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Population is Power

A Snapshot of 2010 Reapportionment and Redistricting in Oregon and Washington

by Jason R. Jurjevich and Michael Burnham

There are 435 seats in the U.S. House of Representatives, but thanks to reapportionment and redistricting, not all districts are created equal.

The United States grew 9.7% during the past decade, according to the 2010 Census, but the growth was anything but even. The Northeast and Midwest grew at 3.2 and 3.9%, respectively, while the South and West grew at 14.3 and 13.8%. The demographic disparity between the shrinking Rustbelt and burgeoning Sunbelt has major consequences as political representation continues its shift to states in the South and West.

Oregon, which grew 12%, will have to wait another decade before it gets a shot at more representation in the U.S. House, based on the federal government's reapportionment formula. Washington narrowly missed gaining a tenth representative after the 2000 census, but the Evergreen State grew sufficiently during the past decade to snag a seat from slower-growing states.

In the coming months, an independent commission appointed by the Washington Legislature will redraw the state's political map. Political insiders predict that the panel will create a new Puget Sound-area congressional district with Olympia at its core. Stripping solidly Democratic Olympia and surrounding Thurston County from the Third Congressional District would leave it with just one sizable met-

ropolitan area — Vancouver — the likely result being a political shift from blue to red.

“The new Third District will not be an urban district like Seattle or Olympia,” predicted Richard Morrill, an emeritus professor of geography at the University of Washington. “It will be one of those districts where lots of rural independents will probably be shifting Republican because they're unhappy with the Democratic kind of urban-metropolitan agenda.”

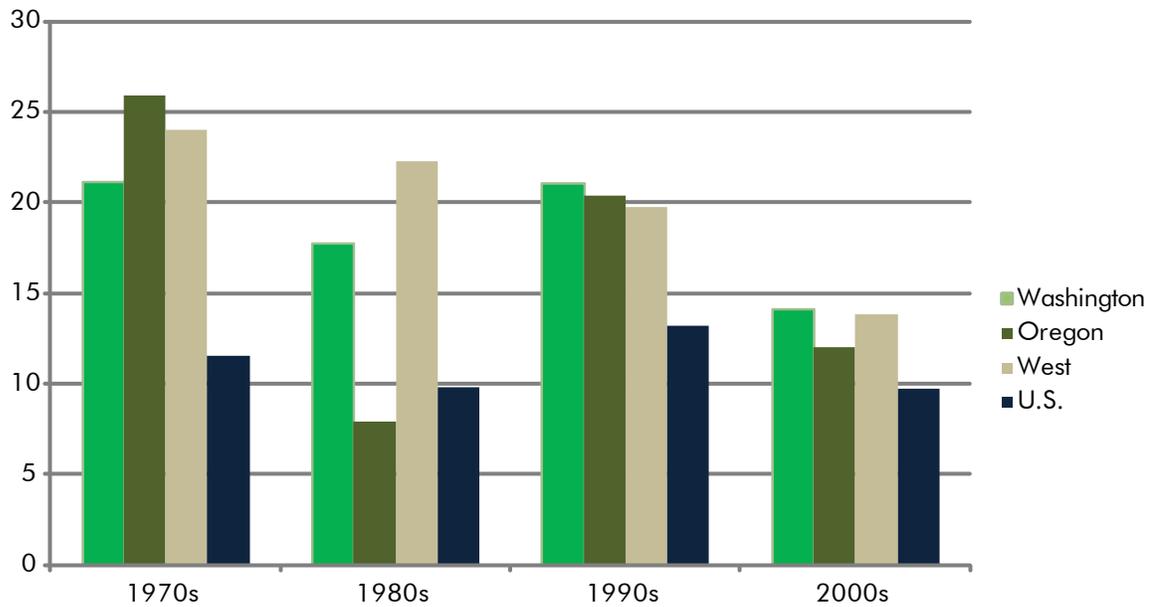
Oregon is not without its own political intrigue in the wake of the November 2010 elections, where Republicans increased their statehouse clout. In coming months, the closely divided Oregon Legislature will attempt to reconfigure legislative and congressional districts — a task that is often intensely partisan.

Apportioning the seats

In the United States, congressional representatives are apportioned to each state based on census population counts once every decade. The Electoral College allocates state electoral votes according to the total number of U.S. House and Senate representatives, so population plays a critically important role in our representative democracy.

