How Judicial Action on Racial Gerrymandering Has Failed

Communities of Color

By: Maeve Ryan

Advisor: Scott Minkoff
Abstract

Decisions by the U.S. Supreme Court have resulted in the allowance of both partisan and racial gerrymandering in certain cases. This research seeks to identify the impact that this precedent has on the substantive representation of people of color. The majority-minority district is the key example of racial gerrymandering that is currently legal in the United States. The congressional election results of six states were compiled to identify the impact that the use of majority-minority districts has on the number of votes that were essentially “wasted” in these elections. The findings suggest that majority-minority districts are being used as a method partisan gerrymandering. They also suggest that the votes of people of color within these districts are “wasted” and diluted at a much higher rate than other districts. The research concludes that the use of majority-minority districts is resulting in a loss of substantive representation for people of color.

Keywords: Political Science, Racial Gerrymandering, Majority-Minority District, Voter Dilution
The allowance of partisan gerrymandering has impacted the voting system and favored white citizens and the Republican party more and more in recent years (Stephanopoulos and McGhee, 2015). The practices of partisan and racial gerrymandering are unconstitutional but are both currently allowed in certain cases given the judicial precedent. The Supreme Court has established precedent that has both directly allowed for racial gerrymandering and made it difficult to challenge instances of racial gerrymandering in court. There are methods of racial gerrymandering that are intended to benefit communities of color in theory, like the creation of majority-minority districts. However, there are peripheral consequences that undermine the descriptive representation that is guaranteed by the creation of these districts. This research seeks to determine the impact of the allowance of racial gerrymandering on the substantive representation of people and communities of color.

I. The Gerrymandering Problem

The act of partisan gerrymandering is drawing district lines with the specific intent to favor one political party or the other in future elections. A major example of the impact of strategic redistricting occurred in the 2012 elections when around 53.8% of congressional seats went to the Republican party, despite Democrats winning around 50.6% of the national vote. The results of that election demonstrate a national problem with the way gerrymandering separates the voting results from the actual representation earned by the two major parties in government.

The two most used methods of gerrymandering are called “packing” and “cracking”. Packing refers to the act of drawing district lines in such a way that a group of voters is contained in one
district instead of being spread out over multiple districts. This essentially guarantees that voting group a victory in one district but eliminates any influence they might’ve had in surrounding districts. Cracking refers to the act of drawing district lines in such a way that a voting group is spread out over many districts to the point where their voting influence is essentially eliminated in all of them (Morrill 2019). Voter manipulation tactics like these specifically disenfranchise those constituents that live within effected districts. The use of either method results in the dilution of votes. This means that the voting power a group of people is made less effective as their influence is manipulated by redistricting.

Research has revealed that in eighteen of the states with more three or more House districts that the partisan bias created by gerrymandering heavily favor Republican candidates. There are cases wherein Democrats would have to win 60% of the vote in a state in order to have an equal chance at the majority of seats within their state (McGann, et al. 2016). While Democrats are also guilty of intentional partisan redistricting, nationally the Democratic vote is disadvantaged due to Republican gerrymandering.

II. History of Gerrymandering Cases

The Supreme Court and Partisan Gerrymandering

Early in the acknowledgement of partisan gerrymandering and its impact on elections, the Supreme Court decided that partisan gerrymandering was justiciable, meaning it could be ruled on in court. This precedent was set in David v. Bandemer (1986). However, in contrast to this decision the Supreme Court decided in Vieth v. Jubelirer (2004) that cases of partisan gerrymandering were non-justiciable. The Court was not able to agree whether or not this was
due to the political nature of the question or the fact that there is no set of standards upon which the Court could determine the justiciability of partisan gerrymandering cases. This decision was more recently upheld in *Rucho v. Common Cause* (2019) for the reason that the nature of partisan gerrymandering questions is too political. This means that representatives and redistricters are legally allowed to create districts with the specific intent to guarantee a desired partisan makeup.

Researchers point out that the existing precedent set by the Supreme Court is strange and seems to lack a consistent goal. Cases like *Baker v. Carr* (1964) and *Wesberry v. Sanders* (1964) establish that districts should be relatively equal in terms of population size in order to achieve a consistent level of representation and voting power for individuals. Through these cases, the idea of “one person, one vote” became popularized, meaning that the consistency and equality of voting power should be a priority. These decisions have not been overturned. However, the existing decisions about partisan gerrymandering seem to subvert this expectation of equal representation as they allow for representation to be manipulated through the shaping of districts (McGann et al. 2016).

