



FIVE STATES WITH INDEPENDENT REDISTRICTING COMMISSIONS AND THE LAWS GOVERNING THOSE COMMISSIONS

THE FIVE STATES

- MONTANA
- ARIZONA
- CALIFORNIA
- WASHINGTON
- NEW JERSEY
- (IOWA DOESN'T HAVE AN INDEPENDENT REDISTRICTING COMMISSION; ITS MAPS ARE DRAWN BY THE LEGISLATURE'S NON-POLITICAL STAFF)

WHAT ARE THE RULES GOVERNING THE SELECTION OF THE COMMISSIONERS AND THEIR DECISIONS?

NUMBER OF COMMISSIONERS AND THEIR PARTIES

- **MONTANA: 5 (2 Rs, 2 Ds, 5TH NOT SPECIFIED)**
- **ARIZONA: 5 (NO MORE THAN 2 FROM ANY ONE PARTY)**
- **CALIFORNIA: 14 (5 Rs, 5 Ds, 4 OTHERS)**
- **WASHINGTON: 5 (2 Rs, 2 Ds, 5TH [NON-VOTING CHAIR] NOT SPECIFIED)**
- **NEW JERSEY: 13 (6 Rs, 6 Ds, 13TH [CHAIR] NOT SPECIFIED)**

HOW ARE THE COMMISSIONERS SELECTED?

- **MONTANA: ONE EACH CHOSEN BY THE R AND D LEGISLATIVE LEADERS; THEY SELECT THE 5TH**
- **ARIZONA: COMMISSION ON APPELLATE COURT APPOINTMENTS ESTABLISHES THREE POOLS: 10 Rs, 10 Ds, 5 OTHERS**
 - **THE R LEGISLATIVE LEADERS EACH CHOOSE ONE FROM THE R POOL**
 - **THE D LEGISLATIVE LEADERS EACH CHOOSE ONE FROM THE D POOL**
 - **THE FOUR CHOOSE ONE FROM THE “OTHER” POOL**



HOW ARE THE COMMISSIONERS SELECTED?

- **CALIFORNIA:**
 - ANY REGISTERED VOTER MAY APPLY
 - THE STATE AUDITOR SCREENS OUT INELIGIBLE APPLICANTS AND FORWARDS THE REST TO A 3-PERSON APPLICANT REVIEW PANEL OF INDEPENDENT AUDITORS (1 R, 1 D, 1 OTHER)
 - THEY ESTABLISH THREE POOLS: 20 Rs, 20 Ds, 20 OTHERS
 - THE LEGISLATIVE LEADERS STRIKE 2 EACH FROM EACH POOL, REDUCING EACH POOL TO 12

HOW ARE THE COMMISSIONERS SELECTED?

- **CALIFORNIA (cont'd):**
 - THE STATE AUDITOR DRAWS FROM THE POOLS 3 Rs, 3 Ds, 2 OTHERS
 - THOSE 8 SELECT FROM THE POOLS 2 Rs, 2 Ds, 2 OTHERS “TO ENSURE THE COMMISSION REFLECTS THE STATE’S DIVERSITY”
- **WASHINGTON: ONE EACH CHOSEN BY THE R AND D LEGISLATIVE LEADERS; THEY SELECT THE 5TH**

HOW ARE THE COMMISSIONERS SELECTED?

- **NEW JERSEY:**
 - 2 EACH CHOSEN BY THE R AND D LEGISLATIVE LEADERS;
 - 2 EACH CHOSEN BY THE STATE R AND D PARTY CHAIRS
 - THEY CHOOSE THE 13TH
 - IF THEY CAN'T AGREE ON THE 13TH, THE STATE SUPREME COURT CHOOSES BETWEEN THE TWO HIGHEST VOTE-GETTERS



WHO IS INELIGIBLE TO BE A COMMISSIONER?

- **MONTANA: CURRENT PUBLIC OFFICIALS**
- **ARIZONA: ANYONE WHO, IN THE PRECEDING 3 YEARS,**
 - **HAS HELD OR RUN FOR PUBLIC OFFICE (OTHER THAN A SCHOOL BOARD)**
 - **HAS BEEN A PARTY OFFICER OR PRECINCT COMMITTEEPERSON**
 - **HAS BEEN A REGISTERED PAID LOBBYIST**
 - **HAS BEEN AN OFFICER OF A CAMPAIGN COMMITTEE**

WHO IS INELIGIBLE TO BE A COMMISSIONER?

