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# The Legislative Politics of Congressional Redistricting Commission Proposals

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Many politicians and reformers have suggested that allowing non- or bipartisan redistricting commissions to draw congressional districts will make elections more competitive and reduce partisan polarization. Although such commissions reduce the power of political parties and elected officials, they have been considered in 24 states from 1999 to 2006. We combine an analysis of national patterns of bill consideration with an intensive examination of legislative activity in three states. Our study suggests that internal pressures, such as redistricting controversies, and external pressures, such as the initiative process, contribute to the consideration of redistricting commission legislation. Furthermore, the precise combination of internal and external pressures in a state leads proposals to take one of two paths in the legislative process: a “partisan path” dominated by legislative insiders and interparty wrangling and a “good government path” where outside interest groups exercise more influence and the debate surrounds specific features of the proposal.

**Keywords:** *congressional redistricting; gerrymandering; state legislatures; redistricting commissions; state politics; initiatives; interest groups*

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. The fates of individual politicians are inextricably linked

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to the fates of the two major political parties—wins and losses for the parties' candidates sum into their congressional strength. Because it affects which individuals and political parties exercise power in Congress, the redistricting process is regularly scrutinized, both by those looking to use it to their advantage and by those monitoring it to guard against potential abuse or improper manipulation.

Indeed, abuse of the redistricting power is a common complaint. It has been fueled in recent years by technological advances that enable more precision in drawing districts to produce particular electoral outcomes. Limited turnover, a decreased number of competitive races, and the increased polarization between the parties are seen as evidence that redistricting procedures should be fundamentally changed. Critics argue that current redistricting procedures allow elected officials effectively to choose their constituents, violating the democratic principles that would write the electoral equation the other way around. Many of these critics believe that the authority to draw district lines should be transferred from elected officials to non- or bipartisan redistricting commissions whose members would not have a material stake in the outcome. This idea seems to have some traction; establishment of a redistricting commission has become a common proposal in state legislatures, even though it ultimately reduces state legislators' power.

This article examines the legislative politics of proposals to establish congressional redistricting commissions and asks why so many state officials are considering proposals that potentially work against their self-interest. In particular, we consider how political parties and interest groups influence legislative behavior on the issue. Ultimately, we make sense of state lawmakers' action on the idea of establishing redistricting commissions by detailing two legislative trajectories: a "partisan path" dominated by legislative insiders and interparty wrangling and a "good government path" where outside interest groups exercise more influence and most of the debate surrounds specific features of the proposed commission. These paths, though not mutually exclusive, entail different key actors and legislative behavior.

In the next section, we describe several forces that might place redistricting commissions on the political agenda and affect state lawmakers' receptivity to this reform. We analyze data on proposals across all states in the years 1999 through 2006 to assess the viability of these factors as causal explanations. Finally, we turn to three case studies—California, Indiana, and Ohio—that show how the confluence of particular forces propels states along the partisan or good government path. Because of the relatively

recent emergence of redistricting commission proposals and the nature of the available data, our conclusions are preliminary. Nonetheless, given the ongoing interest in this reform and the way that it speaks to fundamental issues of democratic responsiveness, it seems essential for political scientists to develop a theoretical framework with which to analyze past and future attempts to change the way congressional districts are drawn.

## **State Legislators and Congressional Redistricting Commissions**

Eight states used redistricting commissions to draw congressional district lines following the 2000 Census.<sup>1</sup> Most of these commissions, which embody a variety of institutional structures, were established through a state constitutional amendment process that required passage of a resolution in the legislature and ratification thereof by the state's voters. Arizona, where the voters approved a ballot initiative in 2000, is the only state in which voters established a redistricting commission without the prior approval of the legislature. Thus, most redistricting commissions are the result of state legislators' decisions to cede their own power.

Since the release of the 2000 Census, proposals to create congressional redistricting commissions have become more widespread and made greater progress through the legislative process. During the final session prior to the release of the 2000 Census, legislators in three states introduced bills proposing redistricting commissions.<sup>2</sup> During the 2001-02 legislative sessions, lawmakers in eight states introduced commission bills; three bills received a committee hearing, and one was reported to the floor. In 2003-04, 11 states considered a total of 37 bills on redistricting commissions, and 2 bills made it out of committee. During the 2005-06 legislative sessions, 20 states considered a total of 55 redistricting commission bills. Eleven committees in eight states reported this legislation to the floor, and the Oregon House, Indiana House, Texas Senate, and California Senate all passed legislation to establish congressional redistricting commissions. Still, all the state legislatures considering such commissions thus far have let such legislation die with the expiration of their legislative sessions.

The recent proliferation of commission proposals and their varied progress through the legislative process generate two questions. First, why would state legislators propose a reform that would reduce their own power? Second, what explains the varied legislative courses that these proposals have thus far taken?

