

Outline of Redistricting Litigation the 1990s

A Project of the Redistricting Task Force of the National Conference of State Legislatures

Case Summaries and State Contacts

Cases in this outline include a [hypertext link](#) from the case citation to the summary page. Clicking on the hypertext link will take you to the summary page. The summary page includes both case summaries and the state contact persons to consult for more information. All the summaries for a state are on the same web page. You may print all the summaries for that state by printing that one page. If the case is available on the worldwide web, the case citation on the summary page will include a hypertext link to the full text of the case, which may likewise be printed by using your web browser's print command.

1. Alabama

- a. *Wesch v. Hunt*, [785 F. Supp. 1491](#) (S.D. Ala. 1992) (congressional plan adopted), *aff'd sub nom. Camp v. Wesch*, 504 U.S. 902 (1992) (mem.); *refusal to modify plan aff'd sub nom. Figures v. Hunt*, 507 U.S. 901 (1993) (mem.)
- b. *Wesch v. Hunt*, No. 91-0797, [1993 WL 468747](#) (S.D. Ala. July 13, 1993) (state court enjoined from proceeding with congressional redistricting claims), *aff'd Wesch v. Folsom*, 6 F.3d 1465 (11th Cir. 1993), *cert. denied sub nom. Sinkfield v. Wesch*, 510 U.S. 1046 (1994)
- c. *Hunt v. Morris*, [591 So.2d 83](#) (1992) (district court order that governor call special session to consider congressional redistricting stayed); *appeal dismissed and remanded to trial ct.* 628 So.2d 1080 (1992)
- d. *Brooks v. Hobbie*, [631 So.2d 883](#) (Ala. 1993) (state court had jurisdiction to adopt legislative plan)
- e. *Sinkfield v. Bennett*, [No. CV-93-689-PR](#) (Cir. Ct. Montgomery Co.) (legislative plan adopted)
- f. *Peters v. Folsom*, [No. 93-T-124-N](#) (M.D. Ala.), *consol. with Brooks v. Hobbie*
- g. *Brooks v. Camp*, [No. 93-T-364-N](#) (M.D. Ala.), *consol. with Brooks v. Hobbie*

2. Alaska

- a. *Hickel v. Southeast Conference*, [846 P.2d 38](#) (Alaska, 1992) (governor's legislative plan rejected, court plan adopted)

3. Arizona

- a. *Arizonans for Fair Representation v. Symington*, [828 F. Supp. 684](#) (D. Ariz., May 5, 1992) (congressional plan adopted), *appeal dismissed sub nom. Arizona State Senate v. Arizonans for Fair Representation*, [507 U.S. 980](#) (1993) (mem.); and *aff'd sub nom. Hispanic Chamber of Commerce v. Arizonans for Fair Representation*, [507 U.S. 981](#) (1993) (mem.)
- b. *Arizonans for Fair Representation v. Symington*, No. CIV 92-256-PHX-SMM, [1993 WL 375329](#) (D. ARIZ., June 19, 1992) (interim use of legislative plan for 1992 elections approved), *aff'd sub nom. Arizona Hispanic Community Forum v. Symington*, [506 U.S. 969](#) (1992) (mem.)

4. Arkansas

- a. *Turner v. Arkansas*, [784 F. Supp. 553](#) (E.D. Ark. 1991) (congressional plan approved), *aff'd*

- 504 U.S. 952 (1992) (mem.)
- b. *Harvey v. Clinton*, [308 Ark. 546](#), 826 S.W.2d 236 (1992) (house plan approved)
 - c. *West v. Clinton*, [786 F. Supp. 803](#) (W.D. Ark. 1992) (house plan approved)
 - d. *Jeffers v. Clinton*, 812 F. Supp. 907 (E.D. Ark. 1993) (summary judgment denied); *Jeffers v. Tucker*, 839 F. Supp. 612 (E.D. Ark. 1993) (summary judgment denied); [847 F. Supp. 655](#) (E.D. Ark. 1994) (legislative plan does not dilute minority votes)
5. **California**
- a. *Garza v. County of Los Angeles*, [918 F.2d 763](#) (9th Cir. 1990)
 - b. *Wilson v. Eu*, [54 Cal.3d 471](#), 816 P.2d 1306 (1991); [54 Cal.3d 546](#), P.2d 890 (1991); [1 Cal.4th 707](#), 823 P.2d 545 (1992) (legislative and congressional plans adopted)
 - c. *Members of the California Congressional Delegation v. Eu*, [790 F. Supp. 925](#) (N.D. Cal. 1992) (challenge to congressional plan dismissed); *dismissal of complaint in intervention reversed and remanded sub nom. Benavidez v. Eu*, [34 F.3d 825](#) (9th Cir. (Cal.) 1994)
 - d. *DeWitt v. Foley*, (N.D. Cal., Aug. 31, 1992) (state supreme court had authority to draw congressional district lines), *aff'd* 507 U.S. 901 (1993) (mem.)
 - e. *DeWitt v. Wilson*, [856 F. Supp. 1409](#) (E.D. Cal. 1994) (legislative and congressional plans not racial gerrymanders), *aff'd in part, appeal dismissed in part* 115 S. Ct. 2637 (1995) (mem.)
 - f. *Assembly of the State of California v. United States Department of Commerce*, [968 F.2d 916](#) (9th Cir. 1992) (access to adjusted population counts granted)
 - g. *Senate of State of California v. Mosbacher*, [968 F.2d 974](#) (9th Cir. 1992) (access to adjusted population counts denied)
6. **Colorado**
- a. *In re Reapportionment of Colorado General Assembly*, [828 P.2d 185](#) (Colo. 1992) (commission plan approved in part, disapproved in part, and remanded with directions); [828 P.2d 213](#) (Colo. 1992) (revised plan approved)
 - b. *Martinez v. Romer*, [Civ. Nos. 91-C-1971, 91-C-2129, and 91-C-2162](#) (D. Colo.) (no published opinion)
 - c. *Sanchez v. State*, [861 F. Supp. 1516](#) (D. Colo. 1994) (failure to create Hispanic-majority district in South Central Colorado not a violation of VRA § 2); *reversed* 97 F.3d 1303 (10th Cir. 1996), *cert. denied sub nom. Colorado v. Sanchez*, 117 S. Ct. 1820 (1997)
7. **Connecticut**
- a. *Fonfara v. Reapportionment Commission*, [222 Conn. 166](#), 610 A.2d 153 (1992) (house plan approved)
8. **Delaware**
- a. [No cases.](#)
9. **Florida**
- a. *In re Constitutionality of Senate Joint Resolution 2G*, [597 So.2d 276](#) (Fla. 1992) (Senate and House plans approved); [601 So.2d 543](#) (Fla. 1992) (Senate plan modified, pursuant to § 5 objection)
 - b. *DeGrandy v. Wetherell*, [794 F. Supp. 1076](#) (N.D. Fla. 1992) (congressional plan adopted); [815 F. Supp. 1550](#) (N.D. Fla. 1992) (House plan modified; Senate plan approved), *rev'd as to House plan and aff'd as to Senate plan sub nom. Johnson v. DeGrandy*, [114 S. Ct. 2647](#) (1994)
 - c. *Florida Chapter NAACP v. Chiles*, TCA No. 92-40131-WS (N.D. Fla.), *consol. with DeGrandy v. Wetherell*
 - d. *United States v. Florida*, TCA No. 92-40220-WS (N.D. Fla., filed June 23, 1992), *consol. with DeGrandy v. Wetherell*
 - e. *Florida House of Representatives v. United States Department of Commerce*, [961 F.2d 941](#) (11th Cir. 1992) (adjusted population counts are part of Census Bureau's deliberative process, privileged from disclosure)