**The Justiciability of Racial Gerrymandering**

Despite the inability of the Court to outlaw partisan gerrymandering practices, they have been able to separate the issue of racially gerrymandered districts. As per a court decision in *Shaw v. Reno* (1993), the Supreme Court established that cases of racial gerrymandering are justiciable, meaning that districts cannot be drawn with the specific intent to encapsulate a desired racial makeup. This decision was based on the Equal Protection Clause in the
Fourteenth Amendment that guarantees all citizens access to equal protection under the law. The Court later established that the irregular shape of a district could be used as evidence that the lines were drawn based on race (Miller v. Johnson [1995], Shaw v. Hunt [1996]). This decision, however, has been since been undermined. The Supreme Court decided in Hunt v. Cromartie (2001) that cases of racial gerrymandering were distinguishable from cases of partisan gerrymandering. The majority of justices agreed that the district in question was created primarily based on the race of the population and not the politics. However, four justices offered a dissenting decision wherein they expressed that the evidence was insufficient. This decision was then undermined in Easley v. Cromartie (2001), wherein a court determined that certain cases of racial gerrymandering can actually be considered indistinguishable from partisan gerrymandering and are, therefore, nonjusticiable (Hayes 2019). Spann (2020) argues that set of decisions by the Court allows cases of Republican racial gerrymanders to be considered nonjusticiable through their link to partisan gerrymandering.

Weeden (2019) makes the case that courts should not consider racial or partisan gerrymandering permissible because race has become too closely correlated with party identification. The author identifies a recurring pattern in judicial cases that assert a district has been wrongfully gerrymandered based on the racial makeup of the population within it. He argues that the Supreme Court consistently produces decisions wherein they allow partisan gerrymandering to be the justification for wrongful racial gerrymandering with vague and incoherent reasoning. The burden of proof is on the plaintiffs that level the accusation that a district has been wrongfully racially gerrymandered. The task has proven to be difficult. The concept of partisan redistricting is too easily manipulated to excuse cases wherein race was the
predominant factor in the determination of the district. For these reasons, Weeden argues that the Supreme Court needs to redetermine that partisan gerrymandering is justiciable in order to genuinely allow accusations of racial gerrymandering to be fairly leveled in court.

The Supreme Court has also consistently upheld Section 2 of the Voting Rights Act of 1965. This section legally established that district lines cannot be drawn in such a matter as to “improperly dilute” the voting power of people of color. However, the section did not establish a methodology for determining when improper dilution has occurred or a specific definition. The other significant concept that is established in this section is the allowance of racial gerrymandering in the case of majority-minority districts.

III. Parties and Substantive Representation for People of Color

Philpot (2007) acknowledges an effort by the Republican party to be more inviting towards people of color in recent years but demonstrates how their platform continues to exacerbate the disenfranchisement of communities of color. Republicans favor a vast number of policies that do not benefit people of color. This includes the advocacy of charter schools that receive funding from the federal government but are consistently majority white students. The Republican platform also maintains a harsh stance on crime. More recently that focus has drifted away from white collar crimes and towards crimes that target people of color like drug-related crimes and juvenile crime. They also maintain support for the death penalty. The party’s positions on assistance programs like welfare and social security continue to emphasize personal accountability and responsibility over need. While there are certainly areas where the
Democratic party can improve, the Republican party is actively fighting against communities of color when it comes to race-related political issues.

The assumption that white Democratic representatives will provide more substantive representation to people of color than white Republicans is essential to this research. It ties into the discussion of descriptive and substantive representation as it relates to racial gerrymandering.

