

THE BRENNAN CENTER FOR JUSTICE

Our Mission

The Brennan Center for Justice at New York University School of Law is a non-partisan public policy and law institute focusing on fundamental issues of democracy and justice. Our work ranges from voting rights to redistricting, from access to the courts to presidential power in the fight against terrorism. A singular institution—part think tank, part public interest law firm, part advocacy group—the Brennan Center combines scholarship, legislative and legal advocacy, and communications to win meaningful, measurable impact in the public sector.



Democracy Program

The Brennan Center's Democracy Program seeks to improve the means by which citizens participate in their government, addressing the systems that foster responsible administration of elections and equitable representation of the public. Our program collaborates in this endeavor with grassroots groups, advocacy organizations, and government officials alike. We strive to ensure that public policy and public institutions reflect the diverse voices and interests that make for a rich and energetic democracy.


Redistricting Work

The Brennan Center is a leader in the fight for just and equitable redistricting procedures, counseling legislators and advocates across the country on how best to achieve diversity, accountability, and equitable representation through the redistricting process.

Based on our extensive studies of redistricting practices and reform initiatives nationwide, the Brennan Center offers expertise at every stage of the process: strategic consultation concerning the benefits and detriments of the status quo, analysis of the reform environment, facilitation for building consensus on policy goals, drafting assistance for legislation or ballot measures to shape and advance the conditions under which redistricting is conducted, and written and oral testimony before bodies considering specific proposals. We have also regularly filed friend-of-the-court briefs in the major cases addressing the use and abuse of redistricting procedures, particularly when redistricting is conducted at the expense of minority voters.

The Center's public advocacy furthers this work, with a clear public call for counting the population and redrawing the district lines in a way that is equitable, transparent, and sensitive to diversity. This advocacy includes publications like *A Citizen's Guide to Redistricting*, an overview of the redistricting process for novices and experienced practitioners alike; *The Real Y2K Problem*, an accessible analysis of the technical and legal issues facing legislators and reform advocates in redrawing the nation's legislative and congressional districts; and *Beyond the Color Line?*, reviewing the ramifications of redistricting, and the litigation that often results, for race and representation. Brennan Center attorneys have also authored numerous law review articles, public briefing papers, magazine pieces, and opinion columns detailing the promises and challenges of redistricting in the public interest.

WHEN THE LINES ARE DRAWN



Fall 2009	Census Bureau begins recruiting census takers <ul style="list-style-type: none">- These individuals will go door to door to ensure a full count
February 2010	Census Bureau starts counting “group populations” <ul style="list-style-type: none">- Includes group homes, student dorms, prisons, etc.
April 1, 2010	Census Day <ul style="list-style-type: none">- Hundreds of millions of people return forms by mail- More than 3.8 million Census workers go door-to-door to count those who don’t return mail forms
December 31, 2010	Census delivers population counts to President
January 10, 2011	President delivers apportionment count to U.S. House <ul style="list-style-type: none">- Specific formula set by statute (2 U.S.C. §2a(a))
March 2011	Census Bureau starts sending data to states <ul style="list-style-type: none">- By statute, last data must arrive by April 1 (P.L. 94-171)
2011-2012	States conduct redistricting <ul style="list-style-type: none">- Each state has a different deadline (usually end of leg. session)- Most states finish by 2012 (ME and MT finish in 2013)- If legislatures or commissions don’t draw in time, courts step in
2011-2012	State primary elections <ul style="list-style-type: none">- Redistricting has to be complete before filing deadline

WHO DRAWS THE LINES

Each state decides for itself who draws its district lines, which has led to a few different models:

