



Redistricting 2010: Reforming the Process of Distributing Political Power

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EXECUTIVE SUMMARY

The U.S. Constitution requires that a national population census be taken every 10 years to determine how many congressional representatives each state should have. Thereafter, census data are reported to the U.S. President and individual states as required by federal law. Those data provide the basis for drawing congressional and state legislative district maps. The next reapportionment and redistricting cycle will be significant for Louisiana.

Since the last census count in 2000, Louisiana has lost a significant amount of its populace to other states. Further, residents who have remained in Louisiana have moved away from the once densely populated New Orleans area toward other parts of the state. The state's inability to maintain population or grow as fast as its peers in the new millennium, combined with the devastating storms of 2005, has all but ensured the loss of one congressional seat in 2010 and the transfer of some state legislative power from the New Orleans area to faster growing parishes. Drawing district lines in 2010 will be politically charged—because of population changes, protecting minority districts and balancing political power will be bigger issues than they have been in the past.

Along with 15 other states, Louisiana's district maps must be pre-approved by the U.S. Department of Justice or federal courts before taking effect. The state's history of voting inequities for minorities creates an air of mistrust in government and the state's redistricting process. Completely eliminating political influence or potential abuse of power from the process is not likely. However, Louisiana can transform its redistricting model into one that will have less potential for conflict of interest, be more transparent and accountable to the public, and place greater controls on those who have the power to move district lines.

Reapportionment is the redistribution of congressional representatives among the states based on each decennial census, while redistricting is the redrawing of the states' congressional and legislative district maps to reflect population changes. At the federal level, each state is guaranteed two U.S. Senate seats and one U.S. House seat. The remaining 385 House seats are reapportioned every 10 years based on each state's population in proportion to the nation overall. Like 27 other states, Louisiana relies solely on its state legislators for congressional and legislative redistricting and gives them great power over the process, which is loosely defined by state House and Senate rules. In Louisiana, district lines for members of the Board of Elementary and Secondary Education (BESE), Public Service Commission (PSC) and state Supreme Court also are determined by the Legislature. Yet few legislative practices offer greater potential for conflict of interest or less accountability to the people than redistricting.

The U.S. Supreme Court has said that even the most fundamental rights are “illusory” if the right to vote is compromised. As such, government works to ensure that all persons are afforded an equal opportunity to vote and participate in government. For the election process to be genuine it must be competitive, where any person has the chance to run for office and be elected. It is easy to overlook or misunderstand the impact that redistricting can have on electoral competition. However, decisions made during the mapping process can shape citizen representation and political control far into the future.

Although modern redistricting has been made more objective through the use of consultants and redistricting software, bodies responsible for redistricting still have great power to affect the types of people who can be elected by crafting districts that favor some more than others. It is imperative that redistricting be entrusted to those who are not directly affected by its outcomes and that the process be well controlled to limit the freedom that line drawers are given.

Certain redistricting models are better than others in terms of independence from political manipulation. In an effort to depoliticize the process, one state entrusts redistricting to nonpartisan legislative staff, 13 states give primary responsibility to appointed boards or commissions and eight states use commissions in an advisory or backup role.

Nationwide, there is a growing interest in removing legislatures from the redistricting process. Since 2005, 18 of the 28 states that use only their legislatures for redistricting have tried to create independent redistricting commissions or to expand the duties of existing state commissions (used for other purposes) to include the task of redistricting.

Redistricting commissions are not necessarily more or less effective than legislatures in terms of avoiding litigation. Creating maps that no group will challenge is unlikely. Regardless of who participates in the line drawing process, litigation can take several years to resolve and redistricting bodies may spend as much time justifying their plans as they did creating them. However, given Louisiana’s past treatment of minorities, current population shifts and recent battles over ethics reform, redistricting stakes will be higher this time.

The state should seize this opportunity to upgrade its business-as-usual approach to drawing district lines. Entrusting redistricting to an independent body that will not benefit directly from the lines drawn clearly is a better option in terms of enhancing citizen confidence and building a legacy of public trust. Further, implementing a more definitive, tightly controlled and transparent process can significantly increase the chance for the state’s plans to survive future legal scrutiny. This report offers an overview of redistricting processes nationwide and recommends the following improvements to Louisiana’s redistricting method:

Recommendation 1: Assign the task of congressional and legislative redistricting to an independent commission, whose powers, duties and redistricting principles are firmly established in law.

Recommendation 2: Require all commission meetings, documents, communications and work product to be subject to Louisiana’s open meetings and public records laws, as well as posted and archived on the commission’s Web site.

Recommendation 3: Begin the assignment of redistricting power immediately to ensure a ready and able commission for the next redistricting cycle.

INTRODUCTION

Reapportionment is the process of redistributing congressional seats among the states based on decennial census data. The U.S. Constitution requires those data to be collected every 10 years for purposes of reapportionment. Congress has delegated the responsibility of data collection to the U.S. Department of Commerce, Bureau of the Census. Each state is guaranteed two U.S. Senate seats and at least one seat in the U.S. House of Representatives. The remaining 385 House seats are redistributed each decade based on a state's population as compared to the total population of the country.¹

Redistricting is the remapping of congressional and state legislative district boundaries to reflect reapportionment and changes in population data. States that experience significant population loss or simply fail to grow as fast as their peers will risk losing some amount of congressional representation. The people and methods used to draw district lines can have a significant effect on the types of people who are able to be elected.

Federal law requires that the U.S. Census Bureau report its decennial population data to the states for the purpose of redistricting.² Although states are not required to do so, most have utilized decennial census data for redistricting. Federal courts have allowed some states (like Hawaii) to use alternative data for redistricting, such as a state's number of registered voters—but only if the data are used uniformly and the resulting maps are comparable to maps that would be created with census data.³ Additionally, the Supreme Court has ruled that states may redistrict more often than once per decade, however only a few (CO, TX) have done so.⁴

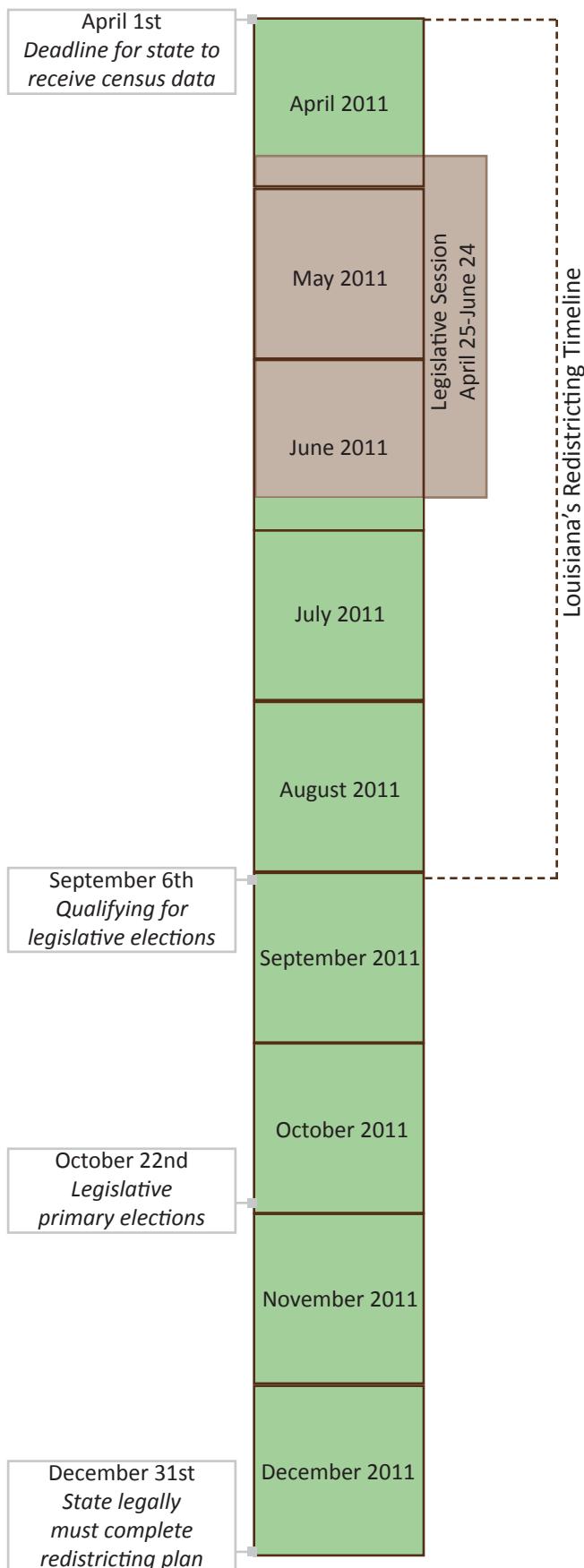
The next census date is April 1, 2010. As required by federal law, the U.S. Department of Commerce, Bureau of the Census, (Census Bureau) will collect population and demographic data from April through December of 2010. The Secretary of Commerce is required to report those data to the president of the United States by the end of the census year (December 31, 2010), and to state governors and groups responsible for redistricting in each state no later than April 1 of the year following the census (April 1, 2011).

