State Redistricting Processes

Main political structures/models for drawing district lines:

• State Legislature control (party in power)
  - Generally just need majority vote in both chambers to pass (some exceptions)
  - Most subject to governor veto (some exceptions)

• Advisory Commissions
  - No legal power, offer recommendations
  - Opportunity for non-legislators to partake in process

• Backup Commissions
  - Formed if state legislatures are unable to meet deadline for map approval
  - Consists of various elected officials (varies widely by state)
State Redistricting Processes

Main political structures/models for drawing district lines:

• Politician Commissions
  • Consists of elected officials (balanced from each party)

• Independent Commissions
  • Consists of non-elected officials, people with no government ties
  • Balanced with registered voters from each party/independent

• Mixed Commission
  • Virginia passed via ballot initiative in 2020 (65% support)
  • Consists of 8 legislators and 8 citizens
Congressional Districts
Legislative Districts
Connecticut

Districts: 5
House of Representatives: 151 districts
State Senate: 36 districts

State Legislature is responsible for drawing both the congressional and the state legislative district maps. The maps need to be approved by two thirds in each chamber. If the state legislature cannot approve the maps, then a backup commission is brought in to assist. This commission is made up of nine members:
- Four legislative leaders appoint two members each
- The nineth is appointed by the eight already appointed members

The Connecticut Constitution requires that all districts be contiguous and State House districts must not divide towns except when necessary.
Redistricting in Connecticut

5 Congressional Districts
  2/3 majority required in each state chamber required for redistricting
  Currently all Democratic

36 State Senate Seats
  2/3 majority required in each state chamber required for redistricting
  24 Democratic, 12 Republican

151 State House Seats
  2/3 majority required in each state chamber required for redistricting
  97 Democratic, 54 Republican
The state legislature redraws all maps. If they fail, the responsibility goes to a backup commission made up of 9 people. Each legislative leader in the CT house and senate chooses two members, and these eight members choose the final member.

Maps must pass with a 2/3 majority in both the house and the senate. If this fails, the process is given to the commission. If this map also fails then the state supreme court will draw the map.

*No gubernatorial veto is allowed on the maps*
Connecticut

• Congressional – 5, 5D
• State House – 151, 97 D, 54 R
• State Senate – 36 24 D, 12 R

All districts drawn by state legislature. → Maps must be approved by a two-thirds vote in each chamber. If the state legislature is unable to approve new maps, a backup commission is convened to draw congressional and state legislative district boundaries. The commission consists of nine members. The four legislative leaders (i.e., the majority and minority leaders of each chamber of the legislature) appoint two members each. The ninth member is selected by the eight previously selected commissioners.

• Criteria
  • The Connecticut Constitution requires that all districts, whether congressional or state legislative, be contiguous.
  • State House districts must “not divide towns except where necessary to comply with other legal requirements”
CONNECTICUT

CONGRESS & STATE LEGISLATURE

• Map is a joint process between the State House of Representatives & State Senate
• Map must be approved by a supermajority of the state legislature (2/3)
• If the map does not get approved, drawing responsibility is passed to a back-up commission comprised of various leaders in the State Legislature
• Same process for all 3 maps: Congress, State House, & State Senate

* this process is not subject to a gubernatorial veto
Maine

Districts: 2
House of Representatives: 151 districts
State Senate: 35 districts

Both congressional and state legislative districts boundaries are drawn by the state legislature. A 15-person commission is involved but the state legislature is not bound by them. Two thirds majority is required to approve new district maps which can be vetoed by the governor. If state legislature cannot agree on a redistricting plan, then it goes to the supreme court.

State statutes require congressional districts be compact and contiguous. It also requires that congressional districts try not to cross political subdivision.

Maine's constitution sets a June 11 deadline for the Legislature to approve new congressional and legislative map. Due to COVID that deadline could pose a problem, the census data is not be expected during that time frame. Further delays could mean not even the court would have access to population data in time to come up with maps.
New Hampshire

- **DISTRICTS:**
  - Congressional: 2 (2 Dem)
  - State House: 103 (400 members: 186 Dem, 212 Rep, 2 vacancies)
  - State Senate: 24 (10 Dem, 14 Rep)

- **PROCESS:**
  - Districts drawn by dominant state legislature
  - Subject to governor’s veto
  - State legislative lines to be drawn at the regular legislative session

- **OTHER RELEVANT INFO:**
  - A bill to establish an independent commission for redistricting was recently struck down
  - Disputes over Republican committee chair’s “guarantee” to send a Republican to D.C.
  - Currently, Republicans hold a trifecta (Republican Senate, House, and governor)
Vermont