## Factors Affecting the Consideration of Redistricting Commissions

In considering what drives legislative behavior on redistricting commission proposals, we distinguish between the emergence of the proposal and the treatment it receives. Looking only at the introduction and ultimate failure or adoption of legislation hides significant variation in the seriousness with which proposals are considered and the attention they receive (Hall, 1996). This variation informs the political possibilities for redistricting commissions, helping to differentiate symbolic proposals, exhibitive considerations, and concerted attempts at change. In particular, we evaluate the effectiveness and limitations of both internal incentives—political dynamics between policymakers—and external incentives—pressures from outside actors—for engendering various levels of legislative responsiveness to the redistricting commission issue.

In evaluating internal and external incentives, we take up comparisons of states across two variables gauging legislative activity on congressional redistricting commissions for the legislative sessions between 1999 and 2006. To make these comparisons, we exclude states that already have a commission and states that send only one representative to the U.S. House, leaving us with a universe of 24 states in which bills were considered and 13 in which they were not. First, we compare states in which no proposal was made with those in which redistricting commission bills were introduced. Hence, our first dependent variable is an indicator variable for whether a redistricting commission proposal was introduced in the state at any point between 1999 and 2006. Second, we look for discernable patterns in the extent of consideration that redistricting commission bills received during the legislative sessions since 1999. Our second dependent variable therefore indicates the extent of consideration the bill received during the legislative sessions since 1999. For each state, this variable can take one of six values, indicating the furthest extent of consideration of a redistricting commission bill: 0 = no action taken; 1 = a bill was introduced; 2 = committee action, such as hearings or debate, occurred; 3 = the committee given jurisdiction reported a bill (even if adversely); 4 = the chamber actively debated the bill (a second reading is not sufficient); and 5 = at least one legislative chamber passed a redistricting commission bill.

### Internal Incentives: Partisan Conflict and Redistricting Controversies

Contentious redistricting episodes can create several incentives for state lawmakers to consider commissions. First, the overtly partisan battles sparked

by redistricting may cause grievances that stall legislative business. Legislators may therefore view redistricting commissions as a way to preserve legislative comity, minimize residual partisan conflict, and avoid partisan disruptions in the future. Second, the stakes involved in redistricting decisions can lead this issue, itself, to dominate a legislative session, thereby imposing opportunity costs on legislators who would rather be pursuing other goals. Finally, redistricting battles can impose real costs on state governments, legislators, and political parties; particularly when redistricting controversies linger in the court system, resources must be expended to settle disputes.

To judge the relationship between contention and legislative consideration of redistricting commissions, we examine three indicators of conflict. First, divided government may produce gridlock (Binder, 2003; Mayhew, 1991). When the governorship and the state legislature are not controlled by the same party, or when the legislature's two chambers are controlled by partisan rivals, redistricting is more likely to be contentious and partisan. Those who most recently redistricted under divided government might be particularly likely to seriously consider the establishment of a commission to avoid future partisan conflict. We are most interested in the existence of divided government during the initial legislative session after the census results, when legislators are most likely drawing the new lines. Hence we ask whether states with divided governments in 2001 were more likely than their counterparts to consider commission proposals over the next several sessions.<sup>3</sup>

We find mixed support for the divided-government hypothesis. Table 1, which contains all of the results discussed in this section, summarizes the differences across divided and unified government states in both the percentage of states where commission proposals were introduced and the average of our measure of legislative progress. The results suggest that divided government is not a necessary condition for the introduction of a redistricting commission proposal, but that a partisan split in legislative control may propel active consideration of proposals for redistricting commissions. Commission bills went significantly further in states characterized by a legislative split than they did in states with unified legislatures (regardless of the governor's party affiliation). Six of the eight states (75%) in which committees reported out a bill were characterized by divided government in 2001.

Our second indicator of conflict is the gain or loss of congressional seats in reapportionment. Gaining or losing a representative requires a more thorough redrawing of the existing map, potentially leading to more contention. Legislators may then look to redistricting commissions as a way to avoid future battles. Legislators in states that gained or lost a congressional seat in 2000 were, indeed, more likely to introduce commission bills, and the

**Table 1**  
**Incentives for Legislative Consideration of Redistricting**  
**Commission Bills in U.S. States, 1999-2006**