- f. [Sullivan v. Smith](#), (M.D. Fla. Aug. 24, 1992) (court will abstain from challenge to 3rd cong. dist.), *mandamus denied sub nom. In re Sullivan*, 113 S. Ct. 1369 (1993)
- g. [Johnson v. Smith](#), [1994 WL 907596](#) (N.D. Fla., Jul. 18, 1994) (motion to enjoin use of congressional plan for 1994 election denied as disruptive to the election process and not in the public interest)
- h. [Johnson v. Mortham](#), [915 F. Supp. 1529](#) (N.D. Fla. Nov. 20, 1995) (3rd cong. dist. is subject to strict scrutiny), 164 F.R.D. 268 (N.D. Fla. Dec. 12, 1995) (defendant-intervenors motion to extend time for discovery denied); 164 F.R.D. 571 (N.D. Fla. Jan. 4, 1996) (plaintiffs' motion for protective order limiting scope of discovery to matters relevant to strict scrutiny analysis granted; defendant-intervenor United States' motion for a protective order limiting depositions to Justice Department attorneys or employees who will be providing testimony at trial granted); 915 F. Supp. 1574 (N.D. Fla. Feb. 7, 1996) (defendants bear burden of production on the issue of strict scrutiny and therefore will present their case first); [926 F. Supp. 1460](#) (N.D. Fla. Apr. 17, 1996) (plan does not survive strict scrutiny; Legislature given until May 22, 1996, to draw new plan), *stay denied by* 926 F. Supp. 1540 (N.D. Fla. May 2, 1996, as amended on grant of reconsideration May 24, 1996) (defendants' motion for a stay of remedial proceedings pending an appeal denied); [1996 WL 297280](#) (N.D. Fla. May 31, 1996) (new plan enacted by Legislature approved as interim plan)
- i. [Scott v. U.S. Dept. of Justice](#), [920 F. Supp. 1248](#) (M.D. Fla. 1996) (Senate plan modified with consent of the State), *aff'd sub nom. Lawyer v. Dept. of Justice*, [117 S. Ct. 2186](#) (1997)
- j. [Fouts v. Mortham](#), [No. 98-10031](#) (S.D. Fla., complaint filed Apr. 2, 1998) (challenge to congressional districts 17, 18, and 23 and Senate districts 30 and 40)

10. Georgia

- a. [Johnson v. Miller](#), [864 F. Supp. 1354](#) (S.D. Ga.1994) (11th cong. dist. rejected as racial gerrymander), *aff'd sub nom. Miller v. Johnson*, 515 U.S. 900 (1995) ("*Johnson I*"), *on remand, Johnson v. Miller*, [922 F. Supp. 1552](#) (S.D. Ga. Dec. 1, 1995) (2d cong. dist. also rejected as racial gerrymander), 922 F. Supp. 1556 (S.D. Ga. Dec. 13, 1995) (remedy case - court-drawn plan with one minority and two influence districts out of 11) ("*Johnson II*"), *affirmed sub nom. Abrams v. Johnson*, and *U.S. v. Johnson*, 117 S. Ct. 1925 (1997)
- b. [Johnson v. Miller](#), [No. CV196-040](#) (N.D. Ga., complaint filed _____, 1996) ("*Johnson III*") (challenge to state house and senate plans settled by consent order)
- c. [United States v. Georgia](#), [No. 1:96-CV-700-JTC](#) (N.D. Ga., complaint filed _____, 199_) (Justice Department suit to enjoin implementation of state house and senate plans; preliminary injunction granted; ultimately dismissed as moot)

