

**HJR**

**26**

<TARGET><BILL>HJR 26</BILL><SUBJECT>HJR  
26</SUBJECT><COMM>HSTA30</COMM></TARGET>

# ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

## Sponsor Statement

### *Sponsor Substitute HJR 26 – Non-Partisan Legislative District Redistricting Commission*

Historically states and Congress have set up rules so that the majority party gets to draw legislative districts. Frequently this results in that majority party drawing districts in a manner that is aimed at keeping political control of the legislative body. Both major political parties have used these procedures to their advantage to keep their party in control of the Legislature or Congress. This disenfranchises voters, as mappers from the major political party, if they are effective at gerrymandering, can potentially ensure that no matter the views of voters, the majority political party will run the Legislature/Congress.

Voters in a number of states have demanded an end to partisan gerrymandering so voters' voices can be fairly heard, and not snuffed out by the political party in charge. A recent article concludes that the vast majority of Congressional districts are drawn so that there is a 90% chance the candidate from the party those districts were designed for will win the election in those districts, leaving only 10% of the seats truly competitive.

HJR 26 follows closely on the bi-partisan redistricting laws adopted in Washington, Pennsylvania and New Jersey. Those plans are straightforward. HJR 26 will give an independent member the greatest voice in drawing non-partisan districts. It is designed so no political party has a majority voice, allowing them to control the drawing of district lines. Somewhat similarly to the Board make-up used in the above-three states, two members from each of the two parties garnering the most legislative race votes in the prior election will be on the Redistricting Board, as selected by their party bylaws. Those four members will then be required to choose an independent, mutually agreeable 5<sup>th</sup> person, who is not a member of a political party. That fifth person will hold the balance of power on the Board. If they cannot agree to a fifth person, then the Alaska Supreme Court will be charged to appoint five additional non-partisan members the court determines will not favor one party or the other in drawing district lines. Washington, Pennsylvania and New Jersey all use a similar court-appointment process if the party members cannot agree to an independent member(s).

The intent language specifically states the Board shall draw a non-partisan district map, and that charge is important especially in the event the Court ends up choosing the five non-partisan members.

Some other states try to create "independent" commissions, and in at least one state names are arbitrarily picked. The flaw with those approaches is that it is difficult to determine that a person is truly independent, and does not harbor partisan views. Under HJR 26 it will be in the parties'

# ALASKA STATE LEGISLATURE



## REPRESENTATIVE LES GARA

self-interest to make sure the tie-breaking Independent member is acceptable and fair. It is more likely in this approach that the fifth person will be vetted heavily for fairness or bias.

The Resolution also does not let the party in control of the legislature deny the Board the mapping and expert resources needed to draw fair districts. If that were left to statute, the party in charge, with the appropriating power, might deny the Board those resources, and hope the Board then has to rely on Party-supplied maps and experts.

This approach would replace the current Alaska approach that allows, in many cases, one party to dominate the Redistricting Board. Currently the House Speaker picks one member, the Senate President picks one, the Governor picks two and the Supreme Court picks one. If the Governor and either house officer are members of the same party, then it raises a significant risk they will pick partisans to support their side in drawing district maps.

We hope you will work to support this legislation and our office is happy to answer any questions and entertain any additional ideas that will ensure a non-partisan legislative district map.

# ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

## Sectional Analysis

*HJR 26: Proposing amendments to the Constitution of the State of Alaska relating to the membership of the Redistricting Board and relating to district boundaries.*

Section 1. District map shall not be drawn to favor an individual party or candidate, and district sizes shall be within 2 ½ percent in population size of each other to minimize chances of gerrymandering.

Section 2. Board Membership: This section states that Board Members shall have voted in each of the previous four state general and primary elections. None may be public employees or officials at the time of their appointment. This section states that the Board shall be composed of 7 members, 2 members appointed by the party which received the most statewide legislative votes in the prior election; 2 members from the party that received the second most votes; and three members who do not belong to a political party.

Section 3. Deletes Current provisions allowing Senate president, House Speaker and Governor to choose four members, and the Supreme Court Chief Justice To Appoint the fifth.

Section 4. No Board member may have held a compensated or uncompensated position with a political party in the State or been elected to federal or state office.

The four Board members selected by political parties shall mutually vote to choose three more independent, non-partisan Board members. If they cannot agree on these three members, the Supreme Court will appoint these three final Board members. This section provides for a time period the court may hold an application period.

Section 5. The members of the Board shall vote by majority vote for a Chair of the Board. The Board may allow for temporary assistants. The Board shall be allowed resources for experts and mapping resources the Board considers necessary to draw a fair map.

Section 6. The Final plan shall be decided by a majority vote of Board members.

Section 7. The new plan in this Resolution shall be voted by voters as provided by the Alaska Constitution.

30-LS0155\N  
Bullard  
1/31/18

**CS FOR SPONSOR SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 26( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**THIRTIETH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES GARA, Tuck, Parish**

**A RESOLUTION**

1 **Proposing amendments to the Constitution of the State of Alaska relating to the**  
2 **membership and actions of the Redistricting Board and relating to district boundaries**  
3 **and the establishment of a nonpartisan statewide district map.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **\* Section 1.** Article VI, sec. 6, Constitution of the State of Alaska, is amended to read:

6 **Section 6. District Boundaries.** The Redistricting Board shall establish a  
7 **statewide district map and individual districts** [THE SIZE AND AREA OF  
8 HOUSE DISTRICTS], subject to the limitations of this article. **The map may not be**  
9 **drawn to unduly favor a political party, and a district may not be drawn to**  
10 **unduly favor a political party or candidate.** Each house district shall be formed of  
11 contiguous and compact territory containing as nearly as practicable a relatively  
12 integrated socio-economic area. Each shall contain a population **within two and one-**  
13 **half percent of** [AS NEAR AS PRACTICABLE TO] the quotient obtained by  
14 dividing the population of the **State** [STATE] by forty. Each senate district shall be  
15 composed as near as practicable of two contiguous house districts. Consideration may

1 be given to local government boundaries. Drainage and other geographic features shall  
2 be used in describing boundaries wherever possible.

3 \* **Sec. 2.** Article VI, sec. 8(a), Constitution of the State of Alaska, is amended to read:

4 (a) There shall be a redistricting board. It shall consist of seven [FIVE]  
5 members, all of whom shall be residents of the State and registered voters who have  
6 voted in each of the previous four state general and primary elections, [FOR AT  
7 LEAST ONE YEAR] and none of whom may be public employees or officials at the  
8 time of or during the tenure of appointment. Except as provided under (f) of this  
9 section, the board shall consist of

10 (1) two members affiliated with the political party with the largest  
11 number of affiliated voters registered in the State, selected in a manner  
12 prescribed by that party's bylaws;

13 (2) two members affiliated with the political party with the second  
14 largest number of affiliated voters registered in the State, selected in a manner  
15 prescribed by that party's bylaws; and

16 (3) three members who are not registered as affiliated with a  
17 political party and who have not been registered as affiliated with a political  
18 party within the preceding ten years, selected as provided in (e) of this section  
19 [APPOINTMENTS SHALL BE MADE WITHOUT REGARD TO POLITICAL  
20 AFFILIATION. BOARD MEMBERS SHALL BE COMPENSATED].

21 \* **Sec. 3.** Article VI, sec. 8(b), Constitution of the State of Alaska, is amended to read:

22 (b) Members of the Redistricting Board shall be compensated and shall  
23 [APPOINTED IN THE YEAR IN WHICH AN OFFICIAL DECENNIAL CENSUS  
24 OF THE UNITED STATES IS TAKEN AND BY SEPTEMBER 1 OF THAT YEAR.  
25 THE GOVERNOR SHALL APPOINT TWO MEMBERS OF THE BOARD. THE  
26 PRESIDING OFFICER OF THE SENATE, THE PRESIDING OFFICER OF THE  
27 HOUSE OF REPRESENTATIVES, AND THE CHIEF JUSTICE OF THE  
28 SUPREME COURT SHALL EACH APPOINT ONE MEMBER OF THE BOARD.  
29 THE APPOINTMENTS TO THE BOARD SHALL BE MADE IN THE ORDER  
30 LISTED IN THIS SUBSECTION. AT LEAST ONE BOARD MEMBER SHALL BE  
31 A RESIDENT OF EACH JUDICIAL DISTRICT THAT EXISTED ON JANUARY 1,

1 1999. BOARD MEMBERS] serve until a final plan for redistricting and proclamation  
2 of redistricting has been adopted and all challenges to it brought under Section 11 of  
3 this article have been resolved after final remand or affirmation.

4 \* **Sec. 4.** Article VI, sec. 8, Constitution of the State of Alaska, is amended by adding new  
5 subsections to read:

6 (d) A member of the Redistricting Board may not have held a compensated or  
7 uncompensated position with a political party in the State or been elected to federal or  
8 state office.

9 (e) The four members of the Redistricting Board selected under (a)(1) and (2)  
10 of this section shall, by majority vote, not later than October 1 of the year in which a  
11 decennial census of the United States is taken, select the three remaining members of  
12 the board.

13 (f) If the four members of the Redistricting Board selected under (a)(1) and (2)  
14 of this section have not selected the three remaining members by October 1 or if the  
15 four members of the board notify the Alaska supreme court before October 1 that they  
16 are unable to agree on the remaining members, then the supreme court shall select  
17 three individuals who the supreme court determines are nonpartisan, and not likely to  
18 side philosophically with either of the two largest political parties, to join the four  
19 members selected under (a)(1) and (2) of this section for a seven-member board. The  
20 supreme court shall hold a thirty-day application period and shall make the  
21 appointments on or before December 31.

22 \* **Sec. 5.** Article VI, sec. 9, Constitution of the State of Alaska, is amended to read:

23 **Section 9. Board Actions. Once the board is fully empaneled under Section**  
24 **8 of this article, it** [THE BOARD] shall elect one of its members **chair**  
25 [CHAIRMAN] and may employ temporary assistants. Concurrence of **a majority of**  
26 **the** [THREE] members of the Redistricting Board is required for actions of the Board,  
27 but a lesser number may conduct hearings. The board

28 **(1)** shall employ or contract for services of independent legal counsel;  
29 **and**

30 **(2)** **may solicit or contract for technical expertise or district**  
31 **mapping resources the board considers necessary.**

1 \* **Sec. 6.** Article VI, sec. 10(b), Constitution of the State of Alaska, is amended to read:

2 (b) Adoption of a final redistricting plan shall require the affirmative votes of  
3 **a majority of the** [THREE] members of the Redistricting Board.

4 \* **Sec. 7.** The amendments proposed by this resolution shall be placed before the voters of  
5 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the  
6 State of Alaska, and the election laws of the state.

# ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

## Memorandum

Explanation of Changes: HJR 26

*HJR 26: Proposing amendments to the Constitution of the State of Alaska relating to the membership of the Redistricting Board and relating to district boundaries.*

**Section 1. Lines 6-10:** Replaced the word “nonpartisan” to a more specific statement, “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.”

**Section 2 (a). Lines 4-18:** Language changed to add three independent Redistricting Board Members instead of 1. The Redistricting Board will now consist of seven members.

**Section 4 (d) Lines 6-7:** Language removed banning the selection of Board Members who had made political contributions or held political office at the municipal level.

**Section 4 (e) Lines 9-12:** Language change to reflect the four Board Members appointed by political parties now elect the three remaining independent, nonpartisan Board Members.

**Section 4 (f). Lines 13-21:** Language change to reflect Supreme Court picking only three independent candidates for Redistricting Board, instead of 5.

**Section 6 Lines 1-3:** Language updated to reflect the new majority of the board.

# Fiscal Note

State of Alaska  
2018 Legislative Session

Bill Version: HJR 26  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HJR26-00G-DOE-02-16-18  
Title: CONST. AM: REDISTRICTING;BOARD  
MEMBERSHIP  
Sponsor: GARA  
Requester: House State Affairs

Department: Office of the Governor  
Appropriation: Elections  
Allocation: Elections  
OMB Component Number: 21

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2019 Appropriation Requested	Included in Governor's FY2019 Request	Out-Year Cost Estimates					
			FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None								
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time								
Part-time								
Temporary								

**Change in Revenues**

None								
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Estimated SUPPLEMENTAL (FY2018) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2019) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version/comments:**

Updated for SLA 2018 form.

Prepared By:	Josephine Bahnke, Director	Phone:	(907)465-2644
Division:	Division of Elections	Date:	02/16/2018 04:39 PM
Approved By:	Shawn Henderson, Administrative Director	Date:	02/16/18
Agency:	Division of Administrative Services, Office of the Governor		

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2018 LEGISLATIVE SESSION

BILL NO. HJR 26

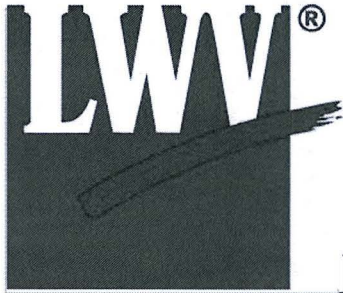
**Analysis**

This legislation proposes an amendment to the Constitution of the State of Alaska that would make calculating district boundaries more specific, how the board members are selected and how they must conduct business.

Passage of this resolution would require the Division of Elections include the constitutional amendment in the Official Election Pamphlet, as required by AS 15.58. This cost would be absorbed into the existing operating budget for the Division of Elections.

**From:** Judy Andree  
**To:** [Rep. Les Gara](#); [Rep. Jonathan Kreiss-Tomkins](#)  
**Cc:** [Tristan Walsh](#)  
**Subject:** Support for HJR 26 from the League of Women Voters of Alaska  
**Date:** Sunday, February 18, 2018 1:58:09 PM

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## LEAGUE OF WOMEN VOTERS OF ALASKA

P. O. Box 22048, Juneau, Alaska 99802  
February 18, 2018

Dear Representative Les Gara:

The League of Women Voters of Alaska (LWVAK) supports HJR 26, a bill to amend the Alaska Constitution to create fairness in redistricting. The LWVAK encourages all Legislators to support this Resolution.

Alaska's redistricting process has always been contentious. Beginning in 1970 and for the next two redistricting efforts, the resulting maps were found by the Alaska Supreme Court to be unconstitutional. Even when changes were made through the creation of a 5-member redistricting board in 1998, the maps from 2000 and 2010 were also challenged in court and found to be problematic.

The result of this redistricting history is that Alaskans continue to look for approaches that support fairness and the one person/one vote rule. In addition, Alaskans do not want legislators allowed to pick their own voters by gerrymandering districts. Alaska has yet to achieve this goal.

In HJR 26, Rep. Gara and his staff have taken an approach that will bring the State closer to nonpartisan redistricting by calling for a reformulation of the Redistricting Board. HJR 26 calls for the board to be composed of 2 members from the party with the largest number of registered voters, 2 from the party with the second largest number of registered voters, and one nonpartisan member. Further, the resolution allows the solicitation and hiring of technological expertise, much needed as mapping and evaluation techniques have become quite sophisticated.

LWVAK reiterates its support for HJR 26 and its support for fair redistricting.

Sincerely,

Judy Andree, President  
League of Women Voters of Alaska

Submitted by  
Judy Andree  
5985 Lund Street  
Juneau, Alaska 99801  
907-780-6767 (home)  
907-321-1559 (cell)

**From:** Margo Waring  
**To:** [Rep. Les Gara](#)  
**Cc:** [Rep. Justin Parish](#); [Rep. Sam Kito](#)  
**Subject:** HJR  
**Date:** Tuesday, January 9, 2018 9:59:36 AM

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Dear Rep. Gara,

Thank you for profiling your HJR on the composition of the Redistricting board. I fully support your approach. Please let me know what I can do to help move it along.

Margo Waring  
Sent from my iPad

**From:** Lucienne Haton  
**To:** [Rep. Les Gara](#)  
**Subject:** Re: HJR 26  
**Date:** Tuesday, January 9, 2018 9:49:47 PM

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Dear Rep. Les Gara,

Please add this, my email, opposing gerrymandering to the file on the proposed constitutional amendment. Thank you for all you do for us. I'm a registered voter, I vote in every election and I am paying attention.

Sincerely, Lucienne M. Haton

**From:** Kate McLaughlin  
**To:** [Rep. Les Gara](#)  
**Subject:** HJR 26  
**Date:** Tuesday, January 9, 2018 7:40:51 PM

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End partisan gerrymandering!

The solution is an equal member bi-partisian committee working to draw lines based on people, not their political affiliation.

I support a Constitutional amendment to create such a committee and end political gerrymandering as outlined in Rep. Les Gara's HJR 26.

Thank you,

Katherine McLaughlin PO Box 561 Cordova, Alaska 99574

**From:** Dael Devenport  
**To:** [Rep. Les Gara](#)  
**Subject:** HJR 26 - Ban Partisan Gerrymandering  
**Date:** Wednesday, January 10, 2018 7:23:18 AM

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Dear Representative Gara:

Please ban partisan gerrymandering. Only GIS map makers should be on the commission, not politicians (no offense). Computer rendered maps based only on population and not party affiliation should be used. I want my vote to count!

Thank you,

Dael Devenport  
Anchorage, AK

With compassion for all beings

**From:** Britteny Howell  
**To:** [Rep. Les Gara](#)  
**Subject:** HJR 26 support  
**Date:** Wednesday, January 10, 2018 10:42:36 AM

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To Whom it May Concern,

Please consider a constitutional amendment to disallow the politically-driven practice of "gerrymandering" which allows a powerful party to re-draw the district boundaries every 10 years. Alaska should have a bipartisan group, made of equal numbers of each party, to draw these boundaries when they need to be re-drawn.

I support HJR 26 and urge my legislators to do the same.

Thank you,  
Britteny Howell

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**Britteny M. Howell, Ph.D.**  
**8214 Mentra St, Apt 1**  
**Anchorage, AK 99518**

**From:** swick@alaska.net  
**To:** [Rep. Les Gara](#)  
**Subject:** HJR 26  
**Date:** Thursday, January 11, 2018 11:38:25 AM

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I totally support JHR 26 in order to reduce the partisan influence in drawing voting district lines. I am appalled by the gerrymandering that occurred in Alaska after the 2010 census. As you might recall the controlling party even bragged that they would be sure to get rid of certain troublesome political opponents. This has no place in the United States of America in national elections or in Alaska's state and local elections. Each vote is supposed to be equal by constitutional intention. Let's make sure that happens. HJR 26 will lead us in the right direction.