Independent Variable	Legislation Introduced, Percentage of States	Extent of Consideration, Mean (SE)	Number of States in Category
Divided government			
State legislature split	67	2.2 <sup>a</sup> (.66)	9
Legislature-governor split	54	1.2 (.42)	13
Unified government	73	1.3 (.34)	15
Seat change from 1990			
Seat change	76*	1.9* (.43)	17
No seat change	55	1.0 (.29)	20
Controversy			
Litigation	73	2.1**(.56)	11
No litigation	62	1.2 (.28)	26
Interest-group activity <sup>d</sup>			
Either LWV or Common Cause	90	1.5 <sup>b</sup> (.31)	10
Both LWV and Common Cause	100	3.3 <sup>c</sup> (.56)	8
No interest-group activity	38 <sup>c</sup>	0.8 (.34)	16
Initiative threat			
Easy initiative process	83	2.8 <sup>c</sup> (.83)	6
Difficult initiative process	50	1.1 (.41)	10
No initiative process	67	1.2 (.32)	21

Note: LWV = League of Women Voters.

a. Difference from both other categories significant at  $p < .10$ , one-tailed  $t$  test.

b. Difference from no activity significant at  $p < .10$ , one-tailed  $t$  test.

c. Difference from both comparison categories significant at  $p < .05$ , one-tailed  $t$  test.

d. Three states are coded "missing" in instances where the state has an LWV chapter but its Web site is not functional.

\* $p < .10$ . \*\* $p < .05$ , one-tailed  $t$  test of difference.

bills were significantly more likely to move further through the legislative process. This difference reflects, in part, the fact that six of the eight states (75%) where a committee reported a commission bill were states in which the size of the congressional delegation changed.<sup>4</sup>

Postredistricting litigation challenging a new congressional map is a third form of controversy that may lead legislators to consider a commission proposal.<sup>5</sup> Litigation does not have a significant relationship with the frequency of bill introduction, but states facing statewide redistricting litigation were more likely to consider seriously commission legislation. In fact, six of the eight proposals (75%) introduced in states where court challenges

had been filed made substantial progress in the legislative process, gaining at least active consideration in committee.

### **External Incentives: Interest Groups and Public Pressure**

Several “good government” organizations, including Common Cause (CC) and the League of Women Voters (LWV), have long supported the establishment of nonpartisan redistricting commissions. Both CC and the LWV are federations with state and local chapters, an organizational form that enables localized responses to issues that have gained national attention (Skocpol, 1999). State chapters that have taken up the cause of commissions may provide pressure for legislators to consider commission proposals. We assess this hypothesis by using the Web sites of the state chapters of both CC and the LWV. We searched these sites for language that would suggest that redistricting reform was an active part of the state chapters’ agendas, which enables us to compare states where these “good government” groups are active on the issue of redistricting commissions with those where they are not.<sup>6</sup>

We find two patterns of striking differences across states with and without active CC and LWV chapters. First, we find that introduction of congressional redistricting commission legislation is ubiquitous in states where interest groups are active, whereas proposals arose in only one-third of the states without signs of interest-group activity. Second, we find a strong relationship between interest-group activity and the consideration of commission proposals. Not only do we find that legislation in states where either the CC or LWV chapter is active in redistricting reform goes significantly farther in the legislative process than in states without active chapters of either; we also find that in states where both the CC and LWV chapters are active on the issue, commission legislation goes farther still. In fact, in only one state where both interest groups showed evidence of interest in redistricting reform did legislators fail to take at least committee action on a proposal for congressional redistricting commissions.

We must be careful in our interpretation of the patterns related to interest-group activity. We cannot be certain that the groups “caused” the bills to be introduced or that they are responsible for the bills’ legislative progress. Beyond the standard concerns about the direction of causation in cross-sectional data, we know that some state chapters of both organizations have long supported this reform. Nonetheless, we find a strong correlation between legislative activity on redistricting commission bills and

interest-group support. We use our case studies to help determine whether the groups are reacting to what happens in the legislature or actively generating interest in this electoral reform.

We also examine whether potential public pressure might incite legislators to consider ceding their redistricting power. The establishment of a redistricting commission seems to be against legislators' self-interest, but elected officials might be willing to make such a change—or at least feel pressured to consider such a change—if their constituents demand it (McConaughy, 2004; Theriault, 2005). The possibility of a ballot initiative might give voters the ability to forward reforms, such as a redistricting commission, that might otherwise languish (Bowler, Donovan, Neiman, & Peel, 2001; Gerber, 1996). In short, the consideration of redistricting commission bills might be associated with the threat of direct democracy.

States vary in the ease with which proposals can qualify for the ballot if at all (Bowler & Donovan, 2004, p. 138). Commission bills may be especially likely to be considered in states where the initiative process is “easy” to navigate, and hence the threat of voter action is greater relative to states where the process does not exist or is “difficult” to navigate.<sup>7</sup> Consistent with our hypothesis, commission bills were more likely to be introduced in states with easier initiative requirements than in states with no initiative or a difficult initiative process; such bills made it significantly further in the legislative process.

