Judges and Gerrymanders:
Can Courts Stop Partisan Redistricting?

KEY TERMS

**Redistricting** is the process of redrawing the boundaries of electoral districts, including both U.S. House districts and state legislative districts. It happens at least once every ten years, and is controlled at the state level.

**Gerrymandering** is the manipulation of the redistricting process for political ends. For example, a state legislature gerrymanders when it draws district lines to favor incumbents, or to favor the election of someone of a particular race.

**Partisan gerrymandering** (or partisan redistricting) is the manipulation of the redistricting process to favor one political party over another. Historically, both Democrats and Republicans have engaged in partisan gerrymandering.

“**Packing**” and “**cracking**” are techniques of partisan gerrymandering. To “pack” partisans is to concentrate them into as few districts as possible. To “crack” partisans is to spread them out across as many districts as possible.

**Efficiency gap** is a measure of the intensity of partisan gerrymandering. It looks at the total number of votes cast in an election, and then compares the fraction of Democratic votes “wasted” to the fraction of Republican votes “wasted.” A vote is “wasted” here if it does not contribute to the winner’s electoral victory.

**Political questions** are issues that courts deem beyond their capacity or authority to resolve. This may be because those issues are entrusted solely to elected officials, or because there are no workable standards for judging them.

An issue is justiciable when courts are both capable of resolving it and legally or constitutionally authorized to do so. Ordinary legal issues are justiciable, but political questions are not.