Like 27 other states, Louisiana relies solely on its state legislators for congressional and legislative redistricting and gives them great power over the process, which is loosely defined by state House and Senate rules. In Louisiana, district lines for members of the Board of Elementary and Secondary Education (BESE), Public Service Commission (PSC) and state Supreme Court are also determined by legislators. Louisiana's Constitution does not provide a specific method for redistricting. It only indicates that the Legislature is responsible for redistricting; requires that districts be as equal in population as practicable; and specifies that the Louisiana Supreme Court is responsible for the process if the Legislature fails to generate a plan timely.⁵

Although the Louisiana Constitution gives the state until the end of 2011 to draw lines and have them approved, the state will be on a tight, five-month timeline if it hopes to have maps ready for the 2011 legislative elections (see Figure 1). Substantial population changes will need to be considered, and legally legislators cannot meet more than 45 days between April and June for the 2011 regular legislative session.⁶ Whether redistricting is tackled in the 2011 regular session or in separate special sessions, the Legislature will be hard-pressed to generate acceptable maps prior to the first week of September when legislative hopefuls will qualify to run.

The Census Bureau does release annual estimates of population and Louisiana's Constitution does not prohibit redistricting more than once per decade. Legally the state could start the process earlier than April 2011, although any data used would have to produce maps that would be similar to census-based results. With such large population shifts over the past decade, it is difficult to know exactly what 2010 census-based maps will look like. However, annual population estimates could be used to anticipate what 2010 data will show and plan accordingly.

Based on annual census estimates, eight states are projected to lose at least one congressional seat through reapportionment, while six states are expected to gain one or more seats. Louisiana's total population has dropped from roughly 4.5 million in 2000 to 4.4 million in 2008 and the state is expected to lose a congressional seat due to that migration.

Figure 1. Louisiana's 2011 redistricting timeline

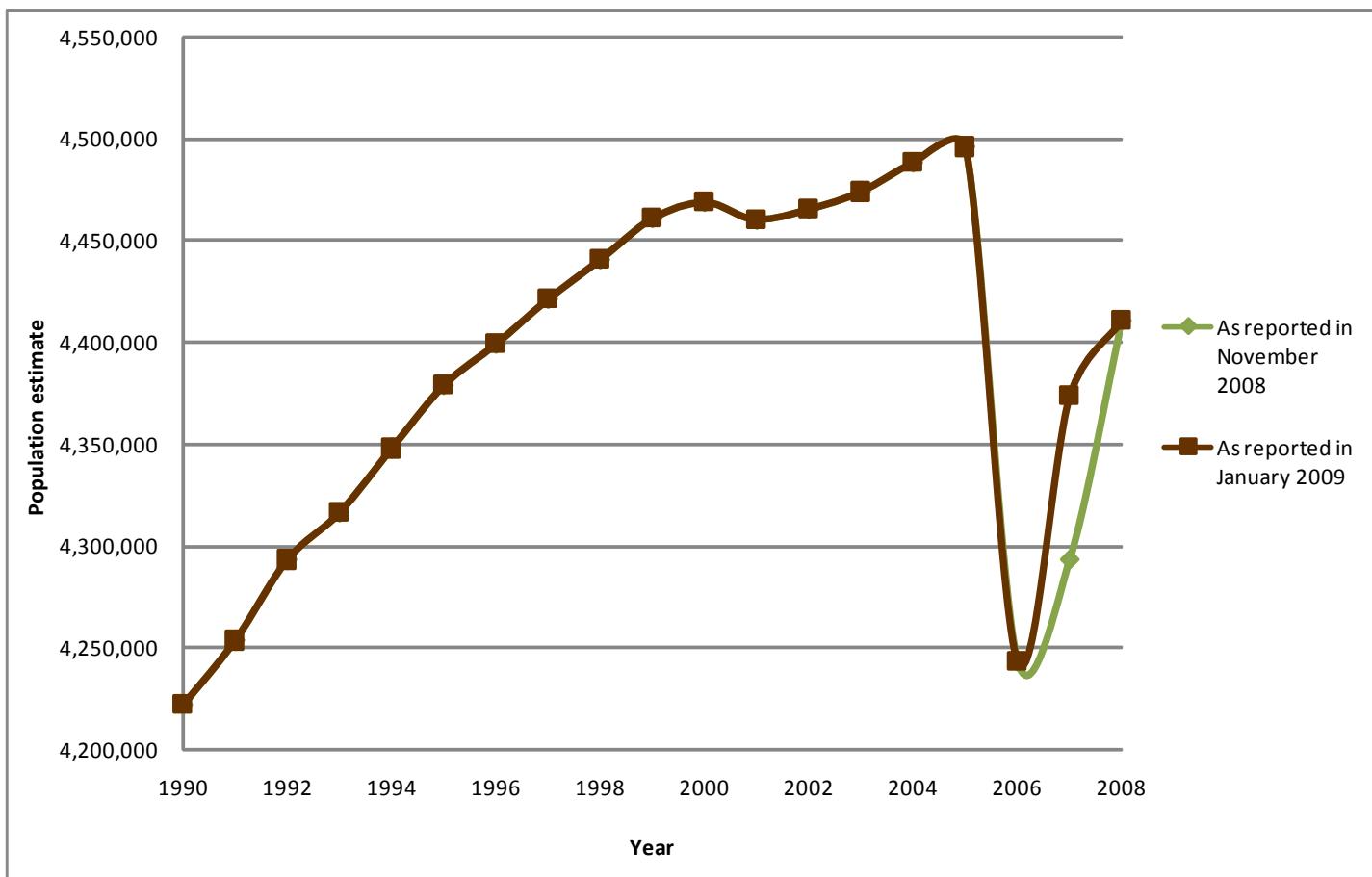
Even before the storms of 2005, Louisiana's population growth was much slower after 2000 than it had been in the previous decade. Economic leaders have attributed that reality to "brain drain," as many of the state's best and brightest have relocated to states with more opportunities and better quality of life. Louisiana's overall population did increase from 2006 to 2008, as many who left due to hurricanes Katrina and Rita returned home. However, it is doubtful that the state could boost its population enough (prior to 2010) to prevent its loss of a congressional seat.

Additionally, the Census Bureau's 2007 estimates show that Louisiana's remaining population shifted significantly between 2000 and 2007. While the ratio of black to white residents has remained constant statewide (32 to 65 percent, respectively), the parishes people call home have changed.

2007 estimates originally showed that certain parishes suffered immense population loss, such as St. Bernard (-71 percent) and Orleans (-51 percent) while others saw considerable gains, such as Ascension (29 percent) and Livingston (27 percent). Also, the Greater New Orleans Community Data Center estimates that post-Katrina/Rita growth (2006-2008) for the seven-parish New Orleans metro area (Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John and St. Tammany) has slowed significantly. Based on households actively receiving mail, metro area population was reported as having reached 76 percent of pre-storm levels by August 2006. However, that growth only increased to 86 percent (+9.4) by August 2007 and hovered around 87 percent (+1) in August 2008.

