefit their own party. In general, there are three widely agreed upon ways which this could occur – *packing*, *cracking*, and *incumbency protection*. Packing is the term used to describe when, through the redistricting process, a party puts as many residents of the opposing party into one single district. By putting the opposing party into one district, the party which redrew the lines effectively concedes the loss of that legislative district by a large margin in elections. However, by placing all of those partisan voters in one district, the party which redrew the boundaries has a better chance of winning the contests in all of the bordering districts.

On the national level, an example of packing can be found in Illinois' 4th congressional district. Here, two different sections of Chicago, one in the north and one in the south, are connected together by drawing a district which connects the areas with Interstate 294 (just the Interstate itself, not the surrounding area) which is about five miles from the population center of the district. This type of packing has created a largely Hispanic district by connecting northern Chicago which has a large population of people of Puerto Rican descent, with south Chicago where a population of people of Mexican ancestry lives.

Figure 2.1: An Illinois Congressional District



Cracking is essentially the opposite practice, where a party attempts to divide districts so that a homogenous political community is put into different legislative districts. This would break up the political power of the community, thereby preventing them, possibly, from winning any seats. An example of cracking at the national level could be found in Utah's 2nd Congressional District, which was an attempt to break up the political power of the more Democratic areas of Salt Lake City, by including parts of Salt Lake City with other, more rural and conservative areas of the state. However, this example also should serve as a cautionary tale for those who are interested in partisan gerrymandering: although the district was designed by the state legislature to benefit the Republicans, Democrats have still had success winning the district.

Finally, incumbent protection is used to describe instances where the dominant political parties collude in drawing the legislative boundaries to ensure that their incumbents remain electorally safe. In many instances where this occurs, the members of the legislature are responsible for drawing the districts, and those legislators, despite their

differences in partisanship, have a strong incentive to remain in office and create districts which maintain the status quo. This creates a process of legislative redistricting often described as where "legislators chose their voters, rather than the other way around."

2.2 Washington State Law

2.2.1 A Brief History of the Redistricting Commission

While the federal courts have, in the main, argued these practices are Constitutional, the State of Washington has created laws designed to prevent some of the most egregious abuses from occurring. Prior to 1990s, Washington State empowered the state legislature to draw the boundaries of the state's districts, as many other states do. However, the attempt at redistricting following the 1980 census was an exceptionally difficult endeavor. The first proposal was vetoed by Governor John Spellman primarily because it divided the City of Spokane into two different congressional districts (Workman, 1981). The second redistricting proposal was invalidated by the federal court over issues of malapportionment, due to a difference of more than one percent of the population between the 4th and 8th congressional districts (Cronin, 1983). This second plan also caused concerns among some in the public because it placed Everett in the same congressional district as Seattle, leaving many in Snohomish County to believe their representation would be muted by the more populous city (Associated Press, 1983).

Because of these issues, an increasing number of elected officials and citizens called for an independent commission to draw the political boundaries in the state. One proposal for the

independent commission came from Secretary of State Ralph Munro who advocated for the Commission to begin in 1984 to draw the 1980 boundaries. The Commission would be composed of a member selected by the governor, another member would be selected from the party that did not occupy the governor's mansion, a third member would be selected from the party controlling the legislature, another member would be selected from the party which was in the minority in the legislature, and these four would select the final member of the Commission. In addition, the Commission was to be tasked with drawing the lines to prevent districts from straddling the Cascade Mountains, or uniting the northern part of Puget Sound with Seattle and ensure the boundaries would not dilute the voting power of minorities (Workman, 1981). While that specific proposal was not adopted, the Washington State legislature and the voters approved an amendment to the Constitution creating an independent commission to draw the legislative boundaries in November, 1983.

Starting with the 1990 redistricting, Washington State has employed a five member redistricting body. The Commission is composed of four members, one of whom is selected from the two largest political parties in both houses of the state legislature. (While the law does not say it explicitly, the practical effect is that House Democrats and House Republicans each pick a member while Senate Democrats and Senate Republicans select the other two). These four members then select a non-voting chair to govern the work. In the current redistricting process, the Commission must complete work by January 30, 2012 and turn the plan over to the Legislature for possible amendment. Passage of the plan requires a two thirds affirmative vote of both houses by February

10th, although if the legislature does not act, the plan becomes law. If at least three of the voting members cannot come to an agreement, the process of redistricting is handed over to the state Supreme Court which must create a plan by March 1, 2012, in this round.

