

Members

Sen. Randall Head, Chairperson
Sen. Sue Landske
Sen. Susan Glick
Sen. Timothy Lanane
Sen. James Arnold
Sen. Vi Simpson
Rep. Eric Koch, Vice-Chairperson
Rep. Woody Burton
Rep. David Wolkins
Rep. John Bartlett
Rep. Cherrish Pryor
Rep. Phil GiaQuinta



INTERIM STUDY COMMITTEE ON REDISTRICTING

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

Chris Baker, Fiscal Analyst for the Committee
Robert Rudolph, Attorney for the Committee

Authority: Legislative Council Resolution 11-01

MEETING MINUTES¹

Meeting Date: September 20, 2011
Meeting Time: 10:30 A.M.
Meeting Place: State House, 200 W. Washington St.,
Senate Chamber
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Sen. Randall Head, Chairperson; Sen. Sue Landske; Sen. Susan Glick; Sen. Timothy Lanane; Sen. Vi Simpson; Rep. Eric Koch, Vice-Chairperson; Rep. Woody Burton; Rep. David Wolkins; Rep. John Bartlett; Rep. Phil GiaQuinta.

Members Absent: Sen. James Arnold; Rep. Cherrish Pryor.

Chairman Senator Randall Head called the meeting to order at 10:38 A.M.

Testimony by Mr. Timothy Storey, National Council of State Legislatures-

Mr. Storey stated he had 20 years of experience with the National Council of State Legislatures (NCSL) studying the redistricting of states in the United States and countries overseas. He gave a slide presentation that described how various states choose to redistrict congressional and legislative seats. The following paragraphs provide the main points from Mr. Storey's presentation.

-Redistricting is a constitutionally mandated activity. Forty-three states redistrict congressional seats, while the other seven states have a single congressional seat not requiring redistricting.

¹ These minutes, exhibits, and other materials referenced in the minutes can be viewed electronically at <http://www.in.gov/legislative>. Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for hard copies.

-Some states use the regular session to draw new legislative and congressional maps. Some states use special sessions. A few states adjust their population base to account for military, prisoners, and students. Two states (Connecticut and Maine) use a super-majority vote in their legislative body to adopt districts. There are various back-up systems in case a state legislature does not adopt new districts.

-For the 2010 redistricting cycle, 17 states have adopted both legislative and congressional redistricting maps, three have adopted congressional districts only, and two states adopted legislative districts only. During an average redistricting cycle, about 40 states will have their new districts challenged by lawsuit. Indiana has not had a challenge in her last three redistricting cycles.

-Thirty-seven state legislatures adopt their own legislative maps.

-Thirteen states (Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Missouri, Montana, New Jersey, Ohio, Pennsylvania, and Washington) have an independent redistricting commission to determine legislative lines. The largest independent commission is Missouri's with 18 members, and the smallest is Arkansas' with three members (Governor, Attorney General, and Secretary of State). Seven states have a redistricting commission for U.S. congressional seats. New Jersey is the only state with two commissions. Some states have advisory or back-up commissions in case the legislature does not adopt new maps. Mr. Storey released a handout that points to the differences in each state with commissions (Exhibit A).

-Iowa uses nonpartisan staff to produce three maps for redistricting. No political data may be used to produce the maps. The Iowa legislature may approve the three maps, as is, in entirety. However, if the legislature does not pass the maps, they may send back technical changes to the staff producing the maps. If the maps fail to be adopted a second time, the legislature may amend (technical only) and adopt a third set of maps.

-California has a 14-member commission. There were extensive eligibility requirements for membership to the commission that reduced 30,000 applicants to 14 appointments. California has several criteria for drawing legislative maps including the following: equal population, adherence to the Voter Rights Act, contiguous and compact districts, observance of political subdivision lines and communities of interest, and nested districts. A redistricting plan must be approved by nine voters on the commission (three Republicans, three Democrats, and three from the "decline to state" party).

-Advisory and Back-up Commissions- When a legislature fails to adopt new districts, five states have back-up commissions for state legislative and congressional House districts: Alabama, Connecticut, Illinois, Oklahoma, and Texas. Indiana is the only state with a back-up commission for the U.S. House of Representatives only. Maine, Vermont, and Rhode Island have advisory commissions only. Oregon utilizes their Secretary of State as the back-up for setting new districts.

Questions asked by members of the Interim Study Committee on Redistricting (ISCOR) to Mr. Storey involved the following: counting of prisoners, assurance that data used by an independent commission is not political in nature, the selection criteria when determining new districts, gerrymandering concerns, confidence of voters in districts formed by independent commissions, transparency of the redistricting process, increase in voter turnout, availability of studies favoring either legislative- or independent commission-determined districts, and if redistricting via an independent commission pitted more incumbents against another.

Mr. Storey's answers are summarized as follows. He stated he was not aware of any, but did

not deny the possibility that studies have occurred regarding the success of legislative and congressional maps drawn by a legislature or by an independent commission. He said it was very difficult to assert that voter turnout could be tied singly to whether a state had an independent commission redrawing districts. With respect to politics and the data, Mr. Storey said Iowa takes security very seriously; where the persons involved in developing new districts are "walled-off," and placed in a very secure setting to keep political influence at bay.