These data are important in that many of the areas suffering population loss once contained large, compact groups of minority voters. However, certain political leaders and minority advocates argue that the Orleans area is rebounding more quickly than the 2007 estimates would suggest. Recently, three Louisiana parishes (Jefferson, Orleans and St. Bernard) and one city (Alexandria) successfully challenged the 2007 estimates, causing the Bureau to adjust its population counts for those areas and the state overall. Figure 2 shows Census population estimates for Louisiana from 1990 to 2008. The light (green) line represents the state's population estimate with the original 2007 Census projection, while the dark

Source: Information provided by U.S. Census Bureau, Louisiana Constitution and Louisiana Secretary of State's Office

Figure 2. Louisiana's population (1990-2009)

Source: Information provided by U.S. Census Bureau

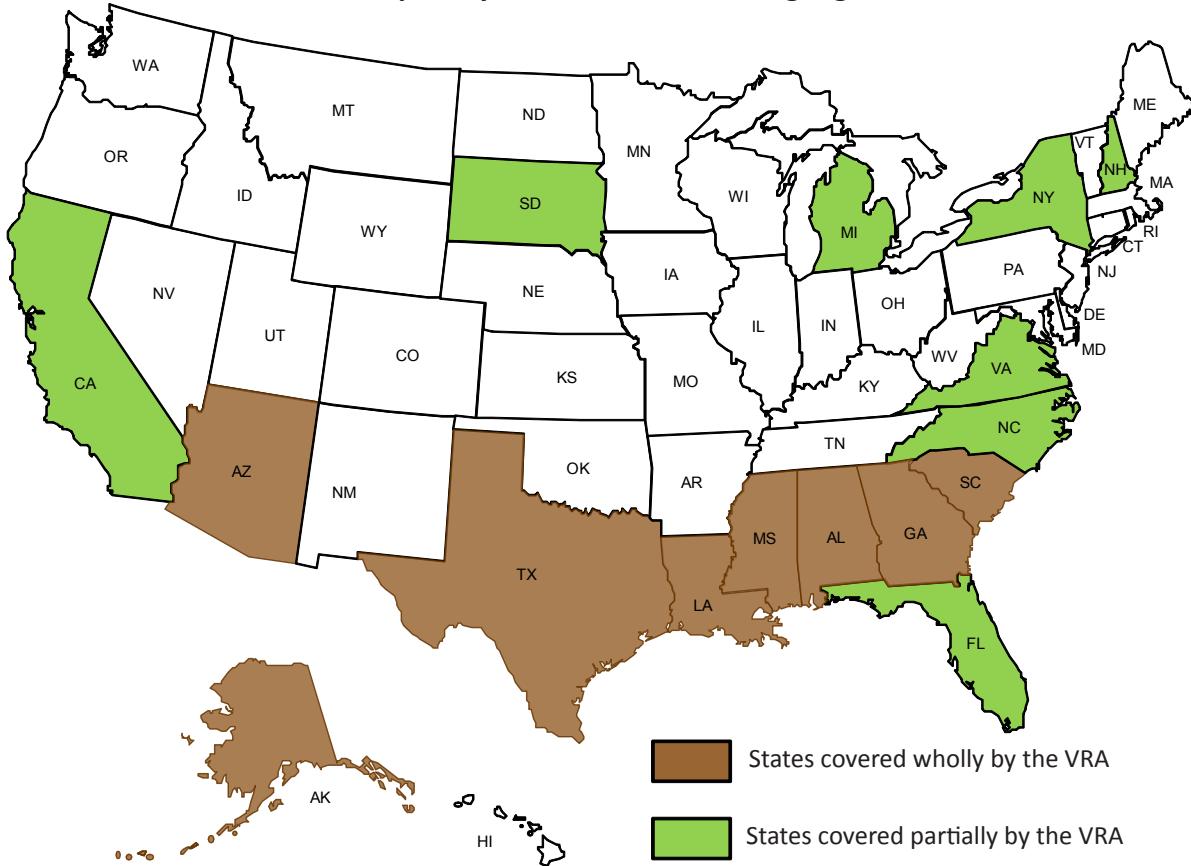
(brown) line demonstrates the state's population estimate as corrected after the above challenges.

It is important to note that while suits against the Census Bureau are common after the release of each decennial report, courts consistently have upheld the Bureau's authority over the "form and content" of the census and its results.⁷ If Census estimates are accurate, Louisiana's internal population shift will affect the boundaries of both congressional and legislative districts. The long powerful Orleans delegation is expected to lose more than one of its state legislative seats. Presumably, those areas of the state that have experienced considerable growth (Ascension, Livingston) would gain political power. The racial and political makeup of the state continues to change. As lines are redrawn in 2011, intense debate across racial and political party lines is likely as all factions of the state's populace struggle to be fairly represented. Louisiana's legislators are responsible for drawing district lines even though they are directly affected by, and have a vested interest in, the

resulting plan. Federal courts have noted that extreme partisanship can undermine the principle of elections and create an environment where elected officials choose their constituents instead of constituents choosing their elected officials.⁸

HISTORICAL PERSPECTIVE

Redistricting has been the source of heated discussion and litigation. Prior to 1960, the U.S. Supreme Court viewed redistricting as solely a state matter. However, in 1962 the Supreme Court held that federal courts could consider challenges to states' redistricting plans—essentially as to whether a proposed plan violated the equal protection clause of the U.S. Constitution.⁹ Also, in 1965 Congress enacted the Voting Rights Act of 1965 (VRA) primarily to stop states from requiring otherwise capable voters to pass a literacy test in order to register to vote. The VRA provided for extensive federal supervision over states' election practices. Section 5 of the VRA requires certain states with histories of discrimination (known

Figure 3. States covered in whole or in part by Section 5 of the Voting Rights Act

Source: Information provided from the U.S. Department of Justice, Civil Rights Division

as Section 5 states) to have changes in their voting laws and redistricting plans approved by the U.S. Department of Justice or federal courts prior to taking effect. Louisiana is one of 16 states partially or wholly affected by Section 5 (see Figure 3).

During the 1960s and 1970s, the Supreme Court's main requirement was that both legislative and congressional districts within each state be essentially equal in terms of population count. The well-known "one person, one vote" concept was established, meaning that the vote of any citizen should be roughly equal to that of any other.¹⁰

Generally, federal courts would strike down legislative plans with greater than 10 percent deviation between the state's smallest and largest districts unless the state could provide a "legitimate justification" for such. Justifications that have survived scrutiny in the past include efforts to respect borders of counties, parishes and other political subdivisions; honoring the boundaries of previous districts; and attempting to draw compact or contiguous districts. For congressional plans, the acceptable deviation was

more stringent with courts requiring population to be "as nearly equal as practicable."¹¹ As such, population equality became the primary goal when crafting state and federal districts. Preserving communities of interest (groups with shared goals and values, levels of conservatism and voting tendencies) and protecting borders of existing political subdivisions (counties, parishes, school districts, etc.) were less important; established communities and borders were ignored in an effort to equalize population.

In the 1980s and early 1990s, it became apparent that fair representation was more complex than simply establishing an equal headcount. Focusing primarily on population equality did not tackle common inequities in redistricting, such as the unfair treatment of minorities. In 1982 Congress revised the VRA to prohibit any voting practice or procedure that would create discriminatory results. Courts too were less concerned about whether states intended to discriminate and instead focused on whether the plan resulted in discriminatory outcomes. To avoid having their plans rejected by courts, states purposefully

created minority districts where any sufficiently large minority groups could be found.

The Justice Department encouraged Section 5 states to craft new minority districts where possible, whether they were compact or not. As a result, oddly shaped districts emerged in an effort to connect small numbers of minority populations and maximize the number of minority districts. Subsequently however, the courts rejected districts that were oddly shaped, non-contiguous and non-compact if they were drawn simply to benefit a certain race (racial gerrymanders). Thereafter, states attempted to balance their efforts—creating districts that were equitable in terms of population but that did not unfairly favor nor discriminate against minorities.

After 2000, manipulating district lines to benefit a certain political party (partisan gerrymandering) or to favor incumbents (incumbent-protection gerrymandering) took center stage. To date, both practices essentially have gone unchecked. In fact, federal courts have held that protection of parties or incumbents can be considered a legitimate state objective when drawing district lines. The judiciary's position on these issues has allowed redistricting to become powered by political agendas dedicated to self-preservation.

Legal challenges to redistricting plans often take several years to resolve. Nationally, litigation after 2000 has expanded and altered principles that once had been well established. Some of the more significant decisions include:

Dilution of minority vote. In 2003, the U.S. Supreme Court upheld a Georgia plan in which the number of minority districts did not change but the black voting age population in some of those districts had declined. The Court held that spreading minority voters over a greater number of districts and creating more “influence” districts (where minority voters could exert substantial influence on elections) than “safe” districts (where minority voters could most likely elect their candidate) did not equate to minority vote dilution. More important is whether the state’s plan shows overall gains for minorities, which will offset losses in a particular district.¹²

The Supreme Court is expected to clarify further what constitutes a minority district in 2009. The issue presented is whether a “minority district” must be made up of at least 50 percent minority, voting-age persons or whether it is sufficient to draw a district where a minority candidate has a realistic chance of being elected based on party or racial makeup.