Using the data from the decennial census, these commissioners and their staff are tasked with redrawing the State's Congressional and legislative districts. In addition, the law requires the Commission follow certain guidelines when crafting these boundaries. First, following the federal Court's rulings, the districts must have as equal population as possible (excluding non-resident military personnel). These boundaries are also to follow already created political boundaries as much as possible in an attempt at keeping political communities whole. For example, boundaries should follow county or municipal boundaries as much as possible and cities should be represented by as few legislators as possible. In practical terms, this directive should prevent cracking a political group and diluting their power as much as possible.

Additionally, these legislative districts are intended to be as compact and contiguous as possible to discourage large, meandering districts which might be used to punish or reward various political groups through cracking their political power. As an extreme example, consider a district which would cover Queen Anne Hill in Seattle, parts of the suburbs of eastern King County, and parts of Ellensburg and Yakima. Finally, districts must be made as politically competitive as possible.

While all three of the goals (beyond the federally mandated rule of equal population) are designed to decrease the opportunity for partisans to gerrymander the state's districts, it is important to note that these three goals might be difficult to simultaneously establish and might, on occasion, even be contradictory. For example, in recent decades the people in the United States have begun to politically self-segregate themselves. While the causes of this phenomenon are debatable, the implications of this are that Democrats tend to cluster in Democratic-leaning neighborhoods, while Republicans tend to reside more in Republican-leaning neighborhoods. Consequently, it might be difficult to make districts that are compact and follow previously established political boundaries that are also politically competitive. If that is the case, in many instances the Commission must be forced to choose between creating a politically competitive district which might cross those boundaries and might not be exceptionally compact, or have a compact boundary which is less competitive.

Moreover, because the population in certain parts of the state, especially in eastern Washington, is less dense than in more urban parts of western Washington, traditional connotations of "compact" might not apply. Because of the requirement of equal population, some compact districts might encompass thousands of square miles and be larger than some states. While these three directives might be contradictory, or at least challenging, it is what the Commission is tasked to do, and because of that it is important to evaluate the Commission's work on these three aspects of redistricting.

2.2.2 Competitive Elections

One of the directives to the Redistricting Commission is to attempt to make elections as competitive as possible. There are a number of reasons why this might be considered advantageous for redistricting. First, creating competitive elections, by definition, means that partisan gerrymandering has been kept to a minimum. In districts where both major parties have an equal chance of winning an election, it is doubtful that either cracking or packing has occurred. Second, there is a possibility that in districts where elected officials believe they are immune from electoral competition from the other party, those representatives might become less attentive to their constituents. Simply put, more competitive elections should lead to more responsive officials. Finally, there is some evidence that more competitive elections produce more centrist candidates who would be able to create compromises with other parties and produce results which might be more acceptable to a larger segment of the electorate.

However, competitive elections throughout Washington State might be more difficult than making nine (now ten) Congressional districts and 49 legislative districts each have a relatively equal number of Democrats and Republicans. First, it is impossible to know who voters will vote for among various candidates and parties over the following decade. Districts which are a political lock for one party now may become competitive ten years from now. In addition, in Washington, like most states, one political party tends to outperform the other party.

If one party tends to get tens of thousands of votes state-wide more than the other party, it would be impossible to make all of the districts equally competitive. Coupled with the tendency to self-segregate based in part on party affiliation, competitiveness is, at best, a challenge for redistricting.

Rather than attempting to make each district equal in partisan strength, another way to measure the competitiveness of each district is to examine how partisan the district is compared to the state as a whole. One way to measure this is to use the Cook Partisan Voting Index (PVI), which explores how much support the major party candidates receive in a district compared to what those same candidates receive on average in the entire state.¹ Using results from the November elections in 2004 and 2008, we find six of the nine Washington

Congressional districts have a positive PVI, meaning they are more Democratic than the state as a whole while the two districts which represent eastern Washington are more Republican than the state average. Only one, the 3rd Congressional District in southwestern Washington, is even with the state average. Nationally, Washington's 7th District was the 21st most Democratic congressional district in the country, with a PVI of D+31 while the 4th Congressional district was the 85th most Republican district in the nation with a PVI of R+13. The rest of the Congressional districts have a PVI which is less than 10, indicating that while the Democrats do have an advantage, especially in most of western Washington, the PVI for Congressional districts are generally within the normal range of the national average.

