

For Colorado local Leagues: Redistricting Efforts in other States 1/3/18

Below – beginning with “Redistricting Legislation” is a summary of redistricting legislation gathered by LWVCO Legislative Liaison Andrea Wilkins for the Fair Districts Colorado coalition. This provides a look at some of the differences in states’ redistricting approaches.

In addition, Toni Larson, LWVCO President, included information about LWV participation in states’ redistricting efforts in a report to the LWVCO Board of Directors and here is that portion of her report:

League Involvement:

Many states across the country are involved in legislation, initiatives, and legal action challenging outdated methods of redistricting that more often than not lead to gerrymandering. Leagues, often along with Common Cause, are active, or have been active, in many of these efforts. States with League involvement:

Indiana

Pennsylvania

Florida

California

Michigan

North Carolina

Oregon

Ohio

Redistricting Legislation (Written by Andrea Wilkins, Legislative Liaison, LWVCO)

General considerations:

- Factors to consider to reduce political bias of redistricting commission include (1) commission composition, (2) criteria that must be considered when drawing state legislative and Congressional maps (may be more important than composition), and (3) transparency - the more communication that takes place with the public and the more stakeholder input you build into process the more the process will be perceived as legitimate.
- States may wish to prioritize or weight redistricting criteria, with compliance with federal and state law carrying the highest priority.
- Process is inherently political, regardless of composition, criteria, and other safeguards built into the redistricting process. This is a reality that has to be accepted on some level.

Established Practices:

- CA – may want to review since process has been in place for a few years and information might be obtained about how it has functioned through a national election cycle.
- IA – may want to review for use of nonpartisan legislative staff in redistricting process.

2017 Legislation

According to the National Conference of State Legislatures there are at least 17 states considering redistricting legislation during the 2017 session with a minimum of 43 bills on this topic currently pending, though not all deal with the creation of an independent redistricting commission. There are commonalities in several states' bills but also some unique aspects in regard to committee composition, etc. Highlights regarding committee composition and redistricting criteria from a few states are summarized below.

Indiana SB 278 (2017)

Provides for the creation of a nine member redistricting commission.

No later than January 15 of a redistricting year, four members of the commission shall be selected by the appointing authorities, who each appoint one individual to be a commission member. The appointing authorities include the speaker of the house of representatives, the minority leader of the house of representatives, the president pro tempore of the senate, and the minority leader of the senate.

In addition, four members of the commission shall be selected as follows:

By January 15 of a redistricting year, a pool of 12 candidates for appointment to the redistricting commission shall be identified by the nominating authority. The nominating authority includes the chief justice of the state supreme court, the president of Ball State University, the president of Indiana University, and the president of Purdue University. Each of the nominating authorities selects three individuals as candidates for membership on the commission. No later than February 1 of a redistricting year, each of the four members of the commission appointed by the appointing authorities shall appoint one of the candidates from the pool as a member of the commission. Additionally, by February 15 of a redistricting year, the members appointed by the appointing authorities and members appointed from the candidate pool shall meet and appoint the commission's chair.

The redistricting plan refers to a plan for districts for the house of representatives, a plan for districts of the senate, and a plan for congressional districts.

All commission members must be a resident of Indiana. In making appointments, the nominating and appointing authorities shall seek to optimize the geographic, minority, and gender diversity of the commission.

An individual may not serve on the commission if the individual has been any of the following at any time less than six years before the individual's appointment to the commission:

- A member of the general assembly or Congress of the United States
- A candidate for election to the general assembly or the Congress of the United States,
- Holder of a state office (as defined in state statute)
- An appointed public official
- An employee of any of the following: the general assembly, a member of Congress of the United States from Indiana, a United States Senator representing Indiana, a chairman or

treasurer of a candidate's committee of a candidate for election to the general assembly or the Congress of the United States, a precinct committeeman or a precinct vice committeeman, a member of a candidate's committee, a member of a national committee of a political party, an employee or agent of a political party, certain paid consultants or an individual registered as a paid lobbyist.

- Before undertaking duties as a commission member, appointees must pledge that they will not be a candidate for election to the general assembly or selection to fill a vacancy in the general assembly.
- Appointees must make a written pledge that the individual will not make certain campaign-related contributions or attend functions relating to the election of a candidate until the redistricting plans are adopted.

