

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 86/2

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TABLE VII:

RATE OF INCUMBENTS WHO RAN FOR RE-ELECTION AND WON
IN LEGISLATIVE ELECTIONS IN FOURTEEN STATES FOR 1968-76

State	1968	1970	1972	1974	1976
Arizona	90%	83%	92%	86%	84%
California	96	94	95	90	94
Delaware	94	93	95	94	100
Florida	92	82	85	87	93
Hawaii [*]	94	91	91	77	78
Idaho	89	92	86	93	93
Illinois	—	97	93	89	94
Michigan	93	94	83	88	94
Missouri	89	88	77	86	89
Montana ^{**}	85	86	85	79	78
Pennsylvania	92	93	93	88	91
South Dakota	85	81	84	93	79
Wisconsin	92	92	93	89	95
Wyoming	83	91	83	92	98

^{*}In 1973, Hawaii was reapportioned by a Legislative Reapportionment Commission pursuant to a new constitutional provision that established strict reapportionment standards.

^{**}In 1974, Montana was reapportioned by a commission established pursuant to the 1972 Constitution.

The information in this table represents the percentage of incumbent legislators (House and Senate) who ran for renomination or re-election and who won re-election in fourteen states where election information and volunteer researchers were available. Assistant Professor Jerry W. Calvert of Montana State University provided the data for Idaho, Montana, South Dakota, and Wyoming. The Wisconsin Legislative Reference Bureau supplied the information for that state. The data for the other states were compiled by Common Cause volunteers from state election records.

minority groups. While blacks comprised 11.2 percent of the population in the 1970 census, only 287 of the approximately 7,500 state legislators—less than four percent—are black (see Table VIII). Only seventeen of 535 Members of Congress—just over three percent—are black.

The Goals of Reapportionment Reform

In the 1960's, the goal of reapportionment reform was to establish legislative districts of substantially equal population. The goal now is to finish the reapportionment revolution by ridding the system of political gerrymandering in order to establish electoral fairness and increase electoral competition.

By minimizing electoral competition, unfair districting undermines the political process and weakens the political parties. Our political process needs competition in order to function as envisioned. Competition forces the political process to be responsive to new ideas and new people. Without competition, the parties lack the incentive to recruit or put forward their best candidates. Electoral competition is an essential factor in giving citizens a chance to have their ideas given serious consideration in legislative forums.

The purpose of political gerrymandering is to shut people out of the political process. Reapportionment reform is designed to benefit the public by broadening political participation and increasing electoral competition. Reapportionment reform is designed to strengthen the political process by providing an incentive for political parties to bring new ideas and new people into the process. By reforming the reapportionment process and improving state legislatures, states may increase public respect for state government and strengthen the role of state government in our federal system.

The Common Cause Model Proposal

The Common Cause model proposes a reapportionment process designed to produce districts that are fairly drawn as well as districts of substantial population equality. Unlike district lines produced by political gerrymandering, fair district lines are not drawn to pre-determine election results. The model proposes a system of reapportionment that is equitable in its treatment of incumbent legislators, political parties, and others. This replaces the present system where people with political power are able to manipulate district lines for personal and partisan advantage.

The Common Cause model has three main elements—strict anti-gerrymandering standards; an independent, nonpartisan reapportionment commission; and prompt judicial review. All three elements of the model are crucial. They are designed to reinforce each other and to produce fairly drawn district lines. The reapportionment standards are designed to produce fair district lines by limiting the discretion of the commission to gerrymander for political or partisan purposes. The nonpartisan reapportionment commission replaces the legislature, providing much needed inde-

TABLE VIII:
BLACK STATE LEGISLATORS (1977)

State	Number of Black Legislators	Percent of Total Legislators	Blacks as percent of State Population	State	Number of Black Legislators	Percent of Total Legislators	Blacks as percent of State Population
Alabama	15	10.7	26.4	Montana	1	0.7	0.3
Alaska	0	0	3.0	Nebraska	1	2.0	2.7
Arizona	2	2	3.0	Nevada	3	5	5.7
Arkansas	4	2.9	18.6	New Hampshire	1	0.2	0.3
California	8	6.6	1.0	New Jersey	6	6	10.7
Colorado	3	3	3.0	New Mexico	1	0.9	1.9
Connecticut	5	2.6	6.6	New York	14	6.7	11.9
Delaware	3	4.8	14.3	North Carolina	6	3.5	22.4
Florida	3	1.9	15.5	North Dakota	0	0	0.4
Georgia	23	9.7	25.9	Ohio	11	8.3	9.1
Hawaii	0	0	1.0	Oklahoma	4	2.7	7.0
Idaho	0	0	0.3	Oregon	1	1.1	1.3
Illinois	20	8.4	12.8	Pennsylvania	13	5.1	8.6
Indiana	6	4	6.9	Rhode Island	2	1.3	2.7
Iowa	2	1.3	1.2	South Carolina	13	7.6	30.5
Kansas	6	3.6	4.8	South Dakota	0	0	0.2
Kentucky	3	2.1	7.1	Tennessee	11	8.3	16.1
Louisiana	10	6.9	29.9	Texas	13	7.2	12.7
Maine	1	0.5	0.3	Utah	0	0	0.6
Maryland	19	10.1	17.9	Vermont	0	0	0.2
Massachusetts	8	2.8	3.1	Virginia	2	1.4	18.6
Michigan	17	11.5	11.2	Washington	2	1.4	2.1
Minnesota	2	1.0	0.9	West Virginia	1	0.7	4.2
Mississippi	4	2.3	36.8	Wisconsin	3	2.3	2.9
Missouri	14	7.1	10.3	Wyoming	0	0	0.8
				TOTALS	287	3.8	11.2

The number of black state legislators is from statistics compiled by the Joint Center for Political Studies in Washington, D. C. The percentage of blacks in each state population is taken from the 1970 federal census.

pendence. Fair district lines are more likely if district lines are drawn by persons not directly affected by them. Judicial review provides finality and acts as the final safeguard of the public's interest in fair and effective representation. A discussion of the three major elements of the model follows.

I. REAPPORTIONMENT STANDARDS

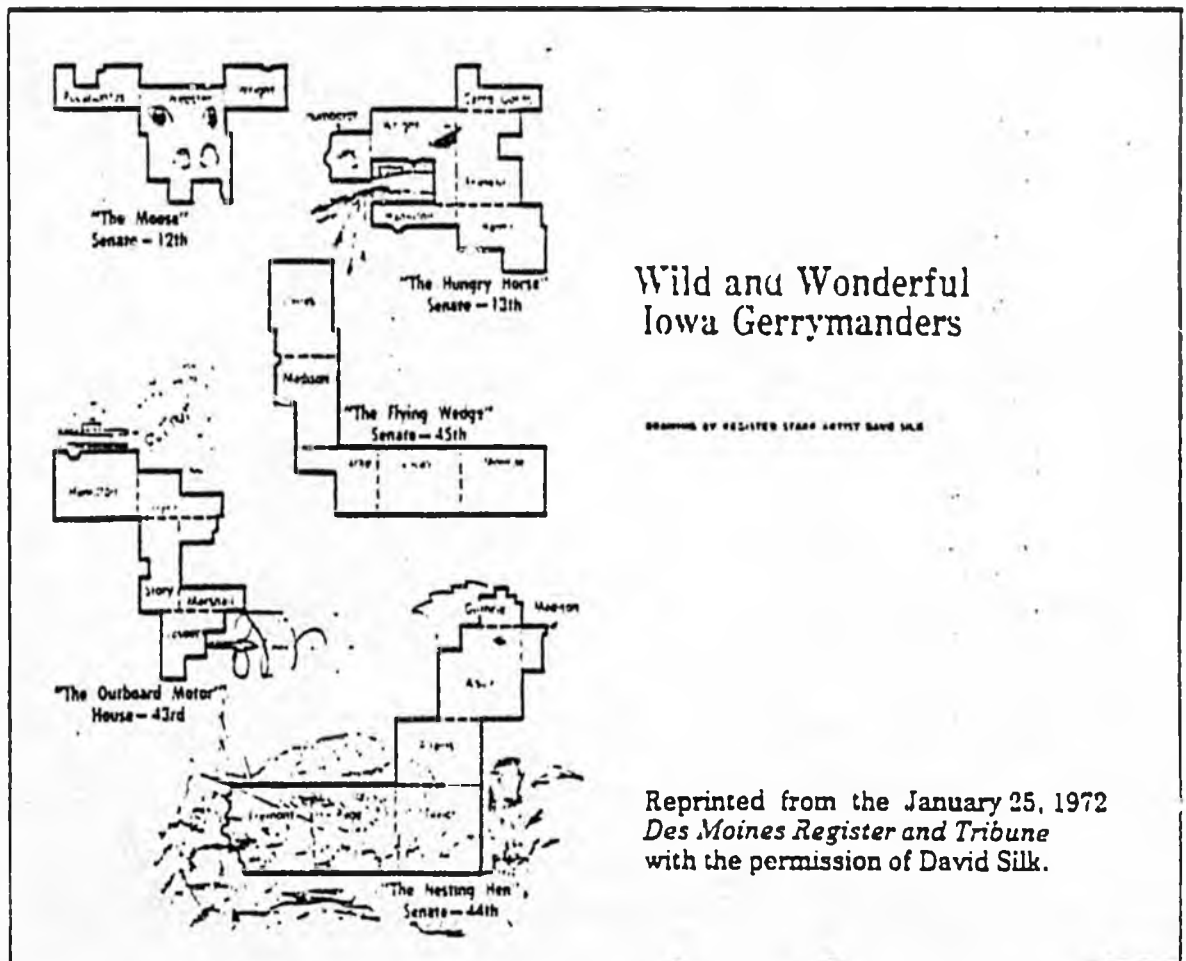
The most important element of reapportionment reform is the establishment of strict anti-gerrymandering standards. While an independent commission is more likely to produce fair district lines than a state legislature, strict reapportionment standards can virtually eliminate the potential to manipulate district lines for political or partisan advantage.

It is the absence of objective, judicially enforceable standards that has allowed the political gerrymandering that undermines our system of representative government. According to University of California reapportionment scholar Gordon E. Baker:

If more specific guidelines to minimize gerrymandering are not forthcoming, then a great democratic principle—one man, one vote—will have degenerated into a simplistic arithmetical facade for discriminatory cartography on an extensive scale.

The model seeks to provide more specific definitions of reapportionment standards than are found in most state constitutions. This is done by providing population and compactness standards against which to judge reapportionment plans. A strong anti-gerrymandering provision is the centerpiece of the model proposal.

In *Reynolds*, the Supreme Court established the general rule that districts in each house have population "as nearly equal as is practicable." While the Court has discussed this requirement on numerous occasions, no precise definition has evolved. The model proposal attempts to establish specific population parameters



more rigorous than those allowed by the Court in some cases, while maintaining flexibility necessary to allow the commission to apply other reapportionment standards as well.

In addition to establishing specific population standards, the Common Cause model's reapportionment standards are designed to produce fair districts by minimizing the opportunity for political gerrymandering. Single-member districts—favored by the National Municipal League, Legis 50, and other reform minded organizations—are required. The model requires the commission to respect local political subdivision boundaries (for example, towns and counties) where consistent with the population standards. By respecting these boundaries, the model minimizes voter confusion, enables constituencies to organize for political action in an effective manner, and limits the ability to gerrymander. Compactness and contiguity are required and are defined in order to establish a basis for enforcement. A strong anti-gerrymandering provision adapted from the Hawaii Constitution is included. It provides that: "No district shall be drawn for the purpose of favoring any political party, incumbent legislator, or other person or group." To help enforce this provision, the commission is not allowed to take into account the addresses of incumbent legislators. The commission may not use the political affiliations of registered voters, previous election results, or demographic information other than population headcounts for the purpose of favoring any political party, incumbent legislator, or other person or group. This is precisely the information that has been used by partisans in the past to gerrymander. The model provides that no district may be drawn for the purpose of diluting the voting strength of any language or racial minority group.

II. REAPPORTIONMENT COMMISSION

The National Municipal League has described the reapportionment process in most states as an "illogical system in which legislators are the judges and juries in a matter of highest importance to themselves." The conflict of interest of having state legislators draw state legislative district lines is obvious. As the Illinois legislator quoted above pointed out: "Any man who doesn't fight for his own district is a particular damn fool." A state legislator can also have a conflict of interest in preparing a congressional district plan. In addition to the fact that some legislators might want to run for Congress, a candidate for re-election to the state legislature can benefit from an unbeatable congressional candidate at the top of the party ticket.

Independence and accountability are key aspects of reform. It is essential that the responsibility for drawing legislative districts be taken from those most directly affected. The model proposes establishment of an independent, nonpartisan commission to prepare reapportionment plans. The model is drawn largely from the successful commission established in the Montana Constitution of 1972. As in the Montana Constitution, the model is not designed to deny the legislature any interest in reapportionment but rather to buffer the process from the most direct and personal conflicts of interest. Four of the five members of the commission are appointed by the legislative leaders of the major parties. The fifth is chosen by the other four. Reapportionment scholars Gordon E. Baker and Robert G. Dixon recommend similar bipartisan commissions with tie breakers. As in the Michigan, Montana, and Vermont Constitutions, the model prohibits public officials from serving on the commission. State commissions made up entirely of public officials as in Arkansas or dominated by legislative leaders or their deputies as in Pennsylvania do not meet the standard of independence sought by advocates of reapportionment reform. As in Hawaii, Michigan, and Missouri, the model prohibits commissioners from running for legislative office for a period after service on the commission in order to avoid self-dealing. The model contains numerous accountability provisions designed to ensure that the apportionment process is done by the commission in the open with a full public record and opportunity for public participation.

Few states used commissions before the reapportionment revolution of the 1960's, but they have become increasingly popular in recent years. As noted above, seventeen states now provide for boards or commissions to play a role in the reapportionment process—either as the apportioning authority, as a backup to the legislature, or in an advisory role. There is no federal obstacle to shifting the function of drawing congressional districts from the legislature to a reapportionment commission.

Establishment of a reapportionment commission is designed primarily to remove the conflict of interest inherent in having legislators draw their own districts and to

eliminate the abuses that have resulted from this system. It also should save valuable legislative time and reduce reliance on the courts. The California Legislature, for example, dealt with apportionment in 1971, 1972, and again in 1973 at an estimated cost of over \$1 million. In 1971, the Legislature had 26 full-time staff members working on apportionment. Ultimately, court-appointed special masters prepared the plan. In Montana in 1974, a commission prepared a plan at a cost of only \$20,000. Extended and special sessions are frequently required when state legislatures try to reapportion. With most state legislatures still understaffed and restricted by state constitutional limitations on session time, the task of legislative reapportionment takes away from time that could be spent more profitably on substantive legislative matters.

The present method of reapportionment also ties up considerable court time. As noted above, sixteen existing state house apportionment plans and seventeen senate plans were court ordered. In virtually every state, apportionment plans have been challenged in court. Under the model, litigation should be less frequent because of the strong presumption of fairness that a plan developed by a nonpartisan commission would have. After evaluating the reapportionment experience of the 1970's, the Council of State Governments concluded that commissions "appear to have a better track record than Legislatures."

MONTANA'S REAPPORTIONMENT COMMISSION

Our bipartisan reapportionment commission has become something of a model for other states. It did its work promptly and efficiently, for a total cost of less than \$20,000. That is less than what it costs us to run this place for one day. And we have heard few voices raised to say the commission's districts were poorly drawn or unfair.

The real world alternative to our commission is not one of legislators surrendering the interests of their constituents to those with greater claim, every ten years.

The alternative to our commission is return either to judge-made reapportionment, or to the 1971 pattern of costly special sessions to handle this awkward problem.

To take this task back upon ourselves would not only be costly in time and money. It probably just wouldn't work. It would fail for the same reason it has failed elsewhere. Each of us considers himself elected to press the advantage of our own constituents, whatever that may mean for someone else's constituents. Why, in the crunch, should we as individual legislators be expected to do anything else? This is why legislative reapportionment of legislatures breaks down into push-and-shove and seldom manages the job to constitutional standards of fair representation.

