

REDISTRICTING IN AMERICA

A State-by-State Analysis

This Rose Institute report surveys the legislative and congressional redistricting process in each of the 50 states. It finds that state legislative redistricting systems vary widely, while congressional redistricting has less state-by-state variation. As additional states consider reforming their own redistricting systems, it is important to be aware of the variety of redistricting options. With the 2010 census and 2011 redistricting cycle beginning, observers will have an opportunity to study the success of each model with great precision. The majority of states have implemented no redistricting reforms. Others have adopted “reformed” systems that allow continued legislative control of the process. The following is a comprehensive state-by-state review of every system used by the 50 states, with a particular focus on the states that have adopted non-legislative redistricting systems.

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April 21, 2010

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EXECUTIVE SUMMARY

Redistricting is one of the oldest continuous acts of democratic governance in the United States. Every ten years, based on new population estimates from the decennial census, every state must redraw its electoral boundaries. These lines have a crucial impact on electoral outcomes: control of the redistricting process often translates into gains on election day.

The methods by which states draw these lines are as varied as the states themselves. In most states, state legislators are responsible for drawing their own district lines, and they often produce plans that favor incumbents' partisan or bipartisan self-interest.

STATE LEGISLATIVE REDISTRICTING

The many systems for drawing state legislative lines used by the states fall into two categories: those where the legislature retains the ability to implement the redistricting plan it selects, and those where the legislature does not have ultimate control.

LEGISLATIVE CONTROL

1. Standard Legislative Process: the legislature passes a bill and sends it to the Governor for signature

•20 states: Alabama, Delaware, Georgia, Kansas, Kentucky, Massachusetts, Minnesota, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Rhode Island, South Carolina, Tennessee, Utah, Virginia, West Virginia, Wisconsin, Wyoming

2. Total Legislative Control: the legislature adopts plans without any gubernatorial involvement

•3 states: Florida, Michigan, and North Carolina (though Florida requires state supreme court approval of plans and the supreme court takes over if the legislature fails to meet constitutional deadlines)

3. Legislative System with Back-up: the legislature passes a bill and sends it to the Governor for signature, but if they do not act by certain dates a back-up system is triggered

•10 states: Connecticut, Illinois, Indiana, Louisiana, Mississippi, Oklahoma, Oregon, South Dakota, Texas, and Vermont

4. Non-Legislative Political Control

•3 states: Arkansas, Maryland, and Ohio

COMMISSIONS

5. Advisory Commission: a Commission draws plan(s) and submits them to the legislature for review, amendment and adoption

•4 states: Iowa, Maine, New York, and Pennsylvania

6. Legislative-Appointed Commission: legislative leaders appoint a commission with a tiebreaker that then draws and implements a plan

•4 states: Hawaii, Idaho, Montana, and Washington

7. State-Appointed Commission: Executive, Legislative and Judicial leaders select a commission that then draws and implements a plan

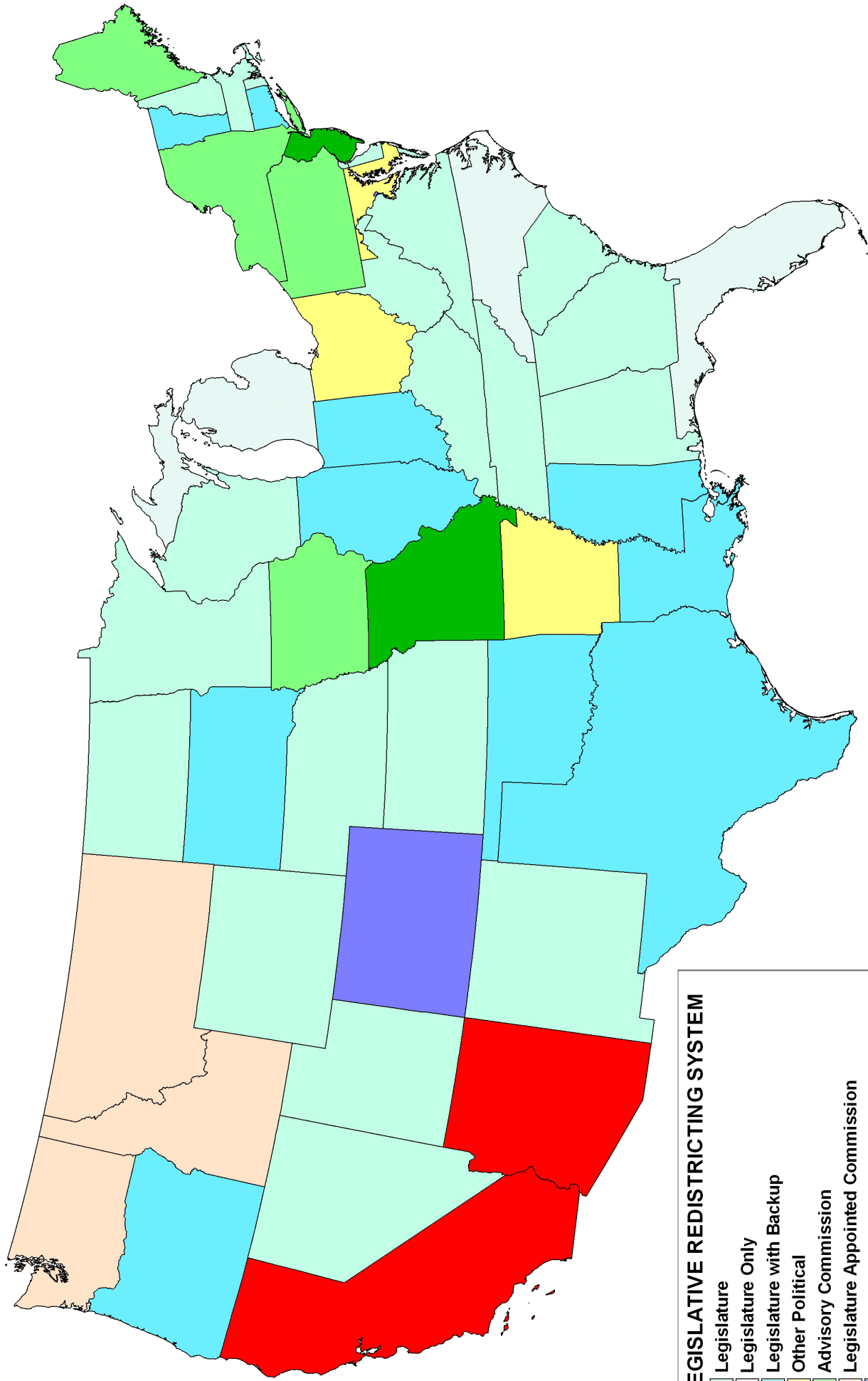
•2 states: Alaska and Colorado

8. Party-Appointed Commission: state political party leaders appoint a commission with a tiebreaker that then draws and implements a plan

•2 states: Missouri and New Jersey

9. Independent Commission: a group of independent individuals draw and implement a plan

•2 states: Arizona and California



CONGRESSIONAL REDISTRICTING

States also use a variety of means redrawing congressional boundaries, though the traditional legislative bill approach is much more common for congressional redistricting than for legislative redistricting. There are five broad categories of congressional redistricting systems:

1. Traditional bill: the legislature passes a bill and sends it to the Governor for signature

a. 42 States

2. Advisory Commission: a Commission draws plan(s) and submits them to the legislature for review, amendment and adoption

a. 2 states: Maine, Iowa

3. Legislature-Appointed Commission: legislative leaders appoint a commission with a tiebreaker that then draws and implements a plan

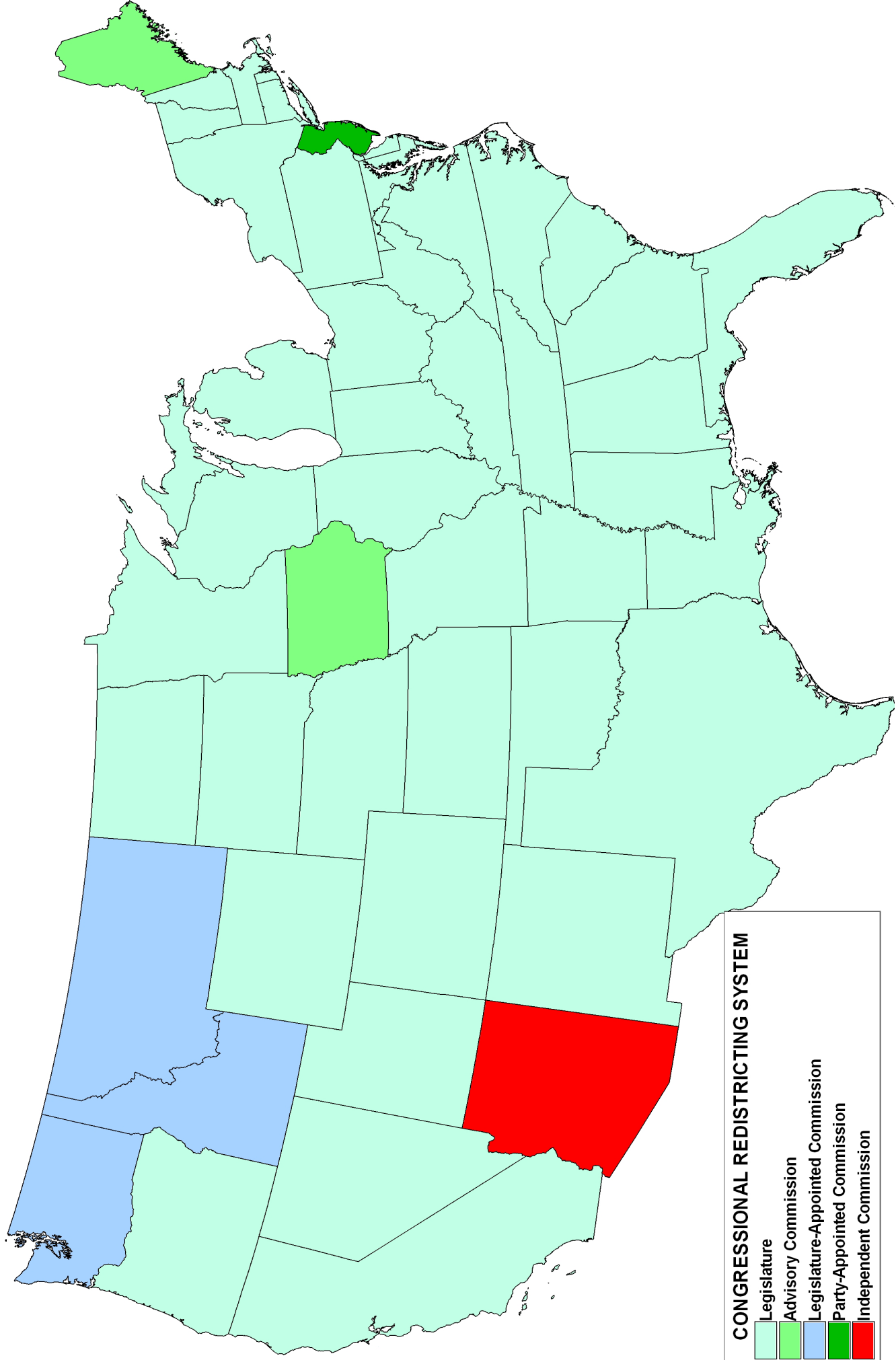
a. 4 states: Hawaii, Idaho, Montana, Washington

4. Party-Appointed Commission: state political party leaders appoint a commission with a tiebreaker that then draws and implements a plan

a. 1 state: New Jersey

5. Independent Commission: a group of independent individuals draw and implement a plan

a. 1 state: Arizona



An interactive version of this map is available at <http://www.rosereport.org/cong>

INTRODUCTION

Acknowledgments

This Rose Institute report surveys the redistricting process in each of the 50 states. In 2008, California became the latest state to reform its state legislative redistricting process, adding yet another approach to the long list of redistricting systems.

This report examines state legislative redistricting systems, which vary widely across the United States. The report then addresses Congressional redistricting, which has less state-by-state variation.

As additional states consider reforming their own redistricting systems, it is important for reformers to be aware of the variety of models. With the 2010 census and 2011 redistricting cycle beginning, observers will have an opportunity to study the success of each model with great precision.

The majority of states have implemented no redistricting reforms. Others have adopted “reformed” systems that allow continued legislative control of the process. The following is a comprehensive state-by-state review of every system used by the 50 states, with a particular focus on the states that have adopted non-legislative redistricting systems.

The Rose Institute exists to provide hands-on policy research experience for the students of Claremont McKenna College, and their work is central to everything done at the Institute. The authors would like to thank Rose Institute Research Assistants Daniel Shane and Ruth Oliver for their assistance with this report. Institute Student Manager Abhi Nemani provided important assistance which led to the development of the innovative accompanying online map and website. Finally, we owe a special thanks to Rose Institute Director Dr. Ralph Rossum, Associate Director Dr. Kenneth Miller, and Administrative Assistant Marionette Moore. Their encouragement, support, and assistance are crucial to all of the Institute’s work, including this report.

REDISTRICTING: A SUMMARY

The US federal system allows states to function as laboratories of democracy. Policy innovations can be tested, perfected, or rejected at the local level. Redistricting, the process of redrawing electoral boundaries, is an old challenge to American democracy. Famously, Massachusetts Governor Elbridge Gerry oversaw the most famous redistricting in 1812, just 25 years after the ratification of the Constitution. Even earlier, in 1788, a dispute between Virginia Governor Patrick Henry and James Madison resulted in the drawing of a district that unsuccessfully tried to deny Madison a seat in the first session of Congress. Partisan plans and uncompetitive districts have been a common occurrence throughout American history.

In 1962, however, the Supreme Court ruled in *Baker v. Carr* that the redistricting process is subject to judicial review. Baker challenged state legislative districts in Tennessee, which had not been redrawn in sixty years. Due to population shifts, some districts had eight times more residents than others. In Baker, the Court rejected the argument that redistricting is a non-justiciable “political question,” and ruled that “malapportioned” districts are subject to judicial invalidation under the Fourteenth Amendment. In subsequent cases, such as *Wesberry v. Sanders* (1964) and *Reynolds v. Sims* (1965), the Court established the requirement that legislative districts (including congressional, state, local districts) must be drawn on an equal population basis, and may be redrawn by the courts to protect the principle of “one person, one vote.”

In 1965, the Voting Rights Act outlawed racial gerrymandering, the process by which districts are drawn to dilute voting strength of racial minorities, and courts have overturned many districts on the grounds that they violate the Voting Rights Act. In *Shaw v. Reno* (1993) and a series of related cases, the Supreme Court held that districts can be challenged under the federal Equal Protection Clause on the basis that they excessively separate voters into districts based on race. Sometimes it can be difficult to strike a balance between the requirements of the Voting Rights Act and the restrictions of *Shaw v. Reno*.

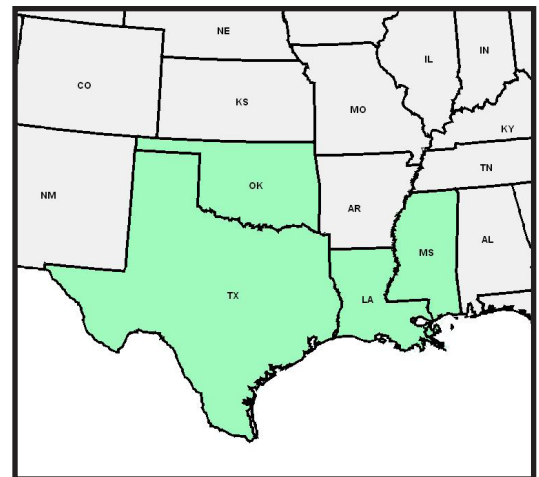
In *Davis v. Bandemer* (1986), the Supreme Court held that partisan gerrymanders are justiciable, but despite repeated lawsuits, the Court has yet to overturn a plan on the grounds that it disadvantages members of a political party. State-level reform efforts have thus been the only check on partisan gerrymandering.

Thirty-one states have moved away from using the traditional legislative bill process for redistricting. Fourteen states employ redistricting commissions and seventeen use other alternative systems. This report will describe each approach in detail. As the 2010 census and concurrent redistricting cycle begin, observers will have an opportunity to study the success of each model with great precision.

Groups of states that share demographic, geographic and cultural backgrounds tend to use similar types of commissions for redistricting. Throughout this study, one may note the apparent similarities of systems in geographic proximity. There are four which clearly stand out. From oldest to newest, they are the Southern, Northeastern, Pacific Northwestern, and Southwestern models.

The Southern Model

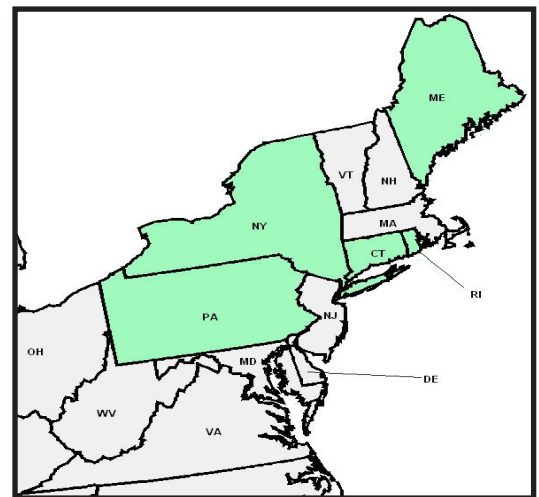
The Southern Model is shared by Texas, Oklahoma, Mississippi, and Louisiana. These states all have legislative redistricting systems with back-up boards of apportionment. Some combination of executive, legislative, and judicial officials constitute these boards, which take total control of the process should the legislature fail to finish its plan by a given deadline. Back-up boards of apportionment have been used with relative frequency compared to other state back-up systems. In Texas, for instance, a back-up board of apportionment has managed three of the last five rounds of legislative redistricting.