IV. Descriptive and Substantive Representation

Descriptive and substantive representation are significant concepts in the discussion of ideal representation. There is much discourse over the exact definition of both concepts, but in the simplest terms, those who favor descriptive representation generally feel that a representative should resemble who they are representing. An example of this might look like a black representative representing a black individual or community. Substantive representation, on the other hand usually occurs when the policy ideas of an individual or voting group are expressed by their representative (Pitkin 1967). An example of this, for the purposes of this research, might look like a representative listening to the policy ideas of an individual or community of color and allowing that to directly inform the policy ideas they bring to their governing body. Pitkin argues that the distinction between the two can be thought of as the difference between “standing for” vs. “acting for.” The distinction is significant in regard to racial gerrymandering as drawing district lines based on race has a major impact on the access that voters of color have to both descriptive and substantive representation.
There is a lot of existing thought about the relationship between descriptive and substantive representation. At the center of the discussion is whether or not descriptive representation necessarily equals substantive representation. There is thought that descriptive representatives may provide more substantive representation because of factors like shared experience and a more in-depth understanding of their constituents. The general consensus, however, is that there is not an objective answer to the question. It has instead been suggested that the most appropriate approach to descriptive representation is a consistent analysis of situations wherein the benefits of descriptive representation might outweigh the costs (Mansbridge 1999).

Line drawers rely heavily on surface-level characteristics of potential constituents in order to predict their voting behavior. It is for this reason that racial gerrymandering is inherently problematic and difficult to separate from partisan gerrymandering. When lines are drawn based on the descriptive characteristic of race, the partisanship of the impacted districts will almost always be affected. Mansbridge (1999) outlines an example of an instance wherein substantive representation is directly sacrificed in the pursuit of descriptive representation:

“If, for example, White Democrats represent many substantive interests of Black voters much better than White Republicans, and if concentrating Black voters in Black districts produces a few more Black representatives at the cost of many more Republicans elected from other districts, then in some historical circumstances, such as when the percentages in a majority-rule legislature are almost tied between Republicans and Democrats, the substantive impact of losing those Democratic legislators will be high and the cost probably not worth paying” (Mansbridge 1999).

This concept ties directly into the practice of majority-minority districts that has been allowed by the Supreme Court as a method of racial gerrymandering that is theoretically helpful to people of color.
V. The Majority-Minority District

A majority-minority district is a district that has been drawn to contain a majority population of a people of color. While this sounds ethically iffy, it is actually a well-known and often used concept in redistricting. Despite the Supreme Court decision that districts drawn on the basis of race are not legal in most cases, majority-minority districts are often an exception. Some states have actually been required to contain a certain number of majority-minority districts as result of the court interpreting the 1965 Voting Rights Act (VRA). This is because the original intent of creating these districts was to guarantee the communities of color within them the power to elect a candidate of their choice (Conroy 2006). In this way they were guaranteeing these communities access to descriptive representation. However, there are often peripheral consequences that can result is less substantive representation for those communities. Courts have consistently failed to take this into account and the VRA is used as a safeguard against racial gerrymandering that would otherwise be considered unlawful.

Overby and Cosgrove (1996) demonstrate how majority-minority districts can actually corrode substantive representation for communities of color. They argue that in favoring majority-minority districts, these communities might actually be sacrificing a certain amount of substantive representation in order to have descriptive representation within their district. They present cases wherein white electorates were less concerned with issues that specifically impact people of color after they lost constituents of color to racial redistricting. They conducted an empirical study, taking into account the variables of ideology, politics and race. They found that the impact of the phenomenon in their hypothesis was slightly mitigated by
the fact that white Democratic representatives tend to trend increasingly liberal. However, the data did demonstrate a clear trade-off between descriptive and substantive representation when majority-minority districts were drawn.

Waymer and Heath (2016) provide evidence that the consequences of majority-minority districts can outweigh the intended benefits that they are meant to provide to communities of color. The authors establish that the Democratic party has shrunk in the South in recent years. They cite the tendency of people of color to reside in denser, urban areas and how this tendency has been utilized to easily draw coalitions of Democratic voters into fewer districts. They utilize South Carolina as a case study. They describe a situation wherein a majority-minority district was created in order to guarantee a community of color to select a representative in Congress. The district was adjacent to another district wherein a Democratic candidate could be competitive. The Democratic candidate in the majority-minority district won by a large margin and garnered 3 times the vote of his closest competitor. However, the Democratic candidate in the neighboring district lost by a slim margin and garnered 41% of the vote. The authors theorize that had the majority-minority district not been drawn so exactly on the basis of race, that both elections could have resulted in a Democratic win.