Let's keep our reapportionment commission to do this awkward task promptly and inexpensively; let's save our costly and numbered days here for the kinds of things we manage to do passably well.

—Montana House Majority Leader
Peter M. Meloy, successfully arguing against
a proposal to repeal Montana's excellent
reapportionment commission, March of 1977

III. JUDICIAL REVIEW

No matter how well the reapportionment process works, legal challenges are inevitable in a matter as politically significant as reapportionment. Prompt judicial review is an essential element of a reformed reapportionment process. It is extremely important that all challenges to reapportionment plans be resolved and plans finalized well in advance of state legislative and congressional elections.

Finality in reapportionment is a matter of such importance and sensitivity that it warrants the prompt attention of the highest court in each state. The model grants these courts original jurisdiction over reapportionment matters. Challenges must be filed soon after a plan is prepared and the courts are required to issue decisions within a time certain.

Time To Act

While reapportionment will not take place until 1981, it is now time for the states to reform their reapportionment procedures so that the legal framework for the development of fair reapportionment plans is in place by 1981. In virtually every state, this will require voter approval of the model constitutional amendment—either proposed by the legislature or petitioned to the ballot by citizen initiative—by 1980.

Legislative resistance to the Common Cause model will be strong because it strikes at the heart of the incumbency protection system. But public support can be expected. Proponents of reform should have little trouble convincing the public of the merit of a proposal designed to strip the legislature of its ability to gerrymander for self-serving purposes. The Special Masters appointed by the California Supreme Court in 1973 to prepare a reapportionment plan found "widespread public cynicism" about the traditional method of having the state legislature redistrict itself.

The model proposal relies heavily on the Colorado, Hawaii, and Montana reapportionment procedures. The Hawaii and Montana processes were recommendations of constitutional conventions that received voter approval in 1968 and 1972, respectively. The Colorado process was the result of a citizen initiative approved by the voters in November of 1974 by a vote ratio of three to two.

By working with problem solving legislators or using the citizen initiative process where necessary and available, citizens can establish reapportionment procedures designed to ensure fair and effective representation for all citizens in the 1980's. This can complete the reapportionment revolution of the 1960's. No longer will incumbent legislators and majority parties be able to perpetuate their power by pre-determining election results through reapportionment. Establishment of fair district lines through an equitable reapportionment process will help to restore competition—the lifeblood of a democratic society—to our electoral process.

SUMMARY OF COMMON CAUSE MODEL STATE REAPPORTIONMENT PROPOSAL

The Common Cause model state reapportionment proposal is in two parts—a model constitutional amendment and model act. Virtually all substantive law regarding state apportionment procedure is found in the constitutions of the states. In almost every state, a significant change in reapportionment procedures will require a constitutional amendment. The Common Cause model state constitutional amendment establishes the essential elements of reapportionment reform—strict anti-gerrymandering reapportionment standards, an independent commission to draw the lines, and prompt judicial review. The amendment is as brief as possible in keeping with the belief that a constitution should be flexible and should not be unduly burdened with detail. The model act implements the constitutional amendment, giving definition to some of the reapportionment standards and establishing the duties, powers, and method of appointment of the commission. The model act should be adopted contemporaneously with the constitutional amendment and made contingent upon voter approval of the amendment. Obviously, each state will need to adapt the model to take into account the particular circumstances of the state.

CONSTITUTIONAL AMENDMENT

The model constitutional amendment provides for reapportionment of state legislative and congressional districts in 1981 and every tenth year after. Single-member districts are required.

The model constitutional amendment provides for the establishment of a five member reapportionment commission in 1980 and every tenth year after and at any other time of court ordered reapportionment. Four members of the commission are appointed by the legislative leaders—one each by the President of the Senate, the Speaker of the House, the Minority Leader of the Senate, and the Minority Leader of the House. The four members select a fifth member who serves as chair. None of the five members may be a public official. The model requires the legislature to provide by law for the qualifications, duties, and powers of commissioners, procedures for the selection of commissioners and filling of vacancies, and adequate funding for the commission.

The model provides that districts in each house shall have "population as nearly equal as is practicable" based on the federal census. Specific population parameters are established to give definition to the requirement of substantial population equality. For state legislative districts, the model provides that the average percentage deviation of all the districts of a house from the average population of all districts in that house shall not exceed one percent. No district shall have a population which varies from the average population of all districts unless necessary to comply with one of the other reapportionment standards. In no case shall a district have a deviation from the average of more than five percent. Thus, the maximum allowable deviation from the highest to the lowest populated district is ten percent. In the event of a court challenge, the commission has the burden of justifying any deviation.

For congressional districts, the model provides that the same standards shall be used as for state legislative districts except that no district shall have a population deviation of more than one percent from the average population of all districts.

The model constitutional amendment provides that district lines be drawn to coincide with the boundaries of political subdivisions (for example, towns and counties) to the extent consistent with the requirement of substantial population equality.

The model constitutional amendment requires districts to be "compact in form and composed of convenient contiguous territory." The amendment provides that the aggregate length of all district boundaries shall be as short as practicable consistent with the constitutional requirements of substantial population equality and maintenance of political subdivision boundaries. The model establishes a judicially enforceable compactness requirement by providing that in no case shall the aggregate length of the boundaries of all districts exceed by more than five percent the shortest possible aggregate length of all the districts under any other plan consistent with the population and political subdivision standards. The same compactness standard applies to district lines within local political subdivisions that have two or more complete districts.

The proposed amendment provides that: "No district shall be drawn for the purpose of favoring any political party, incumbent legislator, or other person or group." The model prohibits the commission from taking into account the addresses of incumbent legislators. The commission may not use the political affiliations of registered voters, previous election results, or demographic information other than

population headcounts for the purpose of favoring any political party, incumbent legislator, or other person or group. The model further provides that no district shall be drawn for the purpose of diluting the voting strength of any racial or language minority group.

In addition, the model authorizes the legislature to define by law these standards and to establish other standards not in conflict with the Constitution of the United States or of the state and designed to guarantee "fair and effective representation for all citizens."

The constitutional amendment provides that the state supreme court has original jurisdiction over apportionment matters. The model authorizes any registered voter to file a petition to challenge a reapportionment plan or to compel the commission or any person to perform duties required by the model. Challenges to an apportionment plan must be filed within forty-five days of adoption of a plan. The court must give apportionment matters precedence over all other matters and must render a decision within sixty days after a petition is filed. The court may declare a plan invalid in whole or in part and must order the commission to prepare a new plan.

The model constitutional amendment provides that reapportionment plans remain in effect for ten years unless invalidated or modified pursuant to court order. A plan shall not be subject to amendment, approval, or repeal by initiative, referendum, or act of the legislature.

MODEL ACT

The model act provides for the timing of the selection of commissioners. By May 1, 1980 (and every tenth year after), notice must be given of the establishment of the commission. Not earlier than June 1 but not later than July 1, the four legislative leaders must select four commissioners. By August 1, the four commissioners must select a fifth commissioner to serve as chair. Vacancies are filled by the initial selecting authority.

The model act provides that commissioners must be registered voters of the state who may not: hold or have held public office within two years prior to selection; be a relative or an employee of a state legislator or U.S. Representative; or be or have been a registered lobbyist within two years prior to selection. Members and employees of the commission may not: hold or campaign for public or political party office; participate in or contribute to a state or federal campaign; hold a seat in the state legislature or U.S. House of Representatives for four years after the effective date of the plan; or lobby the state legislature or U.S. Congress for compensation for one year after the effective date of the plan.

The model act provides for a staff and budget for the commission and authorizes the commission to hire consultants, reimburse witnesses for their expenses, and borrow staff and other resources from other state agencies. The act prescribes the duties of the commission: promulgate rules and regulations; preserve information and make it available to the public; give notice of meetings; open meetings of three or more commissioners to the public; log contacts with persons outside the commission; and prepare a detailed report explaining each preliminary and final reapportionment plan. The act authorizes the commission to subpoena persons and materials and to administer oaths.

The model act provides for the timing of the development of the reapportionment plan. By May 1, 1981 (and every tenth year after), the commission must propose one or two preliminary plans for public comment. The chair may also propose a plan. By July 1, the commission must complete public hearings around the state on the preliminary plans. By August 1, the commission must adopt a final plan by vote of at least three members. The act provides for an extension of these time deadlines if the necessary census tabulations are not available by February 1. The commission is required to prepare a financial statement and compile and preserve an official record of its activities. The commission expires as soon as all legal challenges to its plan have been resolved, but the supreme court may reconstitute it to comply with a court order.

The model act repeats the standards established in the model constitutional amendment. The act defines the constitutional requirement that districts be of contiguous territory. It also establishes procedures for dividing political subdivisions where required. The model act provides for alignment of state legislative and congressional district boundaries where practicable.

The model act repeats the model constitutional amendment's provision for judicial review and authorizes the state supreme court to order the state to pay petitioners reasonable attorney fees and court costs where the court finds that a petition was filed with reasonable cause.

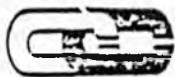
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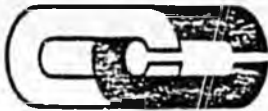
Common Cause has prepared a report on state and congressional reapportionment that includes an annotated version of the model proposal and a detailed state-by-state survey of apportionment practices and recent activities. A copy of the full report—*Toward a System of 'Fair and Effective Representation': A Common Cause Report on State and Congressional Reapportionment*—is available at cost (\$2) by writing:

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John W. Gardner
Founding Chairman

Revised September 1980

Model Reapportionment Amendment to State Constitution

Section ____ . Legislative and Congressional Reapportionment.

(a) Reapportionment Mandate. In each year ending in one, the state shall be divided into as many congressional districts as there are United States Representatives apportioned to the state, as many representative districts as the number of members of the state house of representatives as provided by law, and as many senate districts as the number of members of the state senate as provided by law. [All legislative districts shall be single-member districts.]

(b) Reapportionment Commission. In each year ending in zero and at any other time of court ordered reapportionment, a commission shall be established to prepare a reapportionment plan for state legislative and congressional districts. The commission shall consist of five members, none of whom may be public officials. The president of the senate, the speaker of the house, the minority leader of the senate, and the minority leader of the house shall each select one member. The four members so selected shall select, by a vote of at least three members, a fifth member who shall serve as chair. Failure to select the

fifth member within the time prescribed by law shall constitute an impasse which shall automatically discharge the commission, and a new commission shall be appointed in the same manner as the original commission. The legislature shall establish by law qualifications of commissioners and procedures for their selection and filling of vacancies. The legislature shall establish by law the duties and powers of the commission and shall appropriate funds to enable the commission to carry out its duties.

[ALTERNATIVE SECTION/(b) Reapportionment Commission. In each year year ending in zero and at any other time of court ordered reapportionment, a commission shall be established to prepare a reapportionment plan for state legislative and congressional districts. The commission shall consist of seven members, none of whom may be public officials. The president of the senate, the speaker of the house, the minority leader of the senate, the minority leader of the house, and the chair of the political party that received the second highest vote in the previous gubernatorial election shall each submit to the governor and make public a list of not less than three persons. The governor shall appoint six members of the commission who are broadly representative of the people of the state, including one person from each list and one additional person. The six members shall select, by a vote of at least four members, a seventh member who shall serve as the chair. Failure to select the seventh member within the time prescribed by law shall constitute an impasse which shall automatically discharge the commission, and a new commission shall be appointed in the same manner as the original commission. The legislature shall establish by law qualifications of commissioners and procedures for their selection

and the filling of vacancies. The legislature shall establish by law the duties and powers of the commission and shall appropriate funds to enable the commission to carry out its duties.]

(c) Reapportionment Standards.

(1) State legislative districts in each house shall have population as nearly equal as is practicable based on the population reported in the federal census taken in each year ending in zero. In no case shall the absolute value of the total percentage deviations of all districts of a house divided by the number of districts exceed two percent. In no case shall a district have a population which varies from the average population of all districts, unless a population variance is necessary to comply with one of the other standards set forth in this section. In no case shall a single district have a population which varies by more than five percent from the average population of all districts. When a petition challenging a plan adopted by the commission is filed with the supreme court, the commission shall have the burden of justifying any variance between the population of a district and the average population of all districts.

(2) Congressional districts shall have population as nearly equal as is practicable based on the population reported in the federal census taken in each year ending in zero. No district for election of members to the United States House of Representatives shall have a population which varies by more than one percent from the average population of all congressional districts in the state. When a petition challenging a plan adopted by the commission is filed with the supreme court, the commission shall have the burden of justifying any variance between the population of a district and the average population of all districts.

(3) To the extent consistent with subsections (1) and (2), district lines shall be drawn to coincide with the boundaries of local political subdivisions.

(4) Districts shall be composed of convenient contiguous territory.

(5) Districts shall be compact in form. The aggregate length of all district boundaries shall be as short as practicable consistent with the standards contained in subsections (1), (2), (3), and (4).

(6) The commission shall exercise its powers to provide fair and effective representation for all citizens, and, consistent with the criteria contained in subsections (1), (2), (3), (4), and (5), shall encourage electoral competition. No plan shall be drawn for the purpose of favoring any political party, incumbent legislator, or other person or group. In preparing a plan, the commission shall not take into account the addresses of incumbent legislators. The commission shall not use the political affiliations of registered voters, previous election results, or demographic information other than population head counts for the purpose of designing a plan that favors any political party, incumbent legislator, or other person or group.

(7) No district shall be drawn for the purpose of diluting the voting strength of any language or racial minority group.

(8) The legislature may define by law any of the standards enumerated in this subsection and may establish by law additional standards, not in conflict with the Constitution of the United States or this constitution, designed to guarantee fair and



common cause

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Archibald Cox
Chairman

David Cohen
President

John W. Gardner
Founding Chairman

September 1980

MEMORANDUM

To: State Chairs, State Offices

From: Bruce Adams, Director, Issue Development
Ted Stein, Research Associate

Re: Revisions to the Common Cause Reapportionment Model

Since its publication in 1977, the Common Cause reapportionment model has helped focus the debate over reapportionment reform in the states, and on the federal level. Some version of our model proposal has been introduced in more than twenty states. Reapportionment reform measures have been enacted or await voter approval in five states--Arkansas, California, Iowa, Minnesota, and Oregon. The Common Cause model has held up well under the intense spotlight of legislative debate. We have always recognized that our model offers a basic framework for reapportionment reform--not the final word. Based on discussions over the past three years with legislators, legislative staff, political scientists, and others, we believe that certain improvements can and should be made.

We have indicated the revisions on the attached copy of the Common Cause model constitutional amendment. A clean copy of the revised model amendment also is enclosed. Additional copies are available from Field Central. Keep in mind that if you decide to use the CC model statute, it will have to be modified to be

consistent with the revised amendment. A revised CC model statute is being prepared.

The revisions are as follows:

(1) Commission structure: The model should offer as an alternative the commission structure proposed in 1978 by the Florida Constitution Revision Commission (see page 2 of attachment, "Revisions to Reapportionment Model Constitutional Amendment"). This plan called for a seven-member commission. Six members would be appointed by the governor. The governor would select one and one each from lists supplied by the four legislative leaders and the chair of the opposite political party. The six members then would have selected a seventh member or tiebreaker. The potential advantage of this proposal over the original model is twofold. First, it allows the governor to provide for racial, ethnic, and geographic balance and diverse expertise in making appointments. This is aided by the size of the commission, which is larger than the five-member panel proposed by the CC model, and the fact that a single person makes the final choices. Second, the alternative places some distance between the legislature and commission appointments.

In addition, either commission structure (i.e., the CC model or the Florida alternative) should require that the commission be discharged if a deadlock develops over selection of the tiebreaker. (pages 1 and 2). Such a deadlock is a real possibility. In Montana, one of the three states with a commission system that meets our test, commissions have deadlocked twice over the selection of a tiebreaker--in 1973 and again in 1979. This same situation

occurred in Pennsylvania in 1971. In each case, the state's supreme court selected the tiebreaker. A discharge mechanism would provide a powerful incentive to select the tiebreaker. It also would avoid the possibility--raised by court participation--of a partisan tiebreaker in states where supreme courts are dominated by one party.