Sincerely,  
Kathleen Swick  
super voter

**From:** Clinton Mullins  
**To:** [Rep. Les Gara](#)  
**Subject:** HR 26  
**Date:** Thursday, January 11, 2018 7:47:38 AM

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[rep.les.gara@akleg.gov](mailto:rep.les.gara@akleg.gov)

I support HR 26 to assist Alaskans in assuring each vote counts. It is time for positive changes and this Constitutionally required change is long overdue

Thanks for your effort, Les

Ross Mullins  
Cordova

**From:** Judy Robinson  
**To:** [Rep. Les Gara](#)  
**Subject:** I Support HJR 26  
**Date:** Saturday, January 13, 2018 11:15:43 AM

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It is past time to end the practice of non-competitive voting districts. It is also time to end elections based on unconstitutional voting district boundaries. Alaska residents are currently living with election results based on district boundaries that that Alaska courts found to be unconstitutional. Voting districts should never be controlled by a political party or a politically powerful group. Districts should provide for "one man, one vote."

**From:** It  
**To:** [Rep. Les Gara](#)  
**Subject:** In support of HJR 26  
**Date:** Wednesday, January 17, 2018 11:42:38 PM

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Dear Alaska Legislature,

I support HJR 26 to put an end to political gerrymandering of district boundaries. In the current system, boundaries are sometimes drawn to benefit the political party that is in charge at the time. We need to move towards unbiased assessments of district boundaries to help make sure that the district layouts do not favor one party or another. In other words, let the voters decide, not the districting committees.

Sincerely,  
Lee Tibbitts  
6700 Fernhill Ave.  
Anchorage AK 99516

**From:** Mathew Cannava, MD  
**To:** [Rep. Les Gara](#)  
**Subject:** Partisan gerrymandering  
**Date:** Wednesday, February 7, 2018 6:44:56 PM

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I wanted to voice my support for the bill to end the practice of partisan gerrymandering. As a lifelong Soldotna resident...it is simply asinine that, owing to republican gerrymandering, "my" Senator lives in Anchorage. Soldotna is in a different universe vs. Anchorage...people here hate going to Anchorage and move here to get away from it.

I asked Peter Michicce why thus was and his response was, "Well, whichever party is in power draws the lines.

This is 2nd grade logic...this us simply stupid.

End this practice.

Mat Cannava, MD  
Soldotna

# HJR 26: Non-Partisan Legislative Redistricting Commission: An Anti-Gerrymandering

Representative Les Gara

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STATE AFFAIRS COMMITTEE



# Gerrymandering is a problem here and

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The U  
Demo

The Fix

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


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

# HJR 26: A Non-Partisan Redistricting Board


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Gerrymandering often predetermines who is represented by. It takes away the right to elect for a government that truly represents the people. We need to improve our redistricting process and implement non-partisan redistricting plans in Washington and New Jersey.



# Current Alaska Redistricting

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- When one party controls state government, their choice controls the redistricting process. That raises the undue influence issue. This will draw partisan districts.
  - Governor of Alaska chooses 2 Board Members
  - Senate President and House Majority Leader both choose 1 member
  - Chief Justice of Alaska Supreme Court chooses final member
  - None may be public employees or public officials.
- 


# What HJR 26 Does:

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- Replaces current redistricting board membership with
  - 2 members affiliated with the political party with the most voters registered in the State
  - 2 members affiliated with the 2<sup>nd</sup> largest number of voters
  - These four members then select, by majority vote, three members who are not registered with any political party.
  - If the four party appointees cannot agree on three in 30 days, the Alaska Supreme Court will appoint those three members. If the Supreme Court appoints one.
- 


# What HJR 26 Does (cont'd)

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- Independent, nonpartisan board members outnumb
  - Incorporates language from Hawaii: “The map may not be drawn to u  
a political party, and a district may not be drawn to u  
or candidate.” (Hawaii State Constitution, Article IV, S
  - Adds language saying a Member of the Redistricting  
compensated or uncompensated position within a po  
or federal office.
  - Allows the Redistricting Board to contract for technical  
including mapping resources, so the Legislature cannot  
Board of necessary resources.
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# Similar States' Approaches to E Gerrymandering:

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


# Hawaii

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- Redistricting Commission composed of 9 members
  - Each of the 4 legislative leaders (majority and minority) chose two commissioners.
  - These 8 commissioners elect a 9<sup>th</sup> as a tie breaker.
  - If they cannot select a 9<sup>th</sup> member, the Hawaiian Supreme member.
  - Hawaiian Constitution states in Article IV, Sec 6, as no district may be drawn so as to unduly favor a person
- 


# Washington

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- Each of the state's four legislative leaders (majority and minority leaders in each chamber) select one board member
  - These four board members then elect the fifth member.
  - In the event of the board members are unable to elect a fifth member, the Washington State Supreme Court selects the fifth board member.
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# New Jersey

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- State Legislative districts drawn by a 10 member Redistricting Board.
  - Chairs of the two major political parties Members; in the event of a tie on the B Supreme Court appoints an 11<sup>th</sup> member
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# Arizona

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- Districts drawn by a five-member independent Commission
  - State Commission on Appellate Courts nominates Democrats and 5 members not registered with any party into a pool of 25 nominees.
  - The four legislative leaders (majority and minority in each chamber) pick one commissioner each from the pool, then elect a 5<sup>th</sup> tiebreaker unaffiliated with the parties.
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# Pennsylvania

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- Redistricting Commission composed of 5 members
  - Each of the four legislative leaders (Majority chamber) may choose one member.
  - These four elect a 5<sup>th</sup> commissioner.
  - Pennsylvania Supreme Court serves as tiebreaker cannot elect this 5<sup>th</sup> member.
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# Iowa

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- Performed by advisory body, the Legislative Service Commission, with fiscal and legal analysis of legislation on
  - Looks to guidance to a non-partisan, independent commission: Commissioners are selected by the majority and minority leaders in each house. Members then elect a 5<sup>th</sup>.
  - None of the Commissioners may hold partisan affiliation in a political party.
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# How HJR 26 improves distr

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- To help meet “substantially equal” standard set out in the Supreme Court, HJR 26 follows the model of other states to restrict population deviation to 2.5% of ideal standard of district. This means there is a 2.5% 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 districts with a population deviation at 1%

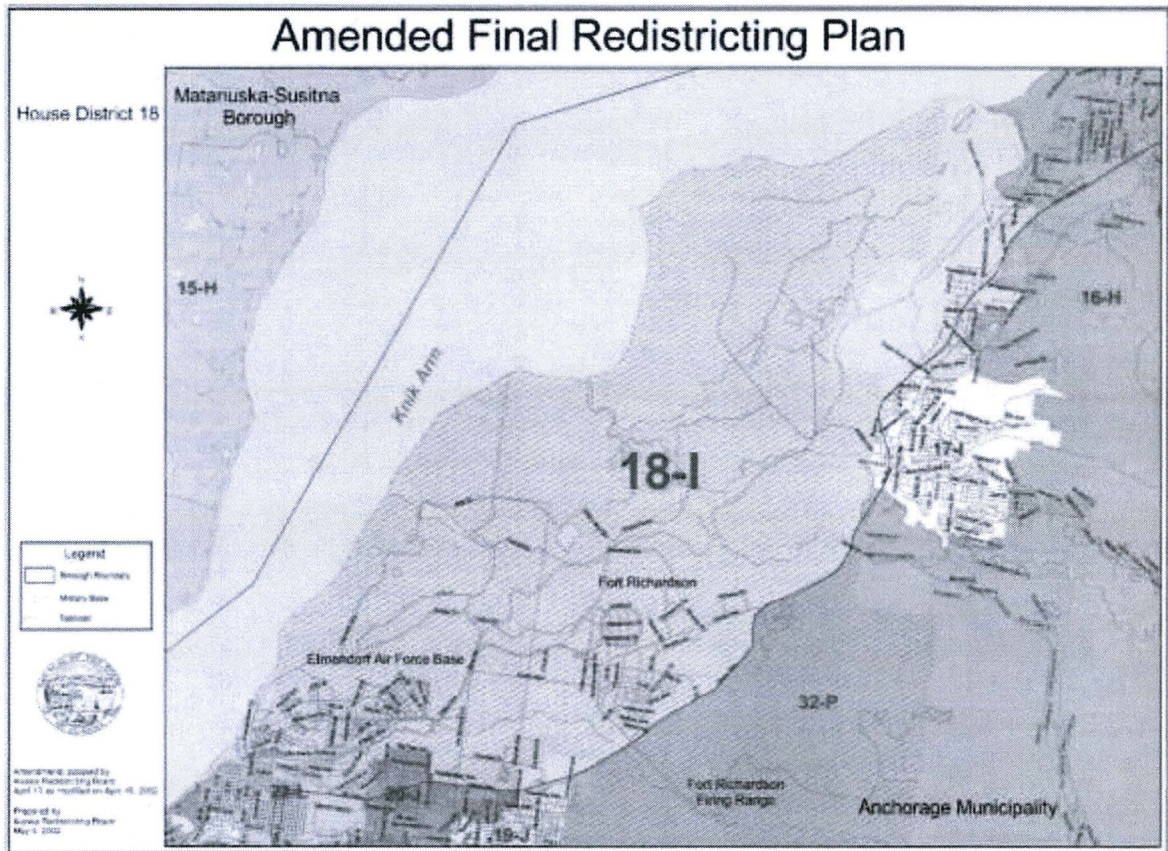
# How HJR 26 Improves nonp

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- Makes impartial board members the la
  - The Supreme Court's role as tie-breaker event of a tie
  - Parties will vet the independent member. Both parties feel comfortable the tie breaker won't take one side or the other. This is states that conduct non-partisan redistr
- 

# Currently maps can strategically l from one party into the same dis

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

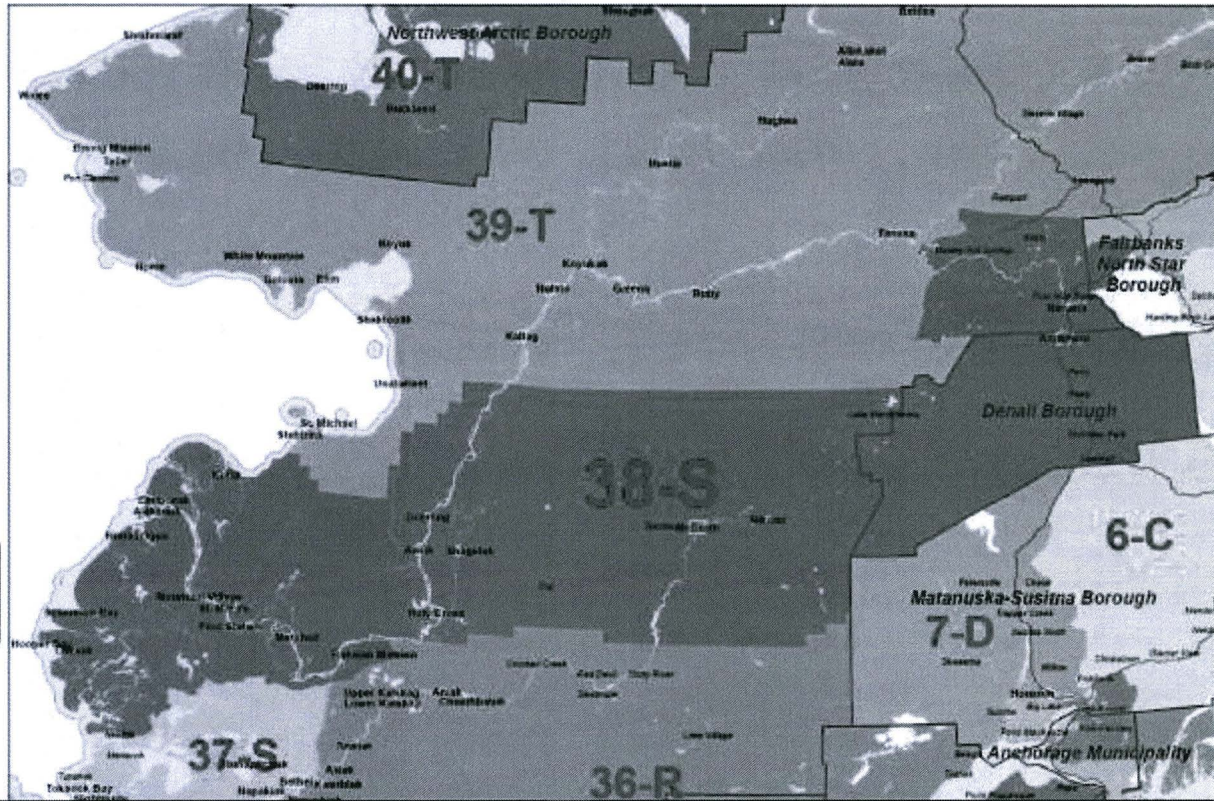
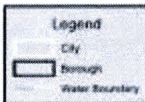


# Examples of prior Maps in A

Proclamation Map District 38-S /District 4

## Proclamation House Districts

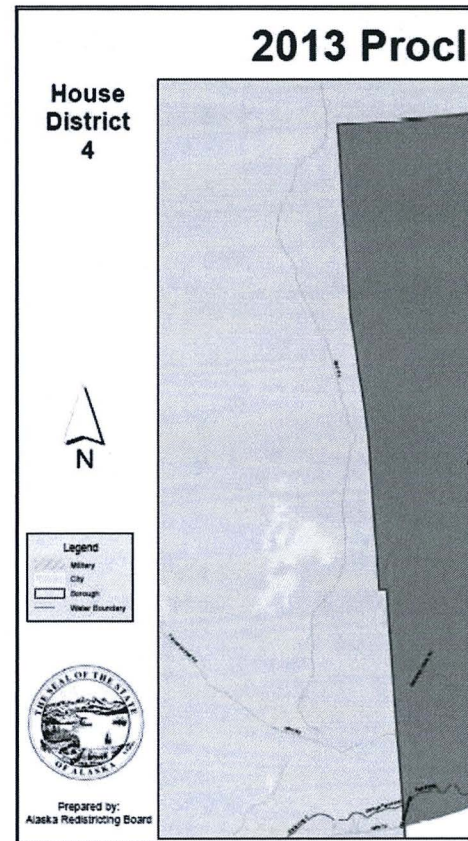
House District 38



# Examples of prior Maps in A


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



# Removing partisanship from

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

# Importance of Voting in Ala

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- *“...this is at the heart of Lincoln’s vision of “government of the people, for the people. The Equal Protection Clause demands substantially equal state legislative representation for all citizens as well as of all races.”*

*-Chief Justice Earl Warren, Reynolds v Sims, 1964*



# Potential Edits/Improvements

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

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**Thank you.**

**Questions?**



# Arizona

State website: [www.azredistricting.org](http://www.azredistricting.org)  
 2010-cycle districts: Congress, State Legislature **NEW**  
 2000-cycle districts: Congress, State Legislature  
 Primary governing law: Ariz. Const. art. IV, pt. 2, § 1

## The Latest

On Oct. 3, the independent commission issued draft maps. On December 20, the commission issued tentative final maps; after technical amendments, the final maps were formally approved by a 3-2 vote on January 17. The congressional maps were submitted for preclearance on Feb. 10, and precleared on April 9; state legislative maps were submitted on Feb. 28, and precleared on April 26. Litigation has been filed against both sets of plans.

A controversy, allegedly over violations of the state's Open Meetings Law, led to the Nov. 1 impeachment of the commission's chair. After the state Attorney General launched an investigation based on these allegations, seeking a court order forcing the independent commissioners to cooperate, the commissioners counter-sued, alleging political interference with their process. Before the investigation was complete, the Governor called for the impeachment of the commission's chair, which was approved by 2/3 of the state Senate; on November 17, the Arizona Supreme Court found the impeachment improper and reinstated the chair.

## Institution

Redistricting political control:

	Governor	State Senate	State House
Congressional lines	Independent commission with balanced partisan composition		
State legislative lines			
2000 cong. lines	Independent commission with balanced partisan composition		
2000 state lines			

Arizona's congressional and state legislative lines are drawn by a five-member independent commission, created by ballot initiative in 2000. For the three years before their appointment to the commission, none of the commissioners may have been appointed to, or a candidate for, any public office; an officer of a political party; a paid lobbyist; or an officer of a candidate's campaign committee.

The state's commission on appellate court appointments nominates 10 Republicans, 10 Democrats, and 5 individuals not registered with either major party; the four legislative leaders (majority and minority leader in each legislative house) each choose one commissioner from this pool of 25 nominees. Those four commissioners then select a fifth tiebreaker who is not registered in the same party as any other commissioner. Each commissioner must be an Arizona voter registered with the same political party (or unaffiliated) for at least three years, and at most two of the first four commissioners may live in the same county. [Ariz. Const. art. IV, pt. 2, § 1(3)-(8)]

Current commissioners are listed here.

## Timing

Census data were delivered to Arizona on March 10, 2011.

Arizona state law does not impose a particular deadline for drawing congressional or state legislative lines; candidates must file for congressional and state legislative primary elections by May 30, 2012. [Ariz. Rev. Stat. § 16-311(a)]

Arizona prohibits redrawing district lines mid-decade, before the next Census. [Ariz. Const. art. IV, pt. 2, § 1(23)]

### Public input

Public meetings were held around the state in July, August, and September. Video and other materials from past meetings are archived here.

Transparency was also at the heart of a controversy involving the commission's membership. A controversy, allegedly over violations of the state's Open Meetings Law, led to the Nov. 1 impeachment of the commission's chair. After the state Attorney General launched an investigation based on these allegations, seeking a court order forcing the independent commissioners to cooperate, the commissioners counter-sued, alleging political interference with their process. At the same time, Arizona Democrats issued a public records request related to the Attorney General's investigation, and requested an unrelated investigation into alleged omissions and false statements on another commissioner's application. On November 1, 2011, before any of the investigations were complete, the Governor called for the impeachment of the commission's chair, which was approved by 2/3 of the state Senate; the impeachment was itself subject to litigation.

### Criteria

Like all states, Arizona must comply with constitutional equal population requirements, and state law further asks that districts have equal population to the extent practicable. [Ariz. Const. art. IV, pt. 2, § 1(14)(B)]

Arizona must also, like all states, abide by section 2 of the Voting Rights Act. Arizona is further considered a "covered state" under section 5 of the Voting Rights Act, with the obligation to submit redistricting plans to the Department of Justice or to the U.S. District Court for the District of Columbia, to ensure that the plans do not discriminate against minority communities.

