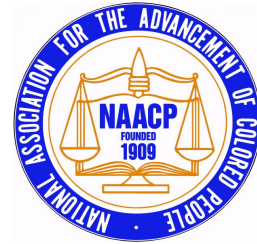




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**TESTIMONY BY THE INDIANA STATE CONFERENCE OF THE NAACP, COUNT US INDIANA, AND CHICAGO LAWYERS' COMMITTEE FOR CIVIL RIGHTS
BEFORE THE INDIANA SENATE REDISTRICTING COMMITTEE
IN OPPOSITION TO HOUSE BILL 1581
SEPTEMBER 27, 2021**

Submitted by:

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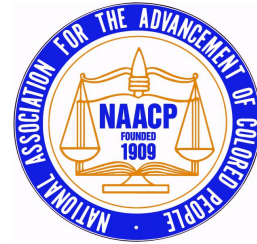
1. Introduction

a. Indiana State Conference of the NAACP

The Indiana State Conference of the NAACP is a non-partisan, non-profit organization chartered in 1940 by the NAACP Board of Directors and currently based in Gary, Indiana. The National Association for the Advancement of Colored People (NAACP) was founded by a racially and religiously diverse group of people with the purpose of assisting African American citizens to ensure the political, educational, social, and economic equality of rights for all persons and to eliminate racial hatred and racial discrimination.



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b. Count US Indiana

Count US Indiana is a non-profit, non-partisan Indiana-based movement whose mission is to elevate citizens' voices and foster inclusive, equitable political participation by encouraging a larger and more diverse voter turnout, educating citizens on voting rights and protections, combating voter suppression, and cultivating partnerships to create political equity. We empower and offer tools to increase voter turnout and political participation, especially of minorities and marginalized communities whose voices are typically suppressed – Black, LatinX, Asian, Native American, women, LGBTQIA+, those who live with disabilities, those impacted by incarceration, students, seniors, immigrants, individuals affected by poverty, and members of the working class.

c. Chicago Lawyers' Committee for Civil Rights

Chicago Lawyers' Committee for Civil Rights is a non-profit, non-partisan organization that has been working for the past 50 years to advance racial equity and economic opportunity for all. We provide legal representation through partnerships with our 40 member law firms. We collaborate with grassroots organizations to implement community-based solutions that advance civil rights.

Our organization protects voting rights in Illinois and Indiana. We work to reduce barriers to voting and civic participation, especially in communities of color and low-income communities. We aim to ensure that all eligible voters are able to cast ballots, that their votes are not diluted, and that the system does not undermine their fundamental right to vote and right to choose their elected officials.

Chicago Lawyers' Committee has a history of representing Black community organizations in redistricting advocacy and litigation under the federal Voting Rights Act and the Constitution. We regularly partner with national Lawyers' Committee for Civil Rights Under Law on civil rights cases. Even aside from litigation, we are proud to work with Black voters and other voters of color in collaborating with our government leaders to strengthen voters' rights and our ability to elect the candidates of our choice. Through our non-partisan Election Protection program, we answer voters' questions in person and over our 866-OUR-VOTE hotline, especially focused on outreach to Black voters and voters of color who are facing unfair barriers to voting.

2. Communities Need Fairness & Transparency

Our constituents – especially Hoosiers of color – have consistently said they do not feel heard or respected as Indiana undertakes redistricting. Democrats, Republicans, and Indiana citizens across all ages and backgrounds are asking for transparency, fairness, and a non-partisan redistricting process in Indiana. By federal law, redistricting plans must be drawn in a manner that allows Indiana voters of color to elect candidates of their choice. Ultimately, community members



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themselves have the most relevant insights about whether specific proposed lines dilute their voting rights. Hoosiers deserve the time, data, and access they need to question this legislature about the specific proposed maps. Community members' public comments need to be acknowledged and applied to this process, not just get swiftly ignored. The people demand it, and so does the federal Voting Rights Act.

