

10-1-2011

Redrawing the Lines: Baldy Center Conference Addresses the Intricacies of Electoral Redistricting

UB Law Forum

Follow this and additional works at: https://digitalcommons.law.buffalo.edu/ub_law_forum

Recommended Citation

UB Law Forum (2011) "Redrawing the Lines: Baldy Center Conference Addresses the Intricacies of Electoral Redistricting," *UB Law Forum*: Vol. 24 : No. 1 , Article 14.

Available at: https://digitalcommons.law.buffalo.edu/ub_law_forum/vol24/iss1/14

This Article is brought to you for free and open access by the Alumni Publications at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in UB Law Forum by an authorized editor of Digital Commons @ University at Buffalo School of Law. For more information, please contact lawscholar@buffalo.edu.

Redrawing the lines



“Redistricting is about the legitimacy of elections,” says Associate Professor Michael Halberstam.

Baldy Center conference addresses the intricacies of electoral redistricting

A major, and timely, conference at UB Law School on Oct. 14 and 15 addresses a contentious aspect of the democratic process: redistricting, the periodic redrawing of election-district boundaries in accordance with the Constitutional mandate of “one person, one vote.”

The conference, called “Major Developments in Redistricting,” brings together practitioners, public-interest lawyers, democracy advocacy groups and academics to discuss what one of its organizers, UB Law Associate Professor Michael Halberstam, calls “a fundamental part of our democratic process.”

“Redistricting is about the legitimacy of elections and the legitimacy of the governing body,” says Halberstam, whose co-organizers are Vice Dean James A. Gardner and Associate Profes-

sor Rick Su. “The fact that the process often takes place behind closed doors raises questions about the legitimacy of the body that is elected. At a time when people are so disaffected by politics and so disaffected by government, it’s no time to further delegitimize the process.”

Congressional redistricting gets the most media attention, because it potentially changes the balance of power in the House of Representatives. But this conference concentrates on local redistricting, particularly in New York State’s counties, cities and other local jurisdictions. “There’s no standard for this,” Halberstam says. “The timing is different in every locality, the procedures are different. There’s no one really paying attention to this in any focused way.”

He explains that past controversies about the dilution of the minority vote in redistricting have given way to broader concerns about a lack of transparency in the process. Alert voters, he says, are fed up with legislators arranging their own job security by drawing politically “safe” districts for themselves. “It’s unrealistic to think that the political market is going to regulate itself, any more than commercial markets can regulate themselves,” he says. “The problem is that information isn’t evenly distributed and readily available. What we currently have is the worst of all possible worlds, to have legislators choose their own seats.”

In addition to the three UB Law organizers, presenters at the conference will include professors from Duke, Harvard, the University of Michigan, and the University of Texas law schools and George Mason and Fordham universities; representatives of the Pew Trust, the Brennan Center and the ACLU’s Voting Rights Project; and attorneys working in New York, Washington, D.C., and Texas.

For his part, Halberstam will present at the conference his proposal to establish a redistricting clearinghouse that would gather, store and publicize

A MODEST PROPOSAL

Student and professor enter the fray over Erie County redistricting

information for all local redistrictings in New York State, in an Internet-accessible database. "A lot of people involved in the process aren't aware of the rules," Halberstam says. "The goal is to provide for each local redistricting the particular laws that apply there.

"My hope is to create a mechanism of monitoring by disclosure. You let the local institutions do what they want to do, but you force them to provide information to a central organization." Such a clearinghouse, he says, could identify a set of best-practices standards for local redistricting, then call out localities that fail to implement those practices—a watchdog function pushing lawmakers toward making the redistricting process fairer and more open to public scrutiny.

In addition, the conference will feature a demonstration workshop of publicly available software that enables democracy advocates to challenge redistricting decisions based on demographic data. The workshop will be co-sponsored by the Buffalo Partnership for the Public Good. Like all conference events, it is open to the public.

The "Major Developments in Redistricting" conference is sponsored by the Law School's Baldy Center for Law & Social Policy. Registration is required; e-mail BaldyRSVP@buffalo.edu.

The conference Web site is linked off the Baldy Center site, www.law.buffalo.edu/baldycenter.

A student-professor collaboration that grew out of a Law School seminar became part of the contentious discourse over redrawing the boundaries of Erie County's legislative districts.

A project by **Patrick Fitzgerald '11** in Professor Michael Halberstam's spring-semester Law and Democracy course, which focused on redistricting issues, "kind of evolved beyond what anybody could have imagined," Fitzgerald says. Students in the course were required to develop a semester-long project, and Fitzgerald chose to take a hard look at Erie County legislative redistricting. The project grew, and in May he and Halberstam submitted an independent, non-partisan legislative redistricting plan to the Erie County Legislature and its Legislative Reapportionment Advisory Committee. The plan was developed in collaboration with the ACLU's Voting Rights Project.

The Erie County redistricting was a contentious and politically messy process. Voters had approved reducing the size of the legislature from 15 to 11 seats, and two politically charged proposals for new maps failed to win approval in the County Legislature. The process culminated in a decision by U.S. District Court Judge William M. Skretny to impose his own redistricting map, saying he had to do so to ensure that potential candidates for the November election had time to collect the petition signatures they would need in order to be placed on the ballot.

Fitzgerald's and Halberstam's map would have kept most towns and cities in single districts, except for Amherst and Buffalo, which are so big they must be divided between districts, and ensured that two of the three Buffalo districts would contain enough minority voters that they would be likely to elect a minority candidate.

"Our map was consistent with keeping communities of interest together," Fitzgerald says. "It also kept true

to the principles of one person, one vote, in compliance with the Voting Rights Act, in majority-minority districts. Our plan was in the middle of two extreme proposals that were submitted."

Part of public-policy advocacy is getting the word out, and Fitzgerald and Halberstam made the case for their redistricting plan to newspaper reporters, on television and at news conferences. "It's a very important part of public policy work," Halberstam says. "You have to be part of the conversation."

Though Judge Skretny imposed his own map, it shares important characteristics with the UB proposal, such as the two majority-minority districts, drawn from east to west in the City of Buffalo, and an attempt to keep most towns and villages intact.

For Fitzgerald, his senior seminar experience was an exciting capstone to his UB Law education. He particularly noted the time and attention his project received from a research-oriented professor at UB Law School. "We did a lot of work that was, I thought, an important learning experience for me," Fitzgerald says. "Navigating a political process and trying to have something pass in Erie County, I can only imagine what it would be like nationally. It was definitely the best experience I had throughout Law School."

Adds Halberstam: "I really like the idea of combining theory and practice. This was something very concrete and practical we could do. It was a tremendous learning opportunity for Patrick, but also he brought so much expertise to the project. And it was good for the Law School as well, in that it shows the competency of our students and what they can do."



Patrick Fitzgerald '11