The authors argue that cases like these demonstrate that majority-minority districts can result in less substantive representation. They assert that had both Democratic candidates been elected, the community of color would have been more substantively represented in the House of Representatives. This leads into the argument that more Democratic representatives lead to more substantive representation for black communities.
VI. Impact on Democratic Party

A major factor that impacts the election of Democratic candidates is demonstrated by a standard developed by Stephanopoulos and McGhee (2015) that they titled the “efficiency gap.” The standard was created to measure the efficiency of the votes cast for either party in U.S. elections. It also used a method to determine whether or not partisan gerrymandering has occurred. The standard is based on the concept of “wasted votes” which they describe as votes that go towards the losing party or any votes cast for the winning party that go over the amount required to win. The concept is integral to understanding how gerrymandering impacts substantive representation. The research that they have done utilizing this method demonstrates that gerrymandering impacts the Democratic Party more severely than the Republican Party as it exists now. Petry (2018) describes a hypothetical example wherein Democratic candidates win by large margins in 2 districts and Republicans win by thin margins in 3 others. In cases like these, the Democratic party ends up with a larger percentage of votes, but fewer candidates in office. This concept ties directly into how racially gerrymandered districts, including majority-minority districts ultimately result in less substantive representation at the federal level of government. There is evidence of this in recent history. This concept arises in Waymer and Heath’s (2016) example about South Carolina. The extra votes that go to the winner in the majority-minority district are “wasted votes” that could have been utilized in favor of another Democratic candidate had the district not been drawn exactly along the lines of the black community.

Ingraham cites North Carolina as a case study. He offers the example of the 2016 national elections. This year, Democrats in North Carolina cast 47% of votes and ended up with
23% of the congressional seats that were up for election. He cites a similar case wherein Democrats in the state of Pennsylvania cast 48% of the vote and garnered 27% of the congressional seats. However, between the 2016 and 2018 elections, Pennsylvania’s state supreme court redrew their district lines to remove partisan gerrymandering. In the 2018 elections, North Carolina’s results reflected those of 2016 while Pennsylvania’s Democrats were able to get 48% of the congressional seats with 53% of the ballots cast. This example offers a snapshot of the devastating impact that gerrymandering can have on the ability of Democratic candidates to be elected.

Cohn speaks to the ways in which white Democrats are losing their voice in the South. When dense communities of color are drawn into majority-minority districts, the votes of the white Democratic population in surrounding districts can become wasted votes. If you combine that with the general trend in the South towards the Republican party, the future of the Democratic party in the South begins to look bleak. There are already some states where the white population is 9-1 Republican to Democrat. A stronghold on southern states is a major advantage for the Republican party. The southern states generally have more electoral votes per person because the populations are spread out over a larger area. Without the votes of people of color in more than a few districts per southern state, the Republican party will continue to win federal elections without the majority vote.

VII. Theory

I decided to focus my empirical research on majority-minority districts as they are obvious instances of racial gerrymandering that are easy to identify. The current precedent set
by the Supreme Court regarding racial gerrymandering has allowed for the creation of majority-
minority districts. The precedent set regarding partisan gerrymandering has muddied the water
of gerrymandering cases and made it more difficult to challenge unconstitutional racial
gerrymandering in court. Despite the fact that the creation of some majority-minority districts
can essentially be equated to the packing method of partisan gerrymandering, they are still
allowed to exist. The underlying theory is that the allowance of racial gerrymandering through
majority-minority districts has an overall negative impact of the substantive representation of
people of color. In other words, the descriptive representation guaranteed by the use of
majority-minority districts for the communities of color within those districts is not worth the
loss of substantive representation at the federal level.

VIII. Research Methods

In my research I hoped to demonstrate the rate at which the votes of people of color
are being wasted as a result of majority-minority districts is significantly high in comparison to
the national average. I also hoped to identify specific examples wherein these districts might be
directly impacting the results of the elections in surrounding districts. I have chosen six states of
varying political ideologies to serve as a snapshot of the voting dynamics of the entire country. I
chose New York and Maryland as two states that consistently vote overwhelming for the
Democratic party. I chose Georgia and Ohio as swing states that haven’t historically voted for
either party consistently. Lastly, I chose Tennessee and South Carolina as states that vote
overwhelming for Republican candidates. I feel that the array of partisanship represented by
this selection of states will provide results that are reflective of the entire nation.
I compiled the election results from all 81 districts in these states for the last three congressional election cycles that occurred in 2020, 2018, and 2016. Specifically, I collected the data from elections for the House of Representatives. I used the Statistics of the Presidential and Congressional Election provided by the Office of the Clerk of the House of Representatives for each year. I did not include the results for third party candidates as I felt that the significant results would concern the two major parties. Overall, there were 243 elections included over all three election cycles.