In sum, our initial analysis suggests that several factors are associated with the introduction and consideration of redistricting commission proposals. Redistricting controversies seem to motivate legislative activity, whether these controversies are sparked by a split legislature, changes in the size of a state's congressional delegation, or postredistricting litigation. Interest-group activity on the redistricting commission issue and the consideration of legislation seem to run hand in hand. Finally, the ease with which a proposal can qualify for the ballot appears to be associated with the introduction and consideration of redistricting commission bills.<sup>8</sup>

We also investigated whether these relationships were independent of each other by embedding all of the external and internal influences into two regression models, one predicting introduction of commission legislation and one predicting legislative progress. Our results generally follow the descriptive patterns of the bivariate relationships, but not all of them retain their statistical significance. Only interest-group activity significantly predicts both dependent variables. Both the presence of an easy initiative process and a divide in the state legislature also significantly predict the extent of legislative consideration.<sup>9</sup> Our results suggest a particularly

crucial role for interest-group activity in the politics of redistricting commission proposals, but the cross-sectional nature of this analysis leaves questions about the ordering of events and the possible confluence of influences in shaping the legislative process. To answer these questions, we turn to three case studies that follow the politics of redistricting commissions over the last 7 years.

## Case Studies

Building on our nationwide analysis, we examine developments in three states—California, Indiana, and Ohio—to unpack how the various internal and external incentives translate into legislative action. We selected these states so as to have variation on the internal and external influences discussed in the previous section. Thus we examine two states (California and Ohio) with unified governments in 2001, and one (Indiana) with a split legislature. Statewide litigation was filed in Indiana, but not in California or Ohio. Finally, the “initiative threat” was high in California and Ohio but nonexistent in Indiana. Commission bills were considered in all three states but went further in Indiana and California. Our information about the politics in each state comes from legislative journals and newspaper accounts.

Our goal is to unpack how the various internal and external incentives translate into legislative behavior. We find that the specific combination of influences in the states begins to explain why proposals emerged, and also affects the “paths” they take through the legislative process. In California, legislative consideration followed a “good government path,” with outsiders like interest groups playing a prominent role and legislators debating how to get the legislation “right.” In Indiana, legislative consideration followed a “partisan path,” with legislative politics dominated by interparty disputes and party-line votes. In Ohio we see a shift from a good government path to a partisan path—a phenomenon that merits particular attention.

### The Good Government Path—California

Legislative politics in California exemplify what we call the good government path of redistricting commission proposals. The redistricting process in 2001 was not marked by any partisan controversy, but outside observers criticized the resulting “incumbency-protection” map and used an “easy” initiative process to place the redistricting commission issue on the political agenda. The state legislature responded by considering a variety of bills. Although the reform received bipartisan support, lawmakers prevented

its adoption by haggling over specific provisions of the proposals. What we see in the California case, then, is that although reform-minded interest groups can provide an impetus for legislators to deal with the proposal for redistricting commissions, the reformist sentiment can also provide a convenient rhetoric to explain delay or failure in actually delivering the policy change.

California's post-2000 Census redistricting occurred under the control of Democrats, who controlled the governorship and both chambers of the state legislature. Working with the Republican minority, Democrats drew a map that protected incumbents from both parties. Still, the plan drew the ire of at least one legislator, a Republican assembly member who introduced a redistricting commission bill. That bill, however, died in the Elections Committee, where it received only two supportive votes. Partisan wrangling inside the legislature did not seem to provide the impetus for much interest in the measure.

Real political traction for the redistricting commission idea emerged 2 years after redistricting, during the 2003 recall of Democratic Governor Gray Davis. During the recall campaign, reformist candidate Arnold Schwarzenegger revived criticisms of the politics that drew California's congressional districts and proposed a state constitutional amendment to have districts reconfigured by a panel of retired judges chosen by lottery. In September, at the height of the recall campaign, a bipartisan group of nine representatives backed a bill for a congressional redistricting commission. Although the 2003 legislation did not come to a vote, the creation of a redistricting commission had secured a place on the state's political agenda.

At the beginning of the first legislative session after Schwarzenegger's victory, the Republican minority leader of the state assembly introduced a redistricting commission measure that became part of Governor Schwarzenegger's aggressive "reform agenda" for that year. The Democratic state legislature expressed minimal interest in passing the bill. Rather than reject the idea of a commission outright, however, Democratic leaders began a debate over the details of the commission legislation. They criticized a specific provision in the legislation that required the commission to redraw the lines for the 2006 elections. Mid-decade redistricting, they argued, would be a bad precedent and would lead to the further politicization of the process. The Democratic leadership of both chambers indicated that they would give a commission the authority to draw congressional districts but only after the 2010 Census.