The nation had 308,745,538 residents as of April 1, 2010, according to recently released U.S. Census Bureau figures. This marks a 9.7% increase over the Census

1970-2000 Decennial Percentage of Population Growth



Sources: 1970-2000 Percent Population Growth, U.S. Census Bureau (1970-2010)

2000 count of 281,421,906. For purposes of assigning U.S. House seats, the apportionment population includes the total resident — both citizen and non-citizen — population of the 50 U.S. states (excluding Washington, D.C.) and overseas military and federal civilian personnel. U.S. citizens living abroad are excluded.

Establishing the apportionment population has been a contentious topic. In 2000, North Carolina was awarded the U.S. House's 435th seat, while Utah, behind North Carolina at No. 436, fell short of receiving an additional representative by 857 residents. North Carolina's apportionment population included overseas personnel from its large military installations, notably Camp Lejeune and Fort Bragg, while approximately 11,176 Mormon missionaries from Utah were excluded from its apportionment population. In response, Utah unsuccessfully challenged the apportionment counting methodology in an appeal to the U.S. Supreme Court (*Utah v. Evans*).

While population change is the combined result of births, deaths, and mi-

gration/immigration, it is migration that provides the most immediate and visible compositional changes. For the past several decades, migrants have resettled from the Frostbelt/Rustbelt areas of the Northeast and Midwest, driven largely by the lure of jobs and climate, to areas in the South and West. While the economic downturn of the late 2000s slowed migration rates, regional patterns were immune from change.

According to the Rose Institute of State and Local Government, between 1970-2000, population shifts cost the Northeast and Midwest 26 and 27 representatives, respectively, while the South and West gained 27 and 26 seats, respectively. Both Oregon and Washington have seen steady population growth. Washington's population has doubled since 1970 to nearly 7 million residents, while Oregon's population has grown from about 2 million in 1970 to 3.8 million in 2010.

Both Washington and Oregon outpaced national growth over the 30-year period, and with the exception of the 1980s, the states kept pace with their regional peers.

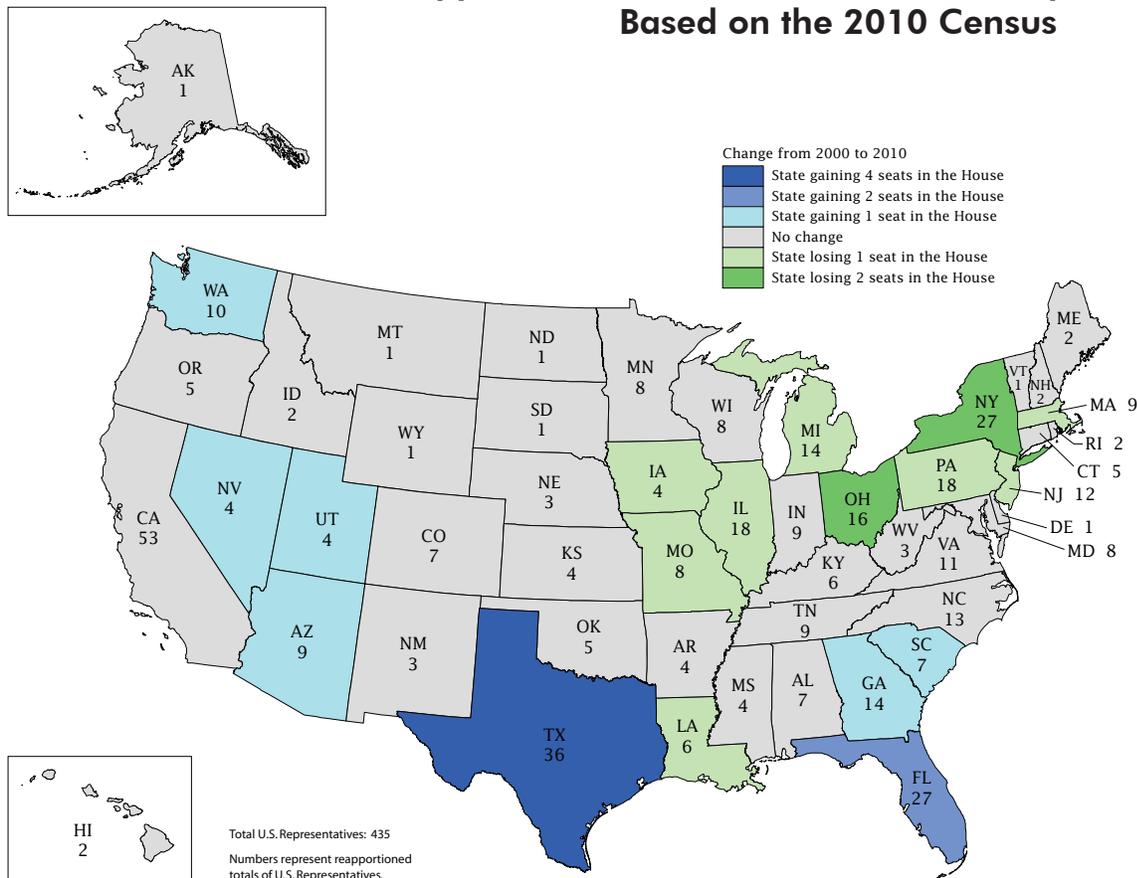
The recession of the early 1980s had a severe impact on Oregon, resulting in net out-migration of working-age residents. Most relevant for political representation is that Washington has grown at a faster clip than Oregon in each decade since 1980. Impressive growth in both Oregon and Washington over the period led to an additional representative for both states in 1980 and another seat for Washington in 1990.