At the center of my research methods is the concept of wasted votes established in the efficiency gap method developed by Stephanopoulos and McGhee (2015) More specifically the comparison between wasted votes in majority-minority districts and standard districts. The independent variable can be identified as whether or not a district has majority population of people of color. The dependent variable can be defined as the percentage of wasted votes garnered by candidates in the congressional elections in the included districts. I approached the research with two hypotheses. Firstly, I predicted that average percentage of wasted votes in majority-minority districts would consistently be significantly higher than the total average and when compared to standard districts. Secondly, I predicted that the average percentage of wasted votes in majority-minority districts would significantly raise the overall average of the Democratic Party.

I then calculated the percentage of wasted votes for both parties in every election. I counted any votes cast for the losing party and any votes over 50% for the winning party. I excluded the results from uncontested elections as the resulting empirical data would have served as outliers that significantly altered the results of the research. However, it is worth
noting that uncontested elections are a common occurrence in majority-minority districts. This is due to the fact that Democratic candidates tend to win overwhelmingly in these districts. The idea that an overwhelming percentage of votes would go to the Democratic candidate regardless of the existence of an opponent supports the idea that a lot of votes are wasted in these districts.

Using this data, I separated out the wasted votes for the winning party in every election. I then found the state average of wasted votes for the winning party in each state by taking the average of all the districts. I also found this average for standard districts while excluding the election results for majority-minority districts. Lastly, I found the average percentage of wasted votes for majority-minority districts, excluding any results from standard districts. A sample of this data using the election results from Maryland in 2016 can be viewed in Table 1. The information from each state was used for analysis about how majority-minority districts functioned differently in each state. It was also used to compare the impact of majority-minority districts from states with varying political demographics.

<table>
<thead>
<tr>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>D1</td>
<td>60%</td>
<td>38.10%</td>
<td>10%</td>
<td>38.10%</td>
<td>10%</td>
<td>10.00%</td>
<td></td>
</tr>
<tr>
<td>D2</td>
<td>30.70%</td>
<td>66.10%</td>
<td>30.70%</td>
<td>16.10%</td>
<td>16.10%</td>
<td>16.10%</td>
<td></td>
</tr>
<tr>
<td>D3</td>
<td>28.30%</td>
<td>69.20%</td>
<td>28.30%</td>
<td>19.20%</td>
<td>19.20%</td>
<td>19.20%</td>
<td></td>
</tr>
<tr>
<td>D4 (m-m)</td>
<td>19.90%</td>
<td>78.10%</td>
<td>19.90%</td>
<td>28.10%</td>
<td>28.10%</td>
<td>28.10%</td>
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</tr>
<tr>
<td>D5 (m-m)</td>
<td>27.10%</td>
<td>70.40%</td>
<td>27.10%</td>
<td>20.40%</td>
<td>20.40%</td>
<td>20.40%</td>
<td></td>
</tr>
<tr>
<td>D6</td>
<td>38%</td>
<td>59%</td>
<td>38.00%</td>
<td>9.00%</td>
<td>9.00%</td>
<td>9.00%</td>
<td></td>
</tr>
<tr>
<td>D7 (m-m)</td>
<td>21.30%</td>
<td>76.50%</td>
<td>21.30%</td>
<td>26.50%</td>
<td>26.50%</td>
<td>26.50%</td>
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</tr>
<tr>
<td>D8</td>
<td>30.50%</td>
<td>68.20%</td>
<td>30.50%</td>
<td>18.20%</td>
<td>18.20%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average</td>
<td>26%</td>
<td>21.95%</td>
<td>18%</td>
<td>13.58%</td>
<td>25.00%</td>
<td></td>
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</tr>
</tbody>
</table>

I used the data from every state to compile a table of total averages for each election cycle. The results from the congressional elections for the year 2020 are displayed in Table 2. These
results are useful in measuring the national impact of racial gerrymandering. The data was analyzed as a snapshot of the impact that racial gerrymandering has on a national level.