• Map drawn by committee
  • Governor appoints one member from each political party
  • Chair of each party appoints one additional member
  • Chief justice of VT Supreme Court appoints chair of commission
  • 3 parties included right now: Democrat, Republican, VT Progressive Party

• Requirements for map:
  • Contiguous and compact
  • Must adhere to county and other political subdivision boundaries
  • Need to account for patterns of geography, social interaction, trade, political ties, and common interests"
Massachusetts

- There are 9 Congressional Districts; 40 Senatorial Districts; 160 Representative Districts - all of which are drawn by the State Legislature
- The Chamber’s Democratic Supermajority in the House is 129-30; 37-3 in the Senate
- Congressional and State Legislative District lines are drawn by the State Legislature
- For maps to pass and be accepted, they are subject to gubernatorial veto power
- The process is not changing from 2021-2022 except for final apportionment report data by the Census will be reported in April instead of the original projected date.
- Massachusetts state statutes require that State Legislative District boundaries be contiguous in shape and “reasonably preserve counties, towns, cities intact, where otherwise possible (Ballotpedia).” There are no requirements for Congressional District.
Massachusetts

- **DISTRICTS:**
  - Congressional: 9 (9 Dem)
  - State House: 160 (128 Dem, 30 Rep, 1 Ind)
  - State Senate: 40 (37 Dem, 3 Rep)

- **PROCESS:**
  - Districts drawn by dominant state legislature
  - Subject to governor’s veto
  - MA constitution vests original jurisdiction in state Supreme Court to review state districts

- **OTHER RELEVANT INFO:**
  - MA lost 1 congressional district after 2010 Census; expected to retain all 9 this year.
Massachusetts

Congressional:
- State Legislators draw both congressional and state districts
  - Massachusetts State Legislature (MSA) is made up of the senate and house of reps elected by people of MA
- 9 districts (all democrat)
- Governor is able to veto the maps

Senate:
- State Legislators draw both congressional and state districts
- 40 seats (37 democrat and 3 republican)

House of Representatives
- State Legislators draw both congressional and state districts
- 160 seats (129 democrats, 30 republican, 1 other party)
Massachusetts

Overview-

Congressional Districts: 9 (all 9 Democrats)

State House Districts: 160 (128 Democrat, 30 Republican, 1 Independent)

State Senate Districts: 40 (37 Democrat, 3 Republican)

Process-

- Congressional and state legislative district lines are drawn by the state legislature
- The Governor can veto the district lines
- State maps must be contiguous and reasonably preserve counties, towns, and cities intact, where possible.
- As long as the map is passed by the legislature and not vetoed by the governor the maps will be passed and accepted

Fun Fact-
One district was lost after the 2010 census
Massachusetts

9 Congressional Districts in Massachusetts and 160 State House Districts and 40 State Senate Districts. Both Congressional and State Districts are drawn by the State Legislature in this Commonwealth. The Democratic Party is currently in control of the majority of the seats in both Congress as well as in the State Legislature.

The State Legislature convenes and draws the districts to the state and Congressional districts, which are subject to veto by the Governor should there be evidence of gross misconduct. While there are no formal additional rules in MA for the drawing of Congressional maps in the state, the State legislature, when drawing the State districts, is instructed to "reasonably preserve counties, towns, and cities intact, where otherwise possible." (Ballotpedia).

The current matter in which the Commonwealth of Massachusetts conducts its drawing of both Congressional and State districts is going to remain consistent to its preceding manners during the 2021-2022 redistricting process.
RHODE ISLAND

• All 3 maps are drawn by the state legislature and is subject to veto power by the Governor

• Passed by a simple majority

• there is an 18-member advisory committee that submits suggestions, but the GA has no mandate to follow it

* Recent changes

In 2017 the state legislature passed a bill that “Requires the state to use the actual residence of persons in government custody for redistricting purposes.”
New York

• New York has 27 congressional districts. New York currently has 19 Democratic and 8 Republican representatives in Congress.
  • NY is expected to either retain all or lose 1 seat after the 2020 Census

• New York employs a hybrid congressional redistricting system.
  • As of the 2020 redistricting cycle, New York will appoint a 10-person commission to redraw congressional districts:
    • Two members must be appointed by the temporary president of the New York State Senate
    • Two members must be appointed by the speaker of the New York State Assembly
    • Two members must be appointed by the minority leader of the New York State Senate
    • Two members must be appointed by the minority leader of the New York State Assembly
    • Two members must be appointed by the aforementioned eight commissioners. These two appointees cannot have been enrolled in the top two major political parties in the state.

