

LEGISLATIVE RESEARCH UNIT

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LEGISLATIVE REDISTRICTING IN ALL STATES

asked us how states draw state legislative districts. The most common practice, used in 30 states, is redistricting by the legislature or by a committee appointed by legislative leaders. In 8 states the legislature and another body redistrict. In 8 other states it is done by an independent commission or other special body. The remaining 4 states, including Illinois, use some other system. Appendix A to this letter categorizes each state by the kind of body or bodies it uses for redistricting. We describe the processes in more detail below.

also asked about the "legislative composition" of each state legislature, which we take to mean its partisan division. Appendix B shows the partisan makeup of each state legislature; Appendices C and D give that information separately by legislative house.

Legislative Involvement

Legislatures, or bodies composed exclusively of legislators, are involved in redistricting in 39 states.¹ In 30 of those states, the legislature is the only decision-making body for redistricting—apart from possible gubernatorial vetoes and court rulings.

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Executive Involvement

One or more members of the executive branch play a significant role in redistricting (beyond approval or veto of a redistricting plan) in 6 states.² This may consist of proposing a redistricting plan to the legislature;³ appointing a special-purpose body to redistrict;⁴ serving as a member of a redistricting commission;⁵ or even doing the entire redistricting.⁶

Judicial Involvement

Courts are expressly given roles or involvement at some stage of redistricting in 13 states.⁷ This may consist of drafting or approving a redistricting plan if no other procedure is successful (6 states);⁸ appointing some members of a commission to draft a redistricting plan (3 states);⁹ serving on a redistricting commission (1 state);¹⁰ or appointing a tie-breaking member to a commission or board (3 states).¹¹

Involvement of Special Body

In 15 states, a committee or board with members who need not all be legislators have some role in redistricting.¹² In 9 states, this body is responsible for initial drafting of a redistricting plan.¹³ The other 6 states require creation of such a separate body only if the legislature cannot agree.¹⁴

Unusual Provisions

We found redistricting provisions that seems especially complex or noteworthy in seven states as described below.

Alaska

Alaska's Redistricting Board, with members appointed by the Governor, legislative leaders, and the Chief Justice of the state supreme court, creates a redistricting plan. Board members cannot be public employees or officials at the time of appointment or during their service on the Board.¹⁵ No person who served on the Board at any time during the process leading to final adoption of a redistricting plan can be a candidate for the legislature in the general election following the plan's adoption.¹⁶

Colorado

A redistricting plan is created by a commission of 11 members, appointed as follows:

- 4 by legislators (1 by each of the four legislative leaders) by July 1 of the year after each decennial census
- 3 by the Governor between July 1 and July 10
- 4 by the Chief Justice of the Colorado Supreme Court between July 10 and July 20.

The commission may contain no more than the following:

- 4 legislators
- 6 persons of the same political party
- 4 members living in the same Congressional district.

The commission must have at least one member from each of the state's six Congressional districts. It drafts a preliminary redistricting plan, holds hearings, and sends a final plan to the Supreme Court. If the Court finds that the plan does not comply with state constitutional provisions on redistricting, it returns it to the commission for revision. Upon approval by the Court, the plan becomes law.¹⁷

Iowa

Iowa's nonpartisan legislative support agency, the Legislative Services Agency, proposes state and Congressional redistricting plans based on population alone, ignoring all political considerations. The addresses of incumbent state and federal legislators are among several kinds of information that may not be used in preparing a plan. The legislature can only accept or reject a proposed plan. If it rejects the plan, the Bureau sends a second proposal, which again may be only approved or rejected. Only by the time of a third plan may legislators offer amendments, which must be comprehensive so an entire plan can be voted on.¹⁸

A five-member Temporary Redistricting Advisory Commission, composed of one member each appointed by the four legislative leaders and one chosen by those four members,¹⁹ advises the Legislative Services Agency on redistricting plans.²⁰ The Commission also holds public hearings and submits a report to the legislature on the Legislative Services Agency's first proposed redistricting plan.²¹ Commission members must be eligible Iowa voters and cannot hold a partisan political office or political party office, or be related to or employed

by a member of Congress or an Iowa legislator.²² We enclose the Legislative Services Agency's "Legislative Guide to Redistricting in Iowa."

