

Districting Principles for 2010 and Beyond

(In addition to Population Equality and the Voting Rights Act)

This webpage compares districting principles, or criteria, used by each state as it redrew legislative and congressional districts following the 2010 Census. It also includes new principles adopted by Colorado, Michigan, Missouri, New Mexico, New York, Ohio, and Utah for the 2020 cycle. The webpage begins with a summary table, in which readers can see at a glance what principles have been used by each state.

The table is followed by relevant constitutional, statutory, and other excerpts for each state that determine the principles it uses. For more information, contact [Wendy Underhill](#).

	Contiguous	Compact	Preserve Political Subdivisions	Preserve Communities of Interest	Preserve Cores of Prior Districts	Avoid Pairing Incumbents	Not Favor Incumbent	Not Favor Party	Competitive	House Nested in Senate or Congress
All States	50	40	44	27	12	12	16	17	5	19
Alabama	C, L	C, L	L	C, L		C, L				
Alaska	L	L	L	L						L
Arkansas	L	L	L	L	L	L				
Arizona	C, L	C, L	C, L	C, L			C, L		C, L	L
California	C, L	C, L	C, L	C, L			C, L	C, L		L
Colorado	C, L	C, L	C, L	C, L			C, L	C, L	C, L	
Connecticut	L		L							
Delaware	L						L	L		
Florida	C, L	C, L	C, L				C, L	C, L		
Georgia	C, L	C, L	C, L	C, L		C, L				

April 26, 2021

	Contiguous	Compact	Preserve Political Subdivisions	Preserve Communities of Interest	Preserve Cores of Prior Districts	Avoid Pairing Incumbents	Not Favor Incumbent	Not Favor Party	Competitive	House Nested in Senate or Congress
Hawaii	C, L	C, L		C, L			C, L	C, L		L
Idaho	C, L	C, L	C, L	C, L			C, L	C, L		L
Illinois	L	L								L
Indiana	L									
Iowa	C, L	C, L	C, L				C, L	C, L		C, L
Kansas	C, L	C, L	C, L	C, L	C	L				
Kentucky	C, L		C	C	C					
Louisiana	C, L		C, L		C, L					
Maine	C, L	C, L	C, L							
Maryland	L	L	L							L
Massachusetts	L		L							
Michigan	C, L	C, L	C, L	C, L	L		C, L	C, L		
Minnesota	C, L	C, L	C, L	C, L		C, L	C, L			L
Mississippi	C, L	C, L	C, L	C		C				
Missouri	C, L	C, L	L	L				L	L	
Montana	L	L	L				L	L		L
Nebraska	C, L	C, L	C, L		C, L		C, L	C, L		
Nevada	C, L	C, L	C, L	C, L		C, L				L

April 26, 2021

	Contiguous	Compact	Preserve Political Subdivisions	Preserve Communities of Interest	Preserve Cores of Prior Districts	Avoid Pairing Incumbents	Not Favor Incumbent	Not Favor Party	Competitive	House Nested in Senate or Congress
New Hampshire	L		L							
New Jersey	L	L	L							L
New Mexico	C,L	C,L	C,L	C,L	C,L	C,L				
New York	C,L	C,L	C,L	C,L	C,L		C,L	C,L	C,L	
North Carolina	C,L	C,L	C,L			C,L		L		
North Dakota	L	L								L
Ohio	C,L	C,L	C,L		L		C	C,L		L
Oklahoma	C,L	C,L	C,L	C,L	C,L	C,L				
Oregon	C,L		C,L	C,L			C,L	C,L		L
Pennsylvania	C,L	C,L	C,L							
Rhode Island	C,L	C,L	C,L							
South Carolina	C,L	C,L	C,L	C,L	C,L	L				
South Dakota	L	L	L	L						L
Tennessee	L		L							
Texas	L		L							
Utah	C,L	C,L	C,L	C,L	C,L		C,L	C,L		
Vermont	L	L	L	L		L				
Virginia	C,L	C,L		C,L						

	Contiguous	Compact	Preserve Political Subdivisions	Preserve Communities of Interest	Preserve Cores of Prior Districts	Avoid Pairing Incumbents	Not Favor Incumbent	Not Favor Party	Competitive	House Nested in Senate or Congress
Washington	C, L	C, L	C, L	C, L				C, L	C, L	L
West Virginia	C, L	C, L	C, L							
Wisconsin	L	L	L							L
Wyoming	C, L	C, L	C, L	L						L

Key:

C = Required in congressional plans
 L = Required in legislative plans

Note: A few states use additional districting principles, such as “understandability to the voter” ([Kansas](#) and [Nebraska](#)) and “convenient” ([Minnesota](#), [New York](#), and [Washington](#)).

Missouri’s Constitution, as amended Nov. 3, 2020, requires for legislative plans that the difference between the total “wasted votes” cast for candidates of each of the two major parties, divided by the total votes cast for candidates of the two parties, not exceed 15 percent.

Nevada’s court-imposed criteria authorize the Special Masters drawing [congressional](#) and [legislative](#) plans to “review the issue of representative fairness in the drawing of the maps, but are not to become enthralled in any representative, racial or partisan gerrymandering.”

North Carolina’s 2016 joint committee guidelines required the committee to “make reasonable efforts to . . . maintain the [current partisan makeup](#) of [the] congressional delegation.” Its 2019 state court criteria prohibited the use of [partisan considerations and election results](#) in drawing legislative districts.

The Ohio Constitution, effective in 2021, requires that for legislative districts, “The statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party shall correspond closely to the [statewide preferences](#) of the voters of Ohio.”

