



INDEPENDENT REDISTRICTING COMMISSIONS

An End to Gerrymandering?

EXECUTIVE SUMMARY

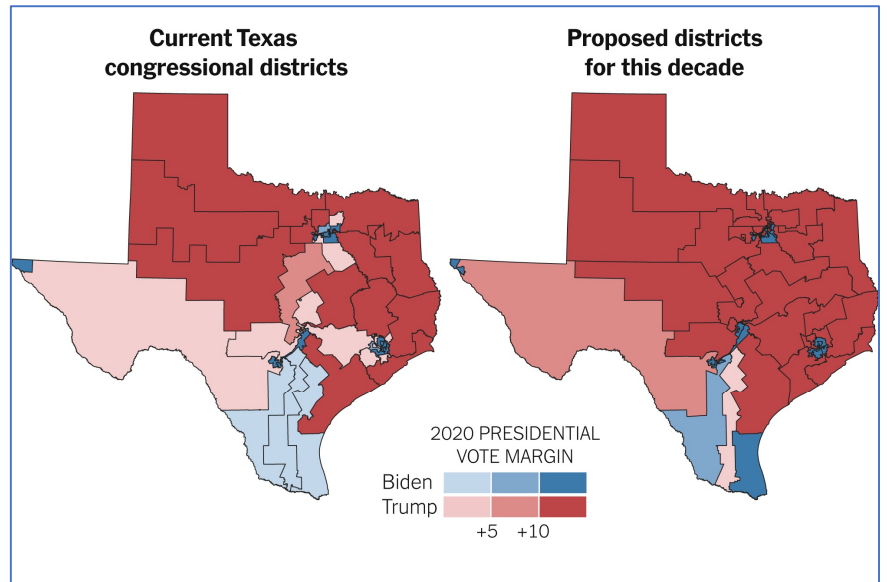
Independent Redistricting Commissions (IRC's) are an innovative way to curtail gerrymandering by stripping legislatures of their redistricting power and handing it to small committees of everyday voters. Using a new measure for gerrymandering called representation error, an OLS regression model shows that IRC's were associated with a statistically significant decrease in gerrymandering compared to legislatively-drawn maps in 2012.

Daniel Lance

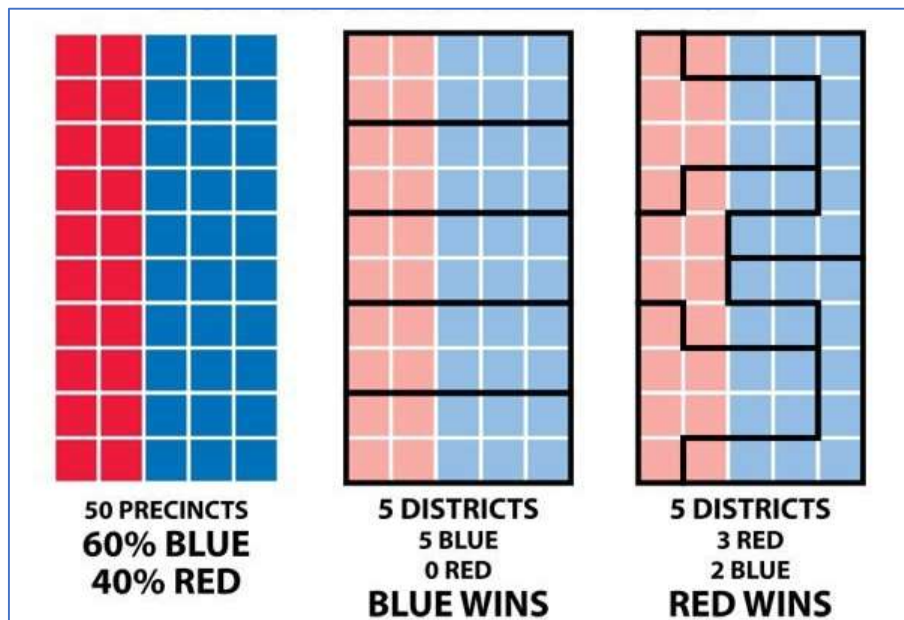
Policy Brief

CONTEXT

Redistricting is the process of redrawing the geographical boundaries that make up the legislative and congressional districts of a state. This is typically carried out every ten years, shortly following the census. In most states, it is the state legislature who has the authority to draw the district maps¹. You can see from the two Texas maps at right that the way the maps are drawn can have significant impacts on the likely outcomes of congressional and state legislative elections in a state².