• This map must be approved by the New York state legislature
### New York

<table>
<thead>
<tr>
<th>Congressional Districts: 25</th>
<th>10-person Independent Commission are responsible for drawing new districts maps.</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Senate Districts: 63</td>
<td>Voting Rules are based on political party control of the legislature.</td>
</tr>
<tr>
<td>State House Districts: 150</td>
<td>When the state Senate and Assembly are controlled by the same party commission approval of a map require 7 votes including commissioner appointed by each legislative leader.</td>
</tr>
<tr>
<td>Party Control: Democratic</td>
<td>State laws require the commission to conduct hearings on proposed plans in Albany, Buffalo, Syracuse, Rochester, and White Plains and in each of the five boroughs of NYC and each of the counties of Long Island. Data must be made and available 30 days before first hearing.</td>
</tr>
</tbody>
</table>
NEW JERSEY

- Democratic control in Congress, State Senate, & State House
- Congressional redistricting is done by a 13-member politician commission
  - If the commission cannot agree on a map, it submits two plans to the NJ Supreme Court, which selects the final map
- State Senate and House district boundaries are drawn by a separate, 10-member politician commission
  - If the commission cannot agree on a map, the NJ Supreme Court may appoint an 11th member to break the tie.
- NJ has a statewide election in 2021, but pandemic related census delays mean that NJ will be forced to conduct the election with existing districts.
  - In November, voters approved a constitutional amendment to use existing districts. This will likely benefit the Democrats currently in control
Pennsylvania

• DISTRICTS:
  • Congressional: 18 (9 Dem, 9 Rep)
  • State House: 203 (90 Dem, 113 Rep)
  • State Senate: 50 (21 Dem, 28 Rep, 1 Ind)

• PROCESS:
  • Congressional districts drawn by dominant state legislature; subject to governor’s veto
  • State districts drawn by five-member political commission
  • PA constitution vests original jurisdiction in state Supreme Court to review state districts

• OTHER RELEVANT INFO:
  • PA expected to lose 1 of its 18 US House seats
  • Democrats failed to flip the legislature, but the divided government could give them more of a say in the redistricting process
  • Holbrook v. Pennsylvania currently has a pending status (prison gerrymandering)
Delaware

- There is only one Congressional District; 41 member State House and 21 member State Senate - all of which are currently controlled by the Democratic Party
- State Legislature draws State Legislative District lines, subject to gubernatorial veto
- Redistricting is not necessary because there is only one Congressional District
- The process is not changing from 2021-2022 except for final apportionment report data by the Census will be reported in April instead of the original projected date.
- The redistricting lines drawn by the State Legislature are subject to gubernatorial veto. State laws requires that these districts be “insofar as possible, contiguous and bounded by roads, streams and other natural boundaries (Ballotpedia).”
  - Following that stipulation, state law requires district lines “may not be drawn to unduly favor any person or political party”
Maryland

• State legislature draws both congressional and legislative districts
• No requirements for Congressional map other than federal requirements
• Legislative map requirements:
  • Contiguous and compact
  • Need to give due regard to political boundaries and natural features
VIRGINIA

- Democratic control in Congress, State Senate, & State House
- A new, hybrid redistricting process has been approved: a 16-member commission composed of 8 legislators and 8 non-legislator members
  - Responsible for drawing congressional and state legislative districts
- Maps must be approved by 12 of the commissioners, including 6 legislators and 6 non-legislators. Next, the maps are approved or rejected in the General Assembly.
- VA has a 2021 statewide election—it is almost definite they will be forced to use existing maps, which advantage the GOP as VA grows increasingly progressive
West Virginia

Congressional Map: 3 districts
Dem: 0 Rep: 3

Lower House Map: 100 districts
Dem: 24 Rep: 76

Upper House Map: 34 Districts
Dem: 11 Rep: 23

Governor: Republican

*West Virginia is expected to lose a Congressional seat in the next round of redistricting*

Maps are drawn by the state legislature, but they are also subject to gubernatorial veto.
North Carolina

Overview

Congress: 14 (7 Democrat, 3 Republican)

State House: 120 (57 Democrat, 41 Republican)

State Senate: 50 (29 Democrat, 20 Republican)

Process

- the state legislature draws both congressional and state legislative district lines.
- District maps cannot be vetoed by the governor.
- must take place in the first regular legislative session following the United States Census in order to be passed.
- Districts must be contiguous and compact.
- Districts must cross county lines as little as possible
- Communities of interest should be taken into account.