Following the 2000 Census, Washington narrowly missed gaining a tenth representative in the House. With 2000-2010 growth rates in Oregon (12.0%) Washington (14.1%) exceeding the national 9.7% rate, some political observers expected both states to pick up an additional con-

gressional representative. Oregon didn't make the cut, but several southern and western states did: Washington, Nevada, Arizona, Utah, Texas (+4), Georgia, Florida (+2) and South Carolina.

While the apportionment process clearly underscores the importance of population, the method used to assign representation is anything but clear. Since its adoption by Congress in 1941, the method of equal proportions has been used to apportion representatives to the states. Following awarding one U.S. House seat to each of the 50 states, the remaining 385 seats are apportioned by considering each state's apportionment population in calculating "priority values." This is calculated by dividing a state's population by

Apportionment of the U.S. House of Representatives Based on the 2010 Census



the geometric mean of its current and next House seats, and each state's priority value drives the iterative process of assigning seats 51-435.

Following Census 2000, for example, each of the 50 states was first awarded one seat from the 435 total. Because large apportionment populations produce high-priority values, California was awarded the 51st and 53rd seats while Texas received the 52nd seat. According to Election Data Services, Inc., a Beltway consulting firm, Washington was awarded its tenth seat, at No. 432, and Minnesota received seat No. 435. Oregon, meanwhile, was seven spots from receiving an additional representative and missed gaining an additional representative by 41,488 people.

More people, less power?

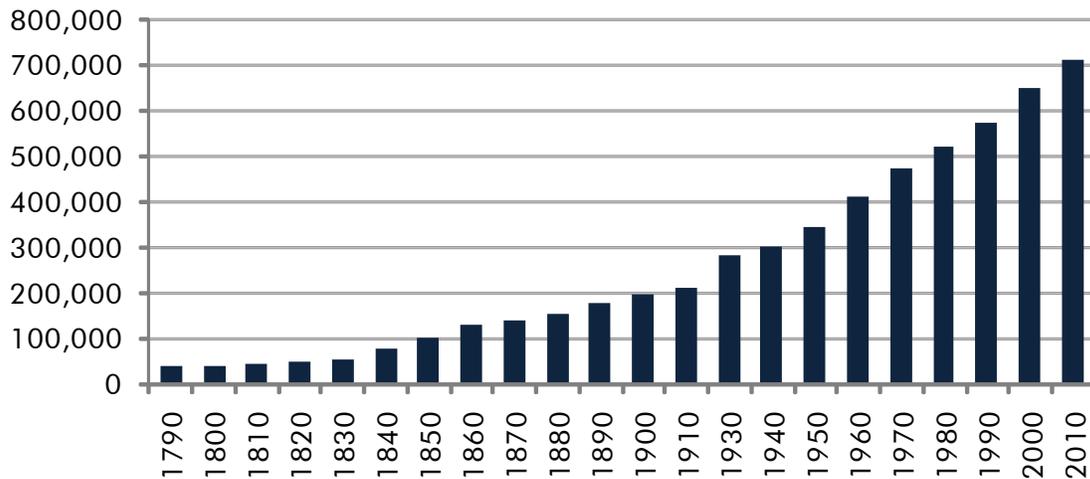
Unlike many other democratic systems of government where members are elected to represent the interests of the country as a whole, the U.S. House is structured so that members represent the interests of people from

their districts. This system, which UW geography professor Morrill describes as the "territorial basis of representation," formalizes the socio-spatial aspect of geography by "localizing" representation. In order to achieve this principle, criteria often mandate that districts be drawn to ensure minority representation and/or preserve communities of interest.

