

Evenwel v. Abbott: What's at stake for Asian Americans

The U.S. Supreme Court will hear *Evenwel v. Abbott* during the 2015-2016 term, a case that will decide whether the Constitution's promise of equality of representation in drawing district lines requires equal numbers of people or equal numbers of voters.

What is *Evenwel v. Abbott* about?

Registered Texas voters (appellants) have brought a challenge to how state Senate district lines are drawn in Texas. Today, regardless if a person is eligible to vote, s/he is counted when district lines are drawn for determining representation in their state legislature. The appellants want to change that so that not everyone is counted, but instead, only registered or eligible voters. They essentially want registered or eligible voters to have greater representation than non-voters. What this means is that states could redraw districts so that rural districts with fewer immigrants and people of color have more representation, while districts with larger populations of immigrants and people of color have less representation in their state legislature. While the case began in Texas, the high court's decision would impact how all states draw district lines.

What does "one person, one vote" mean?

In 1964, the U.S. Supreme Court ruled in *Reynolds v. Sims* that the Equal Protection Clause of the 14th Amendment requires the states to draw legislative districts with roughly equal populations. This principle of "one person, one vote" has largely been the law in re-districting matters ever since. However, the inherent ambiguity over whether "person" was meant to refer to the total of people in a district or the number of actual voters or something else is the source of the current controversy. Since *Reynolds* was decided, most states have used population metrics instead of voter rolls to determine how district lines are drawn. This case seeks to change the "one person, one vote" principle.

How could Asian Americans be impacted?

Between 500,000 to 700,000 thousand of the million Asian Americans, Native Hawaiian and Pacific Islanders (NHPI) living in Texas are not registered or eligible to vote. If redistricting is done according to the number of registered voters, hundreds of thousands of Asian Americans and NHPs would be disenfranchised. That estimate is consistent with the voter registration levels for AANHPIs nationally, which is estimated to be roughly 37 percent. Nationally, then, millions of Asian American and NHPs could be disenfranchised if "one person, one vote" is not upheld as the proper way to draw legislative districts. Rural, white districts would gain more representation while urban, minority districts would lose out.

In addition, how district lines are drawn are based on the U.S. Census, which is already being designed for 2020. Changes at this point would put the accuracy and cost-effectiveness of the population count in jeopardy, specifically hitting AANHPI communities, which are traditionally more difficult to count. In addition, a ruling for appellants could mean the U.S. Census Bureau would have to begin to field questions around citizenship in order to determine eligibility to vote. Not only does it take several years to research, develop and test new questions, this question could also deter many communities from participating in the U.S. Census and from being counted.