History: in Cooper v. Harris their Districts 1 and 12 constituted an illegal racial gerrymandering and had to redraw. In Common Cause v. Rucho about partisan gerrymandering was sent to lower state court they said it was outlawed too.
South Carolina

- 7 Congressional districts (6 Republican and 1 Democratic)
- State House- (81 Republican and 43 Democratic)- 124 total
- State Senate- (30 Republican and 16 Democratic)- 46 total

- All three maps drawn by the state legislature (subject to veto by the governor).
FLORIDA

• Both congressional and state legislative district lines are drawn by the state legislature
• Maps are passed with a simple majority
• Congressional lines are adopted as regular legislation by the state legislature and are subject to gubernatorial veto
• State legislative lines are passed via joint resolution and are not subject to gubernatorial veto
• State legislative district maps are automatically submitted to the Florida Supreme Court for approval
• Backup Plan: the State Attorney General is tasked with “hiring” the FL Supreme Court to draw the districts
Michigan

• Map drawn by non-politician committee
  • 4 Democrats
  • 4 Republicans
  • 5 unaffiliated voters or 3rd party voters
• No rules other than federal rules for all maps
Ohio (99 House Seats, 33 Senate Seats)

- Currently has 12 Republican, 4 Democratic members of Congress
- Ohio’s General Assembly is initially in charge of creating redistricting maps
  - A 3/5ths consensus of both houses is needed (including ½ of the minority party members)
Congressional Map
- General Assembly passes congressional map with simple majority, Gubernatorial veto
  - If fails, create a 4-4 partisan commission to approve a plan
  - If fails, IL Supreme Court picks two persons, Sec. of State picks one to break the tie.

State House and Senate
- Same as above except the IL constitution requires that state legislative districts be “contiguous and reasonably compact” and requires districts that “allow racial or language minority communities to elect--or influence the election of--the candidates of their choice, even if no comparable district would be required by the federal Voting Rights Act.”
Illinois (118 House Seats, 59 Senate Seats)

- Currently has 5 Republican, 13 Democratic members of Congress
- Illinois’s General Assembly is initially in charge of creating redistricting maps
  - If neither house of the assembly can come to a consensus, there is an independent commission that is formed to do the job.
Indiana

Congressional:
- State Legislators draw both congressional and state districts
- Backup commission used if the vote is split to pass the map
  - Speaker of the House, President Pro Tempore of the Senate, Chair of Elections Committee (Indiana State Senate), Chair of Elections and Apportionment Committee (Indiana House of Representatives), and a gubernatorial appointment
- Do not have to be contiguous

Senate:
- State Legislators draw both congressional and state districts
- 50 seats (11 democrat and 39 republican)
- Must be contiguous

House of Representatives:
- State Legislators draw both congressional and state districts
- 98 Seats (29 democrats and 71 republican)
- Must be contiguous
Wisconsin

• 8 Congressional Districts (5 Red and 3 Blue)
• The Wisconsin state legislature consists of 132 members (33 Senators and 99 Representatives).
• State Senate: 33 Districts, 20 Republicans and 12 Democrats (1 vacancy), the state legislature is responsible for drawing the new maps.
• State House: 99 Districts, 60 Republicans and 38 Democrats (1 vacancy), the state legislature are tasked with drawing the new maps.
Minnesota

Congressional:
- State Legislators draw both congressional and state districts
- 8 districts (4 democrat and 4 republican)
- Governor may veto bill
- Legislative Coordinating Commission
  - Help state legislators draw a fair map
  - Must get approval from the commission in order to be passed

Senate:
- State Legislators draw both congressional and state districts
- 67 seats (33 democrat and 34 republican)

House of Representatives:
- State Legislators draw both congressional and state districts
- 134 seats (70 democrat and 64 republican)
Congressional Map
- A commission with 2D, 2R, and one member chosen by the other four draws maps in consultation with the Legislative Services Agency. The state legislature can then approve or reject the maps three times, if they reject three different maps they can draw their own
- However, they have never rejected a LSA map
- These maps are also subject to veto
- Districts must be:
  - “convenient and contiguous”
  - made to “preserve the integrity of political subdivisions like counties and cities”
  - “to the extent consistent with other requirements, [be] reasonably compact–defined in terms of regular polygons, comparisons of length and width, and overall boundary perimeter.”
- Lastly, district lines cannot “be drawn "to favor a political party, incumbent, or other person or group”

State House and Senate
- Same as above. The only addition is that state House seats are required to be contained inside State Senate districts “where possible, and where not in conflict with the [other] criteria”
Tennessee

• Tennessee has 9 congressional districts (2 D and 7 R)
  • Expected to retain 9 seats for the 2020 Census apportionment cycle

• Tennessee employs a legislature-dominant redistricting system

• New congressional and legislative boundaries are drawn by the Tennessee General Assembly.