The Arizona constitution requires that the district map begin with a "grid-like pattern." Districts are then adjusted to be contiguous, geographically compact, and respect communities of interest -- all to the extent practicable. [Ariz. Const. art. IV, pt. 2, § 1(14); Ariz. Minority Coal. for Fair Redistricting v. Ariz. Ind. Redistricting Comm'n, 121 P.3d 843 (Ariz. Ct. Appeal 2005)] (In 2000, the commission apparently decided to use the "Polsby-Popper" test for compactness, emphasizing the degree to which perimeter boundaries are contorted, but there is some dispute about the extent to which the commission actually used that test.) [Transcript at 164 (Feb. 7, 2004); Definitions]

The state constitution also provides that, to the extent practicable, district lines should use visible geographic features, city, town, and county boundaries, and undivided census tracts. [Ariz. Const. art. IV, pt. 2, § 1(14)] Finally, the state constitution asks that, to the extent practicable, competitive districts be favored where doing so would not significantly detract from the goals above. [Ariz. Const. art. IV, pt. 2, § 1(14); Definitions; Ariz. Minority Coal. for Fair Redistricting v. Ariz. Ind. Redistricting Comm'n, 208 P.3d 676 (Ariz. 2009)]

State legislative districts are, by definition, nested; one Senator and two Representatives are elected from each district. [Ariz. Const. art. IV, pt. 2, § 1(1)]

Party registration and voting history data may not be used in the "initial phase" of the mapping process, but can be used to ensure that plans ultimately meet the goals above. The commission may not consider the homes of candidates. [Ariz. Const. art. IV, pt. 2, § 1(15)]

### 2010 cycle cases

Due to the volume of filings, information on the Arizona cases is located on a separate litigation page, here.

**2000 cycle**

In the 2000 redistricting cycle, Arizona's commission first drew state legislative maps that drew an objection from the Department of Justice. The commission revised their districts, and a federal court authorized those districts for use in the 2002 elections, on an emergency basis only. The commission then revised the districts once again, and adopted a final plan on August 14, 2002, which was precleared on February 10, 2003.

Arizona's commission also drew congressional maps, which were precleared on March 26, 2002.

Both the second state legislative plan and the congressional plan were challenged in state court, and both were ultimately upheld. [Ariz. Minority Coal. for Fair Redistricting v. Ariz. Ind. Redistricting Comm'n, 121 P.3d 843 (Ariz. Ct. Appeal 2005); Ariz. Minority Coal. for Fair Redistricting v. Ariz. Ind. Redistricting Comm'n, 208 P.3d 676 (Ariz. 2009)]

**Other state links**

Arizona Competitive Districts Coalition (Contest results here and here.)

<u>Congress</u>	<u>State legislature</u>	<u>Maps &amp; Data</u>	<u>States</u>			
Current status	Current status		Alabama	Indiana	Nebraska	South Carolina
Timing	Timing		Alaska	Iowa	Nevada	South Dakota
Authority	Authority	<u>Litigation</u>	Arizona	Kansas	New Hampshire	Tennessee
Institution	Institution		Arkansas	Kentucky	New Jersey	Texas
Party control	Party control		California	Louisiana	New Mexico	Utah
Criteria	Criteria	<u>Reform</u>	Colorado	Maine	New York	Vermont
			Connecticut	Maryland	North Carolina	Virginia
			Delaware	Massachusetts	North Dakota	Washington
			Florida	Michigan	Ohio	West Virginia
			Georgia	Minnesota	Oklahoma	Wisconsin
Overview of redistricting		Further resources	Hawaii	Mississippi	Oregon	Wyoming
Why it matters	Redistricting criteria	My work	Idaho	Missouri	Pennsylvania	
Public engagement	Preclearance	Tools	Illinois	Montana	Rhode Island	

## California

State website:	<a href="http://www.wedrawthelines.ca.gov">www.wedrawthelines.ca.gov</a>
2010-cycle districts:	Congress, State Senate, State Assembly <b>NEW</b>
2000-cycle districts:	Berkeley database, California Voter Foundation Congress, State Senate, State Assembly
Primary governing law:	Cal. Const. art. XXI; Cal. Gov't Code §§ 8251-8253.6

### The Latest

On August 15, 2011, the independent commission voted (12-2 for congress, 13-1 for state legislature) to approve final legislative and congressional maps; the maps were precleared on January 17. State and federal lawsuits challenging the congressional and state Senate maps have been rejected; a challenge to the composition of the commission itself is ongoing.

The official maps and basic demographic information are here and here. More analysis and much more detailed demographic information is available here and here.

A 2012 referendum on the state Senate districts qualified for the November 2012 ballot. On January 27, 2012 the California Supreme Court (following my analysis) ruled that the Commission's lines would be used temporarily, until the referendum was held -- the measure was defeated at the polls, confirming the district lines until the next cycle.

On Oct. 7, California's governor signed legislation to adjust redistricting starting in **2020**, to account for the distortion caused by people in prison.

### Institution

Redistricting political control:

	Governor	State Senate	State House
Congressional lines	Independent commission with balanced partisan composition		
State legislative lines	Independent commission with balanced partisan composition		
2000 cong. lines	D	26 D, 14 R	50 D, 30 R
2000 state lines	D	26 D, 14 R	50 D, 30 R

California's congressional and state legislative lines are now drawn by a 14-member independent commission, created by ballot initiative in 2008, with expanded scope granted in 2010.

Commissioners must have voted in at least two of the last three statewide elections, and may not have changed party affiliation for at least five years. Neither commissioners nor immediate family may have been, within ten years of appointment, a candidate for federal or state office or member of a party central committee; an officer, employee, or paid consultant to a federal or state candidate or party; a registered lobbyist or paid legislative staff; or a donor of more than \$2,000 to an elected candidate. Furthermore, neither commissioners nor immediate family may be staff, consultants, or contractors for state or federal government while serving on the commission. [Cal. Gov't Code § 8252(a)]

With an eye to analytical skills, impartiality, and diversity, a panel of three state auditors choose 20 Democrats, 20 Republicans, and 20 who are neither to be nominees for the commission; the four legislative leaders (majority and minority leader in each legislative house) may each cut two people from each pool. Eight commissioners (3 Democrats, 3 Republicans, 2 neither) are chosen randomly from the remaining nominees; those eight choose six colleagues (2 Democrats, 2

Republicans, 2 neither), to reflect the diversity of the state. The final commission thus has 14 members (5 Democrats, 5 Republicans, 4 neither). [Cal. Gov't Code § 8252(b)-(g)]

The current commissioners are listed here.

Nine votes are necessary to approve a plan: 3 Democrats, 3 Republicans, and 3 neither. [Cal. Const. art. XXI, § 2(c)(5)] Each map is also subject to public referendum. If the commission fails to pass a map, or a map is overturned by referendum, the California Supreme Court will select special masters to draw that map; the California Supreme Court also has exclusive jurisdiction in state court for legal challenges to maps that are passed. [Cal. Const. art. XXI, §§ 2(j), 3(b)]

## Timing

Census data were delivered to California on March 8, 2011.

Though not required to do so, the commission released draft maps on June 10, 2011. The commission must produce congressional and state legislative plans by August 15, 2011; if the commission does not pass a plan by that date, the Secretary of State must ask the California Supreme Court to appoint special masters to do so. [Cal. Const. art. XXI, § 2(g), (j)] If, within 90 days of the plan's enactment, a referendum petition is signed by voters amounting to 5% of the 2010 gubernatorial vote (which would be 504,759 voters), the plan will be submitted for referendum at a special statewide election or at the next general election. [Cal. Const. art. II, § 9]

Candidates must file for congressional and state legislative primary elections by March 9, 2012, unless an incumbent running for reelection fails to file by that date, in which case the filing deadline is March 14, 2012. [Cal. Elec. §§ 8020(b), 8022]

California prohibits redrawing district lines mid-decade, before the next Census. [Legislature of State of Cal. v. Deukmejian, 34 Cal.3d 658 (1983)]

## Public input

Commission proceedings are subject to the state Open Meetings Act; commission records, redistricting data, and computer software will be available to the public. Both the commission and the legislature must issue public reports after drawing the plans for state legislative or congressional districts, explaining their decisions. [Cal. Const. art. XXI, § 2(h); Cal. Gov't Code § 8253]

The commission held extensive hearings in nine different regions throughout the state. Transcripts of past hearings and meetings are here; links for streaming video of live hearings and archived videos of past hearings are here.

The commission invited public input, at these hearings and beyond, with more than 2700 witnesses giving testimony. Materials explaining the mechanism for input are here. The nearly 20,000 comments submitted by the public are archived here.

The Redistricting Group at Berkeley Law School opened six technical assistance sites around the state to assist the public in preparing submissions. Also, Advancement Project created an online application allowing the public to get information about areas of the state, annotate their own communities, or draw full district plans.

On June 10, 2011, the commission released draft maps for public comment. The commission initially planned to release a second series of drafts on July 14, but then reversed course. Instead of that release, it has released preliminary "visualizations" (here and here) of what drafts might look like. The commission released final draft maps on July 29.

## Criteria

Like all states, California must comply with constitutional equal population requirements. [Cal. Const. art. XXI, § 2(d)(1)]

California must also, like all states, abide by section 2 of the Voting Rights Act. Because four California counties (Kings, Merced, Monterey, and Yuba) are considered "covered jurisdictions" under section 5 of the Voting Rights Act, California has an obligation to submit redistricting plans to the Department of Justice or to the U.S. District Court for the District of Columbia, to ensure that the plans do not discriminate against minority communities in those counties.

The California constitution further requires that districts be contiguous. To the extent possible, they must also preserve the geographic integrity of cities, counties, neighborhoods, and communities of interest. To the extent practicable, and where so doing does not violate higher-priority constraints, districts must also encourage compactness, defined by lines that do not bypass nearby population in favor of more distant population. Finally, where practicable, and where not in conflict with the criteria above, state Senate and Assembly districts must be nested within each other. [Cal. Const. art. XXI, § 2(d)]

In drawing maps, the commission may not consider candidate residences, and districts may not be drawn to favor or discriminate against a candidate or party. [Cal. Const. art. XXI, § 2(e)]

## 2010 cycle cases

**Connerly v. California**, No. 34-2011-80000966 (Cal. Super. Ct., Sacramento County) & No. C073753 (Cal. Ct. Appeals, 3d Appellate Dist.): a challenge in the state courts to the selection of redistricting commissioners reflecting the state's diversity, including racial, ethnic, and gender diversity; the challenge is lodged under the state constitution, prohibiting discrimination or favorable treatment based on race in public employment, education, or contracting.

### Trial court

- Petition (Oct. 4, 2011) and amended petition (Mar. 20, 2012).
- Demurrer to initial complaint by state (Dec. 16, 2011).
  - State's demurrer to amd. complaint (Apr. 30, 2012), opp. (May 18), reply (May 24).
  - Auditor's demurrer to amd. cmlpt. (memo) (Apr. 30), opp. (May 18), reply (May 24).
  - Common Cause et al. amicus brief (May 15), opposition (May 24).
- **Opinion** granting demurrer, dismissing case (Dec. 21, 2012).

### Court of appeals

- Plaintiffs' brief (Aug. 19, 2013).
  - Response by State (Nov. 12), Auditor (Nov. 15).
  - Reply (Jan. 7, 2014).
  - Amicus brief by California Common Cause et al. (Jan. 23).
- **Opinion** reversing trial court, remanding for amended complaint (Sept. 3).

### Trial court II

- Second amended petition (Dec. 4, 2014).
  - Plaintiffs' demurrer to state's affirm. defenses (Feb. 23, 2015).

**The latest:** On December 21, 2012, the court granted the demurrer and dismissed the case, finding that the redistricting commissioners are public officers rather than public employees, and therefore beyond the reach of the state constitutional provision prohibiting discrimination or favorable treatment based on race in public employment, education, or contracting. On September 13, 2014, the court of appeals reversed and remanded, with instructions to allow the plaintiffs to file an amended complaint with a new legal theory.

**Vandermost v. Bowen**, No. S196493 (Cal. Sup. Ct.): a challenge in the state Supreme Court to the state Senate maps, based on alleged violations of state constitutional criteria and the federal Voting Rights Act.

- Original (Sept. 15, 2011), 1st amended petition (Sept. 29).
  - Quinn declaration, supplement, and 2nd supplement.
  - Exhibits vols. 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 2.
- Commission opposition part 1 and part 2 (Oct. 11), exhibits vols. 1, 2, 3, 4, app.
- Secretary of State opposition (Oct. 11), exhibits vols. 1, 2.1, 2.2.

- Petitioners' reply (Oct. 17).
- Motion to strike Quinn declaration (Oct. 11), opposition (Oct. 17).
- **Order** denying petition (Oct. 26).

**The latest:** On October 26, the California Supreme Court denied petitioner's challenge to the state Senate maps.

**Radanovich v. Bowen**, No. S196852 (Cal. Sup. Ct.): a challenge in the state Supreme Court to the congressional maps, based on alleged racial gerrymandering, violations of state constitutional criteria, and violations of the federal Voting Rights Act.

- Petition for writ of mandate (Sept. 29, 2011).
  - Quinn declaration and exhibit vols. 1.1, 1.2, 1.3, 1.4, 1.5, 2.
  - Exhibits vols. 1.1, 1.2, 1.3, 1.4, 1.5, 2, 3, 4, 5.
- Commission opposition part 1 and part 2 (Oct. 11), exhibits vols. 1, 2, 3, 4, app.
- Secretary of State opposition (Oct. 11), exhibits vols. 1, 2.1, 2.2.
- Petitioners' reply part 1, part 2 (Oct. 17).
- Motion to strike Quinn declaration (Oct. 11), opposition (Oct. 17).
- **Order** denying petition (Oct. 26).

**The latest:** On October 26, the California Supreme Court denied petitioner's challenge to the congressional maps.

**Radanovich v. Bowen**, No. 2:11-cv-09786 (C.D. Cal.): a challenge in federal court to the congressional districts, alleging unconstitutional racial gerrymandering and violations of the Voting Rights Act.

- Complaint (Nov. 23, 2011).
- Motion to dismiss (Jan. 12), opposition (Jan. 23), reply (Jan. 30).
- **Order** granting motion to dismiss (Feb. 9).

**The latest:** On February 9, the court dismissed the case on res judicata grounds, finding that the plaintiffs had already received a decision on the merits in state court.

**Vandermost v. Bowen II**, No. S198387 (Cal. Sup. Ct.): a challenge in state court to state Senate districts (including a request that the court prepare alternative districts) in light of the alleged likelihood that the districts will be qualified for referendum.

- Petition (Dec. 2, 2011).
  - Supporting declarations by Bell ( I and II), Quinn (Dec. 6).
  - Preliminary opposition by SoS, redistricting comm'n (exh. vols. 1, 2, 3, 4) (Dec. 6).
  - Supporting declaration by Lean (Dec. 6).
  - Reply and supporting declaration (Dec. 7).
- Order to show cause (Dec. 9).
  - Opposition by SoS, redistricting commission (Dec. 14).
  - Reply (Dec. 19).
  - Amicus brief by Munger (Dec. 21), reply (Dec. 22).
  - Amicus brief by Common Cause, Sen. Steinberg (Dec. 21), consol. reply (Dec. 22).
- Supp. briefing re impact of signature validity rate, by petitioner, SoS, comm'n (Jan. 4).
  - Supp. replies by petitioner, SoS, commission (Jan. 6).
- **Opinion** using Commission maps temporarily, even if referendum qualifies (Jan. 27).

**The latest:** If enough signatures have been submitted to qualify the state Senate maps for a November referendum, the Commission's state Senate map is not legally binding. On January 27, the state Supreme Court ruled that if the referendum qualified, the Court would use the Commission's Senate maps as temporary lines, given the absence of better alternatives. A referendum would still determine the long-term viability of the Commission's map.

## 2000 cycle

In the 2000 redistricting cycle, California's legislature controlled the redistricting process. The state Assembly, state Senate, and congressional maps were enacted on September 26, 2001, and precleared on November 30, 2001.

The state Senate and congressional plans were challenged in federal court, and the state Assembly plan was challenged in state court. All were ultimately upheld. [Cano v. Davis, 211 F. Supp. 2d 1208 (C.D. Cal. 2002); Nadler v. Schwarzenegger, 137 Cal.App.4th 1327 (2006)]

### Other state links

The Redistricting California coalition  
 U.C. Berkeley's Statewide Redistricting Database  
 Redraw CA (by Advancement Project)  
 Redistricting Partners  
 JoinCalifornia historical redistricting maps

<u>Congress</u>	<u>State legislature</u>	<u>Maps &amp; Data</u>	<u>States</u>			
Current status	Current status		Alabama	Indiana	Nebraska	South Carolina
Timing	Timing		Alaska	Iowa	Nevada	South Dakota
Authority	Authority	<u>Litigation</u>	Arizona	Kansas	New Hampshire	Tennessee
Institution	Institution		Arkansas	Kentucky	New Jersey	Texas
Party control	Party control		California	Louisiana	New Mexico	Utah
Criteria	Criteria	<u>Reform</u>	Colorado	Maine	New York	Vermont
			Connecticut	Maryland	North Carolina	Virginia
			Delaware	Massachusetts	North Dakota	Washington
			Florida	Michigan	Ohio	West Virginia
			Georgia	Minnesota	Oklahoma	Wisconsin
Overview of redistricting		Further resources	Hawaii	Mississippi	Oregon	Wyoming
Why it matters	Redistricting criteria	My work	Idaho	Missouri	Pennsylvania	
Public engagement	Preclearance	Tools	Illinois	Montana	Rhode Island	

## Idaho

State website: [www.legislature.idaho.gov/redistricting/redistricting.htm](http://www.legislature.idaho.gov/redistricting/redistricting.htm)  
 2010-cycle districts: Congress, State Legislature **NEW**  
 2000-cycle districts: Congress, State Legislature  
 Primary governing law: Idaho Const. art. III, §§ 2, 4, 5; Idaho Code §§ 72-1501 - 1508

### The Latest

The state's first independent commission, convened in the spring of 2011, conducted public hearings through early September. The commission reached agreement on September 23, but not by its September 6 deadline; the late agreement became guidance for a new commission, created by order of the Secretary of State on September 13.