State legislature

- In 37 states, the **state legislature** has the power to draw the lines of state legislative districts. In each of these states, and six others, the legislature also draws congressional district lines.
- **Governor's veto.** In most of these states, district lines are passed like other laws, which means that the governor has the chance to veto a redistricting map. The governor has no veto power over the legislature's decision in just five states (CT, FL, MD, MS, NC).
- **Supermajority.** In both CT and ME, redistricting maps must be passed by a **2/3 majority**.
- **Courts.** Most states have a deadline for drawing district lines, set by the state constitution. If the legislature can't agree on a map before the deadline, **state or federal courts** may step in to make sure that the district lines are set before the next election. Courts also sometimes draw maps of their own to remedy legal violations in maps passed by the legislature.
- **Advisory commissions.** Five states (IA, ME, NY, RI, VT) appoint commissions to help advise the legislature; in most cases, the legislature can ignore their recommendations. In Iowa, however, a nonpartisan bureau draws draft lines for the legislature to accept or reject as is; only after the legislature has rejected two sets of plans can it draw districts as it pleases. So far, the Iowa legislature hasn't used its authority to draw its own maps from scratch.
- **Backup commissions.** In seven states, there are special backup procedures to draw state district lines if the legislature fails to do so. In MD, the Governor's proposal becomes the default plan; in OR, the job falls to the Secretary of State. Each of the other five states forms a **backup commission**. In CT and IL, the backup commission is made up of people selected by the legislative leadership. In MS, OK, and TX, the backup commission is made up of specific statewide elected officials, like the State Treasurer or state Attorney General.

Politician commissions

- **Politician commissions** draw state legislative districts in seven states (AR, CO, HI, MO, NJ, OH, PA). These commissions don't prohibit elected officials from serving as members, but they do take redistricting out of the hands of the legislature as a whole.
- Each politician commission is designed differently. In AR and OH, specific statewide elected officials have seats on the commission. In the other states, the legislative or party leadership nominates commissioners, usually with balanced numbers from each party, and sometimes with help from the Governor or Chief Justice of the state Supreme Court.

INDEPENDENT COMMISSIONS

- Six states (AK, AZ, CA, ID, MT, WA) currently conduct state redistricting through **independent commissions**, in which no individual drawing the lines can be a legislator or public official. AZ and CA also bar legislative staff from serving on the commission; CA, ID, and WA bar lobbyists from serving on the commission.
- These six states also **prevent commissioners from running for office** in the districts they draw, at least for a few years after they draw the lines.
- Together, the restrictions on who can be a commissioner and the restrictions on running for office mean that even though legislators may have a role in picking commissioners, neither legislators nor candidates draw their own district lines themselves.

The process for choosing the commissioners is slightly different in each state:

- **Alaska:** The Governor chooses two commissioners, the state Senate and House majority leaders each choose one, and the Chief Justice of the state Supreme Court chooses one.
- **Arizona:** The four legislative majority and minority leaders each choose one commissioner from a pool of 25 nominees chosen by the state's panel for nominating appellate judges. Those four commissioners then select a fifth tiebreaker who is not registered in the same party as any other commissioner.
- **California:** State auditors choose 20 Democrats, 20 Republicans, and 20 who are neither, and the four legislative leaders each cut two people from each pool. Eight commissioners (3 Democrats, 3 Republicans, 2 neither) are chosen randomly from the remaining nominees; those eight choose six colleagues (2 Democrats, 2 Republicans, 2 neither). A map can only pass if it gets nine votes: 3 Democrats, 3 Republicans, and 3 neither.
- **Idaho:** The four legislative leaders each choose one commissioner, and the state party chairs each choose one more, for a total of six.
- **Montana:** The four legislative leaders each choose one commissioner, with geographic balance. Those four commissioners then choose a fifth tiebreaker.
- **Washington:** The four legislative leaders each choose one commissioner; those four then choose a fifth chairperson, who does not vote on the final map. Once the commission has drawn a map, the legislature may tweak the lines; however, it needs a 2/3 vote to do so, and the changes can only affect 2% of the population in any given district.

