

# LACRA'S MINORITY PROTECTIONS

## Summary

The Pennsylvania General Assembly has refused to transfer its redistricting power to an independent commission. Therefore, a legislative contingency plan containing line-drawing criteria and increasing public input and transparency has been introduced as the Legislative and Congressional Redistricting Act ("LACRA"). This bill (HB22/SB222) would ensure that communities of color are protected in whatever maps the Legislative Reapportionment Commission and congressional redistricting committees produce in 2021.

## Does LACRA protect communities of color in the redistricting process?

Yes, and it does so in two key ways: (1) increasing public input and (2) a specific line-drawing criterion. First, by increasing public input, LACRA will allow communities of color to have a voice in the redistricting process, ensuring that they can point out any potential harms that ought to be remedied. Second, the bill includes language that mirrors, but expands upon, the [federal Voting Rights Act](#) (VRA): "Districts shall provide racial and language minorities with an equal opportunity to participate in the political process and may not dilute or diminish their ability to elect candidates of choice by themselves or in coalition with others."

## What does it mean to say that a district map "may not dilute or diminish their ability to elect candidates of their choice by themselves or in coalition with others?"

First and foremost, this language means that a map must give fair representation to communities of color. As noted, LACRA's language mirrors the federal VRA's Section 2. Under the federal law, majority-minority districts may be required in areas that [satisfy certain criteria](#), where the minority voting age population percentage is above 50% and is politically cohesive. The minority group must also be competing against a bloc of white voters that always defeats minority candidates of choice. Currently, these districts result in almost assured victory for a minority group's candidate of choice but they also lead to a decline in minority influence on a statewide basis.

Based on American Community Survey data from 2018, [17 of Pennsylvania's 203](#) state House districts are above [a threshold estimated](#) that may give minority communities the ability to elect their candidates of choice. Five of these districts have a Black voting age population (BVAP) above 80%. The BVAP in these districts may be indicative of packing. LACRA would more equitably spread out minority voters in order to create fairer representation of these communities. It would also allow districts that unite communities of color to create coalition districts. [Coalition districts](#) are ones where racial groups vote in a bloc to elect mutually agreed upon candidates of choice.

## Is LACRA's language more expansive than the federal VRA?

Yes, it is. LACRA's language is similar to the federal VRA, but it expands upon it by allowing for districts that rely on coalitions between minority groups. Currently, [federal law is split](#) on whether coalition districts satisfy the federal VRA's requirements for redistricting. By including the phrase "in coalition with others," LACRA eliminates this confusion within Pennsylvania. Similar language has passed in [Illinois](#), [Missouri](#), and [Virginia](#) and has been recently proposed in [Maryland](#), [Minnesota](#), [Nevada](#), [North Dakota](#), and [Rhode Island](#).

## How is that language likely to be interpreted by the courts?

Previously, the [Florida Supreme Court](#) has interpreted this type of language in lockstep with the federal requirements. But the Florida Constitution does not consider coalition districts, so the Supreme Court of Pennsylvania would likely interpret LACRA differently. The minority protection provision would likely be interpreted similar to the current federal requirement, requiring that a group is sufficiently large and cohesive to create a single-member district. But instead of basing this calculus on a single group, LACRA would likely be interpreted to require districts that include multiple minority groups.

Importantly, rather than relying upon the federal Supreme Court's interpretation of the federal VRA, plaintiffs would be able to bring redistricting vote dilution cases based solely upon state law. Therefore, no matter what the federal Supreme Court decides in future cases, LACRA would maintain redistricting protections for communities of color, even if the federal VRA is invalidated in the future.



**PRINCETON  
GERRYMANDERING  
PROJECT**

Fixing bugs in democracy