

DEMOCRACY REFORM PRIMER SERIES

Redistricting Process Reform

by **Stephen Ansolabehere**
Harvard University

Christopher T. Kenny
Harvard University

Summary

The US House of Representatives is meant to evolve with the demographics of our nation. As state electorates grow and shift, the government census is supposed to reorder electoral power to match demographics, a process called ‘redistricting’. The politics of redistricting cuts to the heart of one of the fundamental problems of democratic politics. Elections and representation do not “just happen.” They require rules, laws, and management. Writing the rules, in turn, allows the elected officials and political parties to put their thumbs on the scale. There are two general approaches to ensuring districts are created with the principles of fair representation in mind; constraints and processes. Constraints are rules and standards, such as requiring that all districts have equal populations. Each of these constraints reflects an underlying value of the society or an idea about how representation can be best achieved. For example, equal population requirements reflect the values of popular control of government and equality. Processes are procedures for drafting and enacting new maps, such as allowing the legislature to do it or empowering an independent commission with that responsibility.

The process embedded in the US Constitution leaves it to the states to determine the rules governing elections, including the configuration of districts. In the early stages, the exclusive reliance on the legislative process, without a check by the courts, led to considerable dysfunction. The state legislatures in essence got to draw their districts, as well as the districts of their members of Congress. Unethical state

officials are prone to the creation of partisan maps that split voting populations into districts most likely to result in victories catering to their bias. This raises the question of what fair districts would look like. More recently, reformers have turned to commissions as a way to further separate the drawing of maps from the interests of individual legislators and parties. Theoretically, an independent redistricting commission, by virtue of being separate from and independent of the legislature, will not be subject to the same political forces. Academic research on the effectiveness of commissions has reached many different—and often conflicting—conclusions. Some commissions have succeeded in the most basic task of proposing a map in a timely fashion (e.g., California in 2012 and 2022 and Arizona in 2022), but others ground to a halt and failed to decide on a map (e.g., New York 2022). Empirical research has further found that commissions improve partisan and racial fairness somewhat. One study found that commissions tend to better preserve administrative units, like towns and counties, while also drawing more compact districts. The sweeping changes that many reform advocates anticipated have not yet materialized in many of the states that adopted commissions. Studies find that commissions often protect incumbents, and do not largely limit partisan bias. Taken together, it is very hard to say if process reforms, such as commissions, have had a substantial impact. In general, it seems that they may perform slightly better on average.

