

Drawing the lines

Midwestern lawmakers turn their attention to redistricting

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Several states in the Midwest are working to reform or revise their redistricting processes. Inside, we take a look at proposals in this region for revamping how states reapportion their districts.

The Midwestern Office of the Council of State Governments supports several groups of state officials, including the Midwestern Governors Association and the Midwestern Legislative Conference, an association of all legislators in the region's 11 states. The Canadian provinces of Manitoba, Ontario and Saskatchewan are affiliate members of the MLC.

Thirty years ago, Iowa passed landmark legislation that changed how its legislative and congressional districts are redrawn.

Today, the state's process remains a unique approach, and policymakers in this region have been looking at Iowa's model in recent years as they consider redistricting reforms in their own states.

In the United States, political districts are redrawn every 10 years to account for population changes measured by the census. The process involves the adjustment of political district boundaries, and in some cases, lawmakers must also reapportion congressional seats based on new demographic data. Recent projections have the Midwest losing six seats in the U.S. House of Representatives after the next census: one each in Illinois, Iowa, Michigan and Minnesota, and two in Ohio.

Iowa's process is unique because it turns over the process of generating new district maps to a nonpartisan legislative service agency. (The maps are submitted to the legislature for approval.) In all but one other Midwestern state (Ohio), legislatures have the first crack at redrawing district maps.

In most states, redistricting is a highly partisan process. Using sophisticated technology, parties and caucuses are now able to get detailed voting data and use the information to draw district lines. When one political party holds the majority in a state legislature, that group usually has control over the new maps.

Critics of this system say that districts are largely created to favor one party or another, and that allowing lawmakers to shape their own

districts gives an advantage to incumbents. As a result, they say, true competition takes place in the primary races, and not in the general elections.

Political experts point out that the makeup of the U.S. Congress is a reflection of this process; only a small number of congressional districts are truly competitive.

Another side effect of such a legislative redistricting process is the potential for litigation, which leaves courts to make sure districts are fair and competitive.

After the 2000 census, courts addressed redistricting in at least 35 states, according to the Brennan Center for Justice. In 19 of those states, court action led to a new or modified plan for use during at least one election cycle.

Lawmakers in the Midwest are now gearing up for a process that will launch in early 2011, when the U.S. Census Bureau makes population data available to states.

The Brennan Center, which studies redistricting processes in the states, sets out several principles that it believes lawmakers should follow:

- respect party competitiveness based on past election results;
- give the redistricting body political independence; and
- ensure the process is open and provides the opportunity for public input within individual districts.

With some of these goals in mind, several states in the Midwest are working to reform or revise their redistricting processes. Inside, we take a look at proposals in this region for revamping how states reapportion their districts. ★

Goal of proposals is to improve fairness, bipartisanship

IOWA adopted its unique method of redistricting in 1980. In passing HF 707 (chapter 42 of the Iowa Code), the legislature gave the authority to draw maps to the Legislative Service Bureau (now called the Legislative Services Agency), the nonpartisan support agency for the legislature. The plan is drawn up by the LSA and must meet four criteria: equal population, contiguosity, respect for political subdivisions and compactness.

The LSA is charged with drawing up a plan, which cannot be amended and can only be voted up or down by a constitutional majority of the legislature. If that plan fails to pass, the same process is followed for a second plan.

If a third map is required, the legislature may amend that plan; if legislators cannot reach an agreement, the state's Supreme Court draws the districts.

Legislative leaders appoint a bipartisan, five-member advisory commission that can offer the LSA advice if requested. The governor can veto any of the plans.

In the three rounds of redistricting that have occurred since the 1980 law was passed, legislators have adopted one of the three plans submitted by the LSA without amendment, and none of the plans has been challenged in court.

Over the last year, some Midwestern states have considered a handful of redistricting-reform proposals, some of which draw on the Iowa model. Other pieces of legislation propose new and innovative ways to change the process, with an eye toward bipartisanship and fairness.

Constitutional amendments

Several efforts are under way to change the way ILLINOIS handles redistricting. Currently the legislature handles state and federal redistricting, and a backup commission is called upon to draw the lines if lawmakers do not adopt a plan by June 30 following the release of census data.

The commission is selected by party leaders in the legislature, so if the eight-member commission cannot agree, a ninth member is randomly chosen from a set of names. This widely criticized tiebreaker method has been used for the last two rounds of redistricting.