**Congress:** On October 17, the new commission issued a congressional plan.

**State leg.:** On October 14, the new commission issued a state legislative plan; on January 18, the plan was struck down by the state Supreme Court. The Sept. 13 commission was reconvened to redraw lines; though partisan officials brought litigation to force the removal of two commissioners, on January 25, the state Supreme Court affirmed the Secretary of State's refusal to replace those sitting commissioners. On January 27, the commission unanimously approved a new state legislative plan.

### Institution

Redistricting political control:

	Governor	State Senate	State House
Congressional lines	Independent commission with balanced partisan composition		
State legislative lines			
2000 cong. lines	Independent commission with balanced partisan composition		
2000 state lines			

Idaho's congressional and state legislative lines are drawn by a six-member independent commission, created in 1994.

Each of the four legislative leaders (majority and minority leader in each legislative house) each select one commissioner, and the chairs of the two largest political parties each select one commissioner, with an eye to geographic diversity. The state constitution provides that no commissioner may be an elected or appointed official in Idaho when appointed to the commission. [Idaho Const. art. III, § 2(2)] State law further prohibits those who have been registered lobbyists within the last year -- or elected officials or district, county, or state party officers within the last two years -- from serving as a commissioner. [Idaho Code § 72-1502] These latter limitations may be altered by the state legislature.

Members of the first commission of 2011 are listed here; members of the second commission are listed here.

The Idaho Supreme Court has original jurisdiction to hear legal challenges in state court to redistricting plans. [Idaho Const. art. III, § 2(5)]

### Timing

Census data were delivered to Idaho on March 10, 2011.

The Idaho state constitution requires that the commission produce draft congressional and state legislative plans within 90 days from the date that the commission is formed; with the commission's first meeting on June 7, draft plans were due by September 6, 2011. There is no similar deadline for final plans, though candidates must file for congressional and state primary elections by March 9, 2012. [Idaho Const. art. III, § 2(4); Idaho Code § 34-704]

Idaho law ties the drawing of congressional and state legislative lines to the Census, and might therefore be construed to prohibit redrawing lines mid-decade. [Idaho Const. art. III, § 2(2); Idaho Code § 72-1501]

### Public input

Commission proceedings are open to the public and subject to the state's Open Meetings Act; redistricting data and plans submitted by the public are all available to the public at large. The commission must hold meetings in different portions of the state. [Idaho Const. art. III, § 2(4); Idaho Code § 72-1505]

The schedule of hearings -- along with links for streaming video of live hearings -- is here. Archived materials and video from past hearings are also available here.

The commission's website links to an online version of Maptitude for Redistricting, which allows members of the public to draw and submit plans to the Commission.

### Criteria

Like all states, Idaho must comply with constitutional equal population requirements and section 2 of the Voting Rights Act.

For state legislative districts, the Idaho constitution requires that districts be contiguous, and that counties be preserved intact where possible. [Idaho Const. art. III, § 5] State law also requires, for both congressional and state legislative districts, the preservation of counties to the extent possible; it also requires that districts preserve traditional neighborhoods, communities of interest, and (if possible) voting precinct boundaries; and that districts not be oddly shaped. If a district contains more than one county or portion of a county, those constituent pieces must also be connected by a state or federal highway. [Idaho Code § 72-1506]

Population data is the only data that the commission may use to draw district lines. Furthermore, county lines may not be divided in order to protect a political party or incumbent. [Idaho Code § 72-1506]

### 2010 cycle cases

***Denney v. Ysursa***, No. 39570-2012 (Idaho Sup. Ct.): a challenge in state court to the Secretary of State's refusal to replace commissioners nominated by the Speaker of the Idaho House and the chairman of the Idaho Republicans, at the request of those two officials.

- Attorney General's interpretation of authority to remove commissioners (Jan. 20, 2012).
- Petition for writ of mandamus (Jan. 24) and supplement (Jan. 25).
- **Order** dismissing petition (Jan. 25).

**The latest:** On January 25, the Idaho Supreme Court dismissed the petition, finding that the petitioners had not established a clear right under state law to the relief they were seeking -- an order requiring the Secretary of State to replace the two identified commissioners.

***In re Constitutionality of Idaho Legislative Reapportionment Plan of 2002***, No. 39127-2011 (Idaho Sup. Ct.): a challenge in state court to the constitutionality of the existing districts, given the first independent commission's failure to submit proposed districts before the relevant deadline.

- Complaint (Sept. 7, 2011).
- **Order** denying request for writ of mandate to reconvene commission (Sept. 9).

- Brief in support of petition (Sept. 23).
- **Order** declaring 2002 districts unconstitutional (Oct. 6).

**The latest:** On September 9, the Idaho Supreme Court determined that it had no power to require the independent commission to reconvene to draw districts for the current cycle, but noted that the Secretary of State could issue an order convening a new commission. Separately, on October 6, the court determined that 2002 districts were unconstitutionally malapportioned based on the most recent Census.

***Frasure v. Idaho Redistricting Commission***, No. 39128-2011 (Idaho Sup. Ct.): a challenge in state court requesting declaratory relief concerning the interpretation of state redistricting law, and requesting that the court adopt congressional and legislative districts.

- Complaint (Sept. 7, 2011).
- **Order dismissing** the case for lack of jurisdiction.

**The latest:** On September 9, the Idaho Supreme Court determined that it had no original jurisdiction to clarify state law (such a case would have to proceed first in trial court), and dismissed the case.

***Twin Falls County v. Idaho Comm'n on Redistricting***, No. 39373-2011 (Idaho Sup. Ct.): a challenge in state court to the state legislative plan, based on allegedly insufficient attention to county boundaries.

- Petition (Nov. 16, 2011), response (Dec. 21).
- Petitioners' brief (Dec. 27).
- Amicus curiae brief (Dec. 21).
- **Decision** striking down state plan (Jan. 18).

**The latest:** On January 18, over a strong dissent, the state Supreme Court struck down the state redistricting plan, finding that it unlawfully split more counties than necessary. The state's independent commission was directed to reconvene in order to draw a substitute plan.

***Benewah County v. Idaho Comm'n on Redistricting***, No. 39432-2011 (Idaho Sup. Ct.): a challenge in state court to the state legislative plan, based on multiple provisions of state law, including unnecessary division of counties.

- Petition (Dec. 7, 2011) and brief in support (Dec. 28).
- State's brief (Jan. 6).

**The latest:** Upon the decision in *Twin Falls County*, above, this case was apparently dismissed as moot.

**2000 cycle**

In the 2000 redistricting cycle, Idaho's commission adopted congressional and state legislative plans. The first state legislative plan, adopted on August 28, 2001, was struck down by the state Supreme Court on equal population grounds. The commission passed a second state legislative plan on January 8, 2002, which was also struck down by the state Supreme Court on equal population grounds. The commission then passed a third and final map, in March 2002, which was upheld by the state Supreme Court. [Bonneville County v. Ysursa, 129 P.3d 1213 (Idaho 2005); Bingham County v. Idaho Comm'n for Reapportionment, 55 P.3d 863 (Idaho 2002); Smith v. Idaho Comm'n on Redistricting, 38 P.3d 121 (Idaho 2001)]

<u>Congress</u>	<u>State legislature</u>	<u>Maps &amp; Data</u>	<u>States</u>			
Current status	Current status		Alabama	Indiana	Nebraska	South Carolina
Timing	Timing		Alaska	Iowa	Nevada	South Dakota
Authority	Authority	<u>Litigation</u>	Arizona	Kansas	New Hampshire	Tennessee
Institution	Institution		Arkansas	Kentucky	New Jersey	Texas
Party control	Party control		California	Louisiana	New Mexico	Utah
Criteria	Criteria	<u>Reform</u>	Colorado	Maine	New York	Vermont
			Connecticut	Maryland	North Carolina	Virginia

			Delaware	Massachusetts	North Dakota	Washington
			Florida	Michigan	Ohio	West Virginia
			Georgia	Minnesota	Oklahoma	Wisconsin
			Hawaii	Mississippi	Oregon	Wyoming
Overview of redistricting		Further resources				
Why it matters	Redistricting criteria	My work	Idaho	Missouri	Pennsylvania	
Public engagement	Preclearance	Tools	Illinois	Montana	Rhode Island	

## Iowa

State website: [www.legis.iowa.gov/Resources/Redist/redistricting.aspx](http://www.legis.iowa.gov/Resources/Redist/redistricting.aspx)  
 2010-cycle districts: Congress, State Senate, State House **NEW**  
 2000-cycle districts: Congress, State Senate, State House  
 Primary governing law: Iowa Const. art. III, §§ 34-39; Iowa Code §§ 42.1-42.6

### The Latest

On March 31, 2011, the Legislative Services Agency proposed draft state legislative and congressional maps. In HF 682, the legislature approved the proposals, and on April 19, they were signed into law.

### Institution

Redistricting political control:

	<u>Governor</u>	<u>State Senate</u>	<u>State House</u>
Congressional lines	R	26 D, 24 R	40 D, 60 R
State legislative lines	R	26 D, 24 R	40 D, 60 R
2000 cong. lines	D	20 D, 30 R	44 D, 56 R
2000 state lines	D	20 D, 30 R	44 D, 56 R

Iowa's congressional and state legislative lines are drawn by the state legislature, as a regular statute, subject to gubernatorial veto, but with substantial input from a nonpartisan advisory body and a bipartisan advisory committee, both maintained by statute.

This advisory body is the Legislative Services Agency (LSA), a body of civil servants committed to nonpartisanship and otherwise charged with tasks like legal and fiscal analysis of state legislation and state government oversight. The LSA prepares draft redistricting plans under criteria set almost entirely by statute.

Where the statutory criteria leave discretionary latitude, the LSA looks for guidance to a five-person independent commission; each of the four legislative leaders (majority and minority leader in each legislative house) select one commissioner, and those four select a fifth. None of the commissioners may hold partisan public office or an office in a political party, and none may be a relative or employee of a federal or state legislator (or the legislature as a whole). The members of this independent commission are listed here. [Iowa Code §§ 42.5-42.6].

The LSA works with this independent commission to draw a bill containing both congressional and state legislative plans. When this first set of plans is presented, the legislature may accept or reject it without modification; if it is rejected, the LSA will prepare another set using the legislature's feedback. That set of plans may also be accepted or rejected without modification; if it is rejected, the LSA will prepare a third and final set of plans, which may be modified at the legislature's discretion. [Iowa Code § 42.3]

Although the Iowa legislature has the ability to reject three LSA plans and then entirely substitute its own, it has not chosen to do so since the procedure's inception in 1980. Furthermore, the entire procedure above is statutory and subject to repeal or revision by the legislature at any time.

The Iowa Supreme Court has original jurisdiction to hear legal challenges in state court to redistricting plans. [Iowa Const. art. III, § 36]

### Timing

Census data were delivered to Iowa on February 10, 2011.

Under Iowa statute, the LSA must deliver its first set of congressional and state legislative plans to the legislature by April 1, 2011; if the plans are rejected, the LSA must deliver its second set of

plans within 35 days of that rejection. If the second set of plans is rejected, the LSA must deliver its third and final set of plans within 35 days of that rejection. [Iowa Code § 42.3]

The Iowa constitution provides that the legislature must enact state legislative plans by September 1, 2011, and gives the Iowa Supreme Court authority to take over if the legislature has not done so by September 15, 2011. No similar provision exists for congressional districts. [Iowa Const. art. III, § 35] Candidates must file for congressional and state legislative primary elections by March 16, 2012. [Iowa Code § 43.11(2)]

Iowa law ties the drawing of state legislative lines to the Census, and might therefore be construed to prohibit redrawing lines mid-decade. There is no similar provision pertaining to congressional lines. [Iowa Const. art. III, § 35]

### Public input

After the LSA delivers its first set of plans to the legislature, it must make public a copy of the plan and associated data. The advisory independent commission must then conduct at least three public hearings in different regions of the state, and summarize feedback from the hearings for the legislature. [Iowa Code §§ 42.2, 42.6]

The advisory independent commission's report is here. Archives of the public hearings and comments submitted at those hearings can be found here.

### Criteria

Like all states, Iowa must comply with constitutional equal population requirements. In addition, Iowa statutes require state legislative districts to be as nearly equal as practicable except where necessary to comply with other requirements, and in no event may the overall average deviation exceed 1%, or the deviation for any one district exceed 5%. [Iowa Code § 42.4(1)]

Iowa must also, like all states, abide by section 2 of the Voting Rights Act. Iowa law further provides that districts may not be drawn for the purpose of augmenting or diluting the voting strength of a language or racial minority group; that language has not yet been construed by a court. [Iowa Code § 42.4(5)]

Iowa law also requires that districts be convenient and contiguous, preserve the integrity of political subdivisions like counties and cities, and to the extent consistent with other requirements, reasonably compact -- defined in terms of regular polygons, comparison of length and width, and overall boundary perimeter. [Iowa Const. art. III, §§ 34, 37; Iowa Code § 42.4; In re Legislative Districting of General Assembly, 193 N.W.2d 784 (Iowa 1972)] Where possible, and where not in conflict with the criteria above, state House districts must be nested within state Senate districts, and both should be nested where possible within congressional districts. [Iowa Code § 42.4(6)]

In drawing maps, neither the commission nor the legislature may consider incumbent residences, political data, or demographic information other than where required by federal law. Districts may not be drawn to favor a political party, incumbent, or other person or group. [Iowa Code § 42.4(5)]

### 2000 cycle

In the 2000 redistricting cycle, Iowa's legislature rejected the LSA's first proposed set of plans, but enacted the second, on June 22, 2001.

It appears that neither the congressional nor the state legislative plan was challenged in court.

Timing	Timing		Alaska	Iowa	Nevada	Carolina South Dakota
Authority	Authority	<b>Litigation</b>	Arizona	Kansas	New Hampshire	Tennessee
Institution	Institution		Arkansas	Kentucky	New Jersey	Texas
Party control	Party control		California	Louisiana	New Mexico	Utah
Criteria	Criteria	<b>Reform</b>	Colorado	Maine	New York	Vermont
			Connecticut	Maryland	North Carolina	Virginia
			Delaware	Massachusetts	North Dakota	Washington
			Florida	Michigan	Ohio	West Virginia
			Georgia	Minnesota	Oklahoma	Wisconsin
Overview of redistricting		Further resources	Hawaii	Mississippi	Oregon	Wyoming
Why it matters	Redistricting criteria	My work	Idaho	Missouri	Pennsylvania	
Public engagement	Preclearance	Tools	Illinois	Montana	Rhode Island	

## New Jersey

State website: State legislative commission, Congressional commission  
 2010-cycle districts: Congress, State legislature « NEW »  
 2000-cycle districts: Congress, State legislature  
 Primary governing law: N.J. Const. art. II, § II; N.J. Const. art. IV, § II; N.J. Const. art. IV, § III

### The Latest

**Congress:** On December 23, the commission drawing congressional districts approved a final plan.

**State leg:** On April 3, the commission drawing state legislative districts approved a state legislative map. On August 31, a state judge dismissed a lawsuit against that map.

### Institution

Redistricting political control:

	Governor	State Senate	State Assembly
Congressional lines	Politician commission with balanced partisan composition		
State legislative lines	Politician commission with balanced partisan composition		
2000 cong. lines	Politician commission with balanced partisan composition		
2000 state lines	Politician commission with balanced partisan composition		

New Jersey's congressional lines are drawn by a 13-member politician commission, in place since 1995 (and based on a statutory model developed in 1991). The four legislative leaders (majority and minority leader in each legislative chamber) and the chairs of the state's two major political parties each choose two commissioners, none of whom may be a congressional member or employee. Those twelve commissioners then choose a thirteenth who has not held any public or party office in New Jersey within the last five years. If the twelve commissioners are not able to select a thirteenth member to serve as chair, they will present two names to the state Supreme Court, which will choose the chair. The members of the commission are to be appointed with "due consideration to geographic, ethnic and racial diversity." [N.J. Const. art. II, § II] Current members of the commission are listed here. If the commission is not able to draw lines by its deadline, it must submit two plans to the state Supreme Court, which will select a winning plan.

The state legislative lines are drawn by a similar, but distinct, 10 or 11-member politician commission, in place since 1966. The chairs of the state's two major political parties each choose five commissioners; because those ten commissioners could not agree on a plan by March 3, 2011, the Chief Justice of the state Supreme Court appointed an eleventh member to serve as tiebreaker. In making appointments, the state party chairs are asked to give "due consideration to the representation of the various geographical areas of the State." [N.J. Const. art. IV, § III] The commission's eleven members are profiled here.

The New Jersey Supreme Court has exclusive jurisdiction to review legal challenges to congressional districts that are filed in state court; there is no such provision with respect to legislative districts. [N.J. Const. art. II, § II, ¶ 7]

### Timing

New Jersey law requires that the initial ten members of its state legislative apportionment commission be appointed no later than November 15, and this commission must attempt to draw lines no later than one month after receipt of Census data, which was received on February 3, 2011. If by March 3, 2011, the commission had not produced a plan, the Chief Justice of the state Supreme Court was to appoint a tiebreaking eleventh member; the commission must then

produce a legislative plan no later than April 3, 2011. Candidates must file for state legislative primary elections by April 10, 2011. [N.J. Const. art. IV, § III]

The congressional redistricting commission has a different timeline. The initial twelve members of the commission must be appointed by June 15, 2011, and the thirteenth member must be selected no later than July 15, 2011 (or, if selected by the Supreme Court, no later than August 10, 2011). The commission must produce a congressional plan no later than January 17, 2012. Candidates must file for congressional primary elections by April 2, 2012. [N.J. Const. art. II, § II; N.J. Stat. § 19:23-14]

New Jersey explicitly prohibits redrawing either congressional or state legislative lines mid-decade. [N.J. Const. art. II, § II, ¶ 8; N.J. Const. art. IV, § III, ¶ 3]

### Public input

New Jersey law requires the congressional redistricting commission to hold at least three public hearings in different parts of the state, and if convenient, to review plans submitted by the public. Hearing materials are archived here. [N.J. Const. art. II, § II, ¶ 4]

Though there are no similar constitutional provisions with respect to state legislative districts, the state legislative commission did set a hearing schedule. Materials are archived here.