Source: NCSL 2021; Peter S. Wattson

DISTRICTING PRINCIPLES FOR 2010 AND BEYOND

Alabama

Constitution, Article IX

Sec. 198. [A]pportionment of house based on decennial census of United States. . . . The members of the house of representatives shall be apportioned by the legislature among the several counties of the state, according to the number of inhabitants in them, respectively, as ascertained by the decennial census of the United States

Sec. 199. [E]ach county entitled to at least one representative. . . . [E]ach county shall be entitled to at least one representative.

Sec. 200. [S]enatorial districts. . . . [S]enatorial districts . . . shall be as nearly equal to each other in the number of inhabitants as may be, and each shall be entitled to one senator, and no more No county shall be divided between two districts, and no district shall be made up of two or more counties not contiguous to each other.

Reapportionment Committee Guidelines for Congressional, Legislative, and State Board of Education Redistricting, adopted by Permanent Legislative Committee on Apportionment, May 2011

II. EQUAL POPULATION REQUIREMENT: ONE PERSON-ONE VOTE

. . . .

The goal of redistricting is equality of population of congressional [and] legislative . . . districts as defined below.

1. Congressional Districts

The Apportionment Clause of Article I, Section 2, of the United States Constitution requires that the population of a state's congressional districts in a state be "as nearly equal in population as practicable." Accordingly, Congressional redistricting plans must be as mathematically equal in population as is possible.

2. Legislative . . . Districts

In accordance with the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, legislative . . . districts will be drawn to achieve "substantial equality of population among the various districts."

a. Any redistricting plan considered by the Reapportionment Committee will comply with all relevant case law regarding the one person, one vote principle of the equal protection clause of the 14th Amendment of the United States Constitution, including but not limited to the cases of *Larios v. Cox*, 300 F. Supp. 2d 1320 (N.D. Ga. 2004) *aff'd sub nom Cox v. Larios*, 542 U.S. 947 (2004), and *White v. Regester*, 412 U.S. 755 (1973). When presenting plans to the Reapportionment Committee, proponents should justify deviations from the ideal district population either as a result of the limitations of census geography, or as a result of the promotion of a consistently applied rational state policy.

b. In keeping with subpart a, above, a high priority of every legislative . . . redistricting plan must be minimizing population deviations among districts. In order to ensure compliance with the most recent case law in this area and to eliminate the possibility of an invidious discriminatory effect caused by population deviations in a final legislative . . . redistricting plan, in every redistricting plan submitted to the Reapportionment Committee, individual district populations should not exceed a 2% overall range of population deviation. The Reapportionment Committee will not approve a redistricting plan that does not comply with this requirement.

III. VOTING RIGHTS ACT

1. Districts shall be drawn in accordance with the laws of the United States and the State of Alabama, including compliance with protections against the unwarranted retrogression or dilution of racial or ethnic minority voting strength. Nothing in these guidelines shall be construed to require or permit any districting policy or action that is contrary to the United States Constitution or the Voting Rights Act of 1965.

2. Redistricting plans are subject to the preclearance process established in Section 5 of the Voting Rights Act.

IV. CRITERIA FOR CONGRESSIONAL [AND] LEGISLATIVE . . . DISTRICTS

1. All congressional [and] legislative . . . districts will be single-member districts that comply with the population-equality standards discussed above.

2. A redistricting plan will not have either the purpose or the effect of diluting minority voting strength, shall not be retrogressive, and shall otherwise comply with Sections 2 and 5 of the Voting Rights Act and the Fourteenth and Fifteenth Amendments to the Constitution.

3. No district will be drawn in a manner that subordinates race-neutral districting criteria to considerations that stereotype voters on the basis of race, color, or membership in a language-minority group.

4. All legislative and congressional districts will be composed of contiguous and reasonably compact geography.

5. The following legislative redistricting requirements prescribed by the Alabama Constitution shall be complied with:

a. Sovereignty resides in the people of Alabama, and all districts should be drawn to reflect the democratic will of all the people concerning how their governments should be restructured.

b. House and Senate districts shall be drawn on the basis of total population.

. . . .

6. The following redistricting policies contained in the Alabama Constitution shall be observed to the extent that they do not violate or conflict with requirements prescribed by the Constitution and laws of the United States:

a. Each House and Senate district should be composed of as few counties as practicable.

b. Every part of every district shall be contiguous with every other part of the district. Contiguity by water is allowed, but point-to-point contiguity and long-lasso contiguity is not.

c. Every district should be compact.

7. The following redistricting policies are embedded in the political values, traditions, customs, and usages of the State of Alabama and shall be observed to the extent that they do not violate or subordinate the foregoing policies prescribed by the Constitution and laws of the United States and of the State of Alabama:

- a. Contests between incumbent members of Congress [and] the Legislature . . . will be avoided whenever possible.
- b. The integrity of communities of interest shall be respected. 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. Public comment will be received by the Reapportionment Committee regarding the existence and importance of various communities of interest. The Reapportionment Committee will attempt to accommodate communities of interest identified by people in a specific location. It is inevitable, however, that some interests will be advanced more than others by the choice of particular district configurations. The discernment, weighing, and balancing of the varied factors that contribute to communities of interest is an intensely political process best carried out by elected representatives of the people.
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- d. In establishing congressional and legislative districts, the Reapportionment Committee shall give due consideration to all the criteria herein. However, priority is to be given to the compelling state interests requiring equality of population among districts and the Voting Rights Act of 1965, as amended, should the requirements of those criteria conflict with any other criteria.

