

Manipulating the Lines

An analysis of the structure of the six congressional
redistricting commissions

Abstract

The redistricting process in the United States of America has been viewed as an unfair, manipulative procedure of drawing redistricting lines to benefit the politicians in power. In an attempt to stop this by creating a more transparent and improved redistricting process, certain states have implemented redistricting commissions for both state legislative and congressional redistricting. This study will analyze the six congressional redistricting commissions and attempt to see if the structure of the commissions plays an essential role in its ability to succeed. Of the six commissions, Arizona was the only state that failed to meet these expectations and was accused of gerrymandering, which has inspired this comparative analysis of Arizona, the deviant case.

By using Hague & Harrop's structural approach, this research essay will explore variables such as the commission's size, how the commission members are selected, their time frame for creating a redistricting plan, what party affiliation has the majority in that state, if the commission is bi/nonpartisan and if it is independent or politician based, in order to evaluate if there are any significant patterns or interesting differences between the commissions that are successful and Arizona's redistricting commission.

Key Words: redistricting commissions, redistricting, gerrymander, structural approach, Arizona

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1 Introduction

1.1 Background

Every ten years, the United State's Census Bureau counts the population of each state, in order to give an accurate representation of how many people live in each state. These statistics are imperative since the population is constantly changing, with people moving from and to different states, and it is essential to evaluate how much representation in the House of Representatives each state should get in accordance to their population. This census is a part of the constitution and has been carried out every ten years since 1790. The purpose of this is to evaluate not only how many seats in the House of Representatives each state shall receive according to its population, but also to verify how much federal funds will be dispersed to different communities based on the population (Census 2010).

Once the data that is released from the census is used to reapportion the amount of congressional seats that each state obtains, the process of redistricting commences. Redistricting is the procedure of drawing district lines that establish electoral voters. Each state is responsible for redistricting in order to give accurate representation of its people and these district lines are especially important since the result can affect who represents your for a decade, up until the next census. What is surprising is that the United States of America is "the only advanced democracy in the world where politicians directly participate in the redistricting process" (Endgerrymandering 2013).

The redistricting process has received heavy critique over a long period of time due to the cases where political manipulation has been blatant since it is the power holding politicians who draw the districts. It is stated that "the power to redraw electoral lines is the power to design elections. Enormous significance therefore attaches to any delegation of redistricting authority" (Manheim 2013, P. 564). The term gerrymandering is used to describe the manipulation of districting lines to "maximize the efficiency of a party's support" (Hague & Harrop 2010, P. 183). The term was first exercised in 1812 when Governor Gerry of Massachusetts drew a district that was so evidently designed to benefit his party. The shape of the district was similar to that of a salamander and with that, the term was created and the increased awareness for future electoral district manipulation started (Hague & Harrop 2010, P. 183).

Although gerrymandering is illegal in the United States of America, there have still been occasions where redistricting results have been questionable. It is

an unfair way for elected leaders to “maintain political power while avoiding demographic realities” and “the nastiest form of politics that there is”. (Draper 2012, P. 52). The term “one person, one vote,” is a phrase coined by the Supreme Court at an attempt to fix this problem. One person, one vote “established the principle that equal numbers of people deserve equal representation.” (Hebert & Jenkins 2011, p. 545). However, it is still apparent that “sometimes the distribution of seats in a state legislature or congress delegation has little correlation to a state’s overall voting pattern”, which is unacceptable in a democratic system (Stephanopoulos 2007, P. 331).

The redistricting is done on many different levels, including being carried out through congressional redistricting and state legislative redistricting. In the past, the redistricting of states has been done by each state’s legislative authority, but now numerous states have been taking steps towards redistricting reform by creating different kinds of commissions, bodies, and advisory boards, to guarantee that voters get fair representation and are not cheated by those who draw the lines (NCSL 2013). These reforms are essential since it is crucial that “every vote cast in every election should be of equal value, regardless of where a voter lives or for whom they vote.” (Fair vote 2000). While some states have created these commissions for both their congressional and state legislative redistricting, others only use it for state legislative redistricting. It is argued that “redistricting that is done by a commission enjoys greater public legitimacy than redistricting carried out by the state legislature” and that if “legislative and judicial paths to reform remain blocked, they represent the only realistic way for the evils of gerrymandering to be redressed.” (Stephanopoulos 2007, P. 337-338). As clearly as it is stated that commissions are a better way to go about redistricting, it is still important to study the cases where certain commissions fail to succeed.

1.2 Problem and Research Question

As stated previously, numerous states have taken the opportunity to create a board that is responsible for the redistricting in order to provide their citizens with equal opportunities. It is important to question the consequences of and success rates of these commissions after their implementation to ensure that they are getting their job done. For example, New York Times states that 2012 was the year of “the great gerrymander,” where statistics show that ten states had unsteady results of representation in regards to the number of votes and number of seats attained in the House of Representatives. Some of these states were in fact states that have implemented commissions, both for congressional and state legislative redistricting. It is therefore vital to study these commissions that were not

successful with their redistricting in 2012 to see what can improve for the next redistricting process.

Although there is a lot of information on the redistricting commissions, there is little research on what kind of commission is better than the other or explanations for why certain commissions do not succeed. I believe that this is because many of the commissions, especially the ones used for congressional redistricting, are fairly new. If we could find the root of the problem that certain redistricting commissions face, we could better implement commissions and create a more representative and fair redistricting process. The most prominent opinion on the cause of why certain redistricting commissions fail is that the majority political party of the state gets too powerful and greedy within the commission. Sam Wang argues that the fault lies with the fact that certain parties are more prone to gerrymander to benefit themselves, however, I believe it would be interesting to explore other possible explanations and solutions to why certain commissions are more prone to gerrymander, as well as continuing to analyze this variable (Wang 2013).