Further, Mr. Storey stated that the commissions in Iowa and California pitted quite a few incumbents against another, at a higher rate than states where the legislature decided the districts.

In response to the transparency question, Mr. Storey replied that 2010 had been the most open year with regard to the redistricting process since 1960. He said many states offer tools online for the general public to build their own district maps from scratch.

Representative Burton commented, in response, that transparency during the most recent redistricting process was great, to the point when the maps were drawn and released to the public. He would like to see the state do a better job in the future.

Representative Bartlett said that the problems with how to count out-of-state prisoners, military, and students was of concern to him. He said he favored the legislature drawing maps due to the increased steps of transparency made when adopting new districts during the 2011 session. He said, ultimately, legislators are accountable to the people if future maps are drawn in a biased manner.

Testimony by the public was granted by Chairman Head. No member of the general public in attendance came forth to offer testimony.

The meeting was adjourned by Chairman Head at 11:35 A.M.



NATIONAL CONFERENCE of STATE LEGISLATURES

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Redistricting Commissions: Legislative Plans

Commissions with Responsibility for Adopting a Plan

<u>State</u>	<u>Number of Members</u>	<u>Selection Requirements</u>	<u>Formation Date</u>	<u>Initial Deadline</u>	<u>Final Deadline</u>
Alaska	5	Governor appoints two; then president of the Senate appoints one; then speaker of the House appoints one; then chief justice of the Supreme Court appoints one. At least one member must be a resident of each judicial district. No member may be a public employee or official.	By September 1, 2010	30 days after census officially reported	90 days after census officially reported
Arizona	5	The commission on appellate court appointees creates a pool of 25 nominees, ten from each of the two largest parties and five not from either of the two largest parties. The Speaker of the house appoints one from the pool, then the minority leader of the house appoints one, then the Senate President appoints one, then the minority leader of the senate appoints one. These four choose a fifth from the pool, not a member of any party already represented on the commission, as chair. If the four deadlock, the commission on appellate court appointments appoints the chair.	By February 28, 2011	None	None

<u>State</u>	<u>Number of Members</u>	<u>Selection Requirements</u>	<u>Formation Date</u>	<u>Initial Deadline</u>	<u>Final Deadline</u>
Arkansas	3	Commission consists of the governor, secretary of state, and the attorney general	None	By February 1, 2011	Plan becomes official 30 days after it is filed
California	14	Five registered with largest political party, five registered with second largest political party and four not registered with either of the two largest political parties. Must have voted in two of the last three statewide general elections and not changed registration within the last five years. Must not have been politically active for last 10 years. Chosen at random from three pools, starting with 20 candidates each selected by a board of three state auditors, then reduced by up to eight strikes by legislative leaders. Prohibited from holding appointive public office or working as legislative staff or lobbyist for five years	By Dec. 31, 2010	None	Sept. 15, 2011
Colorado	11	Legislature selects four: (speaker of the House; House minority leader; Senate majority and minority leaders; or their delegates). Governor selects three. Judiciary selects four. Max of four from the legislature. Each congressional district must have at least one person, but no more than four people representing it on the commission. At least one member must live west of the Continental Divide.	By May 15, 2011	Within one hundred thirteen days after the commission has been convened or the necessary census data are available, whichever is later	Dec. 14, 2012

<u>State</u>	<u>Number of Members</u>	<u>Selection Requirements</u>	<u>Formation Date</u>	<u>Initial Deadline</u>	<u>Final Deadline</u>
Hawaii	9	President of the Senate selects two. Speaker of the House selects two. Minority Senate and House Leaders each select two. These eight select the ninth member, who is the chair. No commission member may run for the Legislature in the two elections following redistricting.	By March 1, 2011	80 days after the commission forms	150 days after commission formation
Idaho	6	Leaders of two largest political parties in each house of the legislature each designate one member; chairs of the two parties whose candidates for governor received the most votes in the last election each designate one member. No member may be an elected or appointed official in the state at the time of designation.	Within 15 days after the secretary of state orders creation of a commission	None	90 days after the commission is organized, or after census data is received, whichever is later
Missouri	House: 18 Senate: 10	There are two separate redistricting committees. Governor picks one person from each list of two submitted by the two main political parties in each congressional district to form the house committee. Governor picks five people from two lists of 10 submitted by the two major political parties in the state to form the senate committee. No commission member may hold office in the legislature for four years after redistricting.	Within 60 days of the census data becoming available	Five months after the commission forms	Six months after formation