Ten percent population deviation. In 2004, a Georgia federal district court rejected a redistricting plan even though its district deviation was below the generally accepted 10 percent threshold. The Court found that Georgia’s intentional efforts to favor rural and inner-city interests and protect incumbents violated the “one person, one vote” principle of the equal protection clause. This decision (later affirmed by the U.S. Supreme Court) could mean that states will have to justify all future deviations in district populations, no matter how small.¹³

Partisan gerrymandering. In 2004, the U.S. Supreme Court reversed its earlier (1986) position that plans could be challenged on the issue of partisan gerrymandering. In reviewing a Pennsylvania plan, the court declared that the issue of partisan gerrymandering was not appropriate for judicial consideration (non-justiciable). This ruling all but assures that redistricting plans will not be rejected on the basis of partisan gerrymandering alone.¹⁴

LOUISIANA

Louisiana’s redistricting struggles essentially have mirrored the rest of the nation. Prior to the 1960s, little attention was given to population equality. After 1970, Louisiana’s congressional plan resulted in districts with nearly equal population; however, the state’s legislative plan still had unacceptable deviations. In response to suits filed, the court appointed PAR’s executive director as special master to prepare a plan that would comply with the “one person, one vote” requirement. The new (PAR) plan, after being altered somewhat by the 5th Circuit Court of Appeals, substantially equalized population among districts.

The state’s 1980 congressional plan was challenged on grounds that it diluted minority voting strength by splitting a highly concentrated black population into

two voting districts instead of keeping the population in one district where it could constitute a majority. The court found that the plan did deprive black voters of effective participation and ordered the Legislature to draw new lines.

Louisiana's 1990 congressional plan was challenged on racial gerrymandering grounds as the state attempted to create minority districts by connecting remote minority populations. The 1990 plan's Fourth Congressional District formed an unusual Z-shape (often called the "Zorro district"), which ran around the perimeter of the state, through 28 parishes and five of the state's largest cities. The federal court rejected this district on racial gerrymandering grounds. The Legislature enacted a new plan for the 1994 elections. However the court rejected the new plan also and substituted its own plan for the 1996 elections.

Louisiana's 2000 legislative House plan also was challenged, again for dilution of minority voting strength, because it reduced the number of minority districts compared to the previous map in effect. The plan was redrawn with the original number of minority districts and was approved in 2003.

Process

In previous redistricting cycles, Louisiana's House of Representatives has assigned the initial research, compilation of public comments and original map drafting to the Subcommittee on Reapportionment of the House & Governmental Affairs Committee. This subcommittee has adopted general rules for redistricting. However none are codified in statute or constitutional language, meaning that the subcommittee can change its rules easily with limited public debate or discourse. Redistricting on the Senate side customarily has been handled by the state's Senate & Governmental Affairs Committee. Each chamber has taken responsibility for drawing its own maps and generally there has been an understanding that they will not interfere with one another's efforts, absent significant error.

In Louisiana, redistricting plans are presented as regular legislative bills and the governor has full veto power over any plans the Legislature passes. Because redistricting plans are no different than other

legislation in terms of process, the Louisiana system is moderately transparent. Legislative committee meetings are advertised as required by law, open to the public and public comment is accepted. Additionally, there have been planning meetings around the state in past redistricting cycles to accept public comment on proposed maps. However, there is little proactive outreach to educate or involve citizens in the redistricting process and sufficient transparency is not required by law.

The 2010 redistricting cycle will be significant for Louisiana and set the stage for further racially-based legal challenges. At the congressional level, Louisiana is expected to lose one seat in apportionment since overall state population has dropped. Assuming the state does lose a seat, ideal district size in terms of population will increase. District 2, which houses Louisiana's only minority congressman, currently is much smaller than other districts due to population exodus. Population from another district could be moved into District 2 or District 2 could be merged with another in order to meet the new target district requirements. Regardless of how the issue is handled, population changes likely will affect the voting strength of Louisiana's minorities in 2011.

Within the state Legislature, the current Orleans delegation includes 20 legislators and traditionally wields great power in passing or defeating legislation. Certain legislators and staff have estimated that as many as five of those seats could be lost, as representation in other areas (Baton Rouge, Ascension, Livingston) increases to reflect population changes.¹⁵

To complicate matters, Louisiana legislators will be working on a short time frame. The 2011 legislative session legally can last no longer than 45 days between April 25 and June 24. If the state hopes to have the new maps in place for the 2011 legislative elections (Oct. 22), the maps will have to be redrawn and approved by the Justice Department or a federal court by Sept. 6 when candidates qualify to run. This timeline will provide only five months (between April and September) for the state to complete the process (see Figure 1). Louisiana's ideal redistricting process should be efficient, well controlled and transparent in order to provide positive outcomes.

REDISTRICTING PRINCIPLES

Redistricting bodies have learned a great deal about which plans will pass muster with courts and which will not. While population equality and compliance with the Voting Rights Act are the primary goals to be met, traditional redistricting principles also may be considered by courts.¹⁶ Traditional principles include:

- Contiguity and compactness
- Adherence to natural boundaries
- Preservation of political subdivisions
- Protection of communities of interest
- Respecting boundaries of prior districts
- Protection of incumbents

Contiguity—meaning that every point in a district must be reachable from any other point in that district, without having to cross district lines—is a firmly established redistricting principle. Drawing compact districts is more challenging, as there is no settled way to measure compactness. Literature suggests only that compact districts are those most “pleasing to the eye.”

Respecting the cores of prior districts and preserving communities of interest are well accepted also. Both concepts have been incorporated into Louisiana’s process in past redistricting cycles.

Prior districts have been respected in Louisiana as the Legislature generally has started the process with the map previously in effect and changed only areas that were malapportioned due to population change. Some states (AZ, IA) start an entirely new mapping process each decade and refuse to consider or be influenced by prior maps. Also in Louisiana, there has been strong recognition that groups of people within a parish may not necessarily share interests. For instance, since the lower half of Livingston Parish often is ideologically different than the top half of the parish, legislators have grouped the lower half of Livingston with similar areas that surround it (Ascension and St. James). These areas comprise Senate District 18 while creating a separate district for the top portion of the parish (Senate District 13). As such, the top half of Livingston Parish has been carved out as a stand-alone district while the bottom half has been combined with portions of other similar districts to ensure that people within each district share ideologies.

There is recognition among redistricting literature that clustering similar groups of people together makes good sense. Theoretically, when a district is homogenous it becomes easier for the elected official to represent all district members equally as their interests and goals largely are the same. However, this practice taken too far could interfere with preserving electoral competition.¹⁷

Protection of incumbents also has been established as a legitimate state goal and the state generally has tried to avoid drawing districts that will pit incumbents against one another. This principle, called incumbent protection, does not concern drawing lines that favor incumbents over new candidates. Louisiana considers this goal especially relevant in drawing congressional lines, as the state ultimately benefits from incumbents who maintain their positions long enough to establish seniority in Washington, D.C.

Certain redistricting principles may directly conflict with others. For example, the primary goal of population equality may interfere with the desire to respect political subdivisions or the cores of prior districts when population has changed. States are free to choose which principles should take preference over others when they are at odds with one another, as long as equality of population and fair treatment of racial minorities remain the primary goals in mapping.

REDISTRICTING MODELS

Twenty eight states, including Louisiana, rely solely on their legislatures to draw both congressional and legislative district lines. To reduce political manipulation, 13 states give primary redistricting responsibility to appointed boards or commissions, eight states use commissions in an advisory or backup role and one state turns redistricting over to nonpartisan legislative staff (see Table 1).