Figure 2.2: Washington State Congressional Districts & their Average PVI from the 2004-2008 Presidential Elections
BRITISH COLUMBIA

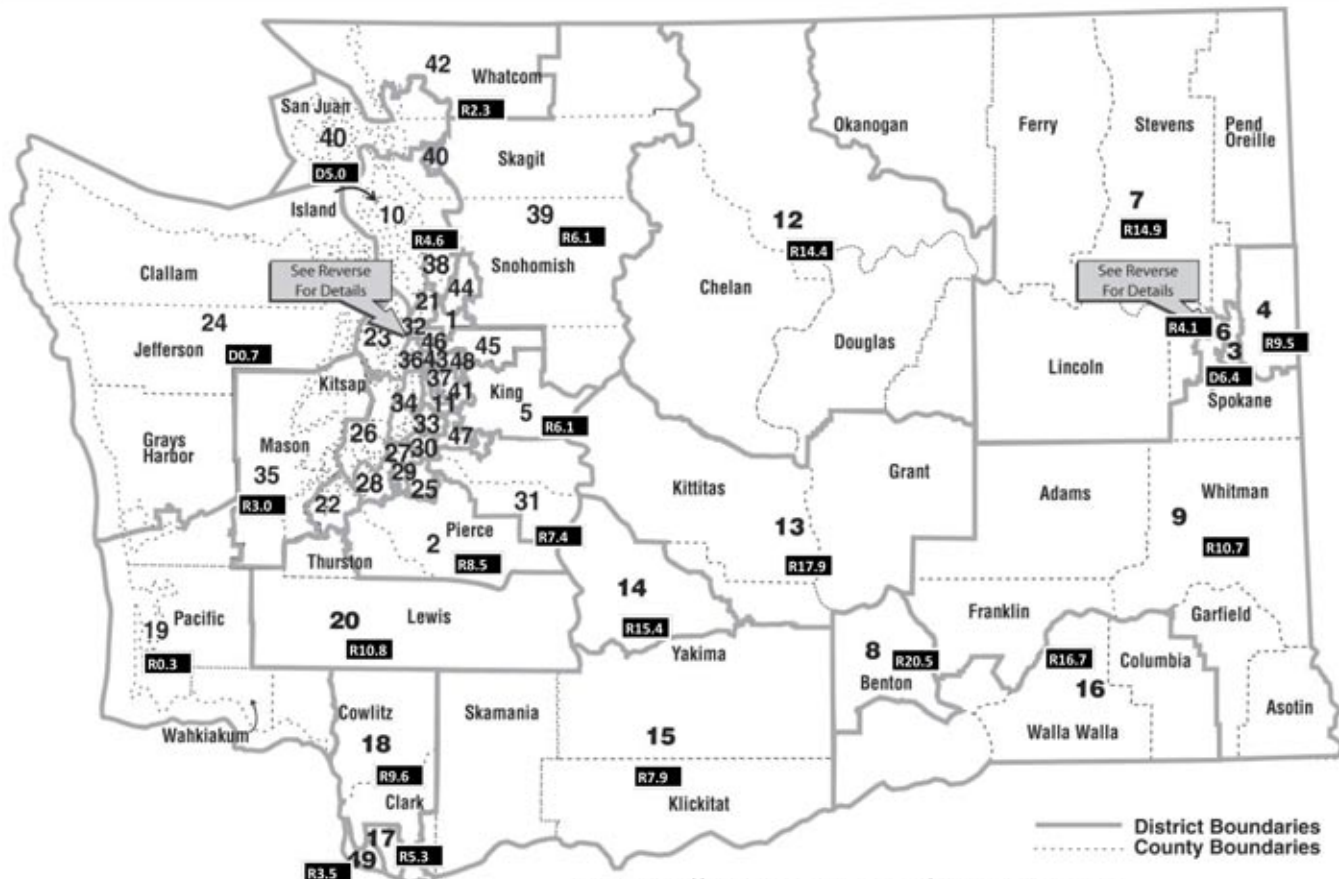


Source: <http://national/atlas.gov/printable.html> & Table A.1

Like the Congressional districts, the state's legislative districts also are relatively competitive, when evaluated by the PVI. Of the 49 legislative districts, 35 have a PVI of under ten and six have a PVI of less than 1. These most competitive districts were situated around the Seattle suburbs and the Olympic peninsula. In those legislative districts with very large PVIs, it appears to be more of a result of people living with politically like-minded individuals rather than any type of partisan gerrymandering.

