Public Input into Redistricting

Did You Know?

- A total of 28 states have incorporated some form of public input or citizen participation in their redistricting processes.
- Various companies, non-profit entities and some states have created free, publicly available map-drawing software for citizens to use and participate in the redistricting process.
- In 2010, the Utah Legislature adopted a citizen-drawn plan for the state’s new school board boundaries.

As the public becomes increasingly attentive to redistricting in recent years, states have incorporated more opportunities for public input into the process. This trend holds whether redistricting is done under the authority of the legislature or a commission. Although opportunities for citizen engagement are more prevalent and often more robust in states that have vested their redistricting authority in commissions, such commissions are in no way required to make the process more transparent and open to the public.

So far in 2019, 16 bills have been introduced in eight states aimed at opening the redistricting process to the public in some way. For example, this session Missouri enacted SB 213. It mandates that the state demographer, who draws legislative maps for submission to legislatively appointed commissions, create and maintain an online portal where citizens can view, submit and comment on proposed maps and plans.

Citizen involvement can be broken down into the following categories: allowing citizens to contribute maps of their own design to redistricting authorities; allowing citizens to comment on proposed plans throughout the map-drawing process; giving the public access to redistricting authorities through hearings and available information; providing public notice of redistricting-related actions and meetings; and prescribing a procedure for citizens to seek court review of enacted plans.

An important note: Many states’ redistricting processes are subject to generally applicable public access and transparency in government laws that effectively provide for some form of citizen participation. The aspects discussed here are limited to only statutory, redistricting-specific provisions.

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State Action

Public Map Submissions. Eight states—Colorado, Idaho, Michigan, Missouri, New Jersey, New York, Ohio and Utah—explicitly provide that their redistricting authority shall accept and consider maps drawn and submitted by members of the public. Some of these states go further. Some, like Utah, require an electronic submission portal and others, like California, require that publicly available map-drawing software be available to interested citizens. Opportunities for citizens to draw their own maps are not limited to these states: There is an increasing amount of publicly available redistricting software that citizens can use on their own. While a state’s redistricting authorities may not be required to accept citizen-submitted plans, these plans can nevertheless be used to publicly critique official plans and proposals and compare them to state requirements and criteria.

Public Comment and Testimony. Many states require that any maps proposed by, or submitted to, their redistricting authority be publicly available so that citizens can comment. Some states accomplish this by maintaining an electronic database of all proposed maps so that any citizen can view and comment on them. Eleven states also require their redistricting authorities to solicit and consider testimony from the public at hearings, either in person or remotely through the use of telecommunication.

Public Hearings and Access. Twenty-one states have a statutory requirement that the state’s redistricting authority hold public meetings and/or hearings. Some of these states merely include a provision thatsubjects the redistricting authority to pre-existing open meeting laws, while others go further and specify that these meetings must use technology and broadcasting tools to ensure widespread public access. Most states require a minimum number of hearings. These range from at least one in Montana to at least 10 in Oregon. Even those states that do not specify a number may require as many meetings “as may be necessary” to hear testimony from a wide variety of residents. States also may require that public hearings be held throughout the state based on geography, population, or political subdivisions. Finally, these hearings can be required before maps are officially proposed (with the intent to gather local concerns before lines are drawn) or after maps are proposed but before they are adopted. Additionally, many states require that the underlying data and/or criteria used by the redistricting authorities be publicly available.

Notice. Ten states require redistricting authorities to give the public notice before taking certain actions during the map-drawing process. Eight of these states require public notification of the time, date and location of any meetings or hearings planned by the redistricting authority so that citizens can attend and participate. Four of these states require that the public be notified when either proposed maps are to be voted on or after a proposed map has been adopted. Some states specify the minimum amount of time in advance such notice must be given, ranging anywhere from 24 hours to 20 days, while others simply state such notice must be “reasonable” or “appropriate.”

Citizen Initiated Review. Twelve states include provisions that allow certain citizens to petition their state supreme court to review an approved plan for alleged errors or violations of the law or applicable redistricting criteria. The majority of these states limit the petition process to registered voters, although a few permit any citizen to do so, and a few limit this option to only “aggrieved” persons. Vermont requires at least five persons to file the petition. These challenges usually need to be initiated within a specified period, typically between 30 to 60 days of a plan’s filing or approval. A small number of states permit citizens to directly challenge an approved map through the referendum process, which then forces a review by the state’s supreme court. If the map is found to be inadequate, it is then redrawn by either the original redistricting authorities, the state’s supreme court, or an appointed special master.

For additional resources, visit NCSL’s Public Input and Redistricting Webpage (http://www.ncsl.org/research/redistricting/public-input-and-redistricting.aspx).

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