Critics of the legislative redistricting process assert that legislators have an inherent conflict of interest when choosing district boundaries, as those boundaries will affect who is able to run and be elected. Proponents, however, argue that boards and commissions are no less political than legislatures, that plans designed by such bodies have been no more successful in terms of being upheld in courts,

Table 1. Redistricting bodies among the states

Legislature is solely responsible for legislative and congressional maps; backup or advisory commissions are not used	Legislature is primarily responsible for legislative and congressional maps; backup or advisory commissions are used	Independent commission is responsible for legislative and/or congressional maps; backup or advisory commissions are not used	Legislative staff is responsible for legislative and congressional maps; backup or advisory commissions are not used
Alabama (AL)	Connecticut (CT)	Alaska (AK)	Iowa (IA)
Delaware (DE)	Illinois (IL)	Arizona (AZ)	
Florida (FL)	Indiana (IN)	Arkansas (AR)	
Georgia (GA)	Maine (ME)	California (CA)	
Kansas (KS)	Mississippi (MS)	Colorado (CO)	
Kentucky (KY)	Oklahoma (OK)	Hawaii (HI)	
Louisiana (LA)	Texas (TX)	Idaho (ID)	
Maryland (MD)	Vermont (VT)	Missouri (MO)	
Massachusetts (MA)		Montana (MT)	
Michigan (MI)		New Jersey (NJ)	
Minnesota (MN)		Ohio (OH)	
Nebraska (NE)		Pennsylvania (PA)	
Nevada (NV)		Washington (WA)	
New Hampshire (NH)			
New Mexico (NM)			
New York (NY)			
North Carolina (NC)			
North Dakota (ND)			
Oregon (OR)			
Rhode Island (RI)			
South Carolina (SC)			
South Dakota (SD)			
Tennessee (TN)			
Utah (UT)			
Virginia (VA)			
West Virginia (WV)			
Wisconsin (WI)			
Wyoming (WY)			

Source: Information provided by the National Conference of State Legislatures (NCSL)

and that commissions may lack the redistricting expertise or constituency knowledge that legislators often have.

A redistricting plan can fail to pass review upon submission to the Department of Justice (DOJ) or after being reviewed in a court of law. Table 2 reflects the success rates (plans that were not challenged in court or were upheld if challenged) of legislative and commission plans.

Overall it appears that commissions have fared slightly better in terms of passing court scrutiny. Nevertheless, measuring the success of a redistricting plan is more complex than simply noting its approval by government agencies and courts. Political parties and communities of interest increasingly are more polarized in their beliefs. Drawing lines that no group will challenge is unlikely, and litigation generally can be expected. However, successful redistricting models should boost public confidence, preserve

Table 2. Success rates of legislatures vs. boards and commissions

Decade	House Districts	Senate Districts	Congressional Districts
2000s**			
Legislatures	68%	77%	74%
Commissions	71%	71%	100%
1990s*			
Legislatures	57%	62%	59%
Commissions	80%	91%	100%
1980s			
Legislatures	66%	62%	No data published
Commissions	67%	67%	No data published
1970s			
Legislatures	67%	63%	No data published
Commissions	63%	75%	No data published

Source: National Conference of State Legislatures (NCSL); Peter S. Wattson, Counsel for Minnesota Senate.

Note: Not all 50 states are accounted for in Table 2. One state (Nebraska) does not have a House, two states (Alaska & Maryland) had their governors draw legislative plans from the 1970s to 1990s, seven states have only one congressional seat and litigation on the 2000 plans has not been completed and California's commission was not created until November 2008; * (Data as of 10/24/2003); ** (Data as of 1/9/2008).

electoral competition and provide proper restraints, transparency and accountability. When those elements are present, the integrity of redistricting and the election process is maximized.

Electoral Competition

A principal measure in the success of a redistricting model is its ability to reduce partisan and incumbent gerrymandering. By limiting political influence, the core of electoral competition is preserved. A recent publication by Jonathan Winburn, assistant professor of political science at the University of Mississippi, examines redistricting environments, processes and outcomes after the 2000 census.¹⁸ Winburn suggests that the success or failure in limiting gerrymandering is influenced by the interplay of several factors—including who controls the line drawing process and their agenda; past court rulings and the likelihood of court involvement in the future; the use of traditional districting principles; and the controls (constraints) under which line drawers must operate.

Winburn concludes that unified legislatures (where the majority party controls the process) and partisan commissions are more able to gerrymander unless properly constrained. Divided legislatures (where each party has a role in the process and must agree on a redistricting plan) provide a more constrained environment and bipartisan or neutral commissions

usually operate in the most constrained environment. Shifting responsibility from unified or divided legislatures to independent commissions will put some distance between those who draw the lines and those who are directly affected by them.

Additionally, research on “candidate emergence” (the likelihood of viable candidates running for office) has shown that candidates are more likely to enter the political arena in states where commissions draw the lines. In legislative redistricting states there is a perception that lines are drawn to protect incumbents, which discourages many from public service.¹⁹

Transparency and Constraints

In addition to vesting the responsibility of redistricting with the right body, the process should be transparent and tightly controlled (constrained). Constraints include the redistricting principles a legislature or commission must follow; whether those principles are enumerated in statute or the constitution; whether a governor has the power to veto a redistricting plan; and—with respect to commissions—how they are structured and who may serve.

Appendices A and B provide details about redistricting bodies used in the 21 “commission” states. To avoid conflict of interest the majority of those states

prohibit candidates for public office, public officials and/or employees from being commission members. However, many still allow public officials to appoint commission members, which hinder efforts to depoliticize the process. Bipartisan commissions are used in six states, meaning that membership is structured to create an equal mix of the state's most dominant political parties. To further the goal of political balance, independents or persons belonging to parties other than the most dominant ones serve as commission members also. Six commissions (AR, IN, MS, OH, OK and TX) allow public officials to be members, but the majority of commissions do not. Other membership restrictions include not allowing lobbyists or campaign leaders to be members; requiring political affiliations to have been in place for some time prior to appointment; not allowing members to hold contracts with the state; and requiring members to have been registered, participating voters for a certain period of time.

Bipartisan commission states generally do not allow their governors to veto redistricting plans. Additionally, states that use commissions for legislative redistricting only grant gubernatorial veto over the congressional plans (drawn by the legislature) but not legislative plans (drawn by the commission). These limitations on a governor's veto power further prevent politics from entering the process. (See Appendix C.)

States that use commissions in a secondary role only do tend to allow gubernatorial vetoes, suggesting that political agendas will continue to dominate the process. Most commission states follow traditional redistricting principles and have detailed at least some of those principles in statutory or constitutional language. Further, commission meetings are open to the public and run the gamut of transparency from simply being advertised as required by law to proactively soliciting attendance.

REFORM EFFORTS

Since 2005, 29 states have considered ballot initiatives or legislation regarding redistricting. Eight of the 21 "commission" states have attempted to alter the structure of their commissions (see Table 3). Additionally, there has been a growing interest in

removing legislatures from the redistricting process—since 2005, eighteen of the 28 "legislative" states have tried to create independent redistricting commissions or to expand the duties of existing state commissions (used for other purposes) to include the task of redistricting.

In 2008, three "legislative redistricting" states (OR, UT, CA) proposed redistricting ballot initiatives. All three were passed. Most significant was California's Proposition 11 (The Voters First Act), which transfers control of legislative redistricting from the legislature to a newly created, bipartisan commission. Like many other states, this was not California's first attempt to create a redistricting commission. However, past efforts were strongly resisted by the state's congressional members. Although congressional members opposed Proposition 11 also, a little over half of California voters approved the change.

In addition to the efforts of individual states, eight measures were introduced by the 110th Congress that would have made substantial changes to redistricting, if accepted. While one proposal urged states to use independent commissions for redistricting, several others would have required all states to conduct redistricting via independent commissions. Other proposed legislation would have treated the District of Columbia as a congressional district for purposes of representation in the U.S. House; created an additional U.S. House seat for the state of Utah; and forbid states from creating more than one congressional redistricting plan after each decennial census period. The 110th Congress adjourned in January 2009. Whether these initiatives will be reintroduced in 111th Congress remains to be seen.

CONCEPTS TO CONSIDER

While epic partisan battles have controlled redistricting in states like Texas and Georgia, other states have implemented unique processes to dilute political manipulation. The states selected for examination were chosen not because their redistricting plans have passed without contention, but because they offer important concepts to consider when developing an effective redistricting model in Louisiana.

