Independent Redistricting Commissions and the Community

by

Elizabeth Fischer

A thesis accepted and approved in partial fulfillment of the

requirements for the degree of

Master of Science

in Geography

Thesis Committee:

Shaul Cohen, Chair

Peter Walker, Member

University of Oregon

Spring 2025

© 2025 Elizabeth Fischer

THESIS ABSTRACT

Elizabeth Fischer

Master of Science in Geography

Title: Independent Redistricting Commissions and the Community

There's rising interest in the process of redistricting, especially given its effects on democracy and representation. Several states have enacted independent redistricting commissions, most of which require that maps follow the boundaries of locally understood communities of interest (CoI). In light of this, there's a growing body of research which attempts to use the concept of community of interest as an objective and delineable standard for drawing districts fairly. Using literature which problematizes the idea of rigidly drawn communities, as well as James Scott's idea of legibility, this thesis critiques attempts to rigidly parameterize communities of interest using case studies from redistricting commissions in Montana, California, and Washington.

ACKNOWLEDGMENTS

Sample text: I wish to express sincere appreciation to Professors Smith and Jones for their assistance in the preparation of this manuscript. In addition, special thanks are due to Mr. John Doe, whose familiarity with the needs and ideas of the community was helpful during the early programming phase of this undertaking. I also thank the members of the community councils for their valuable input. The investigation was supported in part by a Public Health Service Fellowship, Number 6 RP BV-22, 731-03, from the National Institutes of Mental Health, and by a grant from the National Science Foundation, ABC 123-45678, to Dr. John Smith at the University of Oregon

TABLE OF CONTENTS

Chapter	Page
I. INTRODUCTION	8
II. LITERATURE REVIEW	16
III. METHODOLOGY	27
My hypothesis and alternatives	29
Research Strategy	33
IV. MONTANA	34
The Context of the Commission	34
Community in Montana Districting Testimony	38
Montana’s Counterfactual Maps	44
The Final Map	49
V. CALIFORNIA	52
The Context of California	52
The Central Valley of California	54
The Bay Area	56
Community in the Central Valley	57
Articulating Community in the Bay Area	61
Counterfactual Mapping	63
The Final Map	66
V. WASHINGTON STATE	70
The Context of Washington	70

Chapter Page

The Yakima Valley 73

Public Testimony 74

Counterfactual Maps 76

Results 80

V. CONCLUSION 83

BIBLIOGRAPHY 87

LIST OF FIGURES

Figure Page

1. A map of Montana's topography and Native nations 37
2. Montana 2020 election results by precinct 38
3. Montana Districting and Apportionment Commission Proposal 4 44
4. Montana Districting and Apportionment Commission Proposal 8 45
5. Counterfactual Map #1 47
6. Counterfactual Map #2 47
7. Counterfactual Map #3 48
8. Counterfactual Map #4 49
9. Counterfactual Map #5 50
10. California Citizens' Redistricting Commission Outreach Zones 55
11. Counterfactual Map #1 67
12. Counterfactual Map #2 68
13. Counterfactual Map #3 69
14. Counterfactual Map #4 70
15. California's Congressional Districts 71
16. Counterfactual Map #1 80
17. Counterfactual Map #2 81
18. Counterfactual Map #3 82
19. Counterfactual Map #4 83

Introduction

In the summer of 2018, I was an intern with Common Cause North Carolina, a good government organization which at the time was suing the state of North Carolina over gerrymandered election maps. As an intern, I developed a training which would teach everyday people how to use Dave's Redistricting, a common tool for drawing legislative districts. I was excited about the possibility of expanding access to this tool, so I ran a training program myself in my hometown of Boone, North Carolina for members of the public to learn about the software. I explained how to use it, went over common redistricting criteria, and asked participants to draw districts of their own, taking that info into account. I hoped that the training could be an unofficial focus group as well, where I could get a better sense of how people from Boone thought about where their town belonged.

In this way, it was not a success. Despite the very homogenous pool of participants – around 15 people, largely composed of friends of my parents – it was striking how different the attendees were in their views of Boone's place on a legislative map. But perhaps the most striking was the many who were simply nonplussed – uncertain of how to draw districts at all, not just on a technical level, but rather on a philosophical level. Many of these people simply did not have strong feelings about where Boone should go.

That memory of indecision stuck with me. The redistricting discourse I was familiar with from the Internet and from literature seemed to hold that discrete local communities were easily discoverable and translatable to maps – but I had just seen a demonstration of the opposite. My thinking around these questions evolved substantially as a result of this experience. This thesis was in no small part the fruit of this thinking.

Questions surrounding redistricting and gerrymandering are critical to American representative democracy. Gerrymandering has been a persistent pattern in the U.S.'s political

system, dating back to the early 19th century, where the term “gerrymandering” first appeared after Governor Elbridge Gerry memorably permitted a salamander-esque district designed to favor his political party. Although this practice has been highly controversial, gerrymandering has been a recurring part of American political life for the two hundred years since. Redistricting has relatively few federal legal criteria directing mapping behavior. The scant few include compliance with the Voting Rights Act and population equality (Whitaker, 2016, pp. 372–372). The Supreme Court has generally refused to narrow the criteria for drawing districts beyond these two criteria. Per the Supreme Court’s 2018 decision in *Rucho v. Common Cause*, partisan gerrymandering is “non-justiciable,” meaning that it’s legal under federal law and the Constitution, and consequently the remedy must come legislatively (Harvard Law Review, 2019). The result is a free-for-all for gerrymandering, provided it meets these criteria. This has continued up until the present; maps drawn between 2022 and 2024 in the state legislatures of North Carolina and Georgia arguably cost the Democrats the House in 2024 (Li, 2024; Nickel, 2024).

The result of this free-for-all is an entrenchment of gerrymandering in many states, as well as the emergence of reform movements working to remove this problem. Although these efforts have not been overwhelmingly successful, they have been able to get gerrymandered maps struck down in state courts in some states under state constitutional law, most notably Pennsylvania (Grofman & Cervas, 2018).

But perhaps the most prominent alternative to gerrymandering comes in the form of redistricting commissions. These independent commissions have gained traction in recent years

as an alternative to the perceived failures of gerrymandered electoral maps, and they exist in 9 states[1], particularly in the western United States (Spencer & Levitt, n.d.-b).

States which have redistricting commissions have seen them emerge in several ways. In Montana for example, the Montana Districting and Apportionment commission is written into the structure of the state constitution which was passed in the 1970s ("MT - LexisNexis® Montana Constitution Annotated," n.d.), which bypassed the inherent roadblocks provided by legislators. Many other states, including California, Arizona, and Michigan, have passed commissions via referendum – a way around potential blockages in state government too. And in a few states, including Colorado, commissions have been passed by especially reform minded state governments.

In addition to the legal criteria mentioned previously, most states have additional rules governing their commissions, such as the preservation of local municipal boundaries, relative compactness of districts, and, notably, respect for local communities of interest. The latter is what I will focus on in this thesis – namely the role that communities of interest play in mapping by commissions.

Communities of interest is a jargon term without an agreed upon meaning, but in most cases it refers to something like a group of people who share a common goal or experience– like parents whose kids all attend the same neighborhood high school, or residents of a region devoted mainly to fruit growing. Chen et. al. define it as "a geographic area with recognized similarities of interest, such as ethnic, social, and economic identities," (Chen et al., 2022, p. 103). Several states explicitly require consideration of communities of interest as a criterion in

[1] Defining this is fairly thorny; quite a few states have structures similar to independent commissions where a commission composed of elected officials makes the call about how districts should be drawn, or have weaker commissions which can be easily overridden by the state legislature. I am excluding the former but including the latter in this count, but it's not cut and dry.

map making, including most with independent redistricting commissions. Inevitably, this narrower and more technical terminology of "community of interest" bumps up against the adjacent idea of a community – an even more contested concept, and one which informs how many people think about the community of interest criterion. (In this thesis, I will use "community of interest," the abbreviation "CoI," and "community" interchangeably, although I will avoid the former two when discussing non-redistricting measures of community for clarity.)

It's interesting to compare the CoI criterion to other commonly used rules in independent redistricting. Most other common criteria are fairly discrete and easily defined. For example, many states require the preservation of cities and counties, provided that they still satisfy federal requirements, like equality of population (Spencer & Levitt, n.d.-a). Although the boundaries of these units can occasionally change, local government lines are clearly delineated by law, making this criterion easy to assess. Similarly, measures of compactness, although they vary, speak to a concept which has a commonly agreed upon understanding. Communities of interest, however, do not have universally agreed upon criteria – a fact which complicates reform efforts and makes investigation here valuable for those interested in the idea of community and how it's been manipulated, investigated, and analyzed by the state.

These issues thus inform my research questions, which are:

- **Research Question #1**: What leads to the recognition and prioritization of certain communities over others in the redistricting process?
- **Research Question #2**: How do redistricting commissions research and balance different metrics for determining what makes a community?
- **Research Question #3**: How do political actors influence how commissions see communities?

These questions will help probe and assess how community as a concept is mobilized and deployed by state and non-state actors, through the specific case of redistricting commissions. Although fleshing out fully articulated solutions to these problems is beyond the scope of this thesis, I hope to speak to a few possible solutions in my conclusion.

In this analysis, I hope to marry two useful but quite different perspectives. One is a body of literature engaged with the technical questions of redistricting as it works in practice. In recent years, this field of inquiry has become especially reform-oriented, with many of the researchers writing about communities of interest (and other related topics) with the hope of positively influencing policy. Galvanized by the increased salience of gerrymandering and by Stephanopoulos's discussion of the territorial community, these thinkers have engaged with spatially structured metrics for assessing the suitability of maps – ones which operationalize territorial communities as communities of interest to be used as straightforward data points for fair mapping (Chen et al., 2022; Rossiter et al., 2018; Stephanopoulos, 2012b).

The second is a more theoretical body of work around government and the construction of community. Thinkers like Benedict Anderson and Patricia Scott Collins problematize the concept of community and show how it can be leveraged for political purposes, while James Scott's concept of legibility allows for a framework that calls into question the ability of a government to understand the communities of interest of its populace.

Ultimately, I hope to argue, using this latter literature to analyze the former, that certain difficulties experienced by redistricting commissions come from fairly intractable problems relating to the construction of communities and the ability of governments to meaningfully assess them.

To illustrate this, I've decided to focus on three relevant case studies which will let me diagnose certain particular challenges in the structure of redistricting commissions. California, Washington State, and Montana each have fairly unique political cultures and structures for their commissions, yet all three considered communities of interest in implementing their 2020 congressional and state legislative maps (*Constitution of the State of California*, n.d.; *Criteria and Goals for Congressional Districts*, 2021; WASHINGTON STATE REDISTRICTING ACT, 1983). The outcomes for each state have been divergent as well. California and Montana passed relatively uncontroversial maps, while Washington State saw its commission deadlock, violate public meeting law, and then get its state legislative map overruled in federal court for violating the Voting Rights Act (*Soto Palmer v. Hobbs*, 2023).

The three cases also differ in their mechanisms to identify and delineate communities of interest. California employed a highly structured process to identify information on communities, giving extensive input well before the maps were drawn, while in Montana and Washington the process was significantly less ordered, with feedback on communities of interest being provided all throughout the process, simultaneously with the drawing and discussion of maps. Despite these differences, all three are vulnerable to the criticisms identified by our theoretical literature. The communities identified by the commission may be difficult to delineate or quite subjective; they may be identified for certain political purposes by actors outside of the commission, and there are reasons for concern about the ability of government bodies to accurately gather and know its citizens on the deep level required to accurately determine the boundaries of communities – even if they did exist in an uncomplicated way. As a result, I intend to look at each of these states using these critiques, arguing that certain limitations – relating to these philosophical questions – have undermined the missions of these commissions. I hope pointing

out these flaws will be a positive intervention on redistricting processes in the United States, encouraging more reform.

Before we move further into the thesis, I think it's worth unpacking why this is a question worthy of consideration – especially since some may understandably view my critique as "friendly fire" at pro-democracy movements in a politically sensitive context. In my view, redistricting commissions are a better method to deal with the problems of election mapping than other methods, like legislatively drawn commissions. But this improvement doesn't exempt commissions from thoughtful and informed critique. And better redistricting practices aren't a "one weird trick" that solves the problems with either first-past-the-post voting or American political culture. These commissions offer a potential way out from the problems of gerrymandered legislatures – but commissions too are fallible.

These failures are quite meaningful. Although the decisions of a redistricting commission can seem abstract, choices by commissions can result in substantial harm. This was articulated in the court decision for *Soto Palmer v. Hobbs*, a case on maps in Washington State, which illegally split up south-central Washington's Latino community – functionally disenfranchising them. This obscured the voice of a community which had already been harmed by state violence and political marginalization (*Soto Palmer v. Hobbs*, 2023, pp. 15–17; Valencia, 2019). Although questions of redistricting seem technical and managerial, political power has life-or-death ramifications – and who has that power is in part the result of the electoral map and its relationship to the people within it.

Thus, I believe redistricting commissions are an issue where thoughtful critique can matter. Because they are generally instituted as a success of political reform movements, there may be greater openness to learning about where other commissions have made missteps. The

community around redistricting is a fairly small one, in part because of the relative barriers to entry, like geographical, political, and legal knowledge. Hopefully, a well-informed critique here can inspire the pool of practitioners and lawmakers to deeply consider the specific philosophical, political, and geographical assumptions around their mapmaking, which can result in a more informed and inclusive redistricting process. I believe that supporters of electoral reform must provide a clear and straightforward example of the strength of their cause – and that means addressing important critiques.

Literature Review

The community of interest has a long-rooted place in American district drawing. Yet it's a remarkably contested concept, with no commonly agreed upon definition. Many common definitions seem to circle around the concept of a group of people who share common identities and goals – but definitions still vary. Because of the nature of the American district-drawing process, these tend to be conceptualized in geographic terms. Despite this ambiguity, the community of interest standard remains part of redistricting law. As of 2022, 37 states require consideration of communities of interest in their redistricting process (Chen et al., 2022, p. 110). Following Patricia Scott Collins, I am not using one definition of community, but rather recognizing this diversity of voices and perspectives on the nature of a community as potentially unique and important sites of meaning (Collins, 2010).

Communities of interest exist alongside other important criteria for drawing districts, including following the rules of the Voting Rights Act (VRA). It's worth stopping here to discuss a bit more about it, since it's especially important and contested in the redistricting process, in a way that often affects communities of interest in implementation. The VRA stipulates in its second section that "No voting qualification or prerequisite to voting, or standard, practice, or

procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color (The Voting Rights Act of 1965, 2008)." This has been expanded in subsequent versions of the act to explicitly include language minorities – a term which includes Latinos under the law's protections. The law also required certain jurisdictions with a history of racially discriminatory voting laws to run new laws by the Justice Department – a provision, called preclearance, which was struck down by the Supreme Court in the early 2010s with *Shelby County v. Holder*.

Despite the removal of preclearance protections in section two of the Voting Rights Act against discriminatory redistricting remain. Per *Thornburg v. Gingles*, a district which will select the candidate of choice of a minority group is required if the conditions satisfy a three-pronged test developed by Justice Brennan:

1. The minority group must be large and geographically cohesive.
2. The minority group must be politically cohesive.
3. White voters must align politically to typically defeat the minority group's voters (whether in general elections or primaries).

Thus, to comply with the law, mappers must take steps to ensure that they draw a seat which will elect candidates preferred by minority communities (commonly called the candidates of choice[2]) in geographic areas that satisfy all three elements of the *Gingles* test (*Thornburg v. Gingles*, 1986).

However, an important corollary to the requirements of *Thornburg v. Gingles* is a subsequent case, *Shaw v. Reno*, which narrowed the scope of permitted line drawing to satisfy

[2] Note that this does not *have* to be a member of the community – this is a common misconception. For example, Congressman Steve Cohen is white but represents a district – Tennessee's 9th – which is drawn to satisfy the Voting Rights Act. Cohen has clearly been the candidate of choice for Memphis's Black community in both general election and primaries.

Section 2 of the VRA. *Shaw v. Reno* restricts states from drawing districts using race as the predominant or only factor, arguing that this is an unconstitutional racial gerrymander (*Shaw v. Reno*, 1993).

These two legal precedents both have good uses. Gingles prevents maps which carve up a minority group excessively, causing them to be politically disenfranchised (called "cracking"), while *Shaw v. Reno* stops maps which cordon off a minority group into one district, preventing them from having greater influence. However, when combined, they create a legal situation which can be ambiguous, since map drawers must draw districts which allow for a minority group to elect their candidate of choice while not using race as a predominant factor. This is further complicated by a host of factors, including the fact that partisan gerrymandering is perfectly legal in many states – even though partisanship and race are highly correlated in many parts of the country. More pertinent for our area of focus, the legal landscape also keeps changing around the Voting Rights Act and redistricting – a recent case out of the 5th circuit at the time of writing, *Petteway v. Galveston County*, struck down the requirement of "coalition" districts, where multiple minority groups can unite to elect a candidate of choice (Schneider, 2024). And beyond these kinds of changes, analyses like the Gingles test rely on highly attenuated, locally specific factors which can change over time, as voting patterns and demographics shift – so a district that passed muster in 2000 might not be necessary in 2020, or vice-versa.

Moreover, the complications regarding the Voting Rights Act increase depending on the relevant minority group. Latinos, for example, have much more heterogeneous voting patterns; in certain areas, such as Cuban neighborhoods of Miami, Republican candidates have typically been the candidate of choice of the Latino community for reasons rooted in the politics of exile

from Communist Cuba (Girard et al., 2012). In many other areas of the country, Latinos are politically cohesive per the *Gingles* test, but still give a large minority of votes to Republicans, often because of cross-cutting cleavages like gender, immigration views, or evangelical Protestantism (Corral & Leal, 2024) When combined with lower overall citizenship rates in many Latino communities, the result is that a higher proportion of Latinos in a district is often needed to elect the Latino candidate of choice. It remains to be seen if the results of the 2024 election, which saw much more evenly divided Latino voters in many parts of the country ("Election 2024: Exit Polls," n.d.), result in changes to the redistricting landscape if some predominantly Latino areas no longer meet the *Gingles* test.

As a result of this contestation, following the Voting Rights Act can often be contentious. And their relationship with the primary focus of this thesis, communities of interest, is far from straightforward, as we'll see. Let's turn to CoIs now.

Communities of interest have also been a topic of serious interest for scholars of redistricting reform as well. Alongside compactness, minority representation, and the preservation of local administrative subdivisions (like cities or counties), CoI is one of the more frequently discussed and analyzed metrics in developing best practices for redistricting reform. Although communities are not universally agreed upon as a good metric, many scholars seek to leverage them for improved mapping. The scholars operating in this space tend to be interested in explicitly operationalizing the concept of a "community of interest" to quantify the quality of maps, in the same way that a map can be graded on how many counties it splits or on how compact its shape is.

An especially important thinker here is Nicholas Stephanopoulos, who has written prolifically on the topic of fair mapping and developed the efficiency gap, a commonly cited

measure of partisan bias. But when thinking about the community and redistricting, Stephanopoulos is notable for his work arguing that the territorial community can be an important part of delineating and evaluating fair maps. Stephanopoulos's territorial community is not quite the same as a community of interest – rather it is a bit more restricted, requiring a spatial component in addition to a common and shared interest and identity (Stephanopoulos, 2012b, p. 1385). Stephanopoulos argues that the territorial community standard has certain virtues, such as representing the commonalities shared between neighbors and enhanced clarity for voters and representatives about who is represented and where.

Stephanopoulos argues that perhaps the most legally actionable and implementable rule might be to require the consideration of communities of interest as a legal standard in the redistricting process. He points out that consideration of communities of interest has, in fact, been relevant in the past in federal racial gerrymandering cases, and that further there are several instances of its use in state-level jurisdictions too, especially Alaska. Moreover, Stephanopoulos argues that this is not just legally compelling, but also, crucially, easily implemented. He argues that easily quantifiable heuristics, like socioeconomic data or media markets, can be used as building blocks for calculating clear and straightforward CoI boundaries. Although he concedes that sometimes boundaries of territorial communities may be murky, he nevertheless argues that the existence of a CoI standard will encourage mapmakers to self-police by drawing districts which hew to acceptable lines anyway. Here he cites self-enforcement of Voting Rights Act jurisprudence on redistricting after the 2000 census, despite unclear legal standards (Stephanopoulos, 2012b, pp. 1442–1456).

Stephanopoulos puts these insights into practice in his other work. For example, in an article analyzing the California Redistricting Commission's maps after the 2010 census cycle, he

develops an analytical framework for getting to communities of interest. He uses common demographic data – like race, ethnicity, household income, education, etc. – and combines them using a factor analysis to find commonly bundled together characteristics which he uses to simplify the interpretation of the data. These simplified factors (which he also deploys using results from recent California electoral initiatives) can then be used by Stephanopoulos to calculate the internal homogeneity of each seat, arguing that, using this approach, California's redistricting improved significantly from 2000 to 2010 (Stephanopoulos, 2012a).