For this essay, I have chosen to examine the actual structure of the commissions. By researching solely the structures and organization of these different commissions, I may be able to detect if there are any patterns of structural affects that could be a reason for the gerrymandering in a certain state. Therefore, this essay will examine what kinds of commission structures are effective, reliable and trustworthy.

To narrow this question down, this study will only focus on the congressional redistricting commissions since it is those that Sam Wang has done his analysis on. It is solely these commissions that this study will examine and not the other state legislative commissions, two advisory commissions, 5 back-up commissions or Iowa, which has its own redistricting unlike any other state. The motivation for why this study will only look at the congressional redistricting commissions is because the advisory commissions work with the legislature and the back-up commissions are only used if the legislature fails to meet the redistricting deadline. I have also chosen to only focus on the most recent consensus, redistricting period and election to keep my study current. With this problem in mind, I have formed the research question:

What types of congressional redistricting commissions, that have been implemented to avoid political manipulation in six of the United States of America, are successful and are there any visible patterns in the structures or organization of the types of successful redistricting commissions?

The ambition of this essay is to see if it is the structure of the commission that leads to its unsuccessful redistricting or if it could be other factors such as personal party interests overtaking the outcome of the redistricting process. Some

commissions are even structured so that they give majority seats in the commission to a certain party and it is important to figure out what affect that has.

This cumulative study is building on other's research, attempting not only to continue to inform how to establish a functional commission, but also to inform the public about the redistricting process. If it is in fact the structures of the commissions that have an effect on the redistricting politics, than it is important to study what kinds of structures are worth implementing and lead to a more representative system.

This empirical question is principally interesting because it studies the puzzling issue of redistricting and representation in the United State's electoral system. Exploring the implementation of bi and non-partisan redistricting commissions and furthermore the abolishment of legislative exploitation of redistricting is very important in order to examine what the best alternatives are to solve this political issue and improve the electoral system. An interesting research question in the field of politics is finding an actual puzzling situation in society and trying to figure it out. This puzzling study will attempt to do just that since it is so important to study why these state's commissions are different from the rest and failing to get their job done.

Another reason that this essay is very important is because voters tend to not be as informed or to not fully understand the redistricting process as much as they should. Most of the time, voters do not even know when the redistricting process occurs (Stephanopoulos 2007, P. 336). The more widespread that this topic becomes to the public and the more information the public receives, then the more likely they will stand up for what seems wrong in terms of the redistricting in both their communities, and on a national level as well. Since it is the politicians that have the information and power in the redistricting process, voters tend to not be as active, which is necessary since "redistricting is a context in which legislators' incentives and the public interest are almost diametrically opposed. Legislators want to win reelection handily and to have their party obtain as many seats as possible" and it is important for voters to be aware of redistricting to prevent the possibility of political manipulation from the different power holders (Stephanopoulos 2007, P. 336). These redistricting initiatives play a large role in citizens every day life.

2 Theory and Method

2.1 Theory

2.1.1 Hague and Harrop's five theoretical approaches

Rod Hague and Martin Harrop write in their book *Comparative Government and Politics* that "the contemporary study of politics is marked by a variety of perspectives that developed at distinct stages in the discipline's history and which continues to be influential alongside each other to this day. By studying these approaches, we gain a sense of the different ways in which politics should be studied." (Hague & Harrop 2010, P. 25). It is important to be able to analyze scientific studies from different perspectives in order to gain a full understanding of what we are researching. Hague and Harrop provide five different theoretical approaches and one that I found applicable to this study on redistricting commissions was the structural approach.

Although I have chosen to focus on the structural approach, I will start this theory section by motivating my choice of the structural approach by explaining the core of the other possible approaches. The other four approaches that were mentioned were the institutional, behavioral, the rational choice and the interpretive choices. The institutional approach is considered a "central purpose of political science in general and of comparative politics in particular. It provided the original foundation of the discipline and so created a baseline from which other approaches have developed and against which they can be compared." (Hague & Harrop 2010, P. 25). Although the institutional approach in a sense may have created the structural approach, I did not choose to look further into it seeing as its purpose is "asking whose interests benefit from a particular institutional set up." (Hague & Harrop 2010, P. 28). However much this may sound adoptable to this study, the institutional choice was not chosen because it focuses on the positions and interests of institutions and I found that the structure would provide a more fascinating result. The behavioral approach is a "school of thought in political science which emphasized the study of individuals rather than institutions [...] The aim of the movement was to use scientific methods to discover generalizations about political attitudes and behaviour." (Hague & Harrop 2010, P. 28). This approach was also very interesting but not as useful to the case since it was focusing on individual's behaviour rather than the whole commission and its abilities. The third approach that Hague and Harrop present is the rational choice approach, which emphasizes "the interests of the actors as the explanatory factors. The assumption is that people can appraise the alternatives

available to them in any specific situation and can consistently choose the option that ranks highest in their preference order.” (Hague & Harrop 2010, P. 33). As interesting as it would be to examine the interests and choices that the individuals in the omission have to make, I believe that this information would be challenging to obtain seeing as the actors are meant to hide their interests and work for the sake of drawing the best redistricting lines. And lastly, the fourth approach that is brought up is the interpretive approach which discusses to which degree “the structures of human association are determined primarily by shared ideas rather than material forces and that the identities and interests of purposive actors are conducted by these shared ideas rather than given by nature (Hague & Harrop 2010, P. 39). This approach may be too interpretive and not follow the factual information that is necessary for this study. All of these different approaches would provide fascinating perspectives and ways to conduct this study, but I am most interested in seeing what the structural approach to researching this question will present

Another theory that I considered was the party strategic theory, but I thought that it would be best to focus on one theory in order to make the purpose of the essay as clear as possible, even though this theory would probably be helpful for the party affiliation variable of this study.