- **CALIFORNIA: ANYONE WHO, IN THE PRECEDING 10 YEARS, HAS BEEN**
 - A HOLDER OF OR CANDIDATE FOR STATE OR FEDERAL OFFICE
 - AN OFFICER, EMPLOYEE OR CONSULTANT OF A POLITICAL PARTY OR CAMPAIGN
 - A MEMBER OF A POLITICAL PARTY CENTRAL COMMITTEE
 - A REGISTERED LOBBYIST
 - A PAID CONGRESSIONAL, LEGISLATIVE OR BOARD OF EQUALIZATION STAFF

WHO IS INELIGIBLE TO BE A COMMISSIONER?

- **CALIFORNIA (cont'd):**
 - **A CONTRIBUTOR OF \$2,000 OR MORE TO ANY CAMPAIGN IN ANY YEAR**
 - **A MEMBER OF THE IMMEDIATE FAMILY OF ANY OF THE ABOVE**

WHO IS INELIGIBLE TO BE A COMMISSIONER?

- **WASHINGTON:**
 - CURRENT ELECTED OFFICIALS
 - CURRENT PARTY OFFICERS (OTHER THAN PRECINCT COMMITTEEPERSONS)
 - ANYONE WHO HAS HELD ONE OF THE ABOVE POSITIONS IN THE PRECEDING 2 YEARS
 - ANYONE WHO HAS BEEN A REGISTERED LOBBYIST IN THE PRECEDING 1 YEAR
 - ANYONE WHO ACTIVELY PARTICIPATES IN OR CONTRIBUTES TO A CAMPAIGN FOR STATE OR FEDERAL OFFICE
- **NEW JERSEY: ANYONE WHO HAS HELD PUBLIC OR PARTY OFFICE IN THE PRECEDING 5 YEARS**

WHAT CREDENTIALS MUST THE COMMISSIONERS HAVE?

- **MONTANA: NONE**
- **ARIZONA:**
 - **BE A REGISTERED VOTER WHO HASN'T SWITCHED PARTY AFFILIATION IN THE LAST 3 YEARS**
 - **BE COMMITTED TO APPLYING THE LAW IN AN HONEST, INDEPENDENT AND IMPARTIAL FASHION AND TO UPHOLDING PUBLIC CONFIDENCE IN THE INTEGRITY OF THE REDISTRICTING PROCESS**

WHAT CREDENTIALS MUST THE COMMISSIONERS HAVE?

- **CALIFORNIA:**
 - BE A REGISTERED VOTER WHO HASN'T SWITCHED PARTY AFFILIATION IN THE LAST 5 YEARS AND HAS VOTED IN AT LEAST 2 OF THE LAST 3 STATEWIDE GENERAL ELECTIONS
 - BE COMMITTED TO APPLYING THE LAW IN AN IMPARTIAL MANNER AND TO REINFORCING PUBLIC CONFIDENCE IN THE INTEGRITY OF THE REDISTRICTING PROCESS
 - (DESIRABLES) RELEVANT ANALYTICAL SKILLS, APPRECIATION FOR THE STATE'S DIVERSITY

WHAT CREDENTIALS MUST THE COMMISSIONERS HAVE?

- **WASHINGTON: BE A REGISTERED VOTER**
- **NEW JERSEY: THE 13TH MEMBER MUST HAVE BEEN A RESIDENT FOR THE PRECEDING 5 YEARS**



MUST THERE BE DIVERSITY AMONG THE COMMISSIONERS?

- **MONTANA: AT LEAST 2 FROM THE WESTERN (ROCKY MOUNTAIN) PORTION, 2 FROM THE EASTERN (PLAINS) PORTION**
- **ARIZONA: NO MORE THAN 2 FROM THE SAME COUNTY**
- **CALIFORNIA: THE LAST 6 SHALL BE CHOSEN TO REFLECT THE STATE'S DIVERSITY, INCLUDING RACIAL, ETHNIC, GEOGRAPHICAL AND GENDER DIVERSITY**

MUST THERE BE DIVERSITY AMONG THE COMMISSIONERS?

- **WASHINGTON: NO PROVISION**
- **NEW JERSEY: DUE CONSIDERATION TO GEOGRAPHIC, ETHNIC AND RACIAL DIVERSITY**



POST-SERVICE RESTRICTIONS ON COMMISSIONERS

- **MONTANA: MAY NOT RUN FOR THE LEGISLATURE FOR 2 YEARS**
- **ARIZONA: MAY NOT RUN FOR PUBLIC OFFICE OR REGISTER AS A PAID LOBBYIST FOR 3 YEARS**