Stephanopoulos's work on the territorial community in redistricting has had a wide influence on reformers. Rossiter et. al. 2018 developed two definitions of communities of interest and attempted to put Stephanopoulos's arguments into practice by drawing a set of territorial communities in the city of Baltimore, arguing that these polygons can be used as "building blocks" for legislative districts. The first uses Thiessen Polygons and CDPs in Maryland to construct a map of communities of interest, while the second uses a package of sociodemographic characteristics a la Stephanopoulos to draw CoIs (ibid.). Chen et. al. 2022 have a similar vision of the role of communities in redistricting. They argue that communities of interest can be made into a more rigorous metric to be used in mapping. Notably, they point out several serious concerns, which I share, about the broader challenges facing widespread public hearings (which can leave out those who can't attend), or quantitative processes for map making (which can leave out important local coalitions which aren't obvious using crude data). The authors instead argue that the best approach is developing a broadly used CoI mapping tool, which can be broadly accessible in a way which public hearings or redistricting software are not. This "bottom-up," systematic approach to the communities of interest criteria is one which potentially allows for accurate and usable CoIs which can be used to quantitatively assess a map,

giving it a score for community of interest integrity alongside other metrics, like preserving local government boundaries, compactness, and ease of transportation throughout districts. The frequency of splits in these communities of interest can then be tabulated by commissions seeking to make maps and by courts seeking to analyze them (Chen et al., 2022). These authors are an influential bunch; in the same year this article was published, Jonathan Cervas, one of the authors, was the court-appointed special master for New York's congressional districts (McKinley, 2022).

It's worth thinking critically about the metrics used by these authors. Stephanopoulos's work on California, for instance, develops measures of communities of interest, but it does so by using commonly accepted statistical data and bundling it together by which qualities are most correlated. While designed to simplify this statistical information, this method can potentially remove important complexity or nuance, such as overlapping identities which do not fit with the statistical correlations. For example, the factor which Stephanopoulos identifies as having the most explanatory power is a measure which conflates Hispanic ethnicity as identified on the census and lower socioeconomic status – it's an unclear question how this approach accounts for affluent Latino areas, or blue-collar non-Latino areas, even if these are strongly correlated (Stephanopoulos, 2012a, p. 291). It also seems clear that a strongly defined community which varied heavily on the metrics identified by Stephanopoulos would be missed in analyses like his. And critically, it's a kind of technical, managerial way of thinking about everyday Americans and their role in government – one which barely acknowledges systemic inequalities and uses only the qualities about citizens which are most easily found in census data. I'll have a bit more to say about this as we expand below.

Although Chen et. al. don't fall into the same specific errors as Stephanopoulos or Rossiter et. al., their proposed CoI mapping tool itself demands a bit more scrutiny. One concern, itself identified by the authors, is that the input of community of interest data can easily be hijacked by members of the public who seek to favor one party over the other in the process (Chen et al., 2022, p. 132). But a deeper challenge is that even a public CoI mapping tool risks leaving some people behind. The authors assume that members of the public have sufficient map literacy to be able to sketch out their own community of interest of a map reliably – a big assumption given that many Americans struggle to interpret or understand even fairly simple maps, in a way which is likely correlated with certain kinds of inequity. The ability, inclination, and time to create a CoI map, similarly, likely correlates with various forms of social marginalization, like internet access and ability, socioeconomic status, and political engagement. Thus, just like the other CoI input alternatives, a broad database of publicly submitted communities of interest still could leave many people out.

It's no surprise then that some legal scholars, geographers and political scientists have criticized the use of communities of interest as a standard overall. This includes scholars like Webster, who argues that the community of interest criterion itself is problematic by potentially overruling the representation of minority groups. Webster discusses the Supreme Court's ruling in *Miller v. Johnson*, where the Court found that Black communities of Atlanta and Savannah didn't share a community of interest – a notion which he critiques, arguing that in some cases racial minorities may share a common interest which supersedes a geographically bounded notion of community (Webster, 2013, pp. 10–11). Rambo, in a study of the 2010 redistricting cycle in California identifies a questionable appropriation of the CoI criterion, situating it in the context of CoI's use to justify minority voter protections. Rambo argues that CoI has been

appropriated by environmental and suburban interest groups, in some cases even using dog whistling rhetoric around crime in their appeals to the commission, as was the case in the area near Griffith Park (Rambo, 2021). Another example is Willner, who argues that in most cases communities of interest are a poor standard for evaluation of district lines, full stop. In Willner's view, communities of interest are far too vague to be logically and rationally implemented as a rigorous criterion (Willner, 2021).

These are important and powerful critiques, but in this thesis, I want to zoom out a bit from this literature, situating it in a theoretical context. In so doing, I'm following the lead of authors like (Forest, 2004; Subia, 2024), who situate this practice in a broader context of critical human geography. I'm interested in critiquing some of the fundamental assumptions of this literature, identifying two problem areas for analysis. The first critique is a discussion of the social construction of community. Much of the literature on the topic presumes that local residents have at least a somewhat unified and shared idea around their own community of interest, but it's worth digging into and problematizing this assumption. The second critique is one which is more pragmatic, but no less challenging for the CoI literature – namely that there are serious epistemological problems in accessing information about local communities, even in a country as well mapped, surveyed, and monitored as the United States.

Imagined Communities, by Benedict Anderson, speaks to this first critique. Anderson argues that crucial identities – in his analysis, national identities – are not in fact discrete and essential, but are instead the titular imagined communities. Members of an ethnic group or nation do not all know each other; they can have radically different life experiences, interests, goals, etc. These feelings of commonality are produced within a political context, rather springing out from a natural constituency.

We can apply this perspective from Anderson's work to imagined communities at a smaller level too. In all but the most miniscule communities of interest, members do not necessarily know each other, instead sharing a common identity through tools like political organization, neighborhood identities, or shared institutions. And these identities may not be especially attenuated, as the Boone residents from my workshop showed.

Anderson's conclusions have an obvious relevance to those interested in studying communities of interest, since they point out the obvious but still worth emphasizing socially constructed nature of identity. Although local-level communities, like the communities of interest I'm looking at, are different in scale to nations, they nevertheless can be constructed, imagined, and reimagined too. And it's worth noting – if communities are constructed, molded, and mobilized for specific, often political purposes, it may complicate their utility to the enterprise on nonpartisan redistricting. This is where we can discuss another important thinker on the construction and politics of community – Patricia Scott Collins.

In her article on the new politics of community, Collins argues that community, rather than having a clear meaning, should instead be thought of as a contested, fluid, and heterogenous site of related but distinct processes and ideas (Collins, 2010). Collins argues that this mixture which makes up our social ideas around community is highly rooted in the power relations of a given society. Thus, unsurprisingly, Collins' vision of community is as a concept intimately wrapped up with race, gender, class, and other crucial forms of identity. And it's highly attuned to how communities can be mobilized, both to serve power and as a force of resistance. Unsurprisingly, then, it's also inherently political. This is a bit problematic for an attempt to analyze community through an apolitical, "objective" lens, like some of the authors I've discussed already are trying to do. Instead, Collins points out the need to be attuned to the ways

in which much of this ostensibly apolitical process is being grounded in political thinking – something I've attempted to do for my case studies.

It's also worth noting that Collins explicitly identifies a spatial component to this political demarcation of community, saying:

> "A third dimension of community as a political construct is that community is closely associated with symbolic boundary construction, and this process may often be drawn on in times of social change. Boundary maintenance becomes more difficult in situations of interdependence – the prevailing ethos of contemporary globalization – hence the impetus to restore order via walls and gates. Because it is impossible to return to the past, the functionality of community in the symbolic construction of boundaries helps explain why communities may be growing in significance at the same time that formal boundaries that regulate social inequalities are waning," (Collins, 2010, p. 24).

Collins here identifies that even as local identities become increasingly blurred with globalization, we may in fact end up emphasizing community more than less (although from 2025, the idea that "formal boundaries that regulate social inequalities are waning" seems quaint). This has obvious relevance to the increasing salience of CoI in the mapping process.

I'll move then into our second problem: communities are not always immediately obvious, and the choices made in identifying communities can be problematic for a variety of reasons. Here, I'm drawing on James C. Scott's work in *Seeing Like A State*. Scott argues that the emergence of the modern states saw the increasing deployment of government policies, justified under the umbrella of "scientific management," to make its subjects accessible to the state's control, observation, and taxation. Scott here uses a metaphor of reading, calling this accessibility to the state "legibility." Scott then uses this perspective to analyze serious failures in

planning in the 20th century, and argues that they come from a common root – namely a failure in mechanisms designed to make the state's subjects legible, rooted in a kind of hubristic ignorance which he calls authoritarian high modernism. In Scott's account, authoritarian high modernism is both unable to access certain kinds of relevant information (because the state can never fully know all relevant info) and unwilling to listen to or account for contradictory information. This resulted in serious failures in state planning – and tremendous human suffering (Scott, 1998). This critique has obvious relevance for many state activities, including redistricting commissions. If there are certain kinds of local, embodied knowledges which aren't accessible to mappers, we would expect that this could harm the quality of representation for local communities. But more generally, this also complicates attempts to demarcate communities of interest, like those of Rossiter et. al or Chen et. al. Stephanopoulos identifies certain easily recognized criteria for communities of interest, like media markets or socioeconomic statistics, but that begs the question of what other data may be needed – and accessible – in making maps that adequately reflect an idealized notion of the territorial community.

If we expand out from Scott's theoretical framework, then, there are several interesting areas to pull on. One, very practically, is looking for lacunae in the existing processes of redistricting commission, where there may potentially be examples of the gap Scott identifies between government planners and citizens living outside of the government's direct view.

An obvious example are public comment processes. Redistricting commissions in the United States seek extensive input from the public on the decisions they make. But there's extensive literature on potential bias in public comment in other venues. For example, in an analysis of public comment meetings for planned developments in San Francisco, Sahn (2024) found that turnout to public comment meetings was highly skewed towards white homeowners,

and that the city's planning commission was more likely to follow the recommendations of white commenters than of non-white commenters (Sahn, 2024). If this bias obtains for redistricting commissions, the input which has been given to commissions may be profoundly skewed in ways that can double down on historic inequalities, which may be a source of the kinds of biased information inputs critiqued by Scott. Leaving out communities and voters who are historically underrepresented can have ramifications down the line – such as perpetuating that underrepresentation in the composition of districts as well.

Similarly, there are technical complications to consider. Forest, directly drawing on Scott, argues that the datasets made available for mapping by Texas state GIS technicians reflected certain biases of legibility. The Texas technicians included some datasets for the state's mappers while excluding others – based on what was most available and easiest to use. This is a demonstration of this thinking in practice in redistricting (Forest, 2004).

With these critiques in our toolbox, we can now go on to discuss how we'll use them to analyze the redistricting process in several states with independent commissions.

Methodology

There's a fairly small universe of states with redistricting commissions, and in some cases there are mixed systems that have characteristics of legislative redistricting and a redistricting commission, such as those with advisory or backup commissions. For congressional districts, 11 states had fairly typical redistricting commissions, with several more having mixed systems or commissions on the state legislative level. States with redistricting commissions are not a random sample of states; they skew towards the western part of the United States (Eckman, 2021, pp. 1–2).

As a result, research on the functioning of redistricting commissions is inherently working with small sample sizes, making it unsuitable for study with large scale statistical methods. Instead, I will compare 2020 congressional and legislative redistricting in three states: California, Washington, and Montana.

These three make sense as a selection for several reasons. First, they're in a similar region of the country, with similar dynamics geographically, like regions separated by mountain ranges, which can be very relevant in map-making. Additionally, each of these states have other points of overlap which may be less relevant to the third. Montana and Washington both have especially large Native American communities, with extensive off-reservation trust land holdings in addition to their reservations – a relevant dynamic in redistricting. California and Washington both have large metropolitan areas with diverse populations. California and Washington also have regions of their state with an especially large Latino farmworker community, which has a long history of disenfranchisement and marginalization; adequately representing them is a very important discussion for redistricting.

However, these cases had fairly divergent outcomes, as a result of the commission's structure and internal processes. Each state has a slightly different set-up for its redistricting commission. Washington and Montana have members from both parties appointed by the legislative leadership (though these individuals cannot be serving in a political capacity currently). However, in Montana they (or the Supreme Court) appoint a tiebreaker who can guide and chair the commission. Washington appoints a non-partisan chair as well, but the chair has no voting power, forcing the parties to agree (Montana Districting and Apportionment Commission, n.d.; Washington State Redistricting Commission, n.d.). California has a different structure, with significantly more commissioners, selected from a public application process which is narrowed

by an applicant review panel, leadership in the state legislature (who had to remove possible candidates from each affiliation), and a lottery which selected the final members from the pool, who then chose a few more members. Notably, California also has significantly more commissioners – five Democrats, five Republicans, and 4 independents or third-party members. California also used a unique and highly structured process to gain information on communities of interest (California Citizens' Redistricting Commission, n.d.). Finally, California made maps that sometimes squiggled across the map to maximize the influence of minority communities. Montana's process hinged on their chair, who brokered a modestly Republican-favoring map on the congressional level, while agreeing to Democratic-friendly maps in the legislature. Finally, Washington had a meltdown over its state legislative maps, causing it to blow past its deadline by a few hours and violate public meetings law in an attempt to broker a deal. The disagreement was rooted in the lines for state legislative districts in south-central WA, where Democrats wanted to draw a Latino-influence district and Republicans did not. Democrats eventually caved, and the resulting map was eventually struck down in court for violating the Voting Rights Act (*Soto Palmer v. Hobbs*, 2023; *Soto Palmer v. Hobbs (Order Regarding Remedy)*, 2024; Thompson, 2024).

My hypothesis and alternatives

Although these cases may on the surface have different processes and different outcomes, as I stated in the introduction, I argue that they are alike – namely that the commissions' results seem to have chosen certain communities over others in a systematic way which reflects biases downstream of what information is most legible and intelligible to a governmental body. These states seem to vary in the extent to which they perpetuated this bias, with California doing it the least (largely in combining culturally and economically distinct areas with similar demographics)

and Washington the most (with their mapping meltdown), with Montana in the middle. But from my hypothesis and initial judgements it seems to be an issue in all three.

Redistricting is of course imperfect; even with godlike information and clearly delineated communities a mapper could not avoid splitting some CoIs. Nevertheless, certain kinds of communities (i.e. marginalized ones unable to show up at committee hearings, and/or politically underrepresented areas) seem to have gotten short shrift, even in California. I'll trace this tentative hypothesis and link the particular outcomes to the structure and qualities of the commission.

It's worth spelling out what some alternative hypotheses for these phenomena might be. I'll do it in bullet points for maximum clarity, finishing with my own:

- Those who believe in easily delineable communities of interest may hypothesize that the prioritization of communities of interest would be largely random or contingent on other good-government criteria, like keeping cities and counties whole or encouraging competitiveness. When this isn't the case, we would hypothesize that the quality of local community of interest representation would be contingent on the quality of redistricting commission input, with less structured and focused CoI information resulting in poorer representation for local communities. Thus, within this framework, we might expect that the communities getting short shrift may be due to other good government considerations, or, failing that, insufficient outreach and engagement with residents.
    - In California, this would look like a commission which is well-meaning and well-structured, with a robust and well-functioning mechanism for soliciting information on communities of interest. When the commission departs from

public comment, it's likely for a good reason, like legal requirements which would make the proposal impossible.

    - In Washington, we would argue that the structure of the Washington redistricting commission elided opportunities for public feedback and lacked sufficient built-in opportunities for soliciting data on CoIs. Commissioners would likely seem confused or muddled by contradictory input, and be uncertain how to weigh or consider different metrics.
    - In Montana, we would expect commissioners to be somewhere between the two. There may be more emphasis on other criteria, and there likely isn't as strong a system for receiving public input.

- There's also a cynical perspective, not as well represented in the academic literature but represented greatly in popular criticism of commissions, which might hypothesize that commissions are politically biased, operating under the veneer of nonpartisan neutrality to enact their agenda, as has occurred previously in some of our cases, like California (Pierce & Larson, 2011). Thus, we would expect that the prioritization of communities would follow whichever party seems to be able to best actualize their goals within the commission structure. If this were true, we would expect to see evidence in all three cases that members of one party took a more active role than the others in driving policy and discussion. We would expect to see maps created which result in subtle but clever ways of weakening one party vis-a-vis the other, and we'd expect to see opposing public comment disregarded in map output.
    - In California, this is a more plausible argument for the Democratic side, especially since attempts to influence the commission have happened previously

(Pierce & Larson, 2011). This may include "RINOs" and left-leaning independents serving as Republican and independent commissioners, Democratic commissioners nudging those giving public input to specify communities of interest which favor their goals, and flooding the public comment with favorable testimony.

  - In Washington, this is a more plausible argument on the Republican side. Like California, we'd expect to see mobilization around public comment, but we may also emphasize the relationships between commission members and party leaders and proposed partisan quid pro quo deals that are part of the public record (Thompson, 2024).
  - In Montana, this is a plausible argument for either side, though it seems Republicans argued it the most forcefully, even in commission hearings. We would point out that Montana adopted a competitiveness criterion which may have undermined attempts to recognize local communities by giving Democrats an advantage in one congressional seat (*Montana Districting and Apportionment Commission Hearing*, 2021)

- Finally, there's my personal hypothesis, recapitulated from above. Redistricting commissions have tended to prioritize some communities over others due to which CoIs are more legible and accessible to commissions. They may rely heavily on testimony from those who are able to turn out to hearings and may rely especially heavily on input from nonprofits and other civically engaged but not formally political groups, prioritizing their perceived expertise. We would expect that communities which are less able to articulate their desires in this framework may not get the lines which they would want.

- In California, we would expect to see a heavy reliance on input from NGOs and on public comment more generally. We would expect to see groups typically overrepresented in public comment overrepresented in maps as well, this may include affluent and white affluent areas all around the state. Commissioners may specifically cite the expertise of certain groups in their statements discussing the plans.
- In Washington, this too might look like commissioners heavily considering input from public comment, as well as from civil society groups. Commissioners may specifically cite the expertise of certain groups in their statements discussing the plans. As in California, we would expect to see groups overrepresented in public comment overrepresented in maps as well; given the socio-economic geography of the state we might expect immigrant heavy and working class communities on the south side of Seattle and in south-central Washington be especially disadvantaged.
- In Montana, we would expect to see maps which were heavily influenced by public comment, in particular by how frequently certain talking points were presented to commissioners. We would expect civil society groups and perceived authorities to have an especially loud voice. As in our two preceding states, we'd expect certain skews as far as representation in commission meetings, with rural and Native American communities underrepresented in both meetings and in the maps put out.

Research Strategy

In terms of practical methods, I'm relying heavily on archival research. As a public body, redistricting commissions from this decade generally have extensive public-facing records, including recordings and in some cases transcripts. As a result, there's a large but manageable body of hearings out there to analyze and dig into.

Although some states have relatively few hearings, others have quite a lot – and it's sometimes challenging to get a great universe of potentially useful hearings since in some states (i.e. Montana), the hearings have relatively sparse minutes and no transcripts. As a result, I pulled a targeted sample of relevant hearings for close reading, where I could really get a good sense of the kinds of public feedback which commissioners were receiving as they went through the mapping process. I selected these hearings based on the topics of discussion; if they were on topics particularly relevant to the research I picked them.

In addition to this more conventional form of archival research, I also want to rely on local histories and sociological research, unrelated to redistricting, to supplement my knowledge of the places involved. This is especially since I suspect public comments at redistricting are likely to contain certain kinds of bias in turnout and interest. It's crucial to understand what kind of interests may not be given a seat at the table in this process.

Aside from archival research, there's one other method I'm using. Redistricting as a process is interesting to study in that it has a very concrete output, (usually) chosen from a somewhat small universe of legal and fairly logical maps. As a result, there's an excellent opportunity here to use and actually create counterfactuals. Redistricting software is highly accessible to the public now, with applications like Dave's Redistricting or Redistrictr, and as a result it's simple for me to model several alternative maps that depict a counterfactual scenario where commissions considered the same public input but drew their maps differently. This

should give us a deeper understanding of what plausible alternatives existed and also complicate our understanding of the choices made in the existing maps.

Montana

On October 30th, 2021, in a hearing room in Helena, Montana, 152 people lined up to give testimony on the state's proposed congressional district maps. The majority were deeply opposed to the maps drawn by Democratic commissioners Joe Lamson and Kendra Miller, and most were from the Flathead Valley, a scenic, fast-growing region in the far northwest of the state. They had come by the dozens from their homes in Kalispell or Whitefish, making the three hour trek to the state capitol early in the morning (*Montana Districting and Apportionment Commission, October 30th Meeting*, 2021).