Soon after he took office in 2009, Gov. Pat Quinn created the Illinois Reform Commission, which was charged in part with making recommendations about redistricting.

The reform commission's final report voiced support for a proposed constitutional amendment (HJRCA 16) that, among other changes, would replace the current tiebreaker system.

Under HJRCA 16, if both the legislature and the backup

redistricting panel fail to adopt new maps, the chief justice of the state Supreme Court and a justice from the opposing party would appoint a "special master" to oversee the redistricting process. A citizens group is working to put a similar provision on the November ballot.

While it supported HJRCA 16 as a positive step, Quinn's reform panel called for broader reforms. Members recommended the creation of a five-member temporary redistricting commission, which would hire an independent consultant firm to draw up maps.

The commission's first two proposals could not be amended and would require a two-thirds majority to pass. If a third set of maps failed to pass, legislators could amend the maps, and the state Supreme Court

would perform a review in the case of a deadlock. Many of those recommendations are included in SJRCA 69, which was introduced in May.

OHIO currently directs a State Apportionment Board (composed of the governor, secretary of state, auditor, and one legislator each from the majority and minority parties) to draw district lines for state legislative seats. (The General Assembly is responsible for creating congressional districts.)

Critics of the apportionment board point out that one party can dominate the process by holding up to four seats on the panel.

A proposed constitutional amendment, SJR 5, calls for replacing the current board with a seven-member commission (made up of the governor, auditor, secretary of state, speaker of the House, Senate president, and one representative each from the minority parties in the House and the Senate).

A five-vote supermajority would be needed to pass a redistricting plan, with at least two of the five votes coming from the party in the minority on the panel. The commission would be required to make each district competitive, compact and contiguous. SJR 5 passed the Senate in September.

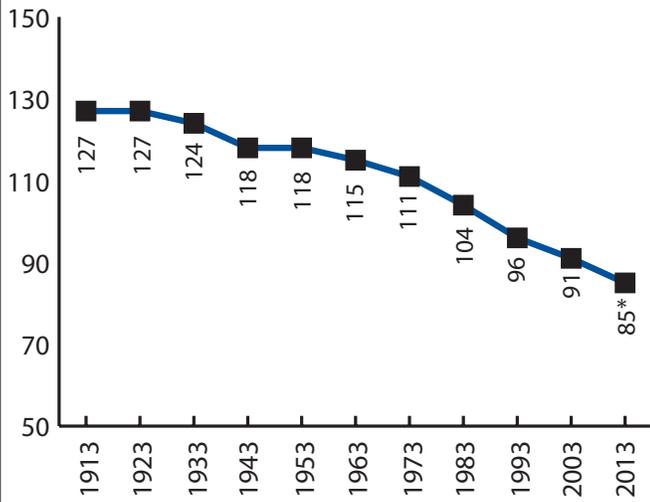
Another approach to redistricting may be gaining traction in Ohio, too. A proposed constitutional amendment (HJR 15) would replicate the process used in the Ohio Redistricting Competition, which was launched in March 2009 by a coalition of organizations and sponsored by the secretary of state's office.

Entrants were asked to demonstrate that congressional districts could be drawn to meet four objective criteria: competitiveness, compactness, community preservation and representational fairness. In the three winning plans, the majority of districts were competitive for either party.

Ohio's HJR 15 would require the Apportionment Board to hold a public competition to draw the state legislative districts. The board would choose the plan that best fits the criteria, and the winning map would become the state redistricting plan.

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Number of congressional seats held by the 11-state Midwest (1913-2013)



* 2013 numbers are based on projections for 2010 census.

Sources: U.S. Census Bureau (historical data) and Polidata Demographic & Political Guides

SOURCE GUIDE

For more information on redistricting reform, please visit the following Web sites:

Brennan Center for Justice — A Citizen's Guide to Redistricting
www.brennancenter.org

Hubert Humphrey Institute of Public Affairs — Minnesota Redistricting Project
www.hhh.umn.edu/centers/cspg/redistricting.html

Iowa Legislative Guide to Redistricting
www.legis.state.ia.us/Central/LSB/Guides/redist.htm

Midwest Democracy Network
www.midwestredistricting.org

Ohio Redistricting Competition
www.ohioredistricting.org

Polidata Demographic & Political Guides
www.polidata.org

The Center for Voting and Democracy
www.fairvote.org/redistricting

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