



How Partisan Gerrymandering Hurts Kids

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Introduction and summary

Gerrymandering is the practice of drawing district lines to unfairly favor particular politicians or political parties in elections.¹ It is a political dirty trick—and an extremely harmful one—that turns democracy upside down, letting politicians choose their voters instead of voters choosing their politicians. Gerrymandering allows politicians to get reelected even if they fail to address the problems that the majority of the public wants them to solve. That failure has consequences for every issue that Americans care about, including efforts to expand health care and to protect Americans from gun violence—two issues that the Center for American Progress has written about at length.² It also has very real and harmful consequences for some of the most vulnerable Americans: children.

Redistricting is the process of redrawing district lines, which occurs every 10 years after a new census, to account for changes in district populations. In most states, redistricting is controlled by state legislators,³ who use this opportunity to solidify their power by drawing opposition voters out of their districts and maximizing the number of districts that can be won by their political allies. These gerrymanders can wipe out electoral competition and result in dramatically different political outcomes than if districts were fairly drawn.

The effect is most clear in heavily gerrymandered states where one party's candidates win a majority of the vote, but the opposing party nonetheless wins the majority of the seats—and control of the state legislature. This anti-democratic outcome is the status quo in North Carolina, Michigan, and Pennsylvania—three of the four states discussed in detail below. In Michigan, for example, Democratic candidates won the majority of the votes for both the House and the Senate, but Republican candidates won the majority of the seats in both chambers. This had a major negative impact on programs that benefit children. For example, Gov. Gretchen Whitmer (D-MI)—a supporter of full-day, universal preschool—proposed an \$84 million increase to Michigan's preschool programs, but the legislature whittled that increase down to \$5 million—an outcome made possible by partisan gerrymandering.⁴

This report looks at how gerrymandering negatively affects children. The first section demonstrates that child care, education, and other support for families are effective and widely popular programs that help kids. The second section shows how gerrymandering has allowed politicians to oppose strengthening and expanding these programs, despite widespread popular support.

Last, the report explains how to solve the problem of partisan gerrymandering and get policy outcomes that are more closely aligned with public concerns. The solution, detailed in prior CAP work, is voter-determined districts—fair districts that accurately reflect the preferences of the voters, provide greater representation for communities of color, and enhance electoral competition.⁵

In May 2020, it is impossible to write about state programs without acknowledging that the coronavirus is putting an incredible strain on state budgets. In the short term, some states may allocate more money to kids and families to help them through the economic crisis. In the longer term, if states do not receive adequate financial support, programs that benefit children may have to compete for even more limited resources. However, regardless of the condition of state budgets, legislatures are not going to prioritize the issues that the public cares about unless they can be held accountable for their decisions. In order to ensure that accountability, we must put an end to gerrymandering. Otherwise, it will continue to affect every public issue at a high cost to those who are too young to defend their own political rights.

Programs for children are popular and have proven benefits

There may be few policies that unite Americans to the same degree as policies that provide opportunities and support for children. A 2014 Gallup poll found that 70 percent of Americans favor additional funding to expand prekindergarten education—53 percent of Republicans, 87 percent of Democrats, and 70 percent of independents.⁶ According to a 2018 poll, 77 percent of voters say they would support "efforts in Congress to increase funding for child care assistance and to expand access to early childhood learning."⁷ A 2019 poll on K-12 education found that 60 percent of adults and 75 percent of teachers—thought that their local public school was underfunded.⁸ And another poll published in 2019 found even greater support—across partisan lines—for a range of programs that support child care and early education.⁹

The benefits of early childhood education and care are well established. Ninety percent of brain development occurs during a child's first 5 years of life.¹⁰ High-quality child care promotes healthy development and can help children succeed in school, make more money, and even commit fewer crimes.¹¹ It is also a lifeline for working families; two-thirds of children under age 6 have all available parents in the workforce and reliable child care options allow those parents to continue bringing home paychecks and avoid losing long-term earnings.¹²