11. Hawaii

- a. [No cases.](#)

12. Idaho

- a. [Miller v. Cenarrusa](#), ([4th Jud. Dist.](#))
- b. [Idaho Hispanic Caucus v. State of Idaho](#), ([D.C. Id. Dec. 10, 1992](#)) (legislative plan approved), *appeal dismissed* 114 S. Ct. 40 (1993)

13. Illinois

- a. [People ex rel. Burris v. Ryan](#), [147 Ill.2d 270](#), 588 N.E.2d 1023; 588 N.E.2d 1033 (Ill. 1991) (legislative plan approved, as corrected), *cert. denied sub nom. Gardner v. Ryan*, 112 S. Ct. 2940 (1992), *reh'g denied* 113 S. Ct. 9 (1992), *pet. to vacate judgment denied* 158 Ill.2d 469, 634 N.E.2d 1066 (1994)
- b. [Legislative Redistricting Commission v. LaPaille](#), [786 F. Supp. 704](#) (N.D. Ill. 1992) (legislative plan approved), 792 F. Supp. 1110 (N.D. Ill. 1992) (motion for new trial denied), *aff'd sub nom. Gardner v. Illinois Legislative Redistricting Commission*, 113 S. Ct. 399 (1992) (mem.)
- c. [Hastert v. Board of Elections](#), [777 F. Supp. 634](#) (N.D. Ill. 1991) (congressional plan adopted), 794 F. Supp. 254 (N.D. Ill. 1992) (attorneys' fees denied)

- d. *Tucker v. U.S. Department of Commerce*, [953 F.2d 160](#); 958 F.2d 1411 (7th Cir. 1992) (injunction to require statistical adjustment to census population counts denied), *cert. denied* 113 S. Ct. 407 (1992)
 - e. *PAC for Middle America v. State Board of Elections*, No. 95 C 827, [1995 WL 571887](#) (N.D. Ill. Sep. 22, 1995) (motion to dismiss denied), 1995 WL 571893 (N.D. Ill. Sep. 22, 1995) (motions to intervene granted), *decided sub nom. King v. State Board of Elections*, [979 F. Supp. 582](#) (N.D. Ill. 1996) (4th cong. dist. survives strict scrutiny), *judgment vacated sub nom. King v. Illinois Board of Elections*, [117 S. Ct. 429](#) (1996) (mem.), *on remand*, [979 F. Supp. 619](#) (N.D. Ill. 1997) (4th cong. dist. again survives strict scrutiny), *aff'd* 118 S. Ct. 877 (1998) (mem.)
14. **Indiana**
- a. [No cases.](#)
15. **Iowa**
- a. *Brown v. Iowa Legislative Council*, [490 N.W.2d 551](#) (Iowa 1992) (public access to legislature's redistricting database denied)
16. **Kansas**
- a. *State ex rel. Stephan v. Graves*, [796 F. Supp. 468](#) (D. Kan. 1992) (proceedings on legislative plan stayed; congressional plan corrected to reduce population deviations)
 - b. *In re: Petition of Stephen*, [251 Kan. 595](#), 833 P.2d 1017 (1992) (legislative plan approved), 251 Kan. 597, 836 P.2d 574 (1992) (opinion)
17. **Kentucky**
- a. *Fischer v. State Bd. of Elections*, [847 S.W.2d 718](#) (Ky. 1993) (procedure established for challenging legislative plan), [879 S.W.2d 475](#) (Ky. 1994) (legislative plan rejected for splitting too many counties), [910 S.W.2d 245](#) (Ky. 1995) (invalid plan could not be used for special election)
 - b. *Jensen v. State Bd. of Elections*, [959 S.W.2d 771](#) (1997) (legislative plan approved)
18. **Louisiana**
- a. *Hays v. Louisiana*, [839 F. Supp. 1188](#) (W.D. La. 1993) (congressional plan rejected as racial gerrymander), *vacated and remanded for further consideration in light of enactment of Legislature's second congressional plan* 114 S. Ct. 2731 (1994) (mem.), *on remand* [862 F. Supp. 119](#) (W.D. La. 1994) (Legislature's second congressional plan rejected as racial gerrymander, court plan adopted), *vacated and remanded sub nom. U.S. v. Hays*, [115 S. Ct. 2431](#) (1995) (plaintiffs who did not live in challenged district lacked standing to sue), *on remand*, *Hays v. Louisiana*, [936 F. Supp. 369](#) (W.D. La. Jan. 5, 1996) (4th congressional district invalid; court drew new plan, which Legislature enacted, which Justice Dept. refused to preclear, so court plan used as interim plan for 1996 election)
19. **Maine**
- a. *In re Apportionment of the Maine House of Representatives, Senate and Congressional Districts*, [No. SJC-93-229](#) (June 29, 1993) (unpublished)
20. **Maryland**
- a. *Anne Arundel County Republican Cent. Committee v. State Administrative Bd. of Election Laws*, [781 F. Supp. 394](#) (D. Md. 1991) (congressional plan approved), *aff'd* 504 U.S. 938 (1992) (mem.), *reh'g. den.* 505 U.S. 1231 (1992)
 - b. *Legislative Redistricting Cases*, [331 Md. 574](#), 629 A.2d 646 (1993) (legislative plan approved)
 - c. *Marylanders for Fair Representation v. Schaefer*, [795 F. Supp. 747](#) (D. Md. 1992) (motion to abstain pending outcome of state proceedings denied), [144 F.R.D. 292](#) (D. Md. 1992) (legislators immune from suit for actions while considering plan in legislature); [849 F. Supp. 1022](#) (D. Md. 1994) (senate plan approved; corrected house plan approved in part, rejected in part); [849 F. Supp. 1072](#) (D. Md. 1994) (corrected house plan approved)
 - d. *NAACP v. Schaefer*, No. S-92-1409 (D. Md. filed May 19, 1992), *consol. with Marylanders*