a. Rushed timing

Lawmakers have rushed the public input process, first holding a series of public hearings *before* US Census data was released and before proposed maps were shared for public review and comment. In releasing their proposed 2021 maps, Indiana House and Republican Caucuses released partial information about their proposals with only a few days for community members to provide input before maps are scheduled to be passed by the legislature. This impossible, rushed timeline mirrors the last redistricting cycle in 2011, when only eight days passed between the unveiling of the Republican-proposed maps and their approval in the Indiana House. The public needs sufficient time to consider the proposed maps and the impact they will have on our communities, especially in under-resourced areas where people of color, low-income people, and other marginalized groups already face heightened barriers to voter access and representation.

b. Lack of information

Community members need sufficient time as well as detailed, accessible, and reliable information. Both the House and Senate Republican Caucuses initially released PDF maps, making it impossible to accurately assess the demographics of total population or voting age population of the proposed maps – information that is necessary to evaluate compliance with civil rights protections for voters of color. As of September 23, again mere days before the maps are scheduled to be passed, Indiana Republicans have made draft Congressional, State House, and State Senate maps available as PDFs and shapefiles on their websites. With only a PDF map and shapefiles, it is very difficult to assess the demographics of total population or voting age population of the proposed maps without the help of a mapping expert.

This means that most constituents have difficulty understanding how the maps will impact who represents them and whom the proposed districts represent. At the very least, the Indiana House and Senate Republican Caucuses should display maps online via a user-friendly interface that allows people to view granular details regarding proposed districts. Additionally, the legislature should provide detailed information on racial demographics of proposed districts and all data used to draw districts, including Census, political, and demographic data.



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The current flawed process leaves numerous questions raised by our community unanswered. Some of the concerns raised by Hoosiers of color include:

- How many and which proposed districts are “majority-minority” and would allow Black voters and other voters of color to elect the candidates of our choice?
- Have Black voters or other communities of color been divided or packed into districts, diluting our voting power and preventing us from electing the candidates of our choice?
- Are these maps compliant with the equal protection standard as well as civil rights and voting rights laws?
- How will these new districts impact people of color and communities of interest?

The information published to date falls far short of providing meaningful information or reassurance to communities of color concerned about our voting rights.

c. Limited accessibility

The public hearings so far have effectively barred most community members, and especially marginalized people, from being able to attend and participate. The majority have been held in Indianapolis during typical 9-5 work hours, with only the option to attend in-person. With such limited locations and sometimes insufficient seating, the accessibility of these hearings has become a significant concern. Black voters and voters of color heard a message of exclusion loud and clear when legislators scheduled zero redistricting hearings for Lake County, the second most populous county in Indiana and a place of great community importance for Black Hoosiers and Hoosiers of color. Lake County is the most diverse county in Indiana, with people of color making up nearly 50% of the population. Their voices need to be included in this process.

3. The Proposed Maps Break Apart Communities of Color

The Indiana legislature must comply with the United States Constitution and federal law when redrawing state legislative districts. These bedrock legal requirements provide an important safeguard to ensure a bare minimum of fair representation. The federal Voting Rights Act requires that district lines be drawn in a way that does not dilute the vote of Black and other communities of color. Specifically, Section 2 of the Voting Rights Act prohibits voting practices—including redistricting schemes—that result in members of a racial minority group having “less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.”¹ Since 1965, this provision has prevented the enactment of

¹ 52 U.S.C. § 10301.



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redistricting schemes that “pack” minority voters into fewer districts or “crack” them across many districts, both of which have the effect of diluting and reducing overall minority voting power and representational influence in the elected body.

A preliminary analysis suggests that there are multiple examples where communities of color have been “cracked,” breaking our communities apart into multiple House or Senate districts. The legislature must redraw such districts to keep communities of color together, or they risk violating the federal Voting Rights Act. The population of eligible voters of color are growing in Indiana, as set forth in more detail in our organizations’ September 16 publication titled *Indiana Demographic Change and Redistricting*².