However, center-based child care for two young children costs an average of more than \$20,000 per year, and these costs come at a period when families are particularly stretched for time and money.¹³ Even when families can afford child care, they may not be able to find it, as half of Americans live in a child care desert—where there are more than three children under age 5 for every slot of licensed child care.¹⁴

A functioning child care system is also crucial for broader economic health. A study by ReadyNation—a nonprofit council of business executives who support education as a route to a skilled workforce—estimates that because of child care challenges, the U.S. economy loses \$57 billion each year in earnings, productivity, and revenue.¹⁵ These loses affect both parents and the businesses that employ them.¹⁶ In addition to early childhood education, it is essential that all kids have access to a highquality K-12 education. Educational attainment is a key driver of individual economic mobility and employability. According to the National Center for Education Statistics, the annual median earnings of high school graduates were 23 percent higher than those of people who did not complete high school.¹⁷ These individual benefits also help the economy as a whole. A recent report found that if the class of 2015 had a 90 percent graduation rate instead of 83 percent, the added graduates would have earned an additional \$3.1 billion in annual income, resulting in 14,260 additional jobs and a \$5.7 billion increase in U.S. gross domestic product.¹⁸ Moreover, education better prepares students to be active citizens. Studies show that educated adults are more likely to vote, get involved in community organizing, and stay informed about politics and current events.¹⁹

Health care coverage also provides crucial benefits for young children and families. Medicaid, along with the Children's Health Insurance Program (CHIP), helps kids access needed health care and provides lifelong benefits such as improved health, educational attainment, and earnings.²⁰ These programs are also important tools in combatting racial inequities in infant mortality and other health outcomes.²¹ Research suggests that Medicaid expansion reduces infant mortality and could save the lives of more than 140 infants each year if it were implemented nationwide.²² However, eligibility for Medicaid and CHIP varies considerably by state. The number of uninsured children increased by more than 400,000 between 2016 and 2018, with states that failed to adopt Medicaid expansion experiencing increases three times larger than states that fully expanded Medicaid.²³

Lastly, an important source of financial support for many families with children is the earned income tax credit (EITC), which a majority of states have supplemented with their own state-level EITCs.²⁴ The federal EITC alone lifted 5.7 million people—including 3 million children—out of poverty in 2017.²⁵ The state-level EITCs are usually small percentages of the federal credit, but they still provide hundreds of dollars to working families and typically cost less than 2 percent of state tax revenues each year.²⁶ EITCs are also extremely popular. They enjoy support from 72 percent of the country, including a majority of voters who supported President Donald Trump in 2016. Moreover, EITCs have a net support of plus-46 percentage points or more in every single state.²⁷

Because these credits increase as income rises up to a certain level, the EITC encourages and rewards parents for their work—and it also provides better health and educational outcomes for children. State-level EITCs are linked to higher birth weights, which lower the risk of death or poor childhood health for babies.²⁸ Young children in homes receiving the EITC, especially in families of color,²⁹ have better test scores, go further in school, and are more likely to be employed and earn more when they grow up.³⁰ The EITC also reduces financial stress for parents,³¹ decreases rates of suicide,³² and reduces recidivism in the formerly incarcerated,³³ helping to keep families together. In spite of all these benefits, many states have a limited state EITC, and 21 states have none at all.³⁴

States have a critical role to play in ensuring that children and families have access to education, health care, and other services. But many states are neglecting that role— despite that fact that a majority of Americans favor more investment in programs that help children and families.³⁵ In several of these states, neglect for programs that support children is directly attributable to state legislatures that are controlled majorities of law-makers who do not support strengthening these programs—majorities that are a direct result of gerrymandering. Fixing gerrymandering is not a cure-all for the struggles of children and families, but it would help to ensure that legislators reflect the wider public when they discuss these issues and craft policy solutions.