<u>State</u>	<u>Number of Members</u>	<u>Selection Requirements</u>	<u>Formation Date</u>	<u>Initial Deadline</u>	<u>Final Deadline</u>
Montana	5	Majority and minority leaders of both houses of the Legislature each select one member. Those four select a fifth, who is the chair. Members cannot be public officials. Members cannot run for public office in the two years after the completion of redistricting.	The legislative session before the census data is available	The commission must give the plan to the Legislature at the first regular session after its appointment	30 days after the plan is returned by the Legislature
New Jersey	10	The chairs of the two major parties each select five members. If these 10 members cannot develop a plan in the allotted time, the chief justice of the state Supreme Court will appoint an 11th member.	December 1, 2010	February 1, 2011, or one month after the census data becomes available	The initial deadline, or one month after the 11th member is picked
Ohio	5	Board consists of the governor, auditor, secretary of state, and two people selected by the legislative leaders of each major political party.	Between August 1 and October 1, 2011	None	October 5, 2011
Pennsylvania	5	Majority and minority leaders of the legislative houses each select one member. These four select a fifth to chair. If they fail to do so within 45 days, a majority of the state Supreme Court will select the fifth member. The chair cannot be a public official.	None listed	90 days after the availability of the census data or after commission formation, whichever is later	30 days after the last public exception that is filed against the initial plan
Washington	5	Majority and minority leaders of the House and Senate each select one. These four select a non-voting fifth to chair the commission. If they fail to do so by January 1, 2001, the state Supreme Court will select the fifth by February 5, 2001. No commission member may be a public official.	January 31, 2011	None	January 1, 2012

Advisory Commissions: Legislative Plans

<u>State</u>	<u>Number of Members</u>	<u>Selection Requirements</u>	<u>Formation Date</u>	<u>Initial Deadline</u>	<u>Final Deadline</u>
Maine	15	Speaker of the House appoints three. House minority leader appoints three. President of the Senate appoints two. Senate minority leader appoints two. Chairs of two major political parties, or their designees. The members from the two parties represented on the commission each appoint a public member, and the two public members choose a third public member.	Within three calendar days of convening the Legislature in 2013	The commission must submit its plan to the Legislature within 120 days after the Legislature convenes in 2013. The Legislature must enact the plan, or another plan, by a 2/3 vote of both houses within 30 days after it receives the commission's plan.	Within 60 days after the Legislature fails to meet its deadline, the supreme judicial court must adopt a plan
Vermont	5	Chief justice appoints the chair; governor appoints one member from each political party that received 25 percent of the vote in the last gubernatorial election; those parties each select one. Secretary of state is secretary of the board but does not vote. No commissioner may be a member or employee of the legislature.	By July 1, 2010	April 1, 2011	May 15, 2011. Legislature must adopt the plan or a substitute at that biennial session.

Back-up Commissions: Legislative Plans

<u>State</u>	<u>Number of Members</u>	<u>Selection Requirements</u>	<u>Formation Date</u>	<u>Initial Deadline</u>	<u>Final Deadline</u>
Connecticut	9	President pro tem of the Senate, Senate minority leader, speaker of the House, and House minority leader each select two; these eight must select the ninth within 30 days.	After legislature fails to meet deadline (September 15, 2011)	None	November 30, 2011
Illinois	8	President of the Senate, Senate minority leader, speaker of the House, and House minority leader each select two, one of whom is a legislator and the other is not. No more than four from the same party. If the commission fails to develop a plan by August 10, 2011, the state Supreme Court selects two persons not of the same political party, one of whom is chosen by lot to be the ninth member.	July 10, 2011 (if legislature fails to meet its deadline of June 30)	None	October 5, 2011
Mississippi	5	Chief justice of Supreme Court is chair; attorney general, secretary of state, speaker of the House, president pro tem of the Senate	After legislature fails to meet deadline (60 days after end of second regular session following decennial census)	None	180 days after special apportionment session adjourns

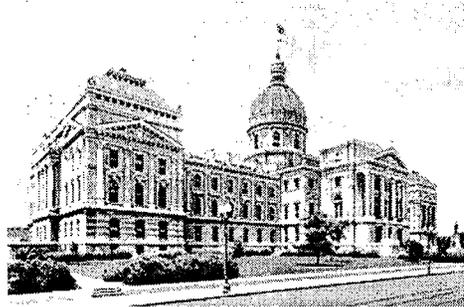
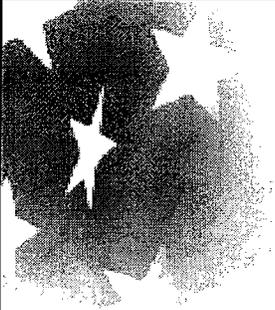
<u>State</u>	<u>Number of Members</u>	<u>Selection Requirements</u>	<u>Formation Date</u>	<u>Initial Deadline</u>	<u>Final Deadline</u>
Oklahoma	3	Attorney general, superintendent of public instruction, and state treasurer	After legislature fails to meet deadline (90 days after convening first regular session following decennial census)	None	None
Texas	5	Lieutenant governor, speaker of the House, attorney general, comptroller of public accounts, and commissioner of the general land office	Within 90 days after legislature fails to meet deadline (adjournment of the first regular session following decennial census)	None	60 days after formation