Achieving these principles has become increasingly difficult. Following the establishment of 65 U.S. House seats by the U.S. Constitution, the last permanent increase in U.S. House representation followed the 1910 census with an increase to 435 seats. And since 1910, the U.S. population increased from roughly 92 million to 310 million — a more than 230% increase.

Substantial population growth during the 1900s, combined with a fixed number of U.S. House seats, is a recipe for a prodigious increase in the number of persons per representative. Following the 1910 apportionment, there were 210,328 persons per representative. In 2010, the ratio was

Historical Average of Persons per U.S. House Representative



Source: Leib, Jonathan I. and Gerald R. Webster. 1998. "On Enlarging the U.S. House of Representatives." *Political Geography*. 17(3): 319-329

710,767. Political geographers Jonathan Leib and Gerald Webster point out that this staggeringly high ratio places the United States behind only India in terms of representative constituency size among the world's representative democracies.

A primary effect of this paradigm is the increasing dilution of individual political power. Scholars have written extensively on this issue and generally disagree about the appropriate course of action, but the political consequences are clear. In addition to the improbable task of actually representing 700,000 persons, the “seeming incompatibility of promoting minority representation and maintaining geographically-meaningful congressional districts,” articulated by Leib and Webster, underscores the potential for a diminished political voice and larger issues of inequity.

The increase in the national average persons per representative is further complicated because there are significant state disparities. In fact, a primary consequence of the Evergreen State picking up an additional congressional seat and Oregon missing out is that Washington's representatives will each represent 675,337 persons and Oregon's representatives will each represent 769,721 persons. This means Washington residents have the forty-seventh-largest persons-to-representative ratio while Oregon residents face the fifth-largest ratio nationwide, according to Election Data Services, Inc. Montana has the largest ratio of persons per representative, at 994,416:1.

Drawing the lines

Now that each state has received its apportionment following Census 2010, the season of redistricting has officially commenced. Because



2009 Oregon legislature. Photograph courtesy of the State of Oregon.

the U.S. Constitution provides details regarding only apportionment and reapportionment, however, the task of how districts are redrawn is left to the states. Approaches to redistricting tend to be as complex and diverse as states themselves.

Generally, states redistrict by assigning responsibility to either the legislature or a redistricting commission. The state legislature model is the most common approach and is followed by Oregon and 32 other states.

State legislative redistricting tends to spur considerable debate, largely across partisan lines, because how district lines are drawn directly affects the competitiveness of Republicans and Democrats seeking majority coalitions. But with the number of Independents and non-affiliating voters growing nationwide, as well as in the Pacific Northwest, some political experts see changes on the horizon. Phil Keisling, who served as Oregon Secretary of State during the 1990s, sees an evolution in the partisan importance of redistricting.

“Redistricting is contentious, and political insiders think it’s the ultimate battlefield,” he explained. “But I think the in-

siders are wrong; redistricting increasingly doesn't affect which party prevails, particularly when one-third of the electorate doesn't like either party."

With a plurality of states assigning redistricting responsibilities to their legislatures, drawing of districts is still overtly partisan because the majority party determines the final redistricting boundaries for what is a de facto two-party system.

The November 2010 elections provided considerable gains for Republicans in the U.S. House and Senate. The real boon for Republicans, however, is undoubtedly the Republican gains in many state legislatures across the country. According to the National Council of State Legislatures, Republicans gained 680 state legislative seats, which allowed Republicans to gain control in 14 statehouse chambers and gave Republicans outright control of 26 state legislatures. Democrats will likely feel the impact of the 2010 election for years as Republicans have the opportunity to unilaterally reshape district lines in many states.

Historically, the greed for partisan control has resulted in very unusual shapes. One of the earliest and best-known cases occurred in 1812, when Massachusetts Gov. Elbridge Gerry approved drawing state senate districts that resembled a salamander. Gerry's approval serves as the basis for the term "gerrymander."