The legislative debate reflected the diversity of outside actors' voices on the commission issue. CC California, a long-standing commission advocate,

avored moving on legislation in whatever form, despite its opposition to mid-decade redistricting. Other commission supporters circulated their own proposals, many of them turning to the initiative process. Ted Costa, organizer of the gubernatorial recall, circulated an initiative that would have given voters the final say over maps drawn by the commission. California's Chamber of Commerce president submitted an initiative measure that was similar, but lacked a call for mid-decade redistricting. A Sacramento political consultant submitted a ballot measure that would have excused only congressional districts from any mid-decade line-drawing effort. A Democratic union lobbyist submitted four different redistricting initiatives, each emphasizing the protection of minority voting power in some way (Vogel, 2005). Interest groups and direct democracy processes were keeping the reform on the political agenda, but also providing a rhetoric of dissent that could stall its implementation.

Ultimately Costa's initiative was presented to California voters in November 2005 as part of Schwarzenegger's attempt to circumvent the legislature on the commission issue. The initiative campaign provoked the same debate that had occurred in the legislature. Democrats denigrated the prospect of mid-decade redistricting and promised to introduce their own legislation if the initiative was defeated. Some Republicans also criticized the plan, expressing doubts about the impartiality of the retired judges that would staff the commission. The commission initiative, as well as all of Schwarzenegger's other reform initiatives, suffered a resounding defeat at the polls. Only 40.3% supported the commission proposal.

Following the commission defeat at the hands of the people, the legislature resumed its bipartisan but unproductive politics on redistricting commissions. In 2005, Democratic leaders coalesced behind a new constitutional amendment proposal. Although it did not get serious consideration until the end of 2006, the bill passed the senate with bipartisan support: Democrats favored the measure 16-7, and Republicans favored it 11-4. The assembly took no action on the bill, however, and it died amidst dissent over policy details and finger-pointing between the leadership of the two chambers (Yi & Lucas, 2006).

## **The Partisan Path—Indiana**

Legislative politics in Indiana exemplify what we term the "partisan" path of redistricting commission consideration. Extremely heated partisan battles during the 2001 redistricting round, sparked by the loss of a congressional seat and a split legislature, led state legislators to consider the

merits of the reform. In contrast to California, interest groups played limited roles and the debate was characterized by interparty wrangling and party-line voting.

After the 2000 Census, reapportionment forced the elimination of one of Indiana's 10 congressional districts. The partisan composition of the state legislature in 2001 complicated this task. Democrats possessed a slim majority in the state house, whereas Republicans controlled the state senate. The two chambers could not reach a deal, so the task of redistricting fell to a backup commission. Five individuals served on the commission: the speaker of the state house, the president pro tem of the state senate, chairs of the house and senate committees responsible for legislative apportionment, and a fifth member appointed by the governor. The governor, a Democrat, gave his party a 3-2 majority by appointing a Democratic legislator. Ultimately the commission endorsed the plan that had been passed by the Democratic-controlled state house.

Since the partisan redistricting conflict, Indiana lawmakers have generated two proposals—one from each party—to establish a commission. A Democratic state senator introduced the first bill in 2005. It was referred to the Committee on Elections and Civic Affairs, which took no action on it. The demise of the Democratic bill was not surprising, as Republicans outnumbered Democrats 33-17 in the state senate.

In 2006, Republicans, now in the majority in both legislative chambers, introduced their own redistricting commission bill in the Indiana House. Republican house leaders signaled their interest in the measure by including it as part of the Grand Old Party legislative agenda for the 2006 session and adding the Republican house speaker as a cosponsor of the bill. In contrast to the proactive interest-group community in California, groups in Indiana were essentially reactive. The LWV, for example, was "surprised to discover a redistricting reform bill on [the] legislative agenda," but did testify in support of the proposal (Wilkins, 2006).

Given its partisan origins, it is not surprising that the 2006 bill became embroiled in partisan politics. With the backing of the house leadership, the Republican measure, unlike the 2005 Democratic proposal, cleared several legislative hurdles. The House Committee on Elections and Apportionment made minor amendments and then passed a favorable committee report on a strict party-line vote. All five Democrats opposed the committee report; all seven Republicans supported it. Three amendments making minor changes to the bill passed on the floor with minimal controversy. A fourth amendment, however, seemed to be a Democratic attempt to undercut the bill's intent: It would have changed the bill's public hearings requirements

in an onerous way that was likely to forestall commission action. All 48 members of the Democratic caucus voted for the fourth amendment, and all 49 Republicans present voted against it. Final passage of the bill was almost as partisan. Only three Democrats crossed party lines to join a unanimous Republican vote in favor of the measure.