Redistricting Commissions: Congressional Plans

<u>State</u>	<u>Number of Members</u>	<u>Selection Requirements</u>	<u>Formation Date</u>	<u>Initial Deadline</u>	<u>Final Deadline</u>
Arizona (Same Commission that does Legislative)	5	The commission on appellate court appointees creates a pool of 25 nominees, ten from each of the two largest parties and five not from either of the two largest parties. The highest ranking officer of the house appoints one from the pool, then the minority leader of the house appoints one, then the highest ranking officer of the senate appoints one, then the minority leader of the senate appoints one. These four appoint a fifth from the pool, not a member of any party already represented on the commission, as chair. If the four deadlock, the commission on appellate appointments appoints the chair.	By February 28, 2011	None	None
California (Same Commission that does Legislative)	14	Five registered with largest political party, five registered with second largest political party and four not registered with either of the two largest political parties. Must have voted in two of the last three statewide general elections and not changed registration within the last five years. Must not have been politically active for last 10 years. Chosen at random from three pools, starting with 20 candidates each selected by a board of three state auditors, then reduced by up to eight strikes by legislative leaders. Prohibited from holding appointive public office or working as legislative staff or lobbyist for five years	By Dec. 31, 2010	None	Sept. 15, 2011

<u>State</u>	<u>Number of Members</u>	<u>Selection Requirements</u>	<u>Formation Date</u>	<u>Initial Deadline</u>	<u>Final Deadline</u>
Hawaii (Same Commission that does Legislative)	9	President of the Senate selects two. Speaker of the House selects two. Minority Senate and House Leaders each select two. These eight select the ninth member, who is the chair. No commission member may run for the Legislature in the two elections following redistricting.	By March 1, 2011	80 days after the commission forms	150 days after commission formation
Idaho (Same Commission that does Legislative)	6	Leaders of two largest political parties in each house of the Legislature each designate one member; chairs of the two parties whose candidates for governor received the most votes in the last election each designate one member. No member may be an elected or appointed official in the state at the time of designation.	Within 15 days after the secretary of state orders creation of a commission	None	90 days after the commission is organized, or after census data is receive, whichever is later
Montana (Same Commission that does Legislative)	5	Majority and minority leaders of both houses of the Legislature each select one member. Those four select a fifth, who is the chair. Members cannot be public officials. Members cannot run for public office in the two years after the completion of redistricting.	The legislative session before the census data is available	The commission must give the plan to the Legislature at the first regular session after its appointment	30 days after the plan is returned by the Legislature

<u>State</u>	<u>Number of Members</u>	<u>Selection Requirements</u>	<u>Formation Date</u>	<u>Initial Deadline</u>	<u>Final Deadline</u>
New Jersey	13	President of the Senate, speaker of the General Assembly, Senate minority leader, House minority leader, and chairs of the two largest political parties each appoint two members. Seven of these members may vote to appoint the 13 th , independent member, to serve as chair. Otherwise, the state Supreme Court selects the independent chair, choosing between the two candidates who received the most votes on the commission's last ballot.	August 1, 2011	January 15, 2012	January 15, 2012
Washington (Same Commission that does Legislative)	5	Majority and minority leaders of the House and Senate each select one. These four select a nonvoting fifth to chair the commission. If they fail to do so by January 1, 2001, the state Supreme Court will select the fifth by February 5, 2001. No commission member may be a public official.	January 31, 2011	None	January 1, 2012
Congressional Plans: Back-Up Commission					
Indiana	5	Speaker of the House, president of the Senate, chairs of redistricting committees in each house; governor appoints fifth legislator.	Adjournment of legislative session that fails to adopt required plan	None	30 days after adjournment of regular session



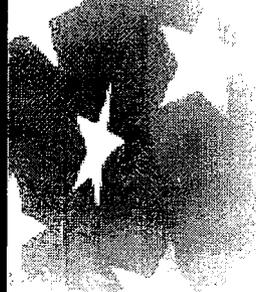
Indiana General Assembly

Interim Study Committee on Redistricting

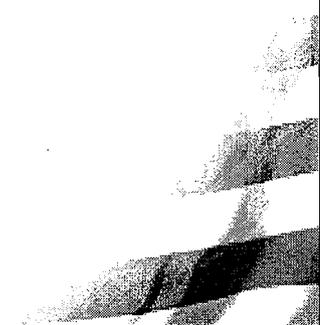
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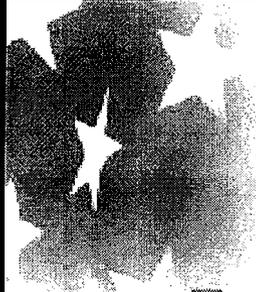
Tim Storey