In order to avoid gerrymandered districts that dilute minority voters (cracking), aggregate minority voters into one district (packing), protect incumbents, or fracture

communities of interest, redistricting criteria establish how the lines may be drawn. Virtually all districts must be of relative equal population and ensure minority representation. For many states, redistricting plans must meet one or more of the following criteria: ensuring contiguity; maintaining compactness; following established political and geographic boundaries; preserving "communities of interest"; and, either ensuring or restricting incumbency protection.

Redistricting criteria are often established as a way to mitigate gerrymandering. However, when one political party dominates a legislature, the partisan lens can lead to an electoral abuse of power. Political geographer Ron Johnston explains that in drawing lines, partisans have an explicit interest in "wasted, surplus and effective" votes. Wasted votes are cast in a race where the party loses, while surplus votes provide no additional benefit because the party already gained representation. Therefore, political parties look to minimize wasted and surplus votes while maximizing effective votes, resulting in an



Oregon House chamber. Photograph courtesy of the *Oregon Blue Book*.

optimal “50 percent, plus one” vote scenario. Without oversight or bipartisanship, this process is often accomplished through the guise of achieving redistricting criteria.

A House Divided

Legislative and congressional redistricting is carried out by the Oregon Legislature in the session following the decennial census. And if by July 1, 2011 the legislature fails to establish a redistricting plan, the process is bifurcated with Oregon Secretary of State Kate Brown redrawing legislative districts and federal courts redrawing congressional districts. Oregon’s redistricting criteria stipulate that districts must contain equal population, utilize existing geographic or political boundaries, not divide communities of interest, be connected by transportation links, and not be drawn in a way that favors any political party or incumbent legislator.

If history is any indication of what is likely to happen in Salem in coming months, the November 2010 elections added drama. Republican gains in the Oregon House resulted in a 30-30 tie.

To reflect shifts in population, places growing faster or slower than the state average will see boundaries either contract or expand, respectively. Buoyed by population growth exceeding the state average in both Washington and Yamhill counties, Oregon’s First Congressional District, represented by David Wu (D), will likely see its boundaries contract, according to 2009 population estimates from Portland State University’s Population Research Center. The Second Congressional District, represented by Greg Walden (R), will likely also see its boundaries contract because Deschutes and Crook counties are the state’s fastest-growing counties. On the other hand,

the Fourth Congressional District, represented by Peter DeFazio (D), will likely expand its boundaries to include more people because its growth lagged behind the Oregon average.

Generally, places growing faster than the state average during the past decade will see increased state House and Senate representation at the expense of places growing slower. This is good news for suburban Portland metro areas in Washington, Yamhill, and Clackamas counties, as well as for Deschutes and Crook counties.

The Color of Clark County

While the most common approach to redistricting assigns primary responsibility to state legislatures, Washington and 14 other states appoint a redistricting commission, assembled by state politicians or independent commissions. Through the early 1980s, the Washington Legislature determined redistricting. In 1983, Washington voters approved a constitutional amendment that reassigned the task of redistricting from the state legislature to a five-member, bipartisan committee called the Washington State Redistricting Commission. The majority and minority leaders from both the state House and Senate each appoint a voting member to the commission, whose members, in turn, elect a non-voting chairperson. In accordance with state regulations, the commission seeks public input by holding a series of meetings across the state. Redistricting plans must be approved by at least three voting committee members.



Washington State Capital building. Photograph by Michael Burnham.

In Washington, districts must be: convenient, compact and contiguous; contain equal population; coincide with local subdivisions; preserve communities of interest; not discriminate against one party or group; and, encourage electoral competition. These principles will be put to the test in coming months.

Washington's Third Congressional District stretches from the crest of the Cascade Mountains on the east to the Pacific Ocean on the west, from Puget Sound on the north to the Columbia River on the south. The southwestern Washington district includes portions of Thurston and Skamania counties, as well as all of Lewis, Pacific, Wahkiakum, Cowlitz and Clark counties. The politically competitive swing district swung to the right last fall, electing state Rep. Jaime Herrera (now Jaime Herrera-Beutler) to replace seven-term U.S. Rep. Brian Baird (D), who announced his retirement a year earlier.

Herrera-Beutler beat her Democratic challenger, state Rep. Denny Heck, for the open seat by a 53-47% margin. UW geography professor Morrill predicts that the upcoming redistricting effort could benefit a right-of-center lawmaker such as Herrera-Beutler, who once served as an aide to U.S. Rep. Kathy McMorris Rodgers (R).