Alaska

Constitution, Article VI

Sec. 6.6 **District Boundaries.** . . . Each house district shall be formed of contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area. Each shall contain a population as near as practicable to the quotient obtained by dividing the population of the state by forty. Each senate district shall be composed as near as practicable of two contiguous house districts. Consideration may be given to local government boundaries. Drainage and other geographic features shall be used in describing boundaries wherever possible.

Arizona

Constitution, Article 4, § 1, pt. 2

Section 1. (1) The senate shall be composed of one member elected from each of the thirty legislative districts established pursuant to this section.

The house of representatives shall be composed of two members elected from each of the thirty legislative districts established pursuant to this section.

. . . .

(14) The independent redistricting commission shall establish congressional and legislative districts. The commencement of the mapping process for both the congressional and legislative districts shall be the creation of districts of equal population in a grid-like pattern across the state. Adjustments to the grid shall then be made as necessary to accommodate the goals as set forth below:

- A. Districts shall comply with the United States Constitution and the United States voting rights act;
- B. Congressional districts shall have equal population to the extent practicable, and state legislative districts shall have equal population to the extent practicable;

C. Districts shall be geographically compact and contiguous to the extent practicable;

D. District boundaries shall respect communities of interest to the extent practicable;

E. To the extent practicable, district lines shall use visible geographic features, city, town and county boundaries, and undivided census tracts;

F. To the extent practicable, competitive districts should be favored where to do so would create no significant detriment to the other goals.

(15) Party registration and voting history data shall be excluded from the initial phase of the mapping process but may be used to test maps for compliance with the above goals. The places of residence of incumbents or candidates shall not be identified or considered.

Arkansas

Constitution, Article 8

Sec. 3. Senatorial districts

Senatorial districts shall at all times consist of contiguous territory, and no county shall be divided in the formation of such districts. “The Board of Apportionment” hereby created shall, from time to time, divide the state into convenient senatorial districts in such manner as that the Senate shall be based upon the inhabitants of the state, each senator representing, as nearly as practicable, an equal number thereof

Arkansas Board of Apportionment, REDISTRICTING CRITERIA APPROVED BY THE COURTS (last visited Mar. 19, 2018)

The following points are a general description of legal principles for redistricting. In the redistricting context, what is or is not permissible often depends on a variety of factors that are unique to any given situation.

One Person, One Vote: Equal Population within constitutional variances

- **Congressional Districts:** Unlike Legislative Districts, with which the Arkansas Board of Apportionment is concerned, Congressional Districts must be more precise in their population equality – less than 1% difference in the population totals for each Congressional District is usually required. This is because Congressional districts are governed the Apportionment Clause of Article I, § 2 of the United States Constitution – a different legal standard than Legislative Districts.
- **Legislative Districts:** The Equal Protection Clause of the 14th Amendment of the United States Constitution governs legislative districts and the Courts have held that an “overall range” of 10% or less is presumptively constitutional. For example, if the ideal district size is 100 people then it would be possible to have the smallest district in the state contain only 95 people while the largest district could contain up to 105 people – an overall range of 10% or less.

Compliance with the Voting Rights Act of 1965: Don’t discriminate against racial or language minorities. This federal law states that any practice or procedure that has a discriminatory effect on racial or language minorities is illegal. A common example of a discriminatory practice or procedure would be districts that are drawn, intentionally or not, so that minorities do not have an equal opportunity to elect a candidate of their choice.

Compliance with the Equal Protection Clause of the 14th Amendment: Don't draw districts based solely or primarily on race. The United States Supreme Court has held that districts should not be defined exclusively by race; although, it is allowable to take race into account (i.e. "be race conscious") while drawing district boundaries. There are possible exceptions where drawing a district based primarily on race might be done. Possible exceptions are: avoiding a violation of the Voting Rights Act of 1965 – either § 2 or § 5, or to remedy past discrimination.

Geographically Contiguous Districts: The Courts have held that districts must be geographically contiguous. The entire district must be connected in some way. In other words, it would not be permissible to have a portion of a district that was an "island" and not connected geographically to the rest of the district.

Geographically Compact Districts: The Courts have held that geographically compact districts are ideal. For example, a district shaped like a circle or a square would be "geographically compact." In practice, most districts have some irregularity in shape; nevertheless, the more bizarre the district shape, the less likely it is to be approved by the Courts.

Minimize Splitting Political Subdivisions: The Courts have held that, where possible, it is preferable to minimize splitting political subdivisions such as counties, cities and voting precincts. In other words, where it is possible, it is better to keep whole counties, cities and voting precincts intact.

Maintain Core of Existing Districts where possible: Preservation of the "cores" of existing districts is a redistricting principle. When district lines are re-drawn, the map makers can take into account the existing districts, their geographic location, and the current population. It is better to keep the core of an existing district where possible.

Maintain Continuity of Representation where possible: It is permissible to avoid making current office holders run against other incumbents by not putting them in the same district. The rationale for this principle is that voters who have already chosen a candidate should be able to continue to choose that same candidate. At the same time, it is also possible that two incumbents might be placed in the same district if necessary.

Maintain Communities of Interest where possible: Preservation of communities of interest describes the goal of maintaining a group of people in a specific geographic area where those individuals share common interests, i.e., common economic, social, cultural, ethnic, religious or even political interests.