If a state's legislature is controlled by a single party at the time of redistricting and that party chooses to use its redistricting power to give itself a substantial political advantage, that is called gerrymandering¹.



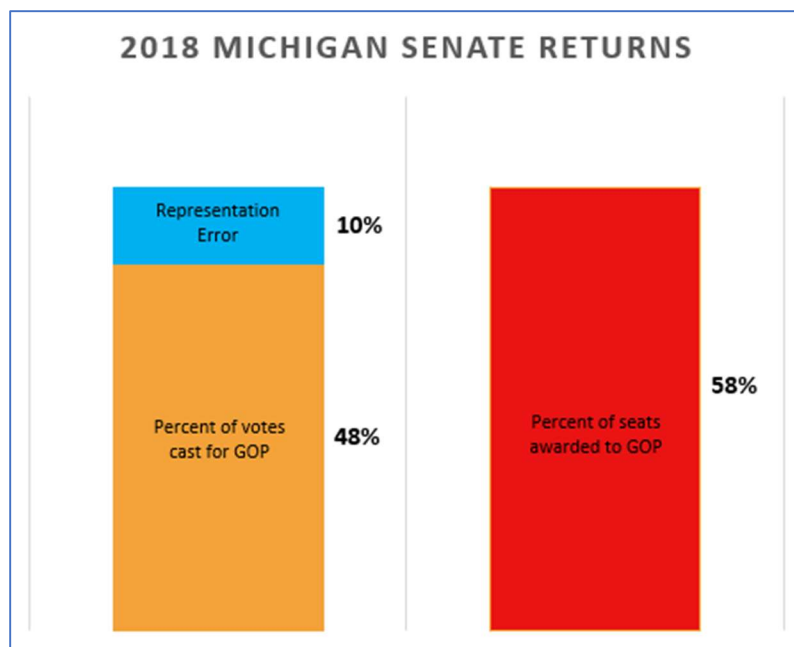
The graphic above is a simplified example of how gerrymandering works. Each square represents a voting precinct, and the color of each square indicates the preferred party of most voters in that precinct. If the blue party were in charge of redistricting and chose to gerrymander

the districts, they could draw five districts like the example in the center. Blue would hold a slim majority in each district, and thus would win every seat, gaining unanimous control of this legislative body. If the red party were able to gerrymander these districts to their benefit, the resulting map might look like the example on the right. Blue would be allowed to win two districts in landslide victories, allowing red to win three districts by slim majorities. In this example, even though red received less than half of all votes, they were able to win a majority of seats and thus control of the legislature.

In order to curtail this kind of gerrymandering, some states have begun to adopt a new method for drawing district maps, called Independent Redistricting Commissions, or IRCs. IRCs strip elected legislators of the power to draw district maps, and place that power in the hands of a board of appointed commissioners, who (hopefully) draw the district maps in a way that is more representative of the state's voting population. The commissioners are everyday voters, selected largely at random to serve on the committee, much like jury duty⁴. Research shows that most voters prefer fair maps to gerrymandered ones, even if it would be to the detriment of the voter's preferred party⁵. That being said, how can we be sure that IRCs accomplish their goal of reducing gerrymandering?

ANALYSIS

In order to answer this question, we must first define how we will measure gerrymandering. A new metric, Representation Error, is an effective way to measure the problem. Representation error is equal to the percentage of seats won by a party, minus the percent of the statewide vote received by that party.



See Michigan's 2018 state senate election results as an example⁶. Out of all votes cast for state senate candidates in Michigan that year, Republican candidates received about 48% of all votes. However, because Michigan's state senate maps were gerrymandered to the benefit of republicans at the time, they received 58% of all state senate seats. Despite winning a minority of the votes, they gained majority control of that state legislative body. Their 58% of the seats minus 48% of the votes yields a representation error of approximately 10%.

With representation error as the metric of success, the task is now to prove whether IRCs have a measurable impact on it. An OLS regression model was conducted to calculate the relationship between IRCs and representation error. Control variables were included to control for the impact of:

- Poverty
- Agedness of the state
- Racial/ethnic makeup of the state
- Size of the winning margin in the election
- size of the legislative body being analyzed.

The results of this regression model concluded that the use of an IRC to draw a legislative map was associated with a 3.6% decrease in representation error when compared to maps drawn by state legislatures. This association was statistically significant at the $\alpha < .05$ level. And the average value of representation error in the studied data set was 11.6%, meaning that the 3.6% association of IRCs represents a substantial change relative to the magnitude of the problem.