According to United States Census 2020 data, Gary, Indianapolis, and Fort Wayne collectively make up 53% of Indiana’s Black community. Furthermore, each of these three areas are home to a diversity of communities of color, including Black, Latino, and Asian American people. Below are initial concerns regarding the impact of the proposed district lines on communities of color in these three geographic areas. *Input from community members of color in these key areas will be essential for revising proposed maps to sufficiently protect these voters’ rights.*

a. Fort Wayne and Allen County

The legislature is proposing dramatic changes to the Indiana Senate district boundaries in Allen County, fragmenting communities of color in Fort Wayne into districts where white rural and suburban voters are the majority. As the second largest city in Indiana, Fort Wayne is 15% Black, 11% Latinx and 6% Asian American, with some neighborhoods having far higher percentages of Black people and people of color.³ Fort Wayne voters are currently divided into three Senate districts. The proposed map would divide them into four Senate districts. Communities of color in southeast Fort Wayne have been drawn into Senate District 14, where eastern Allen County and eastern DeKalb County white voters are the majority. Communities of color in southwestern Fort Wayne have been drawn into Senate District 19, alongside all residents of Wells, Adams, Blackford and Jay counties, which are all 90% or more white.⁴ Maps of these districts are included in the attached appendix.

b. Lake County

The 2020 Census indicated that Lake County is the most diverse county in Indiana, with people of color making up nearly 50% of the overall population, up from 45% in 2010.⁵ Despite this

² <https://www.clccrul.org/s/Indiana-Demographics-Redistricting-9-16.pdf>.

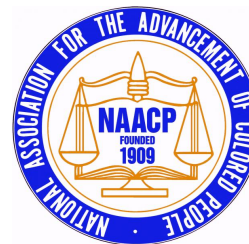
³ U.S. Census Bureau (2020). Redistricting Data Summary Files (P.L. 94-171), available at <https://www.census.gov/programs-surveys/decennial-census/about/rdo/summary-files.html>.

⁴ *Id.*

⁵ *Id.*; United States Census Bureau (2010). “P2 Hispanic or Latino, and Not Hispanic or Latino by Race.” DEC Redistricting Data (P.L. 97-171), available at www.data.census.gov.



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growth and near majority, the Indiana Legislature drew only one Indiana House district and one Indiana Senate district where a community of color was the majority of the voting age population – and slim majorities at that.

Despite constituting nearly 80% of the voting age population of Gary, Black residents in Gary were split into three House districts with slim or no Black majorities:⁶

- House District 2 combines western Gary voters with voters in Hammond and East Chicago. The voting age population of House District 2 is just 51.5% Black.
- House District 3 was drawn to combine a portion of Black voters in Gary with the majority white communities of New Chicago and Hobart. This makes the voting age population of House District 3 just 34.1% Black.
- House District 14 was drawn to combine Black voters in Gary with majority white community of Griffith and the diverse community of Merrillville. This means the voting age population of House District 14 is just 49.9% Black.

For perspective, the average size house district is 67,855, and the City of Gary is 69,093 people⁷, suggesting a stronger Black majority House district could have been drawn centered on the City of Gary.

In the State Senate map, Black voters in Lake County are again fragmented. While the City of Gary is kept whole in Senate District 3, it is combined with majority white communities like Hobart and New Chicago, rather than connecting Gary with Black communities in East Chicago and Hammond. The voting age population of Senate District 3 is just 50.1% Black. Maps of these districts are included in the attached appendix.

c. Marion County

It is impossible to ignore the growing racial diversity in Indiana and in Marion County. As the most populous county in Indiana, Marion County is 27% Black, 13% Latinx, and 4% Asian American. As the largest city in Indiana, Indianapolis is 28% Black, 13% Latinx and 4% Asian American. Information provided by the legislature leaves it utterly unclear whether the proposed House and Senate lines sufficiently protect the voting power of Black voters and voters of color in the Indianapolis area.

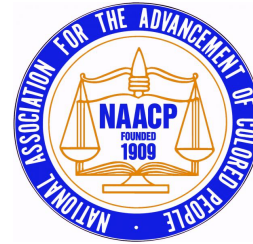
The data below show numerous proposed districts in Marion County that will have repercussions for Black voters and voters of color. Maps of these districts are included in the attached appendix. *Input from community members of color in Indianapolis and Marion County will be essential for revising these maps to sufficiently protect these voters' rights.*

⁶ U.S. Census Bureau (2020). Redistricting Data Summary Files (P.L. 94-171), available at <https://www.census.gov/programs-surveys/decennial-census/about/rdo/summary-files.html>.