Table 3. Recent reform efforts in redistricting

		2005	2006	2007	2008
Reform attempts by states that use commissions as a primary resource	Arizona (AZ)				To change appointed commission to an elected body.
	Colorado (CO)				To change method of selection for commission members.
	Missouri (MO)			To establish a state demographer.	
	Montana (MT)			To require that the presiding officer of the commission be a retired member of the judiciary.	
	Ohio (OH)	To remove elected officials from commission membership.		To remove elected officials from commission membership.	
	Pennsylvania (PA)	To increase membership of commission members and clarify procedures.		To use commission as backup only and give primary authority to the legislative bureau.	
Reform attempts by states that use commissions as a secondary resource	Illinois (IL)	To create an "Iowa style" process.			
	Indiana (IN)	To increase authority of commission so it has primary responsibility for redistricting.		To have commission assist legislative services in redistricting.	

Source: Information provided by Thomson West Publishing, Westlaw.

Commission structure and member selection.

Arizona provides one of the premier examples of a well-structured commission. Its Independent Redistricting Commission (IRC) was established in 2000 by constitutional ballot. Its powers and duties are specifically provided for within the constitution

as well, which gives the Arizona legislature little power to manipulate the IRC or its function. Any person who feels qualified to serve on the commission may submit an application for consideration. The Arizona Committee on Appellate Appointments considers the applications submitted and creates a pool of

nominees. Legislative leadership chooses four members (two from each major political party) and those four choose a fifth, independent member to serve as chair.

This bipartisan structure forces political parties to work together and provides an independent third party (chairman) to help the commission reach consensus. Appendix A shows that many states fail to structure commissions in a way that insulates them from the political process by failing to provide sufficient partisan balance (AK, AR, CO, OH, PA) or an odd number of members (ID, MO) in case line drawing reaches impasse. Additionally, the majority of states do not provide an independent process for member selection, such as Arizona's nominating committee. Oversight like these may result in commissions that cannot get anything accomplished or are controlled by only one political party. All states could improve their commission structure by allowing an independent body (like Arizona's nominating committee) to appoint members instead of simply nominating them for appointment. Ideally, commission members should be appointed by persons who have no vested interest in the outcomes of their work.

Lessons learned

1. Achieve partisan balance among members.
2. Have odd number of members to avoid stalemate.
3. Independent body should consider applications and appoint members.

Member restrictions. Commissions vary on member restrictions. Some commissions are made up entirely of a small group of public officials (AR, IN, MS, OK, TX), which fails to insulate the process from political influence. In most states, however, the commission only serves in a backup or advisory role to the legislature. Other states (CO, OH) provide for blended commissions, which include both public officials and traditional citizens. This approach may help balance the member makeup between politicians who understand the nuances of district lines and other citizens who could bring objectivity to the process.

Many commissions do not allow public officials to be members. Some also exclude persons who have

served as a public official in the recent past and also forbid members from running for office for some time after their membership expires. Other common requirements are that members be registered voters; that they have voted in recent elections; that they not be lobbyists or work for political campaigns and agree not to hold those positions for some time after their membership expires; that their affiliation with a particular political party has been consistent for some time period; and that they not hold contracts with state agencies or political subdivisions.

All of the member restrictions are designed to flesh out conflicts of interest prior to appointment. No state requires that their commission members submit to financial disclosure provisions. However, most commissions in Louisiana are required to provide some level of financial disclosure to boost the public's confidence in government transparency and accountability.

Lessons learned

1. Member restrictions are valuable ways to avoid conflicts of interest and political manipulation of the process.
2. Financial disclosure can help avoid conflicts of interest and provides further transparency and accountability to the public.

Operation and transparency. Some commissions utilize mapping consultants (AZ) and/or software (IA) to objectify the redistricting process. Other states (MI) permit competing plans to be created and ranked according to compliance with redistricting principles; the plan that most closely meets the stated criteria is chosen.

Iowa has created a system unlike any other in the U.S. in an effort to ensure objectivity. Although Iowa's Constitution mandates that redistricting be completed by its Legislature (similar to Louisiana's Constitution), Iowa entrusts the actual map drawing to Iowa's Legislative Services Agency (LSA)—a group of full-time, in-house staff members who are not aligned with any particular legislator or political party. The LSA draws the initial redistricting map without considering party registration, voting history, where incumbents reside or demographic data unless

required by federal law. The LSA submits the plan to the Legislature; the Legislature can only vote the plan up or down. If the plan does not pass, the LSA drafts a second plan aimed at correcting the Legislature's objections; again, the Legislature can only fail or pass the measure. Should the second plan also fail, the LSA draws a third plan and the Legislature can amend it as necessary to reach consensus.

Most objections to the LSA's plans are that districts routinely pit incumbents against one another since incumbent data are not considered in the mapping process. Proponents of Iowa's system tout this outcome as proof that the process is truly objective and not influenced by the whims of politicians. Others claim that ignoring incumbent data creates a disconnect between representatives and their constituents.

Iowa's model limits political influence by actually involving (but controlling) the legislature instead of removing them from the process. While not as independent as a separate commission, the fact that Iowa's maps are drawn with no data other than population count and racial breakdown illustrates alternatives for creating competitive districts. Further, Michigan's use of competitive plans and clearly stated, objective criteria provides the structure and constraints needed within its Legislature to diminish partisan control.

Arizona and Iowa both provide excellent examples of transparency. In Arizona, the IRC hires in-house outreach coordinators to increase citizen attendance at redistricting meetings. In Iowa, a group known as the Temporary Redistricting Advisory Commission is assembled to hold public meetings on the LSA's proposed plans and receive public comment, which is reported to the legislature. These proactive measures are a far cry above states that simply advertise the meeting and assume citizens who are interested will attend.

Iowa's level of citizen involvement has controlled partisan politics thus far. Legislatures reportedly have accepted plans they were not entirely happy with due to recognition that the plan submitted was fair and that if they tried to hold out for a plan they could amend, the public backlash would be too great.

In Iowa's past redistricting cycles, incumbents who found themselves in newly drawn districts that were unfavorable actually moved their residence to avoid fighting a fellow incumbent instead of protesting the redistricting plan.

Lessons learned

1. Mapping software and/or consultants can help to objectify the process.
2. Completely failing to consider incumbent data may create maps that sterilize the relationship between incumbents and constituents.
3. Proactive transparency efforts help to constrain the process and provide accountability to the public.
4. Efforts to involve the legislature, while assigning the actual task of mapping to another body, can balance the need for legislative expertise and public confidence in the process.

Redistricting principles. Michigan and Arizona have demonstrated the importance of committing redistricting principles to writing and prioritizing them. After years of partisan bickering, Michigan's Legislature turned redistricting over to an independent, bipartisan commission in 1963. Unfortunately, Michigan's eight-member commission could not agree on a plan after the 1970 or 1980 census and had no "tie-breaking" member to force the process to continue. The Legislature regained control of the process in 1990 but they fared no better in terms of producing a redistricting plan.

In 1996, the Michigan Legislature codified its redistricting principles (commonly known as the APOL criteria) and required the legislators to choose the plan that most satisfied those principles. Redistricting with criteria in place was tested in the 2000 redistricting cycle. Although partisan battles threatened to control the process, the newly enumerated criteria forced the parties to work together and develop a plan that objectively met the required goals instead of focusing on party politics. Even in the midst of bitter partisan battles and with one party clearly in control of the Legislature, Michigan successfully passed a more neutral plan than either party wanted because the process itself was established firmly in law.

Arizona's ongoing litigation over its 2000 redistricting cycle centers around whether or not the commission made enough of an effort to draw competitive districts. Legislators challenged the plan in 2003. Arizona's constitution details six redistricting principles—districts first must comply with the U.S. Constitution and the VRA, then (to the extent practicable) districts must have equal population; be compact and contiguous; respect communities of interest; use geographic features; and be competitive. Arizona's mistake was that after it listed compliance with federal law as the primary redistricting consideration, it gave no preference to the other five principles. This left room for interpretation as to which principles should have been considered first or stressed more in the map drawing process. The experience shows that redistricting principles should be arranged in an unmistakable hierarchy of consideration to express the state's process and intent clearly.

Lessons learned

1. Redistricting principles should be committed to writing, either in law or the constitution.
2. Redistricting principles should be clear, detailed and arranged in order of importance to further objectify the redistricting process.

A MODEL FOR LOUISIANA

Recommendation 1: Assign the task of congressional and legislative redistricting to an independent commission, whose powers, duties and redistricting principles are firmly established in law.