• Tennessee does not have any state laws guiding the congressional redistricting process.

• As Republicans hold firm control over the state legislature, there is no indication that they will change the 2021-22 redistricting process.
• Republican control in Congress, State Senate, & State House
• The congressional and state legislative maps are drawn by the state legislature and subject to veto by the Governor (D)
• Democrats have pushed for a redistricting reform bill, with little success
• For the first time in history, Republicans will have control of the State House and Senate during the redistricting process, which could lead to aggressive gerrymandering
Missouri – Republican Trifecta

• Congressional Districts - **8 Districts, 2D, 6R**
  Drawn by **State Legislature**

• State House - **163 Districts, 49D, 114R**
  Drawn By **Distinct Politician Commission**. (The congressional district committee of each major political party nominates two members per congressional district, for a total of 32 nominees. From this pool, the governor appoints one member per party per district, for a total of 16 commissioners.)

• State Senate - **34 Districts, 23R, 8D, 3 vacancies**
  Drawn By **Distinct Politician Commission**. (The state committee of each major political party nominates 10 members to the commission, for a total of 20 nominees. From this pool, the governor selects five members per party, for a total of 10 commissioners.)

**Criteria:**

• All congressional Districts be “as nearly equal in population as may be,” - Districts must be no more than 1% from the average population

• No racial gerrymandering

• As compact as possible, State law also requires that state legislative districts follow county and municipal lines

• No competitive districts; State law requires use of a measure ostensibly based on the “efficiency gap,” a rough gauge of the degree to which districts are “packed” and “cracked” for partisan advantage given various swings in the statewide vote.
Arkansas

Congressional Map
- Lines are drawn by the Arkansas General Assembly by simple majority, subject to Governor’s veto
- No requirement to be contiguous

State House and Senate
- Lines are drawn by a commission made of the Governor, the Secretary of State, and the Attorney General. All of these offices are currently held by Republicans.
- The Arkansas Constitution requires that State Senate seats be “contiguous, and that they follow county lines except where necessary to comply with other legal requirements”
Alabama

- State Legislature has control over all maps
- Simple majority in both chambers required to pass
  - Governor has option to veto
- Currently a Republican “trifecta”
  - 7 (maybe 6) Congressional districts
  - 105 House districts (77 R, 28 D)
  - 35 Senate districts (27 R, 8 D)
- Additional criteria
  - Follow county lines as much as possible
Mississippi

Mississippi has 4 Congressional Districts whose representatives are currently forming a 3-1 majority for the Republican Party in the House of Representatives.

The State has a total of 174 State Representatives which breaks down to 122 members of the State House of Representatives that represent their respective districts as well as 52 members of the State Senate. Both Chambers of the State Legislature are currently controlled by the Republican Party.

In the State of Mississippi, the State Legislature draws the Congressional map during a redistricting cycle and that map is subject to veto from the Governor. In addition to the Congressional map, The State Legislature also draws the state district map during a redistricting cycle, however, this is not subject to Gubernatorial veto.

In addition to the State Legislature, the maps are assisted in being drawn by a 20 member legislative committee: “the chair and vice-chair of the state House and state Senate elections committees; two state Representatives from each of four congressional districts, appointed by the speaker of the House; and two state Senators from each of four congressional districts, appointed by the Lieutenant Governor.” (Redistricting LLS)

The current plans for redistricting do not appear to have to be amended for the upcoming redistricting cycle, however, in 2019 a state Senate district was forced to be redrawn and has been.
Louisiana

- 6 Congressional Districts (5 Red and 1 Blue)
- The Louisiana state legislature consists of 144 members (39 Senators and 105 Representatives).
- State Senate: 39 Districts, 27 Republicans and 12 Democrats, the state legislature is responsible for drawing these maps.
- State House: 105 Districts, 65 Republicans, 35 Democrats and 2 Independent (12 vacancies). Once again, the state legislature are with drawing the new maps.
NORTH DAKOTA

