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## R SHEET ON INDEPENDENT REDISTRICTING COMMISSIONS

June 2022

### BACKGROUND

Over the last several decades, concerns have grown in many states over the impact of [partisan gerrymandering](#), in which state legislators redraw district lines to shore up reelection prospects both for themselves and their respective party at the congressional level. In short, as good governance groups have [described](#), partisan gerrymandering allows policymakers to choose their voters, rather than allowing voters to choose their policymakers.

To preclude this tendency, [about a dozen](#) states have adopted redistricting commissions, in which every 10 years, a group of individuals collaboratively draws new district lines for the state legislature and/or the U.S. House of Representatives, depending on state statute.

However, not every redistricting commission is created equal, and the process through which they complete their work varies greatly.

Such process-related decisions have a significant impact on the success or failure of the commission. To illustrate this impact, the divergent actions and outcomes of redistricting commissions in two states—New York and Michigan—are outlined.

### CURRENT DEBATE

#### New York

New York's redistricting commission, established by a 2014 [constitutional amendment](#), is [comprised](#) of 10 members; legislative leaders select the first eight members, who collaboratively select the remaining two. New York's commission has an advisory role, and the map they submit to the legislature must be passed by a [two-thirds majority](#) and receive the governor's signature.

However, in 2021, the commission could not overcome [partisan](#) differences and ultimately submitted [two maps](#) to the legislature, one Republican-leaning and another Democratic-leaning.

### SUMMARY

- Redistricting commissions are an increasingly popular method of redrawing state and congressional district lines because they carry less risk of partisan gerrymandering.
- Some states create redistricting commissions that are too beholden to legislative leaders, which denies commissioners the ability to create fair, unbiased maps.
- By creating bipartisan, independent and transparent redistricting commissions, states can satisfy constituents who may be concerned about the influence of partisan gerrymandering while providing legislators and other interested parties with recourse in the courts.

The Democratic supermajority in the legislature [rejected](#) both maps, [redrawing](#) the lines themselves. The results were what left-leaning think tank Brennan Center for Justice called a "[master class](#)" in a partisan gerrymander, with Democrats slated to pick up 22 seats, up from 19, despite New York [dropping](#) from 27 to 26 seats total.

The New York Court of Appeals [threw out](#) the map as unconstitutional and appointed a special master to redraw the lines. The [newly approved](#) maps favor competitive districts and will set up several explosive primaries, notably in Manhattan between long-time congressional representatives and Committee Chairs Rep. Carolyn Maloney and Rep. Jerrold Nadler, who [announced](#) they will both run for the new 12<sup>th</sup> District.

#### Michigan

Michiganders approved the creation of a 13-member independent redistricting commission in [2018](#), comprised of four members each from the two major political parties and five who are unaffiliated with either. To invite applications, [250,000](#) informational mailings were sent to randomly selected individuals; of [10,000](#) applications,

a [200-person pool](#) was arbitrarily chosen with proportional partisanship and statistical weighting to match Michigan’s demography. Each of the four legislative leaders could strike up to five candidates each, and from 180 remaining candidates, a [publicly broadcast](#) random selection process was completed.

As commissioners worked on new maps, they sought [public input](#), with most meetings [open](#) to public comment and testimony. After several iterations, the commission [voted](#) in December 2021 to enact a collaborative map that cleared the necessary hurdle of support from two Democrats, two Republicans and two independents, plus two more commissioners.

Michigan’s commission was not completely transparent—the state Supreme Court had to [compel](#) members to release memos from a closed-door meeting in late October, and three months after maps were drawn, commissioners voted to give themselves a 7 percent [raise](#), which they later [reversed](#). Still, experts [believe](#) that the process was more transparent and the results less partisan than previous Michigan maps.

## ACTION ITEMS

The Michigan and New York examples provide ample evidence that process matters in a redistricting commission’s success or failure.

First, **redistricting commissions should have more than an advisory function.** Because New York’s citizen-drawn maps needed to be approved by the legislature and governor, legislators were incentivized to reject the maps so they could draw the lines themselves, even though this contradicted the intent of the 2014 constitutional amendment. The resultant maps had little democratic involvement since the court had them redrawn by a singular special master. Meanwhile, in Michigan, the final maps did not require legislative or gubernatorial approval; instead, oversight was retained through the Michigan Supreme Court, which has heard multiple [lawsuits](#) from both Democrats and Republicans. A successful redistricting commission must be empowered to enact its recommendations and be subject to judicial, not legislative, oversight.

Second, **the commissioner selection process must be independent from legislators.** When commissioners are chosen by legislative leaders, commissioners may have a propensity to support the interests of the individual who appointed them. Legislative leaders may also be incentiv-

ized to appoint vocal partisans who would work to achieve favorable results for their political party throughout the process, resulting in an impasse, as it did in New York.

Instead, states should adopt Michigan’s random selection process, weighted to reflect partisan equality and appropriate demographic distributions but giving no group of individuals selection powers.

Third, **transparency is key to constituent satisfaction.** Little about the New York redistricting process was transparent, from the commissioner selection process to the court-appointed special master. Michigan’s process raised concerns with transparency as well, but broadcasting the random selection process and requiring open meetings ensured public access, which was aided by local media closely [following](#) the proceedings.

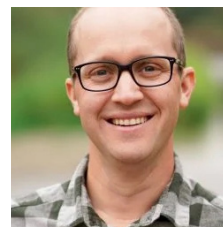
When these conditions are met, a redistricting commission can provide constituents with competitive, contiguous districts where they can select their own policymakers, not the other way around.

## CONTACT US

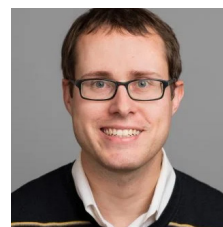
For more information on this subject, contact the R Street Institute, 1212 New York Ave. NW, Washington, D.C. 20005, 202-525-5717.



Sarah Wall  
Northeast Government  
Affairs Manager  
[swall@rstreet.org](mailto:swall@rstreet.org)  
757-407-4255



Matthew Germer  
Elections Fellow  
Governance Policy  
[mgermer@rstreet.org](mailto:mgermer@rstreet.org)



Jonathan Bydlak  
Director  
Governance Policy  
[jbydlak@rstreet.org](mailto:jbydlak@rstreet.org)