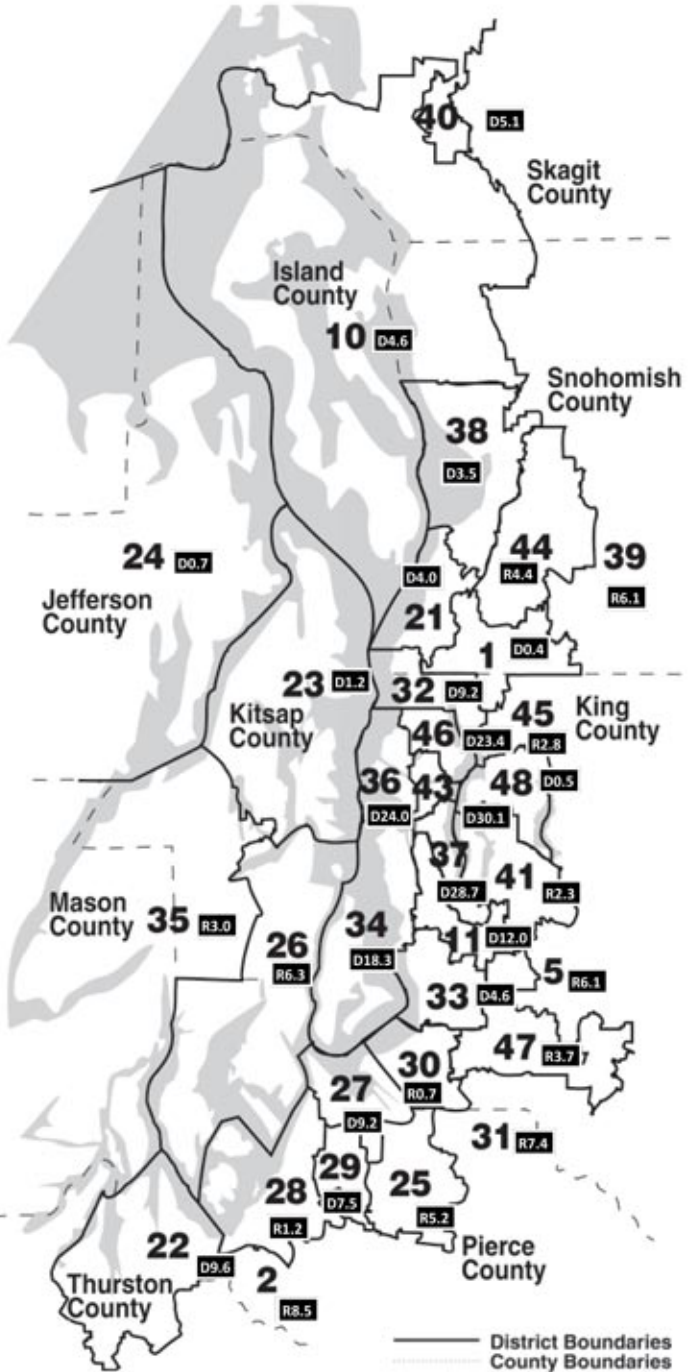
For example, the five most Democratic districts according to the PVI are all found in the city of Seattle, while the five most Republican districts are found in eastern Washington centered around the Tri-Cities, Yakima, and the northeastern corner of the state.

Figure: 2.3: Statewide Legislative Districts & Their Average Partisan Voting Index from the 2004 & 2008 Gubernatorial Elections
Statewide Legislative District Map



Source: <http://www.redistricting.wa.gov/maps.asp> & Table A.2

Figure: 2.4: Puget Sound Districts & Their Average PVI from the 2004 & 2008 Gubernatorial Elections



Source: <http://www.redistricting.wa.gov/maps.asp> & Table A.2

2.2.3 Compactness

For over a century, it has been understood that one of the primary ways to prevent gerrymandering is through the creation of compact districts. By definition, gerrymandering requires creating oddly shaped districts to either keep politically like-minded individuals together or splitting them apart. In either case, these districts become geometric oddities, which could in the extreme, be over a hundred miles long but only as wide as a highway median in some areas. To combat this type of oddly shaped district, the state of Washington has encouraged the Commission to keep districts as compact as possible. However, while a popular conception of compactness is having a small area, this might not be practically possible when districts are required to have equal population and populations are less dense in rural areas. Because of this, other ways of measuring density need to be explored rather than simply measuring the size of the district.

