



How States Manage Redistricting



- **Legislature sets the maps**
 - 36 states per their constitution and any laws.
- **Political Redistricting Commission**
 - 7 states which chose members of both parties and sometimes the governor; sometimes organized within the legislature.
- **Independent Redistricting Commissions**
 - 6 states though many of these have political parties involved or on the commission.
- **Non-partisan State Staff**
 - Iowa with input from advisory citizen commissions. Vote by legislature in up/down vote with no changes permitted





Legislative Redistricting

Let's just say that many people are not happy with their state legislators running the show....



NORTH CAROLINA'S FAMOUS **GERRYMANDE R** MARKET

FEATURING:

DEMOCRATIC
DOZEN EGGS



DEMOCRATIC
GALLON OF MILK

DEMOCRATIC
SIX-PACK



DEMOCRATIC
T-BONE STEAK



DEMOCRATIC
LOAF OF BREAD

DEMOCRATIC
CONGRESSMAN



NORTH CAROLINA!
WHERE DEMOCRATS
PAY THE SAME, AND
GET SO MUCH LESS,
EVERYDAY!





Legislative Redistricting

Associated Press Study on Gerrymandering

- 26 states assessed for Partisan Gerrymandering

- **Of those with Legislative Redistricting:**

Extreme: MI NC SC WI

Moderate: GA

Modest: KY MA WA

None: TN IL

Court Cases