for Fair Representation

21. **Massachusetts**
 - a. *Commonwealth of Massachusetts v. Mosbacher*, [785 F. Supp. 230](#) (D. Mass. 1991) (Massachusetts entitled to retain 11 congressional seats), *rev'd sub nom. Franklin v. Massachusetts*, [505 U.S. 788](#) (1992)
 - b. *Black Political Task Force v. Connolly*, [1992 WL 605665](#) (D. Mass. Feb. 10, 1992) (state may delay redrawing legislative districts until 1994; need not redraw more often than every ten years)
 - c. *Massachusetts Republican Committee v. Connolly*, [1992 WL 55665](#) (D. Mass. Mar. 2, 1992) (ordering legislature to draw plan for ten congressional districts)
 - d. *Town of Brookline v. Secretary of Commonwealth*, 417 Mass. 406, 631 N.E.2d 968 (Mass. 1994) (house plan approved)
22. **Michigan**
 - a. *In re Executive Message of the Governor*, [478 N.W.2d 436](#) (Mich. 1991) (decline to certify question on procedure for legislative redistricting)
 - b. *In re Apportionment of the State Legislature - 1992*, 439 Mich. 1203, [478 N.W.2d 437](#) (1991) (procedures adopted); 439 Mich. 251, [483 N.W.2d 52](#) (1992) (legislative plan adopted), 439 Mich. 715, [486 N.W.2d 639](#) (1992) (opinion)
 - c. *City of Detroit v. Franklin*, [800 F. Supp. 539](#) (E.D. Mich. 1992) (refusal to adjust population counts approved), *aff'd* 4 F.3d 1367 (6th Cir. 1993); *cert. denied sub nom. City of Detroit v. Brown*, 510 U.S. 1176 (1994)
 - d. *Good v. Austin*, [800 F. Supp. 551](#) (E.D. Mich. 1992) (court will adopt congressional plan); [800 F. Supp. 557](#) (E.D. Mich. 1992) (congressional plan adopted)
 - e. *Van Straten v. Austin*, No. 291-CV-194 (W.D. Mich.) *consol. with Good v. Austin*
 - f. *NAACP v. Austin*, [857 F. Supp. 560](#) (E.D. Mich. 1994) (legislative plan need not maximize number of majority-black districts; intentional discrimination not proved)
23. **Minnesota**
 - a. *Seventy-Seventh Minnesota State Senate v. Carlson*, [472 N.W.2d 99](#) (Minn. 1991) (procedure established for challenging governor's late vetoes)
 - b. *Seventy-Seventh Minnesota State Senate v. Carlson*, No. C3-91-7547 (2nd Dist. Ramsey County [Aug. 2, 1991](#)) (governor's attempted veto of redistricting bill invalid)
 - c. *Cotlow v. Growe*, No. C8-91-985, Findings of Fact, Conclusions of Law, and Order for Judgment on Legislative Redistricting (Minn. Spec. Redis. Panel [Dec. 9, 1991](#)) (legislative plan corrected), Final Order (Minn. Spec. Redis. Panel [Apr. 15, 1992](#)) (congressional plan adopted)
 - d. *Emison v. Growe*, No. 4-91-202, Order (D. Minn. Dec. 5, 1991) (enjoining proceedings in *Cotlow v. Growe*), *vacated sub nom. Cotlow v. Emison*, 502 U.S. 1022 (1992) (mem.), [782 F. Supp. 427](#) (D. Minn. 1992) (legislative plan rejected, court's plan adopted; congressional plan adopted; Minn. Spec. Redis. Panel enjoined from issuing congressional plan), *rev'd sub nom. Growe v. Emison*, [507 U.S. 25](#) (1993)
 - e. *Benson v. Growe*, No. 4-91-603 (D. Minn.) *consol. with Emison v. Growe*
24. **Mississippi**
 - a. *Watkins v. Mabus*, [771 F. Supp. 789](#) (S.D. Miss. 1991) (legislative plan rejected), *aff'd*, 502 U.S. 954 (1991) (mem.)
 - b. *Watkins v. Fordice*, [791 F. Supp. 646](#) (S.D. Miss. 1992) (legislative plan approved), [807 F. Supp. 406](#) (S.D. Miss. 1992) (plaintiffs awarded attorneys' fees)
25. **Missouri**
 - a. *Nash v. Blunt*, [140 F.R.D. 400](#) (W.D. Mo. 1992) (denying reconsideration of orders allowing intervention); [No. 91-0840-CV-W-2](#) (W.D. Mo. Jan. 24, 1992) (refusing to replace state-adopted house plan with one agreed to by plaintiffs and defendants), [797 F. Supp. 1488](#) (W.D. Mo. 1992) (house plan does not violate Section 2 of VRA), *aff'd sub nom. African-*

American Voting Rights Legal Defense Fund, Inc. v. Blunt, 507 U.S. 1015 (1993) (mem.)