Minimize Partisan Gerrymanders: A gerrymander is a district drawn to favor one group over another. All of the criteria listed above have been created by the Courts as limitations to prevent one group from taking unfair advantage of another group in redistricting. With respect to partisan gerrymanders, the United States Supreme Court has indicated that it is possible to bring a lawsuit regarding partisan gerrymanders; however, the Supreme Court has not identified what is or is not legal with respect to partisan gerrymanders. As a result, there is a great deal of uncertainty about partisan gerrymanders and, as such, they should be minimized.

California

Constitution, Article XXI

Sec. 2. . . .

(d) The commission shall establish single-member districts for the Senate, Assembly, Congress, and State Board of Equalization pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) Districts shall comply with the United States Constitution. Congressional districts shall achieve population equality as nearly as is practicable, and Senatorial, Assembly, and State Board of Equalization districts shall have reasonably equal population with other districts for the same office, except where deviation is required to comply with the federal Voting Rights Act or allowable by law.

(2) Districts shall comply with the federal Voting Rights Act (42 U.S.C. Sec. 1971 and following).

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, county, city and county, local neighborhood, or local community of interest shall be respected in a manner that minimizes their division to the extent possible without violating the requirements of any of the preceding subdivisions. A community of interest is a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Examples of such shared interests are those common to an urban area, a rural area, an industrial area, or an agricultural area, and those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) To the extent practicable, and where this does not conflict with the criteria above, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant population.

(6) To the extent practicable, and where this does not conflict with the criteria above, each Senate district shall be comprised of two whole, complete, and adjacent Assembly districts, and each Board of Equalization district shall be comprised of 10 whole, complete, and adjacent Senate districts.

(e) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.

(f) Districts for the Congress, Senate, Assembly, and State Board of Equalization shall be numbered consecutively commencing at the northern boundary of the State and ending at the southern boundary.

Colorado

Constitution, Article V, as amended Nov. 6, 2018

Sec. 44. Representatives in congress - congressional districts - commission created.

(1) **Declaration of the people.** The people of the State of Colorado find and declare that:

(a) the practice of political gerrymandering, whereby congressional districts are purposefully drawn to favor one political party or incumbent politician over another, must end;

(b) the public's interest in prohibiting political gerrymandering is best achieved by creating a new and independent commission that is politically balanced, provides representation to voters not affiliated with either of the state's two largest parties, and utilizes nonpartisan legislative staff to draw maps;

(c) the redistricting commission should set district lines by ensuring constitutionally guaranteed voting rights, including the protection of minority group voting, as well as fair and effective representation of constituents using politically neutral criteria;

(d) competitive elections for members of the United States House of Representatives provide voters with a meaningful choice among candidates, promote a healthy democracy, help ensure that constituents receive fair and effective representation, and contribute to the political well-being of key communities of interest and political subdivisions;

(e) for years certain political interests opposed competitive districts in Colorado because they are primarily concerned about maintaining their own political power at the expense of fair and effective representation; and

(f) citizens want and deserve an inclusive and meaningful congressional redistricting process that provides the public with the ability to be heard as redistricting maps are drawn, to be able to watch the witnesses who deliver testimony and the Redistricting Commission's deliberations, and to have their written comments considered before any proposed map is voted upon by the Commission as the final map.

(2) **Congressional districts - commission created**

(3) **Definitions. . . .**

(a) "Commission" means the Independent Congressional Redistricting Commission created in subsection (2) of this section.

(b) (I) "Community of interest" means any group in Colorado that shares one or more substantial interests that may be the subject of federal legislative action, is composed of a reasonably proximate population, and thus should be considered for inclusion within a single district for purposes of ensuring its fair and effective representation.

(II) Such interests include but are not limited to matters reflecting:

(a) shared public policy concerns of urban, rural, agricultural, industrial, or trade areas; and

(b) shared public policy concerns such as education, employment, environment, public health, transportation, water needs and supplies, and issues of demonstrable regional significance.

(III) Groups that may comprise a community of interest include racial, ethnic, and language minority groups, subject to compliance with subsections (1)(b) and (4)(b) of section 44.3 of this article V, which subsections protect against the denial or abridgement of the right to vote due to a person's race or language minority group.

(IV) "Community of interest" does not include relationships with political parties, incumbents, or political candidates.

(c) "Race " or "racial" means a category of race or ethnic origin documented in the federal decennial census.

. . .

Sec. 44.3. Criteria for determinations of congressional districts - definition.

(1) In adopting a congressional redistricting plan, the commission shall:

(a) make a good-faith effort to achieve precise mathematical population equality between districts, justifying each variance, no matter how small, as required by the Constitution of the United States. Districts must be composed of contiguous geographic areas;

(b) comply with the federal Voting Rights Act of 1965, 52 U.S.C. § 50301, as amended.

(2) (a) As much as is reasonably possible, the commission's plan must preserve whole communities of interest and whole political subdivisions, such as counties, cities, and towns.

(b) Districts must be as compact as is reasonably possible.

(3) (a) Thereafter, the commission shall, to the extent possible, maximize the number of politically competitive districts.

(b) In its hearings in various locations in the state, the commission shall solicit evidence relevant to competitiveness of elections in Colorado and shall assess such evidence in evaluating proposed maps.

(c) When the commission approves a plan, or when nonpartisan staff submits a plan in the absence of the commission's approval of a plan as provided in section 44.4 of this article V, the nonpartisan staff shall, within seventy-two hours of such action, make publicly available, and include in the commission's record, a report to demonstrate how the plan reflects the evidence presented to, and the findings concerning, the extent to which competitiveness in district elections is fostered consistent with the other criteria set forth in this section.

