Insights for What’s Ahead:

Independent Redistricting Commissions (IRCs) are a voter-centric reform that ensures voters, not politicians, decide how electoral districts are drawn. To ensure independence, some states take measures such as barring current or former elected officials, as well as those with close ties to elected officials or partisan politics, from serving on a commission.

- Several states have adopted an IRC process, with 10 states using commissions to draw congressional lines and 15 states using commissions to draw legislative district lines.
- Michigan’s recently established IRC resulted in a map that is among the most politically balanced in the country. Prior to the 2018 ballot initiative resulting in an amendment that took map-drawing out of the hands of the state legislature, the state’s 2011 maps were considered to be the most aggressive gerrymanders in the country.

Partisan Gerrymandering Undermines Democratic Principles

Under the Constitution, congressional seats are reapportioned, and congressional maps redrawn every ten years based on state population according to the Census. States are responsible for drawing their own maps (redistricting), so long as it accords with the Constitution as interpreted by decisions of the Supreme Court and state courts. In most states, the state legislature is responsible for drawing and approving electoral districts with a super majority subject to a gubernatorial veto. Because redistricting generally involves political actors, both parties have been guilty of drawing lines for their own advantage, radically reducing the number of competitive seats. This process of partisan gerrymandering undermines the democratic principles of the electoral process and contributes to the rising partisan polarization of legislatures as well as the US Congress.

IRCs Strive to Diminish Partisan Influence

CED has long supported the use of nonpartisan, independent commissions as the entities responsible for the drawing of district lines. An IRC is a body separate from the legislature (which may or may not include members who hold partisan public office) that is responsible for drawing the districts used in congressional and state legislative elections. IRCs are a voter-centric reform that ensures an independent body—not politicians—decide how electoral districts are drawn. IRCs have a proven track record in improving partisan fairness, competitiveness, and responsiveness; commission-drawn plans have lower partisan bias, hold a higher proportion of contested districts, and a higher rate of change at which seats change in response to changes in voter sentiment.

IRCs are used in a number of Western democracies, in which a nonpartisan board or commission is given the responsibility of redrawing district lines. In the United Kingdom, a Boundary Commission performs this task for each of England, Scotland, Wales, and Northern Ireland. Parliamentary Boundary Commissions
are “arm’s length” public bodies, meaning they are sponsored by a UK government department, but are outside of direct ministerial control; government ministers and officials have no direct input or control over the substantive work of the commissioners. In Canada, independent commissions in each province that explicitly exclude members with partisan connections redraw the lines for ridings (districts) for Parliament after redistribution of parliamentary seats among the provinces; although members of the House of Commons may make objections to the proposed boundaries, the commissions make the final determination.

IRCs in the States

The first US legislative redistricting commission was established in Arkansas in 1956 by citizens’ initiative, with two or more states transitioning to the process each decade.

A number of other states have adopted the commission process. Generally, a redistricting commission takes one of two forms: a non-politician commission, whose members cannot hold political office, and a politician commission, whose members may hold office. In addition, some commissions make binding recommendations to state legislatures, while the recommendations of other commissions are subject to change by the legislature. The tables below tracks all four types of commissions. In addition, five states discussed following the tables use hybrid systems.

Loyola Law School tracks information regarding these commissions on its All About Redistricting site.

In 15 states¹, commissions have primary responsibility for drawing state legislative district lines.

<table>
<thead>
<tr>
<th>Commission Type</th>
<th>Binding Decision</th>
<th>Subject to Legislature</th>
</tr>
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<tbody>
<tr>
<td>Non-politician</td>
<td>AK, AZ, CA, CO, ID, MI</td>
<td>MT, NY, WA</td>
</tr>
<tr>
<td>Politician</td>
<td>AR, MO*, NJ*, PA</td>
<td>HI, VA</td>
</tr>
</tbody>
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* MO and NJ have separate commissions for drawing state legislative and congressional district lines.

In 11 states² (all of which also use commissions to draw state legislative districts), commissions have primary responsibility for drawing congressional district lines.

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<td>NJ*</td>
<td>HI, VA</td>
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* NJ has separate commissions for drawing state legislative and congressional district lines.

In 3 states³, the legislature plays the principal role in line-drawing for both state legislative and congressional districts while receiving guidance/input from an advisory commission.

¹ AK, AZ, AR, CA, CO, HI, ID, MI, MO, MT, NJ, NY, PA, VA, WA
² AZ, CA, CO, HI, ID, MI, MT, NJ, NY, VA, WA
³ IA, ME, UT
Iowa’s Hybrid Commission System

Iowa has one of the nation’s first redistricting commission processes, established in 1980. Both Iowa’s legislative districts and congressional districts are drawn by hybrid commission system. Iowa’s constitution requires that state legislative and congressional districts be compact, contiguous, and preserve political subdivisions. Consideration of partisan data is prohibited except where required by federal law.

Iowa’s system is unique compared to that of other states’ as legislative leadership and the Governor have authorized the Legislative Services Agency (LSA) to perform many of the essential components of the redistricting process. The nonpartisan LSA is comprised of civil servants and works in coordination with the Census Bureau to establish permissible geographic areas based on recognizable political boundaries, such as precincts.

The LSA is guided by a five-member temporary redistricting advisory commission, and together they draft up to three maps, which the Legislature can accept or reject. Four of the commission members are selected by the respective Majority and Minority Floor Leaders for the General Assembly. The fifth commission member, who serves as chairperson, is selected by vote by the existing four. Commission members must not hold a partisan political office or political party office or be related to or employed by a member of the general assembly or US Congress or be employed directly by the general assembly or by the US Congress.

When the LSA releases a proposed redistricting plan to the General Assembly, the LSA is required to make available to the public copies of the bill embodying the plan, maps illustrating the plan, a summary of redistricting standards used to develop the plan, and a statement about the population of each proposed district.

Michigan’s Maps: From Highly Gerrymandered to Politically Balanced

Among several states with new reforms, Michigan stands apart as the star performer. Michigan voters in 2018 passed a ballot initiative for an amendment that took map-drawing out of the hands of the state legislature and gave that authority to a 13-member Independent Citizens Redistricting Commission (ICRC). Membership must include four members of each major party and five who are not affiliated with either. Current or former elected officials, and those with close ties to elected officials or partisan politics, are barred from serving on the Commission. To further promote neutrality, commission members are barred from running for office immediately following their service. The result is a map that is among the most politically balanced in the country, receiving an overall A-grade from Princeton’s Gerrymandering Project. This is an enormous feat considering that Michigan’s 2011 maps were considered to be the most aggressive gerrymanders in the country. Other high-scorers include California, Arizona, and Colorado, all of which assign map-drawing to independent commissions.
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