How partisan gerrymandering has blocked programs that benefit children

Gerrymandering is a term for when districts are drawn to unfairly favor certain politicians or groups of politicians. A recent CAP report explained how it works this way:

At least once every decade, politicians redraw the lines of their electoral districts. Districts need to be adjusted to account for changes in population so that each representative still represents roughly the same number of people. However, politicians frequently take this opportunity to draw lines that benefit themselves and hurt their opponents. They strategically spread out supporters of their own party to get a majority in as many districts as possible while concentrating supporters of the opposing party in as few districts as possible. This is sometimes referred to as "cracking and packing." If one party's supporters are packed into few enough districts, the other party can sometimes win a majority of districts even when they receive a minority of the votes.³⁶

A growing number of states have taken a major step toward solving this problem: They have empowered independent commissions, rather than state legislators, to draw district lines.³⁷ Moreover, in 2019 the U.S. House of Representatives passed H.R. 1, a bill that would require every state to draw their federal district lines using an independent commission. However, Senate Majority Leader Mitch McConnell (R-KY) has refused to bring that bill up for a vote in the Senate.³⁸ Most states continue to allow politicians to gerrymander their districts.

Unfortunately, when given the opportunity, politicians of both parties have engaged in partisan gerrymandering. An unsuccessful U.S. Supreme Court challenge to the practice featured both a Democratic gerrymander in Maryland and a Republican gerrymander in North Carolina.³⁹ However, in the lead up to the redistricting process that followed the 2010 census, Republicans controlled both houses of the state legislature in 25 states compared with only 16 states under unified Democratic control.⁴⁰ Therefore, in the decade following 2010, more districts were gerrymandered in a way that favored Republicans than those that favored Democrats at both the state and federal level.

In the 2017 and 2018 state elections, there were 10 state legislative chambers in which one party's candidates received the most votes, but the other party won the most seats. In three states—Michigan, North Carolina, and Pennsylvania—Democrats received a majority of the votes in both houses of the state legislature, but Republicans won the majority of the seats in both chambers. In these states—as well as in Wisconsin, which is discussed below—gerrymandering, sometimes in combination with other tools of voter suppression, has had a profound impact on state policy, switching control of the legislature from one party to the other and skewing policymaking in a much more conservative direction. These are not the only states where gerrymandering has had a policy impact, but they are the ones where that impact is easiest to attribute directly to gerrymandering.

Importantly, in each of these states, a major consequence of gerrymandering has been less support for programs that would provide education, child care, and health care to children and families. The remainder of this section looks at how gerrymandering has played in these states.

North Carolina

In North Carolina, polling by both a conservative state think tank and a Democraticaligned polling firm found that a majority of North Carolinians support spending more money on K-12 education.⁴¹ By wide margins, North Carolina voters support expanding pre-K,⁴² expanding Medicaid,⁴³ and raising teacher pay. But, despite wide popular support, the legislature has continually pared back or opposed such policies.

As discussed below, Gov. Roy Cooper (D) is supportive of programs for children and families, but he has been consistently opposed by the North Carolina General Assembly, which, thanks to gerrymandering, does not accurately reflect the state's electorate. In 2018, a majority of voters in North Carolina went to the polls and cast their ballots for Democratic candidates, who received 50.5 percent of the vote for the North Carolina Senate and 51.2 percent of the vote for the North Carolina House of Representatives.⁴⁴ However, Republicans won a majority in both houses of the General Assembly, receiving 57.9 percent of the seats in the Senate and 54.2 percent of the seats in the House.⁴⁵

These gerrymandered majorities proceeded to drastically scale back proposals aimed at providing better support for children in North Carolina. In 2018, the legislature redirected \$50 million in federal funding intended for child care to other purposes.⁴⁶ In 2019, the North Carolina Senate proposed a budget for the next two years that, unlike the budget proposed by Gov. Cooper, included across-the-board cuts to programs targeted at children, including early education and child care; it even proposed deeper cuts than those in the North Carolina House.⁴⁷ For example, Gov. Cooper proposed an additional \$14 million annually to subsidized child care; the House proposed half that amount—\$7 million. However, the Senate proposed less than half of that already-reduced amount—just \$3.2 million.⁴⁸ Similarly, the governor proposed an additional \$16 million to increase funding for pre-K programs; both the House and Senate proposed only a fraction of that amount—\$1.7 million. Current levels of funding in North Carolina allow only 47 percent of eligible 4-yearolds to participate in the pre-K program.⁴⁹