### Criteria

Like all states, New Jersey must comply with constitutional equal population requirements; the New Jersey constitution further provides that state legislative districts should be as equally populated as possible. [N.J. Const. art. IV, § II, ¶¶ 1, 3]

New Jersey must also, like all states, abide by section 2 of the Voting Rights Act.

New Jersey law provides additional constraints for state legislative districts. These districts must be contiguous, and must be as nearly compact as possible (compactness will be policed if noncompact districts are pursued for partisan advantage). Municipalities must also be kept intact, except where otherwise required by law. [N.J. Const. art. IV, § II, ¶¶ 1, 3; *Davenport v. Apportionment Comm'n*, 319 A.2d 718 (N.J. 1974); *Scrimminger v. Sherwin*, 291 A.2d 134 (N.J. 1972)] There is some conflicting law with respect to incumbents' residences: one case states that deviations from other criteria may not be justified by incumbents' residences, but another declares that it is a valid state purpose to protect incumbents. [*Davenport v. Apportionment Comm'n*, 319 A.2d 718 (N.J. 1974); *Jackman v. Bodine*, 231 A.2d 193 (N.J. 1967)]

State legislative districts are, by definition, nested; one Senator and two Representatives are elected from each district. [N.J. Const. art. IV, § II, ¶ 3; *Jackman v. Bodine*, 231 A.2d 193 (N.J. 1967)]

### 2010 cycle cases

***Lavergne v. Bryson***, No. 3:11-cv-07117 (D.N.J.) & No. 12-1171 (3d Cir.) & No. 12-778 (S. Ct.): an action in federal court challenging the number of congressional seats and the consequent apportionment of congressional districts, based in part on the assertion that the bill originally proposed as the 1st Amendment was actually ratified by the states in 1792.

#### - Trial court

- Complaint (Dec. 6, 2011).
- Motion for preliminary injunction (Dec. 6).
- **Opinion rejecting challenge** and dismissing case (Dec. 16).

#### - Court of appeals

- Brief of appellant, appendix (Feb. 28, 2012).
- Briefs of Executive branch and Senate (Apr. 16), House (Apr. 18).
- Reply (May 14).

- **Opinion** summarily affirming (Sept. 20).
- **Supreme Court**
  - Petition for writ of certiorari (Dec. 19).
  - Defendant's waiver of right to respond (Jan. 14, 2013).
  - **Cert. petition denied** (Feb. 19).

**The latest:** On December 16, 2011, the trial court dismissed the case. On September 20, 2012, that decision was summarily affirmed on appeal.

**Gonzalez v. NJ Apportionment Comm'n**, No. L-001173-11 (N.J. Super. Ct., Mercer County), No. C-000069-11 (N.J. Super. Ct., Ocean County), No. A-0747-11T4 & A-0869-11T4 (N.J. Super Ct., App. Div.) & No. C-438 (N.J. Sup. Ct.): a challenge in state court on state and federal constitutional grounds to the state legislative map passed by New Jersey's politician commission, and the process that created the map.

- **Trial court**
  - Complaint (Apr. 20, 2011) and amended complaint (May 11).
  - Denial of application for TRO (May 26).
  - Motion to dismiss (July 1).
  - **Opinion** granting motion to dismiss (Aug. 31).
- **Appellate division**
  - **Opinion** affirming trial court, dismissing case (Sept. 10, 2012).
- **Supreme Court**
  - Petition for certification
  - **Order** denying petition (Jan. 24, 2013).

**The latest:** On August 31, 2011, the judge rejected the plaintiffs' claims, and granted defendants' motion to dismiss. On September 10, 2012, the decision was affirmed on appeal, and the Supreme Court denied a petition for certification on January 24, 2013.

**2000 cycle**

In the 2000 redistricting cycle, New Jersey's state legislative commission adopted state legislative district plans on April 11, 2001; the congressional redistricting commission adopted congressional plans on October 26, 2001.

The state legislative plan was challenged in both federal and state court, and upheld. [Page v. Bartels, 144 F. Supp. 2d 346 (D.N.J. 2001); Robertson v. Bartels, 148 F. Supp. 2d 443 (D.N.J. 2001), *aff'd* 534 U.S. 1110 (2002); McNeil v. Legis. Apportionment Comm'n, 828 A.2d 840 (N.J. 2003)]

**Other state links**

New Jersey Legislative Redistricting Coalition

<u>Congress</u>	<u>State legislature</u>	<u>Maps &amp; Data</u>	<u>States</u>			
Current status	Current status		Alabama	Indiana	Nebraska	South Carolina
Timing	Timing		Alaska	Iowa	Nevada	South Dakota
Authority	Authority	<u>Litigation</u>	Arizona	Kansas	New Hampshire	Tennessee
Institution	Institution		Arkansas	Kentucky	New Jersey	Texas
Party control	Party control		California	Louisiana	New Mexico	Utah
Criteria	Criteria	<u>Reform</u>	Colorado	Maine	New York	Vermont
			Connecticut	Maryland	North Carolina	Virginia
			Delaware	Massachusetts	North Dakota	Washington
			Florida	Michigan	Ohio	West Virginia

<hr/>			Georgia	Minnesota	Oklahoma	Wisconsin
Overview of redistricting		Further resources	Hawaii	Mississippi	Oregon	Wyoming
Why it matters	Redistricting criteria	My work	Idaho	Missouri	Pennsylvania	
Public engagement	Preclearance	Tools	Illinois	Montana	Rhode Island	

## Alaska

State website:	Alaska Redistricting Board
Ongoing districts:	State legislative maps
2012 interim districts:	State legislative maps
2000-cycle districts:	State legislative maps
Primary governing law:	Alaska Const. art. VI

### The Latest

On June 13, 2011, the Redistricting Board issued its final state legislative plan, which was precleared on October 11. On February 3, 2012, a state court rejected the plan, remanding to the Redistricting Board to redraw four districts; on appeal, the state Supreme Court decided on March 15 that the Board should restart the process, drawing lines first under the state Constitution and only then adjusting for Voting Rights Act compliance where necessary. On April 5, the Redistricting Board issued a new state legislative plan; on April 20, the plan was again rejected by the courts, and remanded for redrawing, but on reconsideration on appeal, the state Supreme Court ordered the temporary use of the April 5 plans as interim maps for 2012 only. That interim plan was precleared on June 27, 2012.

The Redistricting Board resumed deliberations in June 2013. On July 14, it adopted a new plan governing elections going forward. That plan was again challenged in court, but on November 18, 2013, a court rejected the challenges.

### Institution

Redistricting political control:

	Governor	State Senate	State House
Congressional lines		n/a	
State legislative lines	Republican officials have appointed all 5 members of Alaska's independent commission; state law requires that these appointments be made without regard to political affiliation. [Alaska Const. art. VI, § 8]		
2000 cong. lines		n/a	
2000 state lines	Democratic officials appointed the majority of Alaska's independent commission; state law requires that these appointments be made without regard to political affiliation. [Alaska Const. art. VI, § 8]		

Alaska has only one congressional district.

Alaska's state legislative lines are drawn by a five-member independent commission, in place since 1998. None of the commissioners may be public officials or employees when they are appointed to serve. The Governor chooses two commissioners, the state Senate and House majority leaders each choose one, and the Chief Justice of the state Supreme Court chooses one; each commissioner must be chosen without regard to party affiliation. Each commissioner must have lived in Alaska for at least a year, and at least one commissioner must be appointed from each of the state's judicial districts. [Alaska Const. art. VI, § 8]

The current commissioners are here.

### Timing

Census data were delivered to Alaska on March 15, 2011.

Alaska state law requires that its commission draw initial proposals for state legislative lines within 30 days of the commissioners' appointment or within 30 days of the delivery of Census data, whichever is later -- in 2011, that date was April 14. The commission then holds hearings

on the proposals and makes appropriate adjustments. Final maps are due 90 days after the commission's appointment or delivery of the Census data, whichever is later -- which is June 14, 2011. [Alaska Const. art. VI, § 10]

Candidates must file for the state legislative primary elections by June 1, 2012. [Alaska Stat. § 15.25.040]

Alaska prohibits redrawing district lines mid-decade, before the next Census. [Alaska Const. art. VI, § 10]

### Public input

Citizens were entitled to submit proposed maps to the Redistricting Board. The Board held hearings on its own proposals and own these citizen maps from April 18 to May 6, with written comments accepted through May 13, 2011. Meetings of the Board are archived here, and public meetings are archived here.

### Criteria

Like all states, Alaska must comply with constitutional equal population requirements, but state law further demands that state legislative districts be populated as nearly equally as practicable. [Alaska Const. art. VI, § 6; In re 2001 Redistricting Cases, 47 P.3d 141, 145-46 (Alaska 2002)]

Alaska must also, like all states, abide by section 2 of the Voting Rights Act. Alaska is further considered a "covered state" under section 5 of the Voting Rights Act, with the obligation to submit redistricting plans to the Department of Justice or to the U.S. District Court for the District of Columbia, to ensure that the plans do not discriminate against minority communities.

For its state legislative lines, the Alaska constitution also requires that districts be contiguous and compact. [Alaska Const. art. VI, § 6; Hickel v. Southeast Conference, 846 P.2d 38, 44-46 (Alaska 1992); In re 2001 Redistricting Cases, 44 P.3d 141, 143 (Alaska 2002)] Each district must also contain as nearly as practicable a "relatively integrated socio-economic area." [Alaska Const. art. VI, § 6; In re 2001 Redistricting Cases, 47 P.3d 1089, 1091, 1094 (Alaska 2002); In re 2001 Redistricting Cases, 44 P.3d 141, 145-46 (Alaska 2002); Hickel v. Southeast Conference, 846 P.2d 38, 46-47 (Alaska 1992); Kenai Peninsula Borough v. State, 743 P.2d 1352, 1361-65 (Alaska 1987)] In making these decisions, the commission may consider local government boundaries, and should use "drainage and other geographic features" to describe districts wherever possible. [Alaska Const. art. VI, § 6; Kenai Peninsula Borough v. State, 743 P.2d 1352 (Alaska 1987)] Finally, state legislative districts must be nested, so that one Senate district is composed of two House districts. [Alaska Const. art. VI, § 6]

### 2010 cycle cases

Due to the volume of filings, information on the Alaska cases is located on a separate litigation page, here.

### 2000 cycle

In the 2000 redistricting cycle, Alaska's commission first drew lines that were struck down by the state Supreme Court, largely on compactness and equal population grounds. [In re 2001 Redistricting Cases, 44 P.3d 141 (Alaska 2002)] The commission approved a second plan on April 25, 2002, which was upheld by the state Supreme Court, and precleared on June 11, 2002. [In re 2001 Redistricting Cases, 47 P.3d 1089 (Alaska 2002)]

Timing	Timing		Alaska	Iowa	Nevada	Carolina South Dakota
Authority	Authority	<b>Litigation</b>	Arizona	Kansas	New Hampshire	Tennessee
Institution	Institution		Arkansas	Kentucky	New Jersey	Texas
Party control	Party control		California	Louisiana	New Mexico	Utah
Criteria	Criteria	<b>Reform</b>	Colorado	Maine	New York	Vermont
			Connecticut	Maryland	North Carolina	Virginia
			Delaware	Massachusetts	North Dakota	Washington
			Florida	Michigan	Ohio	West Virginia
			Georgia	Minnesota	Oklahoma	Wisconsin
Overview of redistricting		Further resources	Hawaii	Mississippi	Oregon	Wyoming
Why it matters	Redistricting criteria	My work	Idaho	Missouri	Pennsylvania	
Public engagement	Preclearance	Tools	Illinois	Montana	Rhode Island	

# Pennsylvania

State website:	Pennsylvania Redistricting
2010-cycle districts:	Congress, State Senate, State House <span style="border: 1px dashed black; padding: 2px;">NEW</span>
2000-cycle districts:	Congress, State Senate, State House
Primary governing law:	Pa. Const. art. II, §§ 16-17

## The Latest

**Congress:** On December 20, the state legislature passed SB 1249, which was signed on December 22.

**State leg.:** On October 31, the politician commission responsible for state legislative redistricting released draft lines for state Senate and House; on December 12, the commission voted 4-1 to approve final lines. On January 25, the state Supreme Court rejected the plan. The Court held that the 2001 plan should govern 2012 elections, and federal court challenges to that holding were rejected.

On June 8, 2012, the politician commission issued final plans for new districts, effective in 2014. Those districts were challenged; on May 8, 2013, the state Supreme Court rejected those challenges.

## Institution

Redistricting political control:

	Governor	State Senate	State House
Congressional lines	R	20 D, 30 R	91 D, 112 R
State legislative lines	Politician commission with balanced partisan composition		
2000 cong. lines	R	21 D, 29 R	98 D, 104 R
2000 state lines	Politician commission with balanced partisan composition		

Pennsylvania's congressional lines are drawn by the state legislature, as a regular statute, subject to gubernatorial veto. The members of the state House committee responsible for redistricting are listed [here](#); the members of the state Senate committee are listed [here](#).

Pennsylvania's state legislative lines are drawn by a five-member politician commission, in place since 1968. Each of the four legislative leaders (majority and minority leader in each legislative house) may choose one commissioner, and those four commissioners choose a fifth to serve as chair, who may not hold paid public office. If the first four commissioners cannot agree on a chair within 45 days, the state Supreme Court will appoint a fifth commissioner to serve as chair. The current members of the commission -- including a chair appointed by the state Supreme Court -- are listed [here](#). [Pa. Const. art. II, § 17(b)]

The Pennsylvania constitution vests original jurisdiction in the state Supreme Court for review of state legislative lines in state court. There is no similar provision for congressional lines. [Pa. Const. art. II, § 17(d), (g)]

## Timing

Census data were delivered to Pennsylvania on March 9, 2011.

Pennsylvania state law does not impose a particular deadline for drawing congressional lines, though candidates must file for congressional primary elections by February 14, 2012. [25 Pa. Cons. Stat. § 2873(d)] The regular legislative session began on January 4, 2011, and ends January 4, 2012.

Pennsylvania state law requires that its commission draw initial proposals for state legislative lines within 90 days of the commissioners' appointment or the approval of Census data, whichever is later. In 2011, that deadline will be November 15. In the thirty days after draft maps are produced, any person can file objections to the plan, and the commission has 30 days from the date of the last objection to approve a final plan. [Pa. Const. art. II, § 17(c)]

Pennsylvania prohibits redrawing state legislative district lines mid-decade, before the next Census; there is no similar provision pertaining to congressional lines. [Pa. Const. art. II, § 17(e)]

### **Public input**

Scheduled hearings for the congressional redistricting process are listed [here](#) and [here](#). Hearings by the commission responsible for state legislative redistricting are listed [here](#).

### **Criteria**

Like all states, Pennsylvania must comply with constitutional equal population requirements; for its state legislative lines, Pennsylvania further asks that districts be drawn that are as "nearly equal in population as practicable." [Pa. Const. art. II, § 16]

Pennsylvania must also, like all states, abide by section 2 of the Voting Rights Act.

For its state legislative lines, the Pennsylvania constitution further requires that districts be contiguous and compact, and that they respect county, city, incorporated town, borough, township, and ward boundaries "unless absolutely necessary." [Pa. Const. art. II, § 16]

### **2010-cycle cases**

On January 10, 2012, the Pennsylvania Supreme Court consolidated all litigation challenging the state legislative lines.

Due to the volume of filings, information on the Pennsylvania cases is located on a separate litigation page, [here](#).

### **2000 cycle**

In the 2000 redistricting cycle, Pennsylvania's legislature passed a congressional plan, which was signed on January 7, 2002. The plan, with a deviation of 19 persons from largest to smallest district, was challenged in state and federal court; it was upheld in state court (on partisan gerrymandering grounds), but struck down in federal court on April 8, 2002, on equal population grounds. [Erfer v. Pennsylvania, 794 A.2d 325 (Pa. 2002); Vieth v. Pennsylvania, 195 F. Supp. 2d 672 (M.D. Pa. 2002)]

The legislature then passed a new congressional plan, which was signed on April 18, 2002. That plan was challenged in federal court, and upheld. [Vieth v. Pennsylvania, 241 F. Supp. 2d 478 (M.D. Pa. 2003), *aff'd sub nom.* Vieth v. Jubelirer, 541 U.S. 267 (2004)]

For state legislative districts, the state's commission passed a state legislative plan on November 19, 2001, which became final on December 28, 2001 after a few technical adjustments. The state legislative plan was challenged in state court, and upheld. [Albert v. 2001 Legis. Reapportionment Comm'n, 790 A.2d 989 (Pa. 2002)]

### **Other state links**

PoliticsPA, The Ins & Outs of the New (2014) House and Senate Lines

<u>Congress</u>	<u>State legislature</u>	<u>Maps &amp; Data</u>	<u>States</u>			
Current status	Current status		Alabama	Indiana	Nebraska	South Carolina
Timing	Timing		Alaska	Iowa	Nevada	South Dakota
Authority	Authority	<b>Litigation</b>	Arizona	Kansas	New Hampshire	Tennessee
Institution	Institution		Arkansas	Kentucky	New Jersey	Texas
Party control	Party control		California	Louisiana	New Mexico	Utah
Criteria	Criteria	<b>Reform</b>	Colorado	Maine	New York	Vermont
			Connecticut	Maryland	North Carolina	Virginia
			Delaware	Massachusetts	North Dakota	Washington
			Florida	Michigan	Ohio	West Virginia
			Georgia	Minnesota	Oklahoma	Wisconsin
Overview of redistricting		Further resources	Hawaii	Mississippi	Oregon	Wyoming
Why it matters	Redistricting criteria	My work	Idaho	Missouri	Pennsylvania	
Public engagement	Preclearance	Tools	Illinois	Montana	Rhode Island	

## Washington

State website: Redistricting Commission, Secretary of State  
 2000-cycle districts: Congress, State Legislature  
 Primary governing law: Wash. Const. art. II, § 43; Rev. Code Wash. ch. 44.05

### The Latest

On January 1, 2012, the independent commission responsible for redistricting released final maps (along with a final report) for congressional and state legislative districts. On February 1, the state legislature passed EHCR 4409, a slightly amended version of those plans, by greater than the requisite 2/3 vote.