National Conference of State Legislatures



Main Points

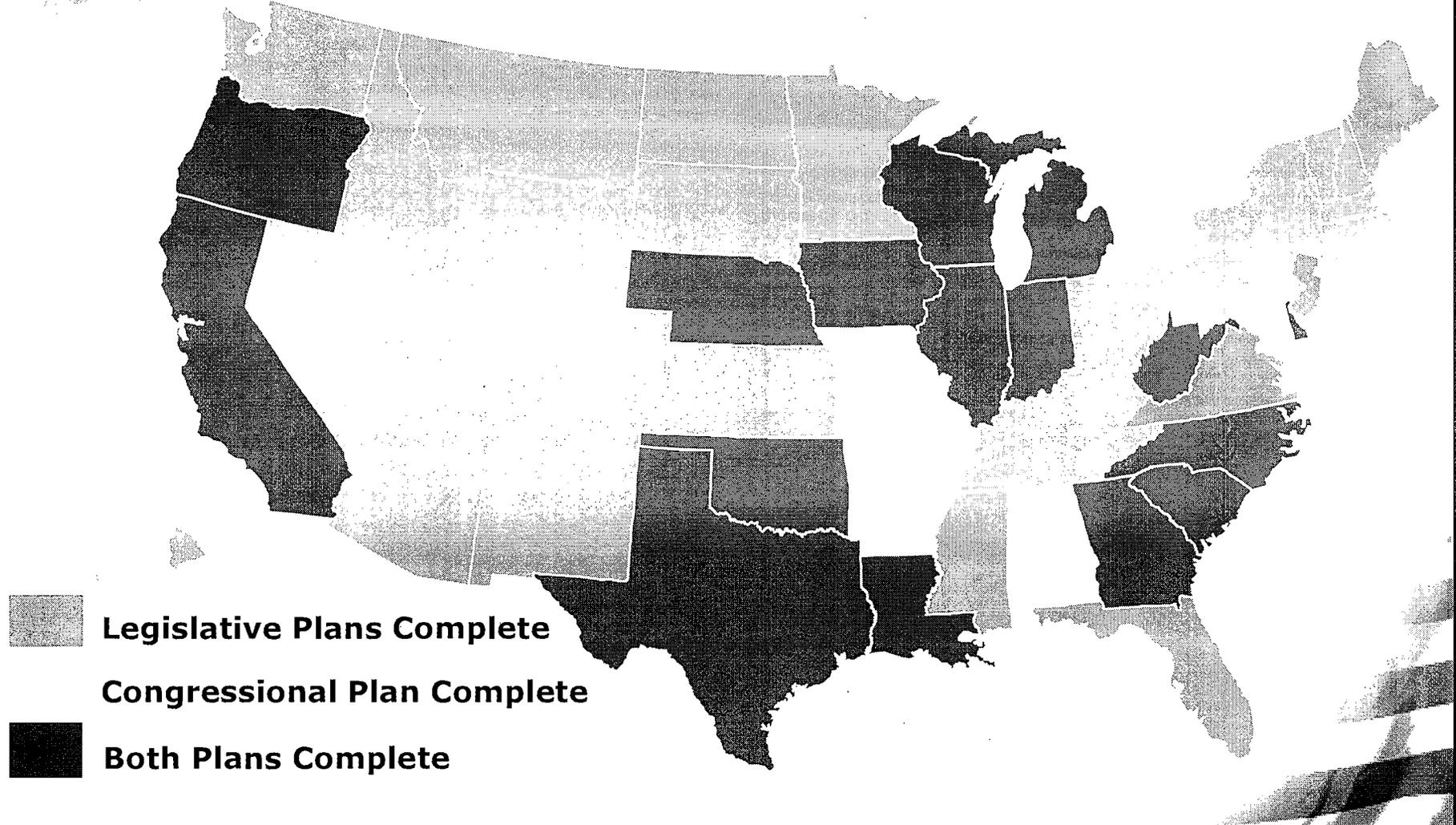
- Constitutionally Mandated
 - 50 Different Approaches
 - 43 for Congressional Redistricting
 - Governed by Voluminous Federal and State Law
- 

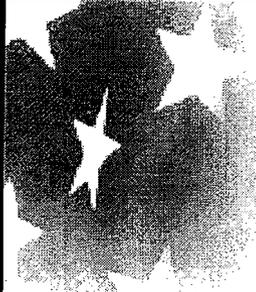


Examples of Variations

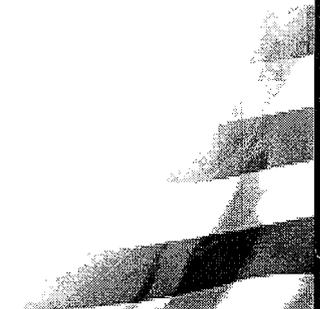
- Different Authorities
 - Two states wait until “3” year
 - Special Sessions
 - 4 odd year election states
 - Adjusted Population Base
 - No Veto by Governor
 - Super-majority Vote
 - Voting Rights Act Section 5 States
 - Various Back-up Systems
- 