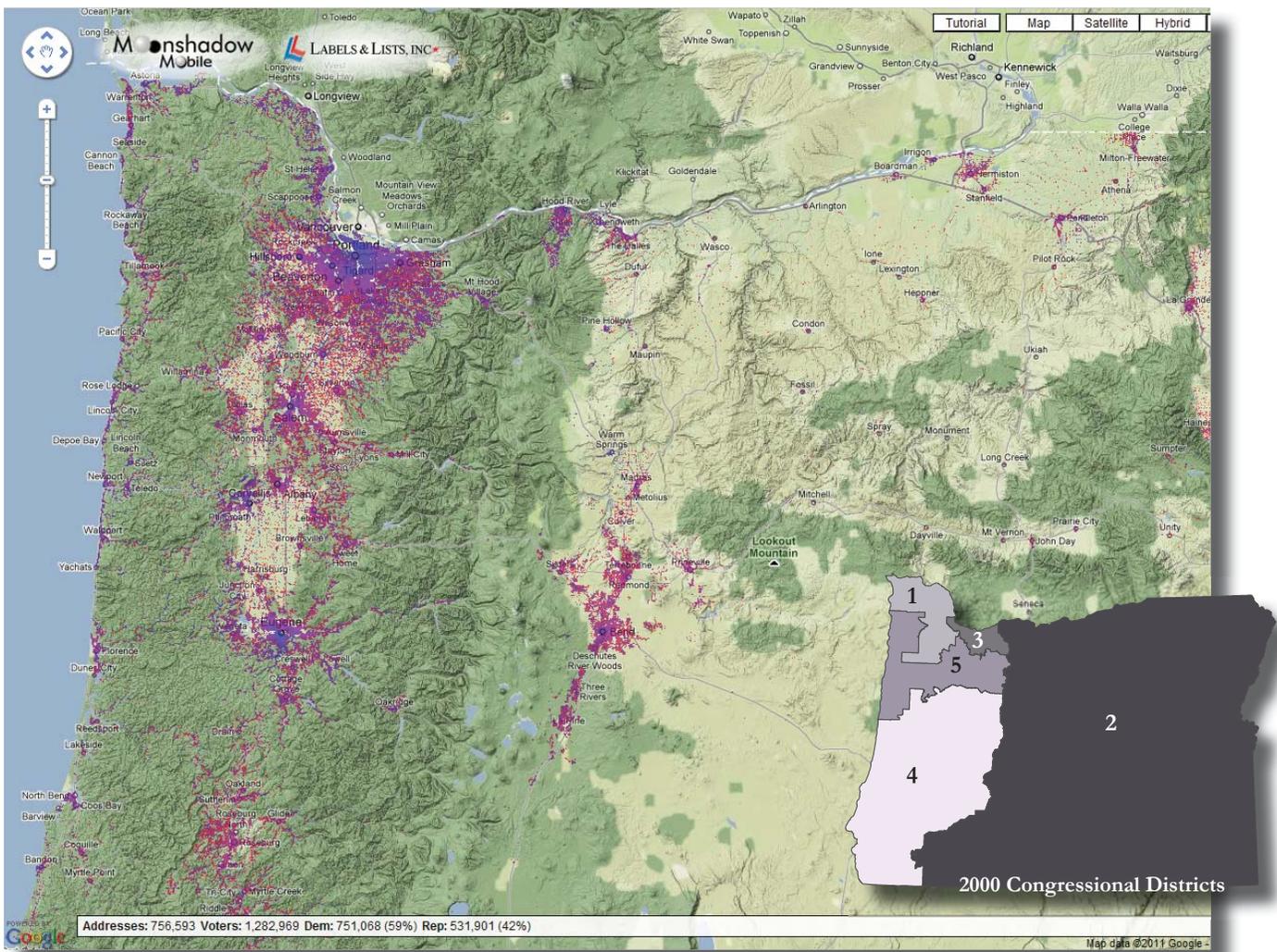
Based on the redistricting committee's criteria and population growth trends, it makes sense to expand the Third District eastward to include parts of Yakima and Benton counties. The new east-west Columbia River district would be even more "geographically logical" than before, Morrill contended, while the Fifth and Sixth districts that sit east of the Cascades would contract in size. "Eastern Washington now has too much population for just two districts, so some of the area has to come west," he contended.

