

# Redistricting Commissions for Congressional Districts

Updated November 17, 2021

Historically, state legislatures have determined congressional district boundaries, and [this remains true in most states](#). The role of political actors in redistricting at times 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 U.S. House redistricting; the House has passed two such bills, H.R. 1 (117<sup>th</sup> Congress) and H.R. 1 (116<sup>th</sup> Congress).

Some states have adopted independent redistricting commissions, which are typically composed of members of the public and often 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. Some redistricting commissions, for example, may not prohibit certain political officials from membership.

For congressional districts, redistricting commissions have the primary responsibility for drawing district lines in 11 of the 44 states that were apportioned multiple U.S. House seats [following the 2020 census](#), as shown in **Figure 1**. Several states ([Colorado](#), [Michigan](#), [New York](#), and [Virginia](#)) have adopted such commissions since the 2010 census. Other states have different types of commissions associated with congressional redistricting. [Iowa](#), for example, uses a redistricting commission composed of nonpartisan legislative staff and requires legislative approval to enact the maps. [Maine](#), [Rhode Island](#), and [Utah](#) have advisory commissions. In [Connecticut](#), [Indiana](#), and [Ohio](#), a commission can serve as a backup redistricting method, if the state legislature is unable to agree upon a plan. A number of states also use commissions [for state legislative redistricting](#).

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# Pocket Constitution

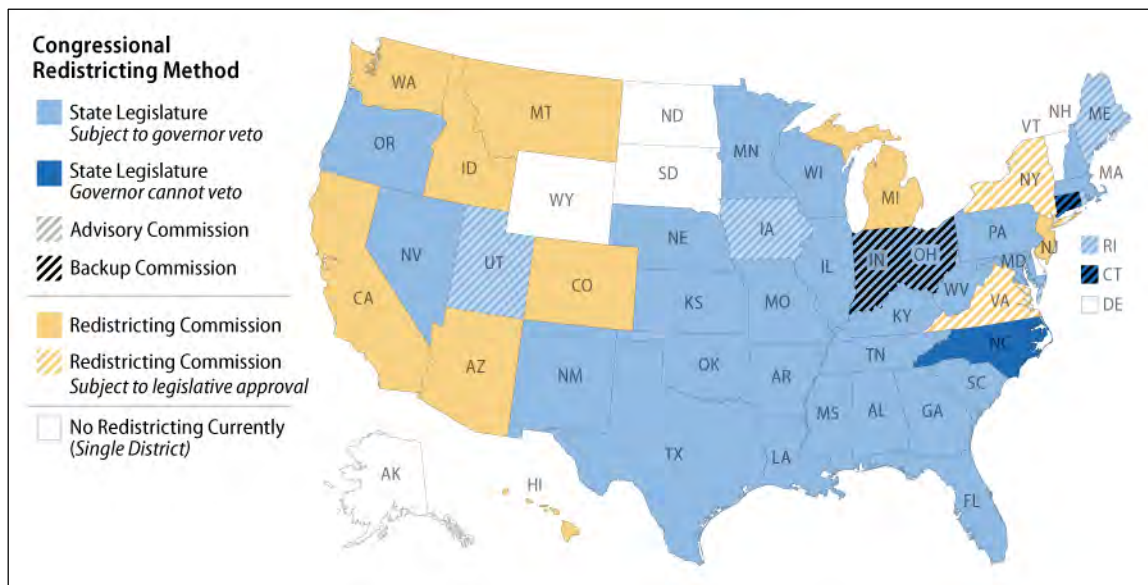


The Declaration of Independence  
The Constitution of the United States  
The Bill of Rights  
Amendments XI–XXVII  
Gettysburg Address



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**Figure I. State Redistricting Methods**

**Source:** CRS compilation, based on information from Ballotpedia and the National Conference of State Legislatures. Graphic created by Amber Hope Wilhelm, CRS Visual Information Specialist.

**Notes:** Iowa has nonpartisan legislative staff create its redistricting maps but requires legislative approval to enact them. In New York, redistricting plans also require gubernatorial approval.

## Recent Congressional Proposals

In the 117<sup>th</sup> Congress, several bills have been introduced containing provisions that would require states to use independent redistricting commissions, including H.R. 1/S. 1/S. 2093, H.R. 80, H.R. 100, H.R. 3863, H.R. 4307, and S. 2670. Similar bills have been introduced in previous Congresses. Another proposal from the 117<sup>th</sup> Congress, S. 2747, would not create this requirement for states but would provide funding to states that engage in certain election practices, including using an independent redistricting commission. Only one of these bills, H.R. 1, has passed either chamber in the 117<sup>th</sup> Congress to date (agreed to by the House on March 3, 2021). 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 that would require redistricting commissions vary in the degree of specificity used 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. Bills also may or may not authorize funding for states to use for redistricting commissions. 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 commission service. 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 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 meetings; publication of redistricting plan proposals under consideration; or the opportunity for public comments prior to the adoption of a final redistricting plan.

## **Criteria for a Plan**

States often require that redistricting plans meet certain criteria; for more information, see CRS Insight IN11618, *Congressional Redistricting Criteria and Considerations*. 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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