(2) Compactness: According to computer experts, our original compactness definition, which requires a plan's aggregate boundary length to be within five percent of the shortest possible aggregate length, raises serious practical problems. Finding the shortest possible aggregate length, these experts say, would greatly increase the necessary data base with a commensurate cost increase. We have deleted the five percent requirement (page 4). The revised standard still requires that the aggregate length of all district boundaries be as short as practicable. This establishes a standard beyond the mere requirement of compactness while avoiding the political and technical problems inherent in a complex mathematical formula.

(3) Fair representation: A reapportionment commission has an affirmative obligation to provide fair and effective representation for all citizens of the state. The need for "fair and effective representation" was eloquently stated in the Supreme Court's famous "one person, one vote" rulings of the mid-1960s. Within the constraints of the Common Cause standards, there are various ways that lines can be drawn to ensure or to undermine fair representation in the state legislature and in Congress. While the goal of fair and effective representation has always been Common Cause's guiding principle, the original model did

not directly state it. The revised CC model clearly states the objective as part of the sixth standard (page 4).

(4) Competition: In the past, reapportionment has been used to undermine electoral competition. Attempts to produce a bias in favor of incumbents or majority parties robs our political system of its vitality. Legislators who never face close re-election races are less responsive to their constituents. Reapportionment reform is designed to encourage competition, not discourage it. To guard against a bipartisan gerrymander by the bipartisan commission, we have added competition as a standard (page 4). It is important to note that the competition standard is to be used only after application of the more fundamental standards of population equality, respect for political subdivision, and compactness. Otherwise, the standard could lead to bizarre-shaped districts that did not respect city and county lines.

(5) Population deviation: To prevent line-drawers from using population deviations to gerrymander, the model requires all population deviations to average one percent or less. This denies the majority party, for example, the opportunity to gain an advantage by making majority party districts underpopulated and minority party districts overpopulated. The revised model changes this standard in two ways (see page 3). First, the standard has been increased from one to two percent to insure that this standard is not overly rigid. Second, it adds the word "percentage" to clarify that the average of all percentage deviations must be one percent or less.

(6) Anti-gerrymandering provisions: In the revised model, no reapportionment plan shall be drawn for the purpose of favoring any political party, incumbent legislator, or other person or group. The change in this standard involves the substitution of "plan" for "district" (page 4). This revision recognizes that to achieve fairness it may be necessary to benefit a certain political or ethnic group in one district and a second group in another. The key is that the overall plan does not purposefully favor or disadvantage any person or group. To be consistent, the use of political or demographic data to design a plan that favors any person or group is prohibited (page 5).

One additional point, not addressed in the attached revised model, involves the relationship of our proposal to the federal Voting Rights Act. Some legislators have incorrectly charged that the Common Cause model violates the Voting Rights Act. Among its provisions, the federal Act requires the Justice Department to invalidate any reapportionment plan or voting change that has a racially discriminatory effect--in certain states. Obviously, the federal Voting Rights Act would prevail over any state provision in the event that a conflict should arise between our model and the Act. This establishes a two-track system. First, states covered by the Voting Rights Act*--states with histories of discrimination

*The Voting Rights Act of 1965, as amended in 1970 and 1975, requires Justice Department review of voting changes in nine states: Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas, and Virginia. Some jurisdictions in another thirteen states are also covered: California, Colorado, Connecticut, Florida, Hawaii, Idaho, Massachusetts, Michigan, New Hampshire, New York, North Carolina, South Dakota, and Wyoming. In some of these thirteen states coverage is quite limited (e.g., four counties in California, five counties in Florida, two townships in Michigan). The Act will be in effect through most of the reapportionment of the 1980s--until August 1982 when it will be up for review by Congress.

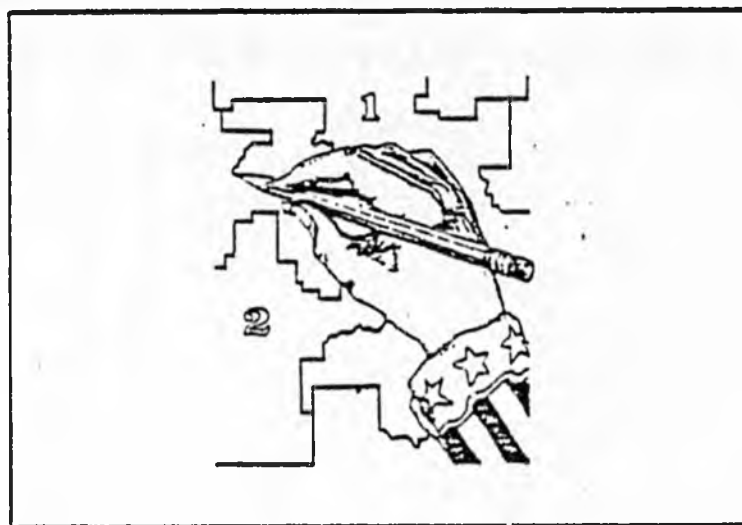
against minority voters--would be subject to an effect test.
Second, states not covered by the Act would be subject to the
model's purpose test.

Attachment: Revisions to Reapportionment Model Constitutional
Amendment

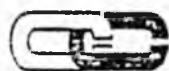
Enclosure: Model Reapportionment Amendment to State Constitution
(Revised September 1980)

Common Cause Report on Congressional and State Redistricting

June 1982 — Number Two



This is the second report
prepared by the Common Cause
Redistricting Clearinghouse



common cause

COMMON CAUSE REPORT ON CONGRESSIONAL AND STATE REDISTRICTING

This is the second report to be prepared by the Common Cause Redistricting Clearinghouse. This report focuses on state efforts to establish new congressional and legislative districts based on the 1980 census.

This study was researched and written by Marty Stephens of the Issue Development Staff with the assistance of Joseph Zwerdling. Staff members Janet Kaufmann, Vicky Kim, and Phyllis Sicketts also provided assistance.

TABLE OF CONTENTS

I. Introduction	1
II. Congressional Redistricting	9
III. State Legislative Redistricting	25
Appendix I. Table of Congressional Redistricting Facts	31
Appendix II. Table of State Legislative Redistricting Facts	33
Appendix III. Reapportionment: A Better Way	35



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INTRODUCTION

Every ten years citizens in many states observe their elected officials fighting to draw new election districts to accommodate population changes reflected in the latest U.S. census. Redistricting as a result of the 1980 census changes has been characterized by heavy litigation activity and skyrocketing costs. Once again, in this highly partisan process, Democrats and Republicans alike have proven that they can manipulate and "gerrymander" district lines with great skill and verve.*

A number of states are taking action to counter gerrymandering practices. Voters in California and Missouri, for example, will have a chance to vote on reapportionment reform measures on the November 1982 ballot. In both states the move to change the present system of redistricting -- requiring legislators to design their own districts -- was triggered by a sense of frustration over the 1980 redistricting events. In California, new congressional districts were likened to jigsaw puzzle pieces, while in Missouri the House and Senate deadlocked over redistricting congressional seats. A three-judge federal district panel ultimately drew up the final plan.

Except for Kansas and two states -- Maine and Montana -- that will act in 1983, congressional redistricting plans

* The term "gerrymandering" is not new; it was inspired by the efforts of Governor Elbridge Gerry of Massachusetts in 1812. An attempt to gerrymander generally means an attempt at one of four things: (1) to protect an incumbent; (2) to gain partisan advantage; (3) to eliminate a political maverick; or (4) to exclude a racial minority.

based on the 1980 census are now drawn. Seven states must still complete redistricting for their own legislatures. However, court challenges or Justice Department rejection of plans under Section 5 of the Voting Rights Act has prolonged the process in many states. In some cases, primary election dates have been postponed until litigation has been resolved.

The purpose of this report is to examine the redistricting process, court activity, and the outcome of redistricting itself. A state-by-state status report for congressional redistricting is provided and a survey of interesting state legislative redistricting activity in 20 states follows.

Redistricting and the Courts

Article 1, Section 2 of the Constitution specifically provides that representatives be apportioned among the states according to population every ten years.* Despite this mandate, up until the 1960's many states failed to redistrict to adjust for population changes and the courts declined to get involved. The U.S. Supreme Court decisions of the mid-1960's established certain one-person, one-vote standards, requiring states to eliminate gross population inequalities in redistricting. Beyond that, however, the Supreme Court did not spell out specific substantive standards for redistricting. Few state constitutions describe in much detail either the procedure for preparation of reapportionment

* Technically, reapportionment is the distribution of seats among units of government and redistricting is the drawing of lines.

plans or the standards to be used in drawing congressional and legislative districts.

The absence of clear criteria for redistricting leaves map makers with wide discretion in drawing up plans. The results are often controversial. Consequently, lawsuits challenging redistricting plans have been brought by aggrieved political parties, citizens' groups, and individual citizens on a variety of issues. In this round of redistricting, most of the action has been at the federal district court level, although the Supreme Court has been involved in a number of actions concerning congressional plans as follows:

- ° On March 22, 1982 the U.S. Supreme Court rejected an appeal by California's Republican Party to overturn the State Supreme Court's decision to allow 1982 elections to be held in districts drawn by the Democratic legislature in September 1981.
- ° In Illinois, a Democratically-oriented map adopted November 23, 1981 in a ruling by a federal panel in Chicago was upheld by the U.S. Supreme Court.
- ° Republicans in Missouri and Minnesota appealed District Court decisions on redistricting to the U.S. Supreme Court. In both cases motions to expedite were denied. However, in summary dispositions on May 17, 1982 the high court affirmed plans for both states.
- ° On March 29, 1982, the U.S. Supreme Court refused to overturn a stay of a decision on New Jersey's congressional map granted by Associate Justice William Brennan. A federal panel had earlier declared the Democratic-styled plan unconstitutional.
- ° In April 1982, a number of New Mexico candidates asked the U.S. Supreme Court to stay a decision by a federal panel to delay the primary, because it found the plan for the state legislature to be unconstitutional. The U.S. Supreme Court approved the scheduled primary for all but legislative races.

- ° On May 3, 1982 the U.S. Supreme Court rejected an appeal to defer reapportionment of New York's state legislature until 1983. The appeal was made by state Senate Republicans.
- ° A Texas congressional map was drawn by the legislature in August 1981. A three judge federal panel, in February 1982, ordered changes in six districts. The U.S. Supreme Court subsequently ruled that the federal panel acted improperly in readjusting boundaries. However, the high court left it up to the federal panel to decide what plan will go into effect for the May 1 primary. The District Court opted to have its own version in place for the election.

In states where the legislature has responsibility for drawing redistricting maps and legislators have failed to produce a plan because the House and Senate could not agree or where the legislature passed a plan which was then vetoed by the governor, the federal courts have stepped in with maps of their own:

- ° In Arkansas, a three-judge panel overturned a commission drawn plan and absent any corrective action by the legislature, adopted its own map on February 25, 1982.
- ° In Colorado, the Governor vetoed three successive plans passed by the legislature. A federal panel in Denver finally approved its own plan on January 28, 1982.
- ° On May 24, 1982 a federal panel issued a decision adopting a congressional plan for Michigan. An appeal has been filed with the U.S. Supreme Court.
- ° A U.S. District Court in Minnesota adopted a congressional plan after the legislature failed to come up with a redistricting bill.
- ° In Missouri, on January 7, 1982, a federal court issued a map. The state Senate had adjourned without approving redistricting legislation.
- ° A three-judge federal panel in Columbia, South Carolina adopted its own congressional plan on March 8, 1982, when the legislature failed to adopt a plan by the court-imposed deadline.

Federal courts have found the respective congressional redistricting maps in Arkansas, Hawaii and New Jersey to be unconstitutional. (Details of congressional redistricting are provided in the state-by-state survey beginning on page 9.)

A number of state legislative maps have met with a similar fate. State legislative plans in Hawaii, Michigan, New Mexico, Oregon, Tennessee, Texas, and Virginia have been overturned in the courts. In Michigan, the court overturned the process by which state legislative redistricting is accomplished.

Court involvement in reapportionment is not a new phenomenon. According to a 1973 survey by the Massachusetts Legislative Research Council, courts determined districts for one or both houses in at least twenty-one states between 1962 and 1972 because the state reapportionment procedure failed to produce acceptable results.

Justice Department Approval of Redistricting Plans

States that are subject to the preclearance provisions of Section 5 of the Voting Rights Act because of evidence of past voting discrimination must submit their redistricting plans to either the Justice Department or the U.S. District Court in the District of Columbia for approval within 60 days (see Appendix II for a listing of states covered by the Voting Rights Act and the status of plans submitted to the Justice Department).

The Justice Department has issued objections to a number of plans where statewide preclearance is required. For example, congressional plans for Georgia, Mississippi and Texas were rejected by the Justice Department and must be resubmitted. Action on a number of other plans is still pending.

The Time and Money Factor

Apart from inciting cynicism by voters and legislators themselves over this highly partisan process, there are other visible drawbacks to the way this round of reapportionment has been conducted -- the time and the cost. This aspect of reapportionment is especially striking at a time when state governments -- which often meet in only two or three month sessions -- are facing grave financial difficulties.

The Los Angeles Times (March 13, 1982) reported that the "Democratic-controlled legislature ... has spent \$2.7 million in public funds drawing new political districts." The L.A. Times compared California's expenses with the amount spent by the New York Legislature so far, cited as "about \$2.5 million."

In Virginia in early April 1981, legislators made an inauspicious start at redistricting when they came up with a House of Delegates plan that created 101 districts; that is one more than is mandated in the Constitution. Since then two House plans were vetoed by former Governor John Dalton (R), one was declared unconstitutional in federal court, and

two plans were rejected by the Justice Department under Section 5 of the Voting Rights Act. The Washington Post (April 15, 1982) reported that "[t]he entire process, including 14 special sessions and bills paid to a Richmond law firm to defend the state in court, have been estimated to cost taxpayers \$1 million."

Opting for Reform

Despite the inherent conflict of interest in having legislators design their own districts, efforts at reapportionment reform have not come easily. Legislators resist giving up the responsibility and generally turn a deaf ear to groups or individuals who are seeking a more equitable process.

This could, however, change in the 1980's. Large-scale reform efforts have been launched in a number of states:

° California - San Francisco's Field Institute published the results of a February poll that found greater than 4 to 1 disapproval among both Democrats and Republicans for the present system of redistricting. Citing redistricting abuses following the 1980 Census and before, Republicans and Common Cause members teamed up to conduct a petition drive for a state constitutional amendment initiative to establish a nonpartisan commission. The proposed 10-member commission would be required to draw lines according to standards designed to promote fair and effective representation for all citizens of the state. If the amendment is approved by the voters in November, the commission will draw new lines for state Senate, House, and congressional districts in 1984.

° Missouri and Washington State, after struggling with reapportionment following the 1980 census, opted to establish commissions to remove direct control for drawing lines from the legislature. Missouri already has a commission structure for state legislative redistricting; the new commission, if approved by voters on the November ballot, will be responsible for drawing congressional lines. Washington legislators, after great pressure from Common Cause and other public interest groups, established a commission to conduct state legislative and congressional redistricting, following certain apportionment standards.

° Florida, Virginia, and South Dakota - Other reform efforts have been specifically focused on standards for redistricting. Common Cause/Florida lobbied successfully for state legislative plans that included single member rather than multi-member election districts and a congressional plan that creates compact districts of convenient contiguous territory. Virginia adopted a House of Delegates plan (approved by the U.S. Justice Department) that is comprised of only single member districts. In the past Virginia had traditionally elected delegates from citywide, at-large districts. Both states hope to see improved minority access under their new single member plans. In South Dakota, the Farmers Union, AFL-CIO, League of Women Voters, We the People, ACORN, and Common Cause are conducting a petition drive to initiate a constitutional amendment to create certain single-member Senate districts to replace current multi-member districts in three urban areas.