This influx of opposition is a perfect example of the profound – and often deeply political feedback given to the Montana Districting and Apportionment Commission, or MDAC. More than any other case, Montana saw overtly political use of CoI data by those giving testimony. It's difficult to listen to much of the testimony and avoid the feeling that much is being said with a subtly concealed slant. These political debates and considerations broadly influenced the proceedings of MDAC – and they changed how the state interpreted communities. Strikingly, many of the basic communities of interest in Montana's process were broadly agreed upon by members of the public speaking – but the boundaries between them were highly contested in part because of these overt electoral questions, complicating the assessment on the part of the commission of what was good and what was bad in identifying Montana's communities of interest.

The Context of the Commission

This political tendency in Montana redistricting is the straightforward result of its structure. Montana has a true bipartisan commission, with two members each from the Democratic and Republican parties appointed by leadership in the Senate and House. In this redistricting cycle, Democrats picked Kendra Miller and Joe Lamson, (who was later replaced by Denise Juneau) while Republicans picked Jeff Essman and Dan Stusek. The State Supreme Court also selected a nonpartisan chair and tiebreaker, since Democrats and Republicans couldn't agree, who would pick the final map from competing maps provided by the other, partisan commissioners. The chair was Maylinn Smith. Because the commission was dominated by political appointees, many draft maps, especially earlier in the process, seem to favor one party over the other.

To understand the debates over Montana's lines and communities, it's important to understand the state's context. 2020 was the first time in several decades that Montana had two congressional districts, making the mapping especially salient. The western district is called MT-01, while the eastern district is MT-02.

Montana is topographically divided into a flat east – sharing more in common with the Dakotas – and a mountainous west deep in the Rocky Mountains, more like neighboring Idaho. Unsurprisingly, the arguments around the location of Montana's districts had a strong geographical and topographical element. Below, a map shows this divide.

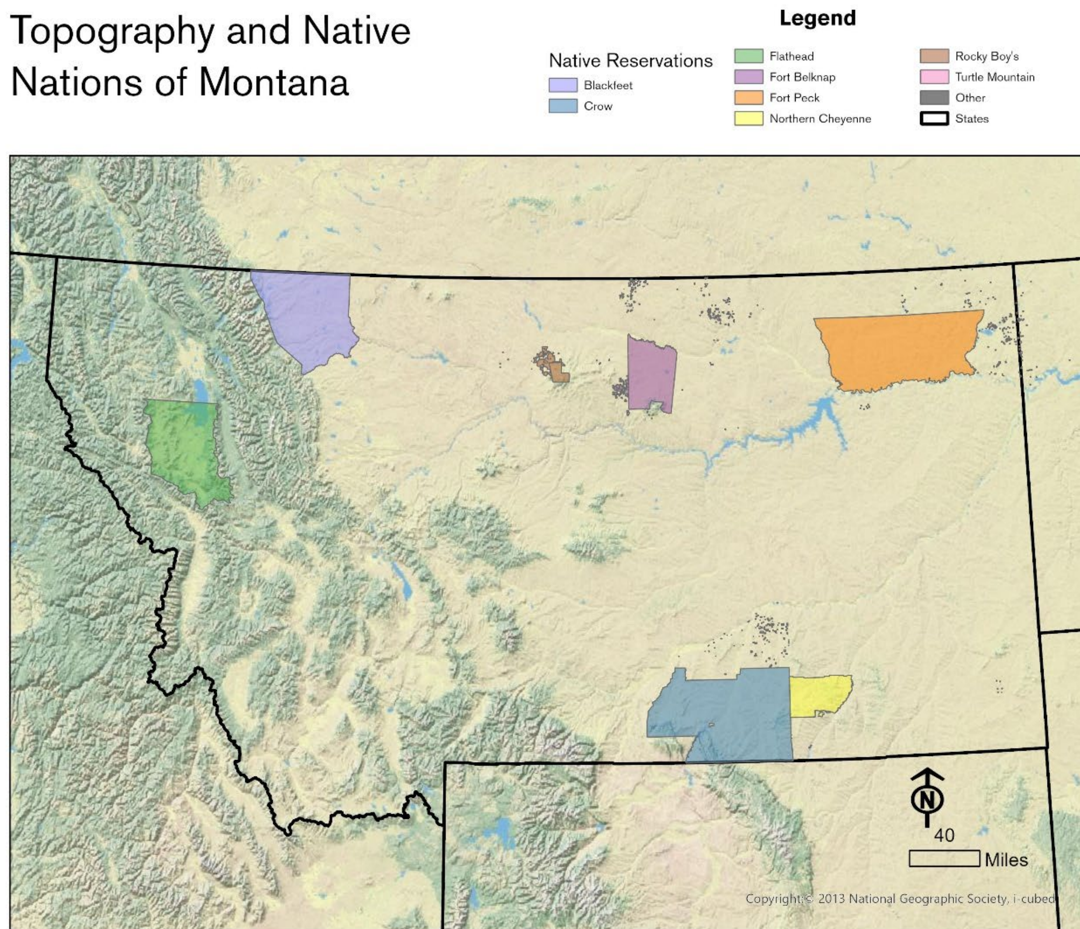

Figure 1: A map of Montana's topography and Native nations. Image made by me.

The regional divide is also to a certain extent a partisan divide. Western Montana is Republican but not overwhelmingly so, and has several Democratic-friendly cities, including college and tourism oriented Missoula and Bozeman, historically union-dominated Butte and Anaconda, and state capitol Helena (Datar et al., 2025; Park et al., 2021). Aside from these cities, another important population center is the Flathead Valley, which has attracted especially conservative transplants in recent years, much like adjacent areas in the Idaho panhandle (Baker & Fortin, 2023; Franz, 2021).

Eastern Montana, meanwhile, is very Republican and not politically competitive in most circumstances. The largest cities are Great Falls, which is sometimes competitive, and Billings,

which is the largest city in the state but is fairly conservative (Datar et al., 2025; Park et al., 2021). Below is a map of the 2020 election in Montana by precinct.

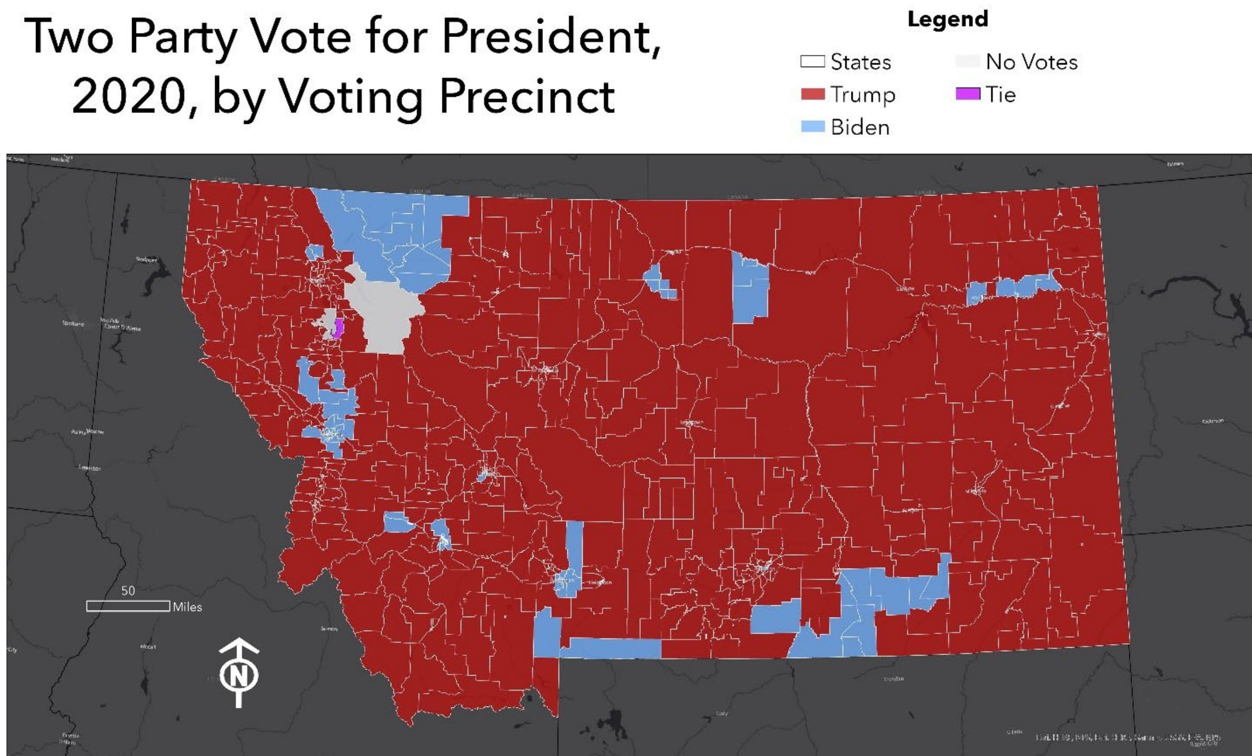

Figure 2: Montana 2020 election results by precinct. Image by me.

Since most of Montana’s larger cities are in the western half of the state, it’s the more populous region. Thus, on congressional maps, one of the major cities must go to the east, a fact which would become significant in the redistricting process.

An additional important element in understanding Montana’s redistricting cycle comes from the state’s Indigenous nations. There are 9 federally recognized tribes in the state. They are located all around the state but are more numerous east of the Rockies. Figure 1 also shows the reservations of Montana.

As is visible on the precinct map above, Montana's Indian nations are generally Democratic leaning; however in redistricting they had distinct preferences from the Democratic commissioners, which they made clear throughout the process.

These local contexts set the stage for the partisan perspectives on the mapping of the state's congressional districts. Because one of the population centers in western Montana had to go east, the obvious point of political contention was over which city would be moved. Putting Bozeman in the eastern district strongly favored Republicans, since Bozeman was the most Democratic plausible option, while placing the Flathead Valley in the east favored Democrats by removing a Republican stronghold. Helena, which is more politically competitive, was a choice favored by neither but more palatable to Republicans. Other cities were not geographically realistic, given their location.

The political context of these maps is especially important in this Montana case study because in no other state were elected officials so overtly and obviously involved in the process. It's difficult, in fact, to avoid noticing that a large minority of the feedback from citizens to the Commission was directly from elected officials, or to avoid noticing the many shibboleths from public commenters which suggest one particular perspective or another – for example, commenters speaking criticizing "blue state cancel culture," as one did during the October 30th hearing (*Montana Districting and Apportionment Commission, October 30th Meeting*, 2021), might be inferred to be Republicans. But interestingly, in the context of CoI, both political sides often agreed on basic facts about their state and typically made similar arguments about the state's communities of interest. It's worth then examining the specific feedback provided to the committee – and to see what communities of interest were doing for those giving feedback to commissions.

Community in Montana Districting Testimony

One of the more heavily discussed topics in this cycle of Montana redistricting was the placement of the state's Indian reservations. Native advocates wanted at least two nations to be placed in each district, with the goal of raising the salience of Native American issues and votes for both representatives. Ta'jin Perez, the deputy director of Western Native Voice, said

> Some of the maps submitted by the public feature a new congressional district entirely devoid of native representation. We strongly oppose these proposals because they relegate tribes, their members, and descendants to one single congressional district that does not reflect the statewide distribution of Native American peoples and voters. Rural tribal communities have worse roads, homes that aren't addressed, less mail delivery, greater poverty rates, and community members in varying degrees of crisis. These issues cannot be ignored any longer. The federal government has been entrusted to work with tribes and their people. This commission can do what it can to ensure the federal government stays true to its trust responsibilities by ensuring that tribes are included in both of Montana's congressional districts. (*Montana Districting and Apportionment Commission, October 5th Meeting*, 2021)

Here Perez links the present-day inequities facing Montana's Native American communities to a lack of meaningful federal engagement through the political process, identifying redistricting as a potential ameliorating method.

Additionally, native advocates wanted for one of the districts to be a competitive seat, where the native vote could be critical. Shelly Fyant, the chairwoman of the Confederated Salish and Kootenai Tribes (CSKT), said "CSKT places a high value on competitiveness in congressional maps. Those mean that politicians will need to engage with us and all tribal nations to secure our votes. CSKT believes that competition leads to a better democracy, and

more favorable outcomes for our people," (*Montana Districting and Apportionment Commission, October 19th Meeting*, 2021).

The first recommendation in particular was taken especially seriously by commissioners and public commenters of all ideological stripes, with most proposed maps including two Indian nations in each seat. Most maps attempted to place two Native nations in each district. However, the question of a competitive western district was often elided in discussion of the preference of these Indian nations; many commenters cited the former but not the latter (*Montana Districting and Apportionment Commission, October 5th Meeting*, 2021; *Montana Districting and Apportionment Commission, October 19th Meeting*, 2021; *Montana Districting and Apportionment Commission, October 30th Meeting*, 2021).

However, the avowed redistricting goals of Montana's native nations complicated the redistricting process for Democratic commissioners. Montana's Indian nations are disproportionately in Eastern Montana – only the Flathead Indian Reservation, home to the Confederated Salish and Kootenai Tribes, is located in the west. Adding another Indian nation required an awkward arm to one of these reservations, and a deeper cut into western Montana elsewhere. The easiest to place in the Western district also was the Blackfeet Reservation, which is located right along the continental divide immediately east of Glacier National Park, right along the traditional border between Eastern and Western Montana. However, for Democrats this presented an issue, because placing the Blackfeet reservation in MT-01 made it very awkward geographically to place the Flathead Valley into MT-02 – their preferred alignment. As a result, Democrats on the commission proposed several unusual maps which attempted to thread this needle, like placing the Crow nation in MT-01 instead, or using an awkward link to remove the Flathead Valley while still putting the Blackfeet reservation in MT-01, as is visible in Figures 3

and 4. Meanwhile, Republican commissioners found it easy to place two Native nations in each district, but drew maps criticized in hearings by indigenous advocates for a lack of competitiveness.

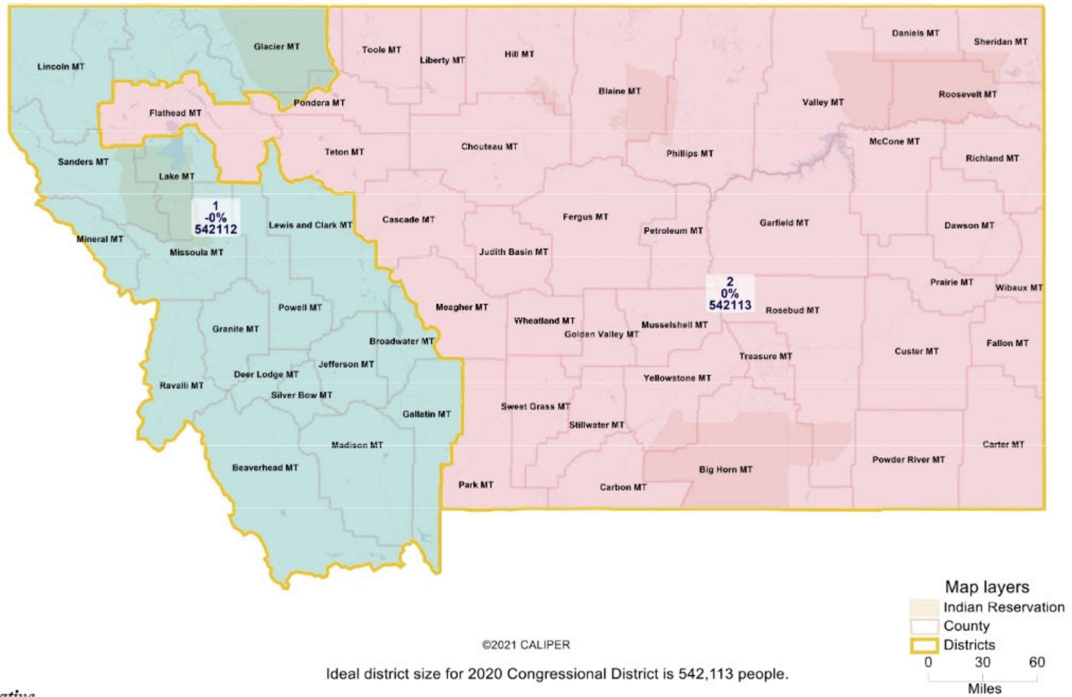

Figure 3: Montana Districting and Apportionment Commission Proposal 4. Image from MDAC.

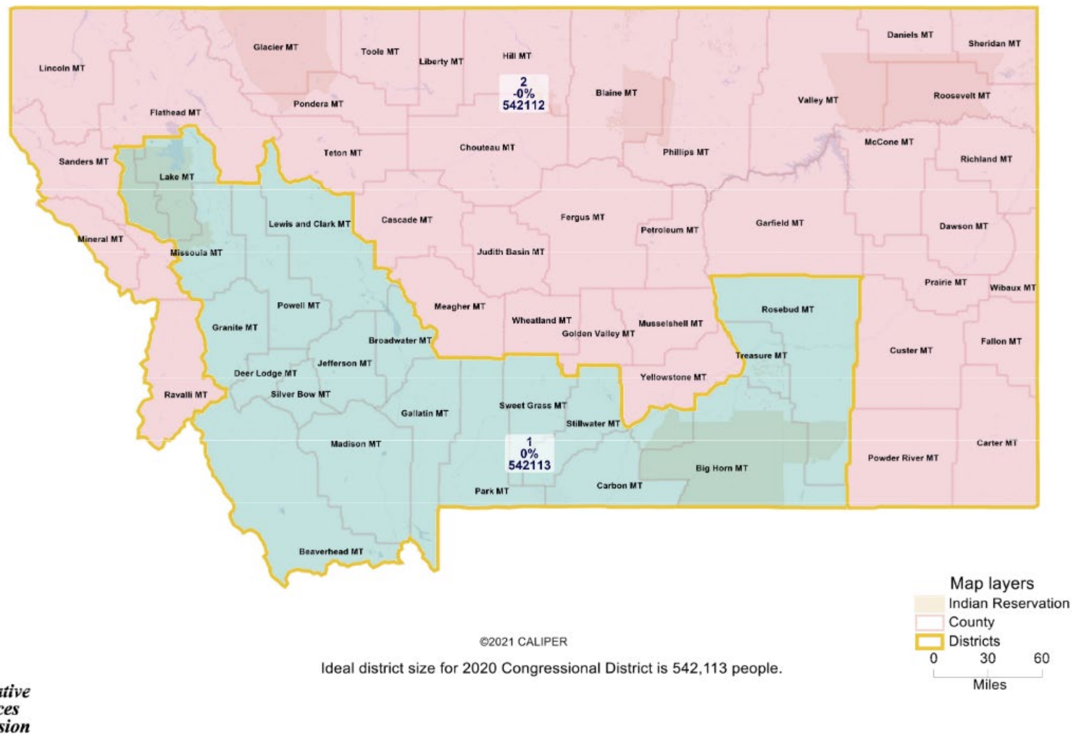

Figure 4: Montana Districting and Apportionment Commission Proposal 8. Image from MDAC.

Aside from the state's native nations, one of the more salient topics in hearings was the east-west divide, which many commenters identified as a crucial cleavage in Montana's geography. For example, Robert Filipovich, a resident of Helena, argued in a hearing on October 30th, 2021 that "ultimately the natural environment determines where people will live, how many will live there, and how they will live. Therefore, the natural environment should be a principal determiner of our government maps." He then used this physical-geographic rationale to argue for a map which kept mountainous Lewis and Clark County (Helena) in the western district. In that same hearing, Virgle Brite, from the Flathead Valley, said "I think the west should stay in the west, and the east should stay in the east," and then argued that several western counties, including Lewis and Clark, should be moved to the east for population equality (*Montana Districting and Apportionment Commission, October 30th Meeting*, 2021).

Brite and Filipovich's testimonies are a good example of the phenomenon discussed above. Despite this shared identification of the state's unique eastern and western communities, commenters at public comment meetings had very different prescriptions – diametrically opposed in this case. This divergence extends throughout the testimony. Some commenters even argued for splitting the state on the north-south axis, even while identifying the differences between east and west as especially important; they argued that this would serve to unite previously divided communities.

Another important community was the Hi-Line, a region of the state centered around the Empire Builder Amtrak route which runs through northern Montana parallel to the Canadian border. Commenters discussing this community often tied it in with a consideration of interests of areas along the border, since the Hi-Line communities identified are the towns nearest to Canada. However, the discussion of the Hi-Line community also came with disagreement about borders – some commenters identified the Flathead Valley with the Hi-Line, while others did not (*Montana Districting and Apportionment Commission, October 5th Meeting*, 2021; *Montana Districting and Apportionment Commission, October 19th Meeting*, 2021).