⁷ *Id.*



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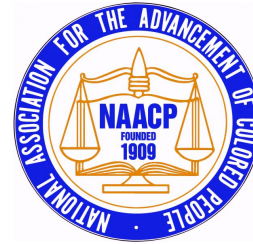
Indiana 2021 Proposed House Districts, Marion County

House District	Description	Total Population			Voting Age Population		
		Latinx %	Black %	Asian %	Latinx %	Black %	Asian %
86	Indianapolis, northwest; Williams Creek; Meridian Hills;	7.5%	19.9%	3.1%	6.2%	19.1%	3.2%
87	Indianapolis, northern boundary; Lawrence, northwest	6.6%	17.1%	2.4%	5.6%	16.0%	2.5%
88	Indianapolis, northeast corner; Hancock County, northwest	4.0%	7.5%	3.2%	3.3%	7.6%	3.3%
89	Indianapolis, east; Beech Grove, north; Cumberland, west	11.8%	21.5%	1.3%	9.5%	19.3%	1.4%
90	Indianapolis, southeast corner	5.1%	4.3%	10.7%	4.2%	4.1%	9.5%
91	Indianapolis, southwest corner	8.1%	9.7%	8.6%	6.8%	8.5%	7.1%
92	Indianapolis, west; Speedway; Clermont	14.5%	30.9%	1.9%	12.3%	28.2%	2.1%
93	Indianapolis, south; Beech Grove, south; Homeroft; Southport	9.1%	7.4%	16.9%	7.5%	6.6%	13.5%
94	Indianapolis, northwest	18.2%	55.4%	2.7%	15.8%	55.0%	2.9%
95	Indianapolis, northeast; Lawrence, west and east	20.2%	45.2%	1.0%	16.7%	44.8%	1.2%
96	Indianapolis, central; North Crows Nest; Crows Nest; Rock Ripple	7.8%	43.2%	1.5%	6.5%	42.0%	1.7%
97	Indianapolis, south central; Speedway, southern tip	21.5%	13.2%	3.3%	17.3%	12.6%	3.8%
98	Indianapolis, central and east	16.2%	56.1%	0.5%	13.8%	55.7%	0.6%
99	Indianapolis, west; Spring Hill; Wynndale	25.8%	44.0%	2.0%	21.9%	44.3%	2.3%
100	Indianapolis, central; Warren Park	14.8%	17.8%	1.2%	12.0%	16.8%	1.4%

Source: Source: U.S. Census Bureau (2020). (P.L. 94-171) Redistricting Data Summary Files. Retrieved from <https://www.census.gov/programs-surveys/decennial-census/about/rdo/summary-files.html>



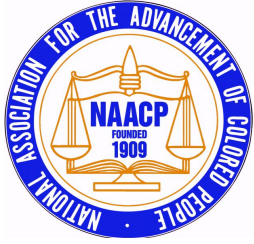
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Indiana 2021 Proposed Senate Districts, Marion County

Senate District	Description	Total Population			Voting Age Population		
		Latinx %	Black %	Asian %	Latinx %	Black %	Asian %
28	Indianapolis; all of Hancock County; northeast Shelby County	5.4%	8.8%	1.0%	4.3%	8.1%	1.0%
29	Indianapolis, northwest; Cumberland; southeast corner of Boone County; southwest corner of Hamilton County	7.8%	17.0%	7.7%	6.8%	16.4%	7.3%
30	Indianapolis, north central; William Creek; Meridian Hills, North Crows Nest, Crows Nest; Rocky Ripple	8.2%	21.7%	2.7%	6.7%	20.3%	2.7%
31	northeast corner of Indianapolis; north Lawrence; northeast corner of Hamilton County including Fishers	5.1%	7.9%	6.6%	4.3%	7.8%	6.5%
32	Indianapolis, southeast corner; Beech Grove; northeast corner of Johnson County	6.3%	8.5%	6.6%	5.2%	7.5%	6.3%
33	Indianapolis, northeast; Wynnedale; Spring Hill	19.0%	51.3%	2.1%	16.2%	50.8%	2.4%
34	Indianapolis, northeast; Lawrence, southern	17.8%	50.9%	0.8%	14.8%	50.3%	0.9%
35	Indianapolis, southwest corner; Speedway	12.5%	15.7%	1.6%	10.4%	14.3%	1.7%
36	Indianapolis, south central; Homecroft; Southport; Johnson County, north central	7.9%	5.9%	15.3%	6.5%	5.4%	12.1%
46	Indianapolis, central; Warren Park	17.1%	17.6%	2.3%	13.7%	16.5%	2.7%

Source: U.S. Census Bureau (2020). (P.L. 94-171) Redistricting Data Summary Files. Retrieved from <https://www.census.gov/programs-surveys/decennial-census/about/rdo/summary-files.html>



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4. Conclusion

Demographics across Indiana are shifting. In accordance with federal law, electoral maps must shift with them. Communities of color have the right to elect candidates of our choice who represent and are held accountable to the interests of our communities. The State of Indiana must do better to protect voting rights of people of color. Thank you for your consideration.