Extreme: MI NC WI

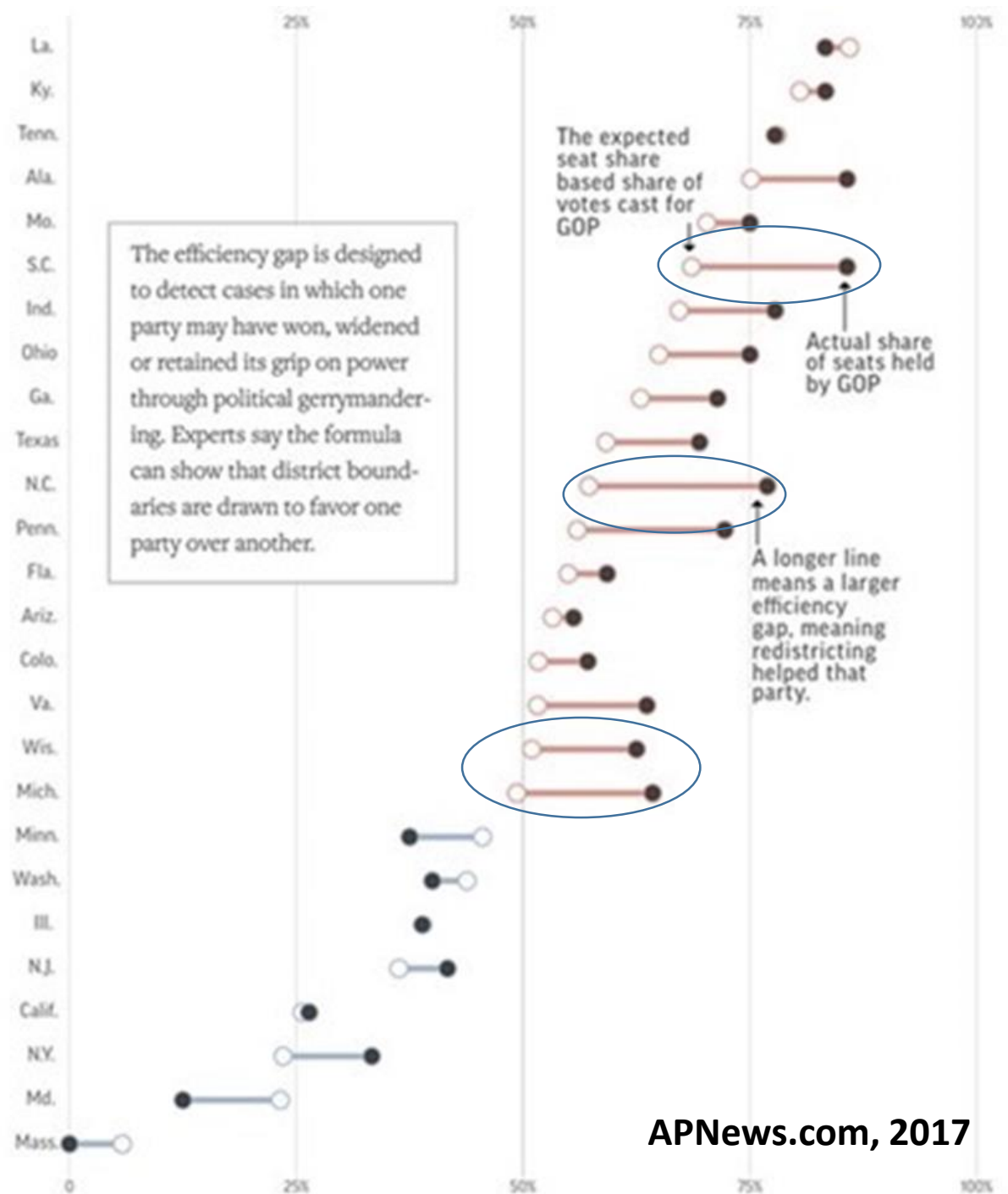
Moderate: AL GA MD TX VA

Modest: None

None: None

Legislation

MI



APNews.com, 2017



FOCUS ON NORTH CAROLINA

WEAPONIZING THE VOTING RIGHTS ACT: Packing of minority voters to limit number of Democratic Seats. In August, 2016, the Supreme Court ruled that the Republicans packed districts with minority voters in excess of what was necessary to fulfill obligations under the Voting Rights Act.

Section 2 of the Voting Rights Act provides that minority/foreign language groups must have an opportunity to elect “candidates of choice.” In recent history, districts with 35-40% minority voters could reasonably elect a qualified minority candidate.

PARTISAN GERRYMANDERING: Mandated redrawn maps turned racial gerrymanders into partisan gerrymanders. State Rep Lewis, “I propose that we draw the maps to give a partisan advantage to 10 Republicans and 3 Democrats because I do not believe it’s possible to draw a map with 11 Republicans and 2 Democrats.” In 2018, the case of the redrawn maps has made it to the Supreme Court. Unremediated racial gerrymanders were required to be redrawn. The balance of the partisan maps have been stayed and may be reviewed by the court.