(d) For purposes of this subsection (3), "competitive" means having a reasonable potential for the party affiliation of the district's representative to change at least once between federal decennial censuses. Competitiveness may be measured by factors such as a proposed district's past election results, a proposed district's political party registration data, and evidence-based analyses of proposed districts.

(4) No map may be approved by the commission or given effect by the Supreme Court if:

(a) it has been drawn for the purpose of protecting one or more incumbent members, or one or more declared candidates, of the United States House of Representatives or any political party; or

(b) it has been drawn for the purpose of or results in the denial or abridgement of the right of any citizen to vote on account of that person's race or membership in a language minority group, including diluting the impact of that racial or language minority group's electoral influence.

Sec. 46. Senatorial and representative districts - commission created.

(1) **Declaration of the people.** The people of the State of Colorado find and declare that:

(a) the practice of political gerrymandering, whereby legislative districts are purposefully drawn to favor one political party or incumbent politician over another, must end;

(b) the public's interest in prohibiting political gerrymandering is best achieved by creating a new and independent commission that is politically balanced, provides representation to voters not affiliated with either of the state's two largest parties, and utilizes nonpartisan legislative staff to draw maps;

(c) the redistricting commission should set district lines by ensuring constitutionally guaranteed voting rights, including the protection of minority group voting, as well as fair and effective representation of constituents using politically neutral criteria;

(d) competitive elections for members of the General Assembly provide voters with a meaningful choice among candidates, promote a healthy democracy, help ensure that constituents receive fair and effective representation, and contribute to the political well-being of key communities of interest and political subdivisions;

(e) for years certain political interests opposed competitive districts in Colorado because they are primarily concerned about maintaining their own political power at the expense of fair and effective representation; and

(f) citizens want and deserve an inclusive and meaningful legislative redistricting process that provides the public with the ability to be heard as redistricting maps are drawn, to be able to watch the witnesses who deliver testimony and the Redistricting Commission's deliberations, and to have their written comments considered before any proposed map is voted upon by the commission as the final map.

(2) **Legislative districts - commission created**

(3) **Definitions. . . .**

(a) "Commission" means the Independent Legislative Redistricting Commission created in subsection (2) of this section.

(b) (I) “Community of interest” means any group in Colorado that shares one or more substantial interests that may be the subject of state legislative action, is composed of a reasonably proximate population, and thus should be considered for inclusion within a single district for purposes of ensuring its fair and effective representation.

(II) Such interests include but are not limited to matters reflecting:

(a) shared public policy concerns of urban, rural, agricultural, industrial, or trade areas; and

(b) shared public policy concerns such as education, employment, environment, public health, transportation, water needs and supplies, and issues of demonstrable regional significance.

(III) Groups that may comprise a community of interest include racial, ethnic, and language minority groups, subject to compliance with subsections (1)(b) and (4)(b) of section 48.1 of this article V, which subsections protect against the denial or abridgement of the right to vote due to a person’s race or language minority group.

(IV) “Community of interest” does not include relationships with political parties, incumbents, or political candidates.

(c) “Race “ or “racial” means a category of race or ethnic origin documented in the federal decennial census.

...

Sec. 48.1. Criteria for determinations of legislative districts - definition.

(1) In adopting a legislative redistricting plan, the commission shall:

(a) make a good-faith effort to achieve precise mathematical population equality between districts, as required by the Constitution of the United States, but in no event shall there be more than five percent deviation between the most populous and the least populous district in each house. Districts must be composed of contiguous geographic areas;

(b) comply with the federal Voting Rights Act of 1965, 52 U.S.C. § 50301, as amended.

(2) (a) As much as is reasonably possible, the commission’s plan must preserve whole communities of interest and whole political subdivisions, such as counties, cities, and towns. To facilitate the efficient and effective provision of governmental services, with regard to any county, city, city and county, or town whose population is less than a district’s permitted population, the commission shall presume that such county, city, city and county, or town should be wholly contained within a district; except that a division of such county, city, city and county, or town is permitted where, based on a preponderance of the evidence in the record, a community of interest’s legislative issues are more essential to the fair and effective representation of residents of the district. When the commission divides a county, city, city and county, or town, it shall minimize the number of divisions of that county, city, city and county, or town.

(b) Districts must be as compact as is reasonably possible.

(3) (a) Thereafter, the commission shall, to the extent possible, maximize the number of politically competitive districts.

(b) In its hearings in various locations in the state, the commission shall solicit evidence relevant to competitiveness of elections in Colorado and shall assess such evidence in evaluating proposed maps.

(c) When the commission approves a plan, or when nonpartisan staff submits a plan in the absence of the commission’s approval of a plan as provided in section 48.2 of this article V, the nonpartisan staff shall, within seventy-two hours of such action, make publicly available, and include in the commission’s record, a report to demonstrate how the plan reflects the evidence presented to, and the findings concerning, the extent to which competitiveness in district elections is fostered consistent with the other criteria set forth in this section.

(d) For purposes of this subsection (3), “competitive” means having a reasonable potential for the party affiliation of the district’s representative to change at least once between federal decennial censuses. Competitiveness may be measured by factors such as a proposed district’s past election results, a proposed district’s political party registration data, and evidence-based analyses of proposed districts.

(4) No map may be approved by the commission or given effect by the Supreme Court if:

(a) it has been drawn for the purpose of protecting one or more incumbent members, or one or more declared candidates, of the Senate or House of Representatives, or any political party; or

(b) it has been drawn for the purpose of or results in the denial or abridgement of the right of any citizen to vote on account of that person’s race or membership in a language minority group, including diluting the impact of that racial or language minority group’s electoral influence.