One way to measure the compactness of a district is to compare its size to another geometric shape. Geometrically speaking, the most compact shape possible is a circle – there is no other shape which can have as large an area compared to the size of its perimeter. So one way to measure the compactness of a district is to compare the area of the district to the size of the smallest possible circle which surrounds the district. The more of area of the

circle which is contained in the district, the more compact the district is. If there is a large amount of area in the circle outside the district, the less compact the district is, and as these outlying areas increase, the compactness of the district decreases. Districts which have a higher percentage of district area to circle area are considered to be more compact, while those with a smaller percentage – regardless of their actual size – are considered to be less compact.

What this measurement tends to find is that districts which are created from many-angled shapes, and those which tend to be exceptionally narrow and long are less compact than those districts which resemble shapes with fewer angles and corners.² Using data from the U.S. Census Bureau, it is possible to measure the compactness of Congressional districts. However, because no data exist for the area of legislative districts, this measure cannot be used to evaluate state legislative districts.

A circle encompassing all parts of Washington's 9th Congressional district (from Renton to Rainier) would also contain parts of Kitsap County, Tacoma, and unincorporated Pierce County. This means that the vast majority of the land which would be in that encompassing circle would fall outside of the area in the district. The most compact district according to this metric is the 8th Congressional district whose shape has no truly circuitous patterns and roughly resembles a rectangle.

Table 2.1: Compactness Ratios for Washington’s Congressional Districts

Congressional District	Land Area	Circular Area	Compactness Ratio
	<i>square miles</i>	<i>square miles</i>	
CD 1	439.21	2,340.21	18.77
CD 2	6,565.33	16,277.76	40.33
CD 3	7,515.38	15,386.00	48.85
CD 4	19,015.49	41,013.78	46.45
CD 5	22,863.97	72,145.70	31.65
CD 6	6,781.44	17,662.50	38.39
CD 7	141.31	890.74	15.86
CD 8	2,579.22	4,450.67	57.95
CD 9	607.71	4,221.94	14.39

It is apparent that there are dramatic differences in the geographic size of Congressional districts in the state of Washington. The smallest district is the 7th Congressional District which is, essentially, the City of Seattle and Vashon Island and is about 115 square miles. The largest is the 5th district at about 22,000 square miles, which is approximately the size of West Virginia.

However, somewhat counterintuitively, the most compact districts according to this metric are the larger, rural districts while the more urban districts are less compact. This is due in large part to the provision of following previously created boundaries when creating districts. Some Congressional districts on the west side are oddly shaped because the cities which they encompass are oddly shaped. In addition, the geometric shape of the state creates areas which might make districts less compact, as using this metric could create the appearance of a less compact district because the district must include geographically diverse areas such as distant islands.

2.2.4 Following Existing Boundaries

The final directive to the Commission is to follow previously created political boundaries. If a legislative district follows the boundaries of other political entities such as counties or cities, it is less likely that the process of drawing these boundaries would be used for political benefits. In addition, by following these boundaries, elected officials would be more likely to represent politically homogenous groups which facilitates in representation. However, because the law requires legislative districts to have equal population, following already established boundaries is not always possible.

Generally speaking, the 2001 redistricting commission followed previously created political boundaries, notably county boundaries, especially outside of the Puget Sound region. In Eastern Washington, county lines divide the 4th and 5th Congressional districts almost universally except for a small portion of Adams County which is excluded from the 5th district, and a portion of Skamania County, which is included in the 4th district. Similarly, the 2nd district also follows county or international boundaries, except when it gets close to the greater Seattle area, where it dissects both the cities of Monroe and Everett.

The 3rd district also follows county lines until it enters the Olympia region where the 3rd and 9th split both Lacey and Olympia. Inside the more populated Seattle metropolitan area, boundaries are less likely to follow established political boundaries, as the counties might be too populous for districts to follow county lines, and city populations too small to merit their own member of Congress. Because of this, the 1st, 2nd, 6th, 8th, and 9th districts are less likely to follow those boundaries than in other parts of the state, and the affected cities and counties are divided among multiple members of Congress.

This pattern also remains generally true when examining the current legislative districts in the State of Washington. While in less urban areas the legislative districts do tend to follow county lines and other political and natural boundaries (such as rivers), in urban areas it is again often the case that legislative boundaries split some cities in half and in many cases create districts where parts of many cities and unincorporated counties are represented.

