

HJR 26: Non-Partisan Legislative District Redistricting Commission: An end to Partisan Gerrymandering

Representative Les Gara

STATE AFFAIRS COMMITTEE

Gerrymandering is a problem here and nationwide

The Washington Post
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[The Fix](#)

There are 405 House races where the frontrunner has a 90% chance of winning

By [Jaime Fuller](#) May 29, 2014  [Email the author](#)

HJR 26: A Non-Partisan Redistricting Board

Gerrymandering often predetermines whom a voter will be represented by. It takes away the right voters should have for a government that truly represents them. HJR 26 works to improve our redistricting process and uses aspects of non-partisan redistricting plans in Washington, Idaho and New Jersey.

Current Alaska Redistricting Process:

- When one party controls state government, their chosen board members control the redistricting process. That raises the undue risk that Party members will draw partisan districts.
- Governor of Alaska chooses 2 Board Members
- Senate President and House Majority Leader both choose one
- Chief Justice of Alaska Supreme Court chooses final member
- None may be public employees or public officials.

What HJR 26 Does:

- Replaces current redistricting board membership with:
 - 2 members affiliated with the political party with the largest number of affiliated voters registered in the State
 - 2 members affiliated with the 2nd largest number of affiliated voters in State
- These four members then select, by majority vote, three independent members who are not registered with any political party.
- If the four party appointees cannot agree on three independent members, the Alaska Supreme Court will appoint those three members. Under current law, the Supreme Court appoints one.

What HJR 26 Does (cont'd)

- Independent, nonpartisan board members outnumber those of any party.
- Incorporates language from Hawaii: “The map may not be drawn to unduly favor a political party, and a district may not be drawn to unduly favor a political party or candidate.” (Hawaii State Constitution, Article IV, Section 6.)
- Adds language saying a Member of the Redistricting Board may not have held a compensated or uncompensated position within a political party, or held state or federal office.
- Allows the Redistricting Board to contract for technical expertise and support, including mapping resources, so the Legislature cannot deprive Redistricting Board of necessary resources.

Similar States' Approaches to End Gerrymandering:

- Hawaii
- Washington
- New Jersey
- Arizona
- Pennsylvania
- Iowa

Hawaii

- Redistricting Commission composed of 9 members
- Each of the 4 legislative leaders (majority and minority leaders in each chamber) chose two commissioners.
- These 8 commissioners elect a 9th as a tie breaker.
- If they cannot select a 9th member, the Hawaiian Supreme Court appoints the 9th member.
- Hawaiian Constitution states in Article IV, Sec 6, as well as §25-2(b) that no district may be drawn so as to unduly favor a person or a political party.

Washington

- Each of the state's four legislative leaders (majority and minority in each chamber) select one board member
- These four board members then elect the fifth, tie-breaking member.
- In the event of the board members are unable to elect the fifth member, the Washington State Supreme Court will appoint the final board member.

New Jersey

- State Legislative districts drawn by a 10-member or 11-member Redistricting Board.
- Chairs of the two major political parties choose 5 Board Members; in the event of a tie on the Board, the New Jersey Supreme Court appoints an 11th member as tiebreaker.

Arizona

- Districts drawn by a five-member independent Redistricting Commission
- State Commission on Appellate Courts nominates 10 Republicans, 10 Democrats and 5 members not registered with either major party into a pool of 25 nominees.
- The four legislative leaders (majority and minority leaders in each chamber) pick one commissioner each from this pool. These four then elect a 5th tiebreaker unaffiliated with the other commissioners' parties.

Pennsylvania

- Redistricting Commission composed of 5 members.
- Each of the four legislative leaders (Majority and minority in each chamber) may choose one member.
- These four elect a 5th commissioner.
- Pennsylvania Supreme Court serves as tiebreaker for in case they cannot elect this 5th member.

Iowa

- Performed by advisory body, the Legislative Services Agency, tasked with fiscal and legal analysis of legislation on a nonpartisan basis.
- Looks to guidance to a non-partisan, independent 5-person commission: Commissioners are selected by the four Legislative leaders (majority and minority leaders in each chamber) and these members then elect a 5th.
- None of the Commissioners may hold partisan public office or office in a political party.