States with the Southern Model

The Northeastern Model

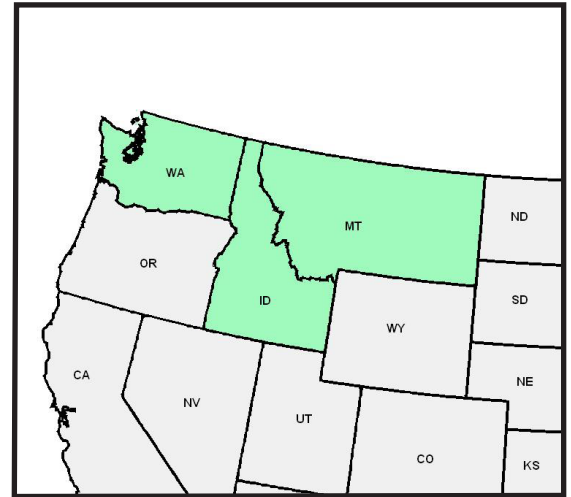
In Maine, New York, and Pennsylvania, commissions composed of legislators and citizens are tasked with advising the legislature on redistricting. Almost identical in structure are the systems of Connecticut and Rhode Island, where the commission formed is actually a part of the state legislature, despite the presence of unelected officials. The commissions vary in strength in each state, but the legislature retains control over the process in all five states.



States with the Northeastern Model

The Pacific Northwestern Model

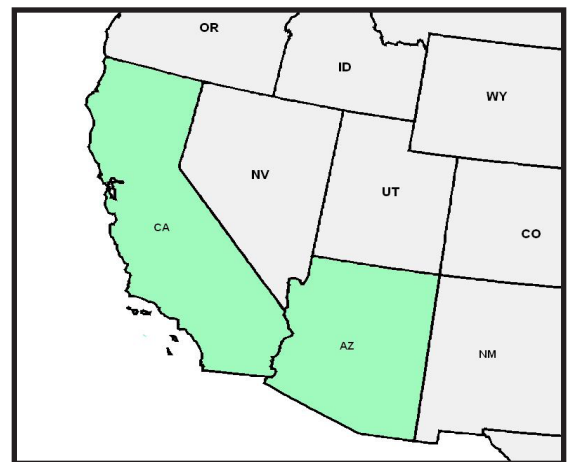
Washington, Idaho, and Montana all use similar tiebreaker redistricting systems for legislative redistricting. In the three states that use this system, an appointed commission of unelected officials—selected evenly across partisan lines—is given the task of drawing district lines. There are some variations in final approval processes. After Washington State demonstrated the success of this system in 2002, reformers in Oregon proposed a similar model; the bill failed in the Oregon state legislature.



States with the Pacific Northwestern Model

The Southwestern Model

The independent commission system, adopted in Arizona and California, is the newest of the regional models. Arizona pioneered the independent commission through a ballot initiative in 2000; the commission first drew lines in 2001. The revolutionary aspect of Arizona's model was the independent selection of commissioners. Legislators were given a list of names from which to select, but the list was screened completely independently of the legislature and parties. The process resembled jury selection more than the intentionally partisan selection processes of the Northeast.



States with the Southwestern Model

California took this process one step further with the passage of Proposition 11 in 2008. Proposition 11 created a commission selection process even more independent from the state legislature. Rather than selecting from a short prescreened list, legislators in California are only allowed to strike a few names from the pool of applicants, whose names are then drawn by lottery to start the commission. Where Arizona established the first essentially independent commission, California created the first fully independent commission system.

LEGISLATIVE REDISTRICTING

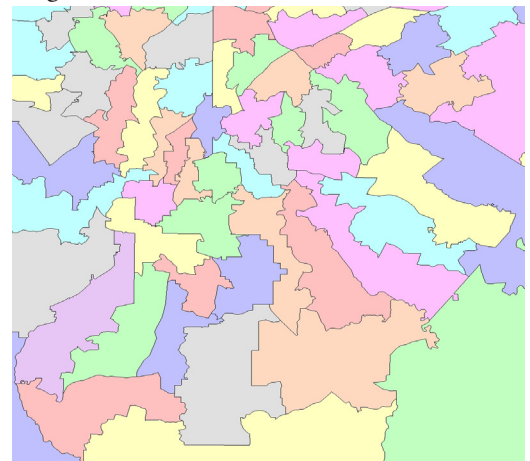
The most common redistricting systems retain control by the legislature. Most states have a permanent committee in each of their two houses that handles redistricting. A redistricting bill passes through the standard legislative process for any bill and requires the signature of the governor or a veto override by the legislature.

The standard legislative control system has slowly grown less common. Three states give their legislatures total control over the process without the governor's ability to veto the bill: Florida, Michigan, and North Carolina. Eleven states use hybrid systems involving "back-ups." In these states, the legislature has control over the process initially, but if the legislature fails to meet certain deadlines the process is handed over to another group: either a commission, the courts, or other elected officials. While some states have late deadlines which rarely cause a commission to be invoked, in other states back-up systems have a major effect on the drawing of lines.

The most common hybrid systems involve "back-ups." In the eleven "back-up" system states, the legislature has control over the process initially, but if the legislature fails to meet certain deadlines the process is handed over to another group: either a commission, the courts, or other elected officials. While some states have late deadlines which rarely cause a commission to be invoked, in other states back-up systems have a major effect on the drawing of lines.

Four states have back-up commission systems: Connecticut, Illinois, Indiana, and Mississippi. In Mississippi, for instance, the commission is comprised of the chief justice of the Mississippi Supreme Court, the attorney general, the secretary of state, and the legislative majority leaders of each house.

Two states, Texas and Oklahoma, have back-up Boards of Apportionment. In these states, a group of top-ranking state officials take over the process if the legislature fails to complete a plan by the end of the first session of the state legislature after the census. In Texas, the lieutenant governor, speaker of the house, attorney general, comptroller, and land commissioner take control of the process if the state legislature fails to create a plan. In Oklahoma, the board consists of the state treasurer, the attorney general and the superintendent of public



*Georgia House of Representatives Districts
around Atlanta*

instruction.

Oregon has a unique back-up system. If the legislature fails to finish a plan by the deadline, the secretary of state becomes responsible for all state legislative districts. The initial reform was proposed to pressure lawmakers into finishing their redistricting plans promptly, to avoid handing control of their fates over to a potentially hostile Secretary of State.

Four states, Florida, Louisiana, South Dakota, and Vermont, specify that a back-up panel of judges draw the lines if legislators fail to make their deadline. Judges, in theory non-partisan, are rarely allowed to take over the process.

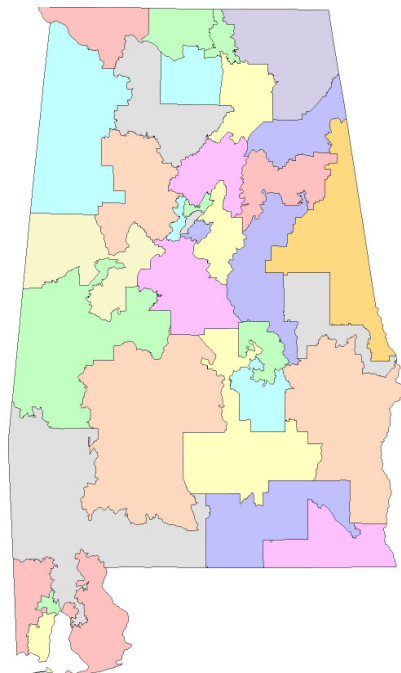
LEGISLATIVE CONTROL

The Standard Legislative Process

In the following twenty states, redistricting is handled like a standard bill. Lines are usually drawn in committee, passed by each house (or the unicameral legislature of Nebraska), and then submitted to the governor for veto or signature. In these states no back-up system is provided for by state law or state constitution. If the legislature and governor deadlock, someone must petition the state or federal courts to intervene.

Alabama

Control of the redistricting system in Alabama is currently held by the legislature. A redistricting committee of 22 commissioners is formed after each census by the ruling state party, with 11 members drawn from the House and 11 from the Senate. While the committee is nominally bipartisan (that is, it includes at least one opposition member), there are no further specifications as to the composition of the committee in the state constitution. The governor retains veto power over any redistricting bill.



Alabama State Senate

Proposals to change the redistricting system have been discussed but not introduced.

Delaware

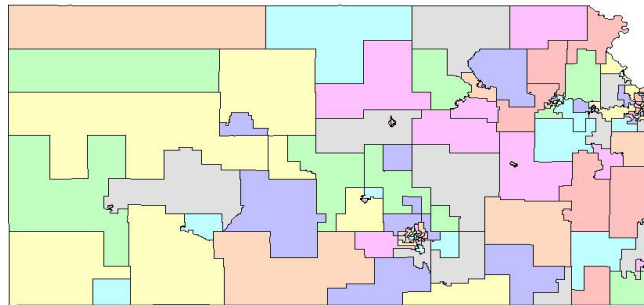
For state legislative districts, each caucus proposes a plan and then the state House and Senate go through the normal legislative process to pass a plan, which then can be vetoed by the governor. Several public hearings on the plan are held; however, public opposition is rare because the state is relatively small and homogenous.

Georgia

The legislature is responsible for legislative redistricting. Plans produced by the respective standing committees for the House and Senate are considered in a special session of the General Assembly. Any plans passed are subject to a gubernatorial veto. There are no constitutional requirements regarding when a plan is passed, but the special session is traditionally held in the summer after the release of census data.

Kansas

The legislature is responsible for drawing and passing redistricting plans for legislative districts. The plan is subject to a gubernatorial veto. The attorney general then submits the plan to the Kansas Supreme Court within fifteen days of the plan being passed. The court has thirty days to determine whether the plan is valid. If the plan is struck down, the legislature has fifteen days to propose another plan, which is again subject to supreme court oversight. This process is repeatable, until an appropriate plan is passed and approved by the supreme court.



Kansas State House of Representatives

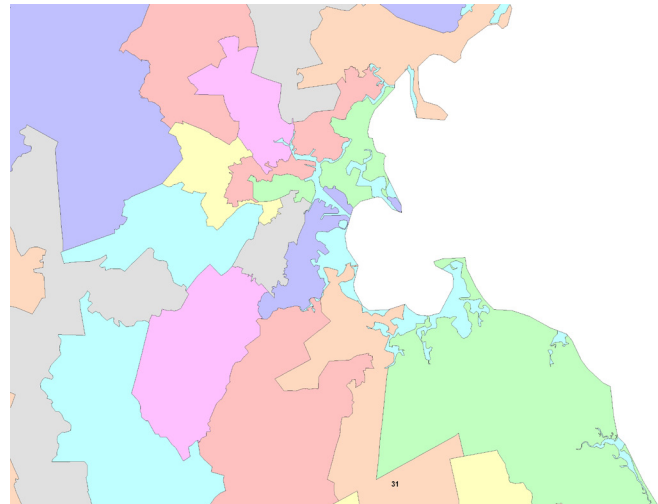
Kentucky

Redistricting in Kentucky is done through the legislature. The State and Local Government Committee in the House of Representatives and the State Government Committee in the Senate propose legislation, which, once adopted, is subject to the governor's veto. This is in accordance with Section 33 of the Kentucky State

Constitution, which was added in 1891.

Massachusetts

The General Court of Massachusetts (the legislature) is responsible for legislative redistricting. The process must begin before the first January after Census Day (April 1, 2010). There is currently no provision for what happens should the legislature fail to pass a redistricting plan. The governor has the power of veto over any plan passed by the legislature.



Massachusetts State Senate Districts around Boston

Minnesota

For legislative redistricting, the legislature's Subcommittee on Redistricting creates a plan and submits it to the full legislature for consideration and revision. This subcommittee is part of the Joint Legislative Coordinating Commission of the House and Senate. Once the legislature has approved a plan, it can be vetoed by the governor.

Nebraska

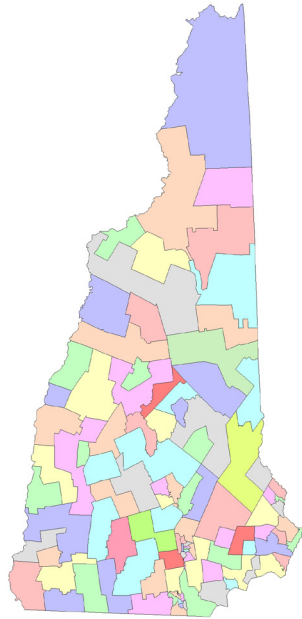
Nebraska's unicameral legislature redistricts itself through the standard process for a bill. Since there is only one house in the Nebraska state legislature and counties are relatively square, redistricting is relatively uncontroversial.

Nevada

Article IV, Section 5 of the Nevada Constitution gives control of redistricting to the legislature. The Joint Standing Rules of the Legislature stipulate that the Committee of Government Affairs in the Senate and the Committee on Elections, Procedures, and Ethics in the House take up redistricting legislation, respectively. Moreover, these rules direct the committees to consider compactness and community boundaries, as well as comply with the Voting Rights Act.

New Hampshire

Article 9 of the New Hampshire Constitution gives the legislature control of redistricting. Redistricting is introduced as a bill in the House Election Law Committee and the Senate Executive Departments and Administration Committee. It follows the



New Hampshire House of Representatives

standard route for any bill through the New Hampshire legislature.

Any redistricting plans passed by the legislature are subject to gubernatorial veto. Additionally, the state constitution allows towns to be divided into multiple districts only if the plan is approved through a referendum. Moreover, if a town is large enough to receive its own member of the General Court (lower house), it must have its own district. To accommodate these requirements, the New Hampshire legislature has 400 members.

New Mexico

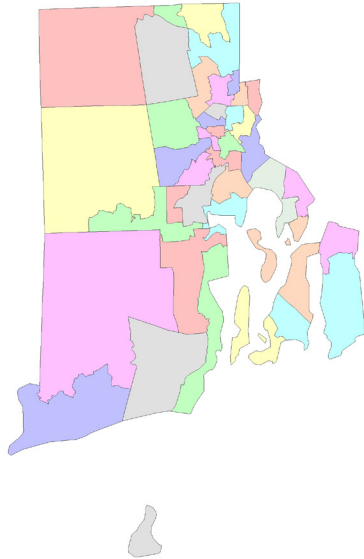
The state legislature of New Mexico was given control of redistricting in 1976. Prior to 1976, each county in the state was allocated a set number of seats by state law, and apportionment was carried out only within counties. In 2001, a joint interim redistricting committee drafted redistricting legislation, which was then considered by both houses. Redistricting legislation is subject to a veto by the governor.

North Dakota

The legislature has power over the redistricting plans for legislative districts. Typically, a bipartisan committee in each house is temporarily formed to create redistricting plans for each house. The governor then has the power to veto proposed plans.

Rhode Island

Legislative redistricting is controlled by the legislature and governor, although no specific power is enumerated in the constitution. During the last redistricting, the state formed the Special Commission on Reapportionment comprised of 16 legislators and civilians.



Rhode Island State Senate

The speaker of the House and the Senate majority leader each selected three legislators and three private citizens, while the Senate and House minority leaders each selected two legislators. This commission advised the legislature in the creation of a bill to redistrict Rhode Island's legislative seats; part of this process involved reducing the total number of House seats from 100 to 75 and Senate seats from 50 to 38. The governor has veto power over the legislative redistricting plans.

South Carolina

The legislature controls legislative redistricting. The standing Judiciary Committees in both the House and Senate have traditionally each proposed a plan to redistrict their respective houses. The legislature's plans are subject to gubernatorial veto.

Tennessee

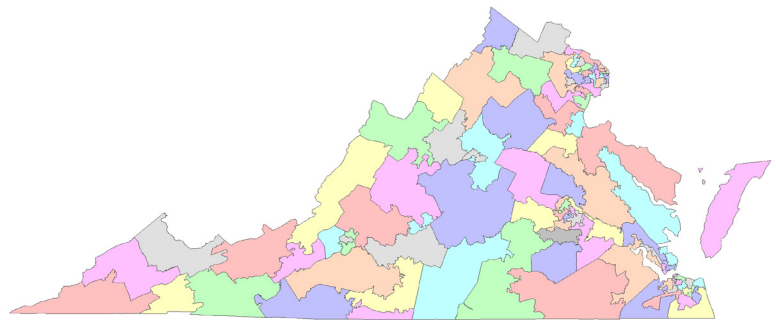
Redistricting is controlled by the legislature. Typically, the majority and minority leaders from both the House and Senate create legislative redistricting plans that are then voted on by the legislature. The plans are then presented to the governor for approval or veto. There have been several reform bills proposed, but none have come close to becoming law.

Utah

The Utah Constitution mandates that redistricting be done by the legislature using a standard committee process. The governor can veto the legislature's plans. A bill, HB 172, would have established an independent, bipartisan redistricting commission. Under this proposed legislation, districts would have to be drawn to promote competitiveness and partisan fairness. However, this bill was introduced February 17, 2009, and defeated only three weeks later.