2011 Redistricting Progress

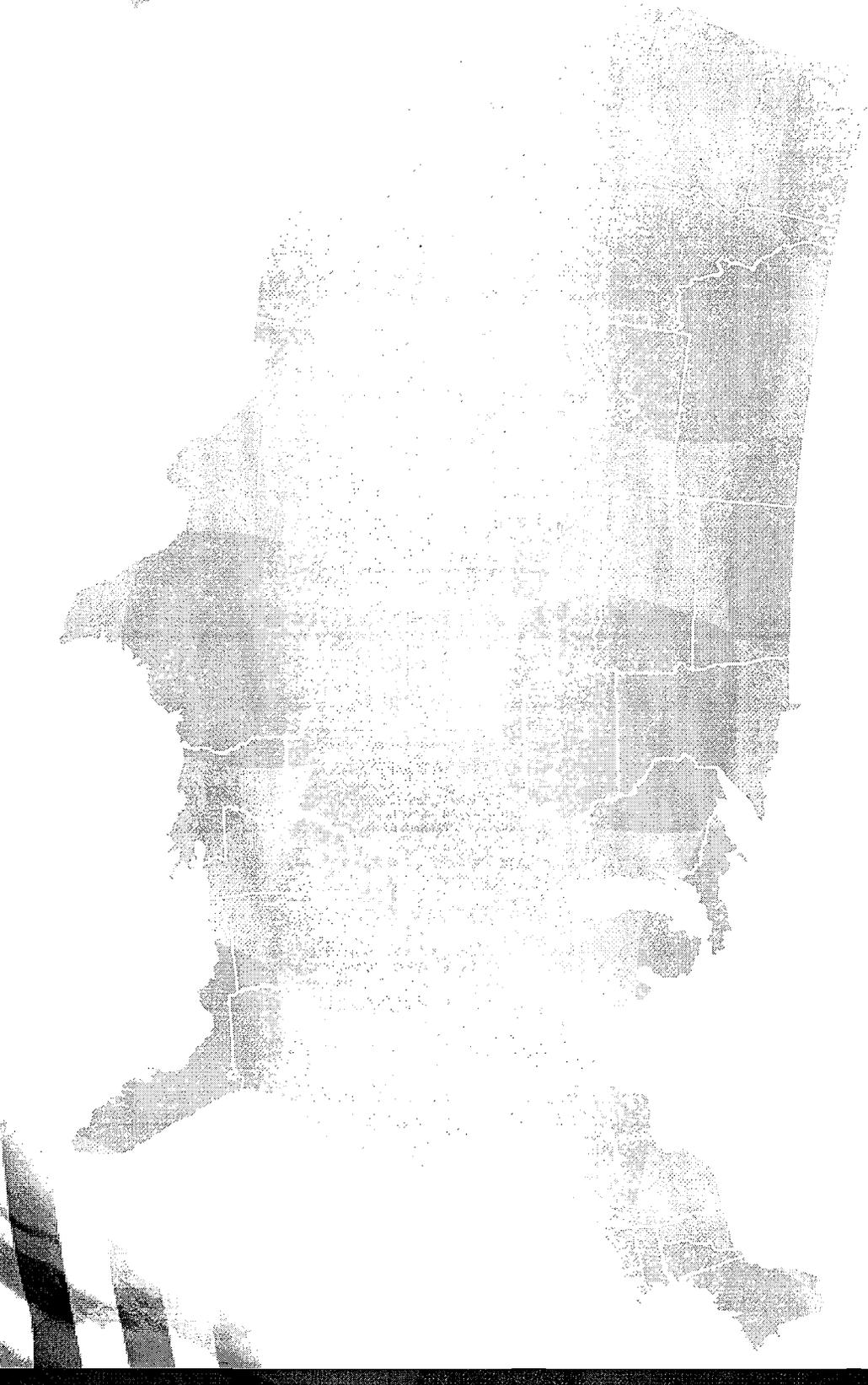


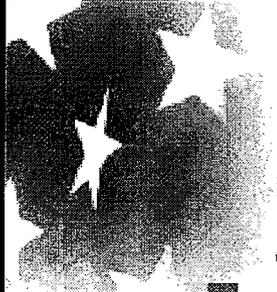


Redistricting 2010

- Board or commission--
 - 13 States for Legislative Lines
 - 7 States for U.S. House
 - Advisory
 - Back-up
 - Legislature
 - 37 States for Legislative Lines
 - Iowa
- 

Redistricting Commissions: Legislative Plans



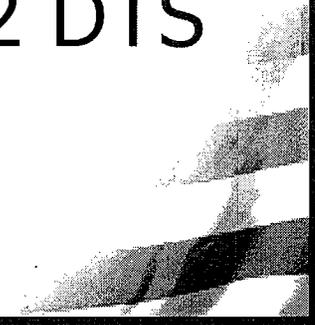


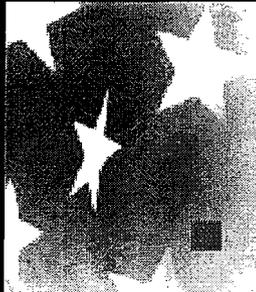
Iowa

- Three maps drawn by nonpartisan legislative staff
- No political data can be used
- Legislature must approve--no amendments
- Legislature can amend third set of proposed maps if first two sets are rejected