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Appendix A. Maps of State Legislative Districts

Allen County – Senate Districts

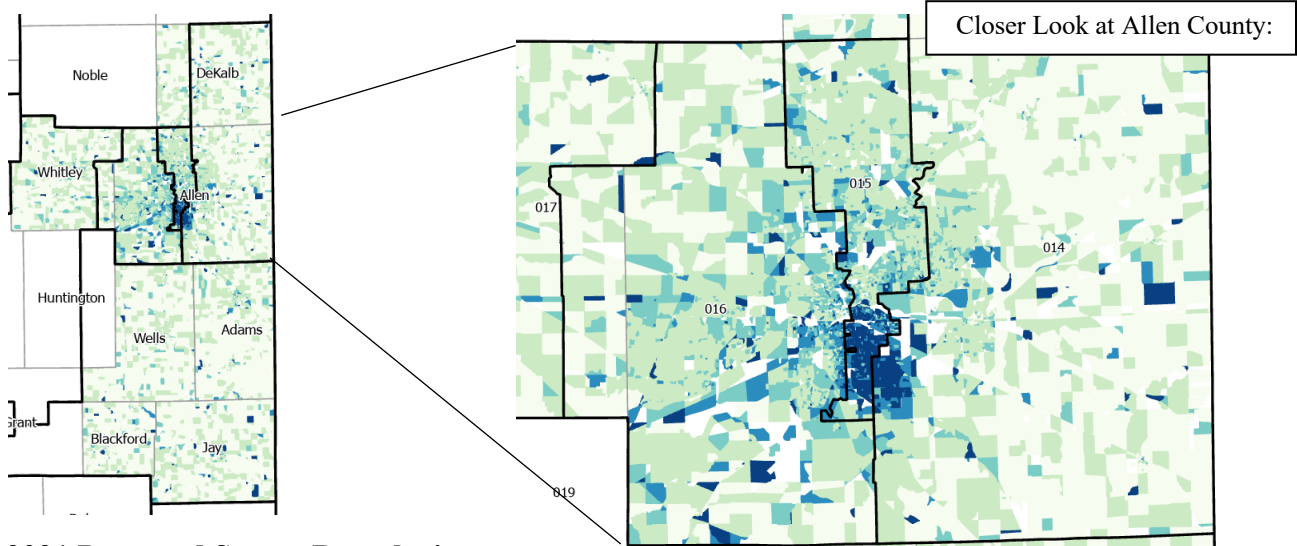
Light Grey boundary represents county boundaries

Black boundaries are house district boundaries, numbers represent House District number