Virginia

The Virginia legislature is constitutionally responsible for redistricting the state. Within the legislative houses, the Senate Committee on Privileges & Elections and the House Committee on Privileges & Elections have jurisdiction on the matter. From there, legislation goes to the committee of the whole in each house. The governor can veto or approve the plan. The legislature has until the end of the General Assembly session in 2011 to redistrict. Though there have been many bills proposed to amend this system, none have successfully passed both the House and the Senate.



Virginia House of Delegates

West Virginia

The legislature controls legislative redistricting. The Senate Select Committee draws the legislative reapportionment plan upon which the entire legislature votes. The governor has veto power over all plans. A recent reform bill, HB 2857, sought to lay out specific criteria that the State must follow when proposing new district mappings. The bill also would have specifically excluded voter data history from the mapping process, thereby decreasing the partisan nature of redistricting in West Virginia. However, the bill was killed in committee.

Wisconsin

The legislature controls redistricting using a standard committee selection process. However, the governor has veto power over state legislative district plans. A bill that would reform the redistricting process by giving power to the non-partisan staff of Wisconsin's Legislative Research Bureau (LRB) was tabled and never made it to a vote. If this bill is adopted into law, the LRB will establish new criteria for drawing district boundaries, including aligning redistricting districts with other political boundaries. Despite constitutional requirements that all districts be contiguous, several legislative districts in Wisconsin are not actually contiguous, as they are comprised on non-contiguous city territory.

Wyoming

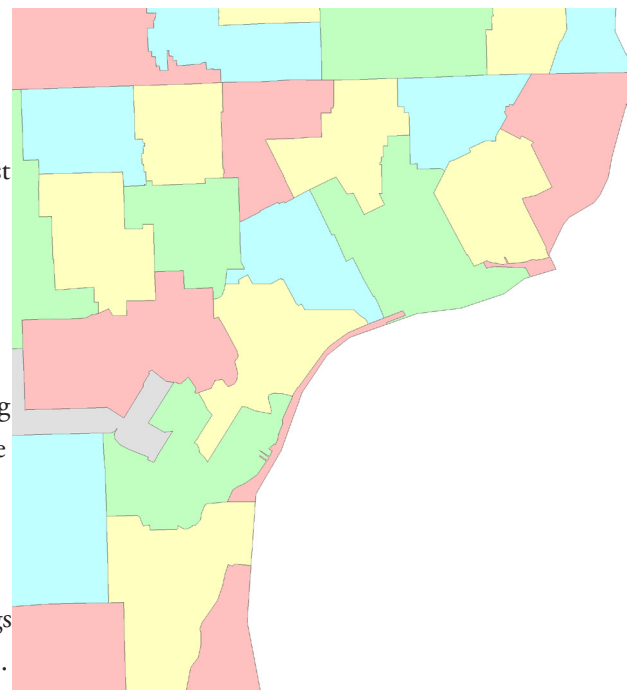
The legislature as a whole determines redistricting using a standard committee selection process. The governor has veto power over the legislature's plans. There are no serious reform measures under consideration in Wyoming at this time.

Total Legislative Control

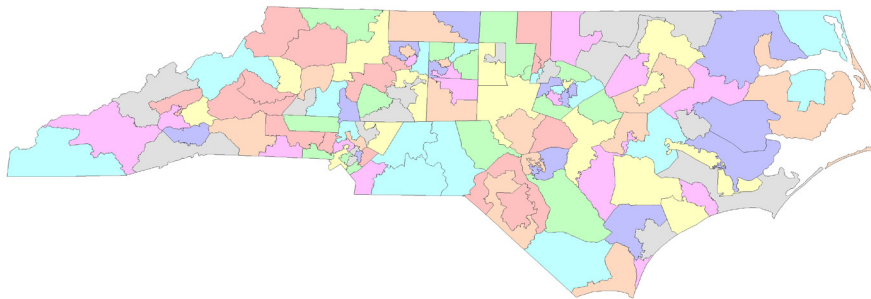
Only three states, Florida, Michigan, and North Carolina, implement legislative redistricting by act of the legislature alone. The governor does not have the power to veto redistricting bills. In Florida the governor cannot veto a legislative redistricting plan, but the state supreme court must review and approve legislative plans before they become law.

Michigan

Legislative redistricting is handled by the legislature, and a plan must be passed by November 1st, 2010. If a redistricting act has not been passed by this time then a plea may be made to the Michigan Supreme Court by the majority or minority leaders of either house, or by a political party, requesting that the court create a plan. The supreme court must allow a period of thirty days after announcing its plan before hearings take place, and the hearing must occur by March 10th, 2012. An official plan must be issued by the court before April 2012.



House of Representatives Districts in Detroit



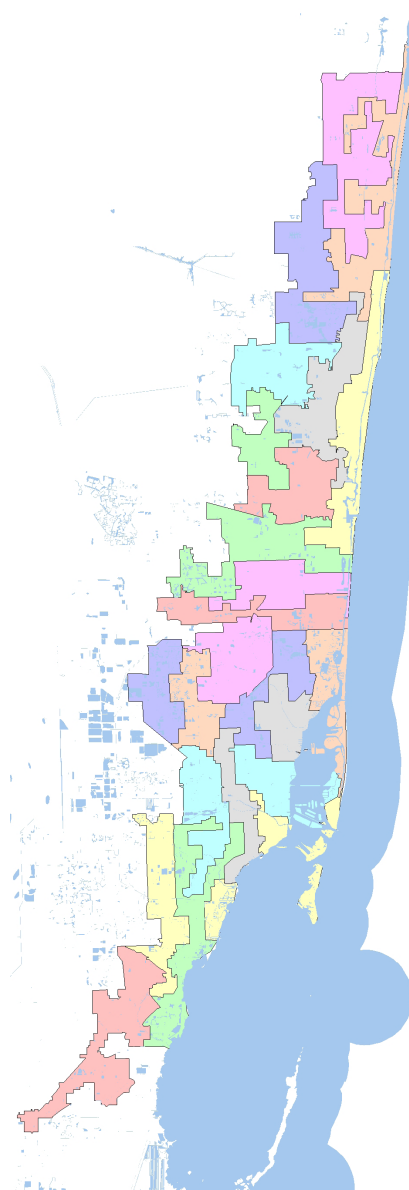
North Carolina House of Representatives Districts

North Carolina

The Legislature has complete control over creating redistricting plans for legislative districts. The governor does not have veto power over either plan. North Carolina's 1991 redistricting cycle was tied up in court battles until 2000. Redistricting lawsuits in the 2001 redistricting cycle lasted into 2008.

Florida

The legislature in Florida controls the legislative redistricting process, implementing a new plan by joint resolution during the regular legislative session, as specified in Article III, Section 16(a) of the state constitution. The governor cannot veto a legislative redistricting bill. If the legislature fails to pass a bill in the regular session, the governor calls a 30-day special session on redistricting. If the special session also fails to adopt a valid plan, the Florida Supreme Court will redistrict the state. In a twist unique to Florida, the supreme court is required to approve the plans before they take effect. Should the supreme court declare a plan invalid, the legislature will have two opportunities to create new plans in extraordinary sessions. If these



Florida State Senate Districts in Miami

sessions fail to create plans approved by the supreme court, the court will then carry out reapportionment. In the 2010 General Election, Florida voters will decide on ballot initiatives establishing redistricting criteria of adherence to the Voting Rights Act, compactness and respect for city, county, and geographical boundaries.

Legislative System with Back-up

For the states in this group, the legislature and the governor initially control the process. If they fail to meet certain deadlines, the process is handed over to another group of decision-makers. Back-ups systems usually designate specific elected officials or judges to take over the process after the deadline. While some states have relatively late deadlines which rarely cause a back-up structure to be invoked, in other states there is a significant chance the back-up will end up drawing the lines.

Connecticut, Illinois, Indiana, and Mississippi give the back-up redistricting power to a group of elected officials and at least one non-partisan state official. In Mississippi the commission is comprised of the officially non-partisan Chief Justice of the Mississippi Supreme Court, the Attorney General, the Secretary of State, and the legislative majority leaders of each house. In Connecticut, the back-up commission is structured similarly to the legislative reapportionment committee. The party leaders in both houses select two members each, for a total of eight members. A tiebreaking ninth member is chosen from the state's electors. Illinois's party leaders for both houses each designate one legislator and one member of the public. If this new eight-member commission also fails to create a plan, the supreme court nominates one Republican and one Democratic candidate for chair (and tiebreaking vote) of the commission, and the chair is chosen by selecting one of those two names from a hat. Indiana gives back-up control to a commission consisting of the Speaker of the House, President *pro tempore* of the Senate, the chairs of the redistricting committees of both houses, and a fifth member of the legislature appointed by the governor.

Texas and Oklahoma call their back-up groups of designated officials "Boards of Apportionment." In each state, the board takes over the process if the legislature fails to complete a plan by the end of the first session of the legislature after the decennial census. Texas passed a 1951 law creating a Board of Apportionment comprised of the lieutenant governor, speaker of the house, attorney general, comptroller, and land

commissioner. In Oklahoma, the Board is comprised of the state attorney general, treasurer, and superintendent of the Department of Education.

Four states—Florida, Louisiana, South Dakota, and Vermont—designate a back-up panel of judges to draw the legislative lines if legislators fail to make their deadline. Judges, who are supposed to be non-partisan, are rarely allowed to actually take over the process. Florida adds an additional twist, as the state supreme court must review and approve any legislative plan approved through the regular legislative process.

Oregon uses a unique back-up system that combines the designated officials back-up and judicial back-up options. If the legislature fails to implement a plan by July 1, 2011, the Secretary of State becomes responsible for drawing and implementing state legislative districts, which are then subject to review by the Oregon Supreme Court.

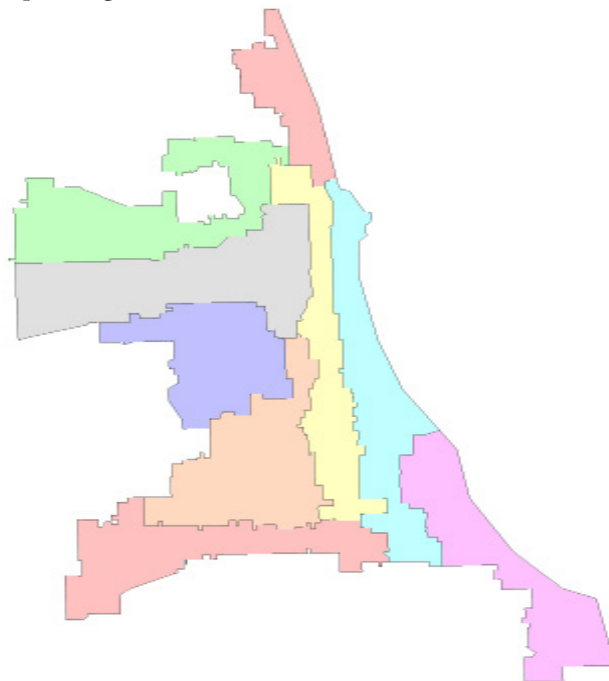
All of these systems are designed to ensure that districts are drawn promptly after the release of census data. They also place pressure on state legislators to redistrict quickly, sometimes resulting in partisan compromise. But the state legislature retains at least initial control over the process.

Connecticut

For state legislative redistricting, the Connecticut General Assembly names a committee to reapportion the state. The president pro-tempore and minority leader in the state Senate, as well as the speaker and minority leader of the House, each name two legislators to a Redistricting Committee. If there exists a third party in the General Assembly, two members of that party will also be named to the committee. The 8 (10 if there exists a third party in the state legislature) members of the committee will make a report of reapportionment recommendations which will be submitted to the General Assembly. The Assembly then can pass the plan by a two-thirds vote. Should the General Assembly not adopt the plan by September 15th of the year following the decennial census, the Governor appoints a back-up commission again designated by those who selected the Redistricting Committee. The commission then chooses a state elector to become part of the commission, bringing the number of commissioners to 9. The Commission has until November 30th to publish and submit a plan to the secretary of state, at which point it gains the force of law. If a plan is not submitted by that date, the secretary of state can request that the chief justice of Connecticut Supreme Court either compel the commission to come up with a plan or establish its own redistricting plan.

Illinois

The state legislature and governor initially control redistricting in Illinois, and a back-up commission takes over should the legislature fail to meet certain deadlines. According to the state constitution, the legislature and governor are supposed to pass a redistricting plan through the normal bill process. However, the legislature has failed to meet the deadline every redistricting cycle since the current system was put in place in 1970. Redistricting power in Illinois then reverts to an eight-member commission consisting of one legislator and one member of the public appointed by the majority and minority leaders in each house of the state legislature. Since this commission has consisted of equal membership from each party, it has never been able to reach a compromise on a plan, necessitating the appointment of a tiebreaking chairperson. Under this process, the supreme court nominates one member from each party to be the chair, and the secretary of state selects a name from a hat to be the chairperson. Generally, this means that whichever party's nominee is chosen from the hat will hold redistricting power for that cycle. A measure that would replace this back-up commission with one appointed by the state supreme court is pending in the Senate.



Illinois House of Representatives districts in Chicago

Indiana

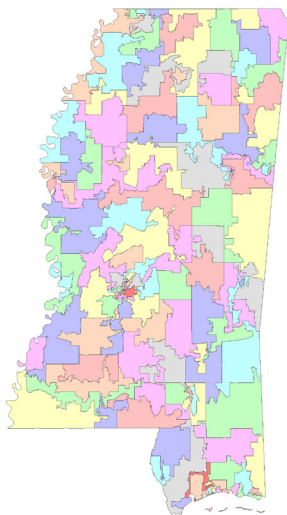
Redistricting for legislative districts is handled by the state legislature, and a final plan is approved as a normal bill. Plans passed by the legislature are subject to veto by the governor. Should the legislature fail to enact a plan, a Redistricting Commission is formed, consisting of the Speaker of the House, the President *pro tempore* of the Senate, the chairs of the House and Senate reapportionment committees, and a final member appointed by the governor. This fifth member must be a member of the legislature. The Commission recommends a plan to the legislature, but if that plan fails to secure passage, the governor calls a special session of the legislature to settle to issue.

Louisiana

Louisiana's state legislature controls redistricting, according to Article III, Section 6 of the Louisiana Constitution. Redistricting legislation is considered by the Governmental Affairs committee in each house of the legislature. The state constitution designates the state supreme court as a back-up if the legislature fails to pass a redistricting plan. Should the legislature pass a plan, it is subject to the governor's veto.

Mississippi

For state legislative districts, the legislature must approve a plan within sixty days of the end of its second session following the census. If it fails to pass a plan, the governor



Mississippi House of Representatives

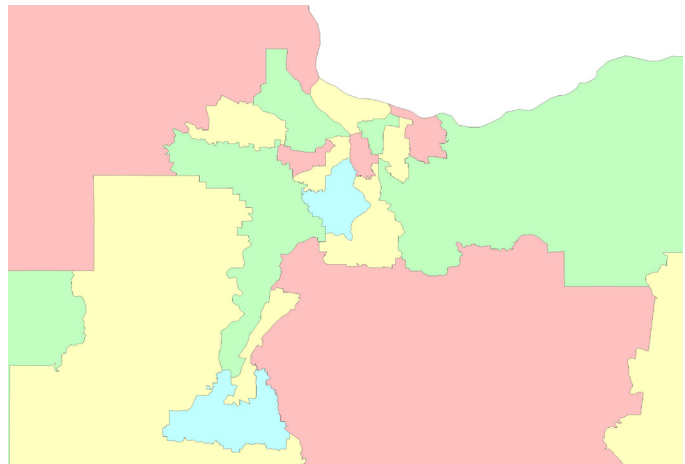
is constitutionally bound to call a special session for the express purpose of redistricting. If the legislature still fails to approve a plan, a five-member commission will create and enact a plan. This commission is chaired by the chief justice of the state supreme court, and includes the attorney general, the secretary of state, the speaker of the House and the president *pro tempore* of the Senate. They must reach a decision within 180 days. While the governor may veto plans passed by the legislature, any plan that the commission approves automatically becomes law.

Oklahoma

The legislature and governor are initially responsible for redistricting. If the legislature fails to redistrict the state within a certain timeline, then redistricting becomes the responsibility of an Apportionment Commission. This three-member commission consists of the state treasurer, the attorney general, and the Superintendent of Public Instruction.

Oregon

The legislature is initially responsible for redistricting legislative districts, subject to gubernatorial veto. If the legislature fails to pass its plan or the governor vetoes the plan, the secretary of state takes over the process, an event that happened in 1971, 1991, and 2001. Oregon Secretary of State Bill Bradbury ran the redistricting process during the most recent cycle, in 2001. The Oregon Supreme Court is legally mandated to review plans before they became law. Any challenges to a redistricting plan passed by either the legislature or secretary of state are considered by the supreme court.