POST-SERVICE RESTRICTIONS ON COMMISSIONERS

- **CALIFORNIA:**
 - **MAY NOT HOLD PUBLIC ELECTIVE FEDERAL, STATE, COUNTY OR LOCAL OFFICE FOR 10 YEARS**
 - **MAY NOT HOLD APPOINTIVE OFFICE FOR 5 YEARS**
 - **MAY NOT BE PAID STAFF OR CONSULTANTS TO THE BOARD OF EQUALIZATION, CONGRESS, THE LEGISLATURE OR A LEGISLATOR FOR 5 YEARS**
 - **MAY NOT REGISTER AS A LOBBYIST FOR 5 YEARS**

POST-SERVICE RESTRICTIONS ON COMMISSIONERS

- **WASHINGTON: MAY NOT HOLD OR CAMPAIGN FOR A CONGRESSIONAL OR LEGISLATIVE SEAT FOR 2 YEARS**
- **NEW JERSEY: NONE**



BY WHAT MARGIN MUST THE COMMISSION APPROVE THE MAPS?

- **MONTANA: NOTHING STATED, PRESUMABLY A SIMPLE MAJORITY**
- **ARIZONA: 3 OF THE 5 (SIMPLE MAJORITY)**
- **CALIFORNIA:**
 - 9 OF THE 14
 - MUST INCLUDE MAJORITIES OF THE Rs, THE Ds AND THE OTHERS
- **WASHINGTON: 3 OF THE 4 (SIMPLE MAJORITY)**
- **NEW JERSEY: SIMPLE MAJORITY**

CAN THE LEGISLATURE AMEND THE COMMISSION'S MAPS?

- **MONTANA: NON-BINDING RECOMMENDATIONS ONLY**
- **ARIZONA: NO**
- **CALIFORNIA: NO**
- **WASHINGTON: BY A 2/3 SUPERMAJORITY VOTE**
- **NEW JERSEY: NO**

CAN THE LEGISLATURE DEFEAT THE COMMISSION'S MAPS?

- **MONTANA: NO**
- **ARIZONA: NO**
- **CALIFORNIA: NO**
- **WASHINGTON: UNCLEAR**
- **NEW JERSEY: NO**

CAN THE GOVERNOR AMEND THE COMMISSION'S MAPS?

- MONTANA: NO
- ARIZONA: NO
- CALIFORNIA: NO
- WASHINGTON: NO
- NEW JERSEY: NO

CAN THE GOVERNOR VETO THE COMMISSION'S MAPS?

- **MONTANA: NO**
- **ARIZONA: NO**
- **CALIFORNIA: NO**
- **WASHINGTON: NO**
- **NEW JERSEY: NO**



WHAT IF THE COMMISSIONERS CAN'T AGREE ON A MAP?

- **MONTANA: NO PROVISION**
- **ARIZONA: NO PROVISION**
- **CALIFORNIA: REFERRED TO A SPECIAL MASTER APPOINTED BY THE STATE SUPREME COURT**
- **WASHINGTON: REFERRED TO THE STATE SUPREME COURT**
- **NEW JERSEY: THE STATE SUPREME COURT CHOOSES AMONG THE TWO HIGHEST VOTE-GETTING PLANS**

WHAT CRITERIA SHOULD THE COMMISSIONERS FOLLOW AS THEY DRAW THE MAPS?

RESPECT EXISTING POLITICAL BOUNDARIES?

- **MONTANA:**
 - TO THE GREATEST EXTENT POSSIBLE
 - DIVISIONS OF COUNTIES AND CITIES SHALL BE AS FEW AS POSSIBLE
 - MORE POPULOUS POLITICAL SUBDIVISIONS SHALL BE DIVIDED BEFORE THE LESS POPULOUS
- **ARIZONA: TO THE EXTENT POSSIBLE, INCLUDING CENSUS TRACTS**
- **CALIFORNIA: TO THE EXTENT POSSIBLE, INCLUDING NEIGHBORHOODS**
- **WASHINGTON: SHOULD COINCIDE, INCLUDING VOTING PRECINCTS**
- **NEW JERSEY: NO PROVISION**

COMPLY WITH ONE MAN, ONE VOTE?

- **MONTANA: AS EQUAL AS PRACTICABLE, TO THE GREATEST EXTENT POSSIBLE WITHIN \pm 1% OF THE IDEAL POPULATION UNLESS NECESSARY TO KEEP POLITICAL SUBDIVISIONS INTACT OR TO COMPLY WITH THE VOTING RIGHTS ACT**
- **ARIZONA: EQUAL POPULATIONS TO THE EXTENT PRACTICABLE**

COMPLY WITH ONE MAN, ONE VOTE?