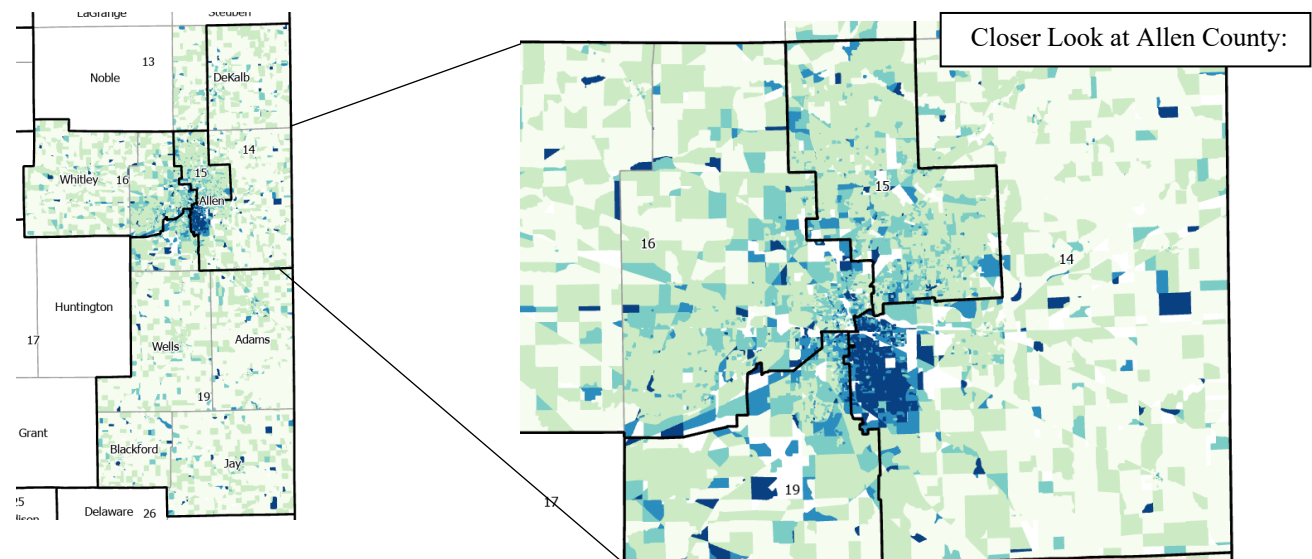
Green to blue census blocks represent the percentage of the total population that are people of color, categories as follows:



2011 Senate Boundaries



2021 Proposed Senate Boundaries





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Lake County – House Districts

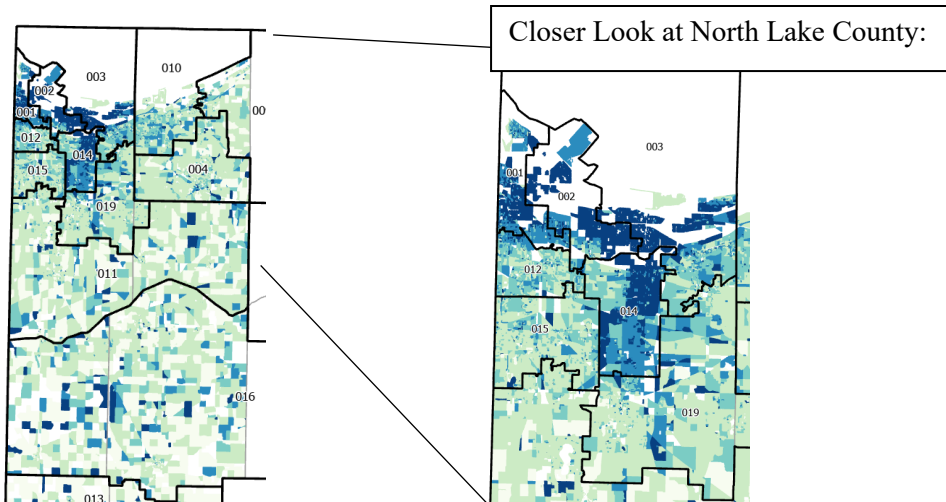
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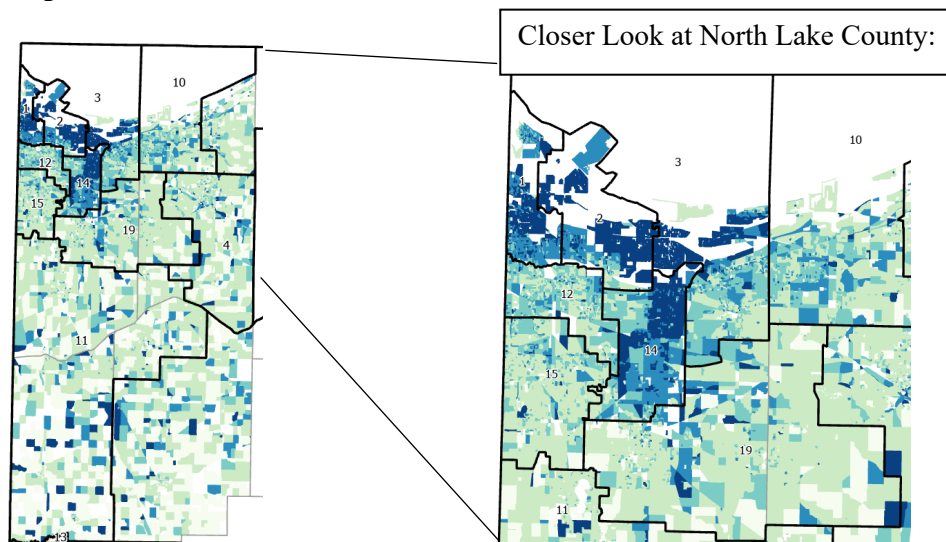
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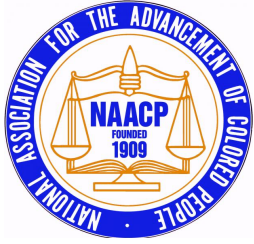