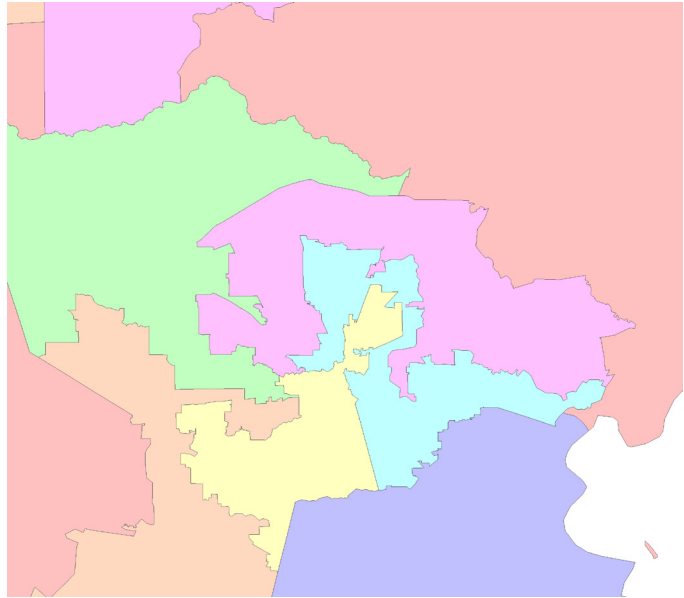
Oregon State Senate Districts in Portland

South Dakota

Redistricting is initially controlled by the legislature, subject to gubernatorial veto. In the past, an executive board of the legislative council has formed a special redistricting committee to handle state legislative district-drawing. However, there is nothing in the statute that creates this council. If the legislature fails to pass a redistricting plan by December of the year that census data is publicly released, then the supreme court takes over to create a plan within 90 days. HB 1220, introduced February 1, 2010, proposed the creation of a bipartisan, seven-member redistricting commission. However, it was immediately killed in committee, meeting the same fate as similar bills in 2008 and 2009. Under the bill, the majority and minority leaders of each house would have selected one private citizen each; these four citizens would have then selected three more commissioners for a total of seven commissioners.

Texas

The legislature has primary responsibility for restricting legislative seats, subject to the governor's veto. If the legislature fails to redistrict House or Senate districts within a set amount of time, then the Legislative Redistricting Board takes over redistricting. This board is composed of the lieutenant governor, the speaker of the House, the attorney general, the comptroller and the land commissioner. The board's redistricting duties are also invoked if a House or Senate plan passed by the legislature is vetoed (and not overridden) or held invalid in court. Reformers have introduced proposals to amend the constitution to establish the Texas Redistricting Commission, which would have the authority to draw the state's congressional lines. The bill passed the Senate twice in the last decade but failed to reach a vote in the House; in 2010 it also failed in the Senate.



Texas State Senate Districts in Houston

Vermont

Redistricting is controlled by the legislature, subject to veto by the governor, and advised by the Legislative Apportionment Board. The Board is formed of five private citizens: the governor selects one person from each major party, the leaders of each major party in the state select one and the chief justice of the Vermont Supreme Court selects one person. The chief justice's representative functions as the chairperson of the LAB. This advisory board provides advice and offers redistricting plans to the General Assembly, but the General Assembly does not have to take its advice or use its plans. The supreme court takes over if the legislature fails to revise the districts within a set amount of time.

NON-LEGISLATIVE POLITICAL CONTROL

Three states give redistricting control to non-legislative statewide elected officials. Ohio and Arkansas give control over redistricting to designated boards made up of various elected officials. Maryland gives primary control of redistricting to the governor.

Arkansas' Board of Apportionment consists of the governor, secretary of state, and the attorney general. During the post-Civil War Reconstruction era, Republican governor Elisha Baxter implemented the centralization of the state's redistricting system to punish his political opponents after the Brooks-Baxter War for the Arkansas Governorship in 1874.

Ohio's Board of Apportionment is also comprised of members of the executives and appointees of the legislature. A redistricting reform initiative in 2005 was defeated by a two-to-one margin.

In Maryland the governor forms an advisory committee of state legislators to assist him in the process, but the committee lacks constitutional authority. The legislature has a limited ability to overturn the governor's redistricting plan

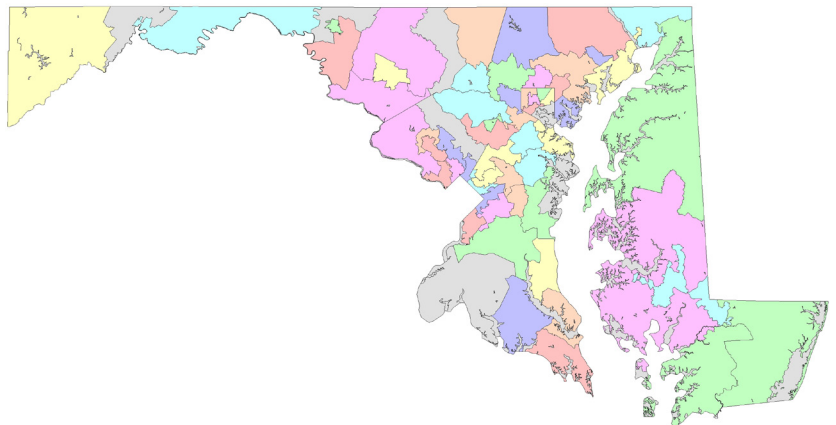
GUBERNATORIAL CONTROL

Maryland

Maryland has a rather unique system of redistricting whereby the office of the governor is charged with creating the maps for the state legislature. The governor then presents his or her plan to the legislature, which treats it as a joint resolution between the two houses. The two houses may then either adopt the governor's plan or propose their own joint resolution.

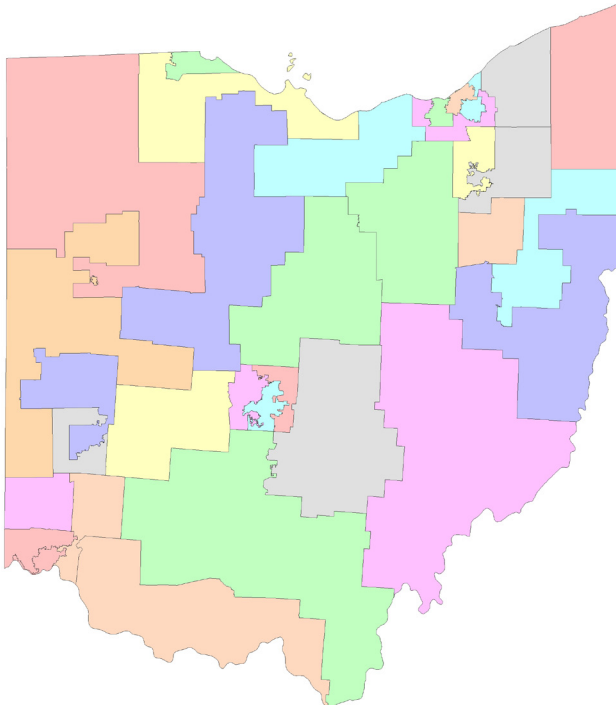
But if the legislature does not approve

its own plan within 45 days, the governor's plan becomes law. Maryland's constitution stipulates that any plan must adhere to specific redistricting goals, including contiguity, compactness, and respect for communities of interest.



Maryland House of Representatives Districts

BOARDS OF APPORTIONMENT



Ohio Senate Districts

Ohio

The redistricting plans for the state legislative districts are controlled by an apportionment board. This five-member board includes the governor, secretary of state, state auditor, and two legislators, one appointed by the speaker of the House and the Senate leader of the same party, and the other appointed jointly by the House and Senate leaders of the other party.

Arkansas

Arkansas legislative redistricting is the responsibility of a Board of Apportionment consisting of the governor, secretary of state, and attorney general. The history of Arkansas' Board of Apportionment is quite colorful. The disputed 1872 gubernatorial election in Arkansas led to a brief shooting war between the forces of Radical Republican carpetbagger Joseph Brooks and Republican scalawag (a term for southerners who supported reconstruction) Elisha Baxter. Baxter's eventual victory placed him in a position to rewrite the Arkansas state constitution, including its clauses on redistricting. He took power over redistricting from the unfriendly state legislature and placed it in the hands of the governor, secretary of state, and attorney general, effectively granting himself the power to redistrict. The law has not been changed since 1874.

COMMISSIONS

Fourteen states use some type of commission for state legislative redistricting: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Iowa, Maine, Missouri, Montana, New Jersey, New York, Pennsylvania, and Washington. There are three major factors in each model: (1) who can serve as a commissioner, (2) who appoints the commissioners, and (3) who approves the commission's plan.

The kind of people eligible to serve as a commissioner has a significant influence on the commission's end result. There are three basic types of commission composition: some states allow only elected officials on the committee, others have a mix of elected officials and unelected individuals, and others have commissions made up only of unelected individuals.

The second crucial factor is who appoints the commissioners to each commission. Those who select the commissioners are of three types: those selected by lottery or independent bureau; those selected by a mix of state officials; and those selected by party leaders. Also, final control over the adopted legislative redistricting plan varies widely. Some commission plans must to be approved by the state legislature and some become law as soon as the commission approves them. Only two states have commissions that can honestly claim significant independence from legislative and other elected officials: Arizona and California. Arizona's Independent Redistricting Commission was created by the passage of Proposition 106 in the 2000 general election. It drew both congressional and state legislative districts following the 2000 decennial census. California's Citizens Redistricting Commission is new, created by Proposition 11 in 2008, and it controls only state legislative, not congressional, redistricting. California's commission is slated to draw its first districts following the 2010 census.

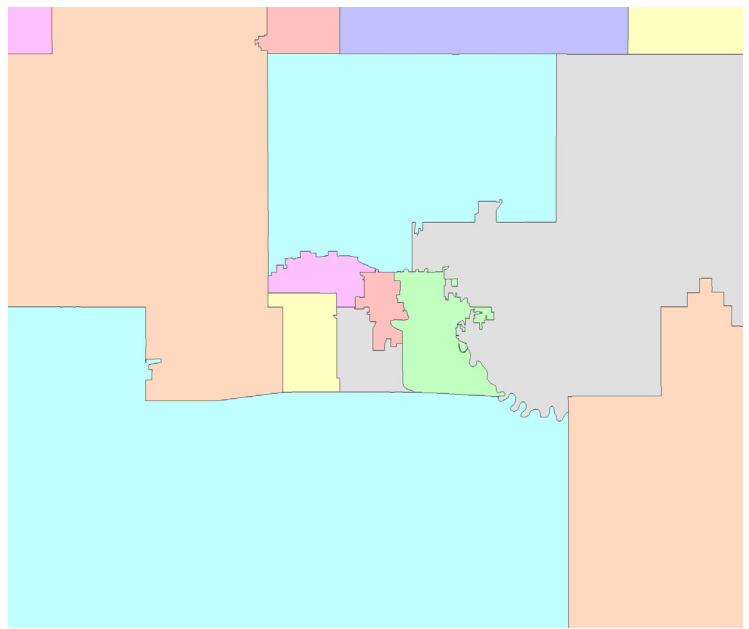
The third factor, the process for approving plans, varies from state to state. In five of the fourteen states, legislatures either vote to approve plans or can amend plans produced by their commissions. In the other nine states, legislatures can influence the commission process to varying degrees, but possess no legal ability to alter plans created by their states' commissions.

Advisory Commissions

Among the fourteen states with commission systems, four states - Iowa, Maine, New York, and Pennsylvania- retain significant legislative control. In all four, commissions function in an advisory role, drafting plans, providing advice, and communicating with the public. Maine, New York and Pennsylvania have commissions comprised of both legislators and private citizens. Iowa uses a non-partisan government agency, which submits plans to the legislature for approval.

Iowa

Iowa assigns the job of drawing legislative redistricting plans to its Legislative Services Agency. The Legislative Services Agency is a division of the Iowa state government charged with providing staff services to the Iowa General Assembly such as administrative, technological, drafting, and research support. As soon as possible after the release of census data, the LSA drafts a redistricting bill and presents it to the legislature. The plan must be passed within seven days by at least one house, or the LSA must submit a new plan. If the legislature fails to pass three consecutive plans by the LSA, it is allowed to amend the third plan with no restrictions.



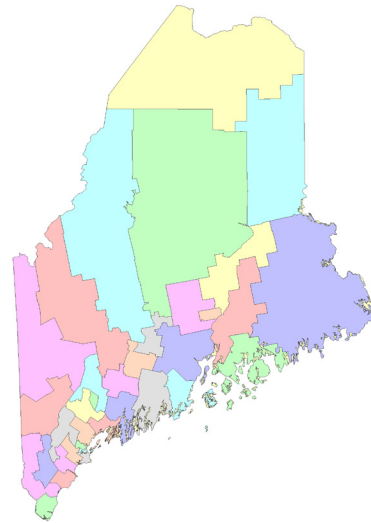
Iowa Senate Districts around Des Moines

Iowa's system is notable for the strict guidelines it puts on redistricting plans. It recognizes continuity of cities and counties and bans access to information on political affiliation, election results, and incumbents' addresses when the LSA draws new maps. However, the legislature can use these data when considering or amending the LSA plans.

Maine

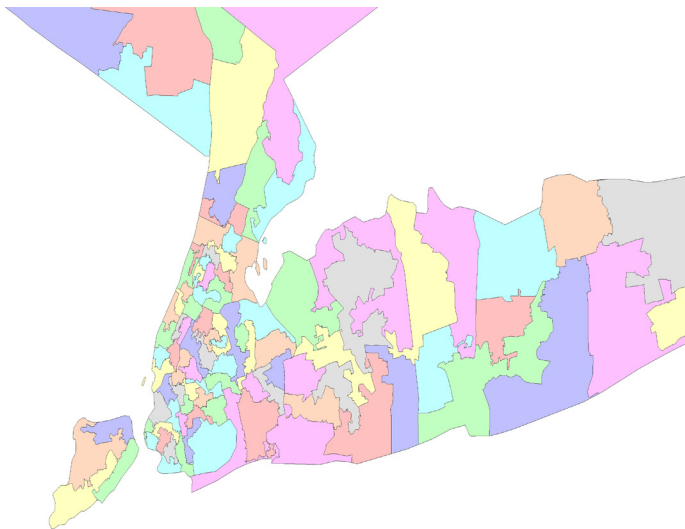
Maine is one of the last states to conduct redistricting—its deadline is not until the third year after the census. Therefore, it is legally possible that Maine's redistricting plan will not be implemented for the 2012 general election.

In Maine, redistricting begins in the Advisory Apportionment Commission. The Advisory Apportionment Commission is a hybrid model, comprised of both private citizens and public officials. The speaker of the House of Representatives and the House minority leader each appoint three members of the legislature. The Senate majority and minority leaders appoint a further two legislators each. The state chairpersons of each major party or their private citizen designates join the commission, bringing its total to 12. Each party's six members on the commission appoint a private citizen. These two private citizens in turn choose a third member of the public, rounding out the commission at 15 members.



Maine State Senate

The commission submits a plan to the state legislature, which then has thirty days to consider the plan or enact a plan of its own. The Apportionment Commission serves an advisory function, since the legislature is under no legal obligation to implement the Commission's plan. The final plan must pass the legislature by a two-thirds majority, and then is still subject to veto by the governor. This confluence of factors presents a challenge to the legislature to pass a plan by the thirty-day deadline. If this deadline is not met, redistricting authority is passed to the Maine Supreme Court, which is what occurred in the 2001-2002 redistricting cycle.



New York City State Assembly Districts

New York

New York's legislature appoints a Legislative Task Force on Demographic Research and Reapportionment. The Senate majority leader and speaker of the House select one legislator and one private citizen each to serve on the Task Force. The minority leaders in each house appoint one legislative member each. The Task Force's

responsibility is to analyze the population figures provided by the census for the purpose of redistricting. It does not actually create a redistricting plan; it serves to advise the legislature as it develops the plan. The Legislative Task Force holds public hearings statewide where citizens can have questions answered and provide input to the Task Force which will then be relayed to the legislature.

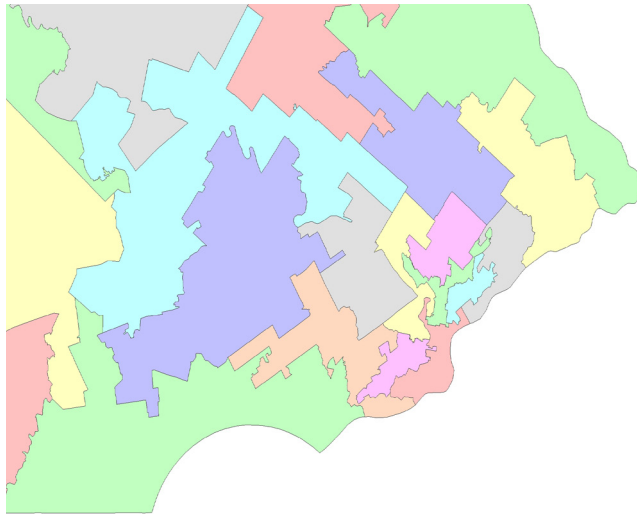
The Task Force was established in 1978 through Chapter 45 of the New York State Laws. Redistricting in New York remains under the control of the state legislature, with the governor possessing veto power.

Pennsylvania

In Pennsylvania, redistricting the state legislature is the duty of a Legislative Reapportionment Commission. As laid out in Article II, Section 17 of the Pennsylvania Constitution, the Legislative Reapportionment Commission must draw up a restricting plan for the General Assembly within 90 days of its formation. The Legislative Reapportionment Commission consists of five

members. The four legislative members of the commission are the House and Senate majority and minority leaders or their designates. These four members have 45 days to select the fifth member (and chairperson) of the commission, who cannot be a legislator. If the four other members cannot select a fifth member by the established deadline, the state supreme court appoints the fifth commission member. Once the commission is established, it has 90 days to draw new district lines.