2.1.2 The Structural Approach

Hague and Harrop state that the political structuralist’s focus “on the relationships between powerful groups in society [...] this constellation of interests provides the structure underlying the institutional politics of parties and government; it is the framework that underpins and actually determines, actual politics.” (Hague & Harrop 2010, P. 31). This approach highlights how important it is to concentrate on the actual build up and structure of an organization or group since this is the reason for its power. Using this perspective, we may find explanations for the commissions motives. Structuralism “holds that configurations of social relations shape, constrain and empower actors in predictable ways.” (Hague & Harrop 2010, P. 32). Perhaps if we understand the structure of the commissions, then we can predict what is best for them. Although the structuralist approach is built on Marxist foundation, it is important to remember that it does not limit itself to class analysis (Hague & Harrop 2010, P. 33).

An excellent example that is provided in their book is that “to be able to appreciate why a bridge is stable, we need to understand how its components maintain themselves.” (Hague & Harrop 2010, P. 33). According to this example, if we want to appreciate why a certain commission succeeds, we need to understand how its components maintain themselves. By learning about what the best way to build up a redistricting commission, we can in the future apply this

study on the implementation and transformation of other redistricting commissions and perhaps if more commissions thrive, than more states will establish them for their own redistricting process.

This theory has therefore motivated me to look at the structures of these commissions in order to see if the structure is a factor in making the commissions successful or unsuccessful. My ambition is to challenge this theory by seeing if there are any patterns of structures of the commissions that have been proven more successful. By doing so, I will be able to analyze if the structure is in fact an important factor in the abilities of the commission.

Although the structuralist approach states that there is no best or one way of structuring an organization, and that a successful structure is different for different organizations, my hypothesis is that we will see a pattern of which type of structure proves unsuccessful or even which structure is more apparent in the successful commissions and try to figure out what this can depend on. This approach is of great importance in order to analyze the abilities that certain structures have in the realm of redistricting. Seeing as the aim of my study is to compare the different groups to find if there is a prevalent structure that provides successful redistricting, it is important to analyze the formation of the commissions.

Hague and Harrop even provide information from a study done by Skopcol, who also focuses on the structural approach. Skopcol writes that “one must be able to identify the objectively conditioned and complex intermeshing of the various actions of the diversely situated group...to take such an impersonal and nonsubjective viewpoint- one that emphasizes patterns of relationships among groups and societies- is to work from what may in some generic sense be called a structural perspective on sociohistorical reality.” (Skopcol, 1979 in Hague & Harrop 2010, P. 29). The interesting part to highlight in this quote is the fact that he mentions how complex organizations are but yet how essential it is to understand them by analyzing their build up.

2.2 Method

The choice of the structural theoretical approach has led me to focus on the structures of the redistricting commissions. The ambition of this essay is therefore to explore if there are any patterns in the successful or unsuccessful redistricting commission’s composition. This will therefore be a comparative case study between the six different congressional redistricting commissions. Of these six congressional redistricting commissions, Arizona was the only one that was accused of not representing its voters, so I will therefore attempt to find an explanation for this deviating case.

It is imperative that my operationalization on the term successful in regards to the redistricting commissions is clear in this essay. What I mean by successful is that this commission is not in one of the states that was accused of the most recent large gerrymandering in 2012. More on the topic of the “great gerrymander” will come in the material portion of this essay.

A case study is an “intensive study of a single instance with wider significance.” (Hague & Harrop 2010, P. 44). This is a case of political manipulation since it regards power holders adjusting political systems to best benefit their own political party. By identifying themes on which kinds of commissions participate in the political manipulation process, we can work to avoid this in the future. Therefore, the instance that I use as my reference point is the commission that has been accused of participating in this manipulation process from a study done in 2012 called the “Great Gerrymander of 2012”. This is significant on a large scale, as I stated previously, to improve the redistricting commissions.

Hague and Harrop write that comparative studies “permit us to classify political structures and processes”, as well as it enables us “to test hypothesis about politics.” (Hague & Harrop 2010, P. 46). The intention of this study is to classify what types of redistricting commissions are successful by testing the hypothesis that the structures of the commissions are of crucial importance. By comparing and contrasting the structures and information given on the different commissions, I will discover if there are any clear patterns that show how well different commissions function. This comparative case study will use the most similar design since the commissions are all within the United States and designed for the same functions.

The choice of this method allows this research to focus on the comparison of the different structures of the commissions while other methods may have made it so that the focus was more reliant on factors like the data that the commissions provide or analyzing the texts from their meetings. Using a comparative method allows the research to stay broad and have many variables, which was crucial for this case.

My research technique for the analysis will consist of a description of the six different commission’s structures and attempt to point out any interesting qualities of the commissions that may be found on their home pages. Then I will continue to analyze what similarities and differences are found between them, and if anything in particular stands out with the composition of Arizona’s redistricting commission or between the five others who were successful.

Another very important criteria within the social sciences is achieving intersubjectivity, which entails ensuring that the project that one has done is clear, able to be falsified, and testable so that it is proven that it is actually true and valid

(Teorell & Svensson 2007, P. 54). This is relevant to this study seeing as the commissions are sometimes criticized for not being transparent enough, however this research has material that is accessible, reliable and valid which makes it very intersubjective.