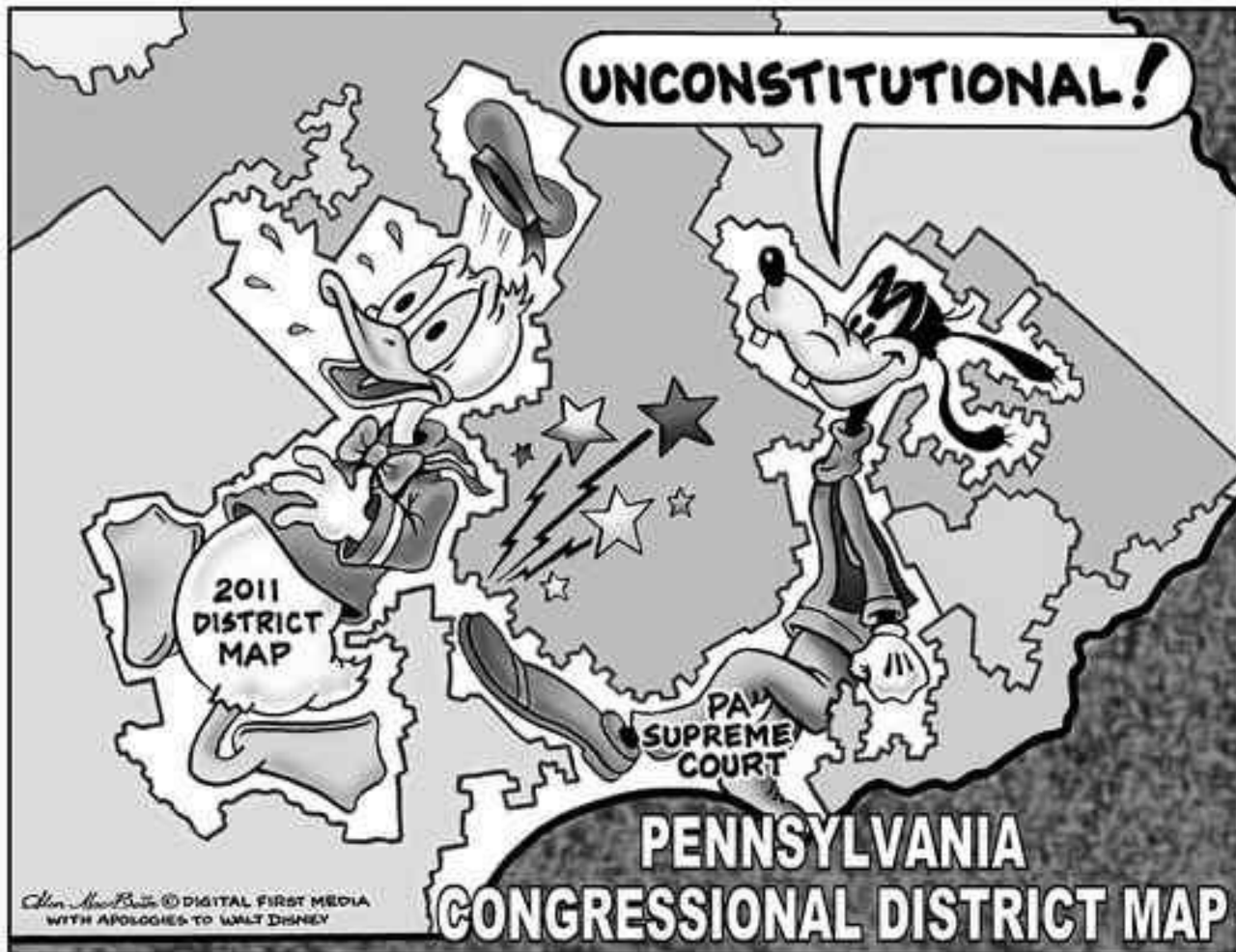


POLITICAL REDISTRICTING COMMISSIONS

- **Arkansas:** 3 members: governor, secretary of state, attorney general. State legislative districts only.
- **Colorado:** 11 members: legislative majority and minority leaders select 1 each, governor selects 3, chief justice selects 4. State legislative districts only.
- **Hawaii:** 9 members: legislative majority and minority leaders select 2 each. 6 of 8 must agree on 1 tiebreaker. Politicians can be on the commission but would be restricted from running for office for a certain period.
- **Missouri:** 18 for House, 10 for Senate: each major party selects a pool of candidates, governor appoints equal number of Democrats and Republicans from those pools. State legislative districts only.
- **New Jersey:** 10 or 11 members: 5 selected by each major party, chief justice chooses 1 more if group is deadlocked.
- **Ohio:** 7 members: governor, state auditor, secretary of state are commissioners. Legislative majority and minority leaders select 1 each. Ban on partisan gerrymandering and other protections guide the process. State legislative districts only.
- **Pennsylvania:** 5 members – legislative majority and minority leaders select 1 each. The 5th, who is not an elected official, is selected by the first 4 and serves as chair.



POLITICAL REDISTRICTING COMMISSIONS





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Extreme: PA

Moderate: OH

Modest: CO NJ

None:

Court Cases

Extreme: PA

Moderate:

Modest:

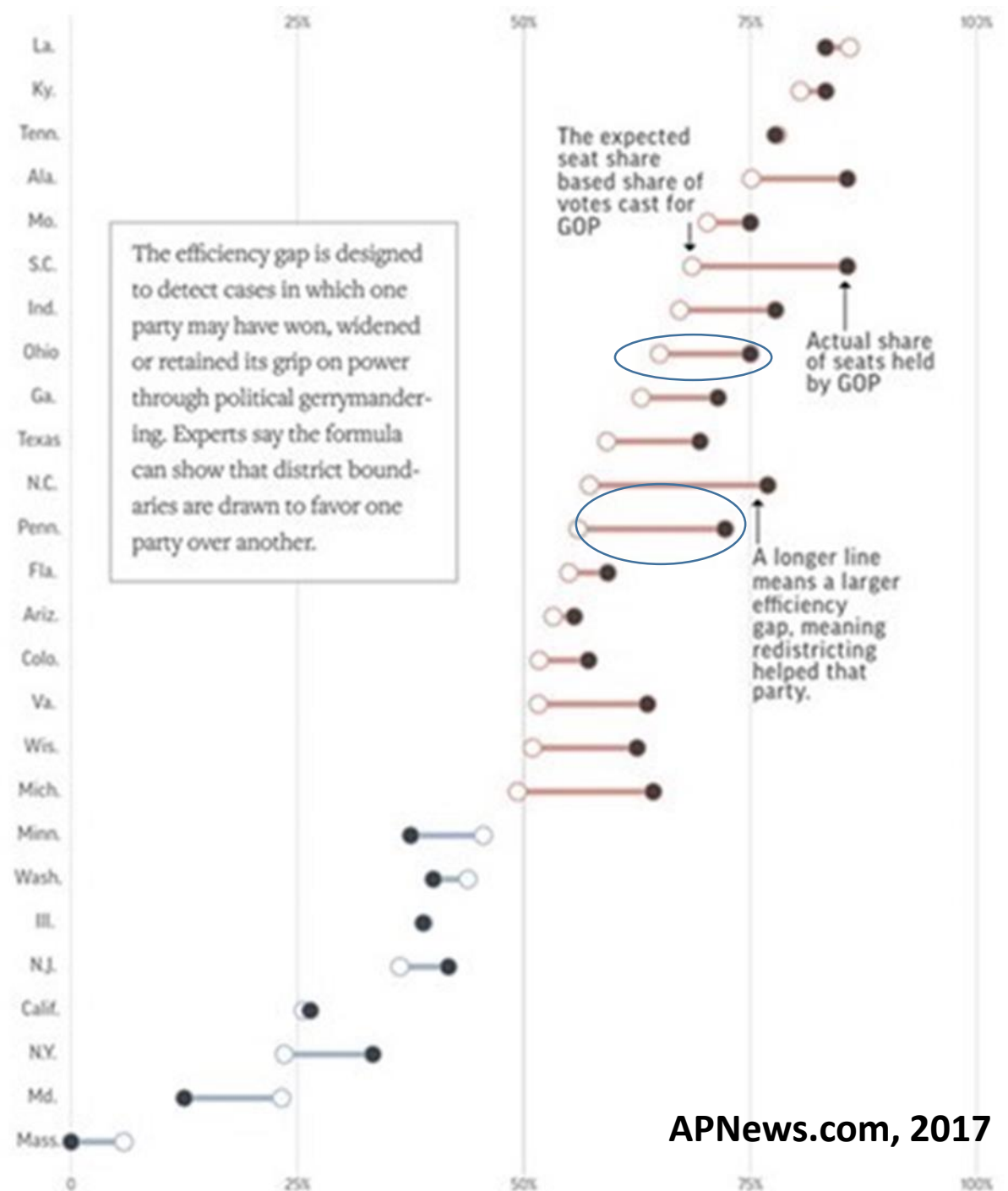
None:

Legislation

PA

OH

CO



APNews.com, 2017



FOCUS ON PENNSYLVANIA

2010: Republicans win control of the redistricting process.

In 2010, a key district was won by Republicans by less than 200 votes. This swing state is 50%/50% split between the 2 major parties. The maps drawn after the census, gave Republicans 13 seats and Democrats 5.

2011 – 2017: Three Cases filed claiming partisan gerrymandering.

Two cases filed in federal courts were dismissed.

LWV case filed in state court:

- In addition to asking that the state be blocked from using the map for future elections, the plaintiffs ask that the Pennsylvania General Assembly be enjoined from considering political data – including party membership, registration, affiliation, and political activities – in drawing future maps if such use would penalize or burden a group or individual voters based on their political beliefs. <https://www.brennancenter.org/blog/state-redistricting-litigation>
- PA Supreme Court enjoined the maps and required new maps be submitted to governor by February 9, 2018. The governor disapproved of the maps which retained the same 13-5 split of seats. The PA Supreme Court then created new maps.
- PA GOP made multiple filings in State Courts, Federal Courts and the Federal Supreme Court to block the maps.
- On March 19, 2018 both the federal court and the Supreme Court refused to consider the lawsuits.
- On March 20, 2018, PA GOP start impeachment proceedings against 4 PA Supreme Court justices.