Once the plan is completed, it can be challenged for up to 30 days. If any challenges are sustained by the Pennsylvania Supreme Court, the commission must edit its maps to incorporate the changes. Once the plan is finalized, it immediately takes the force of law.



*Pennsylvania State Senate
Districts in Philadelphia*

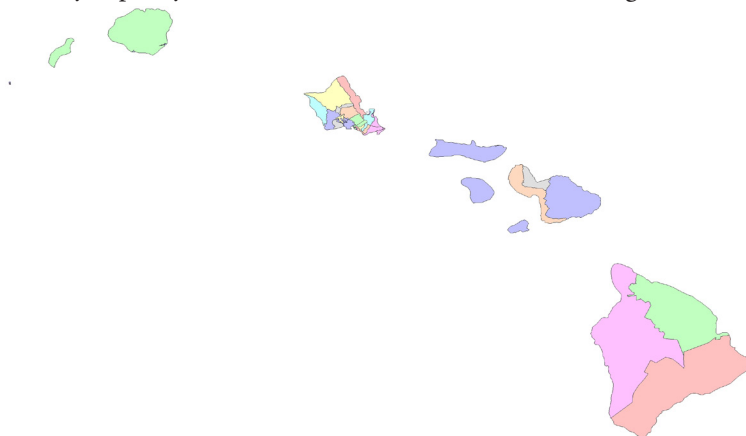
Legislature-Appointed Commissions

As noted, advisory commissions have a very limited role in the redistricting process. In the other four legislature-appointed commission states- Hawaii, Idaho, Montana, and Washington- commissions have considerably more power over the creation of district lines, although not fully independent from state legislatures.

In Hawaii, Idaho and Montana, once state legislative leaders appoint a commission, it functions independently. Only in Washington does the legislature retain the power to amend or approve a plan after the commission has completed its work, and in those cases, it can be done only with a supermajority vote. Hawaii, Idaho, and Montana all have legislature-selected bipartisan commissions which are, once appointed, authorized to draw and enact plans without requiring legislative approval.

Hawaii

Redistricting for Hawaii's congressional and legislative districts is consolidated under the Hawaii Reapportionment Commission. The commission consists of nine members: the majority and minority leaders of the House and Senate each select two members. These eight people in turn select the ninth person (and chair) of the commission. None of the members of the commission can hold public office. Moreover, they are restricted from running for public office for the next two elections following reapportionment. Article IV Section 2 also calls for the creation of an Apportionment Advisory Council appointed by the party leaders in the House and Senate. Each leader appoints one member from each of the basic island units of Hawaii: the island of Hawaii, the islands of Oahu, Kauai and Niihau as one unit, and Maui, Lanai, Molokai and Kahoolawe as another unit. The Advisory Council exists for the lifetime of the Reapportionment Commission and serves "in an advisory capacity to the commission for matters affecting its island unit."



Hawaii's State Senate Districts

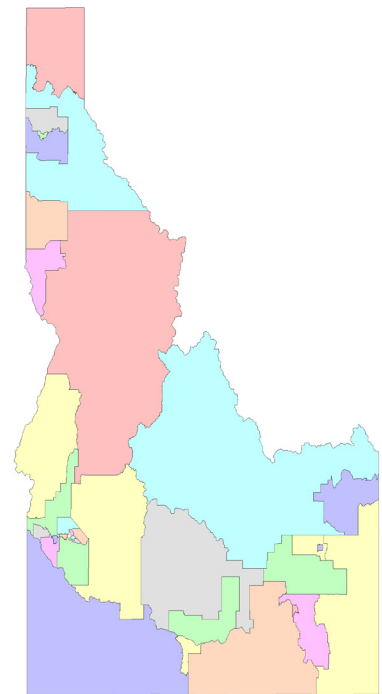
After its creation, the Reapportionment Commission has 150 days to submit a plan for redistricting of legislative and congressional districts to the Chief Election Official. The plan is published and available for public comment and feedback—including one public hearing for each island unit—after which it takes legal force. In Hawaii, Democrats have traditionally dominated the state legislature (currently, Republicans hold only eight seats out of 75), and redistricting has been relatively uncontroversial. Hawaii's system allows the minority party equal say in the process, and, once formed, the commission is independent from the legislature.

Idaho

Idaho's Commission for Reapportionment controls legislative and congressional redistricting. As directed in Title 72, Chapter 15 of the Idaho State Code, the six-member Commission is composed of one designee each from the leaders of both parties of the House of Representatives and the Senate, as well as one designee by the state chairpersons of each party. The code suggests that the appointing authorities attempt to achieve geographic representation, but it is not legally mandated. Like Alaska and Hawaii, Idaho requires that the members of the Commission for Reapportionment not hold any type of public office. Moreover, the members cannot be registered lobbyists, and must be registered voters.

After the commission is formed, it is required to begin holding meetings throughout the state where any individual citizen can present a redistricting plan. Within 90 days of its creation, the commission must submit a final redistricting plan to the secretary of state and the plan must be approved by a two-thirds vote of the commission. This plan is not subject to approval by the legislature or veto by the governor.

Concern has been raised over the fact that there is no fallback option provided in the state code should the commission fail to draft a plan within 90 days. The only major challenge to the legal system in the 2001 cycle was from the Idaho Hispanic Caucus, which sued for the creation of a Hispanic-majority district. A state court determined that there were not enough Hispanics in a specific area of Idaho to create such a district. The Idaho system maintains some independence from incumbent and party leaders, though



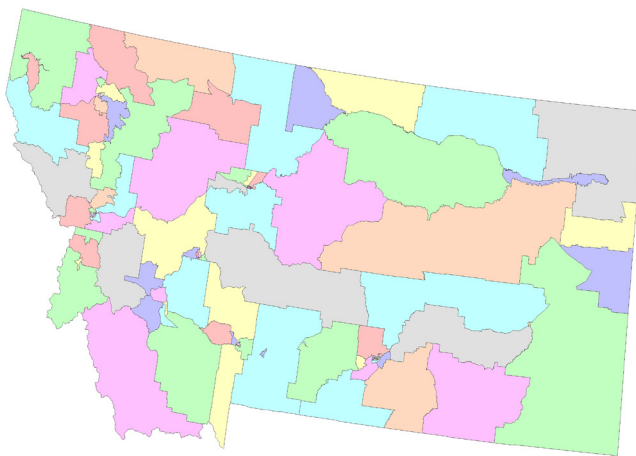
Idaho Senate Districts

legislative leaders retain control of the nomination process.

Montana

Montana employs one commission with responsibility for congressional and legislative redistricting, but in 1992 Montana dropped from two congressional districts to one at-large district. The five-member Districting and Apportionment Commission has final say over lines for both types of districts. Four members are selected by the minority and majority leaders in each house. None of these commissioners may be public office-holders according to Section 5-1-101 of the Montana State Code. These commissioners must be geographically representative of the state, with two commissioners each coming from two predetermined halves of Montana. The commissioners then have 20 days to select a fifth member who acts as the chair. If these four members cannot agree on a fifth, then the Montana Supreme Court will appoint a chair. The members of the commission cannot run for office within two years of being on the commission.

The Montana State Code in Section 5-1-108 requires the commission to hold at least one public hearing on the legislative plan at the state capitol; however, traditionally eight to twelve public hearings have been held. Within 90 days of the census' publication, the committee must pass a redistricting plan. The legislative redistricting plan is sent to the legislature for recommendations at the first legislative session after the census is published. Within thirty days of being submitted, the plan must be returned to the commission with the legislature's recommendations. The commission then has another thirty days to finalize its plan, which does not require legislative approval and cannot be vetoed by the governor.

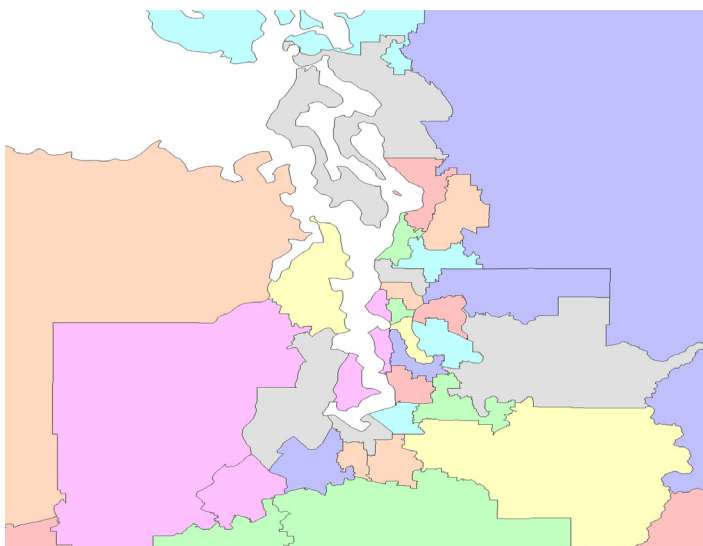


Montana House of Representatives Districts

Washington

Redistricting in Washington is controlled by the Washington State Redistricting Commission, consisting of five members with back-up court supervision. The commission is named by the Minority and Majority Leaders of the House and Senate, each of whom chooses one private citizen as a member. These four individuals then elect a fifth person to serve as the nonvoting chairperson of the commission. If the original four do not promptly (within 5 days) elect a fifth person, then the Washington Supreme Court steps in to choose a chair. This process is nearly identical to the system in Pennsylvania.

The Washington State Constitution requires the commission complete its redistricting plan by January 1, 2012. The plan must pass with at least three votes of the five-member commission. If the commission does not submit a plan by the start of 2012, the supreme court creates the plan. The legislature may amend the plan submitted by the commission, but only with at least a two-thirds vote of both houses. Currently, the Democratic Party holds a two-thirds majority in the State Senate and is two votes short of two-thirds in the Assembly. However, three members of the Assembly are independents who caucus with the Democrats. If Democrats retain their numbers in the 2010 election, they will be able to significantly alter the commission's plan. A vote to amend the commission's plan must be taken within 30 days of the original submission of the plan. After 30 days, regardless of amendments passed, the plan becomes state law for both congressional and legislative districts. The governor does not have veto power over the plan.



The Washington State Redistricting Commission was established by the Washington State Redistricting Act, Chapter 44.05 of the Revised Code of Washington, which was passed in 1983. All of the Commission's meetings are public, and it keeps a public record of its plans.

Washington Senate Districts around Puget Sound

State-Appointed Commissions

Two states, Alaska and Colorado, employ a commission system in which the redistricting commission is appointed by members of each of the three branches of the state government. Generally, this means that leaders of each branch appoint several members to the commission. This system still invests substantial authority in the legislature; however, it attempts to balance legislators' inherent self-interest by allowing the other branches influence over the process.

The main advantage of this hybrid model of appointment is that it attempts to give some balance to the commission by removing sole authority from the legislature. Ideally, the governor and the chief justice will appoint members of the public who genuinely advocate for the public interest instead of simply being a proxy for legislative leaders, since ostensibly both the executive and the judiciary are not influenced by redistricting. However, the system leads to failure when the appointments of the governor simply favor the governor's party. Moreover, since many state supreme court justices are elected, the system would certainly be weak form of reform in a state where one party controlled the legislature, the executive, and a majority of the justices on the supreme court.

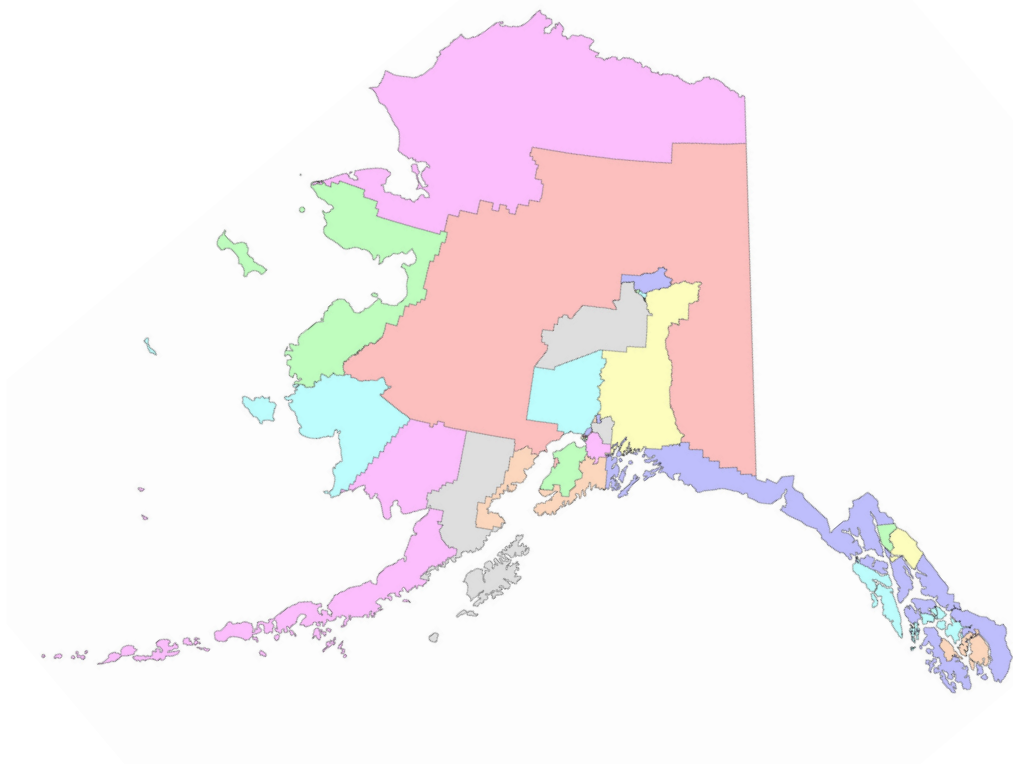
In Colorado, the four legislative leaders and chief justice each appoint one member of the commission, while the governor appoints an additional three. Alaska's commission consists of two appointments by the governor, one from the majority leader of each house, and one by the chief justice. This leaves both states vulnerable to partisan bias, since one political party is likely to appoint the majority of appointees.

Alaska

For Alaska's state legislative districts, the Alaska Redistricting Board is the reapportionment authority. The Board consists of five members of the public that do not hold public office or work for the government. Two are appointed by the governor. The president of the Senate, speaker of the House, and chief justice of the supreme court each appoint one member. There must be at least one member from each of the four judicial districts of Alaska—Northwest, Central Alaska, Anchorage-area, and Juneau-area.

The Redistricting Board has a relatively strict deadline; it is required to draft a plan for redistricting within 30 days after the release of the decennial census, as noted in Article VI, Section 10 of the Alaska Constitution. After this, the Board will hold a series of public hearings where it presents one or more plans to the Alaskan general public. Ninety days thereafter, the Board adopts into law a final plan by majority vote.

The Redistricting Board was established in 1998 by House Joint Resolution 44. Before the establishment of the Board, legislative redistricting was under the authority of the governor's office. The Democratic governor's attempt to employ redistricting to restore Democratic power in the statehouse catalyzed this change. While state officials are not supposed to factor in party identification when choosing the Redistricting Board, clearly the Board is not insulated from political pressure. There is no requirement for partisan balance on the Board. All five appointing officials could be members of the same party.

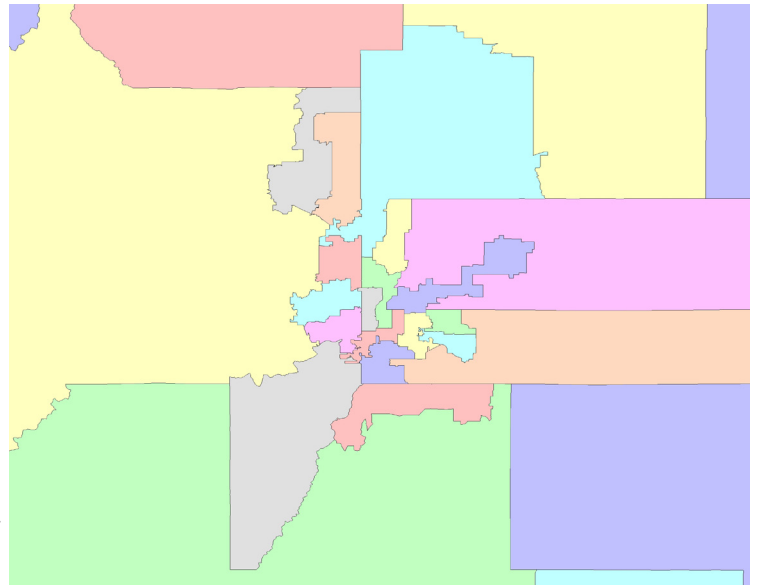


Alaska House of Representatives Districts

Colorado

The Colorado Reapportionment Commission has drawn legislative districts for the state legislature since 1974. The commission is composed of eleven members. Four are appointed by the chief justice of the Colorado Supreme Court. The governor of Colorado appoints three members. The remaining four spots are reserved for the Senate majority and minority leaders, the speaker of the House, and the House minority leader, or their appointees.

The Colorado Constitution spells out the state's redistricting process in Section 48. Part C specifies that no more than six members of the eleven-member commission may be members of the same party. No more than four members reside in the same congressional district. Finally, the constitution requires that each congressional district have at least one resident on the commission and, a requirement unique to Colorado, one member must reside west of the continental divide. The commission is required to submit its initial plan to the Colorado Supreme Court within 130 days of the release of census data, and meetings of the commission are open to the public.