Other, less geographically attenuated arguments around community were made too. One commonly cited community of interest for Montana redistricting were universities and colleges – namely Montana State University (in Bozeman) and the University of Montana (in Missoula). Others discussed the importance of labor union ties between areas – such as high rates of union membership in Butte, Anaconda, and Helena. For example, Erin Foley, the president of the Montana AFL-CIO and a Teamsters leader from Butte, argued that Helena must be placed with the west, because doing otherwise undermined the strong union-related community of interest in

those communities (*Montana Districting and Apportionment Commission, October 30th Meeting*, 2021, p. 30).

However, the most contested and hotly debated community throughout the whole process was the Flathead Valley. The Democratic commissioners proposed several maps placing the Flathead Valley with eastern Montana, or splitting the Flathead Valley to include the Blackfeet Indian Reservation in MT-01. Conveniently for Democratic commissioners, Whitefish, the northernmost town in the Flathead Valley, is also by far the most Democratic town in the area, making it a convenient "bridge" to the Blackfeet nation (Datar et al., 2025; Park et al., 2021).

These proposals, however, upset many of the Flathead Valley's residents who came in large numbers to respond to these maps. These residents argued that the Flathead's interests lied in remaining whole and with the western part of the state. For example, John Childers from Flathead County argued that "[The Flathead] is so close. We've got medical [sic] together, we've got schools together." Childers was one of many Flathead Valley residents to attend the October 30th hearings. Almost 40% of speakers at those hearings explicitly identified themselves as residents of the Flathead Valley or one of its constituent towns – and more commenters, who didn't share their location, echoed their sentiments. In their view, the Flathead Valley should be undivided and located in Western Montana (*Montana Districting and Apportionment Commission, October 30th Meeting*, 2021).

However, it's important to put this public comment in a broader political context. One of the most contentious issues in Montana's 2020 census redistricting process was actually only tangentially related to communities of interest. The MDAC adopted standards which considered competitiveness (*Criteria and Goals for Congressional Districts*, 2021), and this was quite unpopular among conservatives. As a result, much of the public comment at hearings focused on

the legality of competitiveness as a criterion – and the same commenters who critiqued competitiveness often spoke about keeping the Flathead Valley in the west.

A good example of this political influence can be seen in the testimony of Derek Skees. At the three hearings sampled, State Representative Derek Skees, a Republican from Kalispell in the Flathead, was one of the earliest and most vigorous speakers. In one hearing, he memorably brought in a jack o'lantern cut in the shape of a map which he was especially displeased with, drawing a humorous connection to the upcoming Halloween holiday. But Skees stood out in another way: his comments were cited by many of the other commenters, especially at that busy October 30th hearing. Over 15% of the comments during that hearing cited agreement with Skees, and another comment appeared to be from his wife. Although other Republican (and Democratic legislators) spoke at these hearings, often memorably or forcefully, these individuals' testimony were rarely seconded at the same frequency as Derek Skees himself. There's an obvious inference to be drawn here – namely that Derek Skees had a primary role in mobilizing speakers to come out to the committee meeting. His involvement with this mobilization is one of the more dramatic examples of the role of political actors in shaping testimony in front of the MDAC.

Montana's Counterfactual Maps

To test out how different prioritizations of communities might influence maps, I made a series of counterfactual maps for Montana redistricting. I've included images below, but I will also link to the original maps as made in Dave's Redistricting App (a commonly used platform for the creation of hypothetical maps), where a lot more data is available.

[Map #1](#) places the Helena area (Lewis and Clark and Jefferson counties) in MT-02, while also adding the Blackfeet Reservation to MT-01. It's almost identical to the map implemented by the MDAC.

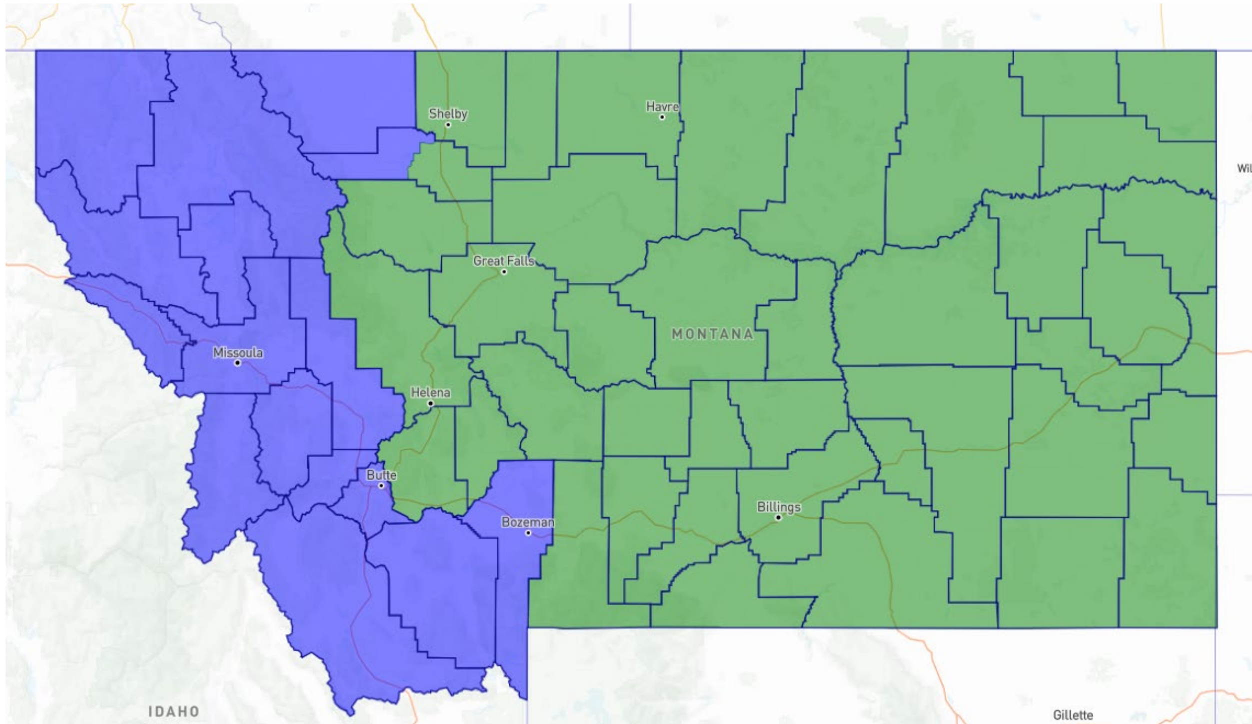

Figure 5: Counterfactual Map #1. Image made by me, screenshotted from Dave's Redistricting App software.

[Map #2](#) is an alternative which split Gallatin County, in the Bozeman area, instead of placing Helena with eastern Montana. The district also unites the small census-designated place of Big Sky, which is split by the border between Gallatin and Madison; consequently there is a split in Madison County as well.

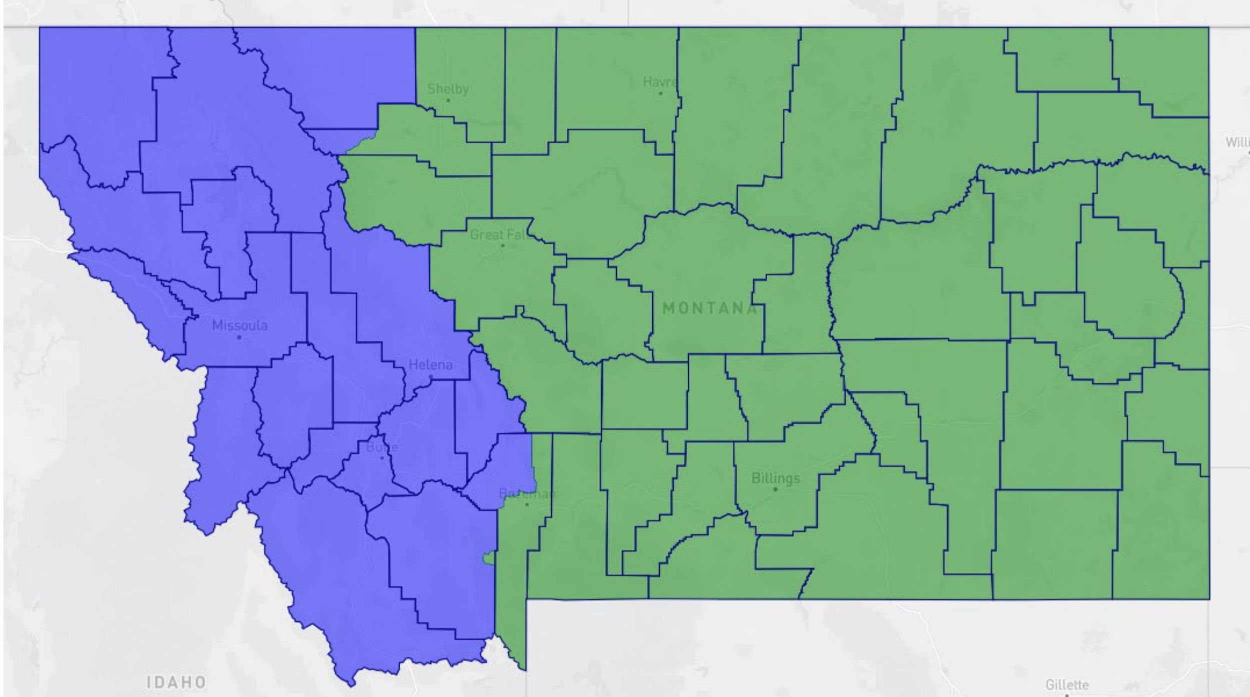

Figure 6: Counterfactual Map #2. Image made by me, screenshotted from Dave's Redistricting software.

[Map #3](#) is in line with Map #2, but it puts all of Gallatin in MT-02, forcing MT-01 to dig deeper into the Great Plains along the High Line. Cascade County is split.

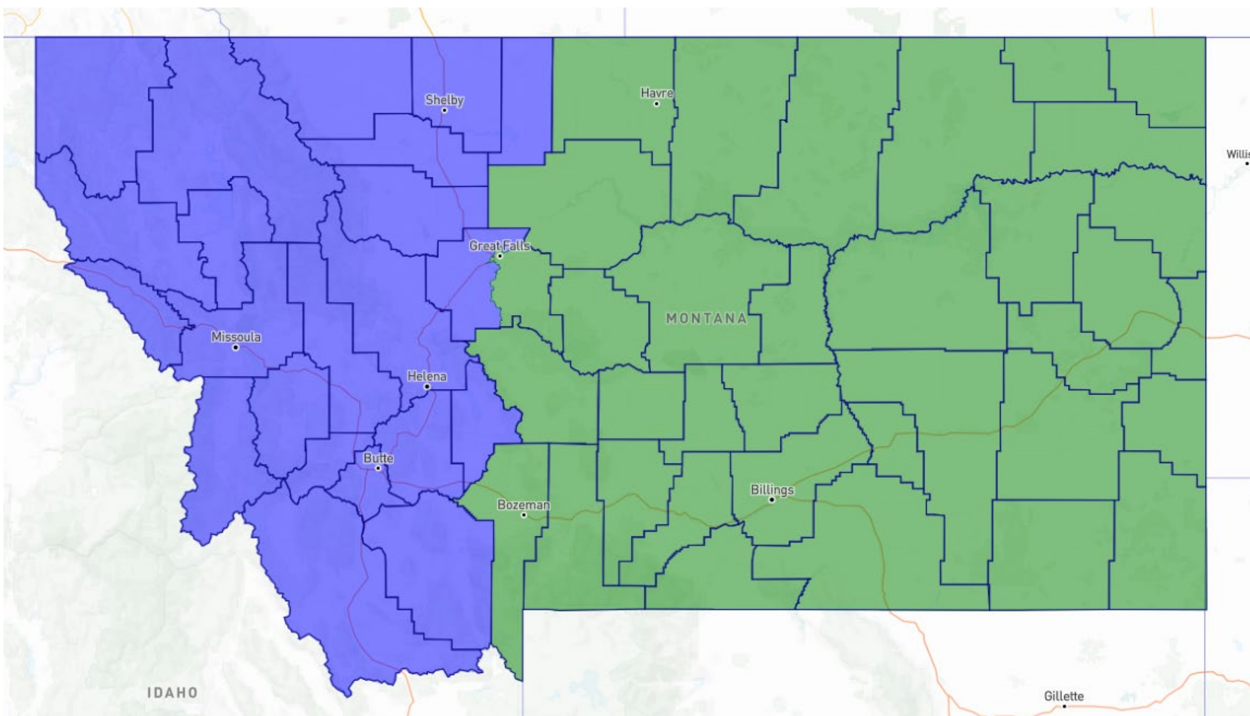

Figure 7: Counterfactual Map #3. Image made by me, screenshotted from Dave's Redistricting software.

Map #4 is a different approach, attempting to hew more closely to tribal recommendations. It takes Lincoln and most of Flathead County and places them with eastern Montana. However, to satisfy the desire for two Reservations in each district, MT-01 slides eastward and takes in the Crow and Northern Cheyenne Reservations. This proposal splits several counties, but except for Lewis and Clark all county splits are to keep reservations whole.

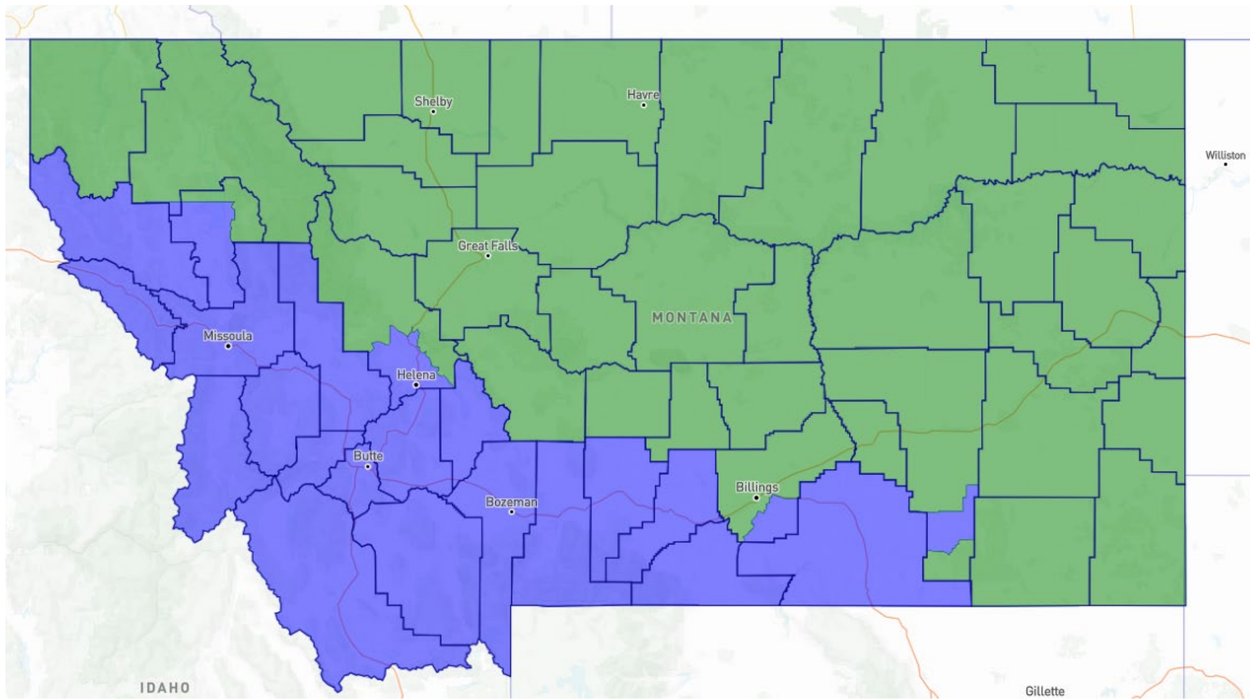

Figure 8: Counterfactual Map #4. Image made by me, screenshotted from Dave's Redistricting App software.

Finally, Map #5 is a variation on this theme. It places the bulk of Flathead County in MT-02, but places Whitefish in MT-01, allowing for the inclusion of the Blackfeet Reservation. This is similar to Commission Proposal 4. It has a severe flaw, however, namely that MT-02 is not contiguous by road.

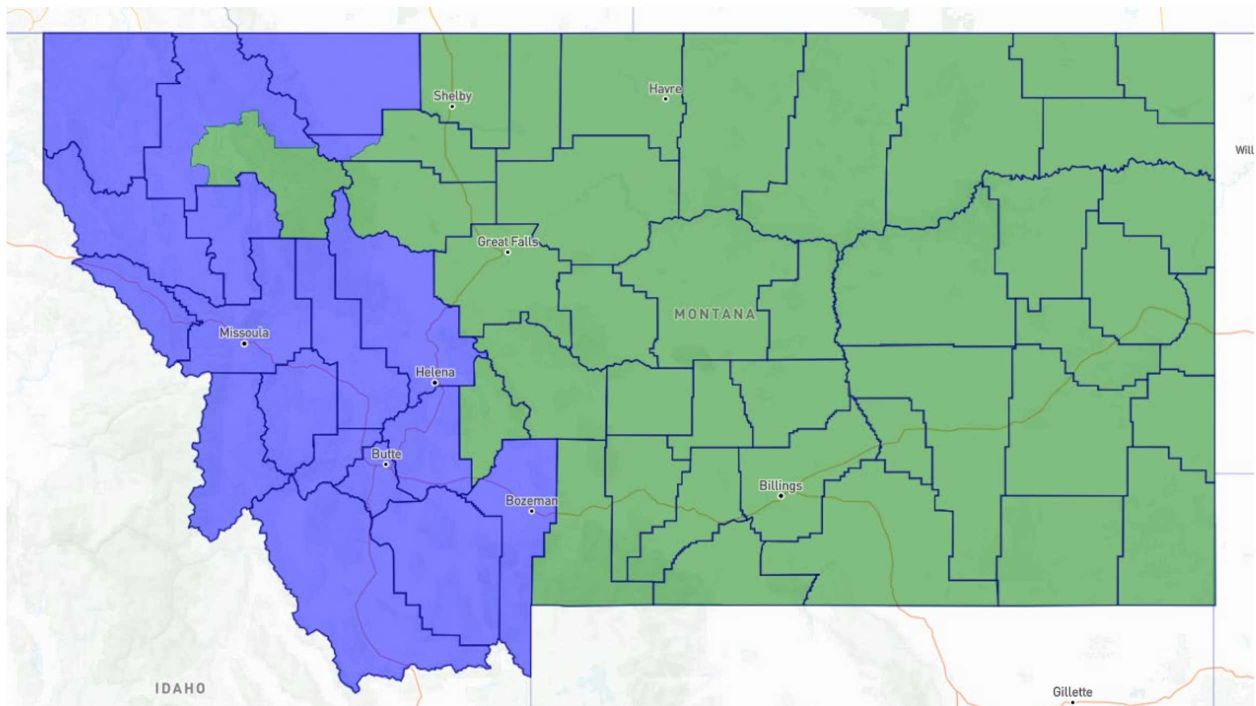

Figure 9: Counterfactual Map #5. Image made by me, screenshotted from Dave's Redistricting App software.

The Final Map

The final map which was drawn was a compromise between several different pieces of feedback. Commissioners drew a western district which included Bozeman and the Flathead Valley, while placing Helena to the east. The new district also included the Blackfeet Reservation, satisfying the demands of the indigenous nations for there to be at least 2 reservations in each district. The result was a map which was more favorable to Republicans than Democrats on the commission would have initially liked, but which also didn't split the Bozeman area, which was the case in Republicans' initial proposal. In that sense, the final congressional map was a compromise between different partisan demands. And it respected many, although not all of the community of interest input from community members.

However, this map, crucially, neglected testimony from Montana's Indian nations. As stated previously, the Native American tribes of Montana wanted to have at least two nations in each district, which was satisfied, but they also explicitly wanted for one of those seats to be a

competitive district. Although the new western district, or MT-01, was potentially competitive for an especially strong Democrat, the removal of Helena from the seat meant that it was unlikely to be seriously contested in most elections, barring an unusually favorable national environment for Democrats.

Montana's Native leaders took to the press to criticize the maps. Patrick Yawakie-Peltier, a Native American political operative, was quoted in the Great Falls Tribune, and said "It's not about getting all the tribes in one congressional district so that it can lean Democrat. We're saying that tribes are a minority in this state, so having at least one of the congressional districts be a competitive district would be most beneficial to tribes, instead of having two Republican-leaning districts," (Mabie, 2021). Native groups were left behind in the mapping process, even as their concerns were superficially addressed by the commission.

Understanding why bears a return to the committee hearing testimony, and requires thinking about community and the state in the terms which were last touched on in the literature review. Although the preferences of Montana's native nations were discussed somewhat frequently throughout the process, few commenters identified themselves as residents of reservations or as speaking on behalf of a Native American community. The few who did were largely politicians or political operatives who appeared again and again at multiple public hearings. The result was that the perspectives of Indian tribes were drowned out in a sea of other feedback on unrelated issues – compounding historical political disenfranchisement and making the voices of Native nations less legible to the commission.