### Table 2, Average Wasted Votes 2020

<table>
<thead>
<tr>
<th>2020</th>
<th>Average % of Wasted Votes - Winning Party</th>
<th>Average % of Wasted Votes - Regular District</th>
<th>Average % of Wasted Votes - Majority-Minority District</th>
<th>Difference in Average % - (M-M and Total Average)</th>
<th>Difference in Average % - (M-M and Regular Districts)</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Carolina</td>
<td>12.77%</td>
<td>10.20%</td>
<td>28.20%</td>
<td>15.43%</td>
<td>18%</td>
</tr>
<tr>
<td>Tennessee</td>
<td>20.73%</td>
<td>19.77%</td>
<td>27.40%</td>
<td>6.67%</td>
<td>7.63%</td>
</tr>
<tr>
<td>Ohio</td>
<td>14.16%</td>
<td>13.09%</td>
<td>30.10%</td>
<td>15.94%</td>
<td>17.01%</td>
</tr>
<tr>
<td>Georgia</td>
<td>16.42%</td>
<td>12.82%</td>
<td>25.43%</td>
<td>9.01%</td>
<td>12.61%</td>
</tr>
<tr>
<td>New York</td>
<td>16.70%</td>
<td>10.10%</td>
<td>31.80%</td>
<td>15.10%</td>
<td>21.70%</td>
</tr>
<tr>
<td>Maryland</td>
<td>18.65%</td>
<td>15.74%</td>
<td>23.50%</td>
<td>4.85%</td>
<td>7.76%</td>
</tr>
<tr>
<td>Average</td>
<td>16.57%</td>
<td>13.62%</td>
<td>27.74%</td>
<td>11.17%</td>
<td>14%</td>
</tr>
</tbody>
</table>

### IX. Results/Analysis

**The National Impact**

The total averages of all the states combined do not allow for the analysis of specific instances wherein substantive representation has directly been lost. However, the results are significant in that they demonstrate a larger problem with the electoral system. The average amount of wasted votes in majority-minority districts was drastically higher than the average for all the districts in all three election cycles. As seen in Table 2, the difference between the average wasted votes for the winning party in all districts and the average for majority-minority districts was 11.17% for the year 2020. This means that on average, majority-minority districts garnered 11.17 more percentage points of wasted votes than the average district. In 2018 this figure was 12.51% and in 2016 it was 10.12%. So, the impact of majority-minority districts fluctuates from year to year but remains consistently high relative to the average.
The difference between the average amount of wasted votes in majority-minority districts and standard districts without a majority of people of color is even wider. In 2020, majority-minority districts garnered 14 more percentage points of wasted votes than standard districts. In 2018, this figure was 15.74% and in 2016 this figure was 12.69%. Votes in majority-minority districts are wasted at a much higher rate than in standard districts. This is problematic for many reasons, but particularly because it is communities of color that are being disenfranchised. It is not possible to say what impact these wasted votes had on actual election results with this data. However, it is made clear that the ability of line drawers to create these districts is devaluing the vote of communities of color within them. Even without acknowledging the partisan issues that arise and the impact on the Democratic Party, there is a glaring problem with the rate at which voters of color are being diluted.

**Majority-Minority Districts and the Democratic Vote**

The results reflected the existing literature regarding partisan gerrymandering in that the Democratic Party is nationally disadvantaged. In every state besides Maryland, Democrats wasted votes at a significantly higher rate than Republicans. Maryland is a strongly blue state where seven out of its eight districts consistently vote for Democrats. However, even in that case, the average wasted votes for Republicans was only 8 percentage points higher than that of Democrats. Whereas in a strongly red state like South Carolina, the amount of wasted votes for Democrats was 18.08 percentage points higher than that of Republicans on average. Democratic votes are devalued in red states at a higher rate than Republican votes in blue states.
The previous finding is significant to the impact of majority-minority districts. As predicted the majority-minority districts garnered wasted votes at a rate drastically higher than the total average and the average of standard districts. Majority-minority districts also voted overwhelmingly blue across the board. Therefore, the average amount of wasted votes in the majority-minority districts significantly raises the total average of the Democratic Party. In New York in the year 2018, the average percentage of wasted votes garnered in majority-minority elections was 40.81%. The average percentage of wasted votes for the Democratic Party was 29.25%. However, when the results from the majority-minority elections are excluded from this average the figure goes down to 24.49%. This example demonstrates that even in states that lean to the left, the existence of majority-minority is significantly altering the amount of Democratic votes that are not contributing to the results of federal elections. Majority-minority districts can, in this way, be considered a contributing factor in the disenfranchisement of Democratic voters.