RECOMMENDATIONS

Although further research is still necessary, it seems clear from these data that IRCs are closely associated with a decrease in representation error and gerrymandering. Given the popularity of these effects among voters of all partisan affiliations⁵, the expansion of IRCs to other states seems likely in the coming decades.

However, the implementation and political challenges of IRCs are great. Firstly, state legislatures have an obvious incentive to oppose them. Second, IRCs almost always require an amendment to the state constitution, which can be a heavy lift even for very popular initiatives¹. Despite these challenges, IRCs have been largely embraced in the states where they have been proposed in recent years. Michigan, Ohio, and Colorado all approved some kind of redistricting commission in 2018 (to be used for the first time in the 2021 districting cycle). Among them, only Colorado's was adopted by the state legislature. The rest were all enacted by ballot initiative or another form of direct democracy¹. It is also interesting to note that all of these are or were very recently considered swing states. One could conjecture that voters in swing states are more likely to support IRCs, since a bad gerrymander could be much more consequential in those states, such as in the Michigan, Pennsylvania, and North Carolina state houses where bad gerrymanders resulted in the party receiving the minority of votes being awarded the majority of seats in 2018⁷.

Therefore, organizations seeking to promote the expansion of IRCs should prepare to rely heavily on direct democracy initiatives to meet their goals. “Voters Not Politicians”, the advocacy organization which was largely responsible for the recent successful IRC ballot initiative in Michigan would be an excellent model for success in this regard. Their ballot initiative, MI 18-02, passed with more than 61% of the vote among all voters on November 6, 2018. It was the first ballot initiative in the history of Michigan to receive enough petition signatures (over 425,000) to get onto the ballot without hiring a single professional signature gatherer⁸.

Organizations like VNP seeking to maximize their impact could use representation error as a metric to target states most badly in need of an IRC and use election return data as a metric to gauge which states are most likely to approve such a ballot measure. For example, the table below lists legislative bodies with representation errors above 10%, whose statewide returns showed a margin of victory for the winning party of less than 5%. Any one of these legislative bodies may then benefit greatly from an IRC given their high representation error, and the voting population of that state may be likely to be favorable to an IRC due to the generally close election results⁹.

State	Legislative Body	Winning Vote Margin	Representation Error
Nevada	State House	1.8%	26.0%
Pennsylvania	US Congress	1.3%	22.4%
Virginia	US Congress	2.7%	20.7%
Oregon	State House	1.8%	19.9%
Oregon	State Senate	4.3%	19.9%
North Carolina	US Congress	1.7%	19.8%
Wisconsin	US Congress	1.5%	13.0%
North Carolina	State House	3.2%	10.0%

It seems from this research that if IRCs are more widely implemented, Americans can expect to see election results and legislative bodies that more closely match the opinions and desires of most voters. Although this is not a panacea for the political turmoil which currently pervades American elections, it may be an inoculation against the anti-majoritarian nature of many modern American political bodies. Only time and careful observation will truly tell.

¹ Rose Institute. (2020). *What is Redistricting*. Retrieved from roseinstitute.org:
<https://roseinstitute.org/redistricting/what-is-redistricting/>

² NCSL. (2020). *Creation of Redistricting Commissions*. Retrieved from
<https://www.ncsl.org/research/redistricting/creation-of-redistricting-commissions.aspx>

³ Ingraham, C. (2015, March 1). This is the best explanation of gerrymandering you will ever see. *The Washington Post*.

⁴ NCSL. (2021). *Redistricting Commissions: State Legislative Plans*. Retrieved from ncsl.org:
<https://www.ncsl.org/research/redistricting/2009-redistricting-commissions-table.aspx>

⁵ McCarthy, D. (2019). *The Limits of Partisanship in Citizen Preferences on Redistricting*. upenn.edu.

⁶ Michigan Secretary of State. (2021). Office of the Secretary of State.
https://www.michigan.gov/sos/0,4670,7-127-5647_13162_83212---,00.html.

⁷ Ingraham, C. (2018, November 13). In at least three states, Republicans lost the popular vote but won the House. *The Washington Post*, pp.
<https://www.washingtonpost.com/business/2018/11/13/least-three-states-republicans-lost-popular-vote-won-house/>.

⁸ Voters Not Politicians. (2019). *Ending Gerrymandering in Michigan*. Retrieved from votersnotpoliticians.com: <https://votersnotpoliticians.com/redistricting/>

⁹ Foster-Molina, E. (2017). Historical Congressional Legislation and District Demographics 1972-2014. *Harvard Dataverse*.