Congressional districts: 1 (R)
Party Control: Republican

State Senate: 47 districts
- 7 D, 40 R

State House: 94 districts
- 15 D, 79 R

Governor: R

Responsible for drawing new district maps (state):
- Legislature-dominant
- Subject to veto
Redistricting in South Dakota

1 Congressional District
   Currently Republican

35 State Senate Seats
   Simple majority required in each state chamber required for redistricting
   32 Republican, 3 Democratic

70 State House Seats
   Simple majority required in each state chamber required for redistricting
   62 Republican, 8 Democratic
Nebraska

There are 3 Congressional districts in Nebraska and 49 State Districts that are organized into a unicameral body known as the Nebraska State Legislature. Nebraska is unique in this manner and as a result has the smallest elected body of State Representatives in the United States. Both the State and Congressional Districts are drawn by the State Legislature and are subject to a veto from the Governor of the State.

“Current legislative rules call for the legislative redistricting committee to make substantive guidelines, redistricting data, and draft plans available to the public, and to conduct at least one public hearing in each congressional district before plans are finalized. These rules may be changed by the legislature at any time.” (Redistricting LLS)

The current balance of power is in favor of the Republican Party by a majority of 32-17. The manner in which the State and Congressional Districts are drawn is not subject to change in the upcoming redistricting efforts.
Kansas

- 4 Congressional districts (All 4 Republican)
- State House- (86 Republican and 39 Democratic)- 125 total
- State Senate- (28 Republican and 11 Democratic)- 40 total

- All three maps drawn by the state legislature (subject to veto by the governor).
- State legislative district maps must be submitted for final approval to the Kansas Supreme Court, which must determine whether the maps are constitutional.
Oklahoma

- 5 Congressional Districts (5 Red)
- The Oklahoma state legislature consists of 149 members (48 Senators and 101 Representatives).
- State Senate: 48 Districts, 38 Republicans and 9 Democrats (1 vacancy), the state legislature is responsible for drawing these maps.
- State House: 101 Districts, 82 Republicans and 19 Democrats, once again the legislature are tasked with drawing the new maps.
Texas

• Texas has 36 congressional districts (13 D and 22 R)
  • Texas is expected to gain 3-4 congressional seats this cycle.

• Texas employs a legislature-dominant redistricting system.

• The state Senate and House Redistricting Committees (15 members each) of the Texas State Legislature are tasked with drawing congressional and legislative district boundaries across the state.
  • Congressional: If they fail to pass a map or it gets vetoed, then the governor can call the state legislature into a special session, or if they do nothing, then redistricting is deferred to the courts.
  • Legislative: Unlike congressional redistricting, if the map doesn’t pass the legislature or receives a gubernatorial veto, the Legislative Redistricting Board (LRB) would replace the Texas state legislature and have to redraw the state legislature map.
    • LRB = 5 members: the Texas lieutenant governor, speaker of the House, attorney general, comptroller and land commissioner
MONTANA

Congressional districts: 1 [R]
Party Control: Republican

State Senate: 50 districts
- 19 D, 31 R

State House: 100 districts
- 33 D, 67 R

Governor: R

Responsible for drawing new district maps (state):
- Non-politician commission
Redistricting in Idaho

2 Congressional Districts
   Independent commission* decides district lines
   Currently Both Democratic

35 State Senate Seats
   Independent commission* decides district lines
   28 Republican, 7 Democratic

70 State House Seats
   Independent commission* decides district lines
   58 Republican, 12 Democratic

* Independent commissions is made of 6 members:
The Majority and Minority leaders in both the State Senate and State House. Along with the State Chairs for the 2 largest political parties in the state
Wyoming

All maps are drawn by the state legislature, but they are subject to gubernatorial veto.
Colorado (65 House Seats, 35 Senate Seats)

- Currently has 2 Republican, 5 Democratic members of Congress
- Colorado uses an independent commission to redraw all districts (Congressional, state House, state Senate), and the final design must be approved by the Colorado Supreme Court
Congressional districts: 3 (2 D, 1 R)

Party Control: Democratic

State Senate: 42 districts
- 27 D, 15 R

State House: 70 districts
- 44 D, 25 R, 1 O

Governor: D

Responsible for drawing new district maps (state and congressional):
- Legislature-dominant
- Subject to veto
The Arizona Independent Redistricting Commission is responsible for drawing both congressional and state legislative district lines. The commission is composed of five members:
- four of which are selected by the majority and minority leaders, those four commission members then appoint the fifth member.
- The fifth member of the commission must belong to a different political party than the other commissioners.