26. **Montana**

- a. *Montana v. Department of Commerce*, [775 F. Supp. 1358](#) (D. Mont. 1991) (Montana entitled to retain two seats in Congress), *rev'd sub nom. United States Department of Commerce v. Montana*, [503 U.S. 442](#) (1992) (Congress did not abuse discretion in selecting "method of equal proportions" to apportion seats among the states)
- b. *Old Person v. Cooney*, No. CV-96-004-GP-PGH (D. Mont., filed Jan. 1996) (alleges that failure to draw more Indian-majority state House and Senate districts violates Section 2 of VRA)

27. **Nebraska**

- a. *Day v. Nelson*, [240 Neb. 997](#), 485 N.W.2d 583 (Neb. 1992) (legislative plan rejected for splitting too many counties)
- b. *Thompson v. Nelson*, DOC. [484-091](#) (Dist. Ct., Lancaster County, *dismissed* Sep. 9, 1992)
- c. *Hlava v. Nelson*, [No. S-33-92004](#) (Dist. Ct., Lancaster County, *dismissed* Sep. 30, 1992), *aff'd* 247 Neb. 482, 528 N.W.2d 306 (1995)
- d. *Carlson v. Nelson*, [No. CV92-3300](#) (D. Neb., *dismissed* Mar. 16, 1992)

28. **Nevada**

- a. [No cases.](#)

29. **New Hampshire**

- a. *McGovern v. Secretary of State*, 138 N.H. 128, [635 A.2d 498](#) (1993)

30. **New Jersey**

- a. *State v. Apportionment Commission*, [125 N.J. 375](#), 593 A.2d 710 (N.J. 1991) (census data received in January 1991 are "official decennial census")
- b. *Doresey v. Florio, consol. with State v. Apportionment Commission*
- c. *County of Essex v. Apportionment Commission, consol. with State v. Apportionment Commission*
- d. *Brady v. New Jersey Redistricting Commission*, 131 N.J. 159, 619 A.2d 1005 (1992) (congressional redistricting commission is constitutional); [131 N.J. 594](#), 622 A.2d 843 (1992) (congressional plan approved)
- e. *Save Our Shore District v. New Jersey Redistricting Commission, consol. with Brady v. New Jersey Redistricting Commission*

31. **New Mexico**

- a. [No cases.](#)

32. **New York**

- a. *Fund for Accurate and Informed Representation, Inc. v. Weprin*, [796 F. Supp. 662](#) (N.D. N.Y. 1992) (per curiam) (assembly plan corrected; senate plan approved), *aff'd*, 113 S. Ct. 650 (1992) (mem.)
- b. *Scaringe v. Marino*, No. 92-CV-593 (N.D. N.Y.), *consol. with FAIR v. Weprin*
- c. *Norman v. Cuomo*, 796 F. Supp. 654 (N.D. N.Y. 1992) (per curiam) (filed in N.Y. Sup. Ct., Kings County, removed to E.D. N.Y., transferred to N.D. N.Y. and consolidated with *FAIR v. Weprin*)
- d. *Reid v. Marino*, No. 9567/92 (N.Y. Sup. Ct., Kings County, June 8, 1992) (congressional plan adopted; later enacted by legislature and precleared by Justice Department)
- e. *Wolpoff v. Cuomo*, Order, No. 14757-1922 (N.Y. Sup. Ct., Bronx County, May 14, 1992) (removed to federal court), [792 F. Supp. 964](#) (S.D. N.Y. 1992) (remanded to state court), Order, No. 14757-1922 (N.Y. Sup. Ct., Bronx County, June 12, 1992) (assembly and senate plans rejected), *rev'd*, 80 N.Y.2d 70, 587 N.Y.S.2d 560, [600 N.E.2d 191](#) (1992)
- f. *Dixon v. Cuomo*, No. 13266/92 (N.Y. Sup. Ct., N.Y. County), *consol. with Wolpoff v. Cuomo*
- g. *Puerto Rican Legal Defense and Education Fund v. Gantt*, [796 F. Supp. 677](#) (E.D. N.Y. 1992) (proceedings in *Reid v. Marino* enjoined), *injunction stayed sub nom. Gantt v. Skelos*, 112 S. Ct. 1926 (1992) (mem.), [796 F. Supp. 681](#) (E.D. N.Y. 1992) (congressional plan

adopted), *case dismissed as moot after Legislature's congressional plan precleared by Justice Department*, [796 F. Supp. 698](#) (E.D. N.Y. 1992), *judgment vacated and remanded with instructions to dismiss appeal as moot sub nom. Gantt v. Skelos*, 113 S. Ct. 30 (1992) (mem.)

- h. *Waring v. Gantt*, No. CV-92-1776 (W.D. N.Y.), *consol. with PRLDEF v. Gantt*
- i. *City of New York v. United States Department of Commerce*, [822 F. Supp. 906](#) (E.D. N.Y. 1993) (decision not to adjust census was not arbitrary or capricious) *vacated and remanded* 34 F.3d 1114 (2nd Cir. Aug. 8, 1994), *rev'd sub nom. Wisconsin v. City of New York*, [517 U.S. 1](#) (U.S. 1996) (decision not to adjust was reasonable and within secretary's discretion)
- j. *Torres v. Cuomo*, No. 92 Civ. 5811 (JSM), 1993 WL 33639 (S.D. N.Y. Feb. 3, 1993) (motion to dismiss challenge to 1992 congressional plan denied)
- k. *Diaz v. Silver*, 1995 WL 761845 (E.D.N.Y., Dec. 18, 1995) (No. Civ.A.95-CV-2591 (DGT)); [932 F. Supp. 462](#) (E.D.N.Y., Jul. 17, 1996) (motion to enjoin election in Hispanic-majority 12th congressional district as racial gerrymander denied as too late in election cycle to produce alternative plan); [978 F. Supp. 96](#) (E.D.N.Y., Feb. 27, 1997) (bizarrely shaped Hispanic-majority 12th congressional district is an unconstitutional racial gerrymander), *aff'd sub nom. Silver v. Diaz*, 118 S. Ct. 36 (1997) (No. 96-1680), *Acosta v. Diaz*, (No. 96-1904), *Lau v. Diaz*, (No. 96-2008) (mem.)

