

National Community Action Partnership

**2021 Management & Leadership
Training Conference (Virtual)**

Redistricting: State by State

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Advancing Equity, Building Resilience, Sustaining Hope

Redistricting is based on the US Census

- The US Census for 2020 was just completed
- However, no date has been determined as to when the census data will be released
- Once released, States can begin to redraw congressional district boundaries as well as boundaries for the state legislature districts
- Counties can begin to redraw supervisor districts
- Cities can begin to redraw council districts
- Schools can begin to redraw trustee districts



Why is redistricting so important?



Approaches to Redistricting

- States using state legislature only
- States using advisory commissions
- States using redistricting independent commission



Redistricting Commissions

State	How Created	Year Created	Bill/Initiative	Citation
Alaska	Legislative Referral	1998	L.R. No. 74/H.J.R. No. 44	Alaska Const. Art. VI, § 8
Arizona	Citizens' Initiative	2000	Proposition 106	Ariz. Const. Art. 4, § 1, Pt. 2
Arkansas	Citizens' Initiative	1956	Proposed Amend. 48	Ark. Const. Art. 8, § 1
California	Citizens' Initiative	2008	Proposition 11	Cal. Const. Art. 21, § 2
Colorado	Citizens' Initiative/ replaced by Legislative Referral	1974/2018	Ballot Measure 9/Amendment Z	Colo. Const. Art. 5, § 48 (amended by Amendment Z)
Hawaii	Legislative Referral	1992	HB 2322	Haw. Const. Art. 4, § 2
Idaho	Legislative Referral	1994	S.J.R. No. 105	Idaho Const. Art. III, § 2(2)
Michigan	Citizens' Initiative	2018	Ballot Measure 18-2	
Missouri ^[1]	Legislative Referral/amended by 2018 Citizens' Initiative/amended by 2020 Legislative Referral	1966/2018/2020	Amendment 3/Amendment 1/Amendment 3	Mo. Const. Art. III, § 2 (House), § 7 (Senate)
Montana	Constitutional Convention/Legislative Referral	1972/1984	Constitution, p. 1092-93/1984 Measure C-14	Mont. Const. Art. V, § 14; more from the Secretary of State's office
New Jersey	Legislative Referral	1966	Public Question No. 1	N.J. Const. Art. IV, § 3, ¶ 1
Ohio	Legislative Referral	2015	HJR 12 (2014); Issue 1	OH Const. Art. XI, § 1
Pennsylvania	Legislative Referral	1968 (last amended 2001)	Adopted as part of 1968 State Constitution	PA Const. Art. 2, § 17
Virginia	Legislative Referral	2020	Amendment 1	VA Const. Art. 2, § 6-A
Washington	Legislative Referral	1983	SJR 103 (1983)	WA Const. Art. 2, § 43

Source: [Creation of Redistricting Commissions \(ncsl.org\)](https://www.ncsl.org/research/redistricting/creation-of-redistricting-commissions.aspx)



Model Independent Redistricting Commission – California

- With the Passage of Proposition 11 in 2008, the process of redrawing California's state legislative districts was removed from state legislative authority and given to a newly established 14 member commission.
- The commission must include 5 Democrats, 5 Republicans, and 4 members from neither party.
- Government auditors are to select 60 registered voters from an applicant pool.
- Auditors then are to pick eight commission members by lottery, and those commissioners pick six additional members for 14 total.
- For approval district boundaries need votes from three Democratic commissioners, three Republican commissioners, and three commissioners from neither party.

Reforming Redistricting Laws

- House Bill HR-1 For the People Act of 2021 (AKA John Lewis Voting Rights Act) provides provisions to reform redistricting
- Senate Bill S-1 however does not
- S.2226 - Redistricting Reform Act of 2019 introduced by Senator Amy Klobuchar June 2019 was not taken up in the Senate, reintroduction will be required.



HR-1 For the People Act of 2021

Eliminates extreme partisan gerrymandering by:

- Requiring states to draw congressional districts using independent redistricting commissions that are bipartisan and reflect the demographic diversity of the region.
 - Requires 15-member commissions of: 5 Democrats, 5 Republicans, and 5 Independents or members of smaller parties, ensuring that all interests are represented equally when lines are drawn.
 - Strong conflict of interest rules would prevent lobbyists, staffers, and political operatives from serving on the commission, and screening processes would ensure that qualified commissioners are selected.
 - For a map to become law, it would need to win support from Democrats, Republicans, Independents, and members of third parties on the commission.
 - Rules for drawing maps will be made uniform across the country
- Transparency: All proposed maps would have to be posted on a public website along with the data used to draw the maps. And once the commission adopts a preliminary redistricting plan, the public would have a minimum of 30 days to review and submit comments on the plan, either online or at public hearings, before a final vote could be held on the plan.
- The bill would establish fair redistricting criteria and ensure compliance with the VRA to safeguard voting rights for communities of color.
- Partisan gerrymandering will be expressly banned.

Source: [Five Ways H.R. 1 Would Transform Redistricting | Brennan Center for Justice](#)



State Level Reforms

- To date, **thirty-five states** have introduced, prefiled, or carried over **406 bills to expand voting access** (dwarfing the 188 expansive bills that were filed in twenty-nine states as of February 3, 2020). Notably 93 such bills were introduced in New York and New Jersey.
- With [unprecedented numbers](#) of voters casting their ballots by mail in 2020, legislators across the country have shown particular interest in absentee voting reform, with more than a quarter of voting and election bills addressing absentee voting procedures.
- Only seven of the forty-one states that have introduced election bills have *not* proposed policies to alter absentee voting procedures in some way.
- Also in reaction to 2020, four states have proposed legislation that would modify how presidential electors are allocated, and eleven states have introduced bills to adopt the national popular vote [compact](#).