The bill includes reporting requirements for any member of the commission who communicates (outside of public meetings of the commission) about redistricting issues with members of Congress, members of the general assembly, an individual who holds any other public office, and certain candidates for public office.

Redistricting criteria is set forth under the bill as follows:

- Districts must be established on the basis of population. Population of a district of the house of representatives or the senate may not deviate from the ideal district population by more than 2%
- Districts must be composed of contiguous territory (areas that meet only at the point of adjoining corners are not considered contiguous)
- Districts must be as compact as possible, to the extent practicable, while considering other provisions of the federal Voting Rights Act
- Districts must not breach precinct boundaries
- To the extent possible district boundaries must seek to coincide with the boundaries of Indiana political subdivisions
- A plan for senate districts may not include a senate district that includes the residence address of two or more senators, one or more whose term of office expires at the second general election held after the redistricting year
- The commission shall consider the effect that a plan has on language minority groups and racial minority groups as required by the federal Voting Rights Act.
- The commission may not consider past election results in preparing proposed maps of legislative district plans and congressional district plans. After the maps have been published, the agency shall review past election results to evaluate the proposed maps for compliance with the federal Voting Rights Act, and, if necessary, make modifications to bring the maps into compliance. Modifications made for this purpose may include population deviations up to 10%.

Minnesota HB 246 (2017)

Each senate district is entitled to elect one senator and each house district is entitled to elect one representative.

A plan for Congressional districts must have the number of districts apportioned to the state by the United States, each entitled to elect a single member.

Redistricting Criteria

- A representative district may not be divided in the formation of a senate district.
- Legislative districts must be substantially equal in population. The population of a legislative district must not deviate from the ideal by more than 2% (plus or minus).
- Congressional districts must be as nearly equal in population as practicable.
- The districts must be composed of convenient contiguous territory structured into compact units. Territory that touches only at a point is not contiguous, unless the territory is within the same city or town.
- The districts must not dilute the voting strength of racial or language minority populations. Where a concentration of a racial or language minority makes it possible and it can be done in compliance with the other principles in this section, the districts must increase the probability that members of the minority will be elected.
- A county, city or town must not be divided into more than one district except as necessary to meet equal population requirements or to form districts that are composed of convenient, contiguous, and compact territory.
- The districts must be created to encourage political competitiveness.
- The districts must not be drawn for the purpose of protecting or defeating an incumbent.

Commission Composition

- By March 1 of each year ending in one, the leaders of the legislature shall appoint a redistricting commission to draw the boundaries of legislative and Congressional districts.
- The commission consists of five retired judges of the appellate or district courts of this state who have not served in a party designated or party endorsed positions, such as legislator. The majority leader of the senate, the minority leader of the senate, the speaker of the house, and the minority leader of the house of representatives shall each appoint one judge, after consulting with each other in an effort to attain geographic balance in their appointments.
- The director of the Legislative Coordinating Commission shall convene a meeting of the four judges no later than March 15 of that year, at which meeting the four judges appointed shall, by a vote of at least three judges, choose the fifth judge. The five judges shall select one of their number to serve as chair of the commission.

Massachusetts HB 59 (2017)

Bill provides for a legislative amendment to the constitution to establish an independent redistricting commission.

Redistricting Criteria

Provides that all districts comprise a contiguous territory, be equal in population to the extent required by law, and comply with federal constitutional and statutory requirements. No district shall be drawn for the purpose or with the effect of diluting the voting strength of any group based on race, ethnicity, or language minority status, or for the purpose of augmenting or diluting the voting strength of a political party, or any individual.

The commission shall not consider residential address, party affiliation, or partisan voting history of individual or groups of individuals, except as necessary to avoid dilution of voting strength based on race, ethnicity, or language minority status.

District boundaries shall be drawn so as to maintain the unity of well-defined municipal neighborhoods, to observe municipal boundaries, and to establish senatorial districts that follow representative district boundaries, and promote geographic compactness of districts. The commission shall also consider communities of interest in determining which cities, towns, or neighborhoods to aggregate into a single district.

Provides for a three-week public comment period.

Commission Composition

The commission shall consist of seven members. The following offices shall each appoint one member of the commission: the governor, who shall appoint a dean or professor of law or political science or government at an institution of higher learning in the state; the attorney general, who shall appoint a retired judge who resides in the state; and secretary of the commonwealth, who shall appoint an expert in civil rights law who is a resident of the state.