Having passed the house, the bill went to the state senate, where it died in the Committee on Elections and Civic Affairs. Despite the partisan wrangling in the house, however, the 2006 measure garnered some bipartisan support when the Democratic sponsor of the 2005 bill joined two Republicans as sponsors. Ultimately, however, senate Democrats chose to endorse the house Republicans' call for a commission but offer their own slightly different proposal. No further action has been taken, and the idea of establishing a redistricting commission in Indiana remains gridlocked by partisan politics.

### **Crossing Paths—Ohio**

Of the states we examine, the trajectory of the redistricting commission issue is most unusual in Ohio. The state initially followed a “good government” path, with organizations like the LWV using an initiative to spark legislative consideration of the reform. In contrast to California, however, Ohio moved off the “good government” path and onto the “partisan” path. This transition seems to have occurred because the groups that sparked the consideration of commission legislation lost their bipartisan credentials when they aligned themselves with the Democratic Party. As a result, the proposal was overtaken by the same partisan politics that its original advocates sought to alleviate.

In 1999, the LWV, frustrated by Ohio's history of partisan gerrymanders and anticipating the next postcensus redraw, began to collect signatures to place the redistricting commission reform on the ballot. The petition campaign had some initial success. It generated statewide publicity, and in April 2000, the Ohio AFL-CIO (American Federation of Labor and Congress of Industrial Organizations) announced its support. Shortly thereafter, however, the AFL-CIO withdrew its support. The head of the organization cited a lack of resources, but observers speculated that the governor and legislative leadership—all Republicans—“threatened to make trouble for unions if they persisted in trying to change the way things are done” (Brazatis, 2000). Without the backing of the AFL-CIO, the LWV did not collect enough signatures to place the reform on the ballot.

A second interest-group move to push for redistricting commissions via the initiative emerged in early 2005 when a group called Reform Ohio Now (RON) included redistricting reform as one of its four proposals for the November ballot. Years of Republican dominance in Columbus propelled the formation of RON, an alliance of "good government" groups, including the LWV and CC, with several progressive and Democratic organizations from around the state. Thus the groups with a primary interest in redistricting commissions had aligned themselves largely with Democratic causes. In the short run, this alliance seemed to bring success: Capitalizing on opposition to the scandal-plagued administration of Republican Governor Bob Taft, all four of RON's proposals made the ballot in short order.

Despite the Democratic leanings of the proposal's sponsor, Republicans did not necessarily attack the idea of a redistricting commission; instead, they objected to the specifics of the RON plan. The initiative measure called for the redrawing of lines for the 2008 elections and mandated that commissioners evaluate all maps submitted by Ohio residents and pick the map with the most competitive districts. Opponents voiced concerns that no other criteria, such as racial composition or compactness, could influence the commission's choice. This public strategy, similar to the legislative stall tactics seen in the California case, seemed successful; the proposal went down to defeat in November by more than a 2-1 margin.

Yet, defeat at the ballot box did not bring the end of the commission issue. Rather, it began a more overtly partisan treatment of the issue in legislative politics. Opponents of the ballot initiative announced their intention to introduce legislation that would create a more conventional redistricting commission. Early in the 2006 legislative session, Republicans introduced their new proposal. Democrats opposed the reform, arguing, in a notable about-face from the previous fall, that the legislature was wasting its time on a minor issue. This new opposition seemed tied to a hope that the Republican governor's low approval ratings could be translated into a Democratic sweep of statewide offices in November 2006. Such a victory would imply that Democrats would control the redistricting process after the 2010 Census. Despite Democratic opposition, the new bill made substantial legislative progress. The Committee on Rules and Reference reported it on a 12-7 strict party-line vote. On the floor of the house, the bill garnered a majority vote (53-42), but with significant Democratic resistance fell seven votes short of the 60-vote supermajority requirement to qualify for the ballot. In response, the speaker called up the bill that Democrats had touted the previous year; only 1 of the 39 Democrats voted for it. Despite its origins in a "good government" initiative campaign, redistricting reform in Ohio, for the moment, is trapped in partisan warfare.

## Conclusion

Since 1999, 24 state legislatures have considered adopting congressional redistricting commissions. Although only four state legislative chambers have passed this reform measure, proposals are increasingly being introduced and progressing to the later stages of the legislative process. This development is remarkable in that it involves movement of state lawmakers in the direction of ceding a significant institutional power. Our cross-state analysis suggests that both internal and external pressures correlate with the introduction and progress of reform legislation. Redistricting controversies seem to provide an opportunity for the consideration of commission legislation. Interest-group activity, frequently in combination with the initiative process, also seems to help place this reform on the legislative agenda.