However, there are reforms pushback

- In a backlash to historic voter turnout in the 2020 general election, and grounded in a rash of baseless and racist allegations of voter fraud and election irregularities,
- legislators have introduced **three times the number of bills to restrict voting** access as compared to this time last year.
- **Twenty-eight states** have introduced, prefiled, or carried over **106 restrictive bills** this year (as compared to 35 such bills in fifteen states on February 3, 2020).

[Source: Voting Laws Roundup 2021 | Brennan Center for Justice](#)



Provisions of restrictive legislation

- Pennsylvania leads the nation in proposed voter suppression legislation in 2021, with 14 restrictive policy proposals.
- New Hampshire comes in second (11 bills), followed by Missouri (9 bills), and Mississippi, New Jersey, and Texas (8 bills each).
- Georgia lawmakers reportedly plan to introduce bills to require an excuse to cast an absentee ballot, mandate photo ID when returning an absentee ballot, and ban ballot drop boxes, among other harsh restrictions.



Limiting vote by mail-current state proposals

- More than a third of restrictive bills introduced this year seek to limit mail voting. Legislators are taking aim at mail voting at every stage, with proposals to circumscribe who can vote by mail, make it harder to obtain mail ballots, and impose hurdles to complete and cast mail ballots.
- **Limiting who can vote by mail:** Five bills in three states [footnote1 btwus961](#) would make the "excuse" requirement more stringent for absentee voting or eliminate "no excuse" mail voting. The **Missouri bill, for example, would eliminate Covid-19 concerns as an excuse (MO SB 282), while three different proposals in Pennsylvania seek to eliminate no-excuse mail voting, a policy just adopted in 2019.**
- **Making it harder to obtain ballots:** Arizona (HB 2370) and [Pennsylvania](#) have introduced bills that would eliminate the permanent early voter list.
- Two bills in Arizona (AZ SB 1069, AZ HB 2560) and one in New Jersey (NJ AB 4626) would make it easier for officials to remove voters from the permanent absentee list.
- New Jersey, Pennsylvania, Texas, and Washington are considering bills to limit who can send absentee ballot applications to voters without an affirmative request. A New York bill (NY SB 1805) would restrict who can submit absentee ballot applications on another voter's behalf.



In Contrast

California vote by mail serves as a model for the rest of the US

- **[Register to Vote](#)**
- Before you may request a vote-by-mail ballot, you must be a registered voter. If you believe you are already registered, you can verify your registration online with our **[“My Voter Status”](#)** tool.
- If you are not already registered, you can register online at **[RegisterToVote.ca.gov](#)**. As part of registering to vote, you are given the option to become a “permanent vote-by-mail voter,” which means you would automatically receive a ballot in the mail before each election.
- **[Apply to Vote By Mail](#)**
- Registered voters may apply for a vote-by-mail ballot for an upcoming election at any time.
- **[Apply by Mail](#)**
- If you apply by mail, your application must be received no later than 7 days before Election Day.
- You may use the application printed on the voter information guide that is mailed to you by your **[county elections official](#)** prior to every election. You may also visit or write to your **[county elections official](#)** for an application or you may use the **[California Vote-By-Mail Ballot Application \(PDF\)](#)**.

Source: **[Vote By Mail :: California Secretary of State](#)**



Redistricting Resources-Brennen Foundation Part 1

- General Redistricting
- The Redistricting Glossary
- State Legislatures magazine article: 5 Trends Shaping Redistricting
- State Redistricting Websites
- Redistricting Presentations (a compilation of two dozen presentations covering a variety of redistricting topics)
- Redistricting Law
- Redistricting Law 2010 (NCSL's guidebook for redistricting, also known as the Red Book)
- Major Supreme Court Cases on Redistricting
- Redistricting Case Summaries | 2010-Present
- 2000s Redistricting Case Summaries
- 1990s Redistricting Case Summaries
- 1980s Redistricting Case Summaries
- 2010 Redistricting Cases
- 2015 Redistricting Legislation
- 2017 Redistricting Commission Bills
- Free & Equal Election Clauses
- Reallocating Incarcerated Persons for Redistricting
- NCSL's 7-State Redistricting Report for the New Mexico Legislature (10/2019)
- Redistricting Process
- Redistricting Commissions: State Legislative Plans

[Key Publications and Commentary | Brennan Center for Justice](#)



Resources – Part 2

- Redistricting Commissions: Congressional Plans
- Redistricting Criteria
- Redistricting Starter Kit
- State Legislatures Magazine Article: Ready, Set, Draw
- Counting Consequences
- 2010 NCSL Redistricting Deviation Table
- Public Input and Redistricting
- State Redistricting Deadlines
- Data/Census
- Differential Privacy for Census Data Explained
- Redistricting and Use of Census Data
- [LegisBrief] What You Need To Know About The 2020 Census
- [LegisBrief] Redistricting: Making the Census Count
- 2010 Census: Gains and Losses in Congressional Seats
- Census and Redistricting Profiles
- State Legislatures magazine article: Policy, Politics and Population

Q and A