WHO DRAWS THE LINES

State legislative districts

Congressional districts

	Advisory Commission	Legislature	Governor's veto	Backup Commission	Court	Politician Commission	Independent Commission		Advisory Commission	Legislature	Governor's veto	Backup Commission	Court	Politician Commission	Independent Commission
AK					yes		yes		1 congressional district						
AL		yes	yes		yes				yes		yes		yes		
AR					yes	yes			yes	yes	yes				
AZ					yes		yes						yes		yes
CA					yes		yes		yes	yes	yes				
CO					yes	yes			yes	yes			yes		
CT		yes		yes	yes				yes			yes	yes		
DE		yes	yes		yes				1 congressional district						
FL		yes			yes				yes	yes	yes				
GA		yes	yes		yes				yes	yes	yes				
HI					yes	yes					yes		yes	yes	
IA	yes	yes	yes		yes				yes	yes	yes		yes		
ID					yes		yes						yes		yes
IL		yes	yes	yes	yes				yes	yes	yes		yes		
IN		yes	yes		yes				yes	yes	yes	yes	yes		
KS		yes	yes		yes				yes	yes	yes		yes		
KY		yes	yes		yes				yes	yes	yes		yes		
LA		yes	yes		yes				yes	yes	yes		yes		
MA		yes	yes		yes				yes	yes	yes		yes		
MD		yes		yes	yes				yes	yes			yes		
ME	yes	yes	yes		yes				yes	yes	yes		yes		
MI		yes	yes		yes				yes	yes	yes		yes		
MN		yes	yes		yes				yes	yes			yes		
MO					yes	yes			yes	yes	yes		yes		

A bold “yes” shows the entity with the primary redistricting role; a lighter “yes” shows an entity with a subsidiary role. The heavy box indicates who actually drew the lines in the 2001 cycle, with the color indicating partisan control; blue indicates Democratic, red indicates Republican, and black indicates a bipartisan or (theoretically) nonpartisan structure. Two boxes on the same line indicates that different entities drew the lines for different houses of the legislature. The entry for California reflects the adoption, after the 2001 cycle, of an independent commission for redistricting.

State legislative districts

Congressional districts

	Advisory Commission	Legislature	Governor's veto	Backup Commission	Court	Politician Commission	Independent Commission
MS		yes		yes	yes		
MT					yes		yes
NC		yes			yes		
ND		yes	yes		yes		
NE		yes	yes		yes		
NH		yes	yes		yes		
NJ					yes	yes	
NM		yes	yes		yes		
NV		yes	yes		yes		
NY	yes	yes	yes		yes		
OH					yes	yes	
OK		yes	yes	yes	yes		
OR		yes	yes	yes	yes		
PA					yes	yes	
RI	yes	yes	yes		yes		
SC		yes	yes		yes		
SD		yes	yes		yes		
TN		yes	yes		yes		
TX		yes	yes	yes	yes		
UT		yes	yes		yes		
VA		yes	yes		yes		
VT	yes	yes	yes		yes		
WA					yes		yes
WI		yes	yes		yes		
WV		yes	yes		yes		
WY		yes	yes		yes		

	Advisory Commission	Legislature	Governor's veto	Backup Commission	Court	Politician Commission	Independent Commission
MS		yes	yes		yes		
MT		1 congressional district					
NC		yes			yes		
ND		1 congressional district					
NE		yes	yes		yes		
NH		yes	yes		yes		
NJ					yes	yes	
NM		yes	yes		yes		
NV		yes	yes		yes		
NY	yes	yes	yes		yes		
OH	yes	yes	yes		yes		
OK		yes	yes		yes		
OR		yes	yes		yes		
PA		yes	yes		yes		
RI	yes	yes	yes		yes		
SC		yes	yes		yes		
SD		1 congressional district					
TN		yes	yes		yes		
TX		yes	yes		yes		
UT		yes	yes		yes		
VA		yes	yes		yes		
VT		1 congressional district					
WA					yes		yes
WI		yes	yes		yes		
WV		yes	yes		yes		
WY		1 congressional district					

A bold “yes” shows the entity with the primary redistricting role; a lighter “yes” shows an entity with a subsidiary role. The heavy box indicates who actually drew the lines in the 2001 cycle, with the color indicating partisan control; blue indicates Democratic, red indicates Republican, and black indicates a bipartisan or (theoretically) nonpartisan structure. Two boxes on the same line indicates that different entities drew the lines for different houses of the legislature.

WHERE THE LINES ARE DRAWN

Most redistricting bodies — whether a legislature, a commission, or a court — have substantial discretion to draw district lines, but there are a few important constraints. Every state’s districts must comply with federal law. State constitutions may also impose constraints of their own.