Redistricting models advanced by other states provide Louisiana the luxury of creating a better system. Having noted the successes and failures of others, a viable redistricting model for Louisiana might be structured as such:

- Redistricting plans for both congressional and legislative districts initially shall be completed by an independent commission (created in law), and ultimately approved by the Louisiana Legislature.
- Commission powers and duties, membership restrictions, transparency requirements and redistricting principles to be followed (in order of importance) shall

be specifically enumerated in statute.

- Applications for membership may be submitted by any person who feels qualified and would like to serve.
- No later than December 31 of the year prior to the census, nine members and three alternates shall be chosen by the committee of private higher education officials who are responsible for nominating persons to Louisiana's Ethics Board.
- Throughout the census year, commission members and alternates shall meet with legislative staff members (in 2010) or previous commission members (after 2010) to familiarize themselves with redistricting concepts, history and other expertise those persons can offer.
- Membership shall be restricted as follows:
 - The commission shall be composed of three Republicans, three Democrats and three of neither party. At least one member in each subgroup (Republican, Democrat and neither party) shall be licensed to practice law in Louisiana.
 - Three alternates also should be chosen (1 Republican, 1 Democrat and 1 of neither party) to serve in place of members in the event that they are unable to complete their term. Alternates must meet the same qualifications as members.
 - The commission shall contain at least one member from each congressional district.
 - Members must be registered voters and have voted in two of the last three general elections.
 - Members must have been a member of their named political party for at least eight years.
 - No member (their spouse or immediate family) can have been a public official, lobbyist or a member of a person's campaign committee for four years prior to appointment on the commission or after completion of service on the commission.
 - No member can have held contracts with the state agencies, entities

- or political subdivisions for four years prior to appointment on the commission or after completion of service on the commission.
- Members and alternates shall not be paid but may be reimbursed for reasonable travel expenses (mileage, overnight accommodations) in connection with commission work.
 - Members shall be required to comply with financial disclosure provisions (Tier 2.1).
- Commission may use outside counsel, mapping consultants and software as needed.
 - Commission shall create initial draft map within 15 business days of receiving the census data.
 - Commission shall hold at least one public meeting per regional area to receive public comment on the first plan drafted within 15 calendar days of map completion.
 - Commission shall employ outreach coordinators to encourage citizen attendance and participation in regional meetings. Legislators and community leaders should be encouraged to attend and comment as well.
 - Commission shall create final map, having considered public comment collected, within 15 business days of completing regional meetings.
 - Final map shall be presented to the Legislature and advertised to the public immediately upon completion, as well as posted on the commission's Web site. The Legislature may pass or reject the proposed map, but may not alter the redistricting plan in any way. Should the Legislature refuse to accept the first map, the Commission shall create a second map based on legislators' reasons for rejecting the first plan. Again, the Legislature may vote the plan up or down but may not amend it in any way. Should the Legislature refuse the second proposed map as well, the Commission may ask the Louisiana Supreme Court to review the plan and determine whether or not the Commission's plan should stand.
 - All commission meetings shall be open to the public, broadcast live on the commission's

- Web site and archived after approval of the final map.
- Governor shall have no veto power over redistricting plans.

Recommendation 2: Require all commission meetings, documents, communications and work product to be subject to Louisiana's open meetings and public records laws, as well as posted and archived on the commission's Web site.

Transparency in government builds trust among citizens. Louisiana's current redistricting process is as open to the public as any other legislative task—redistricting maps are introduced as bills and committee meetings where the maps are discussed are open to the public. Legislative committees also hold various town meetings in certain areas of the state to receive public comment. However, redistricting occurs only once every decade. The process of drawing district lines is simply too important to mimic generic legislative practices.

Prior to the map being created there should be public education, outreach and input. The commission should employ outreach coordinators and/or communication specialists to manage a public awareness campaign and encourage participation through meeting attendance or Internet communications.

The commission should maintain a Web site solely dedicated to redistricting. Proposed maps and the commission's work product should be posted on the site, along with forms for the public to ask questions or raise issues. Citizens should be able to ascertain what their individual district will look like under the proposed map, whether changes have been made to their district from the prior census period and if so, why. All commission meetings should be broadcast live from the site and should be archived indefinitely for citizen review.

If Louisiana hopes to build a legacy of public trust in government, the state should be proactive as well as transparent when dealing

with the public. Through education efforts, targeted communications and a Web presence, the state can fully involve citizens in the next redistricting cycle.

Recommendation 3: Begin the assignment of redistricting power immediately to ensure a ready and able commission for the next redistricting cycle.

The 2010 redistricting cycle will be significant for Louisiana. The state should take early steps to develop the new redistricting commission and direct the commission to start its work in the near future (see Appendix D). While formal redistricting maps cannot be introduced until the commission receives new census data, the group can be appointed and can meet to educate its members on redistricting history, past litigation and accepted redistricting principles. Early formation also will allow the commission to retain mapping consultants and/or software as needed, develop the commission Web site and begin outreach efforts to involve citizens in the redistricting process.

The commission should be in place prior to January 2010 and each decennial census year thereafter. This formation date will give commission members a full 12 months to build its infrastructure, hire staff and develop its technology and outreach plans. To create the commission timely, the Legislature should pass all necessary legislation relevant to the commission in the 2009 regular session.

CONCLUSION

Like most states, Louisiana relies solely on its legislators for redistricting and gives them great power over the process. However, Louisiana's redistricting model can be transformed into one that will have less potential for conflict of interest and political manipulation, be more transparent and accountable to the public and place greater constraints on those who have the power to move district lines. For the election process to be genuine it must be competitive. Many overlook or misunderstand the impact that redistricting can have on electoral competition; however, bodies responsible for redistricting have the power to affect who can be elected. It is vital that redistricting be entrusted to those who are not directly affected by its outcomes.

The next redistricting cycle will be significant for Louisiana. Due to the lackluster population gains after 2000 and the storms of 2005, Louisiana's overall population has declined considerably. Internally the state's population has migrated away from Orleans, Plaquemine and St. Bernard parishes toward other parts of the state. Protecting minority districts and balancing political power shifts will become even bigger issues than they have been in the past. Louisiana's history of underhanded political deals and voting inequities for minorities creates an air of mistrust in government and the state's election process. It is imperative that the state's redistricting process be fair and instills trust.

Arizona, Iowa and Michigan offer important lessons for Louisiana. Specifically, Arizona provides a viable model to follow when creating an independent redistricting commission. Iowa illustrates the importance of keeping the legislature involved in the redistricting process but vesting initial mapping authority in a neutral body. Michigan reinforces the importance of iterating redistricting principles in statute and prioritizing them so redistricting bodies will be well controlled. By learning from experiences elsewhere, Louisiana can create and implement a superior redistricting model that will preserve the purity of the election process, help to restore trust in government and uphold the fundamentals of democracy.

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References

1 U.S.C.A. Const., Art. I, §2, Clause 3; U.S.C.A. Const. Amend. XIV, §2.

2 13 U.S.C.A., §141; Public Law 94-171 (1975).

3 *Burns v. Richardson*, 384 U.S. 73 (1966).

4 *League of United Latin American Citizens v. Perry*, 548 U.S. 399 (2006).

5 LSA-Const., Art. III, §6; LSA-Const., Art. XIV, §27.

6 LSA-Const., Art. III, §2.

7 *Wisconsin v. City of New York*, 517 U.S. 1 (1996).

8 See *Session v. Perry*, 298 F.Supp.2d 451 (E.D. Tex. 2004); *Vieth v. Jubelirer*, 541 U.S. 267 (2004).

9 *Baker v. Carr*, 369 U.S. 186 (1962).

10 *Gray v. Sanders*, 372 U.S. 368 (1963).

11 See *Wesberry v. Sanders*, 376 U.S. 1 (1984); *Reynolds v. Sims*, 377 U.S. 533 (1964); *Gaffney v. Cummings*, 412 U.S. 735 (1973); *White v. Regester*, 412 U.S. 755 (1973).

12 *Georgia v. Ashcroft*, 539 U.S. 461 (2003).

13 *Larios v. Cox*, 305 F.Supp.2d 1335 (2004).

14 *Vieth v. Jubelirer*, 541 U.S. 267 (2004).

15 Shuler, M. (2008, August 17). Lawmakers prepare for thorny problems of redistricting in 2011. *Baton Rouge Advocate*. Retrieved August 18, 2008, from <http://www.2theadvocate.com/news/27066004.html?showAll=y&c=y>.