Overview of Congressional Redistricting

The political parties have proven that they will gerrymander if they have the opportunity to do so. For example, an initial victory by Republicans in Indiana -- where the GOP turned a 6-5 Democratic edge to a projected 7-3 Republican majority of congressional seats -- was revenged by Democratic map makers in California, where the Republicans could lose five seats.

1980 census changes resulted in a 17-seat shift of congressional seats, mainly frostbelt to sunbelt. Republicans, who launched an expensive and sophisticated congressional reapportionment campaign, anticipated a gain of 10 to 12 congressional seats. But Democrats hold both houses of state legislatures in 28 states, and they proved to be tough opponents. The Baron Report (March 1, 1982) summed up the action this way: "The result, with some plans in major states still uncertain, is that reapportionment, per se, will be a 'wash' for the two parties."

Maine and Montana will not redistrict until 1983; otherwise, only Kansas must finish drawing up a congressional district plan. The Kansas legislature adopted two plans -- each subsequently vetoed by the Governor.

Georgia, Mississippi, and Texas are struggling to win Justice Department approval of their congressional redistricting plans. In other states, litigation surrounding new maps threatens to prolong reapportionment action to the end of 1982, or beyond.

The following is a summary of the action on congressional redistricting:

ALABAMA - The Democratic legislature passed a redistricting plan which was signed into law by Governor Forrest James (D) on August 18, 1981. The current congressional makeup -- four Democrats and three Republicans -- is not likely to change. The American Political Report (August 28, 1981) notes that the plan by the state legislature "makes only minor adverse changes in GOP'er Albert Lee Smith's sixth district." The state's other six districts are essentially unchanged. The Justice Department precleared the legislature's plan on February 26, 1982.

ACTION: Complete

ALASKA - One congressional district

ARIZONA - On December 7, 1981 Arizona legislators voted to override Democratic Governor Bruce Babbitt's veto of a congressional plan. Within minutes of the override, the Democratic party filed a suit in federal district court, attacking the constitutionality of both the congressional and state legislative plans and charging Voting Rights violations (Art Hamilton v. Babbitt). There is also a petition drive to put the map on the referendum ballot on November 2, 1982. Congressional Quarterly (January 30, 1982) terms the new Arizona districts "a quandary for Udall." Democratic Rep. Morris K. Udall's Tucson base was split in the creation of a fifth congressional seat.

On April 2, 1982 a Phoenix Federal District Court issued a settlement plan redrawing both the state legislative and congressional plans to eliminate the splitting of San Carlos Apache Reservation. The settlement plan requires Justice Department approval. Justice had previously rejected the plan because of dilution on the San Carlos Apache Reservation.

ACTION: Complete

ARKANSAS - In March 1981 Arkansas became the first state to draw new congressional district lines based on the 1980 census. Residents and state representatives of Garland County (Hot Springs) filed a lawsuit in district court (Doulin v. White) charging that the legislature could have adopted a plan that has a lower population deviation and more compact districts.

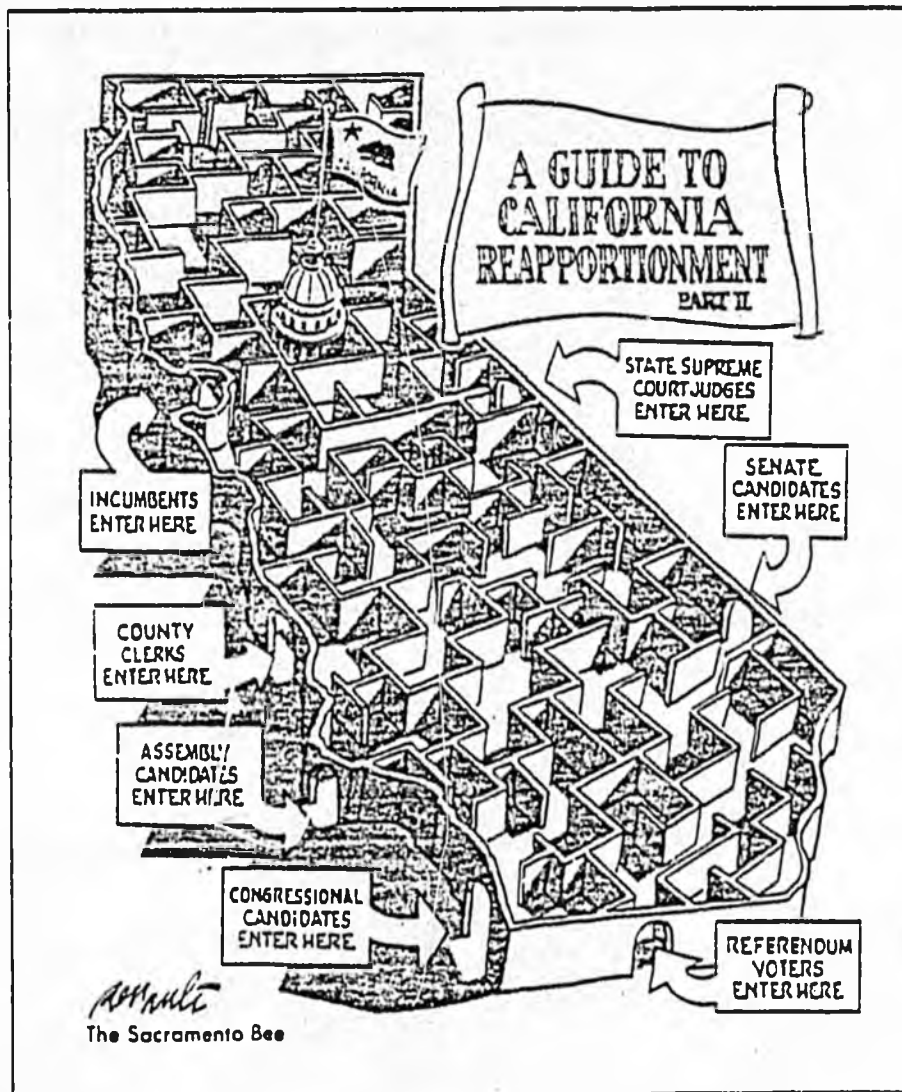
On January 6, 1982 a three-judge federal panel held that the plan was unconstitutional. On February 25 the Court, in the absence of any corrective action by the legislature, issued an opinion adopting its own redistricting plan for the 1982 elections, reflecting a .78% population deviation. On March 8 the Court denied the plaintiffs' motion to reconsider. The deadline for filing an appeal to

the Supreme Court is 60 days from that date, and it is not expected that an appeal will be filed.

According to Congressional Quarterly (March 6, 1982), the Court's plan "will have little effect on the re-election efforts of the state's incumbent House members." (Two Republicans and two Democrats.)

ACTION: Complete

CALIFORNIA - The Los Angeles Times (September 18, 1982) reported that on September 16, 1981 Democratic Governor Edmund Brown, Jr. signed a redistricting package: "All three Democratic-oriented bills were designed to perpetuate the political party now in power ..." Observers say that under the new plan -- drafted by Representative Phillip Burton (D) -- the Republicans could lose at least five congressional seats.



On November 18, 1981 the California Republican Party submitted enough petition signatures to election officials to require a referendum on the June 1982 primary ballot regarding the three redistricting bills. The State Supreme Court was forced to come to a decision about which districts the candidates will run in this year. The Court decided to allow the Democratic plan to go into effect for one year only, allowing the referendum to take place. If the bills are rejected in June, the legislature will be required to redistrict again next year. In March 1982, the U.S. Supreme Court rejected an appeal by the California Republican Party to overturn the State Supreme court's decision.

Meanwhile, the State Republican Committee and Common Cause launched an initiative to establish a ten-member independent redistricting commission. The initiative drive, begun in January 1982, is targeting the November election.

ACTION: Complete -- referendum and initiative pending

COLORADO - Colorado gains a sixth congressional seat (there are now three Democrats and two Republicans). In December 1981, "[t]hree federal judges began trying to do what the Colorado Legislature and governor couldn't -- redraw congressional district boundaries" (Denver Post, December 4, 1981). This action followed a series of three vetoes by Republican Governor Richard Lamm of three redistricting bills.

On January 28, 1982, a three judge panel in Denver issued a court drawn plan which protects the current officeholders and puts the new sixth district in Republican Denver suburbs.

ACTION: Complete

CONNECTICUT - A General Assembly Committee failed to draw congressional districts so a nine-member commission took over the task. The commission, on October 28, 1981, adopted a "Democratic plan that made minimal changes in the 6th District ... less Republican in makeup than it would have been under the GOP plan. Other incumbents appear strengthened" (Washington Post, February 14, 1982). Connecticut retains six congressional seats.

ACTION: Complete

DELAWARE - One congressional district

FLORIDA - Florida picked up four congressional seats, the largest increase of any state. The House and Senate resisted compromise over a new map, prompting two lawsuits (Kiser v. Firestone and Buoniconti v. Firestone). The suits were consolidated in U.S. District Court in Tallahassee. However, the legislature arrived at a plan on May 21, 1982. Governor D. Robert Graham signed the plan two days later; however, Rep. Curtis Kiser (R), whose lawsuit asks the federal court

to draw a plan, "declined to withdraw a lawsuit on the matter until his lawyer returns next week," according to the Washington Post (May 25, 1982).

ACTION: Complete -- litigation pending

GEORGIA - Georgia's congressional map was signed by Governor George Busbee on September 22, 1981 and submitted to the Justice Department for Voting Rights clearance on October 1. In February 1982 the Justice Department objected to the congressional (and state House and Senate) plans. The Washington Post reported (February 12, 1982) that Justice objected to the "division between two congressional districts of a 'cohesive black community' in Fulton and Dekalb counties in the Atlanta metropolitan area."

The U.S. District Court in the District of Columbia will hear a suit by the state of Georgia, appealing the Justice Department decision (Busbee v. Smith, et al.)

ACTION: Justice Department rejected plan -- litigation pending

HAWAII - A nine-member reapportionment commission that is responsible for conducting redistricting approved new congressional districts on September 28, 1981.

On March 23, 1982 a three-judge federal panel heard two redistricting challenges; however, only one of these suits (Craig Travis, et al. v. Jean King, et al.) concerns congressional redistricting. Plaintiffs challenged the use of voter registration, instead of census data, as a reapportionment base and charged malapportionment and gerrymandering in the congressional and legislative plans.

On March 25, the federal panel determined that the State legislative and congressional maps were unconstitutional based on the voter base issue and unacceptable population deviations. The federal court appointed special masters to supervise redrawing of the three maps. New maps were submitted to the Court on April 28, and approved in early May.

ACTION: Complete

IDAHO - Idaho keeps the same number of congressional seats (it has two, both Republican). Democratic Governor John Evans signed the congressional redistricting plan on July 29. The major action in the July special session concerned a shift of voters from the first to the second congressional district. Steve Ahrens of the Idaho Statesman (August 17, 1981) commented: "Not since 1964 have the Democrats elected a Congressman in the first district. The loss of 21,000 votes doesn't help their chances in 1982."

ACTION: Complete

ILLINOIS - Legislators -- who had the task of remapping a drop from 24 to 22 representatives -- could not come up with a plan. A three-judge federal panel charged with the responsibility subsequently considered Democratic, Republican, and bipartisan plans respectively, and "approved a Democratic-sponsored congressional redistricting proposal that would eliminate the seats of two Republicans and preserve the seats of two Democrats," according to the New York Times (November 24, 1981).

Republican legislators, including state House Speaker George H. Ryan, appealed the decision of the federal panel. In the first reapportionment case based on the 1980 census to reach the Supreme Court, the high court issued a one-line order upholding the congressional map. The Chicago Sun Times (November 24, 1981) reported that House Democratic Leader Michael J. Madigan, of Chicago, said the map "gives Democrats a strong edge in 10 districts, gives Republicans an edge in 11 districts and produces one swing district in central Illinois now represented by Republican Representative Paul Findley."

ACTION: Complete

INDIANA - The Indiana congressional plan was signed by Republican Governor Robert Orr on May 5, 1981. Indiana Republicans, who have sizable majorities in both legislative houses, used the most sophisticated computer technology available to draw up their plans. Pollster Robert Teeter's Market Opinion Research provided mapmakers with 91 separate items of information on the state's subdivisions according to The Washington Post (May 11, 1981). The Indiana Republican leadership has been candid about its reapportionment effort. Bruce Melchert, Indiana Republican chairman, told ABC news on July 22 that "there are three or four incumbent Democrats that we would like to see defeated." That would mean a transformation of the present 6-5 Democratic edge to a Republican 7-3 majority (Indiana lost one seat).

As Congressional Quarterly (May 2, 1981) describes the plan: "Its lines weave in and out of counties, concentrating Democratic voting strength into three districts and creating seven others in which the GOP believes it can win." The major victims of this design were Watergate Democrats Philip Sharp, David Evans and Floyd Fithian, whose districts were balkanized. Fithian's and Evans' districts were dispersed into four new congressional districts. Evans, Sharp, and Democratic Representative Lee Hamilton now live in the same district. The Republicans, in an attempt to try the case before a friendly judge, quickly requested a ruling on the constitutionality of their plan from the Marion Circuit Court. In an attempt to move the case to a more friendly court, the Democrats removed to federal court and filed a motion to dismiss, arguing that there was no case or controversy. The federal district court agreed and dismissed the

suit, because, at the time, no defendants said they were prepared to argue that the plan was unconstitutional.

ACTION: Complete

IOWA - Legislators rejected an initial plan that the legislature's nonpartisan research bureau produced, putting GOP Representatives Tom Tauke and Jim Leach in the same district. (Iowa's six-man delegation is currently split, three Republicans and three Democrats, and the Governor and the Legislature are Republican). American Political Report on July 3, 1981 reported that the Legislature rejected the second plan because "incumbent GOP Representative Tom Tauke got a shaky district." A third plan was finally passed on August 14. It puts Democratic Representatives Neal Smith and Tom Harkin in the same district, but Harkin is apparently expected to move elsewhere in his state to seek re-election. The Des Moines Register (August 14, 1981) stated that the approved redistricting plan will end up "preserving the balance between parties."

ACTION: Complete

KANSAS - Governor John Carlin (D) vetoed a congressional plan (SB 664) on February 18, 1982. The Kansas City Times (February 19, 1982) stated that Governor Carlin accused Republican lawmakers of "drawing a map without hearing from Democrats," and of splitting "the state's two metropolitan areas, Kansas City and Wichita, among congressional districts." Governor Carlin vetoed a second version as well. This action prompted two court challenges, which have been consolidated by a federal district court. Democrats are asking the court to take over responsibility for redistricting (O'Sullivan v. Brier). Republicans are seeking court approval of the plan passed by the legislature (Carson v. Carlin).

ACTION: Congressional plan vetoed

KENTUCKY - A congressional map was signed by Governor John Y. Brown, Jr. (D) on March 10, 1982 (HB 235). Kentucky has seven congressional seats (no losses or gains). American Political Report (February 26, 1982) noted that "Democrats think that redistricting gives them a better shot at defeating GOP Rep. Gene Snyder."

ACTION: Complete

LOUISIANA - Louisiana Governor David Treen (R) signed the state's congressional plan on November 19, 1981. The Morning Advocate observed that the "new congressional districts will look much like the present ones -- to the benefit of Louisiana's eight present members of Congress."

A lawsuit asking the Court to allow candidates to run in the old congressional districts was filed in district court (Robert E. Couhic v. James L. Brown). A second lawsuit -- charging one person, one vote violations and minority voting dilution in congressional and state house redistricting -- was also filed in district court (Barbara Major v. David Tree and James Brown).

ACTION: Complete - litigation pending

MARYLAND - The General Assembly needed to approve eight congressional districts (no change in the number of districts). Legislators completed their task on April 9, 1982.

ACTION: Complete

MASSACHUSETTS - The Boston Globe (December 10, 1981) reported that, "[the] Special Commission on Redistricting adopted a plan ... which carves 11 new districts out of the present 12 and merges the districts of Frank and Heckler." The plan was approved by Governor Edward J. King (D) on December 16, 1981.