Federal law

- **Equal population.** The “one person, one vote” cases of the 1960s established that under the U.S. Constitution, each person’s vote should be worth the same, so that local, state, and federal legislative districts within a state have to have equal population. But “equal population” means different things for different districts.

Congressional districts within a state must basically have the exact same number of voters. **State and local districts** can have a population difference of about 10% between the largest and smallest districts, as long as there’s a good reason (usually one of the “traditional” state-law criteria below) for the disparity.

Some states set stricter limits than the federal standard: Colorado, for example, allows at most 5% difference between the largest and smallest districts; and Iowa says that the average deviation from the average district population must be less than 1%.

- **Race and minority rights.** The federal Voting Rights Act of 1965 protects against redistricting techniques that are used to limit minority communities’ ability to achieve fair representation. Two sections of the Act are particularly important for redistricting.

Section 2 of the VRA prohibits district lines that deny minority voters an equal opportunity “to participate in the political process and to elect representatives of their choice.” Essentially, district lines can’t be drawn to dilute minority voters’ voting power if:

- A minority community can fit reasonably in a **geographically compact** district;
- Voting-age minorities would represent a **majority of the voters** in that district;
- The minority population would usually **vote for the same candidate**;
- The white population would usually **vote for a different candidate**; and
- The minority vote is not otherwise protected given the “**totality of the circumstances**.”

Section 5 of the VRA works a bit differently. In **covered jurisdictions** with a history of low registration or turnout (all of 9 states, and parts of 7 others), the government may not change district lines without getting the changes approved by the Justice Department or federal court (a process called “**preclearance**”). New district lines will be precleared if:

- The new map is **not intended to dilute** minority votes; and
- The new map leaves minority voters **no worse off** overall than they would be if the old lines were applied to the community, given its present demographics.

Other than satisfying the VRA, a state **may** take race into account as one of several factors when drawing district lines — but without a compelling reason, race cannot be the “**predominant**” reason for a district’s shape. Courts haven’t provided much further guidance.

State law

After accounting for districts required by the Voting Rights Act, there are still countless ways to divide the remainder of a jurisdiction into districts of equal population. In drawing the rest of the districts, some state constitutions and state laws provide additional constraints:

- **Contiguity**. Most states require districts to be “**contiguous**,” with all parts of the district physically adjacent to each other. Water — rivers, lakes, bays — gives mapmakers wiggle room, as a sort of bridge to “adjacent” land that may be quite far away.
- **Compactness**. Most states also require districts to be reasonably “**compact**,” though few define the term. A district where constituents generally live near each other or with a regular geometric shape is usually more compact than one with long, extended tendrils. In practice, compactness tends to be in the eye of the beholder: people say they know it when they see it.

Academics have proposed more than 30 numerical measures of compactness, focusing on 1) how contorted the district boundaries are, 2) how spread out a district is from a central core, or 3) where the district’s population “center of gravity” is. A district that is compact by one measure may be less compact by another. Only five states (AZ, CO, IA, MI, MT) specify which measure is actually to be used in their state: AZ and CO focus on contorted boundaries, MI and MT focus on the spread, and IA asks mapmakers to account for both.

- **Political boundaries**. Most states also take some account of **political boundaries** — county, city, town, or ward lines — in drawing districts. Some demand that units like counties be kept together whenever possible, or if a county must be split to equalize population or to draw a district under the Voting Rights Act, to be split into as few pieces as possible. Others simply ask that boundaries be followed when it is practicable to do so.
- **Communities of interest**. Twenty-four states consider **communities of common interest** as well. Kansas’ definition is relatively common: in keeping voters together, map drawers are asked to consider “[s]ocial, cultural, racial, ethnic, and economic interests common to the population of the area, which are probable subjects of legislation.” Though it is rare for legislators to articulate specific communities of interest when drawing district lines, districts are often justified in litigation based on a purported community they serve.
- **Political outcomes**. Some incumbents may try to draw districts so that they contain as many reliable partisan supporters as possible; a few states try to rein this in either by **prohibiting partisan favoritism** or by affirmatively encouraging **competition**. In the last redistricting cycle, nine states (CA, DE, HI, IA, ID, MT, NE, OR, WA) prohibited drawing state legislative districts in order to unduly favor a candidate or political party. Two (AZ and WA), both with independent commissions, affirmatively encouraged the commissions to draw competitive districts when doing so did not interfere with other redistricting goals.
- **Nesting**. In 14 states, state House districts are **nested** inside state Senate districts: a Senate district will be made up of 2 or 3 House districts, and will have the same boundaries. Another four states (CA, HI, NY, and WY) ask to nest districts if possible, but this is often ignored.