It's worth considering an alternative explanation here. Potentially, the Montana Districting and Apportionment Commission may have simply been biased against Native Americans – and more feedback would have been irrelevant. I think a few factors point away

from this interpretation, however. First, the commission did address the two-reservations per district component, which suggests that they were at least nominally attending to the goals of indigenous peoples. But another relevant component here is Maylinn Smith, the nonpartisan chair. Smith herself is Native American, and she's also an accomplished attorney on native law issues, having served as an attorney for the Confederated Salish and Kootenai tribes. She also taught at the University of Montana's Blewett School of Law in the Margery Hunter Brown Indian Law Clinic, which she left in part over a lack of support on Indian law issues from University of Montana administration (Dietrich, 2020; Szpaller, 2021). Although this descriptive representation is not everything, given Smith's key role on the Commission as a tiebreaker, it seems unlikely that a decision rooted in more overt bias would have been successful. It seems likely that she would have prioritized the preferences of Montana's indigenous nations more highly if they had been more prominent in public testimony.

Overall, Montana is an excellent example of the processes identified in our earlier discussion. The communities which were rendered legible to members of the Montana redistricting commission by the public input process were partisan political actors and the highly engaged citizens of one particularly impacted region – but the relatively minimal representation of Native nations meant that their political concerns were overlooked except for the portions which were easier and more convenient.

California

From Montana, we move on to California – a state with a very different political and demographic context from Montana, but similar challenges in recognizing communities of interest and respecting the needs of minority groups.

The Context of California

The calculus in California is different from Montana and Washington in a few ways. For one thing, its 52 different house districts mean that remaking the state's congressional seats is a serious challenge for mappers. For another, California is also significantly more diverse than either state, meaning that a higher proportion of the districts meet the criteria for drawing a minority-influence district under the Voting Rights Act. And although all three are mountain west states, California has extremely large population centers separated by mountain ranges, which constrains map-drawing options, since it's often considered poor redistricting to put two areas separated by mountains together, due to limited transportation links in many cases.

California is also unique in commission structure and process. Unlike Montana or Washington, each of which has a single nonpartisan chair, California's commission has five Democrats, five Republicans and four independents. These three groups have to collaborate with each other– statutorily, maps must be passed with the agreement of three of each of the three groups, forcing bipartisanship and negotiation. These commissioners must meet high ethical standards (California Citizens' Redistricting Commission, n.d.; Zhang, 2021, pp. 1004–1006)

Additionally, California, unlike Montana, has an incredibly structured process for receiving public input. Under California law, district lines are required to follow communities of interest – and in fact, the state is required to prioritize CoI boundaries even over local administrative borders. The state has a highly structured process designed to capture this public data on communities of interest, where they solicit info from residents describing their own communities, so that these can be translated into legally recognized and delineable communities of interest, before maps are even proposed. Mappers hold hearings designed to target different areas of the state, which are carved up into letter-designated outreach zones, for specific input on the borders of these local level CoIs. In 2021, these were on Zoom.

A	Del Norte, Humboldt County, Mendocino, Lake, Napa, Sonoma, Trinity	Commissioner Toledo Commissioner Taylor
B	Butte, Colusa, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama	Commissioner Sinay Commissioner Yee
C	Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, Solano	Commissioner Yee Commissioner Toledo
D	El Dorado, Nevada, Placer, Sacramento, Sierra, Sutter, Yolo, Yuba	Commissioner Fernandez Commissioner LeMons
E	Monterey, San Benito, San Luis, Obispo, Santa Barbara, Santa Cruz, Ventura	Commissioner Fornaciari Commissioner Kennedy
F	Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, Tulare	Commissioner Turner Commissioner Vazquez
G	Alpine, Amador, Calaveras, Inyo, Mariposa, Mono, Tuolumne	Commissioner Andersen Commissioner Akutagawa
H	Los Angeles	Commissioner Taylor Commissioner Ahmad
I	Riverside, San Bernardino	Commissioner Kennedy Commissioner LeMons
J	Orange	Commissioner Akutagawa Commissioner Sadhwani
K	Imperial, San Diego	Commissioner Sinay Commissioner Ahmad

Figure 10: California Citizens' Redistricting Commission Outreach Zones. Image from the California Citizen's Redistricting Commission.

In these hearings, the commission's mappers were admirably specific – if given vague input on an area, like "southeast Fresno" or "the Kern Valley," the commission will generally ask the public commenter what they specifically mean by these terms, with a map as an aide. They don't use heavy jargon, but ask community members to provide specifics about their community, like cross streets or reference points. They will ask those giving testimony to narrow

this down so that it can be understood by the commission for the purpose of identifying communities.

The result of these factors was that California's commission had a seriously challenging but also more structured task ahead of them in remaking the state's congressional districts – and a sufficiently complicated one to merit greater focus. I therefore focus a bit more on the congressional lines in the Central Valley and the Bay Area, where questions of community of interest, municipal boundaries and the Voting Rights Act often are working at cross purposes, complicating efforts to make fair and equitable seats. In analyzing these areas, I looked primarily at the initial round of CoI testimony, where less specific input is given, because these discussions are predominantly focused on defining and delineating local communities.

The Central Valley of California

The Central Valley of California is a large region in the center of the state, bounded by mountains. It's an important center for agricultural production in the U.S., growing fruits and nuts in large numbers on irrigated land. The massive agricultural industries of the Central Valley mean that many immigrants from Mexico and Central America have come here to work as farmworkers, not unlike the Yakima Valley of Washington State, which I'll discuss later. These immigrant communities have a long history of suffering state violence and economic injustice – a story which continues to the present day – despite valiant advocacy and mobilization by figures like Cesar Chavez. For the discussion in this thesis, I'm focusing particularly on the half of the Central Valley below Sacramento, commonly called the San Joaquin Valley, and particularly on its southernmost counties – Madera, Fresno, Kings, Tulare, and Kern.

Although the Latino community of the Central Valley is the majority in most counties, their electoral turnout severely lags behind that demographic dominance. Many Latinos in the

area are undocumented or are legal immigrants who have not yet attained citizenship, and many more are prevented from voting by cultural barriers, unfair voting policies, frequent seasonal moves, or a general precarity that can make taking the time to research candidates or fill out a ballot difficult. Latino voters are also less often mobilized by political actors (de la Garza & Jang, 2011, p. 896). As a result, although the San Joaquin Valley's Latino community clearly prefers Democratic candidates overall, the region is politically competitive, and in some elections votes for Republicans outright. They are particularly strong in Kern, Tulare, and Kings Counties, which have voted Republican in every presidential election since the 1960s, but even elsewhere Republicans are competitive, winning every single county in the San Joaquin Valley in the 2024 presidential election with increased Latino support (Leip, n.d.).

The political geography is extremely complex and structured. The most Democratic voting precincts are in the Latino neighborhoods of cities like Fresno or Bakersfield. Democrats also tend to do well in little, heavily Latino towns like Porterville, Delano, or Mendota. However, they are often outvoted by rural precincts, which tend to be somewhat less Latino and hyper-Republican. Republicans also tend to win in majority-white urban or suburban areas in cities like Fresno, Bakersfield or Visalia. Republicans also typically win the eastern fringe of the region, which is actually in the Sierras and is consequently lightly populated. As a result, the geography of the southern San Joaquin Valley can often look polka-dotted on electoral maps, with islands of Democratic blue surrounded by Republican red. Towns often are highly split electorally, with Democrats winning the most heavily Latino neighborhoods and Republicans winning elsewhere (Park et al., 2021).

Although the Latino population of the region is high, their diverse distribution and low turnout can make it hard to draw districts which comply with the Voting Rights Act, while also

balancing other considerations, like CoI or local government boundaries. Drawing a district which is more likely to elect the Latino candidate of choice requires squiggly, unattractive lines which split towns in half – but the alternative, districts which are more compact and closely hewn to municipal boundaries, are more likely to be illegal under the Voting Rights Act – and to thus disenfranchise the region's large Latino community.

The Bay Area

The San Francisco Bay Area is a world away from the Central Valley, in nearly every respect. It's one of the United States' largest metropolitan regions, sprawling across nine counties (Marin, Sonoma, Napa, Solano, Contra Costa, Alameda, San Jose, San Mateo, and San Francisco) and including a major global center of the tech industry in Silicon Valley. Unlike the previous region, the Bay is incredibly politically homogeneous; any district drawn in this area will be very safe for the Democratic Party (Datar et al., 2025; Leip, n.d.; Park et al., 2021).

However, this political unity obscures the region's extreme socioeconomic diversity. The Bay Area is one of the most racially diverse metropolitan areas in the country – it is 31% Asian-American and 24% Latino, and even these demographics are very diverse, with large Chinese, Mexican, Vietnamese, Central American, and South Asian communities. It's also extremely diverse economically, with some of the largest concentrations of wealth in the world and also some of the poorest neighborhoods in the country, including a large unhoused population. This inequality, notably, is also a cross-cutting cleavage to some extent, particularly among the Bay Area's Asian-American communities.

It's also worth noting that the Bay Area is relatively residentially integrated compared to most large American cities – and this is only more true when one excludes the very white North Bay – aka Marin, Sonoma, and Napa counties. As a result, despite the region's diversity, it's

actually pretty hard to draw highly compact districts which are majority Latino or Asian in the Bay Area. As a result, there are important trade offs here too in ensuring minority representation, while also maintaining compact districts that respect local community identities.

Community in the Central Valley

The San Joaquin Valley was grouped together into one zone in the outreach process, designated Zone F. For this section, I looked at public input on July 12th, 2021.

One particularly common refrain, articulated by many of the hearing commenters, was that the Latino communities in the Central Valley shared a particularly strong community of interest, rooted in their common culture and language, shared economic insecurity, political marginalization, and participation in agricultural industries. For example, Cecilio Barrera of Fresno said that "Many of these communities are families working in agriculture or have immigrant backgrounds. Many families rely on ESL programs that encourage young students to consider work outside of farm labor, young people that are looking into, maybe, college education to further their education. These communities have been historically underinvested and require strong State and Federal representation," (*Citizens Redistricting Commission Communities of Interest Public Meeting, July 12th*, 2021, pp. 37–39). Similar points were made by other commenters. Felipe Perez, of Firebaugh, said: "Rural communities in Fresno County should be kept together with South Fresno because we share similar working class immigrant backgrounds, heavily Latino demographics, and face similar issues, such as old infrastructure, broadband issues, and environmental justice impacts," (*Citizens Redistricting Commission Communities of Interest Public Meeting, July 12th*, 2021, pp. 88–89) Another commenter, who only gave her name as Dee, identified the area's traditions of mutual aid in response to marginality as a component of this community of interest, describing her own recent experiences

volunteering at a COVID-19 vaccination site as an example of this tradition (*Citizens Redistricting Commission Communities of Interest Public Meeting, July 12th*, 2021, pp. 196–201).

Some commenters, such as Jesus Martinez, representing the Central Valley Immigrant Integration Collaborative, got more specific around the historical experience of the Mexican-American community in the Central Valley. “I consider Latino immigrant families a community of interest because they have been treated and defined as such by governmental policies. This includes the Bracero Program, which from 1942 to '64 awarded over four-and-a- half million contracts for temporary labor to Mexican nationals, in the 1986 Immigration Reform and Control Act which, among other things, granted 1.1 million visas to special agricultural workers, in both cases greatly impacting San Joaquin Valley Latino immigrant families.” Here, Martinez is situating the experience of the Central Valley’s Latino community in the context of explicit government action to provide for immigrant labor (*Citizens Redistricting Commission Communities of Interest Public Meeting, July 12th*, 2021, pp. 73–77). Overall, many commenters seemed to argue that the Latino agricultural communities of the Central Valley constituted a clear community of interest, one which linked urban neighborhoods in Fresno with rural communities nearby.

Paradoxically, there was also another section of commenters who seemed to argue for the opposite – that cities should not be split. Several commenters argued against the splitting of cities and counties – less often Fresno, but more commonly places further south, like Visalia, Bakersfield, or Kings County. An unnamed commenter from Visalia, for example, argued that Tulare County as a whole constituted a community of interest, and thus should be placed in one district. They grounded this in the local environmental and agricultural resources which

simultaneously were being used by other commenters to argue for splits to jurisdictions. “Tulare County has been known as the breadbasket of the world, been that way since I grew up in Visalia, right between Tulare and Visalia. And it was always something to be proud of.” They then go on to use this argue for a shared district: “[Tulare County is] a close-knit area, and we need basically one representative for all Tulare County; all the little towns, Visalia being the largest of the surrounding towns, but they're all very close-knit family,” (*Citizens Redistricting Commission Communities of Interest Public Meeting, July 12th*, 2021, pp. 222–223)

Other commenters made similar arguments. Several commenters from Kings County argued for keeping Kings County whole, arguing that the county’s small size and history of required preclearance under the Voting Rights Act necessitated preserving it as a whole. This, strictly, is not the case – before the Supreme Court overruled preclearance in Shelby County v. Holder, some jurisdictions were required to get pre-approval on voting changes, and these were ones with a history of discriminatory voting practices. This had no legal bearing on whether or not a county could be split; in fact the Voting Rights Act could potentially require the split of a county if it was necessary to protect minority voting rights. Other, similar arguments appear throughout the testimony.

The paradox of these two distinct arguments, however, make much more sense when we situate them in the context of the Central Valley’s racial geography. As I discussed earlier, areas in this region generally vote Republican, but include a large and geographically dispersed pool of Democratic voters in the region’s most Latino neighborhoods, often not corresponding closely to municipal boundaries. Thus, districts drawn in this area which prioritize the internal contiguity of government subunits over other considerations will by default result in districts where Latinos will have a harder time getting their preferred candidates elected. Thus, these two arguments –

one on Latino political empowerment and representation, and the other on municipal contiguity and community togetherness – are working at cross purposes. A commenter arguing for the latter, Deene Souza, even made this fairly explicit, saying “We would like to keep [agricultural areas] together. Splitting our community to represent any sort of racial interest would be detrimental, and it is very logical to keep Tulare County as one district,” (*Citizens Redistricting Commission Communities of Interest Public Meeting, July 12th*, 2021, pp. 194–196).

Aside from these two primary discourses, other arguments surfaced as well. One especially common one was concern over the placement of Ridgecrest, a small town in the Mojave Desert on the far northeastern edge of Kern County. Ridgecrest is one of several towns in Kern County which lie to the east of the Sierra Nevada mountains, making it fairly isolated from the rest of Kern County by topography. And although this isn’t true of Ridgecrest, several of these towns, like Rosamond, Mojave, or California City, are part of the Antelope Valley, an exurban region on the periphery of Los Angeles. Despite this, several commenters came to speak out against possible maps which would place Ridgecrest in a district with Los Angeles County, arguing instead that Ridgecrest was a better fit with the rest of Kern County. The bulk of the argumentation here was grounded in the fact that Naval Air Station China Lake, which borders Ridgecrest and is its main employer, was poorly affected by an earthquake in 2019 (Folke, 2024) – with consistent federal representation being necessary for repairs.

Interestingly, this line of argument contrasts with another one – namely that of topography. Commenters in the Central Valley hearing consistently argued that communities in the Central Valley should be separated from those in the Sierras, which had radically different topography and economies. For example, Barbara Collins, after describing her town of Atwater’s agricultural economy and close linkages with Stanislaus County and other Central Valley

communities, said, "While we love our neighboring mountain communities, such as Mariposa, Calaveras, Tuolumne counties, they have very different issues and would be better served in a different district than ours and are currently in different districts. They have forest management issues, wildfires, they have tourism, problems with roads in and out. So theirs is very different from our issues," (*Citizens Redistricting Commission Communities of Interest Public Meeting, July 12th*, 2021, pp. 115–117) Aaron Anguiano of Stanislaus County, representing Latino Community Roundtable, echoed this, grounding his claim as well in the different ethnic composition of the Valley as opposed to the Sierras: "And so I was thinking that those communities that have a lot of Latino people, like me, that live in Modesto should be more in a district that is in the valley, not in the mountains," (*Citizens Redistricting Commission Communities of Interest Public Meeting, July 12th*, 2021, pp. 40–42).

Finally, public commenters emphasized that the city of Clovis, a large town east of Fresno, should be kept whole. When commenters suggested a placement for Clovis, they generally landed on adjacent North Fresno due to shared schools.

Articulating Community in the Bay Area

The Bay Area was largely grouped together into one zone in the outreach process, designated Zone C. For this section, I looked at public input on June 28th, 2021.

One common talking point in redistricting was topography as a determiner of community. Several commenters identified topographical differences between areas as especially essential distinctions in defining communities. For example, Bruce Buckleby, of Berkeley, argued that the urban areas of western Alameda County were a better fit with areas in western Contra Costa County than with those in the eastern portion of the counties, saying "Even though those were in Contra Costa County, because of the Hills and the demographics, I think that they are connected

more," (*Citizens Redistricting Commission Communities of Interest Public Meeting, June 28th*, 2021, pp. 18–19). Similarly, Stewart Bambino, representing the Tri-Valley Chamber of Commerce, said "We have sort of a little mountain range that separates us. That's kind of why we're called the Tri-Valley – separates some Oakland, San Leandro, Hayward. So, we don't really have a good way of getting east and west to Oakland, especially from San Ramona, it's just a two-lane road," (*Citizens Redistricting Commission Communities of Interest Public Meeting, June 28th*, 2021, pp. 75–76).

In a similar way, a few commenters commented on the distinction between the North Bay and the rest of the region, arguing for the placement of these areas, like Marin County, with places further north. For example, Dottie Lemew of Marin County argued that her home county should remain in a district with Santa Rosa, citing its "semi-rural nature" as well as the challenges of being placed in a district only linked by a bridge crossing (*Citizens Redistricting Commission Communities of Interest Public Meeting, June 28th*, 2021, pp. 21–22).

Another frequent articulation was around demographics – in particular, a strong interest in drawing a majority-Asian district in the South Bay, including areas in southern Silicon Valley, northern San Jose, and Milpitas. Linda Cell, who was a frequent commenter at these hearings, articulated it quite strongly, saying "The -- as you know, the Asian community is seeing a uptick in Asian hate and Asian violence. So I think it's imperative that we continue to have an Asian majority district in this area." Here Cell is arguing for the drawing of a majority Asian district in the area to adequately represent a group which had been particularly marginalized by racist violence (*Citizens Redistricting Commission Communities of Interest Public Meeting, June 28th*, 2021, pp. 78–80).

Counterfactual Mapping

Map #1 is a map which follows the recommendations of those who preferred fewer municipal splits in the lower San Joaquin Valley, and also includes a majority Asian district.

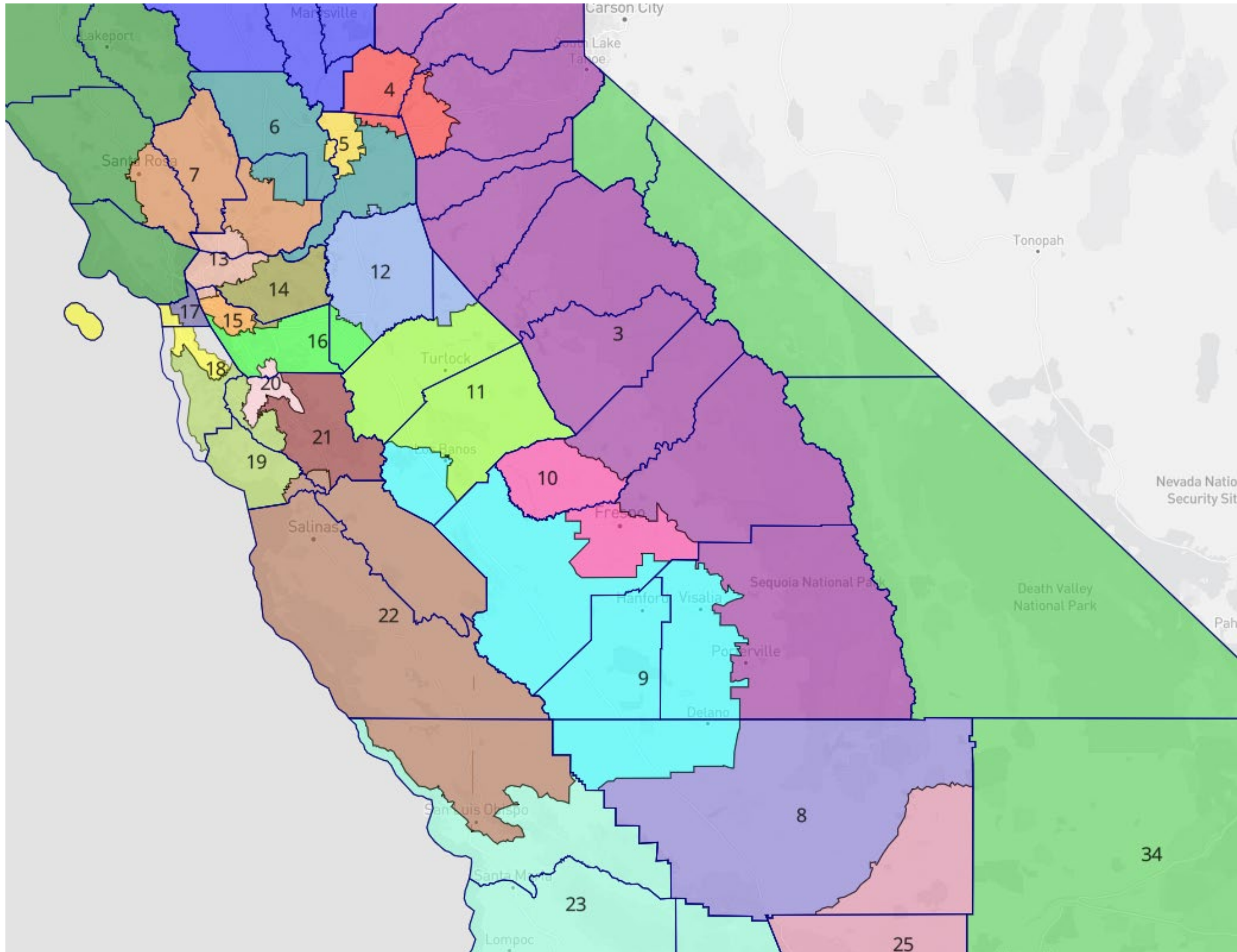

Figure 11: Counterfactual Map #1. Image made by me, screenshotted from Dave's Redistricting App software.