ACTION: Complete

MICHIGAN - also loses one congressional seat, leaving the state with 18 districts. On April 8, 1982 the House adopted a plan, giving it immediate effect. On April 8, the Senate adopted a bill, but did not give it immediate effect. Governor William G. Milliken (R) vetoed the plan on April 27. A three-judge federal panel held hearings on May 7 on proposed plans submitted by the parties (Acerstrand v. Austin), and on May 24 the court issued a decision adopting a plan. The Republican party filed an appeal with the U.S. Supreme Court.

ACTION: Plan vetoed -- litigation pending

MINNESOTA - On March 11, 1982 a three-judge panel issued a plan for Minnesota's eight congressional districts. The Court took over responsibility for adopting a plan following its ruling of September 30, 1981, in which it required the state's legislature to submit both congressional and legislative maps to the court by January 29 (Lacomb v. Joan Growel). The court acted when the legislature failed to meet the deadline. American Political Report (March 12, 1982) stated that the new court-drawn map "essentially mirrors the Democratic plan. GOP Rep. Tom Hagedorn's seat was wiped out, throwing him in a new district with freshman GOPer Vin Weber ..."

The Republican congressional delegation appealed the decision to the U.S. Supreme Court. The St. Paul Pioneer Press (March 25, 1982) reported that Independent-Republican

party attorneys "argued that the panel exceeded its constitutional authority by departing dramatically from existing congressional district lines and carving out a new district within the Twin Cities metropolitan area." The U.S. Supreme Court denied a motion to expedite on April 5, 1982. On May 17, 1982 the U.S. Supreme Court upheld the plan.

ACTION: Complete

MISSISSIPPI - Governor William Winter (D) signed the congressional redistricting plan on August 28 -- the conclusion of a special summer session. The Jackson Clarion-Ledger (August 28, 1981) reported that the plan shifted six counties and parts of four other counties between districts and has been termed the "least change plan." The plan maintains five white majority districts. The overall population variance was low (.0338 percent) but the state split county lines for the first time.

Justice Department approval is required. On January 11, 1982 Justice requested additional information on the redistricting plans. On March 30, Justice rejected the congressional remap because of the minority makeup of the Delta area. The state of Mississippi is appealing the Justice Department rejection in U.S. District Court in the District of Columbia.

Two lawsuits have been filed challenging the new congressional remap for one person, one vote and Voting Rights Act violations. The suits (David Jordon v. William Winters & Owen H. Brooks v. William Winters) have been consolidated in U.S. District Court.

ACTION: Justice Department rejected plan

MISSOURI - The Missouri state House approved a congressional map, but the state Senate could not come to an agreement on nine new congressional seats (Missouri lost one district). A U.S. District Court three-judge panel filed its own plan on January 7, 1982, making it "the second time in the last two decades a federal panel has had to come up with a congressional map because of lawmakers' inability to reach agreement." Kansas City Times (Dec. 29, 1981). The court drew up its new map by essentially eliminating the rural central Missouri district of Republican representative Wendell Bailey. The three Democratic congressional seats in St. Louis, however, appear to be safe.

An appeal of the District Court decision was filed with the U.S. Supreme Court by officials of the local Farm Bureau and others (Schatzle, et al. v. Kirkpatrick). On March 29, 1982, a motion to expedite was denied by the Supreme Court. On May 17, the U.S. Supreme Court affirmed the lower court's plan.

ACTION: Complete

NEBRASKA - enacted a plan which was signed by Governor Charles Thone (R) on May 29, 1981. As the Baron Report (June 22, 1981) puts it, "GOP governor ... Nonpartisan GOP legislature ... Three GOP districts ... Little population shifts ... Add up to no change."

ACTION: Complete

NEVADA - now has two congressional seats instead of one. Questions about where to put the second congressional district culminated in a plan which creates one Las Vegas district and one district spreading across the rest of the state. (There had been talk of an east-west split.) The American Political Report (June 19, 1981) figures that the southern seat (Las Vegas) is sure to be Democratic (as it is now) and that the northern district "could go either way but probably leans to the GOP."

ACTION: Complete

NEW HAMPSHIRE - maintains its two congressional seats (one Democrat, one Republican). Democratic Governor Hugh Gallen signed the new congressional remap on March 4, 1982.

ACTION: Complete

NEW JERSEY - In a final action before leaving office, Democratic Governor Brendan Byrne signed a congressional remap developed by the Democratic legislature. New Jersey had the task of cutting back from 15 to 14 districts. Congressional Quarterly (March 6, 1982) noted that "The map had joined the districts of two Republican incumbents, created a new Democratic-leaning constituency and presented several Democratic incumbents with safe seats."

New Jersey Republicans challenged the plan based on its population deviation (0.69 percent), and on March 3, 1982 a three-judge federal panel, in a 2-to-1 vote, declared the plan unconstitutional because it violated the one person, one vote requirement.

On March 11, 1982, Democrats filed a request for a stay with Supreme Court Justice William J. Brennan, Jr., which was granted pending an appeal to the Supreme Court. New Jersey Republicans requested an expedited hearing; however, on March 29 the court rejected a request by New Jersey Republicans to vacate the stay. Subsequently, Republicans filed another lawsuit in an attempt to have the plan voided on the grounds that the redistricting process was not done in accordance with the state constitution.

ACTION: Litigation pending

NEW MEXICO - added one seat to give it three congressional districts. A new map was signed by Governor Bruce King (D) on January 19, 1982. Congressional Quarterly (January 23, 1982) noted that the plan "places New Mexico's new congressional district in the Albuquerque area and divides the rest of the state roughly between a district in the north and one in the south."

In April 1982, a federal court held that the plan was constitutionally impermissible based on the use of a votes-cast formula to estimate precinct populations and sent the plan back to the legislature. However, the U.S. Supreme Court allowed a June 1 primary for all but state legislative races, staying the federal court order that could have delayed the election.

ACTION: Complete

NEW YORK - New York's congressional delegation had to be reduced from 39 to 34 seats. As expected, the Senate and Assembly deadlocked over a plan. Senate Republicans appealed to the U.S. Supreme Court to stay a lower court order to complete a plan by May 10 (Flateau, et al. v. Anderson, et al.). The U.S. Supreme Court rejected the appeal.

The legislature enacted a congressional redistricting bill on May 11, amended May 17, and signed by the Governor on May 20. In spite of this, the court-appointed master in the pending U.S. District Court suit is reported to be proceeding to draw up his own proposed map. It is not clear what course this court proceeding will take.

American Political Report (May 21, 1982) stated: "If the congressional remap put through by the legislature holds up, the major face-offs necessitated in the new districts -- New York lost 5 seats -- will be Rep. Ben Gilman (R) vs. Rep. Peter Peyser (D), Rep. Guy Molinari (R) vs. Rep. Leo Zeferetti (D), Rep. Ted Weiss (D) vs. Rep. Jonathar Bingham (D), Rep. John Le Boutillier (R) vs. Rep. Greg Garman (R), unless Garman decides not to seek re-election. If the remap is accepted by the governor, courts and the Justice Department, Democrats would wind up bearing most of the burden..."

ACTION: Complete -- litigation pending

NORTH CAROLINA - On August 4, 1981, The Southern Political Report stated that, "the North Carolina legislature completed action on a redistricting plan that helps incumbent Congressmen and encourages a continuation of the 7 Democrats - 4 Republicans ratio in the Tarheel delegation." Under the plan, Representative L. Fountain's new district was nicknamed "Fountain's Fishhook" because of the way it wound around Durham county, a black-dominated area that had been proposed for inclusion in the conservative Fountain's district.

As required by the Voting Rights Act, the Justice Department reviewed the plan and failed to preclear the congressional map. The congressional map was rejected on the grounds that it diluted black voting strength.

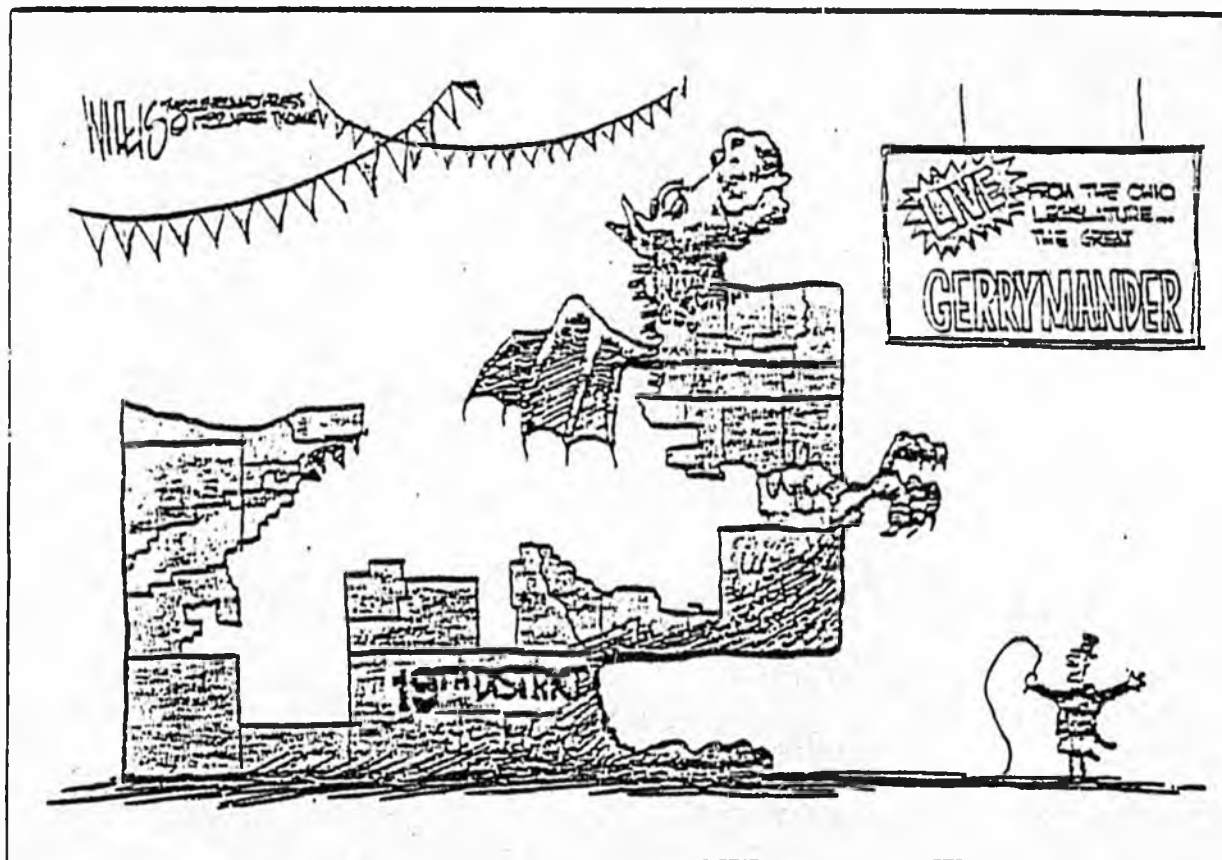
In February 1982 the North Carolina General Assembly passed a new plan that includes Durham County in Representative Fourcin's 2nd district. In March the Justice Department precleared the plan.

Meanwhile, the NAACP Legal Defense and Education Fund had challenged the congressional base based on the racial dilution issue (Gingles v. Edmisten).

ACTION: Complete — pending litigation

NORTH DAKOTA - One congressional district

OHIO - Redistricting means a loss from 23 to 21 seats (the current delegation is now 10-D, 13-R). A bill was finally signed by Governor James Rhodes (R) on March 25, 1982. According to the Columbus Citizen-Journal (March 25, 1982): "The final version basically protects most incumbent congressmen but knocks out the 17th District now held by Republican Rep. John M. Ashbrook of Johnstown, a candidate for the U.S. Senate. It also consolidates the districts of Democratic Reps. Eckart and Ronald M. Mottle of Parma, forcing them to run against each other this year." The



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district in which they have been placed (District 19) has been called the Pac-Man district because its shape is similar to a route in the electronic game (see cartoon on page 20).

Ohio Democrats have intervened in a pending U.S. District Court suit (Patrick Flanagan v. Gillmor) to challenge the constitutionality of the plan.

ACTION: Complete -- litigation pending

OKLAHOMA's congressional district plan was signed by Democratic Governor George Nigh on July 22, 1981. The state has six seats (currently five Democrats and one Republican) and American Political Report (July 31, 1981) has noted that the new lines "solidify most of the state's Congressmen."

The Oklahoma Republican Party obtained the 92,000 signatures needed to validate an initiative petition asking voters to repeal the redistricting plan and enact a substitute plan. Initiative News Report (March 22, 1982) noted that "the State Supreme Court ruled in late February hearing to allow initiative opponents to re-check petition signatures ... until the end of April. Then, the Court must rule on 5/26/82 on ballot placement." Regardless of the pending initiative, however, congressional candidates in the November, 1982 election will run on the basis of the redistricting plan already enacted.

ACTION: Complete -- pending litigation and initiative

OREGON - The Democrats control the legislature and have a 3-1 edge in Congress. The state picks up a new district. According to Congressional Quarterly (August 8, 1981), "the redistricting bill gives Republicans a good chance to win the state's new 5th district and assures GOP control in the 2nd district." Democrats should retain control of their three congressional seats under the new plan. Governor Victor Atiyeh (R), voicing objections to diluted GOP voting strength in a Portland suburb, allowed the bill to become law without his signature.

ACTION: Complete

PENNSYLVANIA - must drop two of its 25 seats. The current delegation is 13 Republicans and 12 Democrats, following Representative Eugene V. Atkinson's switch from the Democratic to the Republican party in October 1981. On March 2, 1982 -- after many months' effort and in the face of potential federal court action and a March 9 primary filing date -- the Legislature approved a plan. Republican Governor Richard Thornburgh signed the plan on March 3.

Congressional Quarterly (March 6, 1982) noted that under the new plan, "[t]wo pairs of incumbent Democrats -- John P. Murtha and Don Bailey in the western part of the state, and Thomas M. Foglietta and Joseph F. Smith of

Philadelphia -- will have to run against each other for renomination. Democrat Doug Walgren's Pittsburgh-area district becomes more difficult for him to win, and Republican convert Eugene V. Atkinson is given territory in which he has a good chance to hold on." Lawsuits challenging the plan were filed by Democratic officials and a number of other groups. The consolidated suits were the subject of a hearing before a three-judge federal panel in March 1982. (In Re: Pennsylvania Congressional Districts Reapportionment Cases.)

ACTION: Complete -- litigation pending

RHODE ISLAND - has two congressional seats (no gains or losses). On April 2, 1982 the legislature completed action on a Congressional plan. The plan became law without the governor's signature.

ACTION: Complete

SOUTH CAROLINA - A legislative conference committee was unable to reach a compromise on South Carolina's six seats (2 Democratic, 4 Republican), so a three-judge panel U.S. District Court took over the task and adopted its own congressional redistricting plan on March 8, 1982. There is discussion of an appeal by the NAACP.

ACTION: Complete -- litigation possible

SOUTH DAKOTA - One congressional district

TENNESSEE - The legislature enacted a congressional redistricting plan in 1981. Currently Democrats have a 5-3 edge and control the legislature. Reportedly they were shooting for a 7-2 margin in Congress (the state picks up a seat). Observers say the newly-created 4th district, which has no incumbent, looks like a salamander because of the way it winds halfway across the state -- apparently made up of leftover counties from other districts. On August 25, 1981 the Tennessee Journal commented that "the makeup of the district leans slightly Democratic but a strong Republican candidate could have a good chance of winning." Democrats also targeted the new 7th district, but in the end the shift of precincts won't affect the number of Democrats and Republicans voting in the district. Republican Governor Lamar Alexander allowed the plan to become law without his signature.

ACTION: Complete

TEXAS - picks up three new seats (the current delegation is 19 to 5 Democratic). Last summer Republicans and conservative Democrats joined forces to give Republican Governor William Clements "precisely what he demanded -- a

Dallas -- Fort Worth minority district and improved Republican prospects statewide," according to the Dallas Morning News (August 11, 1981).