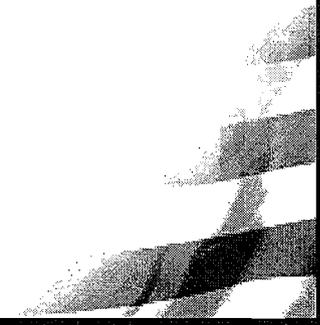
California

- 14 Member Commission
 - Extensive Eligibility Requirements
 - State Auditor reviewed applications
 - Narrowed to 60 (20 Decline to State, 20 Democrats and 20 Republicans)
 - 8 Legislative Leaders Eliminated 2 in each pool to get to 36 (12-12-12)
 - Random Draw of 3 Ds, 3 Rs and 2 DTS
 - They chose 2 from each pool to complete the Commission
- 

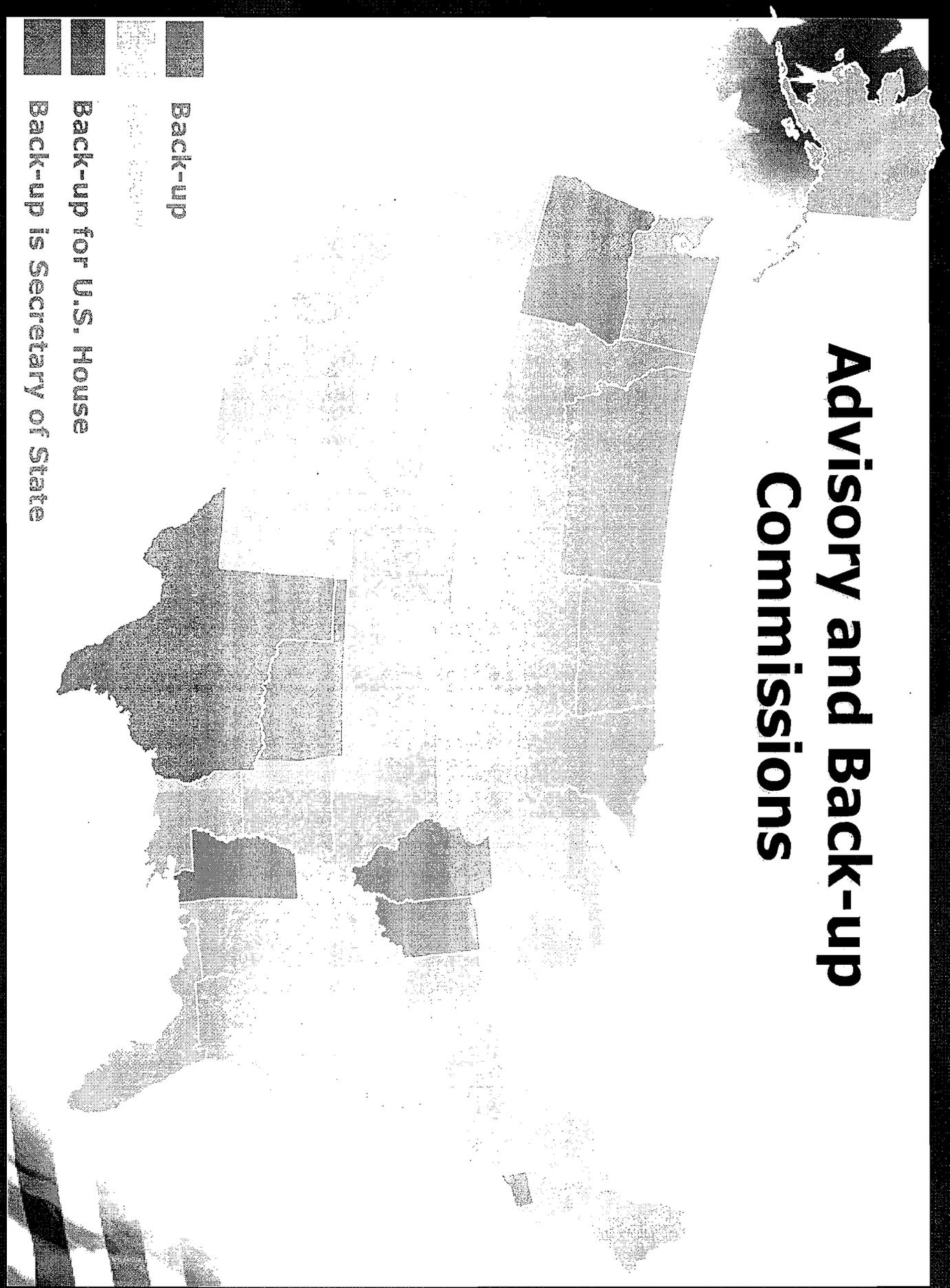


California

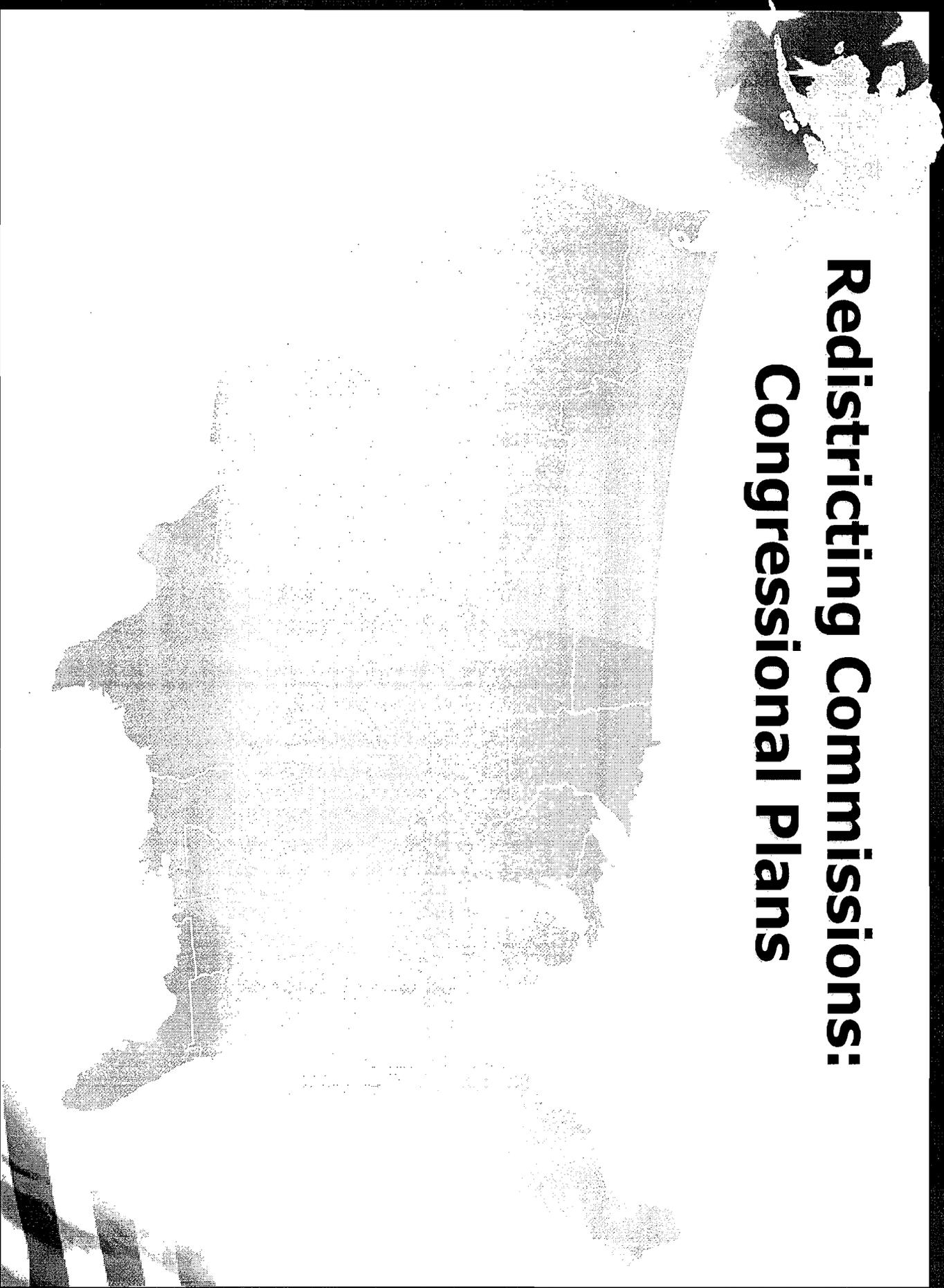
■ Criteria:

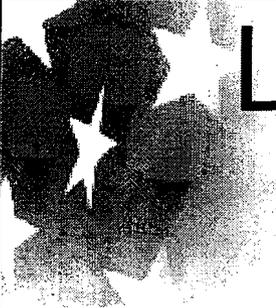
- Equal Population, VRA, Contiguous, Compact
 - Preserve Political Subdivision Lines and Communities of Interest
 - Nested Districts
 - “Districts shall not be drawn for the purpose of favoring or discriminating against and incumbent, political candidate or political party”
 - Final Maps had to Garner 9 votes
 - 3 from each party group
- 

Advisory and Back-up Commissions



Redistricting Commissions: Congressional Plans





Legislatures and Commissions Success Rates

	House	Senate	Congress
<u>2000s</u> Legislatures Commissions	69% (24 of 35) 71% (10 of 14)	78% (28 of 36) 71% (10 of 14)	74% (28 of 38) 100% (5 of 5)
<u>1990s</u> Legislatures Commissions	57% (21 of 37) 80% (8 of 10)	62% (23 of 37) 91% (10 of 11)	59% (23 of 39) 100% (4 of 4)
<u>1980s</u> Legislatures Commissions	66% (25 of 38) 67% (6 of 9)	62% (24 of 39) 67% (6 of 9)	



Indiana General Assembly

Interim Study Committee on Redistricting

September 20, 2011

Tim Storey

National Conference of State Legislatures

Tim.Storey@NCSL.org