Colorado Senate Districts around Denver

Colorado's commission system inherently has a degree of political influence. The state Constitution effectively requires one party to have a majority in the commission. The 2010 gubernatorial election is likely to determine who appoints a majority of members to the commission.

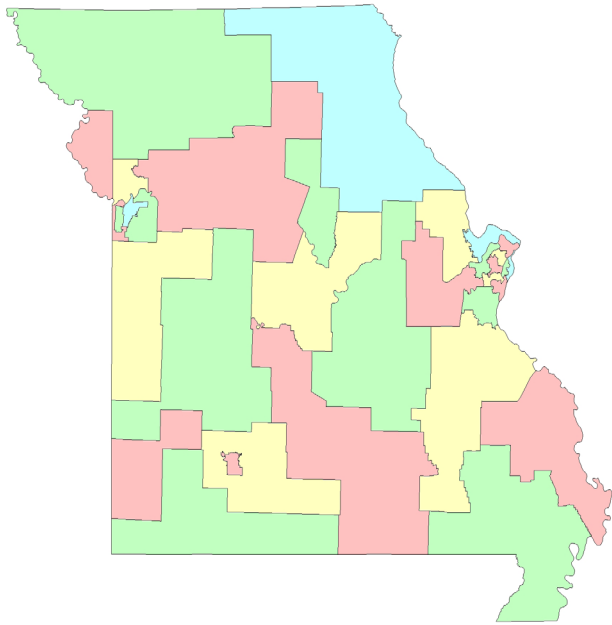
Party-Appointed Commissions

Two states, Missouri and New Jersey, give the leaders of their two largest political parties a major role in legislative redistricting. The major difference is that in Missouri the governor chooses from a list of persons nominated by the parties, while in New Jersey the parties and legislative caucus leaders hold direct appointing power.

Missouri

Missouri employs three systems for redistricting. The state legislature and governor have sole authority over congressional redistricting. State legislative districts are redrawn by separate House and Senate Reapportionment Commissions.

For the State House, within 60 days of release of the census data, the Republican and Democratic district committees for each U.S. Congressional district meet and each nominate two of members of their party who are residents of the district. The



Missouri Senate Districts

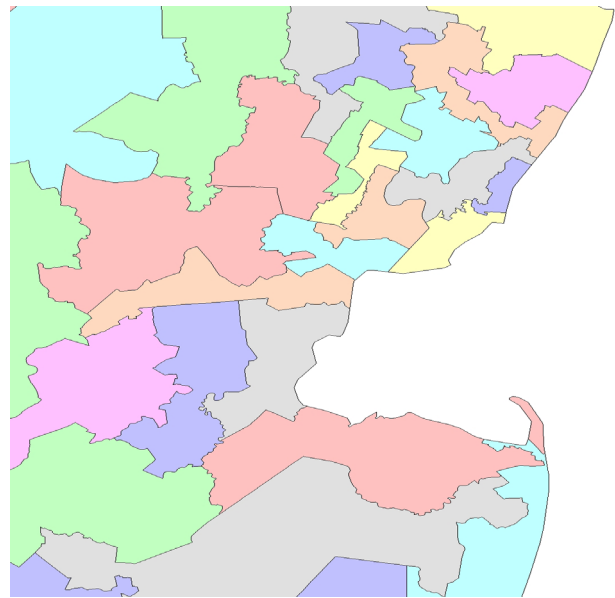
Governor then chooses one of the two nominees from each party for each district, resulting in an eighteen-member (nine districts times two parties) Reapportionment Committee. This committee is required to submit a plan within six months of its formation, approved by at least 13 of its members, or the commission is dismissed and the Missouri Supreme Court appoints a new commission consisting of six appellate court judges. This judicial commission must complete a plan within 90 days. For the Senate, the governor

forms a Senate Reapportionment Commission by choosing from lists of ten nominees submitted by each party. The governor chooses five members from each party to form the 10-member committee. This committee operates on the same deadlines as the House Reapportionment Commission, and again power is reverted to a judicial commission should the Reapportionment Commission fail to create a plan within six months. On the whole, the Missouri legislative redistricting process is outside of the direct control of the legislature, but certainly not isolated from political influence. No members of the redistricting commission may hold office in the legislature for four years following redistricting.

Since the legislative Reapportionment Commissions have equal numbers of Republicans and Democrats, the plans created are typically incumbent-friendly bipartisan gerrymanders. The lack of a tiebreaking vote can lead to failure to act, and in the 2001 cycle the Senate Reapportionment Commission failed to meet its deadline, leaving Senate districts to be drawn by a judicial panel. In the November 1982 election, voters affirmed Measure 12, a constitutional amendment referred to voters by the state legislature. Measure 12 created the Senate Reapportionment Commission. However, Measure 6, which would have extended a similar commission process to Missouri's congressional redistricting, failed by a 56 percent to 44 percent margin in the same year. Missouri's system is one of the most complex in the United States.

New Jersey

The New Jersey State Legislature is redistricted by an apportionment commission as laid out in Article IV Section 3 of the state constitution. This 10-person commission consists of five appointees each by the state Republican and Democratic parties. This commission creates a redistricting plan for the state legislature's approval, which is by simple majority vote. The commission must finish a plan within a month of the governor receiving the official census or February 1st of the year after the census is taken, whichever is later. If they fail to make this deadline, the New Jersey Supreme Court's chief justice appoints an eleventh tiebreaking commission member. New Jersey's system encourages incumbent-friendly bipartisan gerrymanders.



New Jersey Senate Districts around Newark

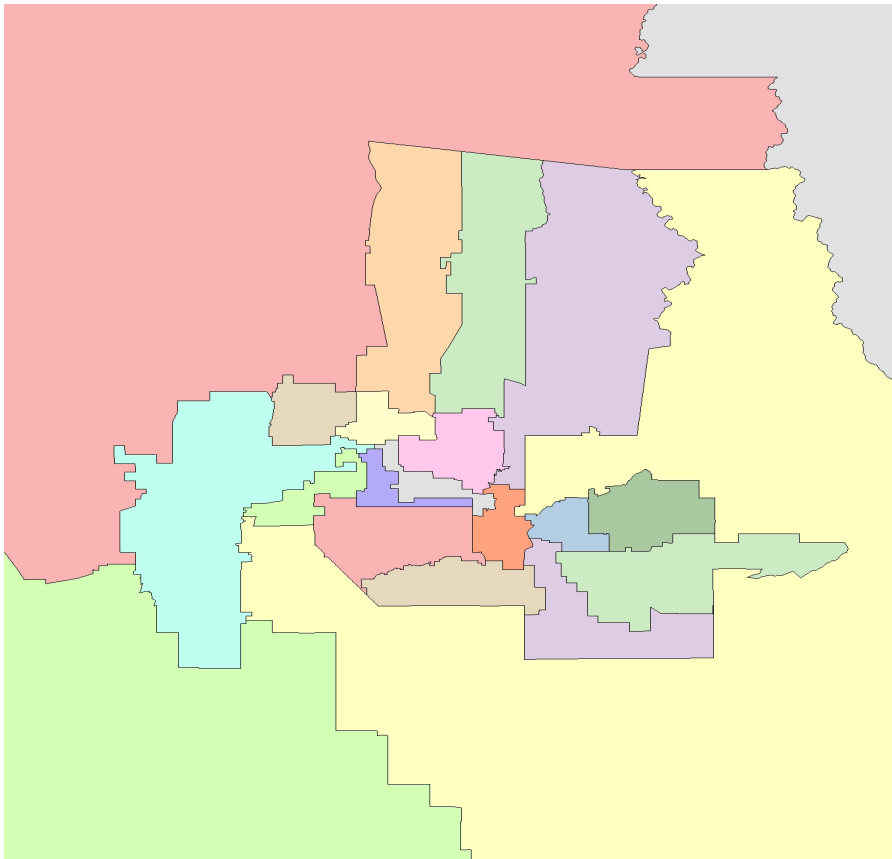
Independent Commissions

The independent commission is rare. Only Arizona and California can claim commissions that are largely independent of partisan interests in the selection of its members and the execution of its responsibilities. California's claim on that description is stronger than Arizona's, but California's commission has yet to be tested, as it was only approved by the voters in 2008.

Arizona

Arizona was the first state to achieve a substantial degree of independence from the legislature in the redistricting process. Its system was adopted through referendum in the 2000 general election and put in place for the 2001 redistricting cycle. Proposition 106 created the Arizona Independent Redistricting Commission and charged it with drawing district lines for both congressional districts and the legislature. The Commission is formed from a list of 25 private citizens determined by the Commission on Appellate Court Appointments. The list must contain ten nominees from each of the two major political parties as well as five nonpartisan nominees. Moreover, the nominees cannot have held public office for the last three years and must be "committed to applying the provisions of this section in an honest, independent, and impartial fashion and to

upholding public confidence in the integrity of the redistricting process.” From the screened pool of 25 nominees, the four legislative caucus leaders choose two Republicans and two Democrats to serve on the commission. Those four then choose a fifth, nonpartisan member. This selection system, which limits the influence of members of the legislature, thus established the nation’s most independent redistricting commission at the time.



Arizona Senate Districts around Phoenix

Arizona’s Proposition 106 gives the Arizona Independent Redistricting Commission specific directions on how to go about drawing districts in a fair manner. The commission must divide the state into districts in a “grid-like manner” based on equal population. The commission must then respect the following laws and principles: the U.S. Constitution and Voting Rights Act of 1965; compactness and contiguity; communities of interest; city, town, and county boundaries; and competitive districts. After the commission completes the initial plans, it presents them to the public and legislature for input and recommendations for a period of 30 days. After this review period, the commission draws up final plans and submits maps to the secretary of state

for enactment. The legislature and governor can comment on plans, but they have no authority over plan development or adoption.

In 2001, the Arizona Independent Redistricting Commission produced a plan that had much greater respect for community lines than previous plans and led to a 25 percent increase in the number of Latinos in the state legislature between 2000 and 2002.

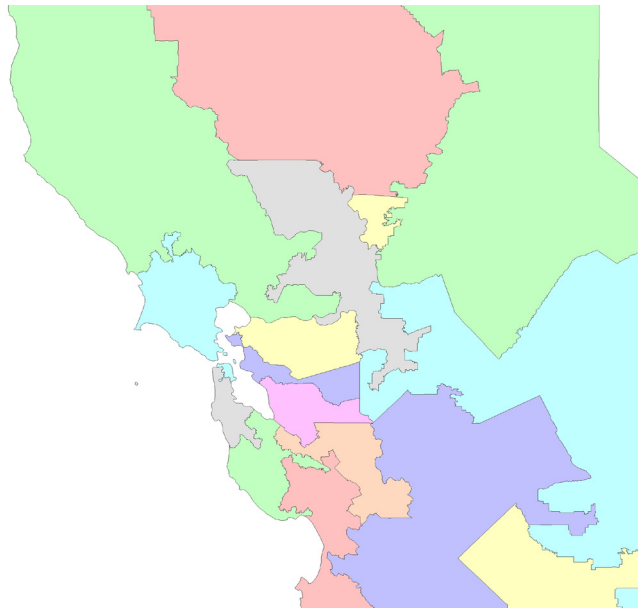
While Arizona's commission process was the most independent in the country when it was created, it is not entirely free from the state legislature. Arizona's commissioners are uninhibited by the legislature in the drawing of districts, and do not require the legislature's approval of their final plans; however, legislative leaders still make the final decision on who from the screened pool is selected to be a commissioner.

California

Before Proposition 11, the California state legislature and governor controlled all aspects of redistricting. For decades, reformers had sought to change the redistricting process in the state, but between 1980 and 2005, California voters defeated five separate redistricting reform initiatives. The passage of Proposition 11 in 2008 finally moved control of state legislative districts from the legislature to the Citizen Redistricting Commission. However, Proposition 11 left congressional redistricting under legislative control. Proposition 11's proponents reasoned that the legislature did not have the same conflict of interest when drawing congressional districts as it did when drawing its own district lines. Moreover, Proposition 11's proponents wanted to avoid well-funded opposition by members of the state's congressional delegation, an important factor in the defeat of previous reform proposals.

On November 4, 2008, California voters approved Proposition 11 by a slim 50.9% majority. The measure, called the Voters FIRST Act, created the commission to draw state Assembly, Senate, and Board of Equalization districts. Under the measure, the state auditor is in charge of soliciting and reviewing commission applications from private citizens across the state. Reformers selected the state auditor's office to handle the application process because the auditor is appointed by the legislative leadership but is required under federal law to operate independently of state legislative control. The regulations require that applicants must have voted in two of the last three elections and

must not have held public office for ten years, worked for a political party or candidate, registered as a lobbyist, or donated more than \$2000 to a candidate for the legislature or Board of Equalization. Three members of the state auditor's team - one Democrat, one Republican, and one independent - form the Applicant Review Panel. This panel selects 60 finalists with an equal mix of Democrats, Republicans, and others. Each of the four legislative caucus leaders can strike two people from each party affiliation subpool, leaving the pool with at least 12 people in each of the three party subpools. The first



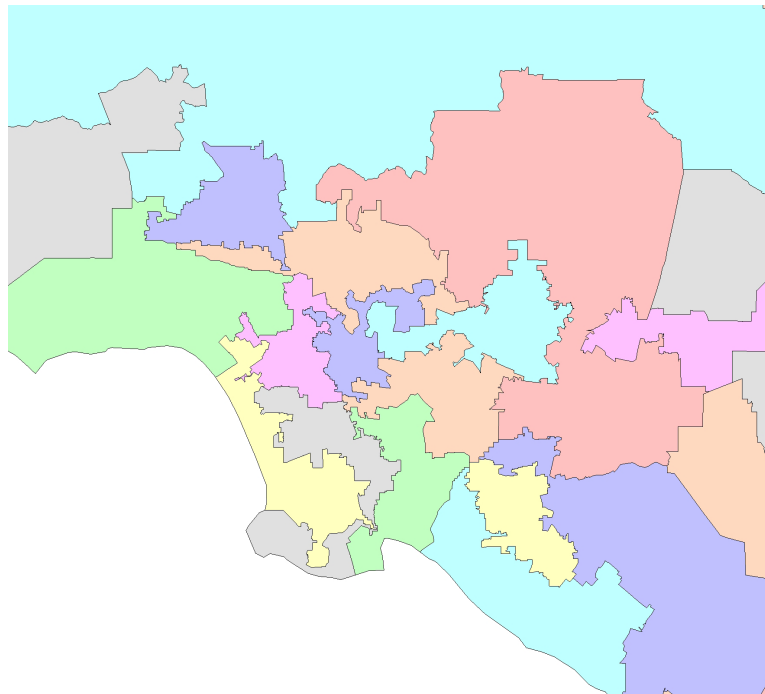
*California Senate Districts around the San Francisco Bay,
as drawn by the California State Legislature in 2001*

eight commissioners - three Republicans, three Democrats, and two others - are selected by random drawing from those 36 candidates. The first eight commissioners select the remaining six members based on qualifications and complementary skills, choosing two from each subpool of political affiliation. The full 14-member commission is comprised of five Democratic members, five Republicans, and four others. Unlike Arizona, where the final commission is selected by the legislature, California's system maximizes independence through random selection.

The mapping criteria laid out in the Voters FIRST Act are very similar to Arizona's. Constitutional obligations of equal population are the first requirement, followed by compliance with the Voting Rights Act. After this, contiguity, communities of interest and compactness follow. The act specifically forbids the consideration of incumbent residences. All the meetings of the Citizens Redistricting Commission are public, and the act requires significant public exposure of the commission's proposals. The commission must solicit public comment for a minimum of 14 days after the initial draft of plans.

To adopt the plan, the final proposal must be approved by nine members of the commission, including at least three Democrats, three Republicans, and three independents. The plan is subject to both referendum and challenges in the California Supreme Court.

California's Proposition 11 creates the first entirely independent legislative redistricting system in any of the 50 states.



California Senate Districts around Los Angeles, as drawn by the California Legislature in 2001

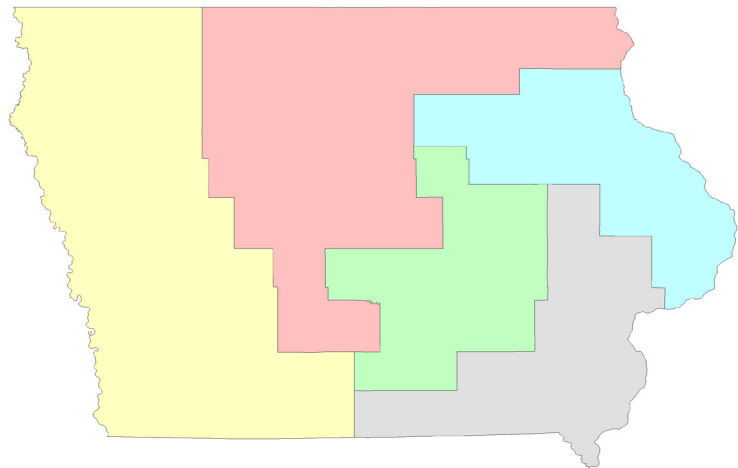
CONGRESSIONAL REDISTRICTING

As with state legislatures, congressional reapportionment is handled in a variety of ways across the United States. Reform has been less widespread for congressional reapportionment, perhaps because the conflict of interest is less apparent than when state legislators draw lines for their own districts.