3. Thoughts on the 2001 Redistricting in Washington State

Often when people examine the quality of the job in redistricting, they tend to compare the results of the redistricting process to some idealized abstract. However, because of legal and geographic realities, comparing the process to an unattainable, theoretical goal is incorrect. Not only is it intellectually inappropriate not to acknowledge the constraints on the redistricting process, it can also provide a disservice to the electorate.

If people believe the political process is corrupted through gerrymandering and that elections are predetermined because of the redistricting process, they are likely to become more cynical and less trusting of the political process. These feelings of distrust and detachment from government have been shown to be a cause in some people's decision to not vote and become alienated from the political process. Simply put, feelings that the redistricting process is designed to promote political parties or candidates, or are in some other way, not benefiting the citizens of the state, could provide an incentive for some people to not vote.

This does not mean that political considerations do not occur or that elected officials and political parties do not try to influence the process. There are an infinite number of ways the redistricting process could redraw the lines and it would be naïve to argue that politics do not play a role in the process.

However, it could be seriously damaging to the body politic if the public takes the mindset that redistricting creates the environment where "elected officials selected their voters, not voters selecting their elected officials," when that is not the case.

Modern redistricting commissions must ensure that all legislative districts have an exactly equal population, and, in Washington State, must also be compact and follow previously created political boundaries as much as possible. Because of these requirements, and the technology which allows the mapping to become more exacting, gerrymandering in a manner seen in other states or other eras is more difficult than many people might believe.

During the 2001 redistricting, as in all redistricting processes, a number of changes at both the congressional and legislative levels followed the changes in population. At the Congressional level, the most noticeable changes in the 2001 redistricting was the shrinking – in geographic terms – of the 3rd Congressional district centered in southeast Washington and the 2nd Congressional district which extends from the north Seattle suburbs to the Canadian border. Because shrinking the size of a legislative district is a result of increased population density (since all districts must have equal population), this is consistent with the increased population growth in those two areas in the 1990s.

The decreased size in terms of land area in the 2nd and 3rd districts caused, in effect, the other Congressional districts in western Washington to increase in geographic size.

On the eastern side of the Cascades, the 5th congressional district received Okanogan County from the 4th congressional district. The 4th congressional district expanded into part of Skamania County and took all of Klickitat County. With regards to the Washington State legislature's boundaries, all of the boundaries were required to shift to allow for equal population. In eastern Washington, the 4th district expanded to encompass all of northeast Spokane County and the 9th district gained to two most southeastern counties in the state: Asotin and Garfield. But the most dramatic changes occurred in western Washington. In southeastern Washington, the 17th district went from covering all of Skamania County and most of southeastern Clark County to covering only some – but not all – of the Vancouver suburbs. Again, this is in keeping with the exceptional growth in southeastern Washington during the 1990s.

Likewise, there were significant changes in the northern part of Puget Sound. There, the 42nd district lost eastern Whatcom County, as the area around Bellingham increased in population, while the 39th district collected eastern Skagit and Whatcom counties. As a result, the 40th legislative district became perhaps the most circuitous district in the state, encompassing Anacortes, San Juan County, as well as Mount Vernon and Burlington by following a small strip of land between two parallel roads (one of them being District Line Road) to connect these two land masses in one contiguous area.

Generally speaking, the 2001 redistricting process produced Congressional districts which were compact, and when they were not compact, it could be argued that lack of compactness was due to geographic limitations rather than actions of the Commission.

In total, the average compactness ratio for Washington State Congressional districts was 34.74. While there is no agreed upon metric about what is an acceptable level of compactness, many of Washington's congressional districts would seemingly pass a reasonable test of compactness. Moreover, some of the less compact districts are so because natural impediments – oceans, Puget Sound, and islands – or political boundaries – Oregon or Canada, for instance – make perfectly compact districts impossible.

In addition, by some measurements there has been a good deal of competitiveness involved in many legislative elections. Like compactness, there are many ways to measure political competition and no agreed upon ideal metric to measure competitiveness in a world where the electorate is not 50 percent Democrats and 50 percent Republicans. In 23 of the state's 49 legislative districts, the governor's races in the past decade were decided by an average of less than 10 percentage points. Overall, 20 of the legislative districts tended to support Democratic gubernatorial candidates, while 29 supported Republicans. Again, considering that people tend to live with people who share common political ideas, and creating compact political prohibits making unusually large districts, there is a degree of political competition in Washington State.