16 See *Shaw v. Reno*, 509 U.S. 630 (1993); *Abrams v. Johnson*, 521 U.S. 74 (1997); *Miller v. Johnson*, 515 U.S. 900 (1995); *Shaw v. Hunt*, 517 U.S. 899 (1996).

17 Brunell, T.L. (2008). *Redistricting and representation: Why competitive elections are bad for America*. New York: Routledge.

18 Winburn, J. (2008). *The realities of redistricting: Following the rules and limiting gerrymandering in state legislative redistricting*. Lanham, MD: Lexington Books.

19 Maisel, S.L., Maestas, C.D. & Stone, W.J. (2005). The impact of redistricting on candidate emergence. In Mann, T.E. & Cain B.E. (Ed.), *Party lines: Competition, partisanship, and congressional redistricting* (pp. 31-50). Washington, D.C.: Brookings Institution Press.

Additional Resources

Barrow, B. (2007, February 5). Louisiana Republicans set their sights on dual majority by Demo leaders aren't planning surrender. *The Times Picayune*. Retrieved from Thomson West Publishing.

Galderisi, P.F. (2005). *Redistricting in the new millennium*. Lanham, MD: Lexington Books.

National Conference of State Legislatures (1999). Redistricting Law 2000. Retrieved July 8, 2008, from <http://www.senate.mn/departments/scr/redist/Red2000/red-tc.htm>.

National Conference of State Legislatures (2008). Redistricting Law 2010 (Draft). Retrieved January 5, 2009, from http://www.senate.mn/departments/scr/redist/Red2010/Redistricting_Law_2010.pdf.

Our views: Politics needs competition. (2008, June 20). *Baton Rouge Advocate*, p. B8.

Storey, T. (2004). Shifting sands of redistricting law. *Journal of the American Society of Legislative Clerks and Secretaries*, 10, 14-18.

Appendix A. Redistricting commissions used as primary resource

State	VRA Section 5 Coverage	Primary Redistricting Body		Secondary Redistricting Body	Commission Details
		Congressional	Legislative		
Alaska (AK)	Complete	Legislature	Board		Members: Five. Selected by governor (2); Senate president (1); House speaker (1); Supreme court chief justice (1). Cannot be public officials.
Arizona (AZ)	Complete	Commission	Commission		Members: Five. Selected by House speaker (1) and minority leader (1); Senate president (1) and minority leader (1). Those four choose final member. Cannot be public officials, lobbyists or officers of campaign committees.
Arkansas (AR)		Legislature	Board		Members: Three. Comprised of governor, attorney general and secretary of state.
California (CA)	Partial	Legislature	Commission		Members: Fourteen. Chosen by lottery from pool of nominees (8). Those eight choose final six members. Cannot have recently been a candidate, lobbyist or donated more than \$2,000 to a candidate.
Colorado (CO)		Legislature	Commission		Members: Eleven. Selected by legislative leadership (4); governor (3); judiciary (4). Each congressional district must be represented. No more than four legislators. No more than six members from same political party.
Hawaii (HI)		Commission	Commission		Members: Nine. Selected by Senate president (2) and minority leader (2); House speaker (2) and minority leader (2). Those eight choose final member. Members may not run for legislature or Congress for a certain period of time.
Idaho (ID)		Commission	Commission		Members: Six. Selected by legislative leadership (4); chairs of parties whose gubernatorial candidate received most votes in last election (2). Cannot be public officials.

Source: Information provided by National Conference of State Legislatures (NCSL) and Thomson West Publishing.

Appendix A. Redistricting commissions used as primary resource (continued)

State	VRA Section 5 Coverage	Primary Redistricting Body		Secondary Redistricting Body	Commission Details
		Congressional	Legislative		
Missouri (MO)		Legislature	Commission		Two redistricting commissions. (A) House: 18 members. (B) Senate: 10 members. Selected by governor from lists submitted by top two political parties in the state. Members may not hold office for four years after serving on commission.
Montana (MT)		Commission	Commission		Members: Five. Selected by legislative leadership (4) for majority and minority parties. Those four choose final member.
New Jersey (NJ)		Commission	Commission		Members: Ten. Selected by chairs of top two political parties in the state. Supreme court chief justice will appoint 11th member if stalemate occurs.
Ohio (OH)		Legislature	Board		Members: Five. Selected by legislative leadership (4) for majority and minority parties. Those four choose final member. Final member cannot be a public official.
Pennsylvania (PA)		Legislature	Commission		Members: Five. Selected by legislative leadership (4); governor (3); judiciary (4). Each congressional district must be represented. No more than four legislators. No more than six members from same political party.
Washington (WA)		Commission	Commission		Members: Five. Selected by legislative leadership (4) for majority and minority parties. Those four choose final member. No member can be a public official.

Source: Information provided by National Conference of State Legislatures (NCSL) and Thomson West Publishing.

Appendix B. Redistricting commissions used as backup or advisory resource

State	VRA Section 5 Coverage	Primary Redistricting Body		Secondary Redistricting Body	Commission Details
		Congressional	Legislative		
Connecticut (CT)		Legislature	Legislature	Commission*	Members: Nine. Selected by Senate president pro tem (2); House speaker (2); Senate minority leader(2); House minority leader (2). Selected eight choose final member.
Illinois (IL)		Legislature	Legislature	Commission*	Members: Eight. Selected by Senate president (2) and minority leader (2); House speaker (2) and minority leader (2). Four legislators and four non-legislators.
Indiana (IN)		Legislature	Legislature	Commission**	Members: Five. Comprised of House speaker, Senate president, redistricting committee chairpersons from each chamber. Governor appoints final member (legislator).
Maine (ME)		Legislature	Legislature	Commission*	Members: Fifteen. Selected by House speaker (3) and minority leader (3); Senate president (2) and minority leader (2); nominees from two major political parties (1 each) - those two persons choose final public member. Chairs of two major political parties also serve as members.
Mississippi (MS)	Complete	Legislature	Legislature	Commission*	Members: Five. Comprised of Supreme court chief justice, attorney general, secretary of state, House speaker and Senate president pro tem.
Oklahoma (OK)		Legislature	Legislature	Commission*	Members: Three. Comprised of Attorney general, education superintendent and state treasurer.
Texas (TX)	Complete	Legislature	Legislature	Commission*	Members: Five. Comprised of Lieutenant governor, House speaker, attorney general, public comptroller and land office commissioner.
Vermont (VT)		Legislature	Legislature	Commission*	Members: Five. Selected by governor (2); Supreme court chief justice (1). Members choose one other. Secretary of state also serves.

Source: Information provided by National Conference of State Legislatures (NCSL) and Thomson West Publishing.

Note: * Legislative districts only; ** Congressional districts only.

Appendix C. Redistricting constraints

State	Redistricting Principles					Commission has membership restrictions	Codification of redistricting principles	Governor has veto power
	Compact	Contiguous	Political Subdivisions	Communities of Interest	Cores of Prior Districts			
AK	R	R	R	R		No public officials	No	No
AZ	R	R			R	No public officials	Yes	No
AR		R			R	Public officials only	No	Yes**
CA	R	R*	A			No public officials	No	Yes
CO	R	R	R			Mixed membership	No	Yes**
CT	R	R				Not specified	No	No
HI	R*	R*	R*	R*	P*	No public officials	No	No
ID	R	R	R	R	P	No public officials	No	No
IL	R*	R*				Mixed membership	Yes	Yes
IN	R*					Public officials only	No	Yes
ME	R*	R*	R*			Mixed membership	Yes	Yes
MS	R	R	R			Public officials only	Yes	Yes**
MO	R	R	R**	R***		No public officials	Yes	Yes**
MT	R*	R*	R*	R*	P	No public officials	Yes	No
NJ	R*	R*	R*			Not specified	Yes	No
OH	R*	R*	R*			Public officials only	Yes	Yes**
OK						Public officials only	No	Yes
PA	R*	R*	R*			Mixed membership	Yes	Yes**
TX	R*		R*			Public officials only	No	Yes
VT	R*	R*	R*		A	No legislative employee or member	Yes	Yes
WA	R	R	R		P	No public officials	Yes	No

Source: Information provided by www.fairvote.org, National Conference of State Legislatures (NCSL) and Thomson West Publishing.

Note: * Legislative districts only; ** Congressional districts only.
(R = Required, P = Prohibited, A = Allowed)

Appendix D. Louisiana's commission timeline

Note: Responsibilities in Appendix D are color-coded