In 42 states, the legislature controls the process. There are eight states that use a different system. Five states that have a commission system for state legislatures do not use that same system for redistricting their congressional districts: Alaska, Colorado, Missouri, New York, and Pennsylvania. Alaska has never been apportioned more than a single member of the U.S. House of Representatives.

IOWA

Iowa has a unique process for redistricting at the congressional level, using an independent government agency to draft district plans. Iowa's process for congressional apportionment mirrors the process for state legislative apportionment. The plan itself is drawn by the advisory Legislative Services Agency, and submitted as part of a single bill including legislative and congressional districts. The LSA is a support agency to the state legislature, performing a variety of services, such as technical assistance and research support.



Iowa Congressional Districts

As with state legislative redistricting plans, the LSA's plan is created in cooperation with the state legislature's Temporary Redistricting Advisory Commission. TRAC acts as a liaison to the public. The LSA develops plans with a focus on equal population, integrity of political subdivisions (both counties and cities), contiguity, and reasonable

compactness. The Iowa Constitution provides strict formulas by which compactness is to be computed. No political data, such as the homes of incumbents or party registration statistics, may be used by the LSA in the redistricting process, though the legislature may use such data when reviewing the plans drawn by the LSA.

The final plan is submitted to the legislature for approval. If the legislature does not pass the plan, or if the plan is vetoed, the LSA is tasked with creating a new plan. If three plans drawn by the LSA are rejected by the legislature, the legislature can amend and then adopt the third LSA plan, subject to the governor's veto.

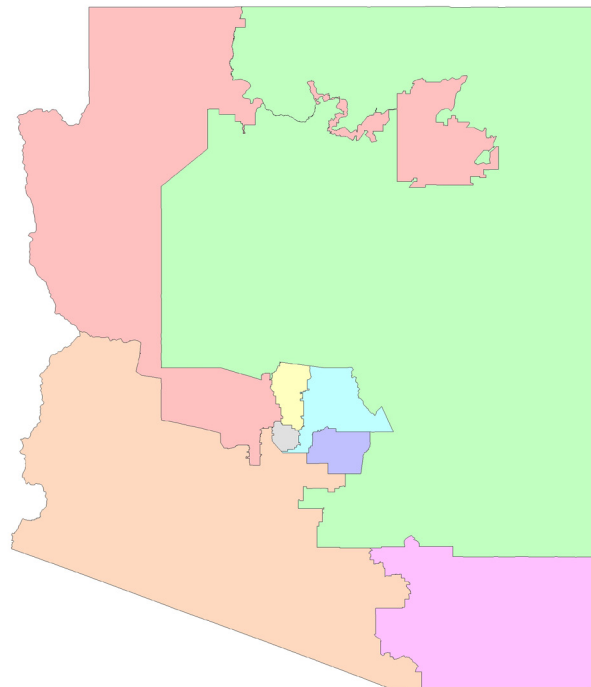
ARIZONA

Arizona's independent redistricting commission controls the congressional redistricting process as well. As discussed above, Arizona's Proposition 106 created the first largely independent redistricting commission in the United States. The commission's congressional plan has been in effect since 2001.

The commissioners are selected by caucus leaders in the state legislature; however, their choices are limited to a short list of candidates selected by the Commission on Appellate Court Appointments.

The Arizona Constitution lays out the commission's redistricting priorities. First, it requires compliance with all federal laws and the U.S. Constitution. Then, in descending order of precedence, it requires districts to have equal population, be contiguous and compact, respect communities of interest, use visible geographic features and political boundaries, and promote competition where practicable and where there is no significant detriment to higher precedence requirements.

While most of Arizona's districts are very compact, the two congressional districts of Northern Arizona have odd shapes. This is a product of centuries' old rivalries between the Hopi and Navajo tribes. The Hopi requested not to be in the same congressional district as the Navajo. The Arizona Redistricting Commission respected this request,

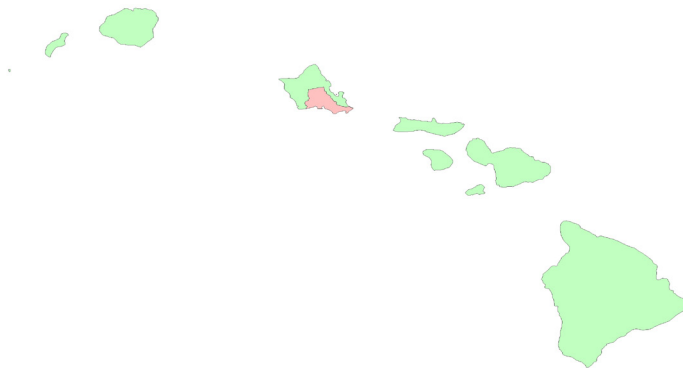


Arizona Congressional Districts

resulting in two oddly shaped districts.

HAWAII

Article IV of the Hawaii Constitution establishes a commission with responsibility for drawing congressional as well as state legislative districts. The commission starts with eight members, as the majority and minority leaders of each house of the state legislature each select two members. These eight commissioners then select a ninth member to serve as chairman. The commission's plans are presented to the state legislature for



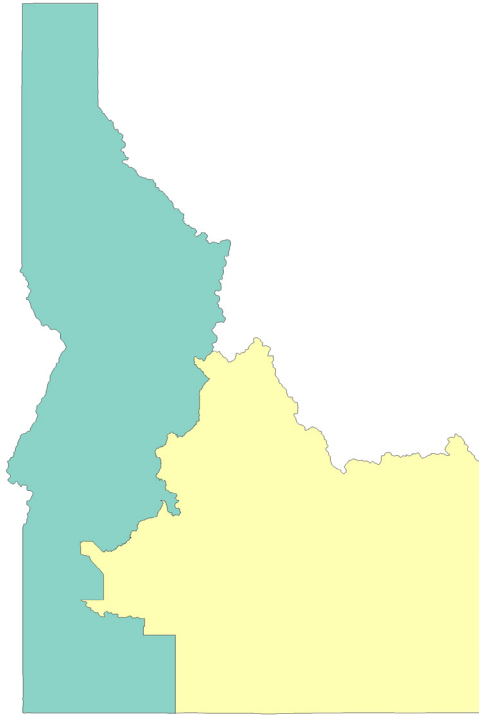
Hawaii Congressional Districts

approval. The congressional plan is drafted and submitted as a separate bill.

While Hawaii has detailed rules for representation of each island in the state legislature, these requirements do not apply to congressional districts, in part because the state only has two congressional representatives. For the past several cycles, metropolitan Honolulu has elected one representative to Congress, and the rest of the state the other representative.

IDAHO

In Idaho, as with several other states, the commission created to redraw state legislative districts, the Idaho Commission for Reapportionment, also handles congressional redistricting. The leaders of the two largest political parties in each house select one member apiece, as do the chairmen of the state's two largest political parties. As noted in the discussion on state legislative redistricting, the Idaho state law requires consideration of geographic diversity and that commissioners not be public officeholders or registered lobbyists. The plans for congressional districts share the stage with state legislative



Idaho Congressional Districts

districts during a series of public meetings. Since there are only two congressional districts in Idaho, congressional districting does not generate much controversy in the state. As with state legislative districts, the commission's congressional plan must be approved within 90 days by two-thirds of the commission at which point it becomes law.

MAINE

Maine's Advisory Apportionment Commission covers congressional and state legislative redistricting. The commission creates a congressional plan and submits it to the state legislature, which then considers it and either passes it or creates a new plan. Because the legislature has no

legal obligation to pass the commission's plan, the commission's role is merely advisory. In the last redistricting cycle, the legislature was unable to pass a plan by the state's 30-day deadline, so the Maine Supreme Court took control of congressional redistricting. In the end, the court made very few changes to the existing redistricting plan, switching just seven communities from one congressional district to the other. Maine's relative demographic and political homogeneity generally reduces the amount of conflict over redistricting.

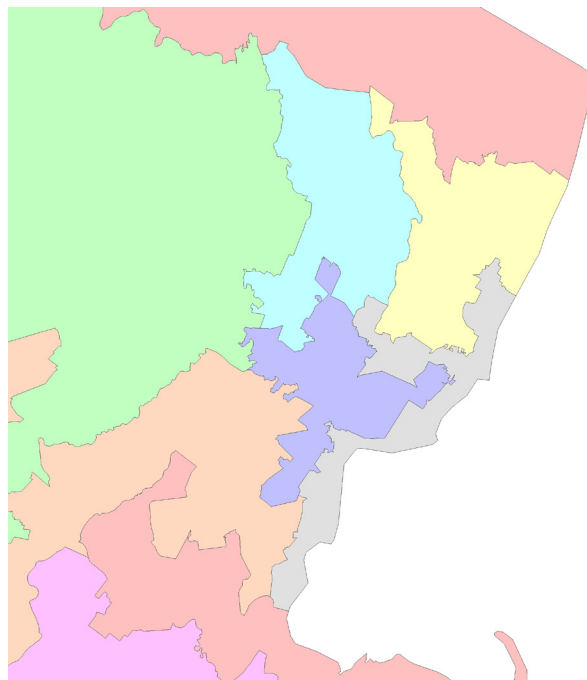
MONTANA

According to state law if Montana were to gain a second congressional seat, the two districts would be drawn by the state's Districting and Apportionment Commission. This is the same commission that is responsible for state legislative redistricting. As previously noted, the commission consists of five members - four selected by the majority and minority leaders of each house of the legislature and a chair selected by the other commissioners. State law also establishes redistricting criteria, including contiguity and compactness. The commission has 90 days after the release of the decennial census

data to adopt a redistricting plan into law. Since 1990 Montana has been allocated only one congressional district. Although Montana's at-large district was the largest by population in the United States in 2001, the state's growth rate has nearly approximated the national average over the past decade. Because Montana is unlikely to gain additional congressional representation for the foreseeable future, the state's congressional redistricting procedures will likely remain dormant.

NEW JERSEY

New Jersey has separate commissions for legislative and congressional redistricting. Congressional redistricting is done by the New Jersey Redistricting Commission. The leaders of the four caucuses in the General Assembly and the two state party chairpersons each appoint two members of the public to form the core of the commission. These twelve members then elect by majority vote a thirteenth person to serve as chair. If they fail to elect a chairperson by July 15 of the redistricting year, they must submit to the supreme court the names of their top two candidates. The court then selects a chair based on education and occupational experience. The chair cannot have held public office in the past five years. The commission is then charged with creating a redistricting plan while holding a minimum of three public hearings. As specified in Article II Section 9 of the New Jersey Constitution, the plan is due by the third Tuesday of the second year of the redistricting cycle (2012 for the current cycle). If the commission fails to approve

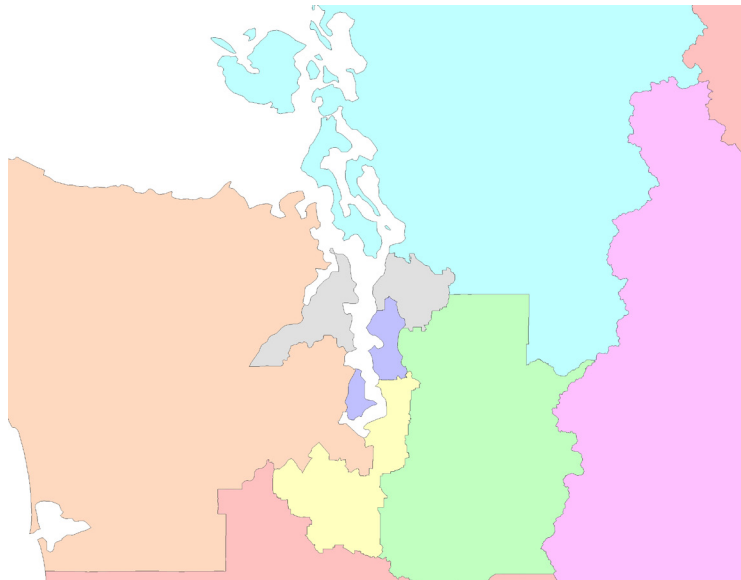


New Jersey Congressional Districts around Newark

a plan by the deadline, it must submit its top two plans to the supreme court, which will then make the final decision.

WASHINGTON

Congressional redistricting in Washington State is conducted by the Washington State Redistricting Commission, which also redistricts the state legislature. As discussed earlier, this commission consists of four members selected by the majority and minority leaders of the legislature. These appointed members then select a nonvoting chairperson. The commission then holds public meetings across the state. As with state legislative redistricting, if the commission fails to submit a plan approved by at least three members of the commission by the beginning of 2012, the supreme court will create a congressional redistricting plan. If the commission approves a plan, it must be adopted



Washington Congressional Districts around Puget Sound

CONCLUSION

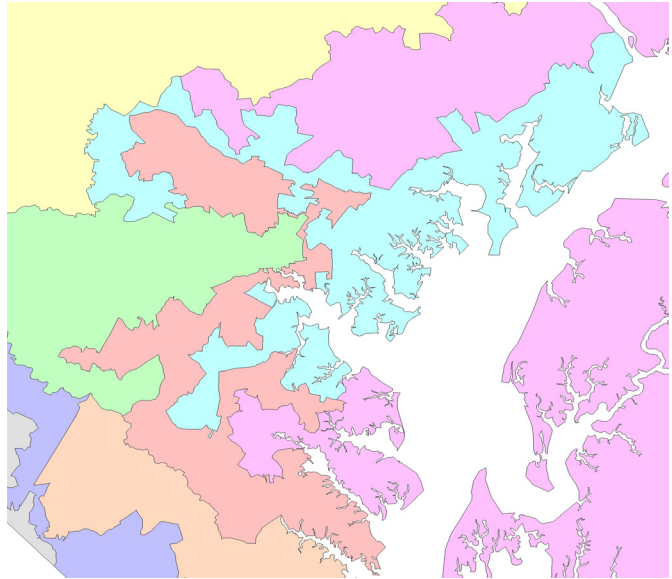
by the legislature, which can amend it by a two-thirds majority vote in both houses. As with state legislative redistricting, the governor cannot veto any enacted plan.

Redistricting in the United States is at a crossroad. Traditional systems of redistricting have come under attack. Reformers argue that any system by which legislators draw their own lines is unfair, because legislators naturally seek to entrench themselves. Representatives are choosing their voters, instead of voters choosing their representatives.

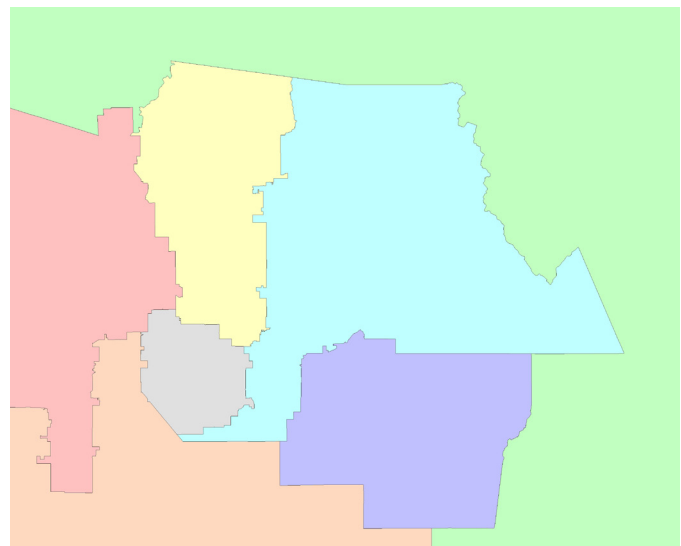
There are three basic models of reform today. The Northeastern Model, which creates a commission under the control of the state legislature, has traditionally been the easiest for reformers to achieve. In practice, however, these systems differ little in their outcomes from legislative control.

The Northwestern Model, used by Washington, Idaho, and Montana, has proven more independent from legislature, but is still significantly controlled by the legislature. Under this system, commissioners are appointed by legislators and draft plans that require legislative approval.

The Southwestern Model, adopted by Arizona and, recently, California, represents



*Baltimore (above) and Phoenix (below)
Congressional Districts Compared*

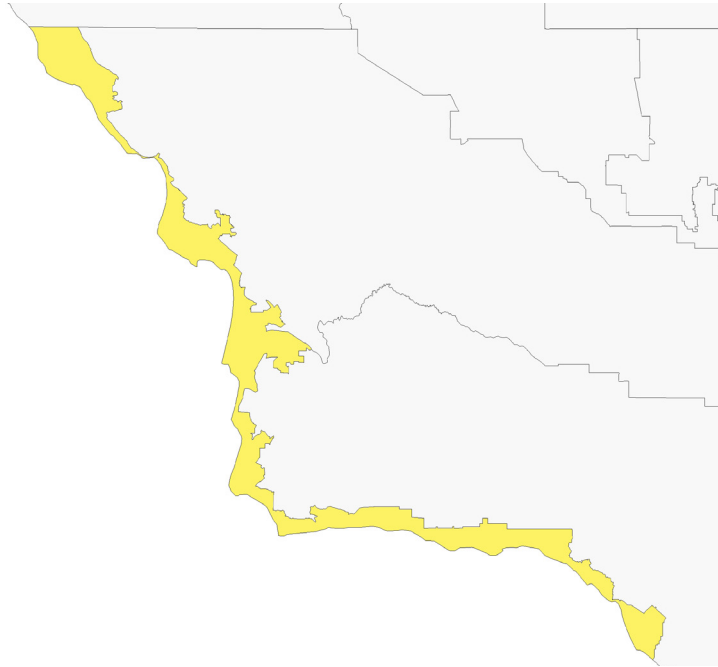


the most substantive redistricting reform. Arizona's largely independent commissioner selection process is surpassed only by California's completely independent selection process. In this system, commissioners are protected from legislative interference during the process. And, at the end of the process, the state legislature does not have final approval over the plans. The process, from beginning to end, is free of state legislative interference. The idea that district boundaries will be drawn more fairly by ordinary citizens than by state legislators or members of congress seems to be gaining popularity across the United States.