How HJR 26 improves districts for Alaska

- To help meet “substantially equal” standard set out in case law and by Supreme Court, HJR 26 follows the model of other states to require districts be within 2.5% of ideal standard of district. This means there should be at most a 5% difference between districts.

Similar states:

Colorado: 5% difference between smallest and largest districts

Montana: 6% difference (+/- 3% of ideal population for each district)

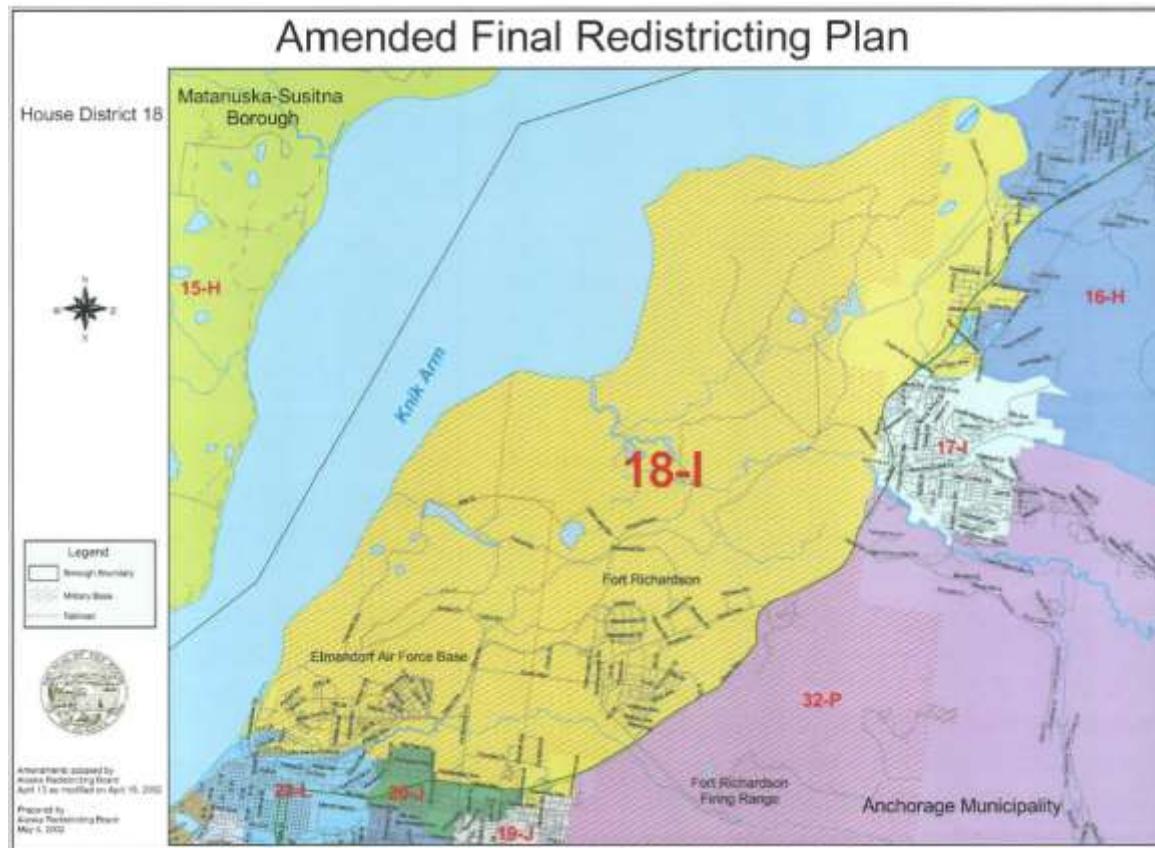
Iowa: 5% difference between largest and smallest district, with max average deviation at 1%

How HJR 26 Improves nonpartisanship

- Makes impartial board members the largest voting bloc.
- The Supreme Court's role as tie-breaker reinforces this in event of a tie
- Parties will vet the independent members as in arbitration. Both parties feel comfortable the tie breaking members won't take one side or the other. This is modeled after other states that conduct non-partisan redistricting.