HB-722: Bill to create an Independent Redistricting Commission

Bipartisan support for HB-722 to create an Independent Redistricting Commission with 109 co-sponsors including 36 Republicans.



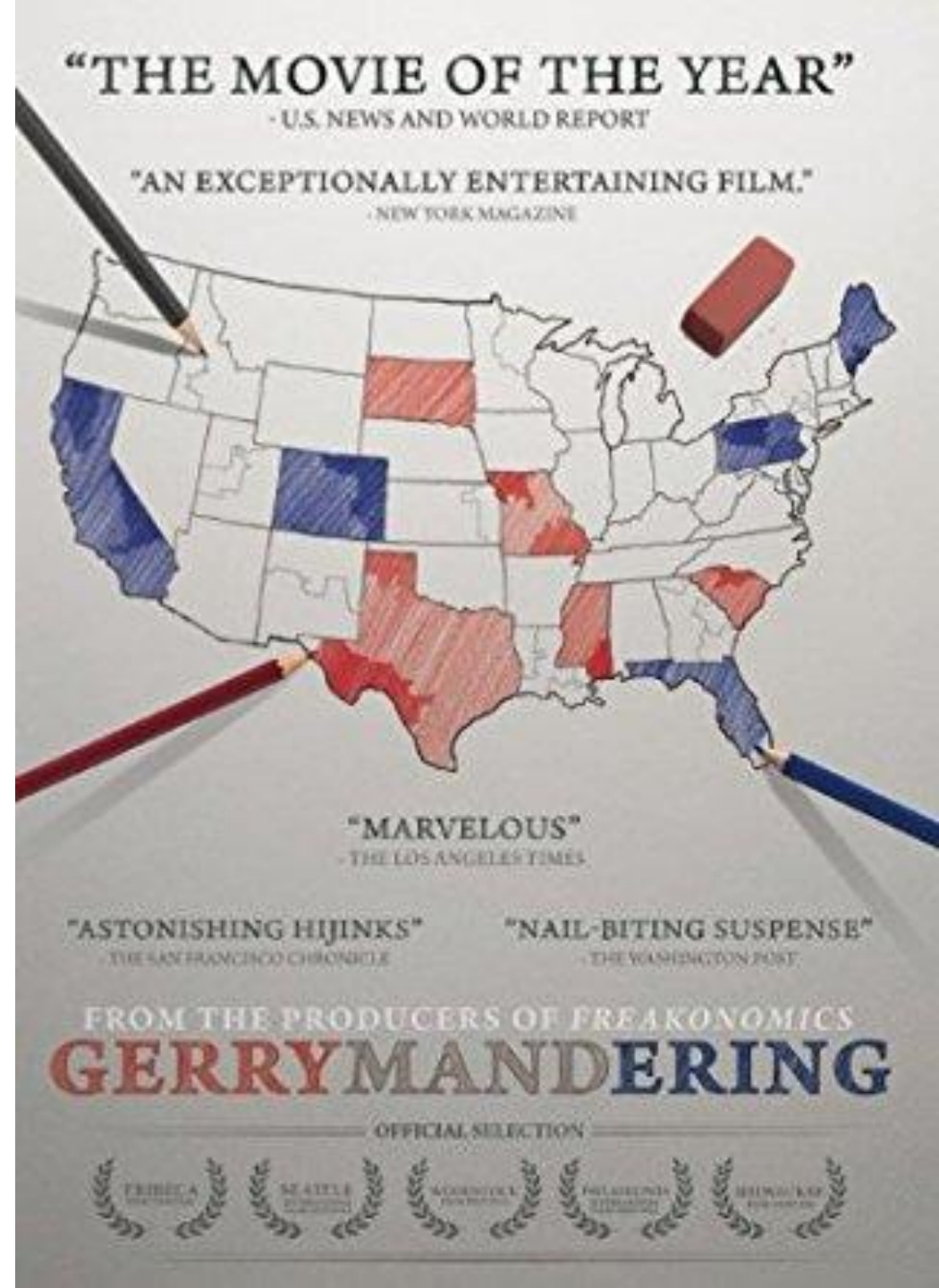
INDEPENDENT REDISTRICTING COMMISSIONS

- **Alaska:** 5 members: Governor chooses 2, legislative majority leaders choose 1 each, chief justice chooses 1. State legislative districts only.
- **Arizona:** 5 members: 2 Democrats, 2 Republicans, 1 chair unaffiliated with either major party selected by first 4. Majority and minority legislative leaders select 1 each from pool created by the nonpartisan Commission on Appellate Court Appointments.
- **California:** 14 members: 5 Democrats, 5 Republicans, 4 unaffiliated with neither major party. Majority and minority legislative leaders can only strike applicants from a pool chosen by nonpartisan state auditor's office. First 8 chosen randomly, final 6 chosen by first 8.