WHERE THE LINES ARE DRAWN (STATE LAW, 2000)

	State legislative districts						Congressional districts	
	Population deviation	Compactness	Political boundaries	Communities of interest	No partisan favoritism	Encourage competition	Nesting	
AK		YES		YES			YES	1 congressional district
AL		yes	YES	yes				mostly same as state districts
AR			YES					
AZ		PERIM	YES	YES		YES	YES	same as state districts
CA		YES	YES	YES	YES		IF POSS.	mostly same as state districts
CO	<5%	PERIM	YES	YES				
CT			YES					
DE					yes			1 congressional district
FL								
GA			yes					same as state districts
HI		YES	YES	YES	YES		IF POSS.	same as state districts
IA	<5%	mult.	yes		yes		yes	same as state districts
ID		yes	YES	yes	yes		yes	same as state districts
IL		YES					YES	
IN								
KS		yes	yes	yes				same as state districts
KY			YES					different from state districts
LA			yes					same as state districts
MA			YES					
MD		YES	YES					
ME		YES	YES	yes				mostly same as state districts
MI		spread	YES					same as state districts
MN	<2%	yes	yes	yes			YES	same as state districts
MO		YES	YES	yes				mostly same as state districts

A “yes” above indicates that the state imposes the designated type of limit on its districts; a blank space indicates no express limit in that category. **BOLD CAPS** indicates a constitutional limit; standard typeface indicates a statutory limit; and gray typeface indicates voluntary guidelines. In most states that have limits like requiring compactness, following political boundaries, and preserving communities of interest, these limits must be followed only as closely “as is practicable,” leaving substantial flexibility to the redistricting body to serve other goals as well. And in every state, such standards are always subordinate to federal equal population limits and to the federal Voting Rights Act.

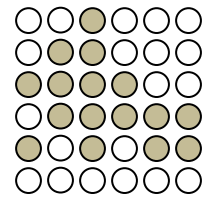
	State legislative districts							Congressional districts
	Population deviation	Compactness	Political boundaries	Communities of interest	No partisan favoritism	Encourage competition	Nesting	
MS		yes	yes					
MT	<1%	spread	yes	yes	yes		YES	1 congressional district
NC		YES	YES	YES				
ND		YES	yes				yes	1 congressional district
NE		YES	YES		yes			same as state districts
NH			YES					
NJ		YES	YES				YES	
NM		yes	yes	yes				same as state districts
NV								
NY		YES	YES				IF POSS.	
OH		YES	YES				YES	
OK		YES	YES	YES				
OR			yes	yes	yes		YES	same as state districts
PA		YES	YES					
RI		YES	YES					
SC		yes	yes	yes				same as state districts
SD		YES	yes	yes			YES	1 congressional district
TN			YES					
TX			YES					
UT	<8%	yes						same as state districts
VA	<4%	YES		yes				same as state districts
VT		YES	YES	yes				1 congressional district
WA		YES	YES	yes	YES	yes	yes	same as state districts
WI		YES	YES	yes			YES	
WV		YES	YES	yes				
WY		yes	yes	yes			if poss.	1 congressional district

A “yes” above indicates that the state imposes the designated type of limit on its districts; a blank space indicates no express limit in that category. **BOLD CAPS** indicates a constitutional limit; standard typeface indicates a statutory limit; and gray typeface indicates voluntary guidelines. In most states that have limits like requiring compactness, following political boundaries, and preserving communities of interest, these limits must be followed only as closely “as is practicable,” leaving substantial flexibility to the redistricting body to serve other goals as well. And in every state, such standards are always subordinate to federal equal population limits and to the federal Voting Rights Act.