After careful examination, it becomes clear that there are only two basic types of redistricting systems in the United States: those where the state legislature retains control of the process, and those where the process is completely independent of their control. The results of legislative control have included uncompetitive elections, increased partisanship, and fragmented communities of interest. The new redistricting process presented in Arizona and California offers hope for resolving these problems.

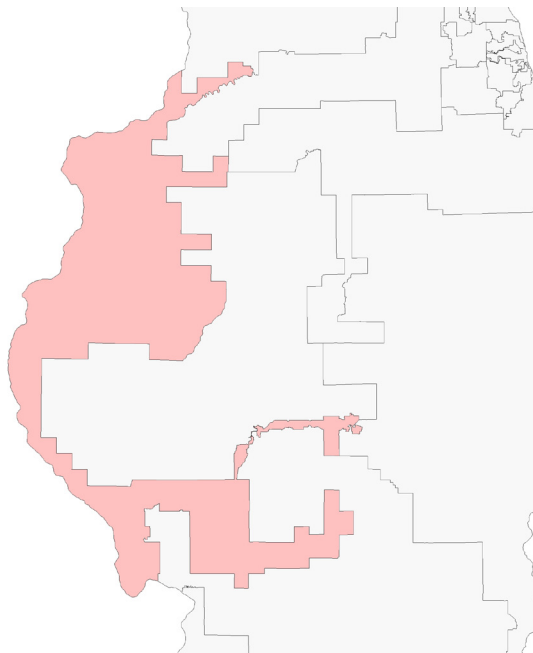
**For more information and breaking news
about redistricting across the United
States, visit: <http://rosereport.org>**

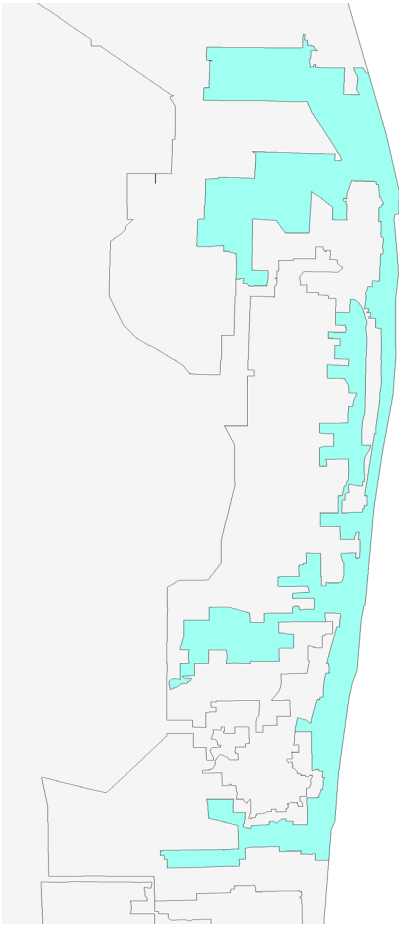
THE UGLIEST DISTRICTS IN AMERICA GERRYMANDERING IN IMAGES



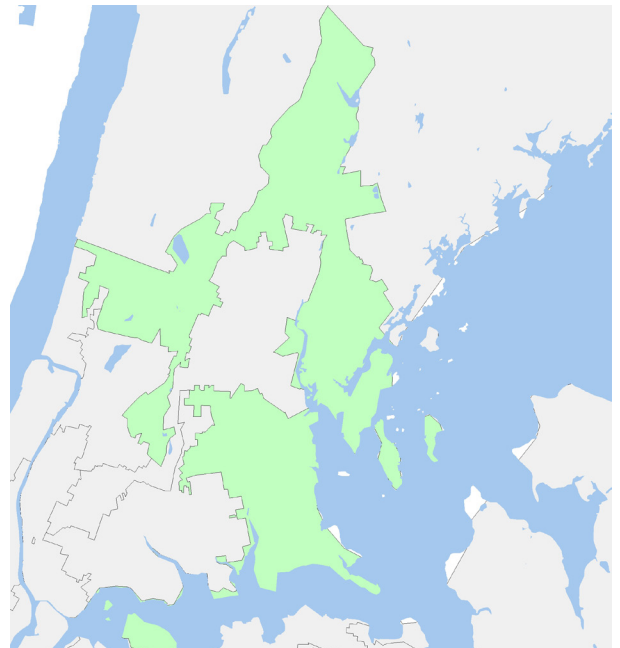
Above: California's 23th Congressional District

Below: Illinois' Congressional District 17

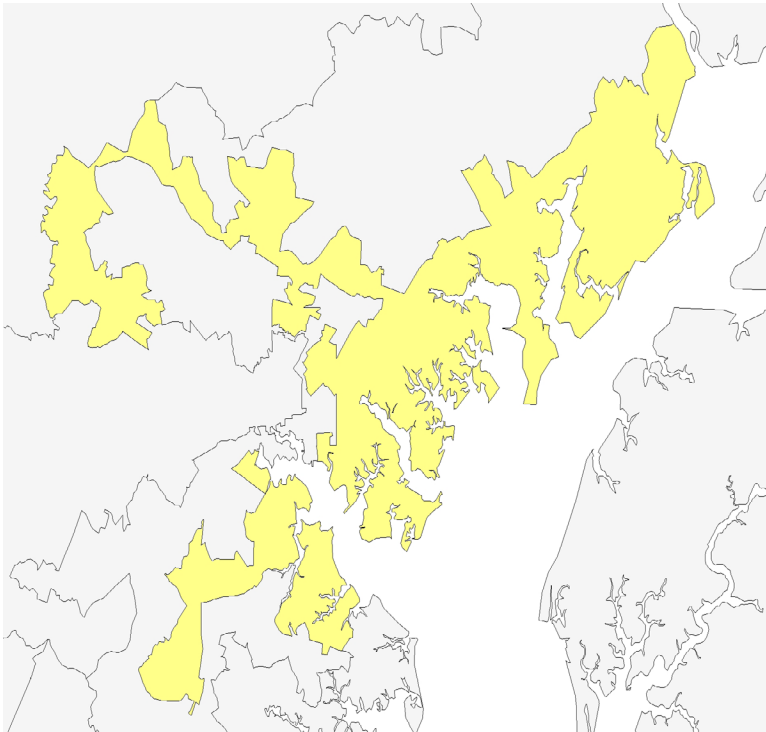




Left: Florida's 22nd Congressional District, Miami

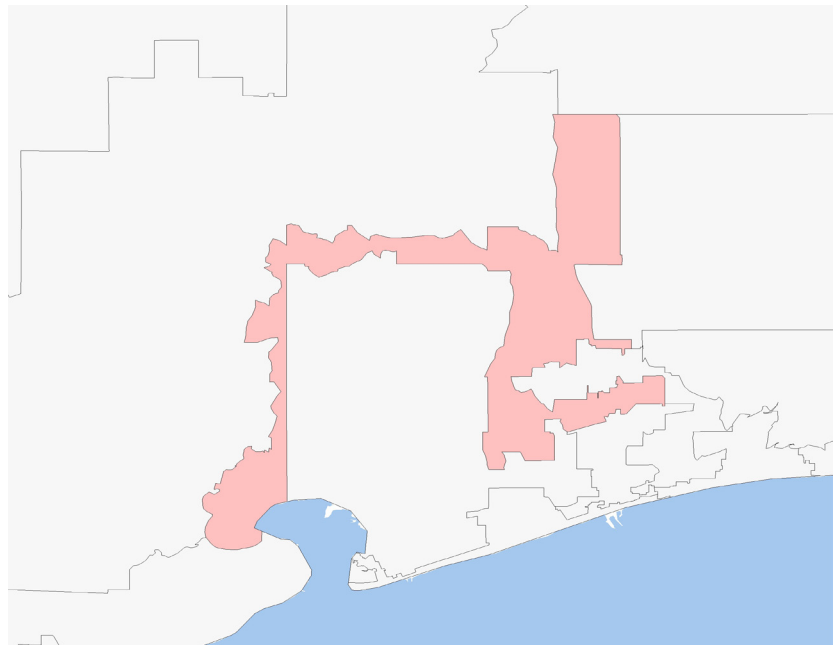


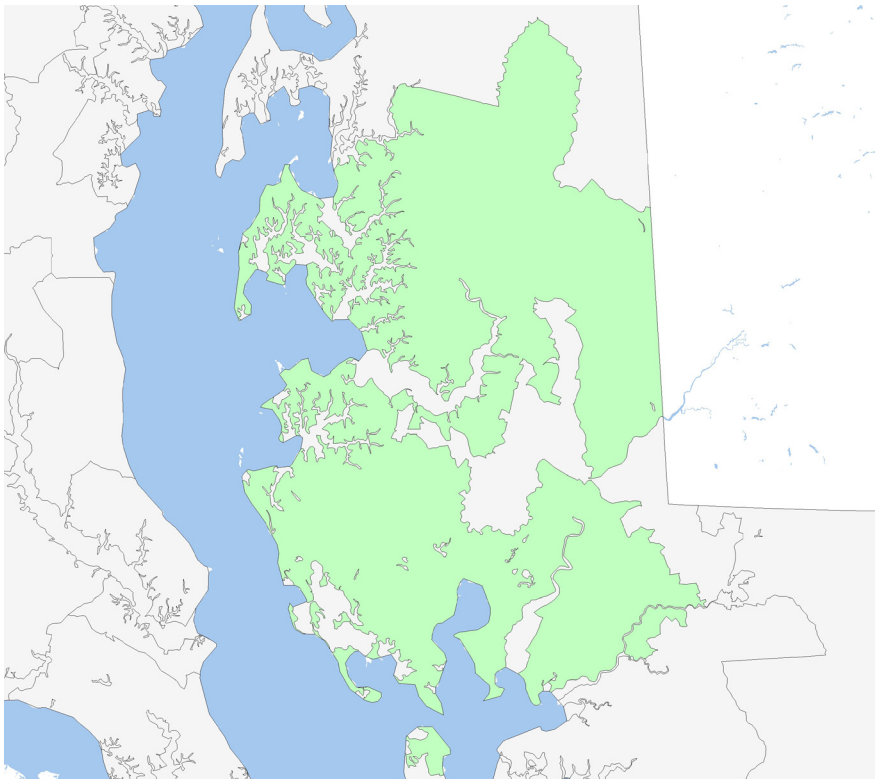
*Right: New York's 34th State Senate
Seat, Mount Vernon/The Bronx*



*Left: Maryland's 2nd
Congressional District,
Baltimore*

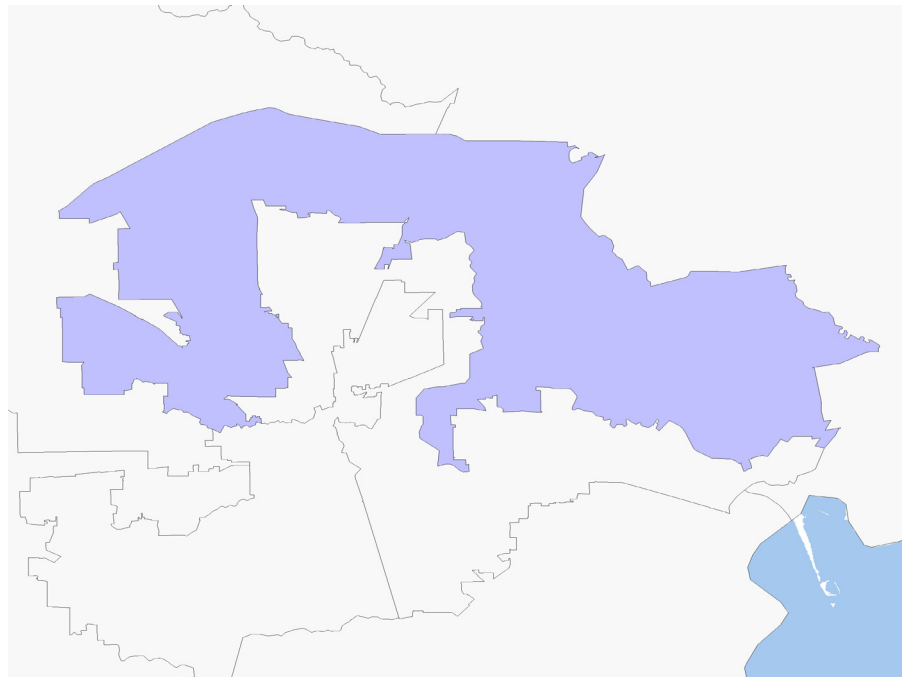
*Right: Mississippi's 95th
House of Representatives District*



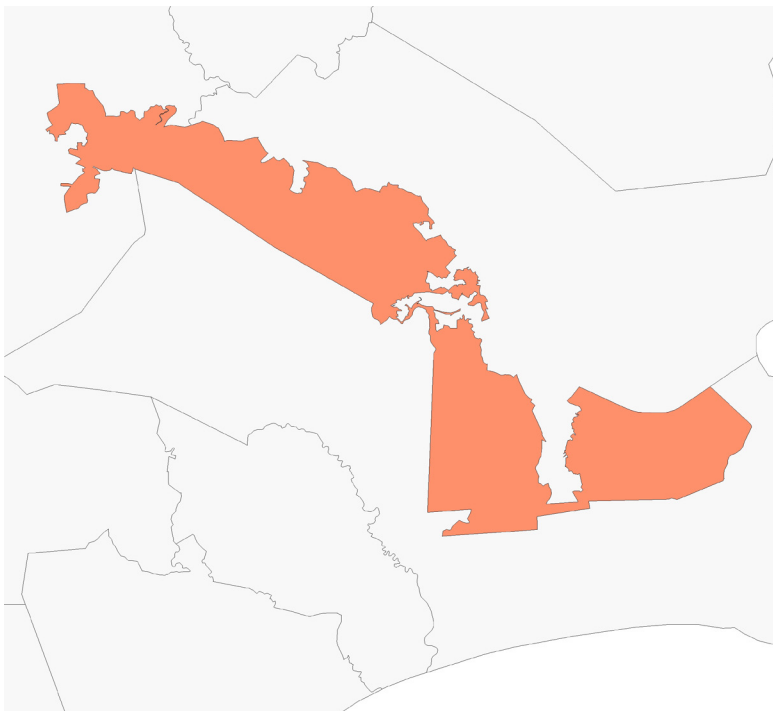
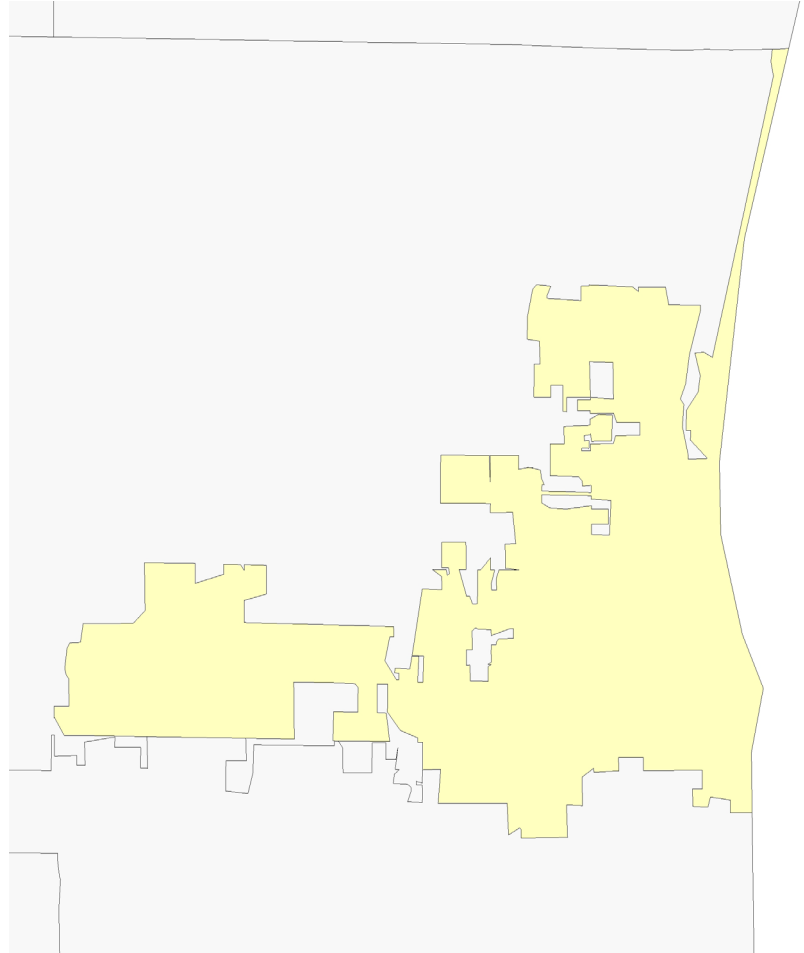


*Left: Maryland's House of
Delegates District 37B*

*Right: Texas' State Senate
Seat 6, Houston*



Right: Wisconsin's 64th State Assembly District. Note that the district is not contiguous.



Left: North Carolina's 91st House of Representatives District