The Arizona State Legislature may make recommendations to the commission, but the final authority is with the commission.

The Arizona Constitution requires that both congressional and state legislative districts be contiguous, geographically compact, and respect communities of interest when possible. It also requires that district lines should follow undivided census tracts and that competitive districts be favored if doing so would not significantly detract from the goals.
Overview

Congress: 10 (7 Democrat 3 Republican)
State House: 98 (57 Democrat, 41 Republican)
State Senate: 49 (29 Democrat, 20 Republican)

Process

- five-member non-politician commission (part of their constitution)
- majority and minority leaders of the senate and house each appoint one registered voter to the commission and appoint a non-voting chair.
- can’t be someone who was an elected official in the past two years or a lobbyist.
- the legislature can amend the commission's maps by a ⅔ vote in each chamber.
- Must contiguous, compact, and convenient, and follow natural, geographic, artificial, or political subdivision boundaries
- Can’t discriminate against any political party or group
- Should preserve areas recognized as communities of interest and provide fair and effective representation and encourage electoral competition

Fun Facts: state prison inmates are counted as residents of their home addresses for redistricting purposes. They gained one seat after the 2010 census
Oregon

• Congressional – 6 Districts 4 D, 1 R
• State House – 60 districts 37 D, 23 R
• State Senate – 30 districts 18 D, 12 R
  • All districts drawn by state legislature. → If the legislature fails to approve a state legislative district map, the secretary of state must draw the boundaries. There is no similar backup provision for congressional redistricting.

• Criteria
  • Districts must be contiguous.
  • Districts must "utilize existing geographic or political boundaries."
  • Districts should not "divide communities of common interest."
  • Districts should "be connected by transportation links."
  • Districts "must not be drawn for the purpose of favoring a political party, incumbent or other person."

• Oregon may have +1 congressional district after 2020 census
Nevada

Congressional Districts: 4

State Senate Districts: 21

State House Districts: 42

Party Control: Democratic

Legislature is responsible for Nevada's congressional and state lines and subject to gubernatorial veto.

Lines must be redrawn in the legislatures' first session after the Census.

Committee meeting are available for public testimony, but the legislature has not announced any plans for public input.
Congressional Districts: 52
State Senate Districts: 40
State House Districts: 80
Party Control: Split

<table>
<thead>
<tr>
<th>14-member Independent Commission are responsible for drawing new districts maps.</th>
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<tbody>
<tr>
<td>Nine votes are necessary to approve a plan: 3 Democrats, 3 Republicans and 3 Neither.</td>
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</table>

California Citizens Redistricting Commission launched the Communities of Interest input tool which allows Californians to submit proposals directly to commission.
Alaska

- There is only one Congressional District, currently controlled by the Republican Party; 40 member State House and 20 member Senate (R)
- The House, in Feb 18, 2021, organized under a governing coalition of Democrats, Republicans, and Independents
- Redistricting is not necessary because of the one district, but a non-politician commission draws state legislative district. This group, formed in 1998, comprised of five members:
  - Two appointed by the governor
  - One State Senate majority
  - One State House majority
  - One appointed by the justice of the Supreme Court
- The process is not changing from 2021-2022 except for final apportionment report data by the Census will be reported in April instead of the original projected date.
- Alaska requires that State Legislative Districts be contiguous and compact, with a “relatively integrated socio-economic area” (Ballotpedia).
Hawaii

• 2 Congressional districts (both Democratic)
• State House- (47 Democratic and 4 Republican)- 51 total
• State Senate- (24 Democratic and 1 Republican)- 25 total

• A nine-member commission draws all three maps. The majority and minority leaders of the Hawaii State Senate and Hawaii House of Representatives each select two members. These eight members then select one more member.
• Simple majority is required for the commission to approve district maps.
State Redistricting Processes

Main political structures/models for drawing district lines:

- **State Legislature control (party in power) (27 states)**
  - Generally just need majority vote in both chambers to pass (some exceptions)
  - Most subject to governor veto (some exceptions)

- **Advisory Commissions (3 states)**
  - No legal power, offer recommendations
  - Opportunity for non-legislators to partake in process

- **Backup Commissions (3 states)**
  - Formed if state legislatures are unable to meet deadline for map approval
  - Consists of various elected officials (varies widely by state)
State Redistricting Processes

Main political structures/models for drawing district lines:

- Politician Commissions (3 states)
  - Consists of elected officials (balanced from each party)

- Independent Commissions (8 states)
  - Consists of non-elected officials, people with no government ties
  - Balanced with registered voters from each party/independent