Mississippi

If the legislature adjourns without redistricting, the Governor calls a special session that has 30 days to enact a redistricting plan. If that deadline passes, a 5-member commission is created, consisting of the Chief Justice, Attorney General, Secretary of State, Speaker of the House, and President of the Senate. Their redistricting plan becomes law upon filing with the Secretary of State.²³

Missouri

Separate redistricting commissions for the Senate and House are appointed by the Governor from lists of nominees from each political party in each Congressional district. The Governor appoints one member of each party from each Congressional district. Members of a commission cannot serve as legislators for 4 years after filing the final plan. Each commission has 5 months to prepare a redistricting plan for its house and file it with the Secretary of State. Each commission is then to hold public hearings and propose a final plan, which must be approved by 70% of its members and again filed with the Secretary of State. If a commission misses this deadline, it is discharged and the Missouri Supreme Court appoints a 6-member commission of appellate judges to redistrict the state.²⁴

Ohio

Ohio's apportionment board consists of the Governor, State Auditor, Secretary of State, one person chosen jointly by the Speaker of the House and the Senate leader of the Speaker's political party, and one person chosen jointly by the legislative leaders of the next-largest party. The Governor publishes the redistricting plan, which becomes law.²⁵

Texas

The legislature has initial responsibility for redistricting. If it cannot agree on districts, a board consisting of the Lieutenant Governor, Speaker of the House, Comptroller of Public Accounts, Attorney General, and Commissioner of General Land Office has 60 days after convening to adopt a plan, which upon filing with the Secretary of State becomes law.²⁶

We hope this information is helpful. Please let us know if we can be of further assistance.

Sincerely,

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MSC:mf

Enclosure

Iowa Legislative Services Agency, "Legislative Guide to Redistricting in Iowa" (Dec. 2007, downloaded from the Agency's Internet site).

Notes

1. Alabama, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.
2. Alaska, Arkansas, Colorado, Maryland, Missouri, and Ohio.
3. Md. Const., Art. 3, sec. 5.
4. Mo. Const., Art. 3, sec. 2; Alaska Const., Art. 6, sec. 8; and Colo. Const., Art. 5, sec. 48.
5. Ohio Const., Art. 11, sec. 1.
6. Ark. Const., Art. 8, sec. 1.
7. Alaska, Colorado, Illinois, Louisiana, Maine, Mississippi, Missouri, Montana, New Jersey, Pennsylvania, South Dakota, Vermont, and Washington.
8. La. Const., Art. 3, sec. 6; Me. Const., Art. 4, pt. 1, sec. 3; Pa. Const., Art. 2, subsec. 17(h); S.D. Const., Art. 3, sec. 5; Vt. Const., ch. 2, sec. 73; and Wash. Const., Art. 2, sec. 43.
9. Alaska Const., Art. 6, subsec. 8(b); Colo. Const., Art. 5, subsec. 1(a); and Mo. Const., Art. 3, secs. 2 and 7.
10. Miss. Const., Art. 13, sec. 254.
11. Ill. Const., Art. 4, sec. 3; Mont. Const., Art. 5, subsec. 14(2); and N.J. Const., Art. 4, sec. 3.

12. Alaska, Arizona, Arkansas, Colorado, Connecticut, Illinois, Iowa, Maine, Mississippi, Missouri, Montana, Ohio, Texas, Vermont, and Washington.
13. Alaska Const., Art. 6, secs. 1-10; Ariz. Const., Art. 4. pt. 2, sec. 1; Ark. Const., Art. 8, sec. 4; Colo. Const., Art. 5, sec. 48; Iowa Code, secs. 42.2-42.6; Me. Const., Art. 4, pt. 3, sec. 1-A; Mo. Const., Art. 3, secs. 2 and 7; Mont. Const., Art. 5, sec. 14; and Ohio Const., Art. 11, sec. 1.
14. Conn. Const., Art. 12, sec. 6; Ill. Const., Art. 4, sec. 3; Miss. Const., Art. 13, sec. 254; Tex. Const., Art. 3, sec. 28; Vt. Const., ch. 2, sec. 73; and Wash. Const., Art. 2, sec. 43.
15. Alaska Const., Art. 6, subsec. 8(a).
16. Alaska Const., Art. 6, subsec. 8(c).
17. Colo. Const., Art. 5, sec. 48.
18. Iowa Code, secs. 42.2 ff.
19. Iowa Code, sec. 42.5, subd. 1.
20. Iowa Code, sec. 42.6, subd. 1.
21. Iowa Code, sec. 42.6, subd. 3.
22. Iowa Code, sec. 42.5, subd. 2.
23. Miss. Const., Art. 13, sec. 254.
24. Mo. Const., Art. 3, secs. 2 and 7.
25. Ohio Const., Art. 11, sec. 1.
26. Tex. Const., Art. 3, sec. 28.