Connecticut

Constitution, Article III, Section 3, as amended by Article II, Section 1, and Article XV, Section 1, of the Amendments to the Constitution of the State of Connecticut

Senate, number, qualifications.

Sec. 3. . . . Each senatorial district shall be contiguous as to territory

Constitution, Article III, Section 4, as amended by Article II, Section 2, and Article XV, Section 2, of the Amendments to the Constitution of the State of Connecticut

House of representatives, how constituted.

Sec. 4. . . . Each assembly district shall be contiguous as to territory For the purpose of forming assembly districts no town shall be divided except for the purpose of forming assembly districts wholly within the town.

Constitution, Article III, Section 5, as amended by Article XVI, Section 1, of the Amendments to the Constitution of the State of Connecticut

Congressional and general assembly districts to be consistent with federal standards.

Sec. 5. The establishment of congressional districts and of districts in the general assembly shall be consistent with federal constitutional standards.

Delaware

29 Delaware Code

§ 804. Determining district boundaries; criteria.

In determining the boundaries of the several representative and senatorial districts within the State, the General Assembly shall use the following criteria. Each district shall, insofar as is possible:

(1) Be formed of contiguous territory;

- (2) Be nearly equal in population;
- (3) Be bounded by major roads, streams or other natural boundaries;
- (4) Not be created so as to unduly favor any person or political party.

Florida

Constitution, Article III

Sec. 16. Legislative apportionment.

(a) **Senatorial and Representative Districts.** The legislature at its regular session in the second year following each decennial census, by joint resolution, shall apportion the state in accordance with the constitution of the state and of the United States into not less than thirty nor more than forty consecutively numbered senatorial districts of either contiguous, overlapping or identical territory, and into not less than eighty nor more than one hundred twenty consecutively numbered representative districts of either contiguous, overlapping or identical territory

Sec. 20. Standards for establishing congressional district boundaries. In establishing congressional district boundaries:

- (a) No apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory.
- (b) Unless compliance with the standards in this subsection conflicts with the standards in subsection 1(a) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.
- (c) The order in which the standards within subsections 1(a) and (b) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection.

Sec. 21. Standards for establishing legislative district boundaries. In establishing legislative district boundaries:

- (a) No apportionment plan or district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory.
- (b) Unless compliance with the standards in this subsection conflicts with the standards in subsection 1(a) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.
- (c) The order in which the standards within subsections 1(a) and (b) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection.

Georgia

Constitution, Article III, Section II

Paragraph II. **Apportionment of General Assembly.**

The General Assembly shall apportion the Senate and House districts. Such districts shall be composed of contiguous territory

2011-2012 Guidelines, adopted by the Senate Committee on Reapportionment and Redistricting

3. All plans adopted by the Committee will comply with the Voting Rights Act of 1965, as amended.

. . . .

5. Districts shall be composed of contiguous geography. Districts that connect on a single point are not contiguous.

6. No multi-member districts shall be drawn on any legislative redistricting plan.

7. The Committee should consider:

- a. The boundaries of counties and precincts;
- b. Compactness; and
- c. Communities of interest.

8. Efforts should be made to avoid the unnecessary pairing of incumbents.

2011-2012 Guidelines, adopted by the House Legislative and Congressional Reapportionment Committee

The House committee adopted the same guidelines as the Senate committee.

Hawaii

Constitution, Article IV

Sec. 6. Apportionment Within Basic Island Units. . . .

1. No district shall extend beyond the boundaries of any basic island unit.

2. No district shall be so drawn as to unduly favor a person or political faction.

3. Except in the case of districts encompassing more than one island, districts shall be contiguous.

4. Insofar as practicable, districts shall be compact.

5. Where possible, district lines shall follow permanent and easily recognized features, such as streets, streams and clear geographical features, and, when practicable, shall coincide with census tract boundaries.

6. Where practicable, representative districts shall be wholly included within senatorial districts.
7. Not more than four members shall be elected from any district.
8. Where practicable, submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided.

Hawaii Revised Statutes

§ 25-2 Duties.

....

(b) **Congressional reapportionment.** . . . In effecting the reapportionment and districting, the commission shall be guided by the following criteria:

- (1) No district shall be drawn so as to unduly favor a person or political party;
- (2) Except in the case of districts encompassing more than one island, districts shall be contiguous;
- (3) Insofar as practicable, districts shall be compact;
- (4) Where possible, district lines shall follow permanent and easily recognized features such as streets, streams, and clear geographical features, and when practicable, shall coincide with census tract boundaries;
- (5) Where practicable, state legislative districts shall be wholly included within congressional districts; and
- (6) Where practicable, submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided.

Idaho

Constitution, Article III

Sec. 2. Membership of house and senate. (1) . . . the senate shall consist of not less than thirty nor more than thirty-five members. The legislature may fix the number of members of the house of representatives at not more than two times as many representatives as there are senators. The senators and representatives shall be chosen by the electors of the respective counties or districts into which the state may, from time to time, be divided by law.

....

Sec. 4. Apportionment of legislature. The members of the legislature . . . shall be apportioned to not less than thirty nor more than thirty-five legislative districts of the state as may be provided by law.

Sec. 5. Senatorial and Representative Districts. A senatorial or representative district, when more than one county shall constitute the same, shall be composed of contiguous counties, and a county may be divided in creating districts only to the extent it is reasonably determined by statute that counties must be divided to create senatorial and representative districts which comply with the constitution of the United States. A county may be divided into more than one legislative district when districts are wholly contained within a single county. No floterial district shall be created. Multi-member districts may be created in any district composed of more than one county only to the extent that two representatives may be elected from a district from which one senator is elected. The provisions of this section shall apply to any apportionment adopted following the 1990 decennial census.