33. North Carolina

- a. *Pope v. Blue*, [809 F. Supp. 392](#) (W.D. N.C. 1992) (congressional plan not a partisan gerrymander), *aff'd*, 113 S. Ct. 30 (1992) (mem.)
- b. *Shaw v. Barr*, [808 F. Supp. 461](#) (E.D. N.C. 1992) (12th congressional district not a racial gerrymander), *rev'd sub nom. Shaw v. Reno*, [509 U.S. 630](#) (1993), *on remand Shaw v. Hunt*, [861 F. Supp. 408](#) (E.D. N.C. 1994) (12th congressional district a racial gerrymander narrowly tailored to further the state's interest in complying with the Voting Rights Act), *rev'd sub nom. Shaw v. Hunt*, [116 S. Ct. 1894](#) (1996)
- c. *Cromartie v. Hunt*, (E.D. N.C., amended complaint filed Oct. 10, 1997) (alleges new 1st and 12th congressional districts are unjustified racial gerrymanders)
- d. *Daly v. Leake*, (E.D. N.C., 2nd amended complaint filed Oct. 8, 1997) (alleges several state senate and house districts and new 1st and 12th congressional districts are unjustified racial gerrymanders)

34. North Dakota

- a. *Grinnell v. Sinner*, No. A1-92-066

35. Ohio

- a. *Voinovich v. Ferguson*, Order, No. 91-1882 (S.D. Ohio _____, 1991) (removed to federal court), Order (S.D. Ohio Oct. 28, 1991) (remanded to state court), Order (6th Cir. Nov. 26, 1991) (No. 91-4057) (remand stayed), Order (6th Cir. Dec. 12, 1991) (No. 91-4057) (stay vacated), 62 Ohio St.3d 1224, 584 N.E.2d 737 (1992) (motions to dismiss and demand for jury trial denied); [63 Ohio St.3d 198](#), 586 N.E.2d 1020 (1992) (Senate District 32 upheld)
- b. *Quilter v. Voinovich*, [794 F. Supp. 695](#) (N.D. Ohio Jan. 31, 1992) (Apportionment Board ordered to reconsider legislative plan), [794 F. Supp. 756](#) (N.D. Ohio Mar. 10, 1992) (legislative plan rejected; special master appointed), 1992 WL 677145 (N.D. Ohio Mar. 19, 1992), 794 F. Supp. 760 (N.D. Ohio [Mar. 31, 1992](#)) (primary date rescheduled to September 8), 794 F. Supp. 760 (N.D. Ohio [May 5, 1992](#)) (deadlines truncated to permit primary on June 2), orders of March 10 and March 31, 1992, *stayed sub nom. Voinovich v. Quilter*, [503 U.S. 979](#) (1992) and *rev'd sub nom. Voinovich v. Quilter*, [507 U.S. 146](#) (1993), *on remand sub nom. Quilter v. Voinovich*, [857 F. Supp. 579](#) (N.D. Ohio Mar. 31, 1994) (population deviations of 13.81 percent in house plan and 10.54 percent in senate plan are justified by rational state policy of preserving whole counties), [157 F.R.D. 36](#) (N.D. Ohio Mar. 31, 1994) (plaintiffs may file second amended complaint), No. 91CV-2219, Order (N.D. Ohio Apr. 28, 1995) (race was a "substantial and motivating factor" in drawing districts; packing minority

voters into influence districts diluted their strength in other districts; districts must be redrawn), Order, 1995 WL 681182 (N.D. Ohio May 26, 1995), *orders of Apr. 28 and May 26, 1995 superseded by 912 F. Supp. 1006* (N.D. Ohio Aug. 11, 1995), *orders of April 28, May 26, and Aug. 11, 1995 stayed sub nom. Voinovich v. Quilter*, 133 L.Ed.2d 914 (1995), *appeal No. 95-132 dismissed but stay continued pending appeal No. 95-378*, 116 S.Ct. 42, 133 L.Ed.2d 9 (1995), *judgment vacated sub nom. Voinovich v. Quilter*, [116 S. Ct. 2542](#), 133 L.Ed.2d 1064 (1996) (No. 95-378) (mem.), *on remand sub nom. Quilter v. Voinovich*, _____ F. Supp. _____, 1997 U.S. Dist. LEXIS 17251, 1997 WL 687725 (N.D. Ohio, [Aug. 22, 1997](#)) (legislative plan upheld)

- c. *State ex rel. Rogers v. Taft*, 64 Ohio St.3d 193, 594 N.E.2d 576 (1992) (refusal to extend filing deadline), *cert. denied sub nom. Ohio v. Taft*, 113 S. Ct. 676 (1992)
- d. *Barber v. Voinovich*,
- e. *Brown v. Miller*, No. _____ (S.D. Ohio May 29, 1996) (congressional redistricting plan upheld against challenge to overall range of nine persons and goal of reelecting incumbents), *aff'd sub nom. Miller v. Ohio*, 117 S.Ct. 504, 65 U.S.L.W. 3389, 3398 (Dec. 2, 1996) (No. 96-471) (mem.)