Currently maps can strategically lump opponents from one party into the same district

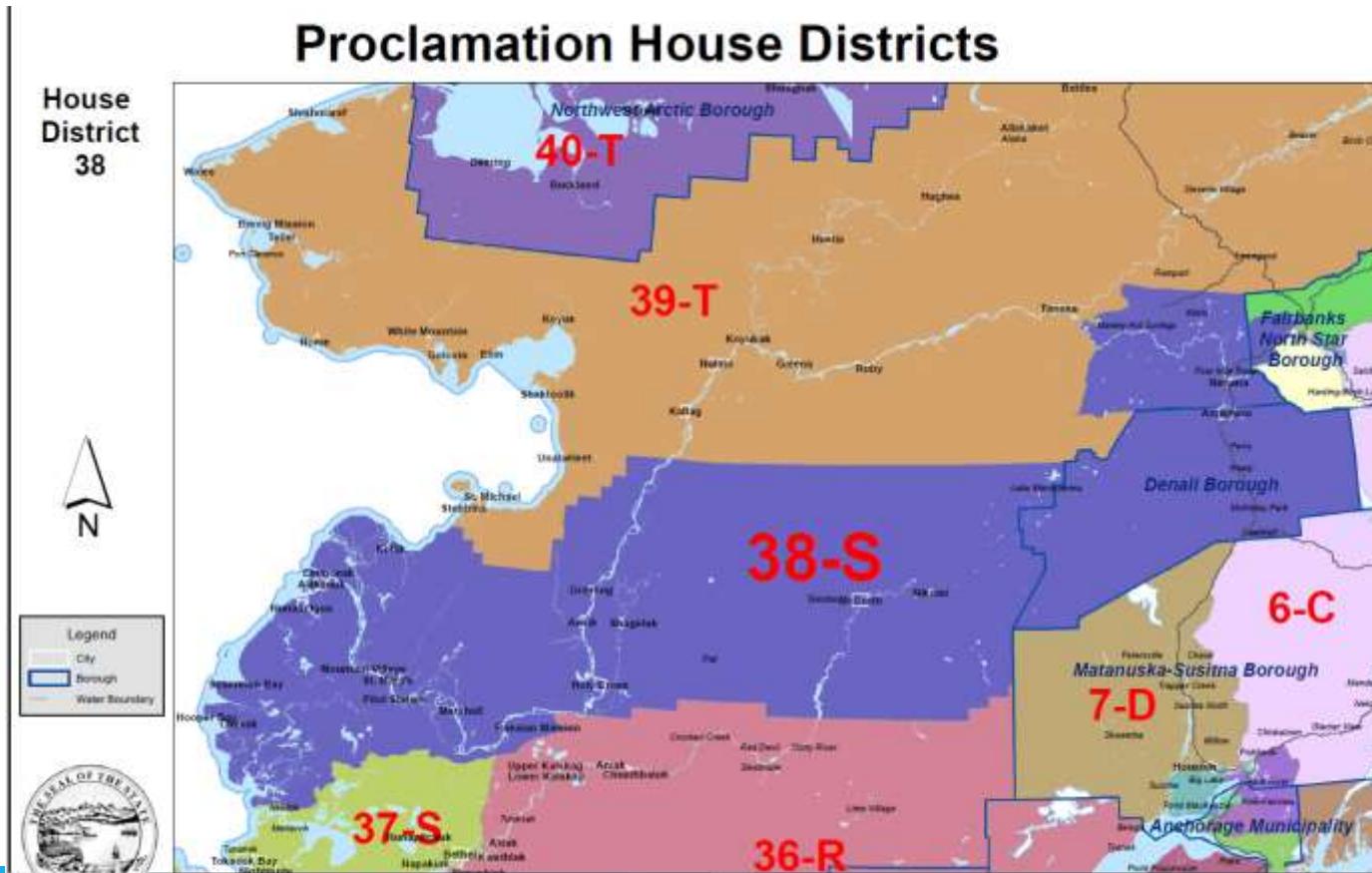
- Proclamation District 18-I and Amended District 18-I: 2002



- District 18 drawn narrowly around former Rep. Eldon Mulder's home, combining he and former Rep. Murkowski into one district.

