**Memorandum**

**TO:** West Virginia Law Institute

**FROM:** Nicholas Parker

**DATE:** 04/09/2014

**RE:** State Redistricting Provisions

**Findings**

1. **Three Main Types**
   1. **Commissions**
      1. About 16 states have commissions. A lot of these commissions have been delegated special authority by their state constitutions to redistrict.
         1. These commissions usually consist of
            1. Members of all three branches of government. (i.e. the Governor, Speaker of the House, Chief Justice, etc.)
            2. Elected officials. (usually bipartisan)
            3. Appointed officials.
            4. Combinations of the above.
      2. About 5 states have backup commissions. These commissions are tasked to draft and enact redistricting plans, should the legislature fail to meet a deadline.
   2. **Legislative**
      1. Most states reserve at least the primary reapportionment powers to the legislature. These states will use various methods and safeguards to draft plans. These include:
         1. Committees
         2. Advisory Commissions
         3. Judicial Review
            1. Mandatory - automatically reviewed by the Supreme Court of the state.
            2. Discretionary - left to some official to challenge the reapportionment.
            3. Voter Challenges - any registered voted may challenge the reapportionment.
   3. **Hybrid**
      1. These involve some sort of combination between the safeguards listed above. The main difference is that the final authority to enact the reapportionment falls outside the legislature. This authority is given by the State's constitution. This authority may fall to:
         1. Backup Commissions
         2. The Supreme Court of the state
2. **Other Notes**
   1. **Guidelines**
      1. A lot of states will follow some sort of established boundaries, such as
         1. County lines
         2. Cities
         3. Townships
         4. Wards
      2. The New England states are more likely to follow townships and wards lines, whereas states further inland tend to follow county lines.
      3. Some Constitutional provisions say "as close as reasonably possible" to these lines, in relation to the one person one vote mandate.
   2. **Next Step**
      1. The next step in the research will be to survey the literature available from the 50 states (i.e. law reviews and other articles).
      2. Further, a survey of some of the court decisions relating to reapportionment may prove enlightening.
         1. Those states that had less safeguards seemed to have more litigation. Further research is required to see if this is true.
         2. What do courts in states that are supposed to follow county lines say about these provisions?
      3. Are those states with provisions for county lines following those provisions?
3. **Closing**
   1. If there are any questions or concerns, feel free to contact Professor Bastress or myself (at nparker1@mix.wvu.edu) anytime.