A lawsuit, charging racial discrimination (Seamon v. Clements) was filed in U.S. District Court. On January 29, the Justice Department filed objections concerning two southern districts, noting dilution of Hispanic voting strength.

On February 27, a three-judge federal panel ordered a redrawing of six congressional districts. According to the New York Times (February 29, 1982), "The plan adopted by the Federal judges would eliminate any distinctly black district for Dallas County. The court plan would also create a new district that appears likely to be won by a Republican."

Republicans appealed to the U.S. Supreme Court, which indicated that the lower court drew a congressional plan when the legislature's plan was not found to be unconstitutional or to violate the Voting Rights Act. The Supreme Court noted that the three-judge panel could make the redistricting change before or after the May 1 primary, as long as the legislature's map is in place for the next election. The federal court, on April 5, ordered the May 1 primary to be held under the federal court's plan.

ACTION: Plan must be redrawn by court order

UTAH - has two Republican seats and picked up a seat. The legislature adopted a congressional redistricting plan on October 30, 1981. As Congressional Quarterly (January 2, 1982) puts it: "the GOP dominated Legislature saw to it that Republicans have a strong chance of winning all three districts in 1982."

ACTION: Complete

VERMONT - One congressional district

VIRGINIA - The Democratic Virginia General Assembly adopted a redistricting plan on May 1 that "fails to loosen the Republican party's stranglehold on the state's 10-member U.S. House delegation," according to The Washington Post (May 2, 1981). Republican Prince William County was moved out of Representative Stanford Parris' (R) 3th district; observers feel that it may make him more vulnerable to a challenge. The plan was approved in a special session and precleared by the Justice Department as required by the Voting Rights Act.

ACTION: Complete

WASHINGTON - In the 1981 legislative session Republican Governor John Spellman vetoed the legislature's congressional plan, which must reflect an increase from seven to eight seats. This year the Republican legislature had better

luck; Governor Spellman signed the congressional remap on February 17. (Legislators also approved a redistricting commission to take over reapportionment after 1990.)

ACTION: Complete

WEST VIRGINIA - has four congressional districts (two Republican and two Democratic). A congressional map was signed by Democratic Governor John D. Rockefeller IV on February 11, 1982. The Washington Post (February 14, 1982) noted that "after considering more drastic changes, the Democratic legislature passed a plan making only minor adjustments in four districts, now equally divided between the parties." The legislature was pressured to act because of a lawsuit (Brookover v. Manchin). A U.S. District Court issued an order on February 23, 1982 affirming the validity of the enacted plan.

ACTION: Complete

WISCONSIN - retains nine congressional seats. A new map was enacted on March 24, 1982. Legislators were pressured by a lawsuit asking a federal court to takeover redrawing both congressional and state legislative plans (AFL-CIO v. State Elections Board). Enactment of a congressional plan effectively excluded congressional redistricting from the court challenge.

ACTION: Complete

WYOMING - One congressional district

Overview of State Legislative Redistricting

With the exception of just seven states (Maine, Massachusetts, Montana, New Hampshire, New Mexico, South Carolina and Wisconsin), legislative redistricting based on the 1980 census is completed.

Litigation brought by groups or individual citizens concerning legislative plans has been resolved in at least a dozen states, but court challenges continue to protract the process in other states. Moreover, the Justice Department, under Section 5 of the Voting Rights Act, has current objections to Alabama's state Senate plan and Texas' state Senate and House plans.

Democrats have control of state legislatures in 28 states and have total control -- the legislature and the governorship -- in 17 states. Despite this advantage, political forecasters pointed to potential Republican gains in Illinois, Pennsylvania and other states that were subject to population movement from major urban and industrial areas to outlying suburban regions.

This theory, for example, held true in Pennsylvania, where Republicans have majorities in both houses. However, in Illinois, Democrats were able to control the process and ensure enactment of a Democratic-leaning plan. The following survey looks at 20 states in which the redistricting process has been particularly noteworthy.

Highlights of Legislative Redistricting

ALABAMA - On May 6, 1982 the state House and Senate plans were rejected by the Justice Department under Section 5 of the Voting Rights Act. The Justice Department objected to a number of districts where black voting strength was decreased through redistricting decisions.

ARKANSAS - A commission composed of the Governor, a Republican, and the Attorney General and Secretary of State, both Democrats, adopted a plan for both legislative houses in June, 1981. Two lawsuits were subsequently filed. Siloam Springs residents charged that the Senate plan discriminated against voters in their area. The Senate plan was upheld by the Arkansas Supreme Court. A second challenge to the plan was dismissed.

COLORADO - A 1974 constitutional amendment proposed by the League of Women Voters established a reapportionment commission to conduct state legislative redistricting. The 11-member commission included four members appointed by House and Senate party leaders, three appointed by the Governor, and four appointed by the Chief Justice of the Colorado Supreme Court.

A plan was unanimously approved by the Commission in December 1981 and submitted to the state Supreme court for review. The court approved the commission-drawn plan but ordered revision of the sequencing of two Senate districts so that no district would be without representation from 1982 to 1984. The commission filed an amended plan that completely redrew the two Senate districts. The court rejected the changes and ordered the Commission to simply make the election date adjustments. The final plan was complete by the March 15 deadline.

FLORIDA - On April 7, 1982 the Florida legislature adopted a legislative plan, which was sent to the state Supreme Court for review. The Justice Department must also approve the plan under provisions of the Voting Rights Act. The new plan creates only single-member legislative districts.

HAWAII - The League of Women Voters, Republicans, and Democrats challenged the legislative plan prepared by Hawaii's nine-member bipartisan reapportionment commission on an issue that is unique to Hawaii -- the reapportionment base. The commission based its 1981 map on the number of registered voters rather than on census data. A U.S. District Court panel invalidated the state Senate and House plans and ordered the appointment of a special master to make a comparison of voter registration and census figures to determine if the deviation is great enough to violate the one person, one vote doctrine. The new plan created the first multicounty, single-member districts in Hawaii's history.

IDAHO - Governor John Evans (D) vetoed the Republican legislature's first and second attempts at redrawing state legislative districts, prompting Republican legislators to file a suit in district court (Budge v. Cenarrusa). By March 24, however, the legislature and the Governor approved a plan so the case -- along with a second suit charging improper splitting of political subdivisions -- was dismissed. A separate state District Court suit challenging the splitting of Sandpoint (Bonner County) Indian Reservation is pending.

ILLINOIS - The Legislative Redistricting Commission on Oct. 2, 1981 adopted a final legislative reapportionment plan that is expected to give "Democrats control of both houses of the legislature, and greatly enhance Chicago's ebbing influence there ... the new map was drawn in such a way as to carve up Republican districts ... to leave some Republican incumbents outside their districts, or to put them in districts where they would face strong challenges by other incumbents." (New York Times, October 8, 1981)

The validity of the plan was challenged in U.S. District Court (Rybicki v. State Board of Elections). In a decision issued January 12, 1982 the Court generally upheld the plan, with the exception of modifications to a few Chicago districts, to eliminate the concentration of minority voters into an unreasonably small number of districts.

INDIANA - Court action is pending concerning legislative plans which were signed by Governor Orr on February 25. Two lawsuits (Bandemer v. Davis and NAACP State Conference v. Orr) are in the U.S. District Court in Indianapolis. The Court rejected a motion to dismiss the cases, which charge minority dilution and other issues.

LOUISIANA - faces a lawsuit challenging the State House and congressional plan (Barbara Major v. David Treen and James Brown). Plaintiffs contend that the plan violates one person, one vote principles and dilutes the minority vote.

MICHIGAN'S Supreme Court issued a decision on redistricting on March 26, 1982, after reviewing a plan adopted and submitted by the Legislative Reapportionment Commission. The court held the plan unconstitutional, determining that it is unconstitutional for redistricting responsibility to be vested in the Legislative Reapportionment Commission instead of the legislature. Subsequently, in the absence of legislative action by the Court's May 4 deadline the Court appointed a special master to draw a plan in compliance with its guidelines. The master filed a revised plan on May 13, and the Court on May 21 adopted that plan with some revisions. The Democrats are appealing to the U.S. Supreme Court, and in the meantime have asked the Supreme Court to stay the effective date of the plan.

MINNESOTA - The St. Paul Pioneer Press noted that "the suburbs are the big winners and central cities the losers in a new federal court-drawn legislative redistricting plan ...". The court took responsibility for adopting a plan after the legislature failed to meet its March 12 deadline (LaComb, et al. v. Growel, et al.). The U.S. District Court's March 11 decision was appealed to the Supreme Court, which turned down the appeal.

NEW HAMPSHIRE - Governor Hugh Gallen (D) vetoed a Senate reapportionment plan passed by a Republican legislature. The Hartford Valley News (May 15, 1982) reported that Senate President Robert Monier (R) filed a suit in state Supreme Court on May 14, 1982 asking "the justices to take jurisdiction over reapportionment, declare the present district boundaries unconstitutional and accept and adopt a vetoed Senate redistricting plan."

NEW MEXICO - New Mexico has a Democratic legislature and a Democratic governor. A state legislative plan was adopted but was subsequently determined to be unconstitutional by a federal district court. The court objected to the votes-cast formula that was used to estimate precinct populations, and thereby upheld the claims of a number of plaintiffs who charged that the use of the formula resulted in minority underrepresentation.

The legislature is considering preparation of a new plan. In the meantime the June 1 primary date for members of the legislature has been delayed by court action.

NEW YORK - The state legislature, pressed by a federal court threat to appoint a special master, approved state legislative maps on May 11, 1982, with amendments May 17. Assembly Democrats who have a majority decided on the Assembly map. In the Senate, Republicans who are in control drew up the Senate map. The New York Times (May 9, 1982) commented: "Not surprisingly, the plan strengthens each party's hand in its own house." The bills were signed by Governor Hugh Carey (D) on May 20.

NORTH CAROLINA - Legislators struggled to win Justice Department approval for their state legislative districts, adopted in bills enacted in February 1982. The Raleigh News and Observer (April 28, 1982) noted that when legislators met to approve a plan, "the special session was the third to deal solely with the prickly redistricting issue since October."

Meanwhile two lawsuits were consolidated and will be taken up by a federal District Court (Gingles v. Edminsten and Pugh v. Hunt). Plaintiffs are charging Voting Rights Act violations, racial dilution, and other issues.

PENNSYLVANIA - The Reapportionment Commission adopted its final General Assembly reapportionment plan on October 13, 1981. It is expected that the plan will accelerate the shift of power in the legislature from Democratic urban areas to usually Republican suburban and rural area.

Common Cause filed suit in the Pennsylvania Supreme Court challenging the constitutionality of the plan, on the ground that it unnecessarily divided a very large number of counties, municipalities and wards into more than one district and created districts which were not compact, diluting the voting strength of racial and ethnic minorities. The Court on December 29, 1981 upheld the constitutionality of the plan, characterizing equality of population as the overriding constitutional goal.

A second challenge to the validity of the plan was raised in a suit filed in the U.S. District Court -- Hispanic Coalition on Reapportionment v. Legislative Reapportionment Commission. This suit focused on one district in Philadelphia and attacked validity of the plan on grounds it diluted Hispanic minority voting strength. In a decision issued April 6, 1982 the court rejected the challenge and dismissed the case, on the ground that the final plan increased the concentration of Hispanic votes over what it had been prior to reapportionment.

SOUTH DAKOTA - The state legislative reapportionment plan, adopted March 13, 1981 was challenged in U.S. District Court (Sioux Falls) in O'Connor v. Kundert. It was argued that the use of multi-member districts was unconstitutional. On February 12, 1982 the Court issued a decision rejecting these arguments and holding that the plan was constitutional. The case was dismissed.

However, the petition drive by Common Cause, League of Women Voters and certain other groups for an initiative constitutional amendment that would abolish multi-member state Senate districts in three urban areas was successful, and as a result the proposed constitutional amendment will be on the November, 1982 ballot.

TENNESSEE - A Nashville Chancery Court on February 18, 1982 issued a summary judgment holding the state Senate plan invalid because it divided counties in forming districts. On March 31, the state Supreme Court issued a decision holding the summary judgment improper. The legislature subsequently adopted a modified Senate plan. However, a court date was set for September 13 (the primary is scheduled for August 5) to determine the validity of both the House and Senate plans for future elections (Lockert v. Crowell).

TEXAS - Ignoring Justice Department objections to certain districts, a three-judge federal panel adopted the Legislative Redistricting Board's plans with only a few modifications, in order to hold the May 2 primary on

schedule. The court made its ruling in a lawsuit brought principally by Republicans (Terrazas v. Clements). The legislative districts were adopted only for the 1982 election. The legislature will have to redraw the districts in 1983.

VIRGINIA - After 14 special sessions, the General Assembly was finally successful in completing a House of Delegates plan and a Senate plan. An earlier plan approved by the legislature was overturned in federal court on the basis of excessively high population variance (Cosner, et al. v. Dalton, et al.). Earlier plans were also objected to by the Justice Department, but their validity is subject to review in Cosner v. Dalton. The Washington Post (April 2, 1982) stated: "The central issue throughout the debate was the demand ... for the abolition of citywide at-large districts that have protected senior white Democratic incumbents and, according to the critics, diluted black voting strength." Civil rights groups and Republicans have praised the new maps. However a number of localities have intervened in the litigation, with complaints on the issues of compactness plus the manner in which counties have been split up. Hearings are scheduled for mid-June.

APPENDIX I. CONGRESSIONAL REDISTRICTING FACTS

May 1982

	Current House Seats	1982 House Seats	1980 Seat Changes	Redistricting done by:	Completed:	Action
Alabama	7 (4D, 3R)	7	0	Leg.	Yes	completed †
Alaska	1 (1R)	1	0	...	...	—
Arizona	4 (2D, 2R)	5	+1	Leg.	Yes	completed †
Arkansas	4 (2D, 2R)	4	0	Leg.	Yes	completed
California	43 (22D, 21R)	45	+2	Leg.	Yes	repeal referendum †
Colorado	5 (3D, 2R)	6	+1	Leg.	Yes	completed
Connecticut	6 (4D, 2R)	6	0	Leg.	Yes	completed †
Delaware	1 (1R)	1	0	...	...	—
Florida	15 (11D, 4R)	19	+4	Leg.	Yes	litigation pending
Georgia	10 (9D, 1R)	10	0	Leg.	Yes	litigation pending
Hawaii	2 (2D)	2	0	Comm.	Yes	completed
Idaho	2 (2R)	2	0	Leg.	Yes	completed
Illinois	24 (10D, 14R)	22	-2	Leg.	Yes	completed
Indiana	11 (6D, 5R)	10	-1	Leg.	Yes	completed
Iowa	6 (3D, 3R)	6	0	Leg. Serv. Bur. / Leg.	Yes	completed
Kansas	5 (1D, 4R)	5	0	Leg.	No	Gov. vetoed plan
Kentucky	7 (4D, 3R)	7	0	Leg.	Yes	completed
Louisiana	8 (6D, 2R)	8	0	Leg.	Yes	litigation pending
Maine	2 (2R)	2	0	Leg.	No	1983
Maryland	8 (7D, 1R)	8	0	Gov/Leg.	Yes	completed
Massachusetts	12 (10D, 2R)	11	-1	Leg.	Yes	completed
Michigan	19 (12D, 7R)	18	-1	Leg.	Yes	litigation pending
Minnesota	8 (3D, 5R)	8	0	Leg.	Yes	completed
Mississippi	5 (4D, 1R)	5	0	Leg.	Yes	litigation pending
Missouri	10 (6D, 4R)	9	-1	Leg.	Yes	completed
Montana	2 (1D, 1R)	2	0	Comm.	No	1983
Nebraska	3 (3R)	3	0	Leg.	Yes	completed
Nevada	1 (1D,)	2	+1	Leg.	Yes	completed
New Hampshire	2 (1D, 1R)	2	0	Leg.	Yes	completed
New Jersey	15 (8D, 7R)	14	-1	Leg.	Yes	litigation pending
New Mexico	2 (2R)	3	+1	Leg.	Yes	completed
New York	39 (22D, 17R)	34	-5	Leg.	Yes	litigation pending
North Carolina	11 (7D, 4R)	11	0	Leg.	Yes	litigation pending
North Dakota	1 (1D)	1	0	...	...	—
Ohio	23 (10D, 13R)	21	-2	Leg.	Yes	litigation pending
Oklahoma	6 (5D, 1R)	6	0	Leg.	Yes	repeal referendum
Oregon	4 (3D, 1R)	5	+1	Leg.	Yes	completed
Pennsylvania	25 (13D, 12R)	23	-2	Leg.	Yes	litigation pending
Rhode Island	2 (1D, 1R)	2	0	Leg.	Yes	completed
South Carolina	6 (2D, 4R)	6	0	Leg.	Yes	completed
South Dakota	2 (1D, 1R)	1	-1	...	...	—
Tennessee	8 (5D, 3R)	9	+1	Leg.	Yes	completed
Texas	24 (19D, 5R)	27	+3	Leg.	Yes	completed for May primary
Utah	2 (2R)	3	+1	Leg.	Yes	completed
Vermont	1 (1R)	1	0	...	...	—
Virginia	10 (1D, 9R)	10	0	Leg.	Yes	completed †
Washington	7 (5D, 2R)	8	+1	Leg.	Yes	completed
West Virginia	4 (2D, 2R)	4	0	Leg.	Yes	completed
Wisconsin	9 (5D, 4R)	9	0	Leg.	Yes	completed
Wyoming	1 (1R)	1	0	...	...	—