- **Idaho:** 6 members: 3 Democrats, 3 Republicans. Majority and minority legislative leaders choose 1 each and heads of each major party select 1 each.
- **Montana:** 5 members: 2 Democrats, 2 Republicans, 1 chair unaffiliated with either major party selected by the first 4. Majority and minority legislative leaders choose 1 each
- **Washington:** 5 members: 2 Democrats, 2 Republicans, 1 nonvoting chair unaffiliated with either major party selected by the first 4. Majority and minority legislative leaders choose 1 each



INDEPENDENT REDISTRICTING COMMISSIONS

Arizona can teach
Ohio a thing or two...
... about redistricting





INDEPENDENT REDISTRICTING COMMISSIONS

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Moderate:

Modest: AZ WA

None: CA

Court Cases

Extreme:

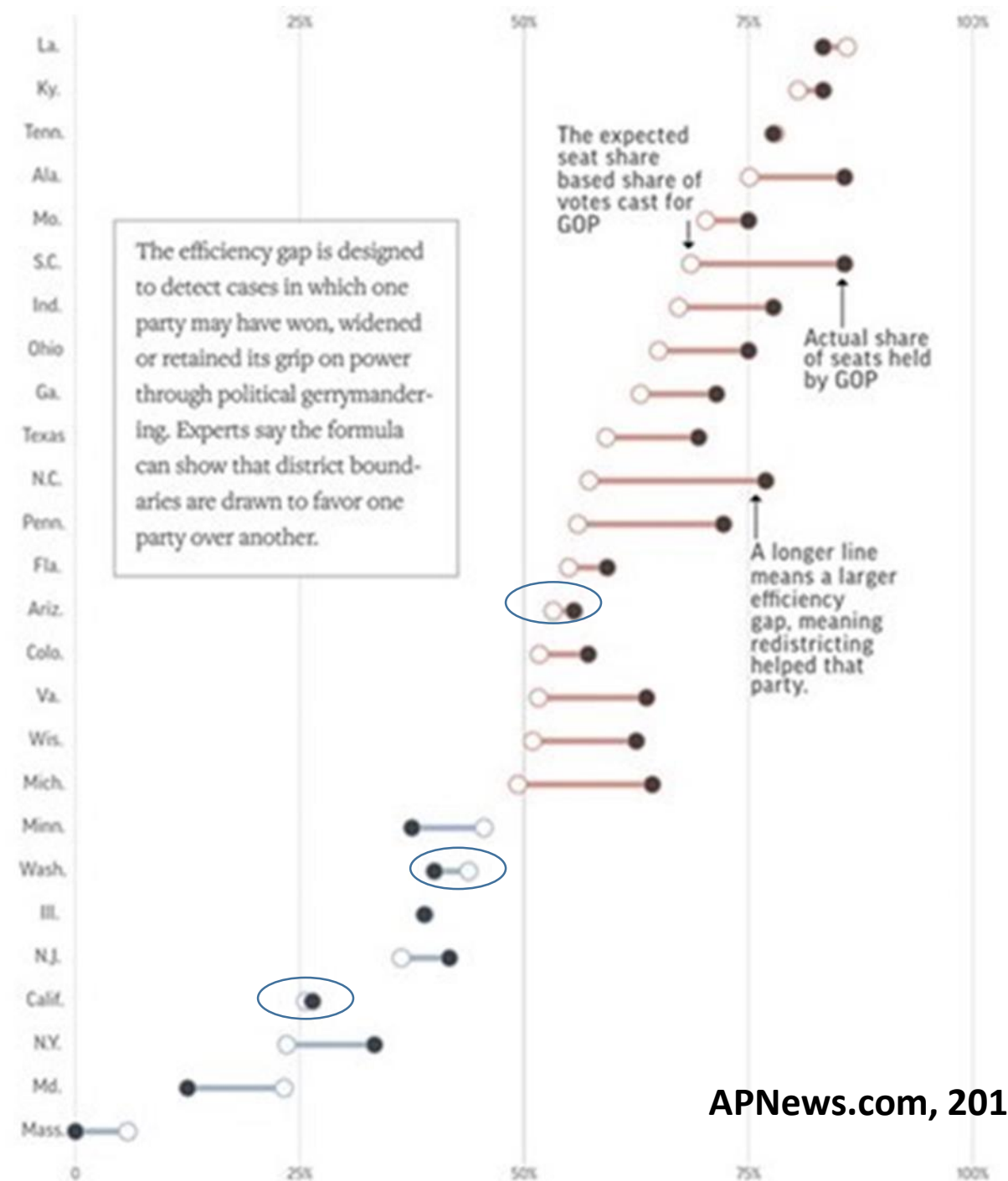
Moderate:

