State Redistricting Processes

For each state, give an overview of the process used by the state to draw district lines for each type of state map:

• Congressional districts (if applicable)
• State House / State Senate districts (often the same/similar process)

(Overview table found at bit.ly/StateRedistricting)
Independent Commissions

Contain people who are NOT elected or appointed officials

Used in 2010

- California (14 – 5 D / 5 R / 4 I)
- Arizona (5 – chosen by state legislature from 25 nominees)
- Idaho (6 – 3 chosen by each party)
- Washington (5 – 2 chosen by each party, first 4 pick a 5th)
- Montana (5 – 2 chosen by each party, first 4 pick a 5th)
- Alaska (5 – chosen by high officials “without regard to party”)
Politician Commissions

Some positions may be held by current officials

**Used in 2010**

- (C+S) New Jersey (13 – 5 cannot be in Congress)
- (C+S) Hawaii (9 – 4 chosen by each party, first 8 pick a 9th)
- (S) Ohio (7 – includes governor)
- (S) Pennsylvania (5 – 2 chosen by each party, first 4 pick a 5th)
- (S) Arkansas (3 – governor, sec. of state, attorney general)
- (C+S) Colorado, (S) Missouri now have new systems for 2020
2018 Ballot Initiatives

Every redistricting ballot initiative passed in 2018

- Colorado – Independent Commission for Congress map (4 D / 4 R / 4 I)
- Colorado – Independent Commission for State maps (4 D / 4 R / 4 I)
- Michigan – Independent Commission for all maps (4 D / 4 R / 5 I)
- Utah – Independent Commission for all maps (7 chosen in various ways)
- Missouri – State Demographer position, commissions approve maps
- Ohio – process change (legislature → commission → legislature)
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Apply between 9/5/19 and 12/4/19: https://auditor.mo.gov/demographerapp
Job duties: http://revisor.mo.gov/main/OneSection.aspx?section=Ill++++3&constit=y
Independent Commission Goals

Different states have different priorities set for their independent commissions:

- California – communities of interest, compactness
- Arizona – geographic and town boundaries, competitive districts
- Idaho – county borders, communities of interest, compactness
- Washington – communities of interest, “fair representation”, competitiveness
- Montana – compactness through travel, communication, geography
- Alaska – districts should have a “relatively integrated socio-economic area”
Independent Commission Goals

Different states have different priorities set for their independent commissions:

- New Jersey – compact, municipalities kept intact
- Hawaii – compact, recognizable features, similar socioeconomic interests
- Colorado – compact based on perimeter, county/town integrity
- Michigan – compact, contiguous, equal population
- Utah – compact, ease of transport, communities of interest
- Missouri – zero efficiency gap, competitive elections
Independent Commissions

Yes!
• “Politicians choose their voters instead of voters choosing politicians”
• Remove opportunity for partisan and personal advantage for politicians

No!
• Unconstitutional?
• Lack of transparency and accountability
• First Amendment rights?
Independent Commissions

Contain people who are NOT elected or appointed officials

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Independent Commissions


- Constitution: “the Times, Places and Manner of holding Elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof.”
- “Legislature” interpretation = the people (literal) or their powers (broad)
- Supreme Court ruled 5–4 that Independent Commissions are constitutional
- RBG: “Arizona voters sought to restore “the core principle of republican government,” namely, “that the voters should choose their representatives, not the other way around.” The Elections Clause does not hinder that endeavor.”
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Republicans sue to block Michigan redistricting commission

The Detroit News  July 30, 2019

Republicans are suing to stop Michigan’s new citizen redistricting commission before it begins, alleging the voter-approved amendment is “blatantly unconstitutional” and discriminates against participants based on political service or family ties.

Violates First Amendment rights:
Plaintiffs have been excluded from eligibility based on their exercise of one or more of their constitutionally protected interests, i.e., freedom of speech (e.g., by the exclusion of candidates for partisan office), right of association (e.g., by the exclusion of members of a governing body of a political party), and/or the right to petition (e.g., by the exclusion of registered lobbyists).
Main Question

Should independent commissions be the “new norm” for redistricting any state maps?

Are there any features of how these commissions work that operate better in practice than others?
(How people are selected / how many people / etc.)
Let’s Check in on North Carolina

• Original court case: Jowei Chen (professor at Michigan) simulated 1,000 maps without using partisan data and controlling for incumbents to show extreme Republican gerrymander of current map

• Republicans want to use these maps as starting point even though they were not created in public, but because of built-in partisan bias

• Republican lawyers obtained partisan data and “accidentally” emailed it to the committee and staffers

On Monday, the top Democrat in the House, Rep. Darren Jackson, was telling members of his party not to open the email or the data in it. Lewis announced at Tuesday’s morning meeting that he hadn’t opened the links, and that the link was quickly shut down by the lawyers. Legislative staffers also didn’t look at any of the data, Lewis said.
Let’s Check in on North Carolina

• Republican plan is to choose a set of recommended maps from the simulated maps and then randomly choose one of them

https://twitter.com/AllisonJRGgs/status/1171546487085395968

• Republicans recommended 1 member of each party to be co-referees:
  • Art Pope, a Republican multimillionaire who helped fund their previous maps
  • Gerry Cohen, a Democrat who found out on Twitter