2.3 Material

According to the National Conference of State Legislatures, there are thirteen states who use a state legislative redistricting commission, two who use an advisory commission, five who use a back up commission, Iowa as an exception that conducts redistricting like no other state, and then the rest of the 29 states who use legislative authority to draw districting plans. Six of the states that use the state legislative commission also use a congressional redistricting commission, which is what I will be looking more specifically at (NCSL 2013). The six states relevant to this study, which are the six who have congressional redistricting commissions, are Arizona, California, Hawaii, Idaho, New Jersey, and Washington.

Sam Wang conducted a research project in 2012 that pointed out which states had gerrymandered after the last redistricting period and found that the “net effect of intentional gerrymandering was far larger than any one factor” (Wang 2013). This research article was published in a reliable source, New York Times. His study used statistical tools and main argument was that “normally we would expect more seats in Congress to go to the political party that receives more votes, but the last election confounded expectations. Democrats received 1.4 million more votes for the House of Representatives, yet Republicans won control of the House by a 234 to 201 margin” (Wang 2013). This result is unacceptable in an advanced democracy. He continues to argue that “through artful drawing of district boundaries, it is possible to put large groups of voters on the losing side of every election” (Wang 2013). However, Wang developed a strategy to discover this manipulative tactic by only scrutinizing election returns and analyzing each state to see that “the party that wins more than half the votes should get at least half the seats” (Wang 2013). He realized that ten states have unsymmetrical seat allotment. These ten states are Arizona, Florida, Illinois, Michigan, North Carolina, Ohio, Pennsylvania, Texas, Virginia, and Wisconsin. Sam Wang’s results present that Arizona is the only state that failed to represent its voters of the six congressional redistricting commissions.

As stated previously, the main argument for why commissions fail commonly deals with the political party affiliation of the state that the commission resides in. However, in Sam Wang’s article, he even argues that this manipulative trait of gerrymandering is more apparent in republican states where the politicians “facing

demographic and ideological changes in the electorate, use redistricting to cling to power.” (Wang 2013). It is essential that this variable be analyzed closely.

The National Conference of State Legislatures provides information on the different structures of the redistricting commissions. The information that they provide on each commission in the chart is the number of members in the commission, the selection requirements for the members of the commission, the formation date of the commission, the initial deadline of their redistricting plan and the final deadline. My initial plan for this research project was to look at these different factors and assess if any patterns could be identified between the different commissions that had gerrymandered in 2012. However, due to the lack of research on what makes a redistricting commission successful, I became worried about not finding a result and have decided to add more variables to what could explain why certain redistricting commissions have been successful. Therefore, I will not only look at the information provided on the structure by the NCSL, but also other structural variables such as looking deeper into if the commission is from a Republican or Democratic state, if it is bi or non-partisan commission, and if it is political or independent. During this research it is furthermore important for me to keep in mind that the answer could lie in other explanations outside of the structure.

I have chosen very recent material in order to make this study current, and gain a current perspective on how redistricting commissions are today. For instance, since the census is done every ten years, the most recent was done in 2010 which means that all commissions were chosen between 2010 and 2011 and that new districts were drawn 2011.

2.3.1 Delimitations

I have limited myself to looking at the congressional redistricting commissions in the United States of America so that I can have a clear focus on them, separated from the additional states that have state legislative redistricting commissions as well. I am aware of the fact that the method of this essay may seem very simplistic, but this was a way to ensure a clear result of the structure of the commission. Having added too many variables may just have made it so that too many factors played a role and made outside variables have an affect that was not necessarily true. The method I have chosen will be able to allow me to focus on the details that I believe were important and interesting for this study.

3 Analysis

By analyzing these six commission's (Arizona, California, Hawaii, Idaho, New Jersey, and Washington) composition, I will be able to identify if there are any patterns between what makes a successful commission and distinguish any significant feature that makes Arizona, the failed state, different than the others. If this analysis does find any noteworthy information, then we can better understand how to improve the structures of the redistricting commissions. First, I will write out all of the structures of the six commissions, then continue to identify the possible patterns.

The information on the structure provided by the NCSL will be labeled A in the analysis portion, while the information regarding state party affiliation will be labeled B and whether the commission is bi/non partisan and independent or political will be labeled C.

3.1 Criteria for the Analysis

As the theory portion suggested, the structure of an organization allows us to understand its functions and powers. Therefore it is important to know how many members are selected for each redistricting commission and how they are chosen. The first variable, which analyzes the commission's size attempts to examine if it is possible that if it is a large or smaller commission plays a role, as well as identifying if there is a pattern in the decision process of who elects these different members. It is always important to keep in mind who it is that elects the "experts", or in this case, redistricting members.

The time frame of the redistricting commissions is important because "the power of the commission is evoked if they are unable to complete their task in time." (Cain 2012, P. 23). If the commissions is unable to perform their duty, then not only have they been declared unsuccessful, but the important task of redistricting will be given to others who may have a stronger interest in manipulating the redistricting system. So, examining if the amount of time that the commission has is long or short might show if there is a tendency of being able to complete the appropriate task.

The second factor that is examined in this research essay is if the state that the redistricting commissions is in has a majority party that is democrat or republican. Amongst the previous research on this topic, the most common topic that was suggested was that the party affiliation of the states has an influence on if the redistricting commissions are successful or not. As noted earlier, Sam Wang suggests that republicans are more prone to gerrymander. His suggestion to fix this is that the United States of America must use non-partisan commissions, which will be interesting to examine in the analysis (Wang 2013).