Gov. Cooper has also proposed increasing funding for K-12 education, with a focus on increasing teacher pay by 9 percent and investing more money in school construction.⁵⁰ In June of 2019, Gov. Cooper vetoed the budget passed by the legislature because it did not fully fund these priorities, and because it failed to expand the state's Medicaid program.⁵¹ No budget was passed, and the state government is currently funded through an automatic continuation law.⁵²

Another policy that would help families with children is a tax credit for child care, which Gov. Cooper proposed in 2017,⁵³ but which the legislature failed to adopt. North Carolina previously had both an EITC and a tax credit for child and dependent care, but both credits were eliminated by the gerrymandered legislature in 2013 and 2014.⁵⁴ North Carolina was the only state in 30 years to eliminate its earned income tax credit.⁵⁵

As discussed in detail in CAP's previous report, North Carolina is among the states where gerrymandering prevented Medicaid expansion.⁵⁶ Currently, about 100,000 North Carolina parents fall into the coverage gap—they earn too much money to qualify for Medicaid but make too little to afford private insurance.⁵⁷ When parents lack access to health care, children are less likely to get the care they need, and families are less financially secure.⁵⁸

The 2019 budget stalemate in North Carolina was primarily over the issue of whether the state should expand Medicaid—which Gov. Cooper supports but current legislative leaders oppose.⁵⁹

Michigan

As in North Carolina, Michigan was another state where gerrymandering pit the governor, who favored more support for children and families, against a gerrymandered, conservative legislature that was far less supportive. In 2018, the majority of voters supported candidates of one party, but found themselves with a legislature that was entirely controlled by the opposition. Democratic candidates in Michigan received 51.3 percent of the vote for the state Senate and 52.4 percent of the vote for the state House of Representatives, but Republican candidates won majorities of the seats— 57.9 percent of the seats in the Senate and 52.7 percent of the seats in the House.

Some of the more conservative legislators, having held on to power despite a lack of public support, nonetheless bargained to limit funding for programs that benefit kids. Gov. Gretchen Whitmer (D), elected in 2018, ran on a platform that included increased access and lower costs for subsidized child care and full-day, universal preschool.⁶⁰ In office, Gov. Whitmer proposed a budget that would have added \$84 million annually to Michigan's Great Start Readiness Program, which provides preschool to 4-year-olds from low- and middle-income families.⁶¹ The legislature, however, ultimately increased funding by only \$5 million—less than 6 percent of the governor's request.⁶²

Similarly, Gov. Whitmer sought a major increase in funding for K-12 education, but was largely rebuffed by the legislature—this despite the poor performance of Michigan students on national assessment tests.⁶³ Talks between the governor and state GOP leaders reached an impasse, and the final budget passed by the legislature contained \$136 million less in funding for schools than Gov. Whitmer had proposed.⁶⁴

Gov. Whitmer has also proposed to double the state-level EITC, from 6 percent to 12 percent,⁶⁵ but that proposal was nowhere to be found in the legislature's budget.⁶⁶ The EITC was reduced to its current level by former Gov. Rick Snyder (R), who lowered the EITC from 20 percent to 6 percent as one of his first acts as governor in 2011.⁶⁷ According to a 2019 poll, 67 percent of Michiganders support increasing the EITC.⁶⁸

Finally, despite Gov. Whitmer's opposition, the Michigan Legislature has refused to back down on onerous work requirements that limit access to Medicaid.⁶⁹ According to the Commonwealth Fund, as many as 233,000 Michiganders could lose access to Medicaid if the requirements go into effect, even though many are working or trying to find work.⁷⁰ This could have repercussions for children whose parents lose coverage, including a risk of losing access to maternal and infant health services.⁷¹ Fortunately, a recent U.S. District Court decision invalidated Michigan's work requirements, at least temporarily, finding that the U.S. Department of Health and Human Services failed to appropriately consider the purpose of the Medicaid statute when approving those requirements.⁷²