Appendix A: Bodies Used by States for Redistricting

Legislature or legislative committee (30 states)

Alabama
California
Delaware
Florida
Georgia

Hawaii
Idaho
Indiana
Kansas
Kentucky

Massachusetts
Michigan
Minnesota
Nebraska
Nevada

New Hampshire
New Mexico
New York
North Carolina
North Dakota

Oklahoma
Oregon
Rhode Island
South Carolina
Tennessee

Utah
Virginia
West Virginia
Wisconsin
Wyoming

Key for this column:

L: Legislative branch

E: Executive branch

J: Judicial branch

S: Special-purpose body

Legislature and another body (8 states)

Connecticut (L & S)
Louisiana (L & J)
Maryland (E & L)
Mississippi (L & S)

New Jersey (L & J)
Pennsylvania (L & J)
South Dakota (L & J)
Texas (L & S)

Special-purpose body (8 states)

Alaska
Arizona
Arkansas
Colorado

Iowa
Missouri
Montana
Ohio

Other combination (4 states)

Illinois (L, S, & J)
Maine (S, L, & J)
Vermont (L, S, & J)
Washington (L, S, & J)

Sources: Ala. Const., Art. 9, secs. 199 and 200; Alaska Const., Art. 6, secs. 1 to 10; Ariz. Const., Art. 4, pt. 2, sec. 1; Ark. Const., Art. 8, sec. 4; Cal. Const., Art. 21, sec. 1; Colo. Const., Art. 5, sec. 48; Conn. Const., art. 16, sec. 2; Del. Code, tit. 29, secs. 804 and 805; Fla. Const., Art. 3, sec. 16; Ga. Const., Art. 3, sec. 2; Haw. Const., Art. 4, sec. 2; Idaho Const., Art. 3, sec. 4; Ill. Const., Art. 4, sec. 3; Ind. Const., Art. 4, sec. 5; Iowa Code, secs. 42.2 to 42.6; Kans. Const., Art. 10, sec. 1; Ky. Const., sec. 33; La. Const., Art. 3, sec. 6; Me. Const., Art. 4, pt. 3, sec. 1-A and Art. 4, pt. 1, sec. 2; Md. Const., Art. 3, sec. 5; Mass. Const., Art. 101; Mich. Const., Art. 4, sec. 4; Minn. Const., Art. 4, sec. 3; Miss. Const., Art. 13, sec. 254; Mo. Const., Art. 3, secs. 2 and 7; Mont. Const., Art. 5, sec. 14; Neb. Const., Art. 3, sec. 5; Nev. Const., Art. 4, sec. 5; N.H. Const., Pt. 2, arts. 9-A and 26; N.J. Const., Art. 4, sec. 3; N.M. Const., Art. 4, sec. 3; N.Y. Const., Art. 3, secs. 4 and 5; N.C. Const., Art. 2, secs. 3 and 5; N.D. Const., Art. 4, sec. 2; Ohio Const., Art. 11, sec. 1; Okla. Const., Art. 5, sec. 11A; Ore. Const., Art. 4, sec. 6; Pa. Const., Art. 2, sec. 17; R.I. Const., Art. 7, sec. 1 and Art. 8, sec. 1; S.C. Const., Art. 3, sec. 3; S.D. Const., Art. 3, sec. 5; Tenn. Const., Art. 2, sec. 4; Tex. Const., Art. 3, sec. 28; Utah Const., Art. 9, sec. 1; Vt. Const., Ch. 2, sec. 73; Va. Const., Art. 2, sec. 6; Wash. Const., Art. 2, sec. 43; W. Va. Const., Art. 6, sec. 10; Wis. Const., Art. 4, sec. 3; and Wyo. Const., Art. 3, sec. 3.

Appendix B: Partisan Composition of State Legislatures (2009)