MINORITY REPRESENTATION

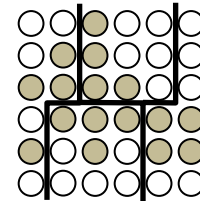
Many redistricting techniques, sadly, have been abused in order to dilute minority voting power. To illustrate, imagine the jurisdiction at the right, with 16 minority voters, 20 voters from the majority group, and four legislative seats to divvy up. Also imagine that in this area, minority voters and majority voters predictably vote for different candidates.

One way to deny minority voters representation is to ask each voter to cast one vote for each of the four seats, in an “**at-large**” election with no districts at all. The minority voters will predictably lose each and every seat, 16-20.

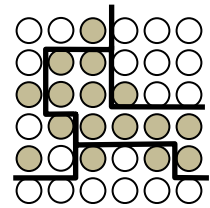


At-large

Districts can help, but they can also harm. One tactic is to fracture minority populations into multiple districts in order to break up their voting power. Another tactic is to consolidate as many minority voters as possible in just a few districts, in order to limit the population’s voting power in the legislature as a whole. “**Cracking**” and “**packing**” in this way can reliably limit minority representation.



Cracking



Packing

The federal **Voting Rights Act of 1965** was designed to combat discrimination used to deny minorities the right to an effective vote, including redistricting techniques like those above. As federal law, the VRA overrides inconsistent state laws or practices. Two sections of the VRA are particularly important to redistricting: section 2 and section 5.

Section 2 of the Voting Rights Act

Section 2 of the VRA makes it illegal to draw district lines that deny minority voters an equal opportunity “to participate in the political process and to elect representatives of their choice.” It applies whether this denial is intentional, or an unintended result of the way lines are drawn. Courts applying the Act essentially test whether the way that a district is drawn takes decisive political power away from a cohesive minority bloc that has otherwise suffered discrimination in the region.

Section 2 prohibits lines used to dilute minority voters’ power, if:

- A minority community can fit reasonably in a **geographically compact** district;
- Voting age minorities would represent a **majority of the voters** in that district;
- The minority population would usually **vote for the same candidate**;
- The majority population would usually **vote for a different candidate**; and
- The minority vote is not otherwise protected given the “**totality of the circumstances**.”

The usual technique to protect the minority population in this situation is to draw a district so that those voters represent a majority of the voters in a district (i.e., a “**majority-minority**” district). In some circumstances, it may also be possible to protect the minority population without drawing districts, by using different rules for ranking and electing candidates, like choice voting (what they use for Oscar nominations) or cumulative voting (what many corporate boards use for their elections). Some cities (and particularly school boards) prefer to have rules like these rather than dividing a city up into districts.

Section 5 of the Voting Rights Act

Section 5 of the VRA works a bit differently. First, unlike section 2, it is temporary: it was last renewed in 2006, and is scheduled to come up for renewal again in the future.

Second, while section 2 applies all over the country, section 5 only applies in areas that had low levels of voter registration or participation historically — much of which was tied to disenfranchisement of minority voters. Nine states, and parts of seven others, are “**covered jurisdictions**” under section 5. (Coverage isn’t forever: in a procedure known as “**bailout**,” a covered jurisdiction can ask the federal trial court in Washington, D.C. to be released from Section 5, after ten years of steps to improve opportunities for minority voting.)

In a covered jurisdiction, the government may not change district lines without getting the changes **precleared** by the Justice Department or federal court. New district lines will usually be precleared if:

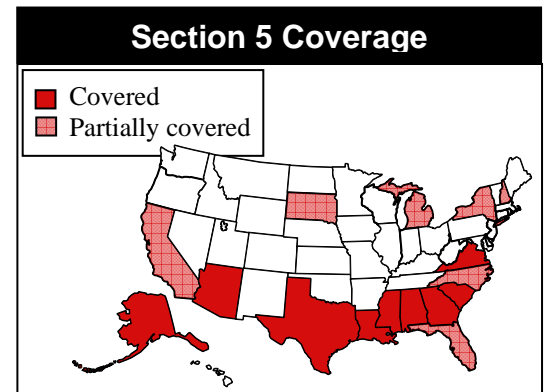
- The new map is **not intended to dilute** minority votes; and
- The new map leaves the current population of minority voters **no worse off** overall, in terms of political control, than the minority population would be if the old lines were kept in place.