36. Oklahoma

- a. [No cases.](#)

37. Oregon

- a. *Ater v. Keisling*, 312 Or. 207, [819 P.2d 296](#) (1991) (secretary of state ordered to correct technical errors in house plan), *corrected house plan approved sub nom. Linder v. Keisling*, 312 Or. 316, [821 P.2d 1089](#) (1991)
- b. *Berkman v. Roberts*, No. [91-775 RE](#) (D. Ore. 1991) (congressional)
- c. *Republican Party of Oregon v. Keisling*, [959 F.2d 144](#) (D. Or. 1992) (delayed election for senators with staggered terms approved), *cert. denied*, 504 U.S. 914 (1992)
- d. *Bugas v. Keisling* (legislative) *consol. with Ater v. Keisling*
- e. *Paulk v. Keisling* (legislative) *consol. with Ater v. Keisling*

38. Pennsylvania

- a. *In re 1991 Pennsylvania Legislative Reapportionment Commission*, [530 Pa. 335](#), 609 A.2d 132 (Pa. 1992) (legislative plan approved), *cert. denied sub nom. Walker v. Pennsylvania Legislative Reapportionment Commission*, 112 S. Ct. 1971 (1992), and *Pecora v. Pennsylvania Legislative Reapportionment Commission*, 112 S. Ct. 2998 (1992), and *Loeper v. Pennsylvania Legislative Reapportionment Commission*, 113 S. Ct. 66 (1992)
- b. *Harrison v. Pennsylvania Legislative Reapportionment Commission*, No. 92-0603, [1992 WL 95909](#) (E.D. Pa. Apr. 21, 1992) (legislative plan approved)
- c. *Donatelli v. Casey*, [826 F. Supp. 131](#) (E.D. Pa. 1993) (senate plan approved), *aff'd sub nom. Donatelli v. Mitchell*, 2 F.3d 508 (3rd Cir. 1993)
- d. *Mellow v. Mitchell*, [530 Pa. 44](#), 607 A.2d 204 (Pa. 1992) (congressional plan adopted), *cert. denied sub nom. Loeper v. Mitchell*, 113 S. Ct. 88 (1992)
- e. *Valenti v. Mitchell*, [790 F. Supp. 534](#) (E.D. Pa. 1992) (state court's candidate filing deadline enjoined); 790 F. Sup. 551 (E.D. Pa. 1992) (further injunction denied), *aff'd*, 962 F.2d 288 (3rd Cir. 1992)
- f. *Nerch v. Mitchell*, No. 3:[CV-92-0095](#), (M.D. Pa. Aug. 13, 1992) (per curiam) (congressional plan approved)
- g. *Barness v. Mitchell*, No. _____ (E.D. Pa.) *consol. with Nerch v. Mitchell*
- h. *Ryan v. Mitchell*, No. 1:[CV-92-0166](#) (M.D. Pa.) *consol. with Nerch v. Mitchell*

39. Rhode Island

- a. [No cases.](#)

40. South Carolina

- a. *Burton v. Sheehan*, [793 F. Supp. 1329](#) (D. S.C. 1992) (house plan adopted; senate plan adopted; congressional plan adopted), *vacated and remanded sub nom. Statewide*

Reapportionment Advisory Committee v. Theodore, 508 U.S. 968 (1993) (mem.) and *Campbell v. Theodore*, 508 U.S. 968 (1993) (mem.)

- b. *Statewide Reapportionment Advisory Committee v. Campbell*, No. 3:91-3310-1 (D. S.C.) *consol. with Burton v. Sheehan*
 - c. *Smith v. Beasley*, [946 F. Supp. 1174](#) (D.S.C. 1996) (three senate districts and six house districts are racial gerrymanders that violate VRA § 2; members elected in 1996 to serve only one year; special election in 1997)
 - d. *Leonard v. Beasley*, Civil No. [3:96-CV-3640](#) (D. S.C.) (6th Congressional District challenged as racial gerrymander; dismissed without prejudice)
41. **South Dakota**
- a. *Matter of Construction of Article III, § 5 of S.D. Constitution*, [464 N.W.2d 825](#) (S.D. 1991) (court refused to answer question about redistricting procedure)
42. **Tennessee**
- a. *Langsdon v. Millsaps*, [836 F. Supp. 447](#) (W.D. Tenn. 1993) (house plan rejected for population deviations of 13.9 percent while splitting 30 counties, when alternative plan had lower deviation with fewer splits), *aff'd sub nom. Millsaps v. Langsdon*, 114 S. Ct. 1183 (1994) (mem.)
 - b. *Langsdon v. Darnell*, [No. 92-2415-TUBRO](#) (W.D. Tenn. Sep. 15, 1993)
 - c. *Rural West Tennessee African-American Affairs Council, Inc. v. McWherter*, [836 F. Supp. 453](#) (W.D. Tenn. 1993) (senate plan rejected for failure to create a fourth majority-black district in west Tennessee), *vacated and remanded* 114 S. Ct. 2775 (1994) (mem.), *on remand* [877 F. Supp. 1096](#) (D. Tenn. Feb. 22, 1995) (number of majority-black districts in senate plan need not be proportional to number of blacks in state or in region, especially when there are additional influence districts), *aff'd sub nom. Rural West Tennessee African-American Affairs Council, Inc. v. Sundquist*, 116 S. Ct. 42 (1995) (mem.)
43. **Texas**
- a. *Mena v. Richards*, No. C-454-91-F (332nd Dist. Ct., Hidalgo County, complaint filed 1991) (originally a challenge to use of census, later amended to challenge legislative redistricting plans; served as vehicle for Senate, House settlements)
 - b. *Quiroz v. Richards*, No. C-4395-91-F (332nd Dist. Ct., Hidalgo County, complaint filed 1991) (vehicle for Senate settlement)
 - c. *Terrazas v. Ramirez*, [829 S.W.2d 712](#) (Tex. 1991) (vacated order approving settlements in *Mena v. Richards* and *Quiroz v. Richards*)
 - d. *Craddick v. Richards*, No. A-38,899 (238th Dist. Ct., Midland County, complaint filed Jan. 8, 1992, case not prosecuted and dismissed 1995) (challenge to House and Senate plans)
 - e. *Terrazas v. Slagle*, [789 F. Supp. 828](#) (W.D. Tex. 1991) (house plan corrected; senate plan corrected; congressional plan approved), *aff'd sub nom. Richards v. Terrazas*, 505 U.S. 1214 (1992) (mem.) and *Slagle v. Terrazas*, 506 U.S. 801 (1992) (mem.), *Terrazas v. Slagle*, [821 F. Supp. 1154](#) (W.D. Tex. 1992) (state must use court's senate plan for 1992 elections), [821 F. Supp. 1162](#) (W.D. Tex. 1993) (per curiam) (challenge to repealed house plan moot; senate plan approved; congressional plan approved)
 - f. *Texas v. Mosbacher*, 783 F. Supp. 308 (S.D. Tex. 1992) (motion denied to dismiss challenge to refusal to adjust population count)
 - g. *Texas v. United States*, [785 F. Supp. 201](#), [802 F. Supp. 481](#) (D. D.C. 1992) (senate plan precleared)
 - h. *Vera v. Richards*, [861 F. Supp. 1304](#) (S.D. Tex. 1994) (congressional districts rejected as racial gerrymander), *aff'd sub nom. Bush v. Vera*, [116 S. Ct. 1941](#) (1996), *on remand sub nom. Vera v. Bush*, [933 F. Supp. 1341](#) (S.D. Tex. Aug. 6, 1996) (court redrew three invalid districts and ten adjacent districts; ordered special open primary election for all 13 districts to be held same day as general election, with runoff to be held Dec. 10, 1996, if necessary); [980 F. Supp. 251](#); 980 F. Supp. 254 (S.D. Tex. 1997) (1996 interim plan to remain in place)