Staying on Sam Wang's hypothesis, another important variable that this study will examine is in fact if the commission is bi or non-partisan. Some research argues that if a commission is bi partisan, the parties will not be able to work together harmoniously (Cain 2012, P. 23). An issue that could possibly arise is that bi partisan commissions become forced to "compromise on goals in order to get enough votes to please a supermajority" and end up giving in to a redistricting plan that is not as representative as it should be (Cain 2012, P. 30). Karch even argues that the internal and external pressures that can be placed on a commission are dangerous and states that the partisan commissions could face a "path dominated by legislative insiders and interparty wrangling." (Karch et. Al. 2007, P. 808). However, the non-partisan commissions also face critique. For example, some research mentions that non-partisan redistricting commissions may also be influenced by external interest groups, which could lead to other negative affects (Karch et.al. 2007, P. 808). I believe that this variable will be extremely interesting to analyze in this essay.

It is also important to analyze the commissions that have a member who has a non-declared party preference. Some of these commissions are divided up so that half of the commission represents the Republican Party; half represents the Democratic Party and have an additional member or members who are designated to have a neutral opinion. This extra person can sometimes be a hassle though. It is argued that one problem with commissions that have an extra member that is chosen as the independent or decline to state member, may possibly be criticized or regarded as being a "closet partisan" and the "legitimacy of the whole exercise falls apart." (Cain 2012, P. 22). The critique of this extra person can add unnecessary quarrel and waste time that could be spent on better redistricting or on the contrary, add the necessary unbiased opinion that makes the redistricting process fairer. This is why this variable is also so interesting to examine.

Furthermore, it is imperative to make clear the difference between politician based and independent commissions. A politician commission is "composed of elected officials or their designees. While they are not independent in the sense of being separated from the power and influence of elected officials, they are autonomous in the sense that they do not have to submit their plans to the legislature like advisory commissions or wait until there is a legislative breakdown like backup commissions." (Cain 2012, P. 7). Independent commissions on the other hand are actually separated from elected officials and

have the “ability to put district lines in place without legislative approval. The independent citizen commission design is the culmination of a reform effort aimed at lessening legislators’ ability to choose the district lines they run in.” (Cain 2012, P. 8). These two different types of factors may be factors that show a pattern of what kind of structure in a commission functions best. It is argued that the best part about independent commissions is “not their degree of separation from incumbents or politics generally, but their capacity to negotiate to meet supermajority vote thresholds and agree on reasonably imperfect plans (i.e. good redistricting plans).” (Cain 2012, P. 30). The important question in this matter is to identify if “independent or politician commission systems arrive at outcomes that will be regarded as sufficiently fair by the political parties to dampen disputes and keep the courts from having to take over the line-drawing process?” (Cain 2012, P. 25).

Many researches argue that the more separated from politicians and party affiliations a commission is, the better it will function. Therefore it is argued that “State-level redistricting reform, particularly in the form of independent commissions, is absolutely necessary in order to fulfill the promise of government for the people, by the people.” (Hebert & Jenkins 2011, P. 558).

A reliable source called All About Redistricting has been used to provide “the latest” on each of the commissions redistricting duties and I will include some of the information provided as a summary of each commissions redistricting process in order to give an overview of how the redistricting took place in each of the states. This source is from a Professor at Loyola Marymount University who has his focus on redistricting.

The US Supreme Court created criteria for the redistricting process in the different states and it is incredible that some states still fail to meet the criteria for creating fair representation. Hopefully the following analysis, formed by the structural approach, will shed some understanding on why certain commissions are built to succeed and how some still manage to fail.

3.2 Redistricting Commission’s Analysis

3.2.1 Arizona

Not only is Arizona especially important to analyze since it is accused of having failed in the last great gerrymander, but there is also a lot of interesting information regarding Arizona’s redistricting commission amongst literature. For

example, one article states how “Arizona and California independent redistricting commissions are the boldest departures from the traditional legislative redistricting model [...] they are also natural experiments we can learn the most from because they embody elements of almost every redistricting reform idea ever proposed” (Cain 2012, P. 3). What I find most interesting about this statement is how California was able to succeed why Arizona did not. Perhaps certain similarities will be prominent between these two redistricting commissions.

Another interesting fact about Arizona’s redistricting commission is that it seems to have struggled in the past. Cain writes “Arizona’s commission was sued in 2001 and had already been challenged in court before it drew any lines in 2011” (Cain 2012, P. 29). However, this source was unable to describe Arizona’s failure. Hopefully, this research essay will be able to do so because the tradition of gerrymandering in Arizona needs a new solution.

All about redistricting gives some more information on the latest redistricting cycle and mentions that Arizona’s final congressional maps were “precleared on April 9; state legislative maps were submitted on Feb. 28, and precleared on April 26. Litigation has been filed against both sets of plans. A controversy, allegedly over violations of the state’s Open Meetings Law, led to the Nov. 1 impeachment of the commission’s chair. After the state Attorney General launched an investigation based on these allegations, seeking a court order forcing the independent commissioners to cooperate, the commissioners counter-sued, alleging political interference with their process. Before the investigation was complete, the Governor called for the impeachment of the commission’s chair, which was approved by 2/3 of the state Senate; on November 17, the Arizona Supreme Court found the impeachment improper and reinstated the chair.” (AAR-Arizona). The first thought I had was that this open meeting mess could have been problematic and been a reason that Arizona’s redistricting commission was unsuccessful, but after some more thought, I ruled this factor out of the explanation equation. However, as we can see, the redistricting process in Arizona was not only just sloppy from the most recent redistricting process, but seems to have a tradition of being messy.