I approached this research with the assumption that Democratic candidates will provide more substantive representation to people of color than Republicans. Therefore, the impact on that majority-minority districts have on the Democratic Party as whole can also be considered harmful to communities of color. Again, while this research cannot specifically indicate instances wherein substantive representation was lost, it can be identified that the use of majority-minority districts is raising the national number of wasted votes for Democrats. The inability of Democrats to have their votes counted equally specifically impacts communities of color and demonstrates a problem with the electoral system.
The Impact of Majority-Minority Districts on Adjacent Districts

As predicted by the literature, the results of this research revealed that the wasted votes that were garnered in majority-minority elections may have contributed to the success of Democratic candidates in neighboring districts. Figure 1 is a map of the current congressional districts in South Carolina. District 6 is the one and only majority-minority district in the state. Congressman Jim Clyburn won this seat in 1993 and he has held it ever since. In the election cycles that I researched, Clyburn consistently wins this election with around 70% of the vote. This means that around 20% of the votes in that election are wasted consistently. Looking at the map, you can identify that district 1 is directly adjacent to district 6. District 1 happens to have been a very competitive district in recent years. Democrats actually won the seat in this district in 2018, by a very small margin of 1.4%. The seat was lost again to Republicans in 2020 by an even smaller margin of 1.2%.

This a perfect example of a scenario wherein the Democratic votes within a majority-minority district could be contributing to a Democratic victory in an adjacent district, as outlined by Mansbridge (1999). The guarantee of descriptive representation in district 6 is directly interfering with the potential substantive representation that could be gained in district 1 had racial gerrymandering not occurred.
Tennessee did not provide an obvious example like this one because the single majority-minority district (district 9) in the state is only bordered by one other district as seen in figure 2. District 8 consistently goes strongly Republican and the results of that election would likely not be impacted if the communities of color in district 9 were spread out over multiple districts. In this instance, the majority-minority district reflects the original intention of the practice more directly.

These results indicate that there may be instances wherein the descriptive representation guaranteed by a majority-minority district might be the only access that communities of color have to substantive representation. However, this demonstrates a wider problem with the way our electoral system is set up wherein communities of color need to sacrifice votes in order to access to any form of representation.

X. Conclusion

The results demonstrate a theme wherein people of color are specifically disenfranchised by the allowance of racial gerrymandering. Despite the original intention, the racially motivated nature of these districts means that any negative consequences are most severely impacting the people of color within them. The essential issue is, given the way our electoral system is currently set up, a large chunk of voters in all majority-minority districts might as well not vote.
in federal elections. People within these districts deserve a vote that matters or is at least consistent with the voting power of individuals in other districts.

Within the context of the current voting system the majority-minority district is being used as a method of partisan gerrymandering. For redistricters, race is an easy way to predict voting behavior. The ability to pack communities of color into these districts is essentially a way for Republicans to ensure that their influence is limited to a minimum number of districts. The continued allowance of this practice by the Supreme Court under the guise that it is universally helpful to voters of color is unjust. Line drawers are utilizing the promise of descriptive representation to undermine the access that people of color have to substantive representation.

The results of this research also demonstrate an issue with the electoral process as a whole. There are instances of racial gerrymandering that currently exist in the U.S. that likely are fulfilling the original purpose of the majority-minority district. However, the problem remains that even these districts are resulting in minority votes being wasted a rate higher than the rest of the nation. This is harmful in that it directly impacts the voting power of communities of color. It is also harmful in that it is exacerbating the impact of wasted votes on a party that is already heavily impacted by gerrymandering. Communities of color are also disenfranchised through the loss of representation for the Democratic Party.

This research could have been improved by a national analysis. While I believe the choice of states with varying political ideologies provides a relatively decent snapshot of the nation, the inclusion of all congressional elections would allow for a more accurate analysis of the entire country. I would also likely have been able to identify more instances of racial gerrymanders
that are impacting the elections results in neighboring districts. In the future, the research could be extended to include election results from before the most recent redistricting cycle. This could be helpful in identifying the impact that district changes had of the percentage of wasted votes in congressional elections. The same research methods could also be applied to state legislators to identify whether or not the impact of majority-minority districts is consistent on the state level.
Bibliography


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