- Mixed Commission
  - Virginia passed via ballot initiative in 2020 (65% support)
  - Consists of 8 legislators and 8 citizens
Independent Commissions


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

Every redistricting ballot initiative passed in 2018/2020

- 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 – Advisory Commission for all maps (7 chosen in various ways)
- Ohio – process change (legislature → commission → legislature)
- Virginia – formation of mixed commission
- Missouri – passed in 2018 and altered in 2020
Independent Commissions

What it takes to pass maps in various commissions:

- California (5 D / 5 R / 4 I) – need 9 (3 from each group)
- Colorado (4 D / 4 R / 4 I) – need 8 (2 from Ind.)
- Arizona (5 – 2 max from each party) – need 3
- Michigan (4 D / 4 R / 5 I) – need 7 (2 from each group)
- Washington (2 D / 2 R / 5th non-voting) – need 3
- New Jersey (6 D / 6 R / 1 I) – need 7
Independent Commissions

Who can serve? Does serving prevent you from future political service?

- Many states – can’t have recently “been deeply engaged in partisan politics”
  - Generally means can't have been an elected official or position within a party
- California – five years as registered voter for the same or neither party
  - Can't run for office for 10 years, can't work as staff for 5 years
- Montana – commissioners must come from different legislative districts
  - Can't run for a legislative seat for 2 years
- Colorado – voted in last 2 elections, party affiliation for 5 years, final commission must reflect geographic and demographic diversity
  - No rules on preventing future political service in the state
Independent Citizens Redistricting Commission (Michigan)

1) Almost 10,000 people applied
2) 200 randomly selected semifinalists
3) 20 people removed by opposite parties
4) 13 commissioners randomly selected from 180 finalists

Random selections statistically weighted so that final selections resemble geographic and demographic characteristics of the state

• Considered almost a full-time job for about a year, paid $40,000
California Citizens Redistricting Commission

1) Almost 30,000 people applied
2) Complete longer application if general requirements met
3) Auditors selected 120 (40 D / 40 R / 40 I) most qualified
4) Interviews to narrow down to 60 (20 D / 20 R / 20 I)
5) Legislators can remove names from other party
6) First 8 (3 D / 3 R / 2 I) randomly drawn from finalists
7) First 8 selected remaining 6 (2 D / 2 R / 2 I)
   • Paid $300/day for each day of work related to commission
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

What works? Independent firm reported on what components are important for fairness and effectiveness of redistricting commissions:

• Independent selection process with elements of randomness
• Clear priorities and goals for mapdrawing
• Between 9 and 15 members with geographic and demographic diversity
• Approval rules requiring compromise, votes from all parties
• Full transparency of process, public input
• Adequate time and funding
Independent Commissions

What works? Independent firm reported on what components are less desirable in practice:

• Too much power for an individual in a tie-breaking scenario
• Politicians involved or with heavy influence on process

Concerns prior to process that did not play out in practice:

• Political inexperience of citizen commissioners
• Adequately addressing concerns of communities of color
Independent Commissions


Used in 2010

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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.”
2018/2020 Ballot Initiatives

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• Ohio – process change (legislature → commission → legislature)
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• Michigan – Independent Commission for all maps (4 D / 4 R / 5 I)
Republicans sue to block Michigan redistricting commission

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).
State Legislature Control

States in which legislatures have control will fall into one of two categories: either controlled by one party or divided government post-2020 elections

Single Party control

- Republican (19) – Alabama, Arkansas, Florida, Georgia, Indiana, Kansas, Kentucky, Mississippi, Nebraska, New Hampshire, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, West Virginia, Wyoming

- Democratic (9) – Connecticut, Delaware, Illinois, Maryland, Massachusetts, Nevada, New Mexico, Oregon, Rhode Island
State Legislature Control

States in which legislatures have control will fall into one of two categories: either controlled by one party or divided government post-2020 elections.

Divided government (5)
- Louisiana, Minnesota, Pennsylvania, Vermont, Wisconsin

Any type of commission (17)
Risks and Shifts

Risks for abuses and gerrymandering

• Highest-risk: Florida, Georgia, North Carolina, Texas
• Next high-risk: Alabama, Mississippi, South Carolina

Improvements from 2010–2020

• Commissions: Colorado, Michigan, Pennsylvania, New York, Utah, Ohio, Virginia
• Divided government: Louisiana, Wisconsin

Concerns about POC representation: Arizona, California, Illinois, Washington
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.)