

# CLAREMONT MCKENNA COLLEGE



*The Rose Institute of State and Local Government*

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**Statement of Douglas Johnson, Fellow**

**Contact: 310-200-2058, [doug@talksoftly.com](mailto:doug@talksoftly.com)**

The task of redistricting reform is a difficult one. There are two vital decisions facing reformers: what criteria should be followed; and who should be in control.

**Criteria Matter.** As Arizona's ongoing lawsuit proves, vague or unprioritized criteria lead to confusion and legal challenges. One key to reform is the presence of clearly identified and prioritized criteria. For example, is perfect population balance the most important issue, or do the goals of city unification and community unification come before perfect balance for state legislative districts?

**Control Matters.** Arizona's redistricting commission was truly independent in 2001, but Arizona – like Iowa -- had an advantage on California: Arizona has an existing body experienced at reviewing politically charged applications. Since 1974 the Arizona Commission on Appeals Court Appointments has screened applications. It was an easy step for this group to also review applicants for the Redistricting Commission. California lacks a similarly experienced and respected screening organization.

In Iowa, that state's equivalent of the Legislative Analyst's Office draws the lines, subject to Legislative review. California could take a similar approach. But the power of redistricting is so all-consuming that this path would certainly threaten the historic independence of the LAO. Iowa also enjoys the simplicity of square, flat geography and virtually no Voting Rights Act concerns – a far cry from California's complex geography and demographics.

**Selection Goals.** There is no simple answer. The challenge in selecting a Commission is to keep off the Commission those individuals who would allow partisan considerations to undermine the process. There are two ways to do this:

First, remove partisan influence from the review of Commission applicants. The Lowenthal proposal attempts this approach.

The other option is to block improperly partisan individuals from the applicant pool. The initiative currently in circulation takes this approach.

Both approaches have their weaknesses. Both approaches have their strengths. Neither is perfect, but either one, if adopted by the voters, would represent an improvement for California.

**Legislature's Role.** Finally, legislative leaders can play a useful role in the process – that of striking names from the pool of potential commissioners by removing known partisan activists. But a panel appointed by legislative leaders would be a **bipartisan** redistricting commission, not the **independent** commission California so desperately needs.

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### **Arizona (2000)**

Following years of partisan court battles and multiple plans throughout the 1990s, Common Cause and the League of Women voters qualified Proposition 106 for the November 2000. With support from the Democratic Party, and over Republican opposition, Proposition 106 passed in 2000 with 56 percent of the vote.

### **New Jersey (1995)**

In response to public outcry over the 1992 redistricting, the legislature established a temporary redistricting commission in 1991-92, and a constitutional amendment creating a permanent bipartisan commission was approved by voters in 1995.

### **Idaho (1994)**

In 1994 the legislature put Senate Joint Resolution 105 on the ballot, and it passed with 64 percent of the vote. SJ Res. 105 created a bi-partisan citizens' commission for redistricting.

### **Washington (1983)**

Deadlock on the 1981-82 redistricting led to legislative creation of a one-time commission in 1983. When this worked relatively smoothly, the legislature put a permanent commission on the ballot, Senate Joint Resolution 103, which passed with 61 percent of the vote in 1983.

### **Maine (1982)**

In 1982, the legislature put on the ballot, and Maine voters approved, a constitutional amendment creating an independent redistricting commission.

### **Hawaii (1978)**

Hawaii adopted a commission in an attempt to keep its "Island System" of apportionment. In the late 1960s Hawaii's districts were overturned by the Court, and the state government hoped that if the districts were independent commission-drawn, the plan could pass muster in the Supreme Court. The legislature put the initiative on the ballot, and it passed in 1978. But the Commission also had to follow the one-person, one-vote rule.

### **Connecticut (1976)**

The legislature put a proposal on the ballot and it was approved by the voters in 1976

### **Iowa (1976)** (Note: Iowa redistricting is semi-independent, but not a Commission)

Iowa's Legislative Services Bureau redistricting panel was created in 1980 by statute (not an initiative or proposition). It was adopted by the Legislature after the state Supreme Court threw out the state's 1970s plan in 1976.

