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.

---

May 30th, 2007
Statement of Douglas Johnson, Fellow
Contact: 310-200-2058, doug@talksoftly.com

The Rose Institute of State and Local Government
Adams Hall, 340 E. Ninth Street, Claremont, California 91711-6420
(909) 621-8159   Fax:(909) 607-4288  E:mail:roseinstitute@claremontmckenna.edu  Internet: www.claremontmckenna.edu

Member of The Claremont Colleges
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=dkLNK1MQhG&b=998747
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\textsuperscript{1}, 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

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

<table>
<thead>
<tr>
<th>State</th>
<th>Authority</th>
<th>Composition</th>
<th>Independence from Legislature</th>
<th>Legislature's Role</th>
<th>2001 Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>Illinois</td>
<td><strong>8 members, with contingency for 9th:</strong> Legislative leaders each appoint 2 (8) In the case of deadlock, a tie-breaker 9th member is chosen by drawing a name out of a hat containing 2 names, 1 Rep. and 1 Dem., chosen by State Supreme Court.</td>
<td>Appointed</td>
<td>Initial responsibility for both Legislative and Congressional plans.</td>
<td>Legislature drew Congressional plan. After invoking the 9th member contingency to break a deadlock, the Commission's Legislative plans are now in place.</td>
</tr>
<tr>
<td>9</td>
<td>Indiana</td>
<td>5 members: Speaker of the House, President of the Senate, Redistricting Committee Chairmen from each house Gov appoints 5th member</td>
<td>Subcommittee</td>
<td>Draws Legislative Plan. 4 Legislators serve as 4 of the 5 Congressional Commission members.</td>
<td>Legislative-drawn Legislative plans in place. Commission-drawn Congressional plan in place.</td>
</tr>
<tr>
<td>10</td>
<td>Iowa</td>
<td>Nonpartisan Legislative Services Bureau draws plans.</td>
<td>Non-Partisan Staff</td>
<td>Votes on plans drawn by Commission</td>
<td>Commission-drawn, Legislature-approved, plans in place.</td>
</tr>
<tr>
<td>11</td>
<td>Maine</td>
<td>15 members: 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</td>
<td>Majority appointed by Legislature</td>
<td>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.</td>
<td>Supreme Court drew its own Congressional and Legislative plans.</td>
</tr>
<tr>
<td>12</td>
<td>Missouri</td>
<td><strong>10-member Senatorial commission</strong> Governor selects all 10, choosing 5 each from lists submitted by party leaders. <strong>18-member House commission</strong> Governor selects all 10, choosing 2 each from lists submitted by party leaders for each of MO's nine Congressional Districts</td>
<td>Semi-appointed</td>
<td>Submit lists from which the Gov. appoints Commissioners.</td>
<td>Commission Legislative plans in place.</td>
</tr>
<tr>
<td>13</td>
<td>Montana</td>
<td>5 members: Each legislative caucus leader names 1 member each (4) Those 4 choose a 5th person.</td>
<td>Appointed</td>
<td>Name 4 of 5 Commission members</td>
<td>Commission's Legislative plans in place. Only 1 Cong. district.</td>
</tr>
<tr>
<td>14</td>
<td>New Jersey</td>
<td><strong>Congressional Commission: 13 members:</strong> Legislative leaders name 2 each (8) Party chairmen appoint 2 each (4) Appointed 12 then select 13th member. <strong>Legislative Commission: 10 members:</strong> State Party Chairs each appoint 5 members (10)</td>
<td>Appointed</td>
<td>Appoint 8 of the 13 Congressional Commissioners. No official role in Legislative plan.</td>
<td>Commission plans in place.</td>
</tr>
<tr>
<td>15</td>
<td>North Dakota</td>
<td><strong>15 members:</strong> All members are state legislators: 8 from House 8 (5 R, 3 D), 7 from Senate (5 R, 2 D)</td>
<td>Subcommittee</td>
<td>Must approve plans drawn by Commission.</td>
<td>Commission-drawn, Legislature-approved plans in place (only 1 Cong. District)</td>
</tr>
<tr>
<td>State</td>
<td>Authority</td>
<td>Composition</td>
<td>Independence from Legislature</td>
<td>Legislature's Role</td>
<td>2001 Result</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------</td>
<td>--------------------------------------------------</td>
<td>--------------------------------</td>
<td>------------------------------------</td>
<td>-------------------------------------------------</td>
</tr>
</tbody>
</table>
| Ohio      | Leg. Districts | 5-member Apportionment Board:  
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. |
| Pennsylvania | Leg. Districts | 5 members:  
Legislative leaders name 1 each (4)  
Appointed 4 then select 5th member | Appointed | Name 4 of 5 Commission members. | Commission's Legislative plans in place. |
| Rhode Island | Leg. Districts | 16 members:  
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. |
| Washington | Both | 5 members:  
Legislative leaders name 1 each (4)  
Appointed 4 then select 5th member, who votes only to break a tie | Appointed | Name 4 of 5 Commission members. | Commission's plans in place. |