Earlier in this essay I mentioned how voters need to start becoming more active in the redistricting process to ensure that they are not being manipulated. Another interesting fact about Arizona is the visible change regarding citizen participation in Arizona, where voters were so outraged with the legislative redistricting in 2000, that they “expressed their disapproval of the political manipulation [and] installing independent commissions to take responsibility for drawing congressional and state legislative maps.” (Hebert & Jenkins 2011, P. 556). This is a positive sign that the voters are more aware of the political manipulation around them. Perhaps even more citizen awareness and participation in Arizona will improve the next redistricting process.

A. The Arizona Independent Redistricting Commission's board consists of five members. However, the appointment process is very different with the commission appellate court appointees holding the responsibility for creating 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 court appointments appoints the chair" (NCSL 2013). The commission formed February 28, 2011, but had no initial or final deadline.

B. Arizona is a republican state as of the election in 2012. However, it is interesting to see that it was a fairly close election result (Politico 2012).

C. This is an "independent commission with balanced partisan composition" (AAR 2013).

3.2.2 California

Although California is referred to as a "legacy of failed reform", it appears that it has changed its image and become successful with the most recent redistricting process (Cain 2012, P. 11). California is known for testing new techniques of reform and for "taking reform to the next level" so it is interesting to see if these new reform techniques are prevalent in the structure (Cain 2012, P. 11).

Even Sam Wang's article on gerrymandering states that "surprisingly absent from the guilty list is California, where 62 percent of the two-party vote went to democrats and the average mock delegation of 38 democrats and 15 republicans exactly matched the newly elected delegation." (Wang 2013). It is wonderful to see that the unfair redistricting in California has improved with the implementation of the commission.

The California congressional redistricting maps were established confirmed "district lines until the next cycle" on August 15, 2011. The only issue that was found with them was the need "to account for the distortion caused by people in prison" which was mandatory to change at the next redistricting process in 2020 (AAR 2013).

A. California Citizens Redistricting Commission was formed in 2008 with the passage of Proposition 11. NCSL states, "the process of redrawing California's state legislative districts was removed from state legislative authority and given to a newly established 14 member commission. The commission must include 5 Democrats, 5 Republicans, and 4 members from neither party. Government auditors are to select 60 registered voters from an applicant pool. Legislative

leaders can reduce the pool; the auditors then are to pick eight commission members by lottery, and those commissioners pick six additional members for 14 total. For approval district boundaries need votes from three Democratic Commissioners, three republican commissioners and three commissioners from neither party” (NCSL 2013). The formation date of this commission is December 31, 2010 and each year ending in the number zero thereafter. The initial deadline is unavailable, however the final deadline is by September 15, 2011 and in each year ending in the number 1 thereafter (NCSL 2013).

B. California is a democratic state (Politico 2012).

C. As stated previously, the Californian redistricting commission, like Arizona, is said to be very different than others. One very interesting fact about California’s redistricting commission is that it is citizen based. The commission is bi partisan with a requirement that 5 members be democrat, 5 members republican, and 4 members that do not represent either party (NCSL 2013). This is furthermore an independent redistricting commission (AAR 2013).

3.2.3 Hawaii

“After a series of meetings, the commission released draft plans on August 3, 2011, and final plans on September 26. On January 4, 2012, the Hawaii Supreme Court rejected the state legislative plans, for failure to properly exclude nonresident population under the state constitution.” (AAR 2013). As we can see, although the state legislative plan was rejected, the congressional plan was actually passed.

A. Different individuals appoint Hawaii’s nine-member commission. First, the “president of the senate selects two. Speaker of the House selects two. Minority senate party selects two. These eight selected the ninth member, who is the chair. No commission member may run for the legislature in the two elections following redistricting.” (NCSL 2013). The formation date for Hawaii’s commission is by March 1st, 2011. The initial deadline was 80 days after the commission forms and the final deadline was 150 days after commission formation (NCSL 2013).

B. Hawaii is a democratic state (Politico 2012).

C. The Hawaiian politician commission is bi partisan (AAR 2013).

3.2.4 Idaho

Similar to Arizona and California, Idaho’s redistricting commission is also new. Interestingly enough, the commission is not as present in the literature on redistricting commissions as Arizona and California are. This is perhaps due to

the fact that it does not have such a troublesome redistricting history. All about redistricting writes that “the state’s first independent commission, convened in the spring of 2011, conducted public hearings through early September. The commission reached agreement on September 23, but not by its September 6 deadline; the late agreement became guidance for a new commission, created by order of the Secretary of State on September 13.” (AAR 2013). The fact that a new commission was created is extremely interesting because it deals with the failure of the commission being able to get its job done in time and maybe therefore is less successful. The first thought that comes to mind is that it is because this commission is fairly new. However, this commission was able to complete its task and “on October 17, the new commission issued a congressional plan.” (AAR 2013)

A. Idaho’s redistricting commission is a 6-member commission chosen by “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.” (NCSL 2013). The formation date of the commission is within 15 days of the secretary of state’s orders to create a commission. The initial deadline is unavailable and the final deadline is 90 days after the commission is organized or that the census information has been received (NCSL 2013).

B. Idaho is a republican state (Politico 2012).

C. Idaho’s redistricting commission is an “independent commission with balanced partisan composition” (AAR 2013).

3.2.5 New Jersey

There was not a lot of information provided on New Jersey, which may be an indicator on a smooth redistricting process. The only information provided by All About Redistricting is that “on December 23, the commission drawing congressional districts approved a final plan.” (AAR 2013).