The house speaker, the house minority leader, the senate president, and the senate minority leader shall each nominate three individuals. The appointees chosen by the governor, attorney general, and secretary of the commonwealth shall then select one of the three nominee's names by each said official.

Nomination and appointments shall reflect the geographic, racial, ethnic, gender, and age diversity of the state to the maximum extent feasible and shall be selected on the basis of civic involvement and knowledge of redistricting policy, civil rights, political science, demographics or statistics, election expertise, voting rights, community organizing, or law.

No person nominated or appointed to the commission, in the five years preceding nomination or appointment, shall have held Congressional, state legislative or statewide elected office, or shall have served as mayor or city councilor of a city in the state, governor's councilor, or shall have been elected to a state or federal party committee, or be a current employee, agent, or family member of any of the above. In the two preceding years such nomination or appointment shall not have been a legislative agent.

Kansas HCR 5011

Establishes 5 member redistricting commission to recommend to the legislature redistricting plans for U.S. Congressional districts, state representative districts, state senatorial districts, and state board of education member districts.

Commission Composition

Shall consist of one member appointed by the majority leader of the senate, one appointed by the majority leader of the house, one appointed by the minority leader of the senate, and one appointed by the minority leader of the house of representatives. The four commission members shall select, by a vote of at least three members, the fifth commission member who serves as chairperson.

Prohibits members from holding federal, state, or local office or being an employee of the KS legislature, state board of education, or U.S. Congress while serving as a member of the commission. No person who has been a member of the redistricting commission shall be eligible, within two years after being a commission member, to be a member or employee of the KS legislature or state board of education or hold any appointive state or federal office.

The commission shall conduct public hearings throughout the state.

Redistricting Criteria

The commission shall consider only the requirements of the state constitution and constitution of the United States, preservation of political subdivision and preservation of communities of interest. The commission shall avoid placing more than one incumbent in a district except when necessary due to changes in the population of the state. The commission shall not intentionally develop redistricting plans that favor or discriminate against any individual, political party, or group.

New Mexico HJR 3 (2017)

Creates an independent redistricting commission to provide for the redistricting of Congressional districts, state legislative districts, and the districts of other state districted officers.

Commission Composition

The commission shall consist of five commissioners, no more than two of whom shall be members of the same political party. Each commissioner shall be a registered qualified elector of the state who has not changed political party registration within five years immediately preceding appointment.

A commissioner shall not be a state or local elected officer, or employee of either, and shall not have been, within five years immediately preceding appointment, a candidate for or have served as a federal, state, or local public officer, a registered paid lobbyist, or an officer of a candidate's campaign committee or served as an officer of or paid consultant to a political party.

Appellate judges nominating commission shall solicit and evaluate applications from registered qualified electors and select at least twenty nominees from the applicants, no more than eight of whom shall be members of the same political party, and shall submit the names in the nominee pool to the secretary of state for consideration by the legislative leadership for appointment.

Appointments from the nominee pool shall be made as follows:

- The leader of the party in the majority in the senate shall appoint one commissioner
- The leader of the party in the majority in the house of representatives shall appoint one commissioner
- The house and senate floor leaders of the party in the minority shall appoint one commissioner each provided that, if there is more than one minority party represented in the house or senate, the leaders of the minority party with the largest number of representatives and senators in their respective chambers shall make the appointments

The four appointed commissioners shall appoint the fifth member from the remaining nominees in the pool, who shall serve as chair of the commission.

Redistricting Criteria

The commencement of the mapping process for congressional and state legislative districts shall begin with the existing districts, and adjustments shall then be made as necessary to accommodate the following criteria:

- Districts shall comply with federal constitutional and statutory requirements
- District boundaries shall be contiguous and relatively compact, and to the extent practicable, respect communities of interest and follow visible geographic features and municipal, county, and other established political boundaries
- Districts shall not divide precincts
- Party registration and political performance data shall not be considered in the drawing and evaluation of districts. Racial and ethnic population and voting performance data necessary to evaluate compliance with the federal constitutional and statutory requirements of redistricting may be considered.

Redistricting commission shall develop proposed plans for the districts and hold public hearings throughout the state on the proposed plans.