### **Missouri (1966)**

In 1966, the legislature put on the ballot, and the voters approved, a constitutional amendment creating Missouri's bipartisan redistricting commission.

#### ***Additional Information:***

Rose Institute: <http://rose.research.claremontmckenna.edu/redistricting/redistricting.asp>

Common Cause state by state summary: <http://www.commoncause.org/site/pp.asp?c=dkLNK1MQIwG&b=998747>

Dr. McDonald's paper on 2001 Commissions: <http://sppq.press.uiuc.edu/4/4/abstracts1.html>

The following table lists all states that use any form of non-traditional legislative process to develop and adopt redistricting proposals. A few could be considered "independent," but clearly many are not. According to work by Dr. Michael McDonald<sup>1</sup>, the following 9 states are the closest to independence:

- 1) Bipartisan Committee: AZ, HI, WA, NJ (*Congress only in NJ*)
- 2) Bipartisan Committee and Legislative Process: CT, ME
- 3) Bipartisan Committee and Court: ID, MO (*Legislative only in MO*)
- 4) Neutral Committee and Legislative Process: IA

	State	Authority	Composition	Independence from Legislature	Legislature's Role	2001 Result
1	Alaska	Leg. Districts (only 1 Cong. District)	<b>5 members:</b> Gov. appoints 2 Legislature appoints 2 Chief Justice appoints 1	Appointed	Appoint members	Commission plan in place
2	<b>Arizona</b>	Both	<b>5 members:</b> Applicants screened by Judicial review panel. Legislative leaders select 1 each (4) Those 4 then choose independent-registered chairman.	Semi-appointed	Appoint members after initial screening.	Commission plans in place
3	Arkansas	Leg. Districts	<b>3 members:</b> The Governor, Secretary of State and Attorney General.	Yes (controlled by executive branch)	None	Commission Legislative plans in place
4	Colorado	Leg. Districts	<b>11 members:</b> Leg. Leaders appoint 1 each (4) Gov. appoints 3 Chief Justice appoints 4	Minority Appointed by Legislators	Appoint members	Commission Legislative plans in place.
5	<b>Connecticut</b>	Both	<b>8 members:</b> 2 legislators from each party from each house on commission. The 8 choose a 9 <sup>th</sup> "if needed"	Subcommittee	Appoint members	Commission Cong. plan in place
6	<b>Hawaii</b>	Both	<b>9 members:</b> Legislative leaders select 2 each (8) The 8 select a 9 <sup>th</sup> to be moderator.	Appointed	Appoint members	Commission plans in place.
7	<b>Idaho</b>	Both	<b>6 members:</b> Legislative leaders select 1 each (4) Party Chairmen select 1 each (2)	Appointed	Appoint members	Commission plans in place.

<sup>1</sup> "A Comparative Analysis of Redistricting Institutions in the United States, 2001–02", Dr. Michael McDonald, State Politics and Policy Quarterly, Winter 2004.  
<http://sppq.press.uiuc.edu/4/4/abstracts1.html>