Idaho Code

§ 72-1506. **Criteria governing plans.** Congressional and legislative redistricting plans considered by the commission, and plans adopted by the commission, shall be governed by the following criteria:

- (1) The total state population as reported by the U.S. census bureau, and the population of subunits determined therefrom, shall be exclusive permissible data.
- (2) To the maximum extent possible, districts shall preserve traditional neighborhoods and local communities of interest.
- (3) Districts shall be substantially equal in population and should seek to comply with all applicable federal standards and statutes.
- (4) To the maximum extent possible, the plan should avoid drawing districts that are oddly shaped.
- (5) Division of counties shall be avoided whenever possible. In the event that a county must be divided, the number of such divisions, per county, should be kept to a minimum.
- (6) To the extent that counties must be divided to create districts, such districts shall be composed of contiguous counties.
- (7) District boundaries shall retain the local voting precinct boundary lines to the extent those lines comply with the provisions of section 34-306, Idaho Code. When the commission determines, by an affirmative vote of at least five (5) members recorded in its minutes, that it cannot complete its duties for a legislative district by fully complying with the provisions of this subsection, this subsection shall not apply to the commission or legislative redistricting plan it shall adopt.
- (8) Counties shall not be divided to protect a particular political party or a particular incumbent.
- (9) When a legislative district contains more than one (1) county or a portion of a county, the counties or portion of a county in the district shall be directly connected by roads and highways which are designated as part of the interstate highway system, the United States highway system or the state highway system. When the commission determines, by an affirmative vote of at least five (5) members recorded in its minutes, that it cannot complete its duties for a legislative district by fully complying with the provisions of this subsection, this subsection shall not apply to the commission or legislative redistricting plan it shall adopt.

Illinois*Constitution, Article IV***Sec. 2. Legislative Composition.**

- (b) Each Legislative District shall be divided into two Representative Districts.

Sec. 3. Legislative redistricting.

- (a) Legislative Districts shall be compact, contiguous and substantially equal in population. Representative Districts shall be compact, contiguous, and substantially equal in population.

Indiana

Constitution, Article 4

Sec. 5. Apportionment. . . . The territory in each district shall be contiguous.

Iowa

Constitution, Article III

Sec. 34. Senate and house of representatives — limitation. . . . Each district so established shall be of compact and contiguous territory.

. . . .

Sec. 37. Congressional districts. When a congressional district is composed of two or more counties it shall not be entirely separated by a county belonging to another district and no county shall be divided in forming a congressional district.

Iowa Code

§ 42.4. Redistricting standards.

1. Legislative and congressional districts shall be established on the basis of population.

a. Senatorial and representative districts, respectively, shall each have a population as nearly equal as practicable to the ideal population for such districts, determined by dividing the number of districts to be established into the population of the state reported in the federal decennial census. Senatorial districts and representative districts shall not vary in population from the respective ideal district populations except as necessary to comply with one of the other standards enumerated in this section. In no case shall the quotient, obtained by dividing the total of the absolute values of the deviations of all district populations from the applicable ideal district population by the number of districts established, exceed one percent of the applicable ideal district population. No senatorial district shall have a population which exceeds that of any other senatorial district by more than five percent, and no representative district shall have a population which exceeds that of any other representative district by more than five percent.

b. Congressional districts shall each have a population as nearly equal as practicable to the ideal district population, derived as prescribed in paragraph “a” of this subsection. No congressional district shall have a population which varies by more than one percent from the applicable ideal district population, except as necessary to comply with Article III, section 37 of the Constitution of the State of Iowa.

c. If a challenge is filed with the supreme court alleging excessive population variance among districts established in a plan adopted by the general assembly, the general assembly has the burden of justifying any variance in excess of one percent between the population of a district and the applicable ideal district population.

2. To the extent consistent with subsection 1, district boundaries shall coincide with the boundaries of political subdivisions of the state. The number of counties and cities divided among more than one district shall be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions shall be divided before the less populous, but this statement does not apply to a legislative district boundary drawn along a county line which passes through a city that lies in more than one county.

3. Districts shall be composed of convenient contiguous territory. Areas which meet only at the points of adjoining corners are not contiguous.

4. Districts shall be reasonably compact in form, to the extent consistent with the standards established by subsections 1, 2, and 3. In general, reasonably compact districts are those which are square, rectangular, or hexagonal in shape, and not irregularly shaped, to the extent permitted by natural or political boundaries. If it is necessary to compare the relative compactness of two or more districts, or of two or more alternative districting plans, the tests prescribed by paragraphs “a” and “b” shall be used.

a. Length-width compactness. The compactness of a district is greatest when the length of the district and the width of the district are equal. The measure of a district’s compactness is the absolute value of the difference between the length and the width of the district. In general, the length-width compactness of a district is calculated by measuring the distance from the northernmost point or portion of the boundary of a district to the southernmost point or portion of the boundary of the same district and the distance from the westernmost point or portion of the boundary of the district to the easternmost point or portion of the boundary of the same district. The absolute values computed for individual districts under this paragraph may be cumulated for all districts in a plan in order to compare the overall compactness of two or more alternative districting plans for the state, or for a portion of the state.

b. Perimeter compactness. The compactness of a district is greatest when the distance needed to traverse the perimeter boundary of a district is as short as possible. The total perimeter distance computed for individual districts under this paragraph may be cumulated for all districts in a plan in order to compare the overall compactness of two or more alternative districting plans for the state, or for a portion of the state.