... Indicates a single Congressional district

† Plan precleared by Justice Dept. under Voting Rights Act

APPENDIX II. STATE LEGISLATIVE REDISTRICTING FACTS
May 1982

State	Gov.	Political party in control Leg.	Redistricting done by	Covered by Voting Rights Act	Redistricting completed	Action
Alabama	D	D	Leg.	statewide	Yes	rejected by Justice Dept.
Alaska	R	Sen. 10 D 10 R House 22 D 16 R	Board is advisory to governor	statewide	Yes	completed
Arizona	D	R	Leg.	statewide	Yes	completed
Arkansas	R	D	Board	no	Yes	completed
California	D	D	Leg.	4 counties	Yes	repeal referendum
Colorado	D	R	Board	1 county	Yes	completed
Connecticut	D	D	Leg. (Board if Leg. fails to act)	3 towns	Yes	litigation pending
Delaware	R	Sen. 12 D 9 R House 25 R 16 D	Leg.	no	Yes	completed
Florida	D	D	Leg.—(Court if Leg. fails to act)	5 counties	Yes	Justice Dept. approval pending
Georgia	D	D	Leg.	statewide	Yes	Justice Dept. approval pending
Hawaii	D	D	Board	1 county	Yes	Justice Dept. approval pending
Idaho	D	R	Leg.	1 county	Yes	litigation pending
Illinois	R	Sen. 29 R 30 D House 91 R 86 D	Leg.—(Board if Leg. fails to act)	no	Yes	completed
Indiana	R	R	Leg.	no	Yes	litigation pending
Iowa	R	R	Leg. Serv. Bureau is advisory to Leg.	no	Yes	completed
Kansas	D	R	Leg.	no	Yes	completed
Kentucky	D	D	Leg.	no	Yes	completed
Louisiana	R	D	Leg.—(Court if Leg. fails to act)	statewide	Yes	litigation pending
Maine	D	Sen. 17 R 16 D House 83 D 68 R	(Board is advisory to Leg. If Board fails to act, Court takes over)	no	No	1983
Maryland	D	D	Governor submits plan to Leg.	no	Yes	litigation pending
Massachusetts	D	D	Leg.	9 towns	No	1985
Michigan	R	D	Boards (Court if Board fails to act)	2 town- ships	Yes	litigation pending
Minnesota	R	D	Leg.	no	Yes	completed
Mississippi	D	D	Leg.	statewide	Yes	completed
Missouri	R	D	Board—(Court if Board fails to act)	no	Yes	completed

State	Gov.	Political party in control Leg.	Redistricting done by	Covered by Voting Rights Act	Redistricting completed	Action
Montana	D	R	Board	no	No	1985
Nebraska	R	unicameral	Leg.	no	Yes	completed
Nevada	R	D	Leg.	no	Yes	completed
New Hampshire	D	R	Leg.	9 political subdivisions	No	plan vetoed by Gov.
New Jersey	D	D	Board	no	Yes	completed
New Mexico	D	D	Leg.	no	No	special session in June or July 1982
New York	D	Sen. 35 R 25 D House 86 D 64 R	Leg.	3 New York City boroughs	Yes	litigation pending
North Carolina	D	D	Leg.	40 counties	Yes	litigation pending
North Dakota	R	R	Leg.	no	Yes	completed
Ohio	R	Sen. 18 R 15 D House 56 D 43 R	Board	no	Yes	completed
Oklahoma	D	D	Leg.—(Board if Leg. fails to act)	no	Yes	completed
Oregon	R	D	Leg.—(Sec. of State if Leg. fails to act)	no	Yes	completed
Pennsylvania	R	R	Board	no	Yes	completed
Rhode Island	D	D	Leg.	no	Yes	litigation pending
South Carolina	D	D	Leg.	statewide	House-Yes Senate-No	completed
South Dakota	R	R	Leg.—(Board if Leg. fails to act)	2 counties	Yes	const. amendment on 11/82 ballot
Tennessee	R	D	Leg.	no	Yes	litigation pending (for 8/3 primary)
Texas	R	D	Leg.—(Board if Leg. fails to act)	statewide	Yes	Districts must be redrawn (for May 1 primary)
Utah	D	R	Leg.	no	Yes	completed
Vermont	R	R	Board is advisory to Leg.—(Court if Leg. fails to act)	no	Yes	completed
Virginia	R	D	Leg.	statewide	Yes	completed
Washington	R	R	Leg.	no	Yes	completed
West Virginia	D	D	Leg.	no	Yes	completed
Wisconsin	R	D	Leg.	no	No	Gov. vetoed bill on 5/23/82
Wyoming	D	R	Leg.	1 county	Yes	completed

APPENDIX III: REAPPORTIONMENT: A BETTER WAY

Common Cause first proposed a model reapportionment process in 1977 for adoption at the state level. The model proposal relies heavily on the Colorado, Hawaii, and Montana reapportionment procedures.* The Hawaii and Montana processes were recommendations of constitutional conventions that received voter approval in 1968 and 1972, respectively, (Hawaii and Montana commissions draw congressional as well as state legislative boundaries.) The Colorado process was the result of a citizen initiative approved by the voters in November of 1974 by a vote ratio of three to two.

The Common Cause model proposes a reapportionment process designed to produce districts that are fairly drawn as well as districts of substantial population equality. Unlike district lines produced by political gerrymandering, fair district lines are not drawn to pre-determine election results. The model proposes a system of reapportionment that is equitable in its treatment of incumbent legislators, political parties, and others. This replaces the present system where people with political power are able to manipulate district lines for personal and partisan advantage.

* A description of reapportionment commission activities in Colorado and Hawaii is found on page 26. Montana will not complete redistricting until 1983.

The Common Cause model has three main elements -- strict anti-gerrymandering standards; an independent, nonpartisan reapportionment commission; and prompt judicial review. All three elements of the model are crucial. They are designed to reinforce each other and to produce fairly drawn district lines. The reapportionment standards are designed to produce fair district lines by limiting the discretion of the commission to gerrymander for political or partisan purposes. The nonpartisan reapportionment commission replaces the legislature, providing much needed independence. Fair district lines are more likely if district lines are drawn by persons not directly affected by them. Judicial review provides finality and acts as the final safeguard of the public's interest in fair and effective representation.

Four states have enacted legislation in the last three years that strengthens the standards that legislators must use in drawing congressional and state legislative districts -- California (1980), Iowa (1980), Oregon (1979), and Washington (1982). In addition, proposals to establish a redistricting commission will appear on November 1982 ballots in California and Missouri.

Common Cause will continue to lobby for reapportionment reform in the states. To obtain a copy of Common Cause's report on state and congressional reapportionment, Toward a System of Fair and Effective Representation, and the Common

Cause model reapportionment amendment to a state constitution, please call or write to the Common Cause Redistricting Clearinghouse, 2030 M Street, N.W. Washington, D.C. 20036
(202) 833-1200.

Other Investigative Studies From Common Cause

- WHO'S MINDING THE STORE? A Common Cause Guide to Top Officials at the Department of the Interior (December 1981) (\$4.00)
- THE UNTOUCHABLES: A Common Cause Study of the Federal Tax Expenditure Budget (September 1981) (\$3.00)
- COMMON CAUSE REPORT ON CONGRESSIONAL AND STATE REDISTRICTING - Number One (September 1981) (free)
- MONEY, POWER AND POLITICS IN THE 97th CONGRESS: A Common Cause Guide to Political Action Committee Contributions to Party Leaders and Committee Chairmen (April 1981) (\$10.00)
- DIRTY MONEY...DIRTY AIR? A Common Cause Study of PAC Contributions to House and Senate Committees Reviewing the Clean Air Act (May 1981) (\$2.00)
- STALLED FROM THE START: A Common Cause Study of the Federal Election Commission (March 1981) (\$3.00)
- ADDING BITE TO THE BARK : A Common Cause Study of the GAO, the Government's Watchdog (December 1980) (\$3.00)
- THE PATH NOT TAKEN: A Common Cause Study of State Energy Conservation Programs (March 1980) (\$3.00)
- THE GOVERNMENT SUBSIDY SQUEEZE: A Common Cause Report on How The Special Interest State Fuels Inflation (January 1980) (free)
- PROMISE AND PERFORMANCE: CARTER BUILDS A NEW ADMINISTRATION (November 1979) (Free summary)
- OPEN FOR BUSINESS ONLY? A Common Cause Study of the Department of Energy (February 1979) (\$3.00)
- MAKING GOVERNMENT WORK: A Common Cause Report on State Sunset Activity (December 1978) (\$3.00)
- HOW MONEY TALKS IN CONGRESS: A Common Cause Study of the Impact of Money on Congressional Decision-Making (October 1978) (free)
- GIMME SHELTERS: A Common Cause Study of the Review of Tax Expenditures by the Congressional Tax Committees (May 1978) (\$2.00)
- THE POWER PERSUADERS: A Common Cause Study of What the Federal Lobby Law Does Not Reveal About Special Interest Lobbying on the Carter Energy Package (February 1978) (\$2.00)
- TOWARD A SYSTEM OF 'FAIR AND EFFECTIVE REPRESENTATION': A Common Cause Report on State and Congressional Reapportionment (November 1977) (\$2.00)
- THE SENATE RUBBERSTAMP MACHINE: A Common Cause Study of the U.S. Senate's Confirmation Process (November 1977) (\$2.00)
- SHADOWS OVER THE SUNSHINE ACT: A Common Cause Study of Federal Agency Compliance with the Government in the Sunshine Act of 1976 (September 1977) (\$2.00)
- WITH ONLY ONE EAR: A Common Cause Study of Industry and Consumer Representation Before Federal Regulatory Commissions (August 1977) (\$2.00)
- STACKING THE DECK: A Case Study of Procedural Abuses by the Joint Committee on Atomic Energy (December 1976) (\$2.00)
- SERVING TWO MASTERS: A Common Cause Study of Conflicts of Interest in the Executive Branch (October 1976) (\$2.00)
- MONEY, SECRECY, AND STATE UTILITY REGULATION: A Common Cause Report on the Accountability (or lack thereof) of State Public Utility Commissions (August 1976) (\$2.00)

These investigative studies are available by writing: Issue Mail, Common Cause, 2030 M Street, N.W., Washington, D.C. 20036.

State Profiles



TABLE OF CONTENTS

<u>STATE</u>	<u>DATE</u>	<u>PAGE</u>
Alabama	March, 1981	1
Alaska	May, 1981	3
Arizona	May, 1981	5
Arkansas	May, 1981	7
California	May, 1981	9
Colorado	May, 1981	11
Connecticut	May, 1981	13
Delaware	March, 1981	15
Florida	May, 1981	17
Georgia	May, 1981	19
Hawaii	March, 1981	21
Idaho	May, 1981	23
Illinois	May, 1981	25
Indiana	May, 1981	27
Iowa	March, 1981	29
Kansas	May, 1981	31
Kentucky	May, 1981	33
Louisiana	March, 1981	35
Maine	May, 1981	37
Maryland	May, 1981	39
Massachusetts	March, 1981	41
Michigan	March, 1981	43
Minnesota	March, 1981	45
Mississippi	May, 1981	47
Missouri	May, 1981	49
Montana	March, 1981	51
Nebraska	May, 1981	53
Nevada	May, 1981	55
New Hampshire	May, 1981	57
New Jersey	May, 1981	59
New Mexico	May, 1981	61
New York	March, 1981	63
North Carolina	May, 1981	65
North Dakota	May, 1981	67
Ohio	May, 1981	69
Oklahoma	March, 1981	71
Oregon	March, 1981	73
Pennsylvania	May, 1981	75
Rhode Island	March, 1981	77
South Carolina	March, 1981	79
South Dakota	May, 1981	81
Tennessee	March, 1981	83
Texas	May, 1981	85
Utah	May, 1981	87
Vermont	May, 1981	89
Virginia	May, 1981	91
Washington	May, 1981	93
West Virginia	May, 1981	95
Wisconsin	May, 1981	97
Wyoming	May, 1981	99

ALASKA

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article VI, Sections 1-11

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Reapportionment Board

Chairman
John Schaeffer

Established in 1959

5 members appointed by the Governor without regard to political affiliation. Members cannot be public officials or employees.

CONGRESSIONAL DISTRICTS: One Congressman

STAFF CONTACT

Karen J. Ward
Executive Director
Reapportionment Board
Pouch A
Juneau, AK 99811
(907) 465-3520

CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: 1981 - Within 90 days following release of census count the Reapportionment Board must submit its plan to the Governor who then has 90 days to issue a proclamation about the plan. (Preliminary plan was released on May 5, 1981. Final plan to be released June 10, 1981).

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: Non-resident military personnel and dependents

SMALLEST UNIT OF POPULATION: Enumeration districts

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: No

OTHER CRITERIA FOR DRAWING DISTRICTS: Socio-economic areas, local government boundaries, contiguity, compactness

DEVIATION: Maximum combined deviation - 10 %

TYPE OF DISTRICT: Single member and multimember; candidates in two-member districts should run in designated seats

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: Yes

ALASKA

SENATORS ELECTED IN STAGGERED TERMS: Yes - Senators may be required to run for reelection if the new district boundaries substantially change the constituency in the district

VOTING RIGHTS STATE: Yes

NEW OR REVISED DISTRICTS BEFORE 1990: No

COMPUTER ASSISTANCE FOR APPORTIONMENT

None used in 1981

COURT WITH ORIGINAL JURISDICTION

State Superior Court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

ARIZONA
REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

No constitutional provision

STATUTORY PROVISIONS

Arizona Revised Statutes (ARS) Sections 16-1101 through 16-1103

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislature

Joint Select Committee on Reapportionment and Redistricting

Chairman
Sen. John C. Pritzlaff, Jr. (R)

CONGRESSIONAL DISTRICTS: Same

STAFF CONTACT

Richard R. Greenfield
Deputy Director
Arizona Legislative Council
Capitol
Legislative Services Wing
Suite 100
Phoenix, AZ 85007
(602) 255-4236

Richard Collins
Research Director
House of Representatives
State Capitol
Phoenix, AZ 85007
(602) 255-5544

Greg Fahey
Staff Director
Senate
State Capitol
Phoenix, AZ 85007
(602) 255-4471

CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: In advance of the 1982 general election. Special legislative session on reapportionment anticipated in fall 1981.