State	Total members	<u>Democrats</u>		<u>Republicans</u>		<u>Other*</u>	
		No.	%	No.	%	No.	%
Alabama	140	83	59%	56	40%	1	1%
Alaska	60	28	47	32	53	0	0
Arizona	90	37	41	53	59	0	0
Arkansas	135	98	73	36	26	1	1
California	120	77	64	43	36	0	0
Colorado	100	59	59	41	41	0	0
Connecticut	187	138	74	49	26	0	0
Delaware	62	41	66	21	34	0	0
Florida	160	58	36	102	64	0	0
Georgia	236	96	41	139	59	1	0
Hawaii	76	68	89	8	11	0	0
Idaho	105	25	24	80	76	0	0
Illinois	177	107	60	70	40	0	0
Indiana	150	69	46	80	53	1	1
Iowa	150	88	59	62	41	0	0
Kansas	165	57	35	108	65	0	0
Kentucky	138	80	58	57	41	1	1
Louisiana	144	74	51	65	45	5	3
Maine	186	116	62	69	37	1	1
Maryland	188	137	73	50	26	1	1
Massachusetts	200	178	89	21	10	1	1
Michigan	148	84	57	64	43	0	0
Minnesota	201	133	66	68	34	0	0
Mississippi	174	101	58	73	42	0	0
Missouri	197	85	43	112	57	0	0
Montana	150	73	49	77	51	0	0
Nebraska†	49	-	-	-	-	-	-
Nevada	63	40	63	23	37	0	0
New Hampshire	424	239	56	185	44	0	0
New Jersey	120	71	59	49	41	0	0
New Mexico	112	72	64	40	36	0	0
New York	212	141	67	70	33	1	0
North Carolina	170	98	58	72	42	0	0
North Dakota	141	57	40	84	60	0	0
Ohio	132	65	49	67	51	0	0
Oklahoma	149	62	42	87	58	0	0
Oregon	90	54	60	36	40	0	0
Pennsylvania	253	124	49	128	51	1	0
Rhode Island	113	102	90	10	9	1	1
South Carolina	170	72	42	98	58	0	0

Appendix B: Partisan Composition of State Legislatures (2009) (cont'd)

<i>State</i>	<i>Total members</i>	<i>Democrats</i>		<i>Republicans</i>		<i>Other*</i>	
		<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
South Dakota	105	38	36%	66	63%	1	1%
Tennessee	132	63	48	69	52	0	0
Texas	181	86	48	93	51	2	1
Utah	104	30	29	74	71	0	0
Vermont	180	118	65	55	31	7	4
Virginia	140	65	46	71	51	4	3
Washington	147	95	65	52	35	0	0
West Virginia	134	107	80	27	20	0	0
Wisconsin	132	70	53	61	46	1	1
Wyoming	90	25	28	64	71	1	1
Totals	7,382	4,084	55%	3,217	44%	81	1%

* "Other" category includes Independents and vacancies.

† Nebraska's legislature is nonpartisan.

Source: National Conference of State Legislatures, "2008-09 (Post-Election) Partisan Composition of State Legislatures" (downloaded Dec. 3, 2008 from NCSL Internet site).

Appendix C: Partisan Composition of State Senates (2009)

<i>State</i>	<i>Total members</i>	<i>Democrats</i>		<i>Republicans</i>		<i>Other*</i>	
		<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Alabama	35	21	60%	13	37%	1	3%
Alaska	20	10	50	10	50	0	0
Arizona	30	12	40	18	60	0	0
Arkansas	35	27	77	8	23	0	0
California	40	26	65	14	35	0	0
Colorado	35	21	60	14	40	0	0
Connecticut	36	24	67	12	33	0	0
Delaware	21	16	76	5	24	0	0
Florida	40	14	35	26	65	0	0
Georgia	56	22	39	34	61	0	0
Hawaii	25	23	92	2	8	0	0
Idaho	35	7	20	28	80	0	0
Illinois	59	37	63	22	37	0	0
Indiana	50	17	34	33	66	0	0
Iowa	50	32	64	18	36	0	0
Kansas	40	9	22	31	78	0	0
Kentucky	38	15	39	22	58	1	3
Louisiana	39	22	56	15	38	2	5
Maine	35	20	57	15	43	0	0
Maryland	47	33	70	14	30	0	0
Massachusetts	40	35	88	5	12	0	0
Michigan	38	17	45	21	55	0	0
Minnesota	67	46	69	21	31	0	0
Mississippi	52	27	52	25	48	0	0
Missouri	34	11	32	23	68	0	0
Montana	50	23	46	27	54	0	0
Nebraska†	49	-	-	-	-	49	100
Nevada	21	12	57	9	43	0	0
New Hampshire	24	14	58	10	42	0	0
New Jersey	40	23	58	17	42	0	0
New Mexico	42	27	64	15	36	0	0
New York	62	32	52	29	47	1	2
North Carolina	50	30	60	20	40	0	0
North Dakota	47	21	45	26	55	0	0
Ohio	33	12	36	21	64	0	0
Oklahoma	48	22	46	26	54	0	0
Oregon	30	18	60	12	40	0	0
Pennsylvania	50	20	40	29	58	1	2
Rhode Island	38	33	87	4	10	1	3
South Carolina	46	19	41	27	59	0	0