Our case studies suggest that the combination of internal and external pressures shapes who participates in the legislative debate, the rhetoric and tone of the deliberation, and the partisan constellation of legislative support. Commission proposals seem to follow two paths through the legislative process. The first, a partisan path, seems most likely to emerge when a redistricting controversy occurs in a state in which there is a limited or no possibility of popular action through the initiative process. Freed from the possibility of having the voters take away their redistricting authority, legislators are more likely to be concerned with the partisan impact of a commission. Although both sides may pay rhetorical homage to the merits of this reform, partisan calculations are front and center. The intense partisanship surrounding the consideration of a redistricting commission in Indiana epitomizes the partisan path.

The second path—the “good government” path—seems most likely to emerge when the initiative process enables interest groups and other reformers to propose the establishment of a commission in response to a previous redistricting controversy. These outsiders can use the controversy as a “focusing event” (Kingdon, 1995) that draws attention to the partisan nature of the redistricting process and then propose a commission as a way to alleviate this problem. Groups like CC and the LWV play an important role in this process, forcing state legislators to engage in a debate that they might have preferred to avoid. In states following the “good government” path, legislators often endorse the idea of congressional redistricting commissions but quibble over details in an effort to “get it right,” seemingly using these detail-oriented debates to stall any legislative progress. Developments in California epitomize this rhetorical strategy, as the initiative process enabled outsiders to forward several commission possibilities and legislative action stalled in the face of competing proposals.

Finally, our case studies also suggest that the stability of the two paths varies. Under specific circumstances, commission proposals may move off the “good government” path and onto the partisan path. This shift seems most likely to occur when “good government” groups turn to the initiative to set the agenda, but align themselves with a particular party in the process. If the reform is associated with one party, then debates about “getting it right” may be displaced by partisan calculations. Such a dynamic seemed to occur in Ohio, where “good government” groups sparked interest in redistricting commissions, aligned themselves with Democratic causes, and suffered a stinging defeat at the polls. Afterward, the commission issue became embroiled in a partisan debate that stalled its legislative progress. Developments in Indiana and Ohio (after the stinging defeat) suggest that the partisan path is a stable one. Once a commission is defined as a partisan issue, it seems unlikely that “good government” concerns will dominate the debate. Perhaps the only thing that can dislodge this dynamic is an exogenous shock of a kind not seen in our case studies.

In closing, our analysis of redistricting commission proposals suggests a broader lesson for scholars interested in this reform and in state and legislative politics more generally. Our analysis of redistricting commissions underscores the need for scholars to move beyond the conventional emphasis on policy enactment and program expenditures, and take the various steps of the legislative process more seriously (Hall, 1996). It suggests that committee action and chamber votes are significant markers in the path toward policy enactment that existing research tends to overlook. Policy proposals, even those on the same topic, do not follow a single, standard path through the legislative process. The factors that propel them onto the agenda can have a profound impact on how the issue is discussed by decision makers, on which individuals and groups are able to influence the debates, and on which lawmakers offer support.

## Notes

1. In 2000, commissions were primarily responsible for drawing district lines in Arizona, Hawaii, Idaho, Iowa, New Jersey, and Washington and were used as backups to deadlocked legislatures in Connecticut and Indiana. Montana established its commission in 1984, but has not used it because it has retained only a single House seat. In Iowa, bureaucrats possess redistricting authority and operate under strict guidelines about what they can and cannot consider in drawing district lines. Although this process is not always classified as a “redistricting commission,” we include it here because it functionally removes commissions from the legislative agenda.

2. Although legislative and gubernatorial elections occur in odd-numbered years in five states (Kentucky, Louisiana, Mississippi, New Jersey, and Virginia), for purposes of simplification we define each 2-year period (e.g., 1999-2000, 2001-2002) as a legislative session.

3. Our three categories for the partisan alignment between the governor and the state legislature are unified government, a partisan split between the two legislative chambers, and a partisan split between a unified legislature and the governor (Council of State Governments, 2000).

4. We also examined the impact of the actual seat loss or gain after the census, but found no significant differences (Congressional Quarterly, 2000, 2002).

5. We use a dummy variable to indicate whether states faced statewide redistricting litigation to their 2001 congressional redistricting plan (National Conference of State Legislatures, 2005).

6. Our three categories are: "no interest group activity," which includes states without state chapters; "either LWV or CC;" and "both LWV and CC." For the two latter categories, state chapters had to either list redistricting as a problem that needed to be addressed or explicitly call for redistricting commissions. A more detailed coding scheme did not yield different outcomes. We coded states "missing" where the state has an LWV chapter but its Web site is not functional.

7. We code states that lack at least one of the major barriers to initiative petitions as "easy" and other states with initiative provisions as "difficult" (Bowler & Donovan, 2004, p. 138).