Due to the dispersal of the Latino community across the area's districts, this map would likely be illegal under the VRA.

Map #2 takes the opposite approach, splitting many jurisdictions in the Central Valley to maximize Latino population, while retaining a common overall layout, including a majority Asian district in the Bay Area. It also places rural Latino towns in Fresno County in with Fresno city, a concern of many commenters.

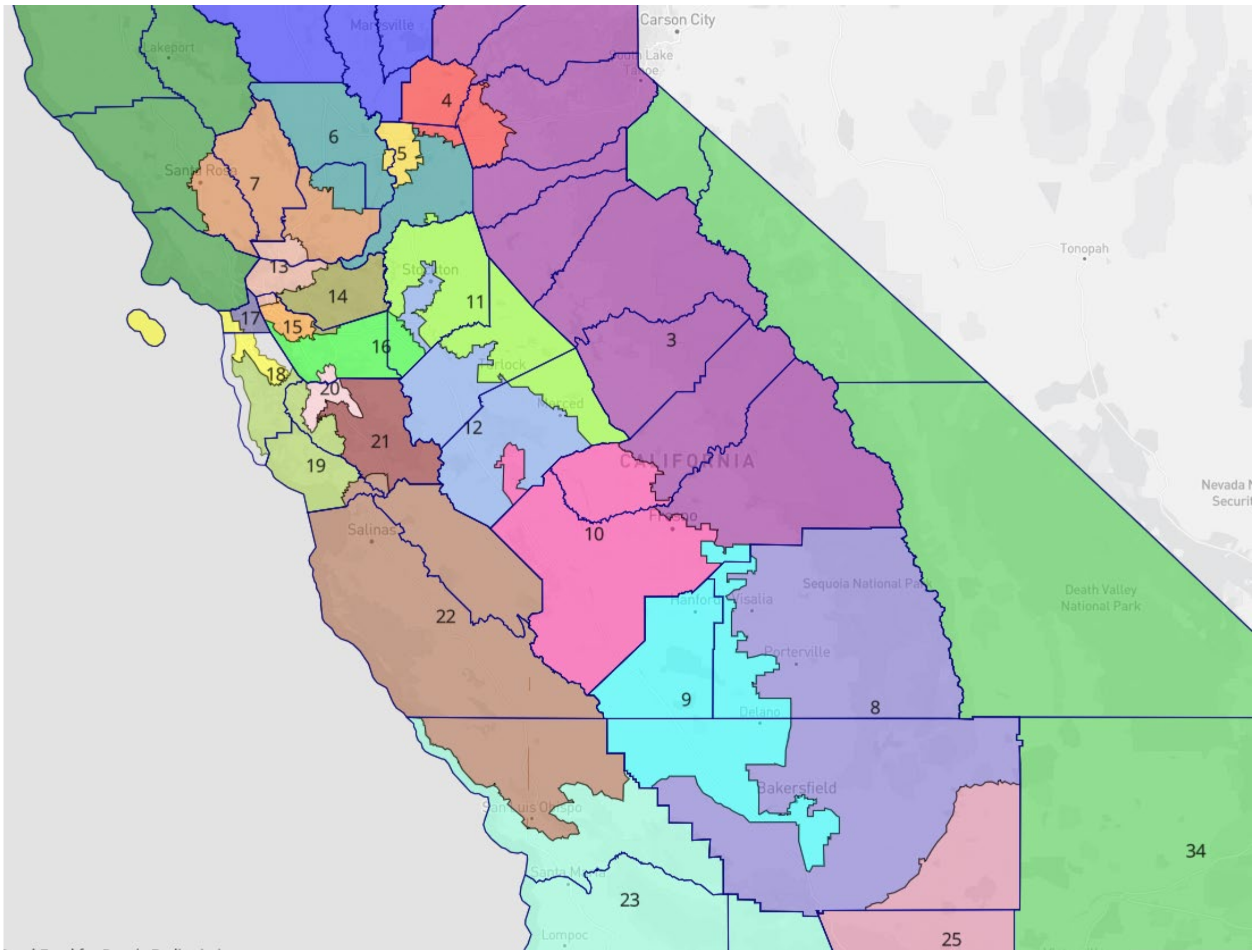

Figure 12: Counterfactual Map #2. Image made by me, screenshotted from Dave's Redistricting App software.

Map #3, takes a similar approach overall to #2, but softens the boundaries somewhat, and doesn't attempt to strengthen Latino voters as much in the northern central valley seat (District 11).

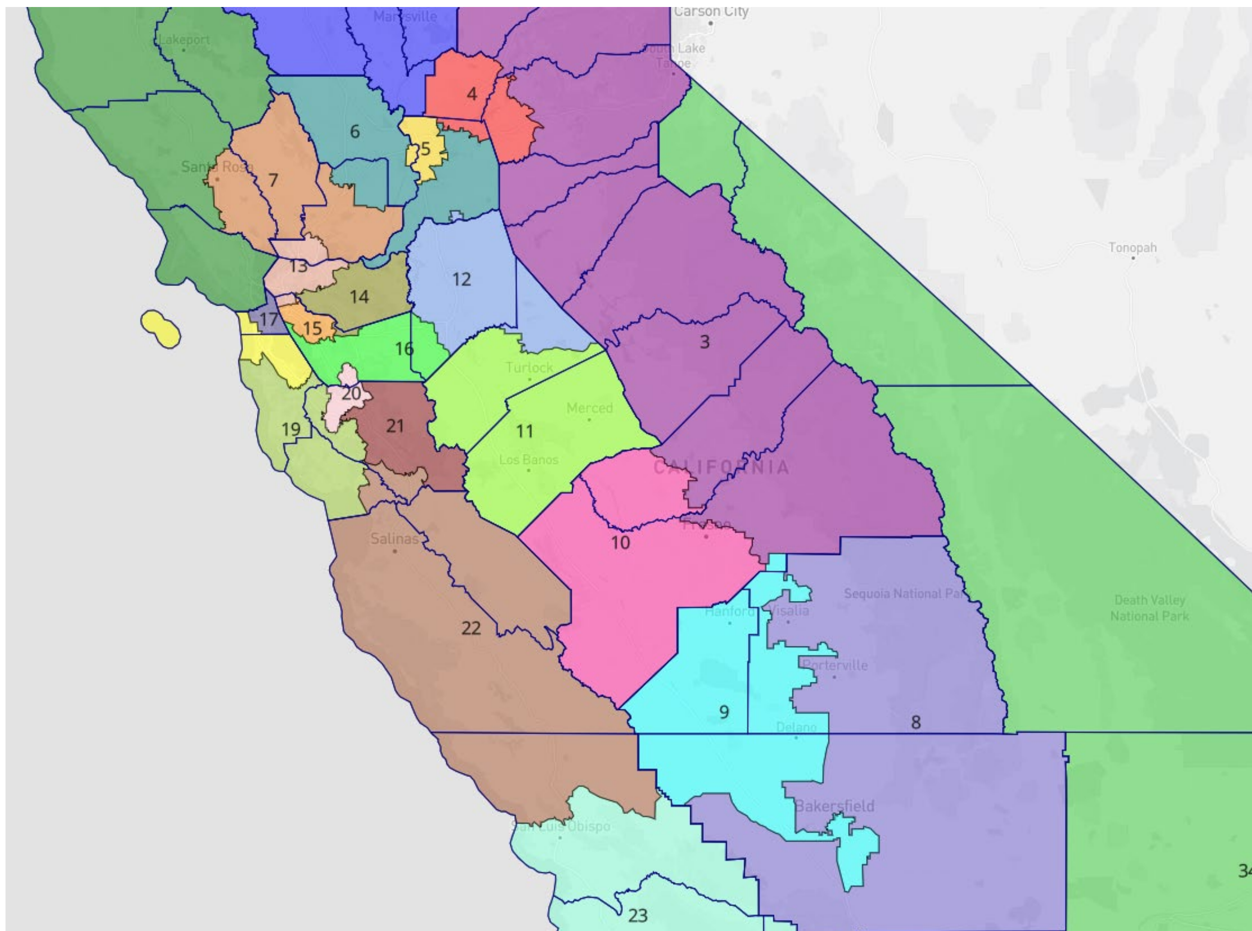

Figure 13: Counterfactual Map #3. Image made by me, screenshotted from Dave's Redistricting App software.

Map #4, by contrast, is an adaptation of Map 2 but which aggressively prioritizes Latino political influence over municipal boundaries, creating an unattractive 9th district which is nevertheless very likely to elect the preferred candidate of Latino voters. However, it may conversely fall afoul of voting rights jurisdiction as an illegal racial gerrymander. As in Map #2, this map includes a majority-Asian seat in the South Bay.

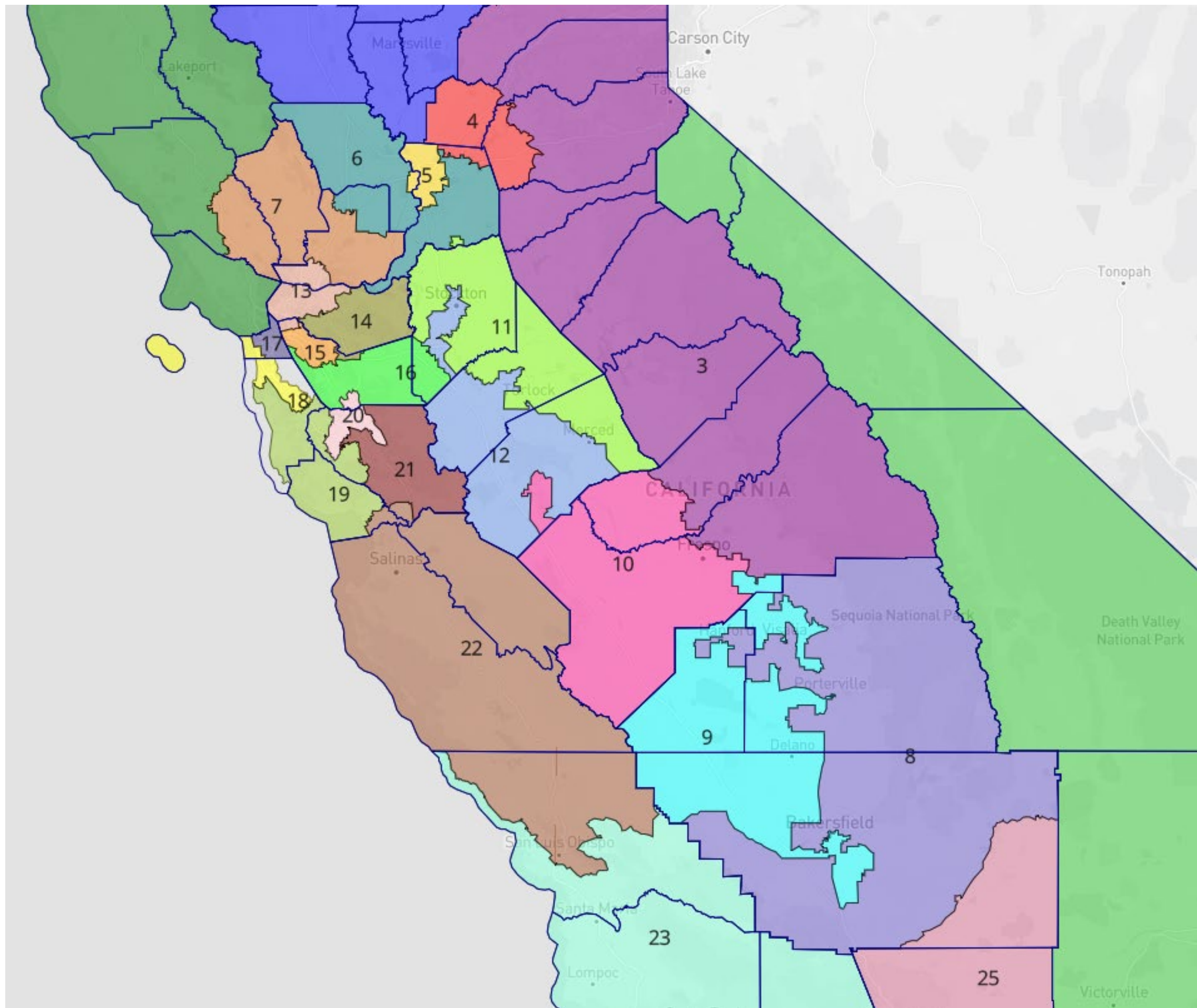

Figure 14: Counterfactual Map #4. Image made by me, screenshotted from Dave's Redistricting App software.

The Final Map

The maps drawn by the California redistricting commission, however, weren't especially like any of these. Instead, they have a multiplicity of county splits, some which seem fairly unnecessary. Meanwhile, although several cities are split, these splits appear relatively compact splits with few irregular shapes, designed to ensure that the Latino influence districts (13, 21, and 22) are performing properly. However, the splits are significantly less than one might want if the

goal is to ensure a Latino candidate of choice gets reliably elected in all cases. Below are the lines drawn for the district maps.

Figure 15: California's Congressional Districts, in the San Joaquin Valley and Bay Area. From the California Citizens' Redistricting Commission.

It's worth casting our eyes back to Webster's critique, which we discussed in the literature review. Webster argues that the use of Community of Interest as a criterion is potentially problematic ethically, because it could entail prioritizing territorially bounded communities over the protection of minority voting rights, which often requires acknowledging discontinuous populations of minority communities which may have more in common than the majority community (Webster, 2013). Latinos in the Central Valley, as we've discussed, are one

such case. Thus, to a certain extent, mapping in this region tends to be as much a reflection of the mapper's philosophy – namely how central the territorial bounding of a community is to their conception of community of interest. Here, we can imagine a continuum, running from prioritization of a territorially defined community of interest and of municipal boundaries to maximizing minority influence, justified on the grounds that these demographic groups form an "archipelago of interconnected communities."

In the context of the Central Valley, map choices which lead towards the former pole tend to be especially problematic, given the fact that Latino voters in the Central Valley tend to be less politically united. This is especially visible in the 2024 results – where every county in the region had strong swings to Trump (Leip, n.d.) – but even with the information given to the commission, it's surprising that they did not in fact reinforce CA-22 to be highly reliable for reelecting the Latino candidate of choice, which even in weaker years is likely to be a Democrat in this region. On the new lines, Congressman David Valadao, a Republican, has twice been reelected in this district, preventing the majority of Latino voters who likely prefer his opponent from picking their candidate of choice.

By contrast, the lines in the Bay Area were less controversial, but nevertheless had contained within them a different challenge. The use of outreach zones in general presumes a certain structure to how residents think of their geographic community, and the Bay Area, as defined by the Census Bureau straddles two zones, with the northerly Sonoma and Napa included with adjacent areas of northern California – while North Bay Marin was placed with areas in the South and West Bays, despite residents self-identifying their CoI as with areas to the north. We can see this tension too in the discussion of the placement of the cities in far eastern Kern County, like Ridgecrest, California City, or Rosamond – we know that the former prefers to

stay in Kern County, but the latter two weren't even directly represented at the Zone F hearing. However, residents from these towns did show up to the LA hearing – which suggests that counties may not have been the ideal unit of analysis. Although this didn't appear to have any huge ramifications in the mapping process, it's a potential problem in the next cycle's mapping.

Overall, California's mapping process was less contentious, perhaps because the structure of the commission required more cooperation. But the end product raises some challenging questions about tradeoffs between community of interest, minority representation, and the role of political subdivisions in mapping. These questions will only become more salient as I move on to the next case study, Washington State.

Washington State

Finally, we come to our last case study – Washington, which is perhaps the most dramatic of all three. Here, the Washington State Redistricting commission broke down in spectacular fashion, resulting in an illegal map which violated federal law. How could this happen?

The Context of Washington

Like Montana, Washington has a strong geographical divide between the east and west, modulated by the Cascade Mountains. The western part of the state is quite wet, while eastern Washington is very dry due to a rain shadow from the Cascades. (Cohen et al., 2021, pp. 1955–1958; *Washington's Climate*, n.d.)

This divide is reflected in politics as well. In the 2024 election, Kamala Harris won only one county (Whitman, home to WSU) out of twenty in Eastern Washington, while winning twelve out of the nineteen in Western Washington. In some elections this century, the divide has been even starker, as it was in 2008, where Barack Obama won all but Lewis County in Western

Washington, while losing all but two in the east. In eastern Washington, Democrats typically only win in college towns, Native American communities, predominantly Latino areas, and in the urban core of Spokane – all areas which are easily outvoted by the strongly Republican rural and suburban communities which predominate in this part of the state. Meanwhile, in western Washington, Democrats typically win the cities of Seattle, Olympia and Tacoma, as well as the suburbs of Seattle. They also do well in tourist-oriented coastal towns and communities, like Port Townsend or the San Juan Islands. They also remain competitive in the Vancouver area and in many historically industrial coastal communities, though the latter have been moving Republican in recent years. Republicans are relegated largely to exurban areas and rural communities, but these are a much smaller proportion of Western Washington than Eastern Washington (Datar et al., 2025; Leip, n.d.; Park et al., 2021). The divide between these two regions has been salient and political enough to see semi-serious bills introduced in the state legislature supporting dividing the state (Berger, 2017; Cohen et al., 2021, p. 1931).

As in California, for the purpose of focusing the thesis, I'll be looking primarily at redistricting in one particular area of the state: state legislative redistricting in south-central Washington, which I'm defining as including the Tri-Cities (Pasco, Kennewick, and Richland), the Yakima Valley, and surrounding areas, like Kittitas, Skamania and Klickitat counties. This is a unique region in the state. Located east of the Cascades, the area has a dry climate, watered primarily by the Columbia, Yakima, and Snake Rivers. It's the historic homeland of the Yakama people, who retain a reservation in the southwestern portion of Yakima County as well as sizable trust land holdings in Klickitat County. The region's dry climate has also made it into an agricultural hub – not unlike the Central Valley which I discussed earlier – and much like the Central Valley, south-central Washington is home to a large and socially marginalized Latino

community which is heavily employed in farm work. The area also has a sizable scientific sector, dating back to Richland's status as one of the primary centers for the development of nuclear weaponry during World War 2 (Valencia, 2019, pp. 21–22). I'll have more to say about this region below.

Washington's redistricting commission has a similar structure to Montana, with two members of each party, appointed by the majority and minority leaders in each house in the state legislature. As in Montana, there's an independent commissioner who chairs the committee and attempts to broker deals between different factions. However, unlike Montana, the chair of the Washington State Redistricting Commission has no tiebreaking power – a fact which forces the two parties on the commission to agree even when they have diametrically opposed goals (Washington State Redistricting Commission, n.d.-a). This fact would become extremely significant.

The Democratic appointees were April Sims (a union leader) and Brady Piñero Walkinshaw (a former Democratic legislator), while the Republicans appointed Joe Fain and Paul Graves, both former legislators. These members selected Sarah Augustine as their nonpartisan chair (Washington State Redistricting Commission, n.d.-b).

Joe Fain's appointment was controversial, however, because of accusations of rape prior to his departure from the Washington State Legislature. Because of this, advocacy groups spearheaded an open letter calling upon Fain to resign, a call echoed by Sims and Walkinshaw (Santos, 2021). Despite this, Fain did not resign (Brunner, 2021) – but his presence on the commission may have influenced who felt safe and able to give public input – and probably also undermined relationships between Democrats and Republicans on the commission. The accusations against him were also a recurring topic in public comment.