### Institution

Redistricting political control:

	Governor	State Senate	State House
Congressional lines	Independent commission with balanced partisan composition		
State legislative lines			
2000 cong. lines	Independent commission with balanced partisan composition		
2000 state lines			

Washington's congressional and state legislative lines are drawn by a five-member independent commission, created in 1982.

Each of the four legislative leaders (majority and minority party leader in each legislative house) each select one registered voter to serve as commissioner, and those four commissioners choose a nonvoting fifth commissioner to serve as chair. If the commissioners cannot agree on a chair, the state Supreme Court will select one. Current members are here. [Wash. Const. art. II, § 43(2)]

The state constitution provides that no commissioner may have been an elected official or elected district, county, or state party officer within two years of appointment to the commission. [Wash. Const. art. II, § 43(3)] State law further prohibits those who have been registered lobbyists within the last year from serving as a commissioner; this latter limitation may be altered by the state legislature. [Rev. Code Wash. § 44.05.050]

The independent commission will submit its districting plan to the legislature, which may within the next 30 days amend the plan if two-thirds of each house approves the amendment. State statute provides that no legislative amendment may include more than two percent of the population of any particular district; this limitation may be altered by statute. [Wash. Const. art. II, § 43(7); Rev. Code Wash. § 44.05.100]

The state Supreme Court has original jurisdiction to hear legal challenges in state court to redistricting plans; it is also given the automatic authority to draw plans itself if the commission has not adopted a plan by January 1, 2012. [Rev. Code Wash. §§ 44.05.100; 44.05.130]

### Timing

Census data were delivered to Washington on February 23, 2011.

The Washington state constitution requires that the commission produce congressional and state legislative plans by January 1, 2012, and the legislature will have 30 days thereafter to amend the plan. If the commission does not produce plans by January 1, the state Supreme Court will produce a plan, by March 1, 2012. Candidates must file for congressional and state legislative

primary elections by June 8, 2012. [Wash. Const. art. II, § 43(6); Rev. Code Wash. §§ 44.05.100; 29A.24.050]

In the normal course of affairs, Washington law prohibits redrawing state legislative lines mid-decade, before the next Census. However, by a two-thirds vote of each house of the legislature, the independent commission may be reconvened to redraw district lines at any time. [Wash. Const. art. II, § 43(8), (11); Rev. Code Wash. §§ 44.05.100, 44.05.120]

### Public input

Commission meetings are open to the public and distributed via interactive webcast. When the commission's work is done, the commission must publish a report explaining the plan. The meeting schedule is posted here, and minutes and materials from past meetings archived here. [Rev. Code Wash. § 44.05.080]

The commission allows members of the public to comment on ideas or plans for redistricting, or to submit their own plans, which were accepted through August 15, 2011. Written public comments are indexed here. The commission's own draft maps are archived here and here.

### Criteria

Like all states, Washington must comply with constitutional equal population requirements; the state constitution further requires that state legislative districts be equally populated, "as nearly as practicable," excluding nonresident military personnel. [Wash. Const. art. II, § 43(5); Rev. Code Wash. § 44.05.090]

Washington must also, like all states, comply with section 2 of the Voting Rights Act.

The Washington constitution requires that, to the extent reasonable, both constitutional and state legislative districts should be contiguous, compact, and convenient, and follow natural geographic, artificial, or political subdivision boundaries. The commission must also not purposely draw plans to favor or discriminate against any political party or group. By statute, Washington further provides that districts should be drawn to preserve areas recognized as communities of interest, and that the number of divided counties and municipalities be as small as possible; they also define contiguous areas as those without geographical boundaries or artificial barriers preventing transportation. Finally, Washington statutes require the commission to "provide fair and effective representation and to encourage electoral competition." [Wash. Const. art. II, § 43(5); Rev. Code Wash. § 44.05.090]

State legislative districts are, by definition, nested; one Senator and two Representatives are elected from each district. [Rev. Code Wash. § 44.05.090]

### 2010-cycle cases

*In re 2012 Washington State Redistricting Plan*, No. 86976-6 (Wash. Sup. Ct.): a challenge in state court to the congressional and state legislative districts, based on alleged violations of several state criteria, including unequal population, insufficient attention to political boundaries, and inadequate competition.

- Petition for declaratory judgment (Feb. 8, 2012).
- Briefs re interim plan by petitioner, State (Mar. 1).
  - Petitioner's response brief (Mar. 8).
- **Order** approving map temporarily for 2012, briefing to continue (Mar. 14).
- Motion for dismissal, concurrence (Oct. 29).
- **Order** dismissing the case (Nov. 2).

**The latest:** On March 14, the state Supreme Court determined that too little time remained to address petitioner's claims for 2012, and ordered the use of the commission's maps for the upcoming 2012 elections. On November 2, 2012, the case was dismissed by stipulation of the parties.

**2000 cycle**

In the 2000 redistricting cycle, Washington's commission adopted state legislative plans on December 17, 2001, and congressional plans on January 2, 2002. With a 2/3 vote in each house, the legislature made two minor adjustments to the state legislative plan, with a 2/3 vote in each house, on February 11, 2002. It does not appear that either plan was challenged in court.

**Other state links**

Washington's Redistricting Board Game

<u>Congress</u>	<u>State legislature</u>	<u>Maps &amp; Data</u>	<u>States</u>			
Current status	Current status		Alabama	Indiana	Nebraska	South Carolina
Timing	Timing		Alaska	Iowa	Nevada	South Dakota
Authority	Authority	<u>Litigation</u>	Arizona	Kansas	New Hampshire	Tennessee
Institution	Institution		Arkansas	Kentucky	New Jersey	Texas
Party control	Party control		California	Louisiana	New Mexico	Utah
Criteria	Criteria	<u>Reform</u>	Colorado	Maine	New York	Vermont
			Connecticut	Maryland	North Carolina	Virginia
			Delaware	Massachusetts	North Dakota	Washington
			Florida	Michigan	Ohio	West Virginia
			Georgia	Minnesota	Oklahoma	Wisconsin
Overview of redistricting		Further resources	Hawaii	Mississippi	Oregon	Wyoming
Why it matters	Redistricting criteria	My work	Idaho	Missouri	Pennsylvania	
Public engagement	Preclearance	Tools	Illinois	Montana	Rhode Island	

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## REDISTRICTING

The redrawing of district boundaries every 10 years is designed to ensure that Congress and state legislatures are representative. But all too often, redistricting is not used by elected officials to safeguard electoral fairness, but to manipulate boundaries and stack the deck in favor of a political party or incumbent candidates.

This is called gerrymandering and it is a big problem in America. Gerrymandering impacts communities across the country. Underrepresented minority communities are often hit the hardest when redistricting dilutes their political influence and makes it hard to gain a foothold in our democracy.

With technology now making it possible to draw maps with highly accurate precision, the result is a political system where most electoral battles are fought in primaries and elected officials more and more seem to cater to the partisan extremes that dominate those contests. It's no wonder then that citizens are left feeling increasingly that their votes – and voices – do not matter.

The Brennan Center supports reforming the redistricting process so that it is independent, transparent, and ensures that communities are fully and fairly represented in Congress and the nation's legislative bodies.

## Voting Rights & Elections

[Voting Reform Agenda](#)
[Voter Registration Modernization](#)
[Restricting the Vote](#)
[Myth of Voter Fraud](#)
[Trump's "Voter Fraud" Commission](#)
[Restoring Voting Rights](#)
[The Voting Rights Act](#)
[Student Voting](#)
[Voting Machines & Ballot Design](#)
[Redistricting](#)
[Securing American Elections From Foreign Interference](#)
[Other Voting Issues](#)

## RECENT RESEARCH

### Don't Judge a Book by its Cover Alone

Redistricting quiz: Test your knowledge of congressional districts.

November 29, 2017 | [Redistricting, Gill v. Whitford: Gerrymandering at the Supreme Court](#)



### Annotated Guide to the Whitford Amicus Briefs

Thomas Wolf, Caroline Vorce

In a sure sign of *Whitford's* significance, lawmakers, law professors, social scientists, and civil rights groups have filed more than 45 amicus briefs, which run the gamut from constitutional theory to cutting-edge social science.

September 19, 2017 | [Redistricting, Gill v. Whitford: Gerrymandering at the Supreme Court](#)

[View More Research](#)



## REDISTRICTING RESOURCES:

[Who Draws the Maps?](#)
[State Bills to Reform Redistricting](#)
[Congressional Bills to Reform Redistricting](#)
[Redistricting Resources for Advocates](#)
[Partisan Gerrymandering](#)
[The State of Redistricting Litigation](#)
[Calendar of Upcoming Deadlines in Key Redistricting Cases](#)
[U.S. Census. Incarcerated People and Prison-Based Gerrymandering](#)

## FEATURED PUBLICATION



# State panel approves petition aimed at ending gerrymandering

Paul Egan, Detroit Free Press Published 12:21 p.m. ET Aug. 17, 2017 | Updated 4:45 p.m. ET Aug. 17, 2017



(Photo: Paul Egan/Detroit Free Press)

LANSING — A group that wants to end political gerrymandering of Michigan election districts says it plans to start collecting signatures immediately after the Board of State Canvassers gave approval today to its petition.

The board approved the form — but not the substance — of the ballot petition in a 4-0 vote following a meeting at the Lansing Center that was packed with supporters of the plan, who burst into loud applause when approval was given.

Thursday's vote was the culmination of a lengthy process of review and revision of the proposal, submitted in late June. State election officials and attorneys said it's one of the most complex ballot proposals ever submitted, because 11 different provisions of the state constitution are affected by it.

"Collection will start right now," Katie Fahey, the group's president, told the Free Press after the meeting. "We're very excited to go and get out into the field," with what is planned to be an all-volunteer effort.

**More:** [Group seeks Michigan ballot proposal to end gerrymandering \(/story/news/local/michigan/2017/07/17/group-submits-michigan-ballot-proposal-end-gerrymandering/485228001/\)](/story/news/local/michigan/2017/07/17/group-submits-michigan-ballot-proposal-end-gerrymandering/485228001/)

**More:** [Democrats challenge 'gerrymandered' Michigan districts \(/story/news/politics/2017/01/31/democrats-challenge-gerrymandered-michigan-districts/97254240/\)](/story/news/politics/2017/01/31/democrats-challenge-gerrymandered-michigan-districts/97254240/)

Voters Not Politicians wants to change the state constitution to create an independent citizen commission to draw political lines, taking the role away from the Legislature.

The group would have to collect close to 316,000 valid signatures to get the proposed constitutional amendment on the November 2018 ballot.

The proposal would establish a 13-member independent citizens commission on which independent voters would have five members, and the two major parties would each have four.

The commission is expected to cost at least an extra \$5.5 million a year, based on a formula by which an amount equal to 25% of the current budget of the Michigan Secretary of State would be appropriated to support its work, said James Lancaster, a Lansing attorney representing Voters Not Politicians. The money to support the commission would be in addition to what the Secretary of State's Office now spends, he said.

Elected officials, lobbyists, party officials and other political insiders would be ineligible to serve on the commission, which would hold public hearings before approving proposed district maps by majority vote, with at least two votes required from each of the three groups represented on the commission.

While county lines and other municipal boundaries now form the building blocks of election districts, the commission would look at other factors, such as "communities of interest," and seek to create districts that are politically competitive.

Drawing of Michigan's electoral districts is now controlled by lawmakers who control the state Legislature, with disputes resolved by the Michigan Supreme Court, whose members run on a nonpartisan ballot but are nominated by state political parties.

Both legislative chambers, the governor's office and the Michigan Supreme Court have been controlled by Republicans in recent years, and groups mostly associated with the Michigan Democratic Party have been pushing for change.

Fahey, who lives in Caledonia near Grand Rapids and works for the Michigan Recycling Coalition, said her group is taking a nonpartisan approach and that changes in redistricting are backed by voters from both parties.

Robert LaBrant, senior counsel at the Republican consulting firm the Sterling Corp. and a former Michigan Chamber of Commerce official with extensive involvement with redistricting efforts in Michigan, said in July the proposal gives considerable influence to a partisan secretary of state, partly by requiring that none of the commissioners have any political experience.

Under the proposal, the redistricting commission would be administered by the Secretary of State's Office, which would carry out roles such as creating and making available application forms for citizens who want to serve on the commission.

Because there will be vacuum of participants who have political expertise and experience, the secretary of state could significantly influence both the selection of the commissioners and how the commission operates, through creation of rules and other means, LaBrant said.

LaBrant said he also sees problems moving away from counties and other municipal lines as the building blocks of election districts in favor of undefined "communities of interest," while also calling for election districts that will be politically competitive. There is an apparent conflict between districts with shared interests and districts that are politically competitive, he said.

"If we think we've got contorted, bizarrely shaped districts now" that would be amplified under the criteria set out in the proposal, LaBrant told the Free Press.

In 2012, Michigan Democrats received 52% of the votes cast for state House, but won 46% of the seats. In 2014, Democrats received 51% of the votes for state House and won 43% of the seats. And in 2016, Democrats received just under 50% of the votes for state House, and again won 43% of the seats.

In congressional races in 2016, Democrats received 47% of the votes, but won just 36% of the seats, records show.

Some analysts say overly partisan districts have contributed to hyper-partisanship in state legislatures and Congress, and an inability for the two parties to work together.

*Contact Paul Egan: 517-372-8660 or [pegan@freepress.com](mailto:pegan@freepress.com). Follow him on Twitter @paulegan4.*

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# NCSL

NATIONAL CONFERENCE OF STATE LEGISLATURES

## REDISTRICTING COMMISSIONS: STATE LEGISLATIVE PLANS

12/7/2015



Traditionally, state legislatures have been responsible for redistricting for state legislative and congressional districts. Since the landmark Supreme Court decisions of the 1960s that established the one-person, one-vote principle, a number of states have shifted redistricting of state legislative district lines from the legislature to a board or commission. There are pros and cons to removing the process from the traditional legislative process to a commission. Reformers often mistakenly assume that commissions will be less partisan than legislatures when

conducting redistricting but that depends largely on the design of the board or commission.

NCSL has categorized the commissions as either having primary responsibility for redistricting, serving in an advisory capacity, or operating as a back-up commission in cases where the legislature does not meet its deadline. All states not represented in the tables below draw legislative districts through state legislative authority.

Thirteen states have a commission with primary responsibility for drawing a plan for state legislative districts. Five states have an advisory commission that may assist the legislature with drawing the district lines and five states have a backup commission that will make the decision if the legislature is unable to agree. See below for Iowa's redistricting plan, which is distinct from the other categories.

Also, check out NCSL's Redistricting Commissions: Congressional Plans page for more on how commissions states use commissions to draw congressional district lines and NCSL's Redistricting Commission Bills for 2017 legislation..

State	Number of Members	Details
<b>Alaska</b> <u>Alaska Const. art. 6, § 8</u>	5	<b>Name:</b> Redistricting Board <b>Selection Requirements:</b> Governor appoints two; then president of the Senate appoints one; then speaker of the House appoints one; then chief justice of the Supreme Court appoints one. At least one member must be a resident of

State	Number of Members	Details
<p><b>Arizona</b>  <u>Ariz. Const. art. 4, pt. 2, § 1</u></p>	<p>5</p>	<p>each judicial district. No member may be a public employee or official.</p> <p><b>Name:</b> Independent Redistricting Commission  <b>Selection Requirements:</b> The commission on appellate court appointees creates a pool of 25 nominees, ten from each of the two largest parties and five not from either of the two largest parties. The highest ranking officer of the house appoints one from the pool, then the minority leader of the house appoints one, then the highest ranking officer of the senate appoints one, then the minority leader of the senate appoints one. These four appoint a fifth from the pool, not a member of any party already represented on the commission, as chair. If the four deadlock, the commission on appellate court appointments appoints the chair.</p>
<p><b>Arkansas</b>  <u>Ark. Const. 1874, art. 8</u></p>	<p>3</p>	<p><b>Name:</b> Board of Apportionment  <b>Selection Requirements:</b> Commission consists of the governor, secretary of state, and the attorney general</p>
<p><b>California</b>  <u>Cal. Const. Article XXI</u></p>	<p>14</p>	<p><b>Name:</b> Citizen's Redistricting Commission  <b>Selection Requirements:</b> With the Passage of Proposition 11 in 2008, the process of redrawing California's state legislative districts was removed from state legislative authority and given to a newly established 14 member commission. The commission must include 5 Democrats, 5 Republicans, and 4 members from neither party. Government auditors are to select 60 registered voters from an applicant pool. Legislative leaders can reduce the pool; the auditors then are to pick eight commission members by lottery, and those commissioners pick six additional members for 14 total. For approval district boundaries need votes from three Democratic commissioners, three</p>

State	Number of Members	Details
		Republican commissioners, and three commissioners from neither party.
<b>Colorado</b> <u>Colo. Const. art. V, § 48</u>	11	<b>Name:</b> Reapportionment Commission <b>Selection Requirements:</b> Legislature selects four: (speaker of the House; House minority leader; Senate majority and minority leaders; or their delegates). Governor selects three. Chief Justice of Colorado Supreme Court selects four. Maximum of four from the legislature. Each congressional district must have at least one person, but no more than four people representing it on the commission. At least one member must live west of the Continental Divide.
<b>Hawaii</b> <u>Hawaii Const. art. IV</u>	9	<b>Name:</b> Reapportionment Commission <b>Selection Requirements:</b> President of the Senate selects two. Speaker of the House selects two. The minority leader in both the house and senate party each select one of their number. Those two each select one. These eight select the ninth member, who is the chair. No commission member may run for the legislature in the two elections following redistricting.
<b>Idaho</b> <u>Idaho Const. art. III, § 2</u>	6	<b>Name:</b> Commission for Reapportionment <b>Selection Requirements:</b> Leaders of two largest political parties in each house of the legislature each designate one member; chairs of the two parties whose candidates for governor received the most votes in the last election each designate one member. No member may be an elected or appointed official in the state at the time of designation.
<b>Missouri</b> <u>Mo. Const. art. III, § 2</u>	House: 18 Senate: 10	<b>Name:</b> Apportionment Commission <b>Selection Requirements:</b> There are two separate redistricting committees. Governor picks one person from each list of two submitted by the two main political parties in