Modest: AZ

None:

Legislation

AZ





FOCUS ON ARIZONA

2000: Arizona voters passed **Proposition 106**, a citizen initiative that amended the Arizona Constitution to create Independent Redistricting Commission (IRC) to consider only 6 factors when creating maps:

- compliance with the U.S. Constitution and the Voting Rights Act
- districts are roughly equal in population
- districts are compact and contiguous
- districts respect communities of interest
- districts incorporate visible geographic features; city, town, and county boundaries; undivided census tracts
- districts are electorally competitive as long as the aforementioned criteria are satisfied

Challenges to the AZ IRC

- **2011:** Governor Brewer and the legislature removed the Chairwoman Mathis; AZ Supreme Court ruled the removal was unconstitutional. (AIRC ultimately created maps that slightly favored Democrats.)
- **2015:** In AZ State Legislature vs. AIRC, the Supreme Court rejected the claim that only the legislature could draw maps. The Court left intact the full responsibilities of the Commission.
- **2016:** In Harris vs. AIRC, the Supreme Court ruled in favor of the AIRC 2010 maps. Popular variances between districts are allowable up to 10%.
- **2018:** SCR1034 (passed along partisan lines) enlarges AIRC to 9 and changes how those commissioners are selected. The legislature directly names 8 of the 9 positions without any vetting by the independent Commission on Appellate Court Appointments. Hence the IRC will effectively lose its independence if voters approve the measure on the November 2018 ballot. The League of Women Voters is strongly opposed to this measure. <http://lwvaz.org/wp-content/uploads/Letter-on-SCR1034.pdf>



FOCUS ON IOWA

1980: The legislature created

- **Legislative Service Agency.** It is a nonpartisan state agency responsible for redistricting, managing the legislative library, performing computer services and legal.
- **Temporary Redistricting Advisory Commission.** The House and Senate majority and minority leaders select 4 members. The commission's chairperson is elected by the appointees and cannot hold a partisan political office or political party office, work for the legislature or be related to or employed by a state or federal legislator.

By law, the Legislative Service Agency must comply with the following rules:

- Population equality (one man, one vote)
- Boundaries should match political subdivisions such as counties and to minimize splitting political subdivisions.
- Compactness - defined as "square, rectangular, or hexagonal ... and not irregularly shaped."
- It may not favor one political party or incumbent or attempt to dilute or augment the voting strength of a language or racial minority group.
- Per the Iowa Supreme Court, districts may not attempt to preserve previous districts or avoid joining part of a rural county with an urban county.
- May not consider voter registration data, officeholders' addresses, previous election results or population data other than census head counts.

Maps are due by April 1st. The TRAC gets citizen input. Maps are then presented for an Up/Down vote by the legislature.

<https://www.timesunion.com/opinion/article/Gerrymandering-Not-in-Iowa-1336319.php>



**Is there an optimal way to redistrict?
Should it vary state by state?**