The Yakima Valley

Politically, Washington overall is a Democratic state, but the area of focus for this thesis is predominantly Republican. Democrats typically win in predominantly Latino areas of the regions, such as the east side of Yakima and small agricultural towns in southeastern Yakima County. They also do well in overwhelmingly Latino East Pasco. Democrats also generally win the Yakama reservation, the college town of Ellensburg, and communities in the Columbia River Gorge in Klickitat County, such as White Salmon and Bingen. Republicans typically win most everywhere else (Datar et al., 2025; Park et al., 2021).

The economy of the region is primarily agricultural, centered around apple orchards and the production of other fruits. As a result, there's also a large Mexican-American farmworker community, much like the areas we considered in the San Joaquin Valley. And as in the San Joaquin Valley, these workers are subject to a system of racialized oppression which makes their participation in the political system more challenging. Cities like Pasco, where minority communities have been traditionally relegated to specific neighborhoods by the entrenched system of residential segregation and racialization. The Mexican community of south-central Washington has responded to this state repression and violence through the creation and maintenance of life-giving cultural practices, like communal parties and events, or collective observances like those related to the Virgin of Guadalupe – a cultural background which fits many traditional community of interest criteria (Valencia, 2019).

Notably, many of the majority Latino small towns in Yakima County – like Toppenish or Wapato – are also physically located within the Yakama Reservation. This intertwined

demographic pattern means that a legislative district which seeks to keep together the Latino community of the region should also include the Yakama reservation.

Public Testimony

A prominent thread, of course, in the testimony was around drawing a Latino-influence district in south-central Washington. For example, Keally Cieslik, a resident of Yakima, said, “[W]hen I hear the term "community of interest," I think of opportunities for communities who have been historically and continue today to be pushed out of our political processes. I hear them having an opportunity to make their voices heard, and so I think that the map drawn by Commissioner Sims is an important -- an important map and creates opportunity for members of the Yakima [sic] Nation to raise their voices and members of the Yakima Valley Latino community to elect candidates of their choice, which is crucial to having a functioning democracy which we so desperately need,” (*VERBATIM TRANSCRIPT OF PUBLIC OUTREACH MEETING RE: Legislative District Maps*, 2021, pp. 12–13). Here, Cieslik links recognition of community of interest to the marginalization and community building as a result of marginalization which Valencia identifies.

David Morales, of Yakima County, spoke out as well, explicitly tying together the interests of the region’s Latino and Native American communities, using language which seems designed to evoke the Voting Rights Act. “Historically, we know that Native Americans have voted for Latino candidates 75 to 95 percent of the time for pretty much the last 20 years. And this makes sense because we, as communities, share the space…So it really would behoove both communities for the Redistricting Commission to consider both of them together as a single community of interest because that is pretty much how people vote, that's how my -- how people live. And realistically, you cannot draw a Latino majority district without drawing in a lot of

Native Americans," (*VERBATIM TRANSCRIPT OF PUBLIC OUTREACH MEETING RE: Legislative District Maps*, 2021, pp. 202–203) Susan Soto-Palmer, who would later be a plaintiff in the lawsuit against the maps, spoke at the hearing as well, echoing similar points (*VERBATIM TRANSCRIPT OF PUBLIC OUTREACH MEETING RE: Legislative District Maps*, 2021, pp. 88–89).

Moving beyond south-central Washington, but staying in the eastern part of the state, testimonies from individuals in that region were split on the division of the region into its congressional districts – namely over where they should be split north-south or east west. Testimonies on the latter emphasized the division between dryland wheat agriculture (dominant in the far east of the state) and the cultivation of fruits (dominant in the central part of the state) (*VERBATIM TRANSCRIPT OF PUBLIC OUTREACH MEETING RE: 4TH AND 5TH CONGRESSIONAL DISTRICTS*, 2021)

Another important talking point among commenters was the presence of minority-majority legislative districts in areas outside of south-central Washington, primarily in the Seattle area. One commenter, Yuan Tao, said "Commissioner Fain and Graves have drawn maps for the 37th LD alongside the I-5 highway. This highway, along with many other highways constructed decades ago, literally cuts through the Asian American community here in the International District here in Seattle. For Commissioner Fain and Graves to draw their maps alongside the highway is to continue the destruction of this community from decades ago into today," (*VERBATIM TRANSCRIPT OF PUBLIC OUTREACH MEETING RE: Legislative District Maps*, 2021, pp. 194–195). Here, Tao ties the splitting of a historically minoritized and marginalized community in redistricting to the historical splitting and dispossession of that same community through highway construction.

But perhaps the most frequent item of discussion was not the placement of the Yakima Valley, or drawing of minority-majority districts – rather it was the placement of various islands in the Puget Sound area of the state. Washington State is linked together by clusters of ferries, which run between the mainland on both sides of the sound and the region's various islands. Several residents of the San Juan Islands showed up at the hearing on October 5th– the designated hearing for discussing state legislative plans – to denounce plans to place the San Juan Islands and Anacortes with Whidbey Island, which is home to a U.S. Navy Base, the presence of which has meant frequent flyovers by noisy planes. The residents of these islands felt the presence of Whidbey Island in a district with the San Juan Islands posed a serious conflict of interest for a state legislator who would have to field both complaints from those disrupted by the planes and those dependent on them. Another contentious issue was the placement of Bainbridge Island, an upscale coastal community, which earlier drafts placed with Seattle contrary to the apparent preferences of the residents. Similarly, the placement of Vashon Island, whether with Kitsap County or with Seattle, also attracted controversy, with those speaking preferring a placement with King County (*VERBATIM TRANSCRIPT OF PUBLIC OUTREACH MEETING RE: Legislative District Maps*, 2021).

These are all important issues in redistricting, but it's striking to see them dominate a hearing on redistricting for the whole state, as they did on that day. Despite the relatively frequent discussion of redistricting in the Yakima and Tri-Cities area, the relative infrequency of public comment from the region and the high salience of other, more privileged regions of the state could give a commissioner a different idea of what was important.

Counterfactual Maps

Here are the counterfactual maps for Washington.

Map #1 was the first map I drew, following testimony from the public. The 14th district (the olive one along the southern border) is almost unchanged from the court-ordered version.

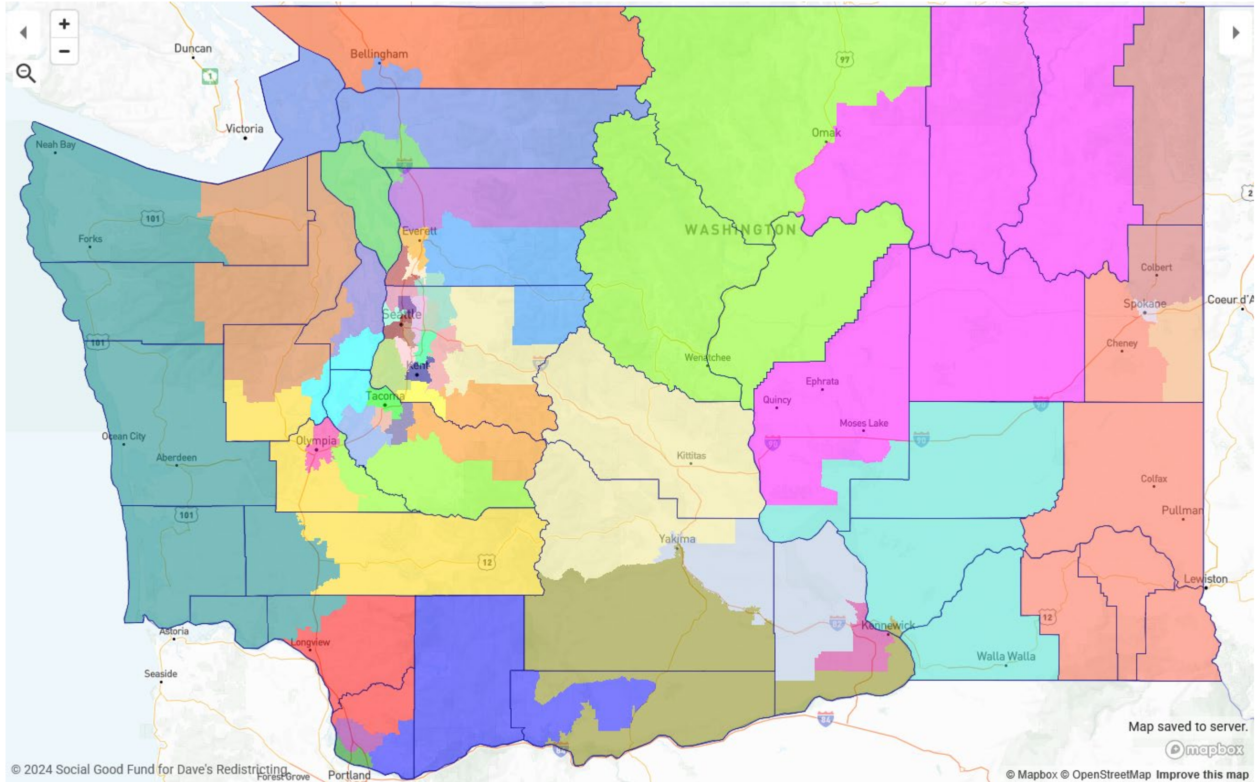

Figure 16: Counterfactual Map #1. Image made by me, screenshotted from Dave's Redistricting App software.

Map #2 follows a similar plan but includes all of the Yakama tribe's holdings in Klickitat County the 14th district in exchange for a more compact version of the 14th – which would be equally likely to elect the Latino candidate of choice, but has a less Latino population overall.

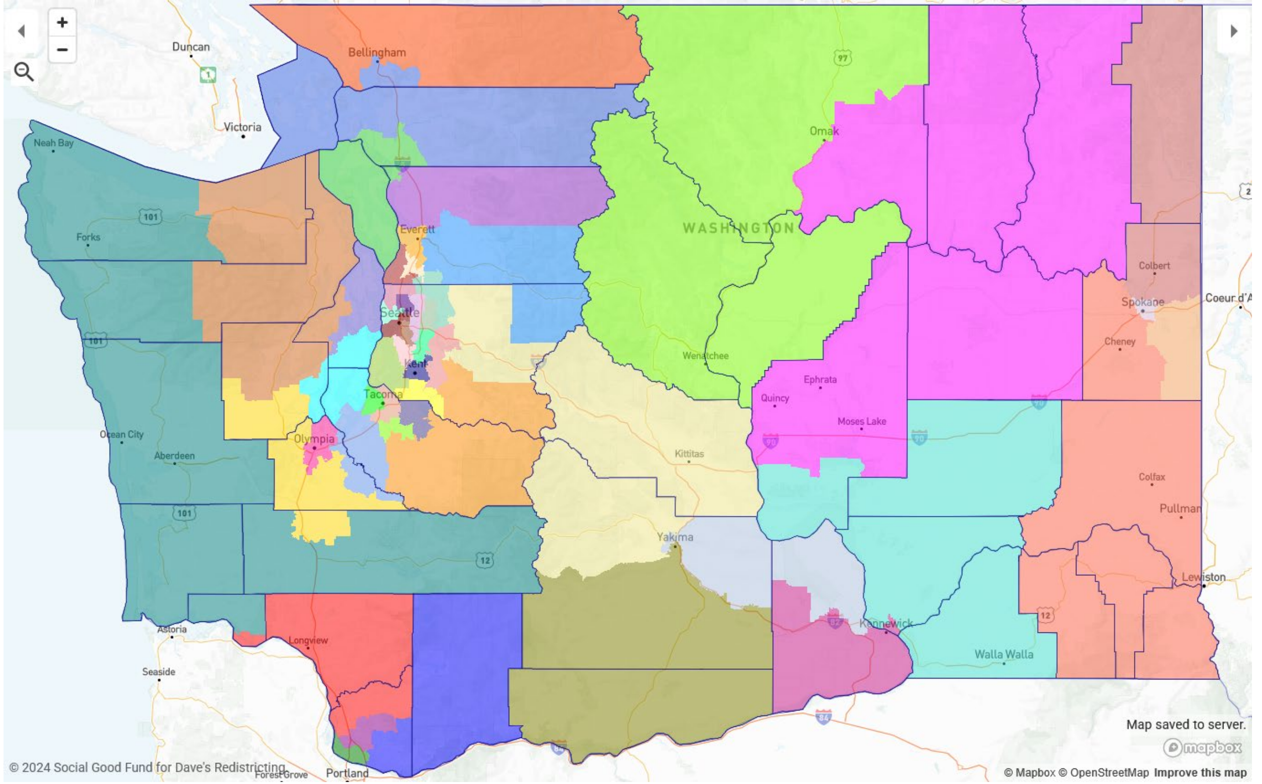

Figure 17: Counterfactual Map #2. Image made by me, screenshotted from Dave's Redistricting App software.

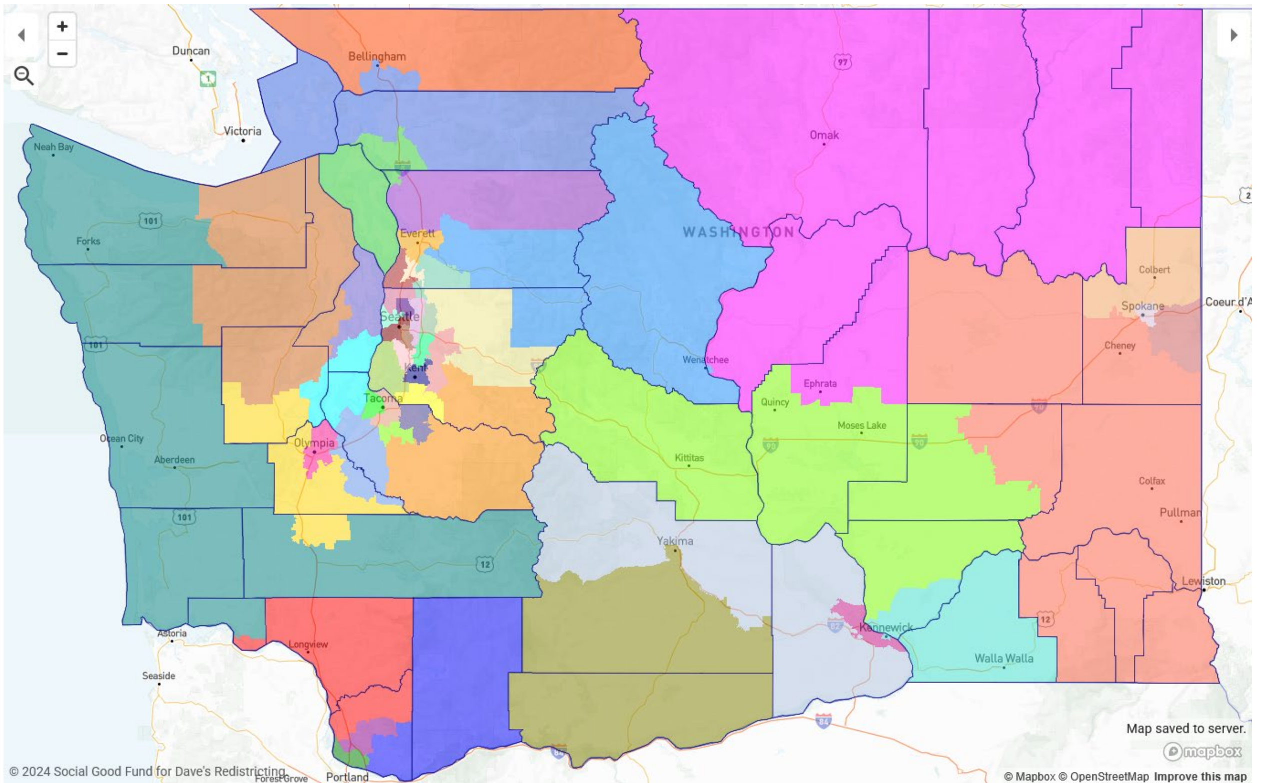

Figure 18: Counterfactual Map #3. Image made by me, screenshotted from Dave's Redistricting App software.

Finally, Map #3 does something like Map #2, but it reshuffles many of the other districts in the east to fit better with some public testimony on the east-west divide. There's also a compact seat based in the Tri-Cities. Meanwhile, Map #4 (Fig. 19) has an approach closer to Map #1, but tries to draw two minority influence seats – LD 14 and LD 45, which is minority-majority. This would represent something like the California maps which we discussed earlier.

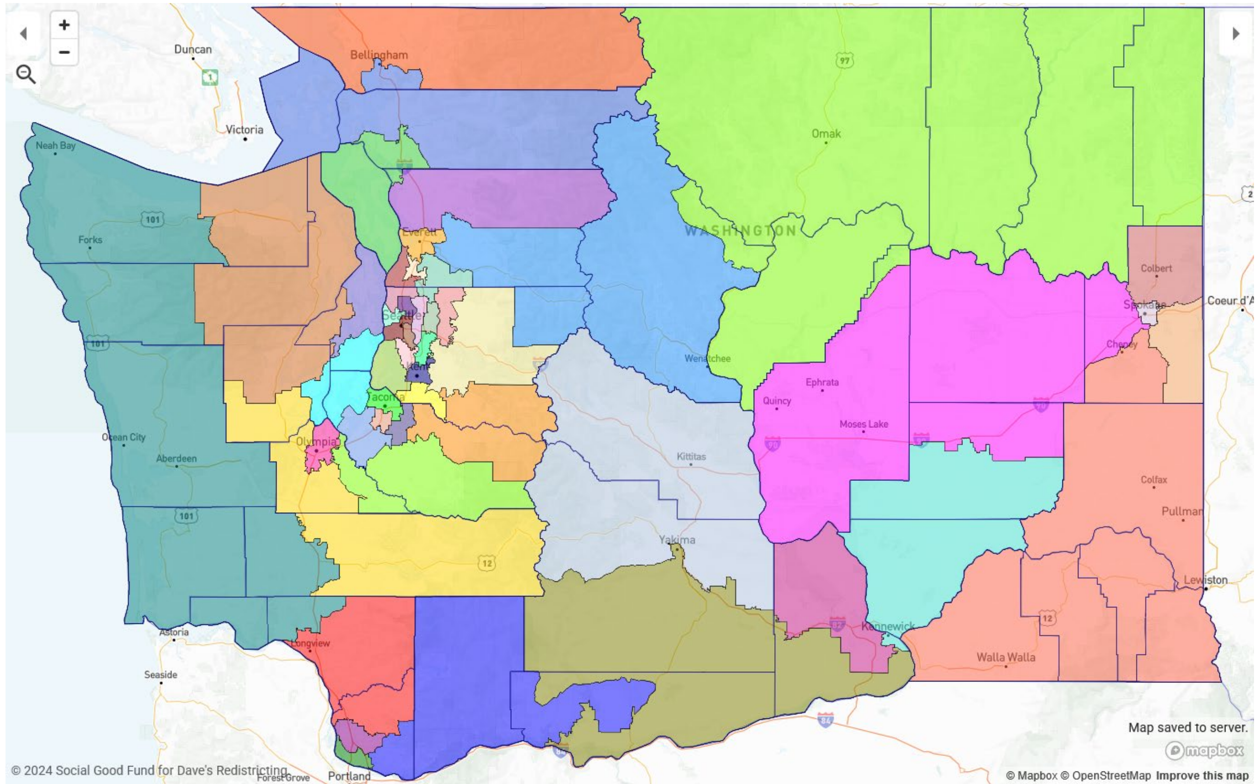

Figure 19: Counterfactual Map #4. Image made by me, screenshotted from Dave's Redistricting App software.

Results

The results of the process were, as I foreshadowed, fairly disastrous. The commission's members were simply unable to agree on a map. The dispute, unsurprisingly, hinged upon the drawing of the legislative districts in south-central Washington. Democrats on the commission wanted to draw a map which would reliably elect the Latino candidate of choice – a Democrat. Meanwhile, Republicans on the commission were unwilling to do this, at least without gaining themselves a "makeup" seat elsewhere. As a result, the two sides reached an impasse. On the

night in which the map was due, the commissioners, in violation of public meeting law, met and texted in private at a hotel in Olympia to figure out what the state's maps would be. The commission did not agree on a map until after the midnight deadline, breaking the law and spawning a first unsuccessful lawsuit over the maps' legality due to the violation of public meeting law (Thompson, 2024).

So what kind of maps did this unsuccessful process create? The answer, perhaps unsurprisingly, is not great ones. Most crucially, the legislative districts produced by this process did not in fact unify the Latino communities of south central Washington, instead fracturing them into several pieces, as before. The result was three state legislative districts which would not reliably elect the Latino candidate of choice.