A. Unlike the other commissions in this research project, New Jersey uses different commissions for its congressional redistricting and state legislative redistricting. The congressional redistricting consists of a 13-member board. The “four legislative leaders (majority and minority leader in each legislative chamber) and the chairs of the state’s two major political parties each choose two commissioners, none of whom may be a congressional member or employee. Those twelve commissioners then choose a thirteenth who has not held any public or party office in New Jersey within the last five years. If the twelve commissioners are not able to select a thirteenth member to serve as chair, they

will present two names to the state Supreme Court, which will choose their chair. The members of the commission are to be appointed with ‘due consideration to geographic, ethnic, and racial diversity.’ (N.J. Const. art. II, II) . . . If the commission is not able to draw lines by its deadline, it must submit two plans to the state Supreme Court, which will select a winning plan.” (AAR 2013). The timing for the selection of the commission members in New Jersey is “no later than November 15, and the commission must attempt to draw lines no later than one month after receipt of Census data” (AAR 2013). However, there was no final deadline provided for this commission.

B. New Jersey is a democratic state (Politico 2012).

C. New Jersey’s redistricting commission is a “political commission with balanced partisan composition” (AAR 2013).

3.2.6 Washington

All About Redistricting writes “On January 1, 2012, the independent commission responsible for redistricting released final maps along with a final report for congressional and state legislative districts. On February 1, the state legislature passed EHCR 4409, a slightly amended version of those plans, by greater than the requisite 2/3 vote.” (AAR 2013).

A. Washington’s commission is similar to Pennsylvania’s in the sense that minority and majority leaders of the house and senate each select a member and these four members select the fifth member. However, an important fact is that this fifth member must be a non-voter. If the commission is unable to choose the fifth member by January 1, 2011, than the Supreme Court is responsible for doing so by February 5, 2011 (NCSL 2013). The formation date of this commission is by January 31, 2011. The initial deadline is unavailable and the final deadline is January 1, 2012 (NCSL 2013).

B. Washington is a democratic state (Politico 2012).

C. Washington’s redistricting commission is an independent, bipartisan commission (AAR 2013).

4 Conclusion

4.1 Result

A. Unfortunately no trends were prominent in the variables that regarded the number of commission members, the way they were selected, or the time frame that they were working with. The build up and time line of all the different commissions were very different. The only real similarity that was prevalent was the fact that most of these commissions divided it up so that half of the members of the commission were from one majority party, while half the members were from another one of the majority party, with one, or sometimes even a few, extra non-declared members. The other similarity that I could find was that Arizona and Washington both had five member commissions, while the other commissions had at least one more, often at least double that amount. The creation date of the commission, initial deadline of the commission and final deadline of the commissions showed no significance either and were very sporadic. It was shocking to see how spread out the time frames for the commissions were. For example while California already had its plans approved in August 2011, Arizona's were completed in April the following year. It is strange that these commissions were all designed in different ways and did not copy each other in any apparent way when discovering the best way to be structured.

It became apparent to me that the date that Hawaii's maps were designed was actually after the deadline that they were given. For some reason, the maps were cleared anyways and I can not find any more information on why that is.

B. In regards of the party affiliation of the state that the redistricting commission is in, two of the six states were Republican while the rest were democratic. The two states that were republican were Arizona and Idaho. As I mentioned earlier, the "Great Gerrymander of 2012" suggests that the majority political party of each state is a determining factor for the gerrymandering in the states. However, since Idaho also has republican majority and was not accused of the gerrymandering, I do not believe our analysis can draw any conclusions that argue that this is the sole reason for the failure of the redistricting commission in Arizona. A different method of evaluating all the gerrymandered states in regards to their political party affiliation could be a future study to actually see the impact that political party affiliation has.

C. As stated previously, Sam Wang argues that the solution to gerrymandering is to have non-partisan commissions and in this study, all six of the congressional redistricting commissions are bi partisan commissions. This has shown that there

is no evidence implying that the bi or nonpartisan factor has an effect on the commission. Four of the six redistricting commissions were independent while two of the commissions were politician based. The two that were politician based were Hawaii and New Jersey, which shows that the commission being independent or politician based does not seem to have an affect on the success rate of the commission.

4.2 Discussion

The purpose of this study was to identify if the structure of the redistricting commissions played a role in if they were successful or not. According to the variables that I have used (structure in regards to number of members, how they are chosen, the creation date of the commission, the initial date that the redistricting plan is due, the final date that the redistricting plan is due, whether the party's majority party is democrat or republican, if the district is non partisan or bi partisan and if the commission is an independent or politician commission), there are no significant factors that stand out in regards to the actual structure of the commission that have a crucial impact on the success of the commission.

Although this result was at first disappointing and unanticipated, I realized that this result still provides important information to the field of scientific knowledge. By knowing that the structure is not necessarily the determining factor for whether a commission is successful or not, future research can continue on to look at other factors that could be solutions. Not finding a solution is in a way a contribution to the efforts of searching for the solution and an interesting result in itself.

In the theory portion of this essay, I mentioned how essential the build up of an organization is and this still holds true regardless of if the structure is or isn't what determines a commission successful or not. Hague and Harropp's theory on the structure led to a very interesting idea that they would have an affect and even if it did not contribute to proving what factors are relevant when it comes to the success rate of commissions, it still has made it so that we can know more and better understand the structure of these congressional redistricting commissions. There theory has in no way been proved false or unhelpful by this study.

One of the factors that surprised me the most was that I thought that there would be more identifiable similarities or traits between California and Arizona's redistricting commissions since many sources have said that they both are very unlike the other commissions and are the newest states (along with Idaho) to form a congressional redistricting commission. As mentioned previously, both of these

redistricting commissions have also been claimed to have trouble with redistricting plans in the past.