Finally, in many places where the lines were redrawn in 2001, they followed previously created political boundaries. When Congressional districts were redrawn, there were instances where county lines were honored. For instance, the 5th Congressional district included all of Okanogan County and the 6th Congressional district got all of Gray's Harbor County. This also occurred in instances in legislative district changes, especially in less populated areas, where alterations were made on county lines. While drawing boundaries are constricted by other restrictions, such as equal population, it is important to note that political and natural boundaries were respected.

4. Looking forward to 2011 Redistricting

While there are too many unresolved political issues to allow us to know the look of the final maps after the current Redistricting Commission has completed its job, some certain general statements can be made. First, it appears that one of the Congressional districts will have to cross the Cascades and represent both parts of eastern Washington and western Washington. Currently in the 4th and 5th districts (which represent all of eastern Washington) there are about 1.498 million people; however, in the 2011 redistricting, each Congressional district will need to have a population of 672,454 people, leaving about 153,000 people who would not fit in those two districts. This could pose interesting challenges, not only in where the lines are drawn to incorporate eastern and western Washington, but also with regards to governance and how a U.S. representative could effectively represent a district which had such a diverse population geographically.

For state legislative districts, there also will be a number of changes to the maps, reflecting the changing population patterns of the state. Generally speaking, over the past ten years there has been a greater increase in population in the suburbs and exurbs than in the urban or rural areas, and the redistricting will need to reflect this. Of the five districts which experienced the most population growth, and consequently will see more representation, four were in suburban west side areas.

This includes the 2nd legislative district which includes parts of southeastern unincorporated Pierce County, Spanaway and parts of Fort Lewis. Other districts which experienced large amounts of growth include areas around Issaquah and North Bend; Snohomish County east of Everett; and the Vancouver suburbs, including Camas and Battle Ground. The final district which had the most growth was on the eastside, representing Pasco and Walla Walla.

Among the districts which grew the least, all five are in major cities or the first ring of suburbs surrounding those cities. This includes the 28th legislative district in Tacoma, University Place and parts of Fort Lewis; it was the only district in Washington to lose population. Another district in Tacoma, the 27th, was also one of the districts which experienced the least amount of growth. The other three low population growth districts were found in central Spokane; Vashon Island and West Seattle; and one representing Lake Forest Park and Shoreline, just north of Seattle. Because these areas have not grown as fast as the rest of the state, they will need to bring in more people (and consequently, more land area) to have an equal population, while fast growing areas will need to shrink in population and area. For example, the 3rd legislative district in Spokane will need to push its boundaries out and become larger geographically as a result of slower population growth while the 2nd legislative district in Pierce County will have to become geographically smaller as people are removed from its district boundaries.

Voters are unpredictable and predicting election results is a difficult endeavor under the best of circumstances, so it would be a fool's errand to attempt to divine what election results (or even what the issues will be) in ten years time. However, data from previous elections can possibly provide some insights into what the future may hold. Of the five districts which have grown the most in population over the past ten years, and thereby will require to be redrawn to have more political representation, all are Republican strongholds.

This includes the third most Republican district and the 9th and 11th most Republican districts in the state, according to the PVI. Moreover, of the five slowest growing districts, four of those districts are strongly Democratic, according to the PVI. This is not to say that Republicans will gain power through the redistricting process; however, it is apparent that the districts which have grown the most are strongly Republican.

5. Conclusions

Every ten years, a great deal of focus occurs on the process and results of a redistricting effort, as Congressional and legislative districts are redrawn or created anew. Among political parties, journalists, and much of the public, there is a widespread belief that the redistricting creates opportunities for political actors to gain some underhanded advantages. Despite this perception, the evidence that this occurs in Washington State is scant. The reason is due to legal constraints under which the state redistricting process must occur: because districts must be of essentially the same population, the ability to craft districts for political gain becomes more difficult.

No longer can those who draw the maps put a few thousand more of their supporters in a district or create many lightly populated districts filled with their partisans to enhance their power in the legislature. Moreover, because districts must be compact and follow previous boundaries whenever possible, it becomes more difficult for political actors to create gerrymandered districts which have occurred in other times and still occur in other states. Finally, because the state of Washington uses a bipartisan commission, it might be more difficult for one political party to gain a distinctly unfair advantage. This is not to say that there are not political considerations which are in play in the redistricting process, far from it. However, there are limitations which are put on that process.