In response, civil rights groups in Washington State sued the commission over the state legislative lines. This lawsuit, eventually named *Soto Palmer v. Hobbs*, was successful. Judge Robert Lasnik ordered a redraw of the state legislative maps, appointing a special master to do the job. The special master drew a new set of districts in 2024, one of which where Latinos constitute a significant majority of the population, and would likely be able to elect their candidate of choice (*Soto Palmer v. Hobbs*, 2023; *Soto Palmer v. Hobbs (Order Regarding Remedy)*, 2024).

How did the commission process break so badly?

First, the failure of the commission process was directly related to the structure of the Washington Redistricting Commission. The lack of a nonpartisan tiebreaker made the commission into a game of chicken, with the Democratic and Republican appointees forced to go head-to-head until one or the other blinked. The resulting process was high-stakes brinkmanship which forced commissioners to negotiate frenetically. Investigative reporting on the commission

has indicated that members on the commission were in regular communication with their legislative leaders and each other outside of the regularly scheduled meetings. During the final evening before the deadline, the commissioners were at a hotel attempting to broker a deal, in violation of the law. And in one memorable instance, Graves messaged April Sims, offering a Democratic-leaning Latino seat in south-central Washington in exchange for a Republican seat elsewhere – a fairly brazen and nakedly partisan action for even a partisan commissioner on a bipartisan body (Thompson, 2024).

However, this conceals a deeper question. If the Republicans were offering a deal, why wouldn't Democrats take it? Unlike districts in many other parts of the state, a Latino-influence seat in south-central Washington is required by federal law. It's striking, then, that commissioners wound up choosing a map which risked a serious legal challenge, rather than cutting a Democrat elsewhere. This brings us back to legibility, once again. Because of their legal, political and social marginalization, the Mexican-American community of the Yakima Valley was unable to elect their candidates of choice. That political exclusion meant that they were less deeply incorporated into the political culture of the Washington State Democratic Party. Thus, they were less able to call upon the political actors who ostensibly served their interests, because those actors were already beholden to other politicians who already served in office and who already were wielding political power. In a peculiar way, we can argue that South-central Washington's Latino residents were less legible to the decision makers on the commission because these decision makers were calibrating their preferences in mapping based on biased public comment and on political considerations – both of which weighed against them. When push came to shove, they were sacrificed. Thus, the political exclusion of Latinos in south-

central Washington resulted in their further exclusion, perpetuating a cycle of political disenfranchisement.

As I discussed earlier, the commission's map was in fact struck down in 2023 after a successful lawsuit, although it had been used already for one election cycle. Judge Robert Lasnik appointed a special master, Kasra Oskooi, to draw the new state legislative map, which included a district linking predominantly Latino areas in the Yakima Valley and the Tri-Cities (*Soto Palmer v. Hobbs (Order Regarding Remedy)*, 2024).

Although Oskooi's map is a leap forward in terms of Latino representation, there still are problems – namely around the interests of the Yakama Nation. Although the body of their reservation is predominantly in Yakima County, they own quite a bit of off-reservation trust land in Klickitat County to the south, and also have important fishing sites along the Columbia River there as well – important lands to the people of the Yakama Nation which the tribe explicitly identifies as a community of interest in their statement to court (Jones & Aronica, 2024). Although Oskooi's map attempts to preserve these lands within the predominantly Latino 14th district, he fails to include all of them – likely because to do so would fail to meet the Latino population threshold set by the court in their original decision. Thus, the interests of two marginalized groups – the Yakama Nation and the Mexican-American community – are implicitly put at odds because of a political system which cannot recognize both their needs in fullness.

Conclusion

In the court decision for Soto Palmer v. Hobbs, Judge Lasnik quotes State Senator Rebecca Saldaña – I think her words are worth reading.

> And so the people that are renters, the people that are living in labor camps, would not be allowed to have a say in those circumstances. So there's a bias towards land ownership, historically, and how lines are drawn, who gets to vote, who gets to have a say in their democracy. If you don't feel like you can even have a say about sidewalks, it creates a barrier for you to actually believe that your vote would matter, even if you could vote. (*Soto Palmer v. Hobbs*, 2023, p. 16).

Government is a pervasive and influential actor in our everyday lives, and seemingly inconsequential technical decisions can make all the difference in everyday problems – like the sidewalks invoked by Senator Saldaña. This is the importance of thinking carefully about how redistricting commissions – and many other institutions of government – work (or don't). Through this thesis, I've argued that communities of interest should be understood as malleable and politically complex imagined communities, rather than discrete and delineable areas. And I've argued that these factors have influenced redistricting in three states with commissions, arguably for the worse. I hope I've demonstrated that sufficiently.

That's not to say there aren't limitations though. First – and perhaps most significantly – I didn't talk to the people involved. Given the limitations of a relatively short master's thesis timeline, the potentially sensitive subject matter, and my relative inexperience and positionality, I figured it would be better to focus on archival data. But were these factors different, I'm sure there could be some new and unexpected insights which I've missed.

This leads into my second point – namely, that the critique I level here, around outside analysis misunderstanding marginalized communities – is one that can apply to me too. As a white person from a middle-class background, who hasn't visited the sites I'm writing about, I'm

also vulnerable to the same epistemic holes in my understanding. Although I've taken steps to avoid this, some issues are probably unavoidable.

Finally, there were practical challenges which I faced in the process which I would remedy. Data collection was more time intensive than I expected, which slowed some of the research process. There are important literatures which I've only been able to touch the surface of.

Nevertheless, I think there are some insights here that might serve more scholarship well. Processes similar to redistricting commissions exist in many other countries outside the United States, drawing seats in Canada (Bowden, 2024) and Australia (Juriansz & Opeskin, 2012), among others. Although these bodies are not operating under the same legal constraints, it may be worth understanding how community is conceptualized in a different legal and administrative context. Another area for further research is the way in which community of interest criteria shows up in other redistricting "non-gerrymandered" processes – such as court-drawn maps.

But aside from these "broadening" avenues for future research, I think there are some "deepening" paths for future scholarship as well. First and foremost, I think there's never been a better time to think deeply about the philosophical underpinning of potential redistricting reforms. Given the radical rewriting of American political institutions in the wake of Donald Trump's reelection, many of the old guardrails and rules no longer apply. This is a scary moment, but it's also an opportunity to build a better system. And that requires thinking about what "the good" in political representation is.

Despite the problems shown in my research, I still think independent redistricting commissions are valuable tools to stop the scourge of gerrymandering. There are several possible takeaways, like more money for research and public engagement, more caution around the

delimitation of communities of interest (particularly in light of unrepresentative public comment), and clearer and more robust protections for underrepresented groups in the mapping process. These would all be great.

But I think there are deeper structural problems here too. Even the best possible version of an American redistricting commission – like a supercharged version of California's commission – is going to have to deal with the epistemological problems raised by Scott. There simply is information which is too difficult for the state to know, and if that remains the case it will be impossible to perfectly represent all the communities of a state, much less delineate them. Moreover, the requirements of American redistricting – like exact population equality and contiguity – sometimes conflict with accurately representing communities, as we saw with California and Washington.

So I think it's important that reformers consider ways to "think outside the box." Systems like proportional representation offer significant potential advantages, as they represent voters without requiring geographical sorting – and prevent some voting distortions caused by first-past-the-post systems. No system can ever perfectly represent public opinion and identity, but I think it's time to consider tradeoffs beyond the traditional rules of the game for American district drawing.

Bibliography

Baker, M., & Fortin, J. (2023, May 4). One Family Has Spearheaded Montana's Unflinching Conservatism. *The New York Times*. https://www.nytimes.com/2023/05/04/us/montana-conservatism-zephyr-regier.html

Berger, K. (2017, January 3). Busting the myth of two Washingtons. In *Crosscut.com (Seattle, WA)*. Access World News – Historical and Current. https://infoweb.newsbank.com/apps/news/document-view?p=WORLDNEWS&docref=news/161BEB35B177A688

Bowden, J. W. J. (2024). Adjusting Federal Electoral Boundaries in Canada: Redistribution 2022. *Canadian Parliamentary Review*, *47*(1), 3.

Brunner, J. (2021, April 5). Controversy reignites over past rape allegation after Washington GOP leader picks former Sen. Joe Fain for panel. In *Seattle Times, The: Web Edition Articles (WA)*. Access World News – Historical and Current. https://infoweb.newsbank.com/apps/news/document-view?p=WORLDNEWS&docref=news/181B07468AF21FC0

California Citizens' Redistricting Commission. (n.d.). *About Us*. California Citizens' Redistricting Commission. https://wedrawthelines.ca.gov/about-us/

Chen, S. J., Wang, S. S. H., Grofman, B., Ober, R. F., Barnes, K. T., & Cervas, J. R. (2022). TURNING COMMUNITIES OF INTEREST INTO A RIGOROUS STANDARD FOR FAIR DISTRICTING. *Stanford Journal of Civil Rights & Civil Liberties*, *18*(1), 101–189.

Citizens Redistricting Commission Communities of Interest Public Meeting, July 12th, California Citizens' Redistricting Commission (2021). https://wedrawthelines.ca.gov/wp-

content/uploads/sites/64/2023/01/CADGS-CRC00219_CRC-PUBLIC-INPUT-MEETING_20210712_FINAL.pdf

Citizens Redistricting Commission Communities of Interest Public Meeting, June 28th, California Citizens' Redistricting Commission (2021). https://wedrawthelines.ca.gov/wp-content/uploads/sites/64/2022/09/06-28-21_2020_CRC_COI_PI_FINAL.pdf

Cohen, R. E., Cook, C. E., Jr, & Barone, M. (2021). *The almanac of American politics 2022: Members of Congress and governors: Their profiles and election results, their districts and states* (Commemorative edition). Columbia Books & Information Services, National Journal.

Collins, P. H. (2010). The New Politics of Community. *American Sociological Review*, *75*(1), 7–30.

Constitution of the State of California. (n.d.). California Legislative Information. https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=CONS&tocTitle=+California+Constitution+-+CONS

Corral, Á. J., & Leal, D. L. (2024). When demography is (not) destiny: Exploring identity and issue cross-pressures among Latino voters in the 2020 presidential election. *Social Science Quarterly*, *105*(4), 1239–1252. https://doi.org/10.1111/ssqu.13400

Criteria and Goals for Congressional Districts. (2021, July). Montana Districting and Apportionment Commission. https://mtredistricting.gov/wp-content/uploads/2021/08/adopted-criteria-congressional-dac-july-2021.pdf

Datar, S., Lemonides, A., Marcus, I., Murray, E., Singer, E., Zhang, C., & Smith, J. (2025). *An Extremely Detailed Map of the 2024 Election* [Map]. The New York Times.

https://www.nytimes.com/interactive/2025/us/elections/2024-election-map-precinct-results.html

de la Garza, R. O., & Jang, S.-J. (2011). Why the Giant Sleeps So Deeply: Political Consequences of Individual-Level Latino Demographics. *Social Science Quarterly*, *92*(4), 895–916. https://doi.org/10.1111/j.1540-6237.2011.00807.x

Dietrich, E. (2020, December 16). Tribal law expert appointed chair of districting commission. *Montana Free Press*. https://montanafreepress.org/2020/12/16/tribal-law-expert-appointed-chair-of-districting-commission/

Election 2024: Exit polls. (n.d.). *CNN*. Retrieved May 9, 2025, from https://www.cnn.com/election/2024/exit-polls/national-results/general/president/0

Folke, L. (Director). (2024, July 4). *China Lake marks five years since Ridgecrest quakes with near-complete Naval base rebuild* [Broadcast]. Bakersfield Now. https://bakersfieldnow.com/news/local/china-lake-marks-five-years-since-ridgecrest-quake-with-near-complete-naval-base-rebuild

Forest, B. (2004). Information sovereignty and GIS: the evolution of “communities of interest” in political redistricting. *Political Geography*, *23*(4), 425–451. https://doi.org/10.1016/j.polgeo.2003.12.010

Franz, J. (2021, November 24). For sale: God, guns and separatism in the American Redoubt. *Montana Free Press*. https://montanafreepress.org/2021/11/24/selling-the-american-redoubt-in-montana/

Girard, C., Grenier, G. J., & Gladwin, H. (2012). Exile Politics and Republican Party Affiliation: The Case of Cuban Americans in Miami. *Social Science Quarterly*, *93*(1), 42–57. https://doi.org/10.1111/j.1540-6237.2011.00835.x

Grofman, B., & Cervas, J. R. (2018). Can State Courts Cure Partisan Gerrymandering: Lessons from League of Women Voters v. Commonwealth of Pennsylvania (2018). *Election Law Journal*, *17*(4), 264–285. https://doi.org/10.1089/elj.2018.0496

Harvard Law Review. (2019). Rucho v. Common Cause. *Harvard Law Review*, *133*(1), 252–261.

Jones, E., & Aronica, A. (2024, February 23). *STATEMENT BY INTERESTED PARTY YAKAMA NATION*. The American Redistricting Project. https://vhdshf2oms2wcnsvk7sdv3so.blob.core.windows.net/thearp-media/documents/WA_322-cv-5035_272.pdf

Juriansz, J., & Opeskin, B. (2012). Electoral Redistribution in Australia: Accommodating 150 Years of Demographic Change. *The Australian Journal of Politics and History*, *58*(4), 557–579. https://doi.org/10.1111/j.1467-8497.2012.01653.x

Leip, D. (n.d.). *Dave Leip's Atlas of U.S. Presidential Elections* [Dataset]. Retrieved March 10, 2025, from https://uselectionatlas.org/

Li, M. (2024, December 16). *How Gerrymandering and Fair Maps Affected the Battle for the House*. Brennan Center for Justice. https://www.brennancenter.org/our-work/analysis-opinion/how-gerrymandering-and-fair-maps-affected-battle-house

Mabie, N. (2021, November 10). *Advocates say new congressional map dilutes the Native vote*. https://www.greatfallstribune.com/story/news/2021/11/10/advocates-say-new-montana-congressional-map-dilutes-native-vote/6344272001/

McKinley, J. (2022, May 28). How a Mapmaker Became New York's Most Unexpected Power Broker. *The New York Times*. https://www.nytimes.com/2022/05/28/nyregion/jonathan-cervas-redistricting-maps-ny.html

Montana Districting and Apportionment Commission, October 5th Meeting, Montana Districting and Apportionment Commission (2021). https://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20211014/-1/44036

Montana Districting and Apportionment Commission, October 19th Meeting, Montana Districting and Apportionment Commission (2021). https://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20211020/-1/44093

Montana Districting and Apportionment Commission, October 30th Meeting, Montana Districting and Apportionment Commission (2021). http://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20211101/-1/43951

MT - LexisNexis® Montana Constitution Annotated. (n.d.). *MT - LexisNexis® Montana Constitution Annotated*.

Nickel, W. (2024, December 3). NC congressman: Republicans stole fairness from the nation in giving GOP a House majority. *The Charlotte Observer*. https://www.charlotteobserver.com/opinion/article296319684.html

Park, A., Smart, C., Taylor, R., & Watkins, M. (2021). *An Extremely Detailed Map of the 2020 Election* [Map]. The New York Times. https://www.nytimes.com/interactive/2021/upshot/2020-election-map.html

Rambo, O. (2021). Defining communities of interest: Political self-definition in Los Angeles County during the first California Citizen's Redistricting Commission. *GeoJournal*, *86*(4), 1545–1587.

Rossiter, K. M., Wong, D. W. S., & Delamater, P. L. (2018). Congressional Redistricting: Keeping Communities Together? *The Professional Geographer*, *70*(4), 609–623. https://doi.org/10.1080/00330124.2018.1443477

Sahn, A. (2024). Public comment and public policy. *American Journal of Political Science*. https://doi.org/10.1111/ajps.12900

Santos, M. (2021, February 10). Groups denounce selection of Joe Fain to redistricting commission. *Cascade PBS*. https://www.cascadepbs.org/politics/2021/02/groups-denounce-selection-joe-fain-redistricting-commission

Schneider, A. (2024, August 1). U.S. 5th Circuit rules for Galveston County in voting rights case, striking down decades of precedent. *Houston Public Media*. https://www.houstonpublicmedia.org/articles/civil-rights/2024/08/01/495480/u-s-5th-circuit-rules-for-galveston-county-in-voting-rights-case-striking-down-decades-of-precedent/

Scott, J. C. (1998). *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed.* (1st ed.). Yale University Press.

Shaw v. Reno, Oyez.org ___ (The United States Supreme Court 1993). https://www.oyez.org/cases/1992/92-357

Soto Palmer v. Hobbs, 3:22-cv-05035-RSL (United States District Court for the Western District of Washington August 10, 2023). https://1.next.westlaw.com/Document/Icc5675b037e911eebdbff3176d2d1ebb/View/FullText.html?originationContext=kcCitingReferences&transitionType=Document&contextData=(sc.Search)&docSource=8c580ec30f904b2f84b603acfb255dc3&rank=2&rulebookMode=false&ppcid=554431acc0b54f41a881ea357a0d4fbd

Soto Palmer v. Hobbs (Order Regarding Remedy) (United States District Court for the Western District of Washington March 15, 2024). https://storage.courtlistener.com/recap/gov.uscourts.wawd.306804/gov.uscourts.wawd.306804.290.0.pdf

Spencer, D., & Levitt, J. (n.d.-a). *Where are the lines drawn?* All About Redistricting. Retrieved May 9, 2025, from https://redistricting.lls.edu/redistricting-101/where-are-the-lines-drawn

Spencer, D., & Levitt, J. (n.d.-b). *Who draws the lines?* All About Redistricting. Retrieved May 7, 2025, from https://redistricting.lls.edu/redistricting-101/who-draws-the-lines/

Stephanopoulos, N. O. (2012a). Communities and the California commission. *Stanford Law & Policy Review*, *23*(2), 281+. Gale Academic OneFile.

Stephanopoulos, N. O. (2012b). REDISTRICTING AND THE TERRITORIAL COMMUNITY. *University of Pennsylvania Law Review*, *160*(5), 1379–1477.

Subia, G. (2024). Creating Colorado's 8th congressional district. *Journal of Maps*, *20*(1). https://doi.org/10.1080/17445647.2024.2415644

Szpaller, K. (2021, October 4). Prominent lawyer, former faculty, had raised leadership questions at law school. *The Daily Montanan*. https://dailymontanan.com/2021/10/04/prominent-lawyer-former-faculty-had-raised-leadership-questions-at-law-school/

Thompson, M. (2024, January 23). The Failed Promise of Independent Election Mapmaking. *ProPublica*. https://www.propublica.org/article/the-failed-promise-of-independent-election-mapmaking

Thornburg v. Gingles, Oyez.org ___ (The United States Supreme Court 1986). https://www.oyez.org/cases/1985/83-1968

To Enforce the Fifteenth Amendment to the Constitution of the United States, and for Other Purposes, Pub. L. No. Public Law 89-110, Public Law 110-258 (2008). https://www.govinfo.gov/app/details/COMPS-350

Valencia, Y. (2019). *Inmigrante Indocumentado: Transnational communities of thriving in the midst of racial structural inequalities* [Thesis]. https://digital.lib.washington.edu:443/researchworks/handle/1773/44281

VERBATIM TRANSCRIPT OF PUBLIC OUTREACH MEETING RE: 4TH AND 5TH CONGRESSIONAL DISTRICTS (2021). https://www.redistricting.wa.gov/meetings-archive

VERBATIM TRANSCRIPT OF PUBLIC OUTREACH MEETING RE: Legislative District Maps (2021). https://www.redistricting.wa.gov/meetings-archive

WASHINGTON STATE REDISTRICTING ACT, 44.05 § 44.05.090 (1983). https://app.leg.wa.gov/RCW/default.aspx?cite=44.05.090

Washington State Redistricting Commission. (n.d.-a). *About Redistricting*. Washington State Redistricting Commission. Retrieved December 13, 2024, from https://www.redistricting.wa.gov/about.html

Washington State Redistricting Commission. (n.d.-b). *Commissioners*. Washington State Redistricting Commission. Retrieved March 12, 2024, from https://www.redistricting.wa.gov/commissioners

Washington's Climate. (n.d.). Washington State Climate Office. Retrieved March 26, 2025, from https://climate.uw.edu/washingtons-climate/

Webster, G. R. (2013). Reflections on current criteria to evaluate redistricting plans. *Political Geography*, *32*, 3–14.

Whitaker, L. P. (2016). CONGRESSIONAL REDISTRICTING: LEGAL AND CONSTITUTIONAL ISSUES. *Current Politics and Economics of the United States, Canada and Mexico*, *18*(3).

Willner, D. (2021). Communities of Interest in Colorado Redistricting. *University of Colorado Law Review*, *92*(2), 564–611.

Zhang, E. R. (2021). Bolstering Faith with Facts: Supporting Independent Redistricting Commissions with Redistricting Algorithms. *California Law Review*, *109*(3), 987–1017. https://doi.org/10.15779/Z383X83M57