California recently implemented their citizen based redistricting commission and as stated previously, has previously been accused of struggling with gerrymandering. This made me wonder if the implementation of a transparent citizen commission is the solution to end gerrymandering. However, this essay has not necessarily showed solid proof that this is the case since California's was the only one of the commissions with this variable. One article by Boatright, Giner, and Gomer made me more interested in studying if this really is the case and should be researched in greater detail. The article states that the new implementation of redistricting software is proving to be a very effective way to draw district lines. Their article is based on students in Massachusetts's who got the opportunity to test the software and create fairer districts. Allowing citizens to draw the district lines may not only make the redistricting process more transparent, but also make it so that the commissions were nonpartisan and nonbiased (Boatright et.al 2013, P. 387). Perhaps the redistricting process will evolve to a more technological one with a more efficient way of redistricting after the next census as technology advancements are made.

The other factor that I found most surprising was the fact that the party affiliation did not show clearer signs of affecting the redistricting commissions. As stated earlier, the most common accusation for failed redistricting commissions is that the majority political party played an essential role in the gerrymandering. One source even states "there is no question that partisan gerrymandering can produce a short-term electoral advantage for the party that draws the lines." (McKenzie 2012, P. 800). I believe that this variable is crucial to examine in greater detail, even on the state legislative redistricting commissions to see what affects they have and that this factor should be monitored closely in following redistricting implementations in order to ensure that the majority party that is drawing the lines can be trusted. Sam Wang is not the only one that has argued this point. Stephanopoulos writes, "in short, redistricting initiatives generally fail because they provoke fierce opposition from the majority party in the state legislature, which feels threatened by the possibility of fairer district lines." (Stephanopoulos 2007, P. 382). This threat could possibly lead to redistricting commissions to draw their lines in a way to benefit a certain party. My hypothesis is that it is inevitable that we will see partisan unfairness in the redistricting process since the "redistricting affects legislators' careers and the balance of power between the political parties. New district boundaries can increase the electoral security of some members of congress and cause others to face uncertain electoral prospects." (Karch 2007, P. 808). These politicians serving different political parties obviously want the best for their party, and it is crucial to observe and ensure that they do not attempt to do so at unfair lengths. Therefore, I highlight the importance of keeping track of the political party affiliation when the redistricting lines are redrawn in 2020 and maybe even performing more research on previous data from election returns.

Keeping an eye on the role of the political parties in future redistricting initiatives is not the only future study on this topic that I am interested in. I concur that more research should be done on this topic since redistricting commissions “are in theory better suited to district-drawing than state legislatures, and empirically have produced more competitive elections and more representative results”. (Stephanopoulos 2007, p. 388). For this reason it is vital to continue studying why certain commissions are failing to get their jobs done? The curiosity of finding the answer to this was so intriguing that I have discovered other variables to look at in future studies. Ideas for the explanation of why certain commissions succeed have been provided, but not proven or confirmed.

For example, other factors that could be crucial may be how many seats are given or taken away in each state that the redistricting commission is in, the transparency of the commission, or the acceptance and implementation of new redistricting plans from citizens. Having a more open redistricting plan “lessens the dangers of collusive cooperation between the parties and potential staff bias” as well as decreasing “the focus on any given individual and the general suspicion about closet partisans to some degree.” (Cain 2012, P. 26). It could also be interesting to examine if there are any external incentives or interest groups that support the redistricting commissions and with that have a considerable impact on the performance of the commissions. This view is argued by Karch, who believes that the individuals within the redistricting commissions may have their own agendas (Karch et.al. 2007, P.808).

Stephanopoulos furthermore argues that other variables that could have an affect on the redistricting commissions ability to perform are campaign spending and possibly that the “positions taken by the elites affect the likelihood of if an initiative will pass.” He continues on this topic of the power of the elites by suggesting that the “positions adopted by major parties, may be able to convince party members that it isn’t a good plan” (Stephanopoulos 2007, P. 343- 344). This view is a bit similar to the previously mentioned one that regards solely party affiliation but goes deeper into the individuals that can have an affect on the propositions.

Another study that I found would be very interesting to look at in the future (that does not regard variables for what makes a successful commission) is why these six states only use commissions for their congressional redistricting and not for their state legislative? If they have faith in their commission, shouldn’t they be able to use it for state and federal redistricting? Seven states besides the six in this study use redistricting commissions for their state legislative redistricting and it would be interesting to see what their take on congressional redistricting is. It is coincidentally interesting that many of the states that Sam Wang points out that have issues with gerrymandering are states that use a state legislative redistricting commission.

Overall, the answer to this research question is that the structure of the redistricting commissions is not inevitably a factor that determines if the commission is successful or not. However, I also believe that it would be interesting to keep an eye on the variables that I analyzed in this essay even in the next redistricting period to see if there are any more patterns that become apparent, especially the party affiliation variable, and citizen transparency variable. I could also attempt to look at the redistricting propositions from the past but that may be a bit troubling since a lot of the commissions were implemented recently so most of the information for the study would be unavailable.

It is argued that “state reforms are essential in the drive to push away from the perils of politically-driven redistricting.”(Hebert & Jenkins 2011, P. 558) The only problem we are faced with is how to ensure that the redistricting commissions are helping create representative redistricting. Although my hypothesis that the structures played a significant role in the congressional redistricting commissions success failed, it is imperative to keep searching for the answer on what makes a more successful organization. Hopefully, this essay contributes to this search for a more equal and representative redistricting process that stops the manipulation of lines.

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