The Constitution and other considerations of race

So the Voting Rights Act protects many populations of minority voters large enough to form a district’s majority, and also stops governments from backsliding to take away opportunities that minority voters had before. What about new groups of minority voters that aren’t quite big enough to be protected by the Voting Rights Act?

The courts have spent a lot of time discussing the extent to which governments can take race into account in redistricting, as in other areas. Those who are drawing district lines **can** include race in their decisionmaking about where the lines should be placed. Under federal law, without a constitutionally compelling reason, race may not be the “**predominant**” reason for a district’s shape. But considering race as part of the overall mix, along with race-neutral redistricting factors like political preference and community interests and geographic considerations and the like, is proper.

Courts generally assess the impact of race by looking at how irregular a district’s shape is, and then trying to figure out whether race, or other factors, best explain the irregularities. The more a district’s overall shape can be traced to other goals like those above, the less likely it is that voters’ race will be found to be the impermissibly driving force behind that district’s lines.



COMMUNITIES OF INTEREST

Several redistricting criteria — like following county or municipal lines, or drawing districts that are compact — are in some ways proxies for finding communities of common interest. These are groups of individuals who are likely to have similar legislative concerns, and who might therefore benefit from cohesive representation in the legislature. Twenty-four states address these communities of interest directly, asking redistricting bodies to consider various types of communities in drawing district lines. Those provisions — some found in the state constitution, some in state statute, and others simply adopted as guidelines by the bodies conducting redistricting — follow.

	Source	Provision	
AK	Constitution	“Each house district shall be formed of contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area.”	
AL	Legislative guidelines	“The integrity of communities of interest shall be respected to the extent feasible. For purposes of these Guidelines, a community of interest is defined as an area with recognized similarities of interests, including but not limited to racial, ethnic, geographic, governmental, regional, social, cultural, partisan, or historic interests; county, municipal, or voting precinct boundaries; and commonality of communications. It is inevitable that some interests will be recognized and others will not, however the legislature will attempt to accommodate those felt most strongly by the people in each specific location.”	*
AZ	Constitution	“District boundaries shall respect communities of interest to the extent practicable.”	*
CA	Constitution	“The geographic integrity of any city, county, city and county, neighborhood, or community of interest shall be respected to the extent possible Communities of interest shall not include relationships with political parties, incumbents, or political candidates.”	*
CO	Constitution	“[C]ommunities of interest, including ethnic, cultural, economic, trade area, geographic, and demographic factors, shall be preserved within a single district wherever possible.”	
HI	Constitution	“Where practicable, submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided.”	*
ID	Statute	“To the maximum extent possible, districts shall preserve traditional neighborhoods and local communities of interest.”	*
KS	Legislative guidelines	“There should be recognition of similarities of interest. Social, cultural, racial, ethnic, and economic interests common to the population of the area, which are probable subjects of legislation . . . should be considered. While some communities of interest lend themselves more readily than others to being embodied in legislative districts, the Committee will attempt to accommodate interests articulated by residents.”	*
ME	Statute	“The commission shall . . . give weight to the interests of local communities”	
MN	Joint resolution	“The districts should attempt to preserve communities of interest where that can be done in compliance [with other] . . . standards.”	*

* Applies to congressional districts and to state legislative districts.