Map 1. 2011 House Boundaries



Map 2. 2021 House Boundaries





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Lake County – Senate Districts

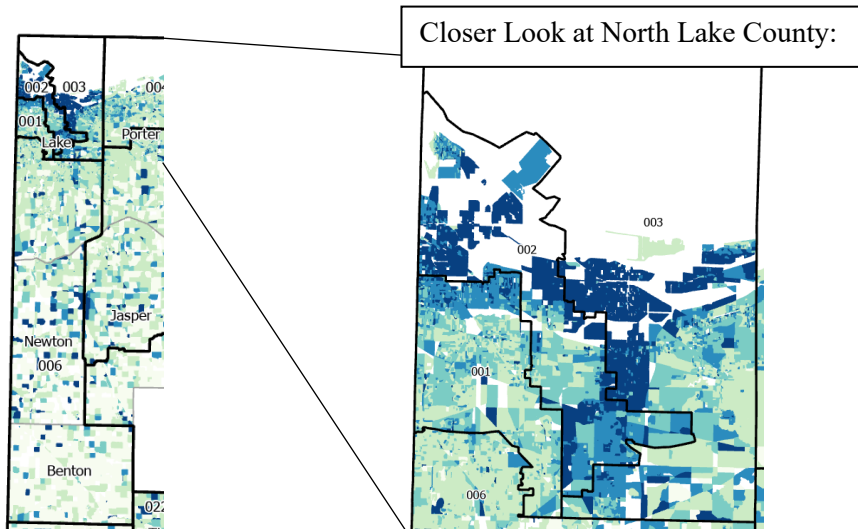
Light Grey boundary represents county boundaries

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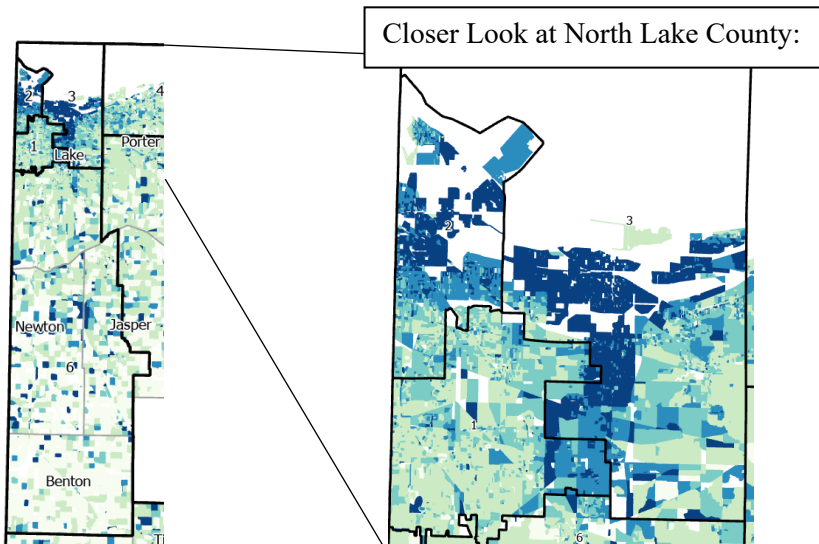
Green to blue census blocks represent the percentage of the total population that are people of color, categories as follows:



2011 Senate Boundaries



2021 Proposed Senate Boundaries





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Marion County – House Districts