Pennsylvania

Pennsylvania is the third and final state where, in 2018, gerrymandering alone upended control of the state legislature. A majority of voters checked the box for Democratic candidates, but the Republican legislators held on to their majority in the General Assembly. Democratic Party candidates received 50.1 percent of the vote for the state Senate and 54.1 percent of the vote for the state House,⁷³ but Republicans won 58 percent of the seats in the Senate and 54.2 percent of the seats in the House.⁷⁴

In the same year, voters also reelected Democratic governor Tom Wolf. But despite support from the voters, the legislature resisted calls to provide greater services to Pennsylvania children. Gov. Wolf proposed a \$50 million increase in pre-K in his 2019–2020 budget,⁷⁵ but the legislature approved only a \$30 million increase and actually cut \$36 million in state funding for child care, which was then replaced by federal funds.⁷⁶ One poll of likely Pennsylvania voters found that 75 percent supported greater funding for pre-K programs.⁷⁷

Gov. Wolf has also tried to address the huge disparities between Pennsylvania's highincome and low-income school districts—the subject of an ongoing lawsuit against the state⁷⁸—but to no avail. In 2015, Gov. Wolf had proposed a \$3.2 billion plan to shift tax revenue in order to increase the state's share of school funding and thereby offset large local inequities.⁷⁹ That proposal failed in the Republican-controlled legislature. Gov. Wolf's most recent proposal for school funding—a \$200 million increase—was consistent with the increase the governor had been able to get approved by the legislature in his first term.⁸⁰ However, the legislature reduced that new proposal by \$40 million.⁸¹

Lastly, although Pennsylvania is among the minority of states with no EITC, Gov. Wolf proposed increasing the state's tax forgiveness program that targets relief to low-income families.⁸² The gerrymandered, GOP-controlled state legislature rejected that proposal in 2015.⁸³

Wisconsin

In Wisconsin, gerrymandering shifted both houses of the legislature in a conservative direction. In 2018, Democratic candidates won 54.2 percent of the vote for the State Assembly—a clear majority—but Republican candidates nonetheless held on to a sizable majority of the seats—53.6 percent.⁸⁴ Democratic candidates for Senate fell just short of majority support with 49 percent of the vote—likely a consequence of aggressive voter suppression targeting students and communities of color,⁸⁵ who disproportionately support Democratic candidates.⁸⁶ Republican Senate candidates won 53.6

percent of the seats-more than their share of the vote.87

With their majorities intact, Republican leaders continued to ignore calls to strengthen state programs targeting kids. Gov. Tony Evers (D) proposed fully funding full-day kindergarten for 4-year-olds and expanding access to some 3-year-olds, but the legislature rejected the proposal.⁸⁸ Similar proposals are currently pending with the legislature—this time with Republican support—but the future of those proposals is unclear.⁸⁹ The legislature also provided only half of what Gov. Evers requested for the Wisconsin Shares Child Care Subsidy Program—\$23 million over two years instead of \$46 million.⁹⁰ The overall legislature-approved budget for the Department of Children and Families was \$65.5 million less than the budget proposed by the governor.⁹¹

The legislature provided even less of what Gov. Evers requested for K-12 education. The governor's proposed budget would have increased K-12 education spending by \$1.4 billion—10 percent more than prior spending—with a particular focus on increases in special education and mental health services.⁹² The final budget contained less than half of the governor's proposed funding,⁹³ even after Gov. Evers used a lineitem veto to increase funding by \$65 million.⁹⁴

The legislature also omitted the governor's proposal to provide a more generous EITC to families with children.⁹⁵ Under former Gov. Scott Walker (R), the legislature had eliminated the EITC entirely, only to eventually restore the EITC toward the end of Walker's term in 2018.⁹⁶