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: None

SMALLEST UNIT OF POPULATION: Blocks

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: Not required under current state law

OTHER CRITERIA FOR DRAWING DISTRICTS: Race or ethnic characteristics; geographic factors; other factors yet to be determined by the joint committee

DEVIATION: General consensus: less than 2.0% if possible

TYPE OF DISTRICT: 30 legislative districts, one senator and two house members from each district

ARIZONA

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: Yes

SENATORS ELECTED IN STAGGERED TERMS: No

VOTING RIGHTS STATE: Yes

NEW OR REVISED DISTRICTS BEFORE 1990: Yes

COMPUTER ASSISTANCE FOR APPORTIONMENT

Datapol
3118 West Thomas Road
Phoenix, AZ 85017

COMPUTER CONSULTANT

Mr. C. Howard Wilson
Room 443, Legislative
Services Wing
State Capitol
Phoenix, AZ 85007

COURT WITH ORIGINAL JURISDICTION

Federal District Court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

Klahr v. Williams, 388 F. Supp. 1007 (1974)

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

Currently in preparation

ARKANSAS

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Amendment 23, Amendment 45

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Board of Apportionment

Governor

Secretary of State

Attorney General

CONGRESSIONAL DISTRICTS: Legislature

Senate State Agencies and
Governmental Affairs CommitteeHouse State Agencies and Governmental
Affairs CommitteeSenate Chairman
Sen. Morrell Gathright (D)House Chairman
Rep. Charles W. Stewart (D)STAFF CONTACTJanet Reddin
Office of the
Secretary of State
256 State Capitol
Little Rock, AR 72201
(501) 370-5070William Beathea
Legislative Aide
Office of the Governor
State Capitol
Little Rock, AR 72201
(501) 371-2345Ms. Donna Davis
Arkansas Legislative
Council
315 State Capitol
Building
Little Rock, AR 72201
(501) 371-1937CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: On or before February 1, immediately following each Federal census

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: No

SMALLEST UNIT OF POPULATION: Unknown

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: Yes

OTHER CRITERIA FOR DRAWING DISTRICTS: Unknown

DEVIATION: Unknown

TYPE OF DISTRICT: Senate - single member; House - single member, multimember

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: No

SENATORS ELECTED IN STAGGERED TERMS: Yes - Senators will be required to
run for reelection

ARKANSAS

VOTING RIGHTS STATE: No

NEW OR REVISED DISTRICTS BEFORE 1990: No

COMPUTER ASSISTANCE FOR APPORTIONMENT

University of Arkansas -- Industrial Research and Extension Center

COURT WITH ORIGINAL JURISDICTION

No one court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

CONGRESSIONAL REDISTRICTING

Act 965 (1981)

Creates 4 congressional districts -

Ideal district: 571,378

Largest district: 575,485 or +.72%

Smallest district: 564-818 or -.01%

CALIFORNIA

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article IV, Section 6

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislature

Senate Elections and
Reapportionment CommitteeAssembly Elections and Reapportionment
CommitteeSenate Chairman
Sen. Daniel E. Boatwright (D)Assembly Chairman
Asmb. Richard Alatorra (D)

CONGRESSIONAL DISTRICTS: Same

STAFF CONTACTAlan Rosin
Staff Director
Senate Elections and
Reapportionment Committee
State Capitol
Sacramento, CA 95814
(916) 445-9018
445-3375Stephen March
Senior Consultant
Senate Elections
and Reapportionment
Committee
State Capitol
Sacramento, CA 95814Dr. Bruce Cain
Consultant
Assembly Elections and
Reapportionment
Committee
Room 4001, State Capitol
Sacramento, CA 95814
(916) 445-7644CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: 1981-82. The first session following each decennial Federal census

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: No

SMALLEST UNIT OF POPULATION: Census tracts and block groups

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: Not generally

OTHER CRITERIA FOR DRAWING DISTRICTS: Party registration; compactness,
race and ethnic characteristics,
geographical factors; election
information

DEVIATION: Less than 1.0%

TYPE OF DISTRICTS: Single member

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: No

CALIFORNIA

SENATORS ELECTED IN STAGGERED TERMS: Yes - Senators will be allowed to serve out their term

VOTING RIGHTS STATE: Yes - Kings; Merced; Monterey, Yule counties

NEW OR REVISED DISTRICTS BEFORE 1990: Can be done but will probably not be done

COMPUTER ASSISTANCE FOR REAPPORTIONMENT

Yes

COURT WITH ORIGINAL JURISDICTION

State Supreme Court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

CURRENT LITIGATION

CASE NAME

CASE NUMBER

DISTRICT MAPS

COLORADO

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article V, Sections 44-48

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Colorado Reapportionment Commission

Established in 1974

11 members: 1 each by speaker, majority leader in Senate, minority leader in each House; 3 by governor, 4 by chief justice of Supreme Court; limit 4 legislators; limit 6 same political party; limit 4 same congressional district; 1 must reside West of Continental Divide

CONGRESSIONAL DISTRICTS: Legislature

Senate State Affairs Committee

House State Affairs Committee

Senate Chairman

Sen. Ted L. Strickland (R)

House Chairman

Rep. Frank De Filippo (R)

STAFF CONTACT

Lyle C. Kyle

Director

Colorado Legislative Council

Room 46, State Capitol Building

Denver CO 80203

(303) 839-3521

CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: About January 30, 1982 or 180 days after the convening of the Reapportionment Commission. Final plan must be approved by the State Supreme Court by March 15, 1982

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: None

SMALLEST UNIT OF POPULATION: Blocks

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: No

OTHER CRITERIA FOR DRAWING DISTRICTS: Compactness, race and ethnic characteristics, geography, "community of interest"

DEVIATION: 5% from most populous to least populous

TYPE OF DISTRICT: Single member

COLORADO

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: No

SENATORS ELECTED IN STAGGERED TERMS: Yes - Senators will be allowed to
serve out term

VOTING RIGHTS STATE: Yes - El Paso County only

NEW OR REVISED DISTRICTS BEFORE 1990: No

COMPUTER ASSISTANCE FOR APPORTIONMENT

State Computer System

COURT WITH ORIGINAL JURISDICTION

Colorado Supreme Court must automatically review plan

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

Title 2, Article 2, Part 1 and 2 Colorado Revised Statutes 1973 parts 1 and 2

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

CONNECTICUT
REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article XII of the Amendments to the Constitution

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislature

Committee on Reapportionment

Chairman:

Not yet selected

By August 1, 1981, a 2/3 vote in each chamber is required to approve a redistricting plan. If the legislature cannot complete the plan by the deadline, a Commission of 9 members is appointed: 2 each by the Senate President Pro Tem, House Speaker and the Minority Leaders of each party, all from the two major political parties and a 9th member selected by the eight within 30 days. The Commission by at least a 5 to 6 vote must submit its plan by October 30, 1981. If no plan is submitted, by petition of a registered voter, the state Supreme Court must file a plan by January 15, 1982 or rule on the petition submitted to it.

CONGRESSIONAL DISTRICTS: Same

STAFF CONTACT

Mr. Jan Majewski
Coordinator
Special Joint Committee
on Reapportionment
Vault 4, State Capitol
Hartford, CT 06115
(203) 566-8308

Mr. Harry Hutton
Coordinator
Special Joint Committee
on Reapportionment
Vault 6, State Capitol
Hartford, CT 06115
(203) 566-7429

CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: 1981 - 1982

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: None

SMALLEST UNIT OF POPULATION: Census blocks and Ed's

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: Yes

OTHER CRITERIA FOR DRAWING DISTRICTS: Contiguous and single member districts

DEVIATION: Unknown

TYPE OF DISTRICT: Single member

CONNECTICUT

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: Some

SENATORS ELECTED IN STAGGERED TERMS: No

VOTING RIGHTS STATE: Yes - Groton, Mansfield, Southbury Towns

NEW OR REVISED DISTRICTS BEFORE 1990: Yes

COMPUTER ASSISTANCE FOR APPORTIONMENT

Marker Opinion Research
Detroit, Michigan

COURT WITH ORIGINAL JURISDICTION

State Supreme Court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

FLORIDA

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article III, Sections 1, 15, 16

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislature/State Supreme Court

Senate Rules and Calendar
Committee

House Select Committee on
Reapportionment

Senate Chairman
Sen. Dempsey J. Barron (D)

House Chairman
Rep. Lee Moffitt (D)

CONGRESSIONAL DISTRICTS: Same

STAFF CONTACT

Terri Jo Kennedy
Staff Director
Senate Rules and Calendar
Committee
Suite 409, State Capitol
Tallahassee, FL 32304
(904) 488-5810

Mark Herron
Staff Director
House Select Committee on
Reapportionment
Room 223, State Capitol
Tallahassee, FL 32304
(904) 488-9622

PROPOSED CRITERIA FOR LEGISLATIVE APPORTIONMENT

DATE: End of 1982 Legislative session; no plan, Governor must convene a special session; no plan, state Supreme Court has 60 days to formulate a plan

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: None

SMALLEST UNIT OF POPULATION: Voting precincts

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: No

OTHER CRITERIA FOR DRAWING DISTRICTS: State geographical factors,
political boundaries

DEVIATION: No decision

TYPE OF DISTRICT: Single member and multimember districts

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: No

SENATORS ELECTED IN STAGGERED TERMS: Yes - Senators will be required to run for reelection

FLORIDA

VOTING RIGHTS STATE: Yes - Collier, Hardee, Hendry, Hillsborough
Monroe Counties

NEW OR REVISED DISTRICTS BEFORE 1990: No

COMPUTER ASSISTANCE FOR APPORTIONMENT

Yes - Legislative Data Processing Center

COURT WITH ORIGINAL JURISDICTION

State Supreme Court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

GEORGIA

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article III, Section II, paragraph 1, Section II, paragraph 1

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislature

Senate Reapportionment
Committee

House Legislative and Congressional
Reapportionment Committee

Senate Chairman
Sen. Perry J. Hudson (D)

House Chairman
Rep. Joe Jack Wilson (D)

STAFF CONTACT

Linda Meggers
Legislative Reapportionment Associate
Institute of Government
State Capitol
Atlanta, GA 30334
(404) 656-5063

CRITERIA FOR STATE LEGISLATIVE APPOINTMENT

DATE: No specific date - 1981

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: None

SMALLEST UNIT OF POPULATION: Blocks

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: No

OTHER CRITERIA FOR DRAWING DISTRICTS: Compactness, race or ethnic
characteristics, geographic factors,
political boundaries

DEVIATION: 5.0% to 9.9%

TYPE OF DISTRICT: Senate - single member; House - single member, multimember

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: No

SENATORS ELECTED IN STAGGERED TERMS: No

VOTING RIGHT STATE: Yes

NEW OR REVISED DISTRICTS BEFORE 1990: Yes

GEORGIA

COMPUTER ASSISTANCE FOR APPORTIONMENT

Institute of Government - University of Georgia

COURT WITH ORIGINAL JURISDICTION

Superior Court of each county

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

IDAHO

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article 3, Sections 2, 4

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislative

Senate State Affairs
CommitteeHouse State Affairs
CommitteeSenate Chairman
Sen. Leon V. Swenson (R)House Chairman
Rep. George G. Danielson (R)

CONGRESSIONAL DISTRICTS: Same

STAFF CONTACTSusan Bennion
Legislative Council
Room 334
State Capitol Building
Boise, ID 83720
(208) 334-2475CRITERIA FOR STATE LEGISLATIVE APPOINTMENTDATE: No specific date - 1981 or 1982; Governor will call special
legislative session on reapportionment to convene July 7

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: Unknown

SMALLEST UNIT OF POPULATION: Voting precincts

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: Yes for some counties

OTHER CRITERIA FOR DRAWING DISTRICTS: Compactness, geography

DEVIATION: 10.0% to 14.9%

TYPE OF DISTRICT: Senate - single member; House - Multimember

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: Yes - Legislative
districts elect one
senator and two
representatives

SENATORS ELECTED IN STAGGERED TERMS: No

VOTING RIGHTS STATE: Yes - Elmore County only

IDAHO

NEW OR REVISED DISTRICTS BEFORE 1990: Yes

COMPUTER ASSISTANCE FOR APPORTIONMENT

No

COURT WITH ORIGINAL JURISDICTION

State District Court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

ILLINOIS

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article IV, Section 2, 3

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislature/Legislative Redistricting Commission

Legislature must redistrict by June 30, 1981. If they do not, an 8 member Legislative Redistricting Commission is appointed by July 10, 1981: 2 each by the Senate President and Minority Leader, the House Speaker and Minority Leader. The members are to include 2 Senators, 2 Representatives and 4 citizens. The Commission must file a report with the Secretary of State by August 10, 1981. If the Commission does not adopt a plan by that date, the State Supreme Court selects 2 people by September 1, 1981, one of whom is chosen at random to be the commission tie-breaker. The 9 member commission must file its report by October 5, 1981.

CONGRESSIONAL DISTRICTS: Legislature

STAFF CONTACT

Ms. Karen A. Fahrion
Research Associate
Legislative Council
Room 107, Stratton Building
Springfield, IL 62706
(217) 782-6851

CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: June 30, 1981; October 5, 1981

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: None

SMALLEST UNIT OF POPULATION: Blocks

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: No

OTHER CRITERIA FOR DRAWING DISTRICTS: Party registration, compactness, geographical factors

DEVIATION: 1.0% to 4.9%

TYPE OF DISTRICT: Single member

ILLINOIS

HOUSE AND SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: Yes - Senate districts

SENATORS ELECTED IN STAGGERED TERMS: Yes - all terms end in 1983; all
Senators elected in 1982

VOTING RIGHTS STATE: No

NEW OR REVISED DISTRICTS BEFORE 1990: No

COMPUTER ASSISTANCE FOR APPORTIONMENT

Yes - House Republicans - Rose Institute
Claremont, California

COURT WITH ORIGINAL JURISDICTION

State Supreme Court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

INDIANA

REAPPORTIONMENT PROFILE

CONSTITUTIONAL PROVISIONS

Article 4, Section 4

Article 4, Section 5 (ruled invalid by court)

REAPPORTIONMENT MECHANISM

STATE LEGISLATIVE DISTRICTS: Legislature

Senate Legislative Apportionment
and Elections CommitteeHouse Elections and Apportionment
CommitteeSenate Chairman
Sen. Charles Bosma (R)House Chairman
Rep. Dick Mangus (R)

CONGRESSIONAL DISTRICTS: Same

STAFF CONTACTRobert Schembs: Beth Wood
Staff Attorney
Legislative Services
Room 302, State House
Indianapolis, IN 46204
(317) 269-3731CRITERIA FOR STATE LEGISLATIVE APPORTIONMENT

DATE: State Legislative plan adopted April 1981

POPULATION: Federal census

POPULATION GROUPS EXCLUDED: None

SMALLEST UNIT OF POPULATION: Census areas and election precincts

CENSUS AND PRECINCT BOUNDARIES COTERMINOUS: Some - All precinct boundaries
are now required to be drawn
along discernable geographic
linesOTHER CRITERIA FOR DRAWING DISTRICTS: Party registration, compactness,
geographic factors

DEVIATION: 1.0% to 4.9%

TYPE OF DISTRICT: Senate - single member; House - single member, multimember

HOUSE TO SENATE DISTRICT WITH COTERMINOUS BOUNDARIES: No

SENATORS ELECTED IN STAGGERED TERMS: Yes - Senators will be allowed to
serve out their term

INDIANA

VOTING RIGHTS STATE: No

NEW OR REVISED DISTRICTS BEFORE 1990: Not prohibited, but unlikely

COMPUTER ASSISTANCE FOR APPORTIONMENT

Yes - open

COURT WITE ORIGINAL JURISDICTION

No one court

STATUTORY CITATION OF MOST RECENT REAPPORTIONMENT

Senate enroulled act 80 (Senate districts)

Senate enrolled act 85 (U.S. Congressional districts; some modification
of Senate districts)

House enrolled act 1475 (House districts)

CURRENT LITIGATION

CASE NAME

CASE NUMBER

None

DISTRICT MAPS

Available from State Election Board, 100A State Office Building,
Indianapolis, IN 46204 (317) 232-3939