State	Number of Members	Details
		each congressional district to form the house committee. Governor picks five people from two lists of 10 submitted by the two major political parties in the state to form the senate committee. No commission member may hold office in the legislature for four years after redistricting.
<b>Montana</b> <u>Mont. Const. art. V, § 14</u>	5	<b>Name:</b> Commission <b>Selection Requirements:</b> Majority and minority leaders of both houses of the Legislature each select one member. Those four select a fifth, who is the chair. Members cannot be public officials. Members cannot run for public office in the two years after the completion of redistricting.
<b>New Jersey</b> <u>N.J. Const. art. IV, § 3</u>	13	<b>Name:</b> Apportionment Commission <b>Selection Requirements:</b> The majority and minority leaders of both legislative chambers and the chairs of the two major political parties each choose two. Those twelve then appoint the thirteenth who has not held any public or party office in the state within the last five years. If they cannot agree, they will present two names to the Supreme Court, which will choose the final member.
<b>Ohio</b> <u>Ohio Const. art. XI, § 1</u>  NOTE: this commission was established to begin in the 2020 cycle, by a <u>2015 Constitutional Amendment</u>	7	<b>Name:</b> Ohio Redistricting Commission <b>Selection Requirements:</b> Board consists of the governor, auditor, secretary of state, and four people appointed by the majority and minority leaders of the General Assembly.
<b>Pennsylvania</b> <u>Pa. Const. art. II, § 17</u>	5	<b>Name:</b> Reapportionment Commission <b>Selection Requirements:</b> Majority and minority leaders of the legislative houses each select one member. These four select a fifth to chair. If they fail to do so within 45 days, a majority of

State	Number of Members	Details
		the state Supreme Court will select the fifth member. The chair cannot be a public official.
<b>Washington</b> <u>Wash. Const. art. II, § 43</u>	5	<b>Name:</b> Commission <b>Selection Requirements:</b> The majority and minority party leaders in each legislative chamber each select one registered voter to serve as commissioner, and those four commissioners choose a nonvoting fifth commissioner to serve as chair.
<b>COMMISSIONS WITH PRIMARY RESPONSIBILITY FOR DRAWING A PLAN FOR STATE LEGISLATIVE DISTRICTS</b>		

State	Number of Members	Details
<b>Maine</b> <u>Me. Const. art. IV, pt. 3, § 1-A</u>	15	<b>Name:</b> Apportionment Commission <b>Selection Requirements:</b> Speaker of the House appoints three. House minority leader appoints three. President of the Senate appoints two. Senate minority leader appoints two. Chairs of two major political parties each choose one. The members from the two parties represented on the commission each appoint a public member, and the two public members choose a third public member.
<b>New York</b> NOTE: this commission was established to begin in the 2020 cycle, by a <u>2014 referendum, Proposal 1</u>	10	<b>Name:</b> Independent Redistricting Commission <b>Selection Requirements:</b> Each of the four legislative leaders appoints two members; the original eight members select two additional members. Legislators and other elected officials are prohibited from serving. If plans submitted by the commission are rejected by the legislature twice, the legislature will amend it as necessary.
<b>Rhode Island</b> <u>2011 R.I. Laws ch. 106, § 1; 2011 R.I. Laws ch. 100, § 1</u>	18	<b>Name:</b> Reapportionment Commission <b>Selection Requirements:</b> The majority leader of both the house and the senate chose 4 members of the legislature and 3 who are not. The senate and

State	Number of Members	Details
		house minority leaders each choose 2 who are not members of the legislature.
<b>Vermont</b> <u>Vt. Stat. Ann. tit. 34A, § 1904</u>	7	<b>Name:</b> Legislative Apportionment Board <b>Selection Requirements:</b> Chief justice appoints the chair; governor appoints one member from each political party with at least 3 state legislators for six of the previous ten years; those parties each select one. Secretary of state is secretary of the board but does not vote. No commissioner may be a member or employee of the legislature.
<b>Virginia</b> <u>Exec. Order No. 31 (2011)</u>	11	<b>Name:</b> Independent Bipartisan Advisory Commission on Redistricting <b>Selection Requirements:</b> Governor created an advisory commission in 2011 by executive order. The commission is designed to get public input and to recommend district lines to the legislature, which may adopt, modify, or ignore the commission's proposals. Governor chooses 5 citizens of each majority party who have not held elected office in last 5 years, are not employees of Congress or the state legislature. Governor will also select the chair who is not identifiable with any political party.
<b>ADVISORY COMMISSIONS</b>		

State	Number of Members	Details
<b>Connecticut</b> <u>Conn. Const. art. III, § 6</u>	9	<b>Name:</b> Commission <b>Selection Requirements:</b> President pro tem of the Senate, Senate minority leader, speaker of the House, and House minority leader each select two; these eight must select the ninth within 30 days.
<b>Illinois</b> <u>Ill. Const. art. IV, § 3</u>	8	<b>Name:</b> Legislative Redistricting Commission <b>Selection Requirements:</b> President of the Senate, Senate minority leader, speaker of the House, and House minority leader each select two, one of whom is a legislator and the other is not. No more

		than four from the same party. If the commission fails to develop a plan by August 10, 2001, the state Supreme Court selects two persons not of the same political party, one of whom is chosen by lot to be the ninth member.
<b>Mississippi</b> <u>Miss. Const. art. 13, § 254</u>	5	<b>Name:</b> Commission <b>Selection Requirements:</b> Chief justice of Supreme Court is chair; attorney general, secretary of state, speaker of the House, president pro tem of the Senate
<b>Oklahoma</b> <u>Okla. Const. § V-11A</u>	7	<b>Name:</b> Bipartisan Commission on Legislative Apportionment <b>Selection Requirements:</b> The Lieutenant Governor is the nonvoting chair; the governor, senate majority leader, and house majority leader each choose 2, one republican and one democrat.
<b>Texas</b> <u>Tex. Const. art. 3, § 28</u>	5	<b>Name:</b> Legislative Redistricting Board of Texas <b>Selection Requirements:</b> Lieutenant governor, speaker of the House, attorney general, comptroller of public accounts, and commissioner of the general land office

#### BACKUP COMMISSIONS

<b>Iowa</b>	Iowa conducts redistricting unlike any other state. The Iowa system does not put the task in the hands of a commission, but rather the legislature does vote on the plans. Nonpartisan legislative staff develop maps for the Iowa House and Senate as well as U.S. House districts without any political or election data including the addresses of incumbents. This is different from all other states. For a detailed description of the Iowa system <a href="#">click here</a> .
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#### OTHER

### About This NCSL Project

Redistricting is the process of redrawing state legislative and congressional district boundaries every 10 years by state legislatures following the decennial U.S. Census. NCSL helps prepare legislatures and others for the redistricting cycle with comprehensive information on redistricting law, technology and process. NCSL collects data and information on new legislative and congressional districts.

For more information, contact [Wendy Underhill](#), NCSL Staff Liaison.

## Additional Resources

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- [Redistricting Commissions: Congressional Plans](#)
- [All About Redistricting](#)
- [NCSL's Redistricting Homepage](#)



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POLITICS

# Redistricting Reform Advocates Say The Real 'Rigged System' Is Gerrymandering

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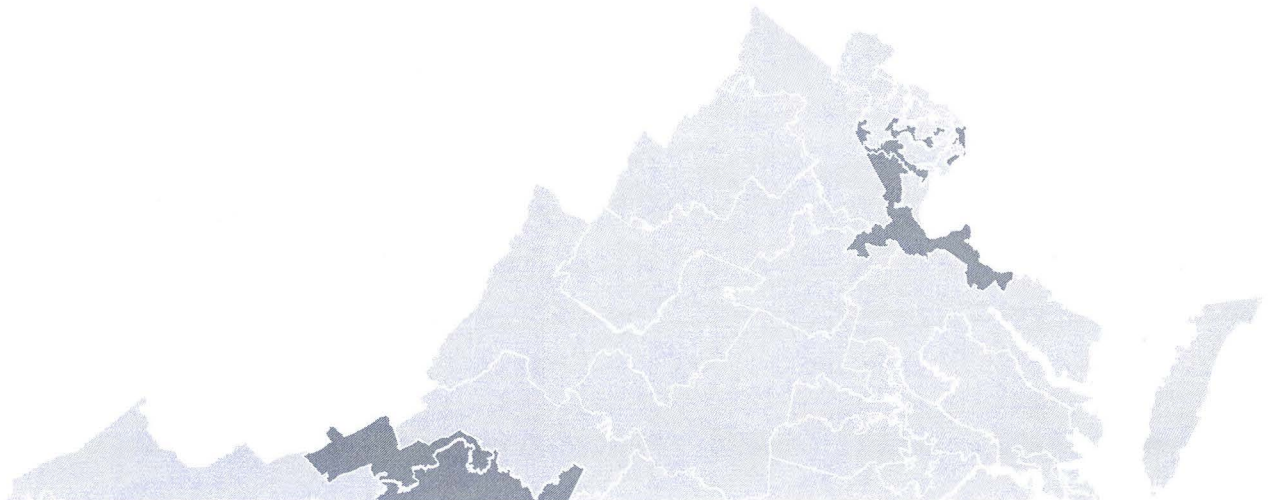


SARAH MCCAMMON

## Virginia Legislative Boundaries Facing Legal Challenge

SENATE

DISTRICTS 19, 21, 28, 29, 30 AND 37



If the election results of 2016 were really about rejecting the political establishment, then Congress didn't get the memo. After all, 97 percent of incumbents in the U.S. House of Representatives seeking re-election won even as national polls show overwhelming disapproval of Congress.

Advocates for redistricting reform hope voters are ready to pay more attention to the otherwise wonky issue of legislative districts are drawn, a system that's helped send so

many incumbents back to Washington and state capitols, year after year.

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#### THE TWO-WAY

Federal Court Rules Three Texas Congressional Districts Illegally Drawn

One group trying to change that system is One Virginia 2021, a nonpartisan organization that's challenging the constitutionality of 11 state legislative district boundaries.

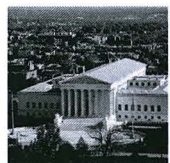
Executive director Brian Cannon says many of the Virginia General Assembly boundaries are so convoluted they no longer serve the people.

"I think when people scratch the surface on the concept of, 'Are these elections rigged?' it might not be rigged in the same way that Bernie Sanders or Donald Trump was saying it, but it doesn't take you too long to get to gerrymandering," Cannon says.

In the Virginia General Assembly, like in Congress, incumbents have a huge advantage; all who ran in the last election, in 2015, kept their seats. Cannon and his allies are waging a multi-front war on that system, which allows state lawmakers to draw the lines for state legislative and Congressional districts. A decision in the Virginia case is expected next month.

### **Independent commissions**

In a separate effort, the group is also calling for the creation of an independent redistricting commission, similar to ones in Arizona and California. Cannon and his colleagues are traveling the state, showing a documentary about gerrymandering several times a month and pushing to elect candidates who support redistricting reform in Virginia's statehouse races this fall.



#### LAW

Supreme Court Considers Race, Politics And Redistricting In 2 Cases

Shane Brown runs a theater in Richmond that hosted a screening this week. He describes himself as a Democratic-leaning independent and who's concerned about the increasingly polarized nature of American politics.

"I think a lot of people are actually delving more and more into the intricacies of how all this works - especially when you see how not knowing it can be crazy when you see it breaking down," Brown says.

Cannon argues that competitively-drawn districts would force lawmakers to be more responsive and work across party lines.

"There's a number of ways to do this," he says. "Anything would be better than our current system."

## **National campaign**

The issue of partisan gerrymandering appears to be energizing voters in several states. Last month in Montgomery County, Pennsylvania, hundreds showed up for a meeting hosted by a group pushing for a nonpartisan redistricting commission.

Others, including Texas and Florida, have seen legal challenges to their congressional district boundary lines. In Wisconsin, a federal judge in November ruled state legislative districts unconstitutional as drawn by Republican lawmakers.

The biggest pushback to redistricting reform tends to come from majority-party incumbents. In Virginia, Republican Chris Jones sponsored the bill that created the current districts for the House of Delegates.

"There's no non-partisan way to do this," Jones says. "Those who claim to be non-partisan if you look at most of their affiliations, they have party affiliations so it's not nonpartisan. So I think you're folly to think that's the case."

Critics have also raised questions about whether some proponents have failed to acknowledge the limitations of redistricting reform, instead of focusing on issues like voter turnout.

Reform advocates say while there are many potential approaches to drawing legislative boundaries, and no system is likely to be perfect, legislators shouldn't be designing their own districts.

Ruth Greenwood, the deputy director of redistricting at the Campaign Legal Center, acknowledges that change can be a tough sell to lawmakers who control state legislatures - but she hopes they will take the long view.

"Maybe it will be 2020; maybe it's 2030, but the Republicans will no doubt fall out of favor again, and the Democrats will be back ready to gerrymander," Greenwood says. "And hopefully at some point, both sides will realize that it's easier if we just have a fair, level playing system."

gerrymander    redistricting commission    virginia general assembly    brian cannon  
one virginia    redistricting reform    rigged election    gerrymandering    bernie sanders  
redistricting    donald trump    virginia    congress    republicans

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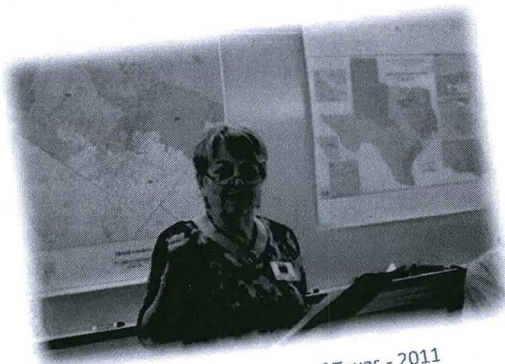
# *Shining a Light:*

## **Redistricting Lessons Learned in 2011**

Concerned that the decennial redistricting process too often has made a mockery of our nation's ideal of truly representative democracy, the League of Women Voters has advocated for decades to bring transparency, partisan fairness and citizen participation into the process. At the same time, the League has worked at the national, state and local levels to promote redistricting plans that reflect the full diversity of America's communities. In recent years, several Leagues have successfully spearheaded state-level reforms to overhaul broken redistricting processes, encourage the adoption of clear redistricting criteria and increase public participation opportunities.

In 2011, building on these recent successes, Leagues across the country came together through a national "Shining a Light" effort to promote transparency and employ new methods of holding

leaders accountable during redistricting. Through a focused campaign to influence lawmakers, the media and the public in key states, the League of Women Voters Education Fund (LWVEF) and state League affiliates achieved measurable success in raising the visibility of redistricting, facilitating far-reaching grassroots advocacy, ensuring local-level public and stakeholder participation in the process, and, where necessary, pursuing legal action to ensure a fair process.



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### **About this Publication**

This whitepaper shares the best practices learned through the 2011 "Shining a Light" effort and seeks to lay the groundwork for future collective action in support of fair and representative redistricting. While it is clear that there is no single uniform set of solutions for improving redistricting, these reflections represent the issues and challenges that arose most frequently in the communities where Leagues worked. The LWVEF thanks the dozens of partners, advocates and experts who have helped strengthen the League's efforts to make redistricting—and democracy—work for all Americans.



## Early Resources = Effective Grassroots Mobilization

As anticipated, 2011 redistricting work took place within an extremely compressed timeline. Legislative scheduling and a widespread lack of transparency often left League leaders and other advocates mere hours to prepare testimony, review draft maps or develop public outreach strategies in time to respond to legislative developments.

Compressed legislative timetables undeniably affected groups' ability to carry out effective work. Where resources were deployed early, however, advocates saw unprecedented grassroots organization around redistricting.

Successful state Leagues developed wide-reaching public education and advocacy strategies, and implemented aggressive statewide action plans. For example:

- **Georgia** Leagues organized 27 community programs and sent more than 39,000 emails to activists, directly reaching voters in all of the state's 13 congressional districts and resulting in widespread media coverage;
- Across **Florida**, more than one hundred League activists provided substantive public testimony before the legislature's 29 statewide redistricting hearings; and
- In an effort to observe and evaluate the brand-new Citizens Redistricting Commission, **California** League leaders organized a statewide Observer Corps and deployed volunteer League activists to attend and report on Commission proceedings. Observers' reports later helped inform the League's successful advocacy efforts to improve Commission proceedings.



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The key to each of these successes was a well-planned, resourced, on-the-ground operation. In order to extend these successes to more states before the next round of redistricting, the LWVEF encourages additional strategic thinking on how to organize multi-organizational work over the next decade, so that the advocacy community may begin laying the groundwork for in-state activities long before the redistricting process begins again in earnest.

## New Technology Still Requires an Expert Touch

The 2011 redistricting process brought many exciting new opportunities for citizens to become involved in drawing their own map proposals. From the much talked-about Public Mapping Project, to citizen-sponsored map contests and new technologies made available in state capitals, there was great hope that individual citizens and advocacy organizations would be better equipped than ever before to create and submit viable alternatives to the maps developed by lawmakers.

Available technologies enabled organizations to sponsor or cosponsor successful mapping competitions in Arizona, Ohio, Tennessee, Virginia and elsewhere. This injected alternative voices into the process and drove the case for greater public participation.

Additionally, Leagues relied upon or advocated for consideration of alternative map proposals drawn by civil rights leaders in Texas and North Carolina. To date, Leagues have developed alternative plans in Florida and Georgia.

Despite the availability of new technologies and a keen interest on the part of advocates, the extreme complexities of drawing maps to meet even basic federal and state requirements proved nearly impossible without the involvement of professional demographers or mapping software experts.

We recommend better recruitment of experts, cartographers and researchers at the state level to make presentations and provide advice to key advocacy organizations during the map-drawing process.

## Key Legal Action

- **The Texas** League and LWVEF jointly submitted a comment letter in September 2011 urging the U.S. Department of Justice to object to VRA Section 5 preclearance of a clearly discriminatory Congressional plan. As of 2012, preclearance of a final plan is pending.
- In November 2011, the **North Carolina** League, NAACP-NC, Democracy NC, the Southern Coalition for Social Justice and others filed a lawsuit arguing redistricting plans violate the state Constitution as well as federal Equal Protection law.
- The **Illinois** League filed a federal lawsuit in August 2011, arguing the state's gerrymandered plans manipulated voters' access to information and thus violated their First Amendment rights. The League has appealed its case to the U.S. Supreme Court.
- The **Arizona** League filed a November 2011 *amicus* brief which successfully urged the Arizona Supreme Court to find unlawful the Governor's reportedly politically-motivated removal of the Independent Redistricting Commission chairwoman.
- Leaders of the League of Women Voters of **Pennsylvania** participated in a successful citizens' appeal of state redistricting plans in early 2012.
- In early 2012, following months of League-driven citizen action and legal work, the **Florida** Supreme Court rejected state Senate maps that unlawfully protected incumbents.