Appendix

Table A.1: Washington State Congressional PVI for Last Two Presidential Votes

District Number	2004 President's Vote	2008 President's Vote	Average	PVI	Rank
	%	%	%		
1	56	62	59.0	D 9	321
2	51	56	53.5	D 3	269
3	48	53	50.5	EVEN	242
4	36	40	38.0	R 13	85
5	41	46	43.5	R 7	148
6	53	57	55.0	D 5	288
7	79	84	81.5	D 31	414
8	51	57	54.0	D 3	268
9	53	58	55.5	D 5	286

Table A.2: Washington State Legislative PVI for Last Two Gubernatorial Votes

District Number	2004 Governor's Vote	2008 Governor's Vote	Average	Partisan Voting Index (PVI)	PVI Rank among all WA Districts
	- % -	- % -	- % -		
1	48.65	54.31	51.48	D 0.43	20
2	41.24	44	42.62	R 8.45	39
3	55.36	59.63	57.50	D 6.44	11
4	40.67	42.36	41.52	R 9.54	40
5	41.72	48.17	44.95	R 6.11	35
6	45.57	48.31	46.94	R 4.11	29
7	36.21	36.18	36.20	R14.86	45
8	30.4	30.64	30.545	R 20.52	49
9	39.09	41.59	40.34	R 10.72	42
10	44.08	48.76	46.42	R 4.64	31
11	59.53	66.52	63.035	D 11.97	6
12	35.51	37.88	36.70	R14.36	44
13	32.25	34.04	33.15	R17.91	48
14	33.19	38.19	35.69	R15.37	46
15	41.01	45.31	43.16	R 7.90	38
16	33.53	35.19	34.36	R 16.70	47
17	42.9	48.67	45.79	R 5.27	33
18	40.57	42.34	41.46	R 9.6	41
19	50.92	50.7	50.81	R 0.25	22
20	38.16	42.27	40.22	R10.84	43
21	51.92	58.14	55.03	D 3.98	14
22	57.96	63.25	60.61	D 9.55	7
23	50.38	54.07	52.23	D 1.17	17
24	49.27	54.26	51.77	D 0.71	18
25	44.09	47.54	45.82	R 5.24	32
26	43.14	46.31	44.73	R 6.33	36
27	57.09	63.38	60.24	D 9.18	9
28	46.69	53.00	49.85	R 1.21	24
29	55.77	61.25	58.51	D 7.45	10
30	47.62	53.06	50.34	R 0.72	23
31	42.22	45.07	43.65	R 7.41	37
32	56.67	63.81	60.24	D 9.19	8
33	52.42	58.86	55.64	D 4.59	13
34	65.82	72.97	69.40	D18.34	5
35	46.93	49.22	48.08	R 2.98	27
36	71.8	78.28	75.04	D23.99	3
37	76.27	83.32	79.80	D 28.74	2
38	52.32	56.83	54.58	D 3.52	15
39	43.24	46.66	44.95	R 6.11	34
40	52.62	59.53	56.08	D 5.02	12
41	48.49	54.20	51.34	D 0.29	21
42	46.72	50.72	48.72	R 2.34	25
43	79.05	84.84	81.95	D30.89	1
44	43.93	49.32	46.63	R 4.43	30
45	44.75	51.83	48.29	R 2.77	26
46	71.23	77.71	74.47	D23.42	4
47	44.87	49.8	47.34	R 3.72	28
48	47.82	55.24	51.53	D 0.48	19
49	52.18	56.91	54.55	D 3.49	16

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Endnotes

¹ On the Congressional level, the Partisan Vote Index is calculated by determining the average percent of vote the Democratic presidential nominee received in the past two elections in the entire state compared to the percent of the vote the Democratic nominee received, on average, in a specific Congressional district. While the state PVI tracks the same information but uses gubernatorial election results and state legislative districts rather than federal election data. So, for example if a district had a PVI of +5, that would mean that it is 5 percent more Democratic than the state as a whole, while a PVI of -10 would mean it is 10 percent more Republican than the state as a whole. ² The specific way of measuring the compactness of the district to first bisect a line between the two furthest points in the district, which becomes the center of the circle encompassing the entire district. The area of the circle is then found ($A=\pi r^2$), and then the size of the district is divided by the size of the circle.



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