	Source	Provision	
MO	Commission guidelines	“Preserves long-standing communities of interest based on social, cultural, ethnic, and economic similarities.”	
MT	Commission guidelines	“The commission will consider keeping communities of interest intact. Communities of interest can be based on trade areas, geographic location, communication and transportation networks, media markets, Indian reservations, urban and rural interests, social, cultural and economic interests, or occupations and lifestyles.”	
NC	Court	“[C]ommunities of interest should be considered in the formation of compact and contiguous electoral districts.”	
NM	Legislative guidelines	“To the extent feasible, districts shall be drawn in an attempt to preserve communities of interest . . .”	*
OK	Constitution	“In apportioning the State Senate, consideration shall be given to . . . economic and political interests . . . to the extent feasible.”	
OR	Statute	“Each district, as nearly as practicable, shall . . . [n]ot divide communities of common interest. . .”	*
SC	Legislative guidelines	“Where practical, legislative and congressional districts should attempt to preserve communities of interest.”	*
SD	Statute	“[T]he following principles are of primary significance: . . . Protection of communities of interest by means of compact and contiguous districts.”	
VA	Legislative guidelines	“Districts shall be based on legislative consideration of the varied factors that can create or contribute to communities of interest. These factors may include, among others, economic factors, social factors, cultural factors, geographic features, governmental jurisdictions and service delivery areas, political beliefs, voting trends, and incumbency considerations. . . . Local government jurisdiction and precinct lines may reflect communities of interest to be balanced, but they are entitled to no greater weight as a matter of state policy than other identifiable communities of interest.”	*
VT	Statute	“The . . . districts shall be formed consistent with the following policies insofar as practicable: . . . recognition and maintenance of patterns of geography, social interaction, trade, political ties and common interests.”	
WA	Statute	“District lines should be drawn so as to coincide with . . . areas recognized as communities of interest.”	*
WI	Statute	“[The districts] reflect a good faith effort to apportion the legislature giving due consideration to the need for . . . the maintenance of . . . communities of interest . . .”	
WV	Statute	“[T]he Legislature, in dividing the state into senatorial districts . . . , has: . . . [a]lso taken into account in crossing county lines, to the extent feasible, the community of interests of the people involved.”	
WY	Legislative guidelines	“Election districts should . . . reflect a community of interest.”	

* Applies to congressional districts and to state legislative districts.

HOW TO DRAW THE LINES — STEP BY STEP

1. Figure out about how big each district should be. Take the total number of people living in the state, from the latest census numbers. Divide by the number of districts in the state, to get the average population. Each congressional district has to have almost exactly that average number of residents. State legislative or local districts can have a little more variation: some states allow up to 10% variation between the largest and smallest districts, and some have constraints that are a bit tighter (check state law to be sure).
2. Look for districts to ensure compliance with the Voting Rights Act. Look for populations of racial or language minorities that are relatively close together, where minority voters would vote for a different candidate than most of the majority population, if given the choice. If there are enough minority voters to make up a majority in a reasonably compact district, make sure not to dilute that population's voting power — either by “cracking” them into several districts or by over-“packing” them into one district that dilutes their power elsewhere.

If you are in an area covered by section 5 of the Voting Rights Act, you also must make sure that your plan, intentionally or not, doesn't leave minority voters worse off than they would otherwise be. Lay the old district lines on top of a map with the most current demographic information from the census, and figure out the districts where minority populations, voting together, could effectively control the outcome of the election. Your new plan has to have at least as many districts where minority voters have the opportunity to elect their chosen candidates.

3. Look to the requirements of state law. Each state has different rules for how to draw districts, both for the state legislature and for Congress. Districts generally have to be contiguous, with all parts of the district physically adjacent. Most states also require that districts are reasonably compact, and ask that lines (at least for state legislatures) try to follow political boundaries like counties or cities or political precincts. Many states ask redistricting bodies to consider communities of interest, so that voters with a common legislative interest have representatives they can hold accountable to them. So find your state laws, and see what they ask you to take into account. And ask around to find out where the boundaries of substantial communities are located, so that you can draw lines with an eye to ensuring coherent and cohesive representation.
4. Draw away. The next step is to actually start drawing. Commercial software is available that helps with this process, to figure out how many residents with what demographics are within any given set of boundary lines, recalculated as you change the boundaries. Some states — and some civic organizations — may have licensed versions of this software for public use, and free public open-source software for redistricting is on the near horizon.
5. Ask for feedback. Get feedback from the public, both before draft maps are offered, and after you have a proposal but before the map is final. The lines proposed may well have unanticipated consequences, and it may be possible to accommodate many constituent concerns about these consequences (leading to happier voters) without sacrificing the interests behind the proposed districts.