8. We examined two other potential influences. First, we looked for evidence of "diffusion" across state lines (Gray, 1973; Walker, 1969). Using the most common proxy for diffusion, the percentage of a state's bordering neighbors in which a commission exists or a bill to create one has been introduced (Berry & Berry, 1990; Haider-Markel, 2001; Mintrom, 1997), we found none. Second, we examined whether the 12 states in which some form of a commission already exists differ from those without such experience. We found no such differences.

9. The model was:

$$DV = \alpha + \beta_1 (\text{split legislature}) + \beta_2 (\text{legislature} - \text{governor split}) + \beta_3 (\text{seat change}) + \beta_4 (\text{litigation}) + \beta_5 (\text{number of active groups}) + \beta_6 (\text{easy initiative}) + \beta_7 (\text{difficult initiative}) + \beta_8 (\text{legislative professionalism}),$$

where *DV* are our dependent variables. Because of the small *N*, we used ordinary least squares regression for both bill introduction and extent of consideration (logit and probit yielded very similar results). In the bill introduction model, the estimated effect of the number of interest groups active on the issue was 0.68 (*SE* = 0.21). In the extent of consideration model, the estimated effect of interest-group activity was 2.47 (*SE* = 0.59); the effect of an easy initiative process was 1.72 (*SE* = 0.68).

## References

- Berry, F. S., & Berry, W. D. (1990). State lottery adoptions as policy innovations: An event history analysis. *American Political Science Review*, 84, 395-415.
- Binder, S. (2003). *Stalemate: Causes and consequences of legislative gridlock*. Washington, DC: Brookings Institution.
- Bowler, S., & Donovan, T. (2004). The initiative process. In V. Gray & R. L. Hanson (Eds.), *Politics in the American states: A comparative analysis* (8th ed., pp. 129-156). Washington, DC: CQ Press.
- Bowler, S., Donovan, T., Neiman, M., & Peel, J. (2001). Institutional threat and partisan outcomes: Legislative candidates' attitudes toward direct democracy. *State Politics and Policy Quarterly*, 1, 364-379.
- Brazatis, T. (2000, September 3). Not much of a race at all. *Cleveland Plain Dealer*, 21.
- Congressional Quarterly. (2000). *Politics in America*. Washington, DC: CQ Press.

- Congressional Quarterly. (2002). *Politics in America*. Washington, DC: CQ Press.
- Council of State Governments. (2000). *Book of the states*. Lexington, KY: Author.
- Gerber, E. R. (1996). Legislative response to the threat of popular initiatives. *American Journal of Political Science*, 40, 99-128.
- Gray, V. (1973). Innovation in the states: A diffusion study. *American Political Science Review*, 67, 1174-1185.
- Haider-Markel, D. P. (2001). Policy diffusion as a geographical expansion of the scope of political conflict. *State Politics and Policy Quarterly*, 1, 5-26.
- Hall, R. L. (1996). *Participation in Congress*. New Haven, CT: Yale University Press.
- Kingdon, J. W. (1995). *Agendas, alternatives, and public policies*. (2nd ed.). New York: HarperCollins.
- Mayhew, D. R. (1991). *Divided we govern: Party control, lawmaking, and investigations, 1946-1990*. New Haven, CT: Yale University Press.
- McConaughy, C. M. (2004). *The politics of suffrage extension in the American states: Party, race, and the pursuit of women's voting rights*. Unpublished doctoral dissertation, University of Michigan.
- Mintrom, M. (1997). Policy entrepreneurs and the diffusion of innovation. *American Journal of Political Science*, 41, 738-770.
- National Conference of State Legislatures. (2005, October). States with statewide redistricting litigation in the post-2000 cycle. Retrieved October 5, 2005, from <http://www.ncsl.org/programs/legman/redistrict/hebert1/img025.gif>
- Skocpol, T. (1999). Advocates without members: The recent transformation of American civic life. In T. Skocpol & M. P. Fiorina (Eds.), *Civic engagement in American democracy* (pp. 461-509). Washington, DC: Brookings Institution.
- Theriault, S. M. (2005). *The power of the people: Congressional competition, public attention, and voter retribution*. Columbus, OH: Ohio State University Press.
- Vogel, N. (2005, January 15). Bill would cast judges as political cartographers. *Los Angeles Times*, B6.
- Walker, J. L., Jr. (1969). The diffusion of innovations among the American states. *American Political Science Review*, 63, 880-899.
- Wilkins, H. (2006, January). *League in the spotlight submitted by the LWV of Indiana*. Retrieved June 23, 2006, from <http://www.lwv.org>
- Yi, M., & Lucas, G. (2006, August 18). State redistricting proposal succumbs in legislative limbo. *San Francisco Chronicle*, B6.

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