Examples of prior Maps in Alaska

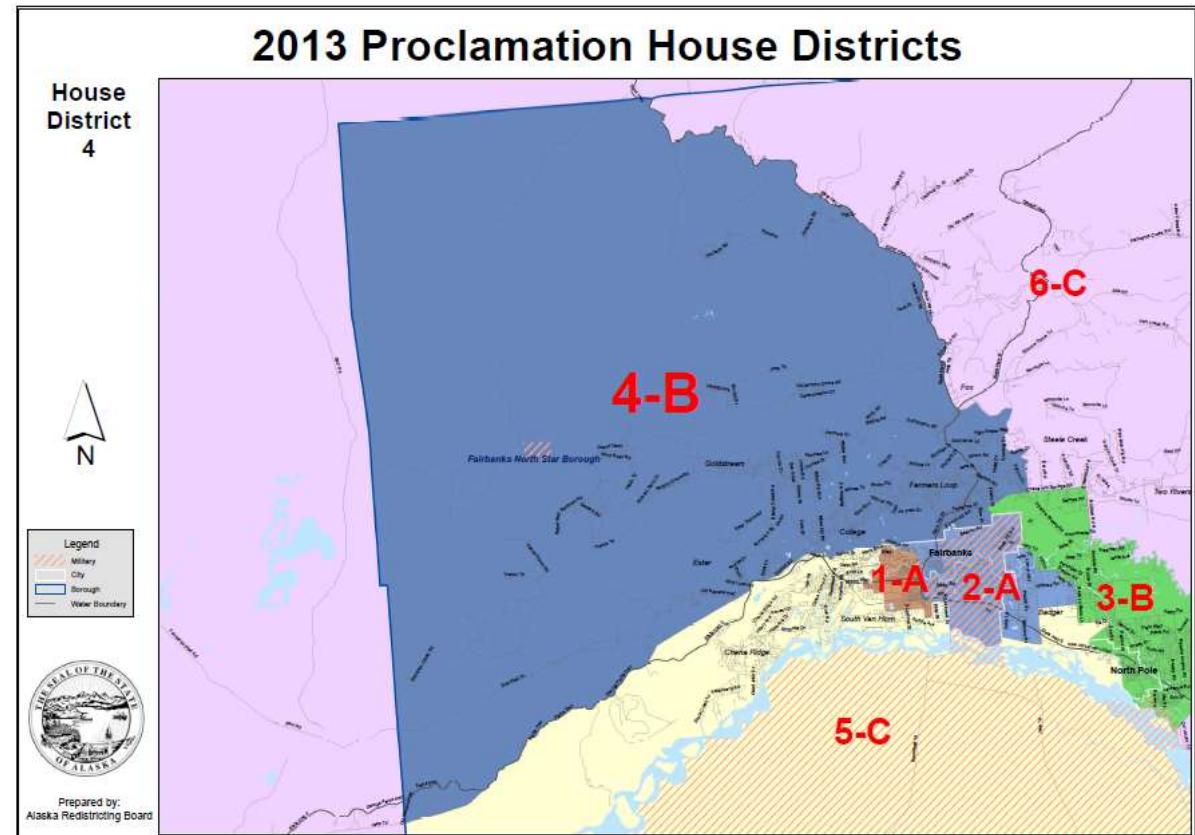
Proclamation Map District 38-S /District 4



- This district combined parts of Western Fairbanks with Western Alaska rural communities such as Emmonak, Scammon Bay, Mountain Village and St. Mary's.

Examples of prior Maps in Alaska

Proclamation Map and
Amended Proclamation Map
District 38-S /District 4,
redrawn after initially
including Fairbanks and
Western Alaska.



Removing partisanship from redistricting

- HJR 26: Independents outnumber party members
- Non-partisan legislative districts best honor the principle of one person one vote.
- Addresses rightful distrust by voters about redistricting
- Enhances voter trust in their elections.

Importance of Voting in Alaska

- *“...this is at the heart of Lincoln’s vision of “government of the people, by the people, for the people. The Equal Protection Clause demands no less than substantially equal state legislative representation for all citizens, of all places as well as of all races.”*

-Chief Justice Earl Warren, Reynolds v Sims, 1964

Potential Edits/Improvements to HJR 26

- Accidentally deleted current requirement that at least one member be from each of Alaska's four Judicial Districts.
- Replace two parties with most registered voters with two parties who received the most votes in the prior state legislative election.

Thank you.

Questions?