Appendix C: Partisan Composition of State Senates (2009) (cont'd)

<i>State</i>	<i>Total members</i>	<i>Democrats</i>		<i>Republicans</i>		<i>Other*</i>	
		<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
South Dakota	35	14	40%	20	44%	1	3%
Tennessee	33	14	42	19	58	0	0
Texas	31	12	39	18	58	1	3
Utah	29	8	28	21	72	0	0
Vermont	30	23	77	7	23	0	0
Virginia	40	21	53	19	47	0	0
Washington	49	31	63	18	37	0	0
West Virginia	34	28	82	6	18	0	0
Wisconsin	33	18	55	15	45	0	0
Wyoming	30	7	23	23	77	0	0
Totals	1,971	1,026	52%	887	45%	58	3%

* "Other" category includes Independents and vacancies.

† Nebraska's legislature is nonpartisan.

Source: National Conference of State Legislatures, "2008-09 (Post-Election) Partisan Composition of State Legislatures" (downloaded Dec. 3, 2008 from NCSL Internet site).

Appendix D: Partisan Composition of State “Lower” Houses (2009)

<i>State</i>	<i>Total members</i>	<i>Democrats</i>		<i>Republicans</i>		<i>Other*</i>	
		<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Alabama	105	62	59%	43	41%	0	0%
Alaska	40	18	45	22	55	0	0
Arizona	60	25	42	35	58	0	0
Arkansas	100	71	71	28	28	1	1
California	80	51	64	29	36	0	0
Colorado	65	38	58	27	42	0	0
Connecticut	151	114	75	37	25	0	0
Delaware	41	25	61	16	39	0	0
Florida	120	44	37	76	63	0	0
Georgia	180	74	41	105	58	1	1
Hawaii	51	45	88	6	12	0	0
Idaho	70	18	26	52	74	0	0
Illinois	118	70	59	48	41	0	0
Indiana	100	52	52	47	47	1	1
Iowa	100	56	56	44	44	0	0
Kansas	125	48	38	77	62	0	0
Kentucky	100	65	65	35	35	0	0
Louisiana	105	52	50	50	47	3	3
Maine	151	96	64	54	35	1	1
Maryland	141	104	74	36	25	1	1
Massachusetts	160	143	89	16	10	1	1
Michigan	110	67	61	43	39	0	0
Minnesota	134	87	65	47	35	0	0
Mississippi	122	74	61	48	39	0	0
Missouri	163	74	45	89	55	0	0
Montana	100	50	50	50	50	0	0
Nebraska†	-	-	-	-	-	-	-
Nevada	42	28	67	14	33	0	0
New Hampshire	400	225	57	175	43	0	0
New Jersey	80	48	60	32	40	0	0
New Mexico	70	45	64	25	36	0	0
New York	150	109	73	41	27	0	0
North Carolina	120	68	57	52	43	0	0
North Dakota	94	36	38	58	62	0	0
Ohio	99	53	54	46	46	0	0
Oklahoma	101	40	40	61	60	0	0
Oregon	60	36	60	24	40	0	0
Pennsylvania	203	104	51	99	49	0	0
Rhode Island	75	69	92	6	8	0	0
South Carolina	124	53	43	71	57	0	0

Appendix D: Partisan Composition of State "Lower" Houses (2009) (cont'd)

<i>State</i>	<i>Total members</i>	<i>Democrats</i>		<i>Republicans</i>		<i>Other*</i>	
		<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
South Dakota	70	24	34%	46	66%	0	0%
Tennessee	99	49	49	50	51	0	0
Texas	150	74	49	75	50	1	1
Utah	75	22	29	53	71	0	0
Vermont	150	95	63	48	32	7	5
Virginia	100	44	44	52	52	4	4
Washington	98	64	65	34	35	0	0
West Virginia	100	79	79	21	21	0	0
Wisconsin	99	52	53	46	46	1	1
Wyoming	60	18	30	41	68	1	2
Totals	5,411	3,058	56.5%	2,330	43%	23	0.5%

* "Other" category includes Independents and vacancies.

† Nebraska's legislature is nonpartisan and has only one house, so it is not listed here.

Source: National Conference of State Legislatures, "2008-09 (Post-Election) Partisan Composition of State Legislatures" (downloaded Dec. 3, 2008 from NCSL Internet site).