	State	Authority	Composition	Independence from Legislature	Legislature's Role	2001 Result
8	Illinois	Fallback for both	<b>8 members, with contingency for 9th:</b> Legislative leaders each appoint 2 (8) In the case of deadlock, a tie-breaker 9 <sup>th</sup> member is chosen by drawing a name out of a hat containing 2 names, 1 Rep. and 1 Dem., chosen by State Supreme Court.	Appointed	Initial responsibility for both Legislative and Congressional plans.	Legislature drew Congressional plan. After invoking the 9 <sup>th</sup> member contingency to break a deadlock, the Commission's Legislative plans are now in place.
9	Indiana	Cong	<b>5 members:</b> Speaker of the House, President of the Senate, Redistricting Committee Chairmen from each house Gov appoints 5 <sup>th</sup> member	Subcommittee	Draws Legislative Plan. 4 Legislators serve as 4 of the 5 Congressional Commission members.	Legislative-drawn Legislative plans in place. Commission-drawn Congressional plan in place.
10	Iowa	Both	Nonpartisan Legislative Services Bureau draws plans.	Non-Partisan Staff	Votes on plans drawn by Commission	Commission-drawn, Legislature-approved, plans in place.
11	<b>Maine</b>	Both	<b>15 members:</b> Speaker and House minority leader each appoint 3; Senate Majority and minority leaders each appoint 2; Party Chairmen each appoint 1; Plus 3 members of the public	Majority appointed by Legislature	Commission plan is submitted to Legislature. If Legislature does not approve it, the Commission and any Legislative plans are submitted to the Supreme Court for a final decision.	Supreme Court drew its own Congressional and Legislative plans.
12	<b>Missouri</b>	Leg. Districts (separate Commissions for each chamber)	<b>10-member Senatorial commission</b> Governor selects all 10, choosing 5 each from lists submitted by party leaders. <b>18-member House commission</b> Governor selects all 10, choosing 2 each from lists submitted by party leaders for each of MO's nine Congressional Districts	Semi-appointed	Submit lists from which the Gov. appoints Commissioners.	Commission Legislative plans in place.
13	Montana	Both ( <i>only 1 Cong. District</i> )	<b>5 members:</b> Each legislative caucus leader names 1 member each (4) Those 4 choose a 5 <sup>th</sup> person.	Appointed	Name 4 of 5 Commission members	Commission's Legislative plans in place. <i>Only 1 Cong. district.</i>
14	<b>New Jersey</b>	Both	<b>Congressional Commission: 13 members:</b> Legislative leaders name 2 each (8) Party chairmen appoint 2 each (4) Appointed 12 then select 13 <sup>th</sup> member. <b>Legislative Commission: 10 members:</b> State Party Chairs each appoint 5 members (10)	Appointed	Appoint 8 of the 13 Congressional Commissioners.  No official role in Legislative plan.	Commission plans in place.
15	North Dakota	Leg. Districts ( <i>only 1 Cong. District</i> )	<b>15 members:</b> All members are state legislators: 8 from House 8 (5 R, 3 D), 7 from Senate (5 R, 2 D)	Subcommittee	Must approve plans drawn by Commission.	Commission-drawn, Legislature-approved plans in place ( <i>only 1 Cong. District</i> )

	<b>State</b>	<b>Authority</b>	<b>Composition</b>	<b>Independence from Legislature</b>	<b>Legislature's Role</b>	<b>2001 Result</b>
16	Ohio	Leg. Districts	<b>5-member Apportionment Board:</b> Governor, Secretary of State, State Auditor Speaker and Senate Majority leader jointly name 1 member House and Senate minority leaders jointly name 1 member	Minority appointed by Legislature	Name 2 of 5 Board members.	Commission Legislative plans in place.
17	Pennsylvania	Leg. Districts	<b>5 members:</b> Legislative leaders name 1 each (4) Appointed 4 then select 5 <sup>th</sup> member	Appointed	Name 4 of 5 Commission members.	Commission's Legislative plans in place.
18	Rhode Island	Leg. Districts	<b>16 members:</b> House speaker appoints 3 House members and 3 members of the public (6) House minority leader appoints 2 House members (2) Senate majority leader appoints 3 Senators and 3 members of the public (6) Senate minority leader appoints 2 Senators (2)	Subcommittee plus	Vote on plans drawn by Commission.	Gov. approved Commission plans and they are now in place.
19	<b>Washington</b>	Both	<b>5 members:</b> Legislative leaders name 1 each (4) Appointed 4 then select 5 <sup>th</sup> member, who votes only to break a tie	Appointed	Name 4 of 5 Commission members.	Commission's plans in place.