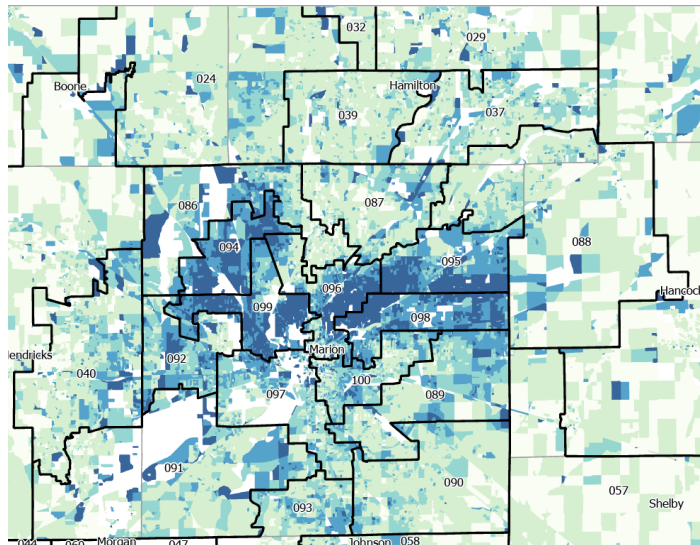
Light Grey boundary represents county boundaries

Black boundaries are house district boundaries, numbers represent House District number

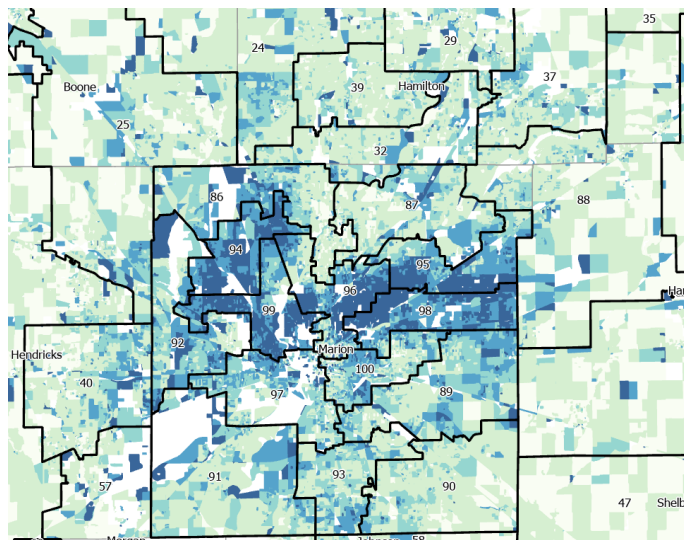
Green to blue census blocks represent the percentage of the total population that are people of color, categories as follows:

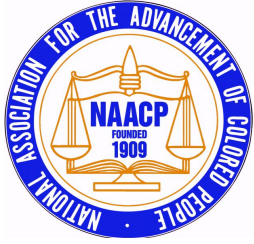


2011 House Boundaries



2021 House Boundaries





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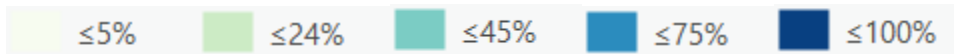


Marion County – Senate Districts

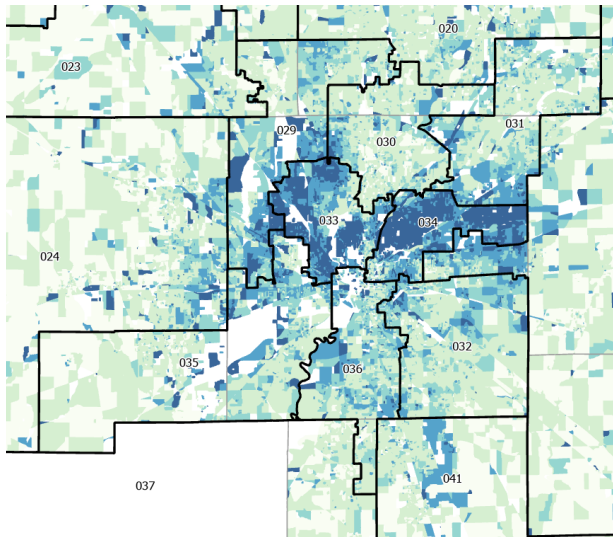
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2011 Senate Boundaries



2021 Proposed Senate Boundaries

