

Redistricting Commissions: Structures, Threats, and Best Practices

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No two redistricting commissions are the same. Across the country, each redistricting commission has its own structure, selection process, and standards. These systems and policies determine how successful these commissions are in producing fair maps and preventing partisan dysfunction. **Ultimately, redistricting commissions are most effective when isolated from politicians and other partisan actors looking to manipulate the process for partisan gain and increased influence.**

*In May 2021, RepresentUs produced a [first-in-class analysis](#) of the structural risk of rigged maps across all 50 states, surveying redistricting systems to identify the states where there are the fewest constraints on partisan gerrymandering. We found 35 states to be at a high or extreme risk of gerrymandering, representing more than 188 million Americans. **This memo represents a further look at redistricting commissions around the country.***

Types of Redistricting Commissions

- **Total commissions: 23**
 - 23 states empower a commission to play a role in congressional and/or state legislative redistricting. Advisory commissions, independent commissions, and other redistricting commissions are included within this total.
 - The [Gerrymandering Threat Index](#) finds varying risk of gerrymandering in commission states:
 - **7 minimal risk**
 - **6 low risk**
 - **2 moderate risk**
 - **3 high risk**
 - **5 extreme risk**
 - **Independent commissions: 7**
 - Independent commissions are isolated from politicians, have strong standards for the maps themselves, and use effective structural constraints to prevent partisanship.
 - **All the states that use an independent commission for redistricting are at minimal risk of gerrymandering.**
 - States include: Arizona, California, Colorado, Hawaii, Idaho, Michigan, Washington
 - **Advisory commissions : 8**

- Advisory commissions are panels that don't have final control over the passage of maps. Some are more effective than others at preventing partisanship depending on the level of influence they have over the map-drawing process. Because these commissions are unable to pass the maps they draw, their bearing on the threat of gerrymandering in a state is inherently minimal. Some states with advisory commissions have more influence over the process than others, causing that state to end up with a low risk rating.
- **Risk breakdown:**
 - **0 minimal risk**
 - **2 low risk:** Iowa, New York
 - **1 moderate risk:** Maine
 - **1 high risk:** Vermont
 - **4 extreme risk:** Maryland, New Mexico, Utah, Wisconsin
- Other commissions: 8
 - Some commissions aren't fully independent or fully advisory. These panels have final approval power over maps, but deviate from the best practices of an independent commission. Some have more members from one party than the other, while others allow politicians to serve the commission, have weak redistricting criteria, or are otherwise ineffectual.
 - These commissions are generally better at producing maps that are less partisan than a process run solely by a legislature, though politician-only commissions are often just as likely to produce gerrymandered maps.
 - **Risk breakdown:**
 - **0 minimal risk**
 - **4 low risk:** Montana, New Jersey, Ohio, Virginia
 - **1 moderate risk:** Pennsylvania
 - **2 high risk:** Alaska, Missouri
 - **1 extreme risk:** Arkansas

Commissions Draw Fairer Maps

Gerrymandering is a structural problem, and the causes are clear. States that give politicians and political parties more of a role in drawing political lines face a much higher risk of gerrymandering. **Redistricting commissions, when designed effectively, provide a much better system for ensuring fair representation.**

- **There are 13 commission states with either a minimal or low risk of gerrymandering**
- **Commissions have less risk of partisanship if they have even partisan representation on the panel, decreasing the risk of one party controlling the process.**

- For example, Alaska's commission allows for an uneven number of commissioners per party on its panel, increasing the risk of gerrymandering. Ohio also allows an uneven number of party members on its commission, and Arkansas's commission consists solely of politicians, greatly increasing the likelihood that maps will be skewed.
- **Weak redistricting standards and criteria can also bring down the effectiveness of a commission**
 - In Missouri, for example, partisan gerrymandering is made explicitly legal, and politicians are free to leave immigrants and children out of their population data when drawing new maps. These policies open the door to some of the most extreme partisanship in redistricting nationwide despite the state's use of a commission.
- **States have a higher overall risk of partisanship if their commission is only used in the process of drawing state legislative maps or congressional maps.** When empowered to gerrymander, we find state legislatures often do so, a fact shown by how differently maps for federal and state districts can score even in the same state.
 - For example, Missouri and Ohio both have commissions to draw their state legislative lines, but their state legislatures draw their congressional maps.
- **Commissions have less risk of partisanship if they have rules encouraging partisan fairness**, such as voting thresholds above 50% (if it's a balanced commission) or bipartisan vote requirements to pass maps.
 - Ex: New York, Ohio, Washington, Michigan, California, Colorado, Idaho, Missouri, Virginia
- **Commissions are at risk of dysfunction when they are poorly designed**, with weak standards for drawing maps, ineffective deterrents against partisan bias, or few backstops in the case of commission failure.
 - For example, New York's legislature has weaker standards than the state's redistricting commission, allowing for partisan gerrymandering if the legislature opts to take control of drawing maps.
 - Ohio's state legislative maps default to four-year implementation instead of 10 if the maps are not passed with the support of at least two members from each party on the commission.
 - Though intended to prevent partisan dysfunction, implementing a map for four years instead of ten has proven to be a weak deterrent for members of the commission against passing maps on party lines.

