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Focus on Facts

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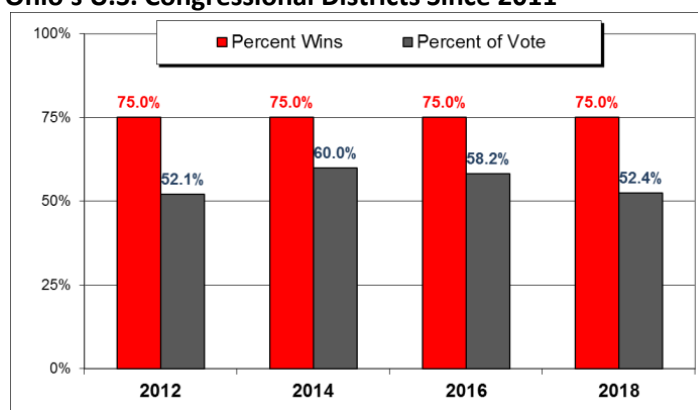
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Congressional District Boundaries in Ohio: Impact on Voters and Party Representation in the U.S. Congress

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- On May 3, 2019, a panel of three U.S. Federal court judges in Cincinnati ruled that the boundary lines that have been used since 2011 for all of Ohio's 16 U.S. Congressional districts are unconstitutional. The court was "...convinced by the evidence that this partisan gerrymander was intentional and effective and that no legitimate justification accounts for its extremity."¹ The plaintiffs offered testimony and evidence that extreme partisanship was used in 2011 to draw Congressional boundaries, thus denying some voters their constitutional rights.² Defendants countered with testimony and evidence that the districts were drawn legally and fairly.³ Ultimately, the case is likely to end up in the U.S. Supreme Court.
- Both sides of this case rely on the same data. Since 2011 Ohio's voters have filled the state's 16 Congressional seats four times (64 separate elections). Figure 1 shows that the majority party's candidates (Republicans) won an average of 56.8% of all votes that were cast statewide in those 64 congressional races yet won 75% of the state's seats in the U.S. House of Representatives.

Figure 1: Percent of Votes and Percent of Wins for Majority Party In Ohio's U.S. Congressional Districts Since 2011



¹ Opinion and Order, Ohio, United States District Court for the Southern District of Ohio, Western Division. A. Philip Randolph Institute, et al. v. Larry Householder, et al., April 3, 2019, page 5.

² Gerrymandering is the term used to describe the intentional manipulation of district boundaries to discriminate against a group of voters on the basis of their politics or race. The goal of extreme partisan gerrymandering seeks to win a disproportionate share of seats by spreading its supporters out among districts sufficiently to win them, while concentrating (packing) the opposing party's voters into a few districts.

³ For more information see <http://www.brennancenter.org/legal-work/ohio-philip-randolph-inst-v-kasich>.

- Figure 2 shows that Ohio’s Congressional races are not very competitive. In 2018, the state’s 12 House Republicans won their districts with an average of 58.6% of the vote. The state’s 4 House Democrats won with an average of 71.2%. Only four races since 2011 were won by either party with less than a 10 percent margin of victory. And none of the 16 districts switched from one party to the other.
- One result of non-competitive districts is that voter participation is lowered.⁴ Voters from both parties may not bother voting because they believe that their district’s boundaries are drawn to assure that one party’s candidate always wins. And when they do vote, many voters conclude that the power of their vote was “wasted” because either their candidate lost by a large margin or won by a large margin.⁵
- The Supreme Court has previously ruled that one person's voting power ought to be roughly equivalent to another person's within the same state.⁶ Yet the impact of non-competitive elections and gerrymandered districts is that the equality of votes is diminished, essentially making many votes unnecessary and thus “wasting” the votes of many voters from both parties. Figure 3 shows this pattern in Ohio’s Congressional elections in 2018. Many more votes for the minority party’s candidates (Democrats) were wasted than were wasted for the majority party’s candidates (Republicans). This same pattern occurred in the elections of 2012, 2014, and 2016.

⁴ See Fraga, Bernard L and Hersh, Eitan, “Voting Costs and Voter Turnout in Competitive Elections” (2010). APSA 2010 Annual Meeting Paper. [<https://ssrn.com/abstract=1643019>].

⁵ “Wasted votes are votes for a losing candidate and votes that the winner did not need to win. Any vote that has no effect is a wasted vote.” See at https://www accuratedemocracy.com/z_words.htm.

⁶ This is the Equal Protection Clause of the Constitution (14th Amendment) and was asserted in Reynolds v. Sims, 377 U.S. 533 (1964). Another constitutional argument based on an interpretation of the First Amendment is that of “Viewpoint discrimination”, a form of discrimination against speech that is based on the content of the speech. See <https://mtsu.edu/first-amendment/article/1028/viewpoint-discrimination>.

Figure 2: Average Percent of Votes for Minority Party in Each Ohio U.S. Congressional District Since 2011

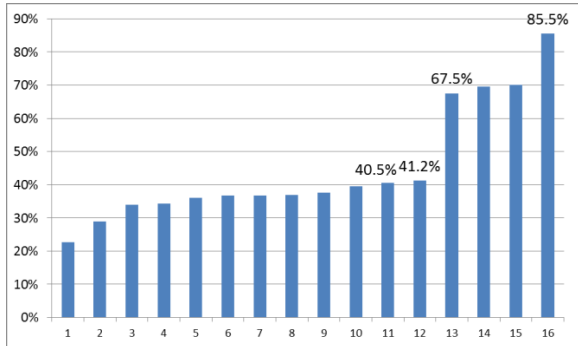


Figure 3: "Wasted Votes" in Ohio's U.S. Congressional Races, 2018

