



Redistricting Commissions for Congressional Districts

Sarah J. Eckman

Analyst in American National Government

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Historically, state legislatures have determined congressional district boundaries, and [this remains true in most states today](#). The role of political actors in redistricting sometimes leads to [concerns, by some, about conflicting incentives](#), if the process is used by incumbents to help boost their parties' electoral gains. In recent Congresses, several bills have been introduced that could require states to use independent redistricting commissions for congressional redistricting; to date, no such legislation has been passed in either chamber.

Some states have adopted independent redistricting commissions, which are typically composed of members of the public and are typically described as bipartisan or nonpartisan, as an [alternative method](#) for congressional redistricting. [Proponents believe](#) such commissions can prevent opportunities for [partisan gerrymandering](#) and may create more [competitive, representative](#) districts. Others, however, have argued that the [effect of redistricting methods on electoral competitiveness is overstated](#) and the structure of many commissions can allow political considerations to remain.

For congressional districts, redistricting commissions have the primary responsibility for drawing district lines in 8 of the 43 states that have multiple U.S. House seats. Two states—[Colorado](#) and [Michigan](#)—adopted these commissions in 2018; [Arizona](#), [California](#), [Hawaii](#), [Idaho](#), [New Jersey](#), and [Washington](#) also use redistricting commissions for congressional districts. [Montana's](#) state constitution provides for an independent redistricting commission to draw congressional district boundaries if reapportionment results in multiple seats for the state.

Other states have different types of commissions that are associated with congressional redistricting. [Iowa](#), for example, uses a redistricting commission composed of nonpartisan legislative staff. [Five states](#) (Maine, New York, Rhode Island, Utah, and Virginia) have created advisory commissions for congressional redistricting. In [Connecticut](#), [Indiana](#), and [Ohio](#), a commission can serve as a backup

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redistricting method, if the state legislature is unable to agree upon a plan. Outside of congressional redistricting, a number of states also use commissions [for state legislative redistricting](#).

Recent Congressional Proposals

Several bills in the 115th Congress contained provisions that would have required states to use independent redistricting commissions for congressional elections, including H.R. 145, H.R. 711, H.R. 712, H.R. 1102, H.R. 2981, H.R. 3057, H.R. 3537, H.R. 3848, and S. 1880. None of these bills advanced to the floor. To date in the 116th Congress, four bills proposing independent redistricting commissions have been introduced: H.R. 1, H.R. 124, H.R. 130, and H.R. 163. Resolutions have also been introduced in recent Congresses, but not agreed to, that would have encouraged (but not required) states to alter their redistricting processes or adopt independent redistricting commissions.

Congressional bills on this subject vary in the degree of specificity they use to prescribe commission composition, processes, and timelines. Some bills provide a few basic parameters that state redistricting commissions would be required to follow and largely allow states to determine commission features. Other bills provide more extensive requirements for independent redistricting commissions that would apply across states. Some provisions included in congressional bills are similar to practices used by certain states with independent redistricting commissions.

Considerations Related to Commission Features

Congress may continue to allow states to establish their own congressional redistricting processes, or Congress may consider requiring or incentivizing states to adopt a particular congressional redistricting method or set of criteria. Among the 18 states that have commissions associated with congressional redistricting in some way, state practices vary in a number of aspects related to how the commissions operate, including details that may have implications for the degree of independence a commission has from other political actors or from public oversight. Some of these features, described below, may be of interest for Congress, if it is considering redistricting commission legislation.

Who Is Selected for the Commission and How?

Commission membership choices can affect how insulated the commission is from actual or perceived political influence. In many states, an individual serving on a redistricting commission cannot participate in certain specified political activities (e.g., serving as an elected official, political party official, or being a registered lobbyist) immediately prior to, during, or immediately following service on the commission. Often, majority and minority party legislative leaders are involved in selecting commissioners, who are chosen in equal numbers from the two major parties. Such bipartisan commission structures may seek to balance political or partisan interests, rather than remove them entirely from the process. States may also include nonpartisan commissioners, or have selection methods that do not involve party leaders.

Opportunities for Public Input and Transparency

Independent redistricting commissions can sometimes be structured in ways that may make them less publicly accountable than elected state legislatures. Ensuring transparency in independent redistricting commission activities, and providing opportunities for public input, is thought by some to help establish public trust in the process and in the legitimacy of commission-generated redistricting plans. Some states include requirements for a certain number of public commission meetings; publication of redistricting plan proposals under consideration; or require the opportunity for public comments to the commission prior to the adoption of a final redistricting plan.

Criteria for a Plan

States often require that plans drafted by independent redistricting commissions meet certain criteria. These criteria often include factors like ensuring that districts comply with federal election law; have roughly equal population sizes; are geographically contiguous and/or compact; are not designed to give advantage to a political party or incumbent; preserve municipal boundaries; or seek to maintain communities with shared historic, cultural, or economic interests.

Approval or Modification of Redistricting Commission's Plan

Once a redistricting commission has created a map of congressional districts, states vary in how such a plan may be enacted. In some states, the plan agreed upon by the commission automatically becomes the new redistricting map. Other states require approval of the commission's plan by the state supreme court or legislature. States may also provide mechanisms by which the legislature can amend the commission's plan or may authorize the courts to determine if changes are needed.

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