- **Commissions as a whole are producing fairer maps than states where partisans are in control.** Maps in commission states graded by the [Redistricting Report Card](#) have so far averaged a “B+” for their maps, while states without commissions are averaging a “D”.
 - Not a single state graded by the Report Card where the process is controlled by partisan legislators has produced an “A” map; **commissions are the only bodies that have drawn “A” maps.**
 - Links to grades and an explanation of the project are in the section below.

Advisory Commissions

- Nearly all commissions with an extreme risk of gerrymandering are advisory - this reflects more on the advisory nature of the commission than the makeup and requirements of the commission itself. **Because these commissions are unable to pass the maps they draw, their bearing on the threat of gerrymandering in a state is inherently minimal, despite the quality of the maps they produce.**
- **Some states with advisory commissions have more influence over the process than others**, with requirements that the legislature review and vote on their maps before proposing their own or adjusting the commission maps.
 - For example, Iowa’s Legislative Services Agency (LSA) proposes plans to be voted up or down twice by the legislature. Only if they’re voted down twice can the legislature alter plans in the third set of proposed maps. Iowa is a special case —deference to the administrative agency has become something of a tradition, but the LSA is still technically advisory in nature.
 - New York has similar constraints, though the legislature isn’t allowed to alter the maps unless they’ve rejected the first two sets of maps, and even then, they can only alter up to 2% of a district’s population.
 - In states like Maryland, New Mexico, and Wisconsin, legislators aren’t obligated to consider maps drawn by the commissions for final approval.

Table Key

Extreme risk - Only for overall grades

High risk

Moderate risk

Low risk

Minimal risk - Only for overall grades

“Advisory” means the commission doesn’t have final approval of the maps

Explanation of metrics

Overall risk assessment for each state and threats 1 and 3 are pulled directly from the [Gerrymandering Threat Index](#).

- Threat 1 measures how much politicians control how election maps are drawn
- Threat 3 measures the risk of rigging election maps for partisan gain

[The Princeton Gerrymandering Project/RepresentUs Redistricting Report Card](#) is a powerful tool that uses a unique algorithm to grade each state’s maps during the redistricting process. Each map is graded based on three criteria: partisan fairness, competitiveness, and geography. Overall variation in grades can reflect, in part, on the strength of the commission or process that produced them. Not all maps have letter grades, and some are only analyzed for key metrics.

Commission states

<u>State</u>	<u>Process (Threat 1)</u>	<u>Risk of Partisan Bias (Threat 3)</u>	<u>Notes</u>	<u>PGP/RepUs Report Card Links</u>
Alaska	High	High	State legislative commission only, uneven partisan representation allowed	AK maps
Arizona	Low	Low	Independent	AZ maps
Arkansas	High	High	Politicians on the panel	AR maps
California	Low	Low	Independent	CA maps
Colorado	Low	Low	Independent	CO maps
Hawaii	Low	Low	Independent	HI maps
Idaho	Low	Low	Independent	ID maps
Iowa	Medium	Medium	Advisory	IA maps
Maine	Medium	Medium	Advisory	ME maps
Maryland	High	High	Advisory	MD maps
Michigan	Low	Low	Independent	MI maps
Missouri	Low (different for	Medium	State legislative	MO maps

	congressional)	(different for congressional)	only	
Montana	Low	Medium		MT maps
New Jersey	Low	Low		NJ maps
New Mexico	High	High	Advisory	NM maps
New York	Medium	Medium	Advisory	NY maps
Ohio	Low (different for congressional)	Medium	Politicians on the panel, state legislative commission only	OH maps
Pennsylvania	Medium (different for congressional)	Medium	Politicians on the panel	PA maps
Utah	High	High	Advisory	UT maps
Vermont	High	Medium	Advisory, state legislative commission only	VT maps
Virginia	Medium	Low	Politicians on the panel	VA maps
Washington	Low	Low	Independent	WA maps
Wisconsin	High	Medium	Advisory	WI maps