Republican-leaning Lewis County and other counties west and north of Lewis would then become part of Washington's new Tenth Congressional District, he continued. "The new district would probably be based in Olympia and therefore be more Democratic-leaning," he added. "The Third would become more strongly Republican, especially given the kinds of political trends that have happened."

David Ammons, a former journalist who works as an aide to Washington Secretary of State Sam Reed, also predicted that the commission will create a Tenth District with Olympia at its core. There's a twist, however: Rather than picking up all of southwestern Washington's counties, the Tenth could grab chunks of the Third and Eighth districts. The latter district, represented by David Reichert (R), includes fast-growing parts of Pierce and King counties. "The most remarkable growth over the past decade has been in the Eighth District," Ammons explained. "It's largely due to growth in the ... eastern Seattle suburbs."

For every redistricting scenario, there's political intrigue. Will Washington's redistricting panel carve enough rural conservatives from the Eighth District to unseat Reichert? Or will the panel protect Herrera and Reichert and make the new Tenth District the state's center of swing?

Ammons, a longtime Olympia correspondent for *The Associated Press*, summed it up as a "great chess game." The committee process is not totally devoid of partisan politics, he underscored. Rather, it keeps redistricting "arms-length" from the politicians. "(Commissioners) will start with protecting the incumbents and then try to balance out districts so that you can attach a political label and have the rest be swing districts," Ammons explained.



Moonshadow Mobile's votermapping.com website, that maps all registered voters by party affiliation, is one example of the potential of e-democracy in Oregon.

He called the old lawmaker-led redistricting process politically fractious. “It was really a broken system that involved too much self interest on the part of the lawmakers,” he recalled.

e-democracy and Oregon

Political insiders and residents south of the Columbia River are wondering whether Oregon will ever put redistricting in the hands of an independent commission instead of the state legislature. Last year, Coos County Commissioner Nikki Whitty was among petitioners who drafted the Oregon Independent Redistricting Amendment, also known as Initiative 50, which would have charged an appointed commission of retired judges with redistricting. The initiative — whose major financial backers

included Nike Inc. Chairman Phil Knight, Stimson Lumber Co., and the Oregon Restaurant Association — did not appear on the November 2010 ballot because the organizers failed to garner enough valid signatures. So, what does the future hold?

Former Oregon Secretary of State Keisling casts a wary eye as the closely divided Oregon Legislature prepares to carve up the political map.

“Redistricting is not a prize; it’s a necessity,” he told *Metroscope* (see interview page 26). “I hope it’s done in a way that meets the standards of the law, which is keeping communities of interest together. Personally, I wish the legislature well in doing it — but I don’t have a high degree of confidence.”

Keisling is more sanguine about the

prospects of a redistricting ballot measure. “If it were to get on the ballot here it would probably pass,” he said.

Common Cause Oregon did not take an official position on Initiative 50, but the political watchdog group would support a redistricting commission if it were “truly independent with diverse and knowledgeable membership,” explained Common Cause Executive Director Janice Thompson. Her organization plans to launch a contest this spring that would enable voters to draw new legislative and congressional districts.

The contest, which would use open-source software from the nonpartisan Public Mapping Project, would run parallel with the legislature’s work.

The goal is to create a more educated and engaged electorate. “Redistricting is probably the most important political process of the decade that most people know too little about,” Thompson contended.

Other West Coast organizations aim to change this with the click of a mouse.

The “ReDistricting Game,” created by the University of Southern California’s Annenberg Center, not only lets players carve up the political map but lets them explore how political abuses can undermine the system and provides information about real reform initiatives. Dave Bradlee, a University of Washington-educated soft-

ware engineer, has created similar application that uses federal census data and enables users to redraw congressional lines.

Eugene-based Moonshadow Media Inc.’s Borderline software uses voter records, census data, and mapping technology to redraw legislative district lines street-by-street in real time. The company’s newly minted votermapping.com site enables users to map out the political party, age, gender, and other characteristics of Oregon’s 1.8 million registered voters for free.

The Commonwealth of Pennsylvania has ordered the software, and Moonshadow is marketing it to other policymakers and political operatives. Eimar Boesjes, the company’s chief technology officer, said such e-



Oregon State Capitol.
Photograph courtesy of the *Oregon Blue Book*.

tools have the potential to democratize redistricting efforts across the land.

“Technology like what we’re creating can be used to give the public information about what’s happening,” he said. “You don’t have to be an expert to use it.” **M**

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