Additional legal activities could have been possible with further coordination. The League recommends additional legal coordination and resourcing in preparation for 2021. This could include pursuing litigation following the 2012 election, should results indicate that redistricting unfairly affected outcomes.

Such experts will also be critical in laying the groundwork for possible litigation. The League looks forward to continuing work with partners to prepare for a more robust implementation of these technologies before the next round of redistricting.

## Tangible Transparency Goals Are Achievable

LWVEF and its state affiliates undertook large-scale advocacy campaigns designed to influence lawmakers' decision-making throughout the 2011 redistricting process. Such work consisted of a) pushing for improved transparency and opportunities for public participation; b) identifying areas for improving or protecting minority voting rights and, at a minimum, ensuring compliance with the Voting Rights Act, and c) advocating on behalf of fairer and more competitive overall redistricting plans, including the adoption of clear criteria. While rigid, hyper-partisan legislative control hampered many advocates' efforts to improve the process and resulting redistricting plans, Leagues often succeeded when advocating for incremental transparency improvements, including:

- ✓ Successfully achieving public input opportunities before and after the release of map proposals
- ✓ Securing open online access to lawmakers' draft maps and underlying data sets
- ✓ Publishing committee hearing timelines
- ✓ Increasing public review time of draft plans

Leagues hope to build upon these successes as they prepare for reform work in coming years, and many more will apply these recommendations in their advocacy to improve the many local redistricting processes still underway for school boards, city councils, county commissions and other special districts nationwide.

## Allies Exist on the Airways, in Print and Online

Recognizing the media as a critical ally in raising awareness and amplifying the rallying cry for more fair and transparent redistricting, League leaders worked diligently in 2011 to inform the media and encourage more meaningful coverage of the issue. As a result, the League's work was cited in hundreds of news stories.



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However, while the League and many other advocacy groups succeeded in garnering an impressive level of media coverage of their redistricting work and in raising the visibility of the issue overall, the vast majority of media coverage continued to focus on the hyper-partisanship or political “horse-race” element of redistricting and resulting litigation.

Clearly, the League and other advocates continue to wage an uphill battle in efforts to deepen public engagement on this issue and shift media attention beyond the political battles taking place in state capitals. LWVEF recommends pursuing polling or focus groups to glean further insight into the messages that may resonate better with voters and the media.

## **Collaboration Is Key**

Multi-organizational partnerships led to success time and again during the 2011 redistricting cycle. A far-reaching network of interested organizations benefited from early opportunities to discuss collaborative redistricting strategies. The League was proud to stand side-by-side with a wide range of partners in defense of fair and representative redistricting at the national, state and local levels.

From the more than 25 diverse organizations that co-sponsored Ohio's far-reaching citizen mapping competition, to the six-year, League-driven effort to build a broad-based coalition to drive public education around California's new commission process and the efforts carried out by smaller coalitions in Georgia, Pennsylvania and elsewhere, collaborative efforts led to more effective advocacy and visibility efforts than any single group could have achieved alone. Multi-group collaboration also brought an unprecedented diversity of voices into the redistricting process in 2011.

## **Building Capacity for the Long Term**

Finally, as we look ahead to 2021, we must acknowledge the continued need to build capacity at the state and local levels. League activists and other advocates were far more effective in achieving their redistricting goals in 2011 when working within the framework of existing organizations and coalitions. For example, because many state and local League affiliates have been in operation for ninety years, League leaders possess a deep knowledge of their communities and are generally regarded as trusted advocates on behalf of voters. League leaders and their partners had a natural arsenal of activists, relationships and proven strategies to turn to when the redistricting process began.

By directly supporting work of knowledgeable organizations on the ground and enhancing their efforts to include new and diverse voices, the League and its partners can continue to build crucial community-based capacity on redistricting and other core democracy-related issues. The positive impacts of these efforts will be realized long after the 2011 redistricting cycle has ended. In the immediate term, advocates will be better positioned to undertake critical redistricting reform work in the coming months and years. In the long term, we will be collectively building infrastructure to ensure better representation for America's next generation of voters.

## Toward 2021: A Blueprint for Reform

While advocates achieved numerous successes in 2011 and will continue to work to achieve representative outcomes in processes that will be completed in 2012, redistricting will remain locked in a partisan stranglehold until advocates and like-minded lawmakers succeed in permanently changing the landscape. At the same time, it is clear that much work must be done to continue to safeguard the landmark Voting Rights Act and educate advocates and voters about its important role in ensuring a fair and representative government.

The years immediately following redistricting are the key time to begin galvanizing support for change, and Leagues are already in the process of pursuing reform efforts in the next one to two critical years. There is no one-size-fits-all reform solution; but rather, a range of improvements to consider. The League will consider the following steps in 2012 and beyond, and looks forward to working with partners to develop winning state-specific strategies:

- ✓ Advocating for the full counting of all persons who reside in a jurisdiction—regardless of age, citizenship status, or ability to vote—for the purposes of reapportionment and redistricting
- ✓ Advocating for formalized transparency and public participation measures, including disclosing timelines, decision-making processes, underlying data sets and all consultants/experts hired, and allowing for full public participation
- ✓ Pursuing binding partisan-neutral redistricting criteria that reflect the diversity of the state (including racial and ethnic diversity and communities of interest), provides for overall competitiveness, and recognizes political subdivisions
- ✓ Advocating against prison-based gerrymandering
- ✓ Promoting adoption of binding, independent or bipartisan commission systems
- ✓ Protecting existing commissions from partisan attack
- ✓ Ensuring redistricting processes are accessible for and inclusive of as many diverse communities as possible

The League of Women Voters, a nonpartisan organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. With more than 800 state and local affiliates nationwide, the League of Women Voters is where hands-on work to safeguard democracy leads to civic improvement. Join us in Making Democracy Work!™

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**The Fix**

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

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By Jaime Fuller May 29, 2014

Only 30 House races have any right to be called a "race" of any sort this year. That's 30 out of 435. That's 6.8 percent of the entire House.

That's according to our [Election Lab model](#), which found that there are 405 races where the incumbent or front-runner has a 90 percent (or better) chance of winning at this point in the election.

The [Cook Political Report](#) rates only 43 seats as toss-up or leaning Republican or Democrat -- or 9.8 percent of the House. The [Rothenberg Political Report](#) counts 51 seats as competitive, 11.7 percent of the House.

This lack of competition isn't a new phenomenon. House races have been growing less and less competitive for years. In the 2002 and 2004 elections, House incumbents had a reelection rate of 99 percent. In those two elections, 7 percent of House contests were decided by a margin of less than 10 percentage points.

The year 2010, however, broke the trend a bit. There were about 100 competitive races that year, and Republicans managed to pick up 63 seats. The fundamentals of 2010 are best explained by looking back to 2006, when Democrats managed to win a few seats in improbable places. They did the same thing in 2008, thanks in part to the strength of Barack Obama at the top of the ticket. In 2010 then, Republicans were able to win back most of those seats in places that were already disposed to favor them ideologically, thanks in part, again, to Obama.

What's the reason for the incredible advantages held by incumbents -- particularly given the "throw the bums out" sentiment voters regularly express? Alan Abramowitz, Brad Alexander and Matthew Gunning wrote in 2006 that the changing partisan makeup of districts and incumbency advantages go a long way toward explaining why there are so few competitive races. Once a candidate wins a House race, he or she almost always has fundraising and name ID advantages over any person who decides to run against them. This advantage compounds as reelection victories pile up. Some academics argue that [redistricting is to blame](#), and that safe districts are being purposefully drawn up by both parties, erasing competitiveness from most races. Others find that [redistricting is an ineffective explanation](#) for why House races can be such a snooze.

None of these explanations perfectly explain why there are so few competitive House districts, but they leave behind representatives who are serving longer tenures than ever, raising more and more money and becoming mostly immune to the day-to-day sways of public opinion.

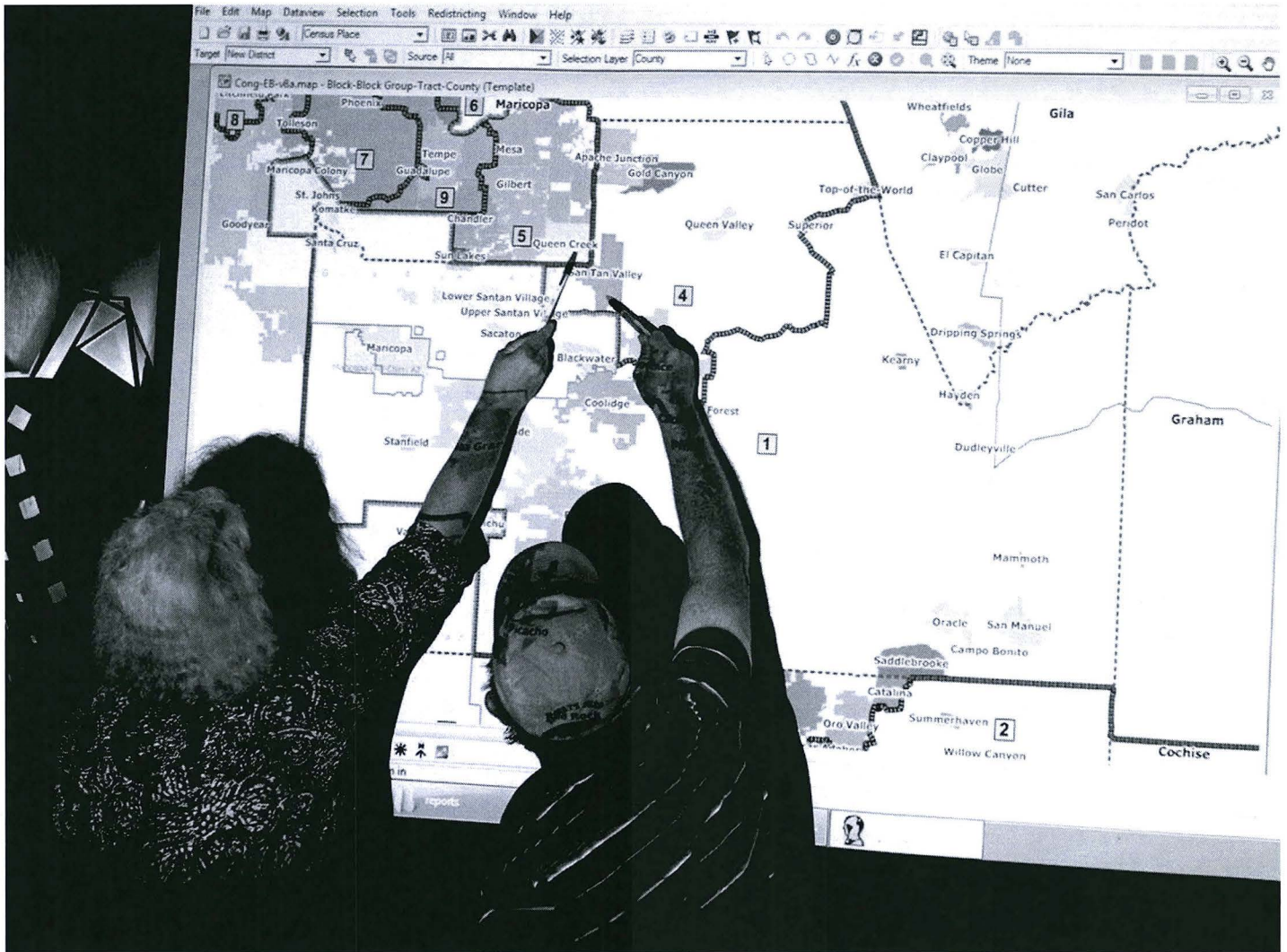
The Election Lab model does miss some things that have made some House races traditionally worth watching, however. Many of the factors that drove the 2010 election -- the economy, presidential approval ratings, fundraising, the experience of each candidate, etc -- are included in the Washington Post election model. However, some races have their own quirks that can make things interesting, even if data can't capture exactly why. In Colorado's 6th District, the model gives the Republican candidate a 93 percent chance of winning. Local newspapers beg to differ, saying that the race could be one of the most expensive nailbiters of the midterm season. The challenger, Andrew Romanoff, former speaker of the Colorado House, is raising more money than the incumbent, Rep. Mike Coffman. Coffman's campaign manager brushed off the fundraising totals in [an interview with the Denver Post](#), in a way that shows niceties are not in this race's future. "Six hundred thousand is a nice haul, but it is going to take a lot more than that for Speaker Romanoff to obscure his bromance with Obamacare."

There are surely a handful more races with competitive factors that the model hasn't been able to find this early in the race, but that still leaves few races that are going to be on political obsessives' radar in the upcoming months.

[http://tucson.com/news/local/govt-and-politics/arizona-does-well-in-test-of-political-gerrymandering/article\\_7fccfa8b-1f8b-5662-b727-da3a547e94e4.html](http://tucson.com/news/local/govt-and-politics/arizona-does-well-in-test-of-political-gerrymandering/article_7fccfa8b-1f8b-5662-b727-da3a547e94e4.html)

## Arizona does well in test of political gerrymandering

By Joe Ferguson Arizona Daily Star Jun 25, 2017



Gerrymandering, altering voting districts to give one party an advantage, is unlikely the reason Arizona is a red state, the AP found.

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Ross D. Franklin / The Associated Press 2011

Nationally, 49 percent of Americans went to the polls last year backing Republican candidates in House races throughout the country, yet the GOP controls 55 percent of the U.S. House of Representatives.

An investigation by The Associated Press looked at political redistricting — and what is known as gerrymandering — throughout the country as a legal fight in Wisconsin heads to the Supreme Court. A decision there could shape how political districts are drawn in every state.

The AP used a mathematical formula to determine the effects of gerrymandering, in which the party in power alters voting districts to its advantage, in federal and state legislative races across the country.

So is gerrymandering why Arizona is a red state? Unlikely. The results indicate Arizona has among the lowest measures of unequal representation among the states analyzed by The Associated Press, coming in fourth out of 43 states in the 2016 election. The reason, some say, is how the state draws its political districts every 10 years, relying on an independent redistricting commission.

The AP analysis found that Republicans — the largest political party in the state — won 52 percent of the votes in Arizona statehouse races in 2016 but ended up with 58 percent of the seats. The GOP gained just three seats more under the current district maps than it would have under more neutrally drawn maps.

Also, the Arizona GOP controls five of the nine House seats in Congress — about 56 percent — and at the polls in 2016, Republicans received 52 percent of the vote. The analysis shows the Arizona GOP won less than one seat more in the U.S. House using the current district maps.

For its analysis, The AP scrutinized all 435 U.S. House races in November using an “efficiency gap” statistical method designed to calculate partisan advantage. It found that the GOP may have won as many as 22 additional congressional seats than expected based on the average vote share in congressional districts across the country. The AP also used the method to calculate efficiency gaps for all states that held partisan House or state assembly elections for all of their districts in 2016.

The AP’s analysis was based on a formula developed by University of Chicago law professor Nick Stephanopoulos and Eric McGhee, a researcher at the nonpartisan Public Policy Institute of California. They computed efficiency gaps for four decades of congressional and state House races starting in 1972, concluding the pro-Republican maps enacted after the 2010 Census resulted in “the most extreme gerrymanders in modern history.”

## IN ARIZONA

Local political observers disagree with the analysis, but all three agree the state’s Independent Redistricting Commission — backed by voters in 2000 after complaints of gerrymandering — plays a major role in wresting control of the process of creating legislative and congressional districts from the state’s political parties.

When the voter-backed commission draws the maps every decade, it gives weight to following the federal Voting Rights Act, but also the district’s shape and geographical features, keeping communities of interest together as well as potential political competitiveness.

Scott Freeman, a Republican who sat on the state’s redistricting commission, said the AP has simply taken a snapshot of Arizona’s political environment without putting into context what the makeup of the Legislature was two to four years ago.

“I don’t think the efficiency gap is a useful tool,” he said, noting the state’s congressional delegation had more Democrats than Republicans after the 2012 election, which used the same legislative districts. “It is very misleading.”

Freeman continued, “The 2012 election was the first election with the current maps and, theoretically at least, more likely to expose the plan of the devious map maker.”

Political analyst Chris Herstam says he would like to see the state focus on building as many competitive districts as possible.

“The number-one criteria should be competition,” he said. “It is good for democracy and good for Arizona.”

However, Herstam said the state also needs to look at the entire system as the state’s second-largest political group — independents — have almost no voice in the current system.

“It almost impossible for an independent to run for office,” he said.

Specifically, the state requires too many signatures, and the two main political parties make it difficult for political outsiders to raise campaign funds.

He worries that over time, these independents will reject the entire system and sit out on election night.

“Something has to be done, or we are losing a significant part of our voters,” he said.

DJ Quinlan, the former executive director of the Arizona Democratic Party, agrees with Herstam that the current maps do not go far enough to make districts politically competitive.

However, he said any changes to the maps would have to consider the federal Voting Rights Act, which is designed to prevent racial discrimination and voter-suppression efforts.

## THE STATE’S COMMISSION

Voters pulled redistricting from the Legislature in 2000, with proponents of Proposition 106 arguing political lines were being gerrymandered for political advantage. The redistricting commission is made up of two Republicans and two Democrats appointed by legislative leaders and one independent chosen from a list compiled by the state Commission on Appellate Court Appointments.

When the final maps were adopted by the redistricting committee in early 2012, a series of court challenges ensued over complaints of unequal populations in the districts. In 2016, the U.S. Supreme Court upheld the legality of the Arizona Independent Redistricting Commission’s legislative districts, even though the court acknowledged the unequal population sizes of the districts.

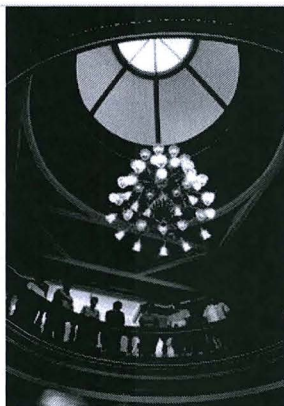
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Reporter with the Arizona Daily Star. I cover politics as well as the city of Tucson and other municipalities in Southern Arizona.