Moreover, Wisconsin legislators, like their counterparts in North Carolina, have rejected Gov. Evers' efforts to expand Medicaid,⁹⁷ denying an estimated 108,000 Wisconsinites access to health insurance.⁹⁸ The failure to expand Medicaid—while actually limiting eligibility for parents—took Wisconsin from being a leader in ensuring access to health care for children to falling below the 50-state average.⁹⁹ According to 2016 figures, if Wisconsin reduced the rate of uninsured children to the average of its four neighboring states—all of which have expanded Medicaid—about 11,800 fewer Wisconsin children would be uninsured.¹⁰⁰

The effects of gerrymandering —and how to fix it

In each of the states highlighted above, gerrymandering and other anti-democratic practices created a major change in the political landscape: Control of state legislatures shifted to conservative lawmakers, which stalled progress on policies important to the well-being of children and families. However, that doesn't mean that gerrymandering isn't having a substantial effect on the other 46 states—quite the opposite. Even when gerrymandering doesn't change the party in power, small shifts in the size of a majority can add up to significant policy outcomes. The size of a majority in a state legislature determines whether a party has to earn the approval of its most centrist members or can afford to lose those votes and enact policy that caters to the party's extremes. Shifts in policy are measurable—albeit less dramatic in scope—even with a change of a single legislator from one party to the other.¹⁰¹

Unfortunately, because of gerrymandering, there have been and continue to be significant shifts in policy taking place in state capitals across the nation. As noted in a prior CAP report, since the 2010 round of redistricting, "there have been at least 96 instances in which a party won at least 10 percent more seats in a chamber than the percentage of overall votes that its candidates running for that chamber received."¹⁰² Moreover, "there have been at least 36 instances in which a party won a majority of the seats in a state chamber while winning a minority of the major-party votes."¹⁰³

In other words, across the country, many lawmakers are winning elections only because districts are unfairly tilted in their favor. This unfair advantage enables them to support policies that don't align with the political views of the majority of voters in their state. CAP analyses have looked closely at programs that affect children, Medicaid, and laws that prevent gun violence; it is clear that all of those issues are negatively affected by gerrymandering. In all likelihood, gerrymandering distorts policy across every significant issue that legislatures consider.

The good news is that gerrymandering is fixable. At the state and federal levels, laws can be passed that take the power to draw districts out of the hands of legislatures and instead put independent commissions in charge of the process. Convincing legislatures to relinquish their own district-drawing power may sound like a tall order,

but public pressure is already making a difference. A bill to require independent commissions to oversee redistricting has passed the U.S. House of Representatives, and, as of February 2020, there were 105 proposals to create independent redistrict-ing commissions pending in state legislatures.¹⁰⁴

A 2019 CAP report outlined a solution to gerrymandering that requires not only independent commissions, but also specific criteria to ensure fair districts.¹⁰⁵ This approach called voter-determined districts—would require districts to be drawn so that, to the extent possible, the number of districts that favor each political party would match each party's share of the statewide vote totals. So, for example, if each party receives 50 percent of the vote, each party gets 50 percent of the seats. That's basic fairness—and not something that ought to be undermined by partisan manipulation or left to chance.

CAP's report also calls for districts to ensure representation for communities of color.¹⁰⁶ Throughout U.S. history, these communities have struggled to overcome the purposeful denial of their basic political rights. To this day, communities of color are heavily underrepresented, particularly in state legislatures.¹⁰⁷ This underrepresentation is starkly reflected in policies that affect children; for example, just 1 percent of Latinx and 4 percent of Black children are enrolled in high-quality state preschool programs.¹⁰⁸ Improving the redistricting process should help address this injustice.

Conclusion

Voters should have a fair, open process to choose their politicians. But gerrymandering turns this principle on its head, allowing the politicians to choose their voters, often behind closed doors. This situation is an affront to basic democratic values.

Moreover, it's not just an outrage to core principles of fairness; gerrymandering has real-world consequences across all the issues that voters care about. Some of those consequences strike the most vulnerable citizens—America's children. If democracy better reflected the will of the people, the next generation of Americans would have more of the support they need, including more access to health care, high-quality early education, child care, and so much more. Eliminating gerrymandering would provide a better, more secure future for America's children and their families.

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