- **CALIFORNIA:**
 - **LEGISLATIVE DISTRICTS: REASONABLY EQUAL EXCEPT WHERE DEVIATION IS NECESSARY TO COMPLY WITH THE VOTING RIGHTS ACT OR IS ALLOWABLE BY LAW**
 - **CONGRESSIONAL DISTRICTS: POPULATION EQUALITY AS NEARLY AS PRACTICABLE**
- **WASHINGTON: AS NEARLY EQUAL AS PRACTICABLE**
- **NEW JERSEY: AS NEARLY EQUAL AS PRACTICABLE AS REQUIRED BY THE U.S. CONSTITUTION AND APPLICABLE U.S. SUPREME COURT DECISIONS**

COMPLY WITH THE VOTING RIGHTS ACT?

- **MONTANA: SHALL COMPLY**
- **ARIZONA: SHALL COMPLY**
- **CALIFORNIA: SHALL COMPLY**
- **WASHINGTON: MAPS SHALL NOT BE DRAWN PURPOSELY TO FAVOR OR DISCRIMINATE AGAINST ANY GROUP**

COMPLY WITH THE VOTING RIGHTS ACT?

- **NEW JERSEY:**
 - **MAPS SHALL PROVIDE FOR THE PRESERVATION OF MINORITY VOTING STATUS WITHIN EACH DISTRICT**
 - **NO CONGRESSIONAL DISTRICT MAY FRAGMENT AN ETHNIC OR RACIAL COMMUNITY WHICH, LEFT INTACT, WOULD BE ABLE TO SELECT THE CANDIDATE OF THEIR CHOICE**

REQUIRE CONTIGUITY?

- **MONTANA:**
 - DISTRICTS MUST BE IN ONE PIECE
 - DISTRICTS THAT MEET ONLY AT POINTS OF ADJOINING CORNERS OR THAT ARE SEPARATED SO AS TO PREVENT TRANSPORTATION AREN'T CONTIGUOUS
- **ARIZONA: TO THE EXTENT PRACTICABLE**
- **CALIFORNIA: DISTRICTS SHALL BE GEOGRAPHICALLY CONTIGUOUS**
- **WASHINGTON:**
 - MUST BE CONTIGUOUS
 - AREAS THAT ARE SEPARATED SO AS TO PREVENT TRANSPORTATION AREN'T CONTIGUOUS
- **NEW JERSEY: DISTRICTS SHALL BE GEOGRAPHICALLY CONTIGUOUS**

REQUIRE COMPACTNESS?

- **MONTANA:**
 - **MUST BE COMPACT**
 - **DISTRICTS MAY NOT HAVE AN AVERAGE LENGTH MORE THAN 3 TIMES THE AVERAGE WIDTH EXCEPT TO COMPLY WITH THE VOTING RIGHTS ACT**
- **ARIZONA: DISTRICTS SHALL BE GEOGRAPHICALLY COMPACT**
- **CALIFORNIA: TO THE EXTENT PRACTICABLE, DISTRICTS SHALL BE GEOGRAPHICALLY COMPACT SO THAT NEARBY AREAS OF POPULATION AREN'T BYPASSED FOR MORE DISTANT POPULATIONS**

REQUIRE COMPACTNESS?

- **WASHINGTON: SHOULD BE COMPOSED OF COMPACT TERRITORY**
- **NEW JERSEY: NO PROVISION**

REQUIRE RESPECT FOR COMMUNITIES OF INTEREST?

- **MONTANA: NO PROVISION**
- **ARIZONA: TO THE EXTENT PRACTICABLE**

REQUIRE RESPECT FOR COMMUNITIES OF INTEREST?

- **CALIFORNIA:**
 - MINIMIZE THEIR DIVISION TO THE EXTENT POSSIBLE
 - DEFINED AS A CONTIGUOUS POPULATION THAT SHARES COMMON SOCIAL AND ECONOMIC INTERESTS
 - EXAMPLES: AN URBAN AREA, A RURAL AREA, AN INDUSTRIAL AREA, THE PEOPLE SHARE SIMILAR LIVING STANDARDS, USE THE SAME TRANSPORTATION FACILITIES, HAVE ACCESS TO THE SAME MEDIA



REQUIRE RESPECT FOR COMMUNITIES OF INTEREST?

- **WASHINGTON: RESPECT AREAS RECOGNIZED AS COMMUNITIES OF INTEREST**
- **NEW JERSEY: NO PROVISION**

STRIVE FOR COMPETITIVE DISTRICTS?

- **MONTANA: NO PROVISION**
- **ARIZONA: TO THE EXTENT PRACTICABLE WHERE DOING SO WOULDN'T CREATE A SIGNIFICANT DETRIMENT TO OTHER GOALS**
- **CALIFORNIA: NO PROVISION**
- **WASHINGTON: ENCOURAGE ELECTORAL COMPETITION**
- **NEW JERSEY: NO PROVISION**