indefinitely)

- i. *Thomas v. Bush*, [No. A-95-CV-186-SS](#) (W.D. Tex. _____, 1995) (filed in Southern District as No. H-95-0237, but transferred to Western District on motion to change venue) (*Shaw* challenge to House and Senate district lines; settlement reached for 1996 elections. Legislature adopts plans in 1997 and challenge dismissed.)
- j. *Armbrister v. Morales*, [943 S.W.2d 202](#) (Tex. App.--Austin, 1997) (enactment by legislature of court-ordered plan is not new apportionment requiring election of senators who are in the middle of staggered terms)

44. Utah

- a. [No cases.](#)

45. Vermont

- a. *In re Apportionment of Towns of Hartland*, [160 Vt. 9](#), 624 A.2d 323 (1993) (house plan rejected for not respecting communities of interest), *rehearing denied sub nom. In re Town of Montgomery*, 160 Vt. 653, 627 A.2d 860 (1993), *after reconsideration by legislature*, [162 Vt. 617](#), 647 A.2d 1013 (1994) (court upheld legislature's conclusion, after public hearing, that original house plan was better than potential alternative plan that had overall range of 28.8 percent), *cert. denied sub nom. DeVries v. Vermont*, 513 U.S. 1078 (1995)

46. Virginia

- a. *Republican Party of Virginia v. Wilder*, [774 F. Supp. 400](#) (W.D. Va. 1991) (house plan not a partisan gerrymander)
- b. *Jamerson v. Womack*, [244 Va. 506](#), 423 S.E.2d 180 (Va. 1992) (senate plan upheld against challenge based on state constitutional requirements for compactness and contiguity)
- c. *Moon v. Meadows*, [952 F. Supp. 1141](#) (E.D. Va. 1997) (3rd congressional district is unconstitutional racial gerrymander), *affirmed sub nom. Meadows v. Moon*, 117 S. Ct. 2501 (1997) (mem.) and *Harris v. Moon*, 117 S. Ct. 2501 (1997) (mem.)

47. Washington

- a. [No cases.](#)

48. West Virginia

- a. *Damron v. Hechler*, No. _____ (S.D. W.Va., complaint filed Mar. 13, 1991) (challenge to congressional plan)
- b. *Stone v. Hechler*, [782 F. Supp. 1116](#) (W.D. W.Va. 1992) (congressional plan approved)
- c. *Anthony v. Hechler*, No. 92-0021-W(S) (N.D. W.Va., complaint filed Jan. 21, 1992) (challenge to House districts in Ohio County for alleged unequal populations, excessive division of county, and partisan gerrymander)
- d. *Holloway v. Hechler*, [817 F. Supp. 617](#) (S.D. W.Va. 1992) (house plan approved), *aff'd*, 507 U.S. 956 (1993) (mem.)
- e. *Martin v. Jones*, No. 20868 (W. Va. 1992)
- f. *Stone v. Burdette*,

49. Wisconsin

- a. *Prosser v. State Board of Elections*, [793 F. Supp. 859](#) (W.D. Wis. 1992) (house plan adopted; senate plan adopted)

50. Wyoming

- a. *Gorin v. Karpan*, [775 F. Supp. 1430](#) (D. Wy. 1991) (house plan rejected for excessive population deviations), [788 F. Supp. 1199](#) (D. Wy. 1991) (house plan approved)

51. District of Columbia

- a. *District of Columbia v. U.S. Department of Commerce*, [789 F. Supp. 1179](#) (D. D.C. 1992) (decision to count prison inmates where incarcerated approved)
- b. *U.S. House of Representatives v. U.S. Department of Commerce*, [Civ. A. No. 98-0456](#), Three Judge Court (RCL, DHG, RMU) (D. D.C. Aug. 24, 1998) (Census Bureau may not use statistical sampling for 2000 census used to apportion representatives among the several States)

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