5. No district shall be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress, or other person or group, or for the purpose of augmenting or diluting the voting strength of a language or racial minority group. In establishing districts, no use shall be made of any of the following data:

a. Addresses of incumbent legislators or members of Congress.

b. Political affiliations of registered voters.

c. Previous election results.

d. Demographic information, other than population head counts, except as required by the Constitution and the laws of the United States.

6. In order to minimize electoral confusion and to facilitate communication within state legislative districts, each plan drawn under this section shall provide that each representative district is wholly included within a single senatorial district and that, so far as possible, each representative and each senatorial district shall be included within a single congressional district. However, the standards established by subsections 1 through 5 shall take precedence where a conflict arises between these standards and the requirement, so far as possible, of including a senatorial or representative district within a single congressional district.

Kansas

Constitution

Article 10: Apportionment of the Legislature

§ 1. Reapportionment of senatorial and representative districts.

(a) . . . Senatorial and representative districts shall be reapportioned upon the basis of the population of the state adjusted:

(1) To exclude nonresident military personnel stationed within the state and nonresident students attending colleges and universities within the state; and

(2) to include military personnel stationed within the state who are residents of the state and students attending colleges and universities within the state who are residents of the state in the district of their permanent residence. . . .

Guidelines and Criteria for 2012 Congressional and Legislative Redistricting, adopted by House Select Committee on Redistricting and Senate Committee on Reapportionment, Jan. 9, 2012

Legislative Redistricting

2. Districts should be numerically as equal in population as practical within the limitations of Census geography and application of guidelines set out below. Deviations should not exceed plus or minus 5 percent of the ideal population of 21,378 for each House district and 66,806 for each Senate district, except in unusual circumstances. (The range of deviation for House districts could be plus or minus 1,069 persons, for districts that could range in population from 20,309 to 22,447. The overall deviation for House districts could be 2,138 persons. The range of deviation for Senate districts could be plus or minus 3,340 persons, for districts that could range in population from 63,466 to 70,147. The overall deviation for Senate districts could be 6,681 persons.)

3. Redistricting plans will have neither the purpose nor the effect of diluting minority voting strength.

4. Subject to the requirement of guideline No. 2:

a. The “building blocks” to be used for drawing district boundaries shall be voting districts (VTDs) as described on official 2010 Redistricting U.S. Census maps.

b. Districts should be as compact as possible and contiguous.

c. The integrity and priority of existing political subdivisions should be preserved to the extent possible.

d. 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 (generally termed “communities of interest”), 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.

e. Contests between incumbent members of the Legislature or the State Board of Education will be avoided whenever possible.

f. Districts should be easily identifiable and understandable by voters.

Congressional Redistricting

1. . . . The “building blocks” to be used for drawing district boundaries shall be Kansas counties and voting districts (VTDs) as their population is reported in the 2010 U.S. Decennial Census.
2. Districts are to be as nearly equal to 672,105 population as practicable.
3. Redistricting plans will have neither the purpose nor the effect of diluting minority voting strength.
4. Districts should attempt to recognize “community of interests” when that can be done in compliance with the requirement of guideline No. 2.
 - a. Social, cultural, racial, ethnic, and economic interests common to the population of the area, which are probable subjects of legislation (generally termed “communities of interest”), should be considered.
 - b. If possible, preserving the core of the existing districts should be undertaken when considering the “community of interests” in establishing districts.
 - c. Whole counties should be in the same congressional district to the extent possible while achieving population equality among districts. County lines are meaningful in Kansas and Kansas counties have historically been significant political units. Many officials are elected on a countywide basis, and political parties have been organized in county units. Election of the Kansas members of Congress is a political process requiring political organizations which in Kansas are developed in county units. To a considerable degree most counties in Kansas are economic, social, and cultural units, or parts of a larger socioeconomic unit. These interests common to the population of the area, generally termed “community of interests” should be considered during the creation of congressional districts.
5. Districts should be as compact as possible and contiguous, subject to the requirement of guideline No. 2.

Kentucky*Constitution***Sec. 33. Senatorial and Representative districts.**

The first General Assembly . . . shall divide the State into thirty-eight Senatorial Districts, and one hundred Representative Districts, as nearly equal in population as may be without dividing any county, except where a county may include more than one district, which districts shall constitute the Senatorial and Representative Districts for ten years. Not more than two counties shall be joined together to form a Representative District: Provided, In doing so the principle requiring every district to be as nearly equal in population as may be shall not be violated. [T]he General Assembly shall then, and every ten years thereafter, redistrict the State according to this rule If, in making said districts, inequality of population should be unavoidable, any advantage resulting therefrom shall be given to districts having the largest territory. No part of a county shall be added to another county to make a district, and the counties forming a district shall be contiguous.

Criteria/ Standards for Congressional Redistricting, adopted by Interim Joint Committee on State Government’s Redistricting Subcommittee, July 11, 1991

2. All congressional districts will be composed of contiguous geography.
3. Kentucky is covered by the provisions of Section 2 of the federal Voting Rights Act. All congressional district plans will meet the applicable provisions.

4. Where possible, congressional districts should attempt to preserve communities of interest where such efforts do not violate the other stated criteria.

5. Counties should be used as district building blocks where possible, and to the extent consistent with other aspects of these criteria, recognizing that some counties will of necessity be split in order to achieve stated equality of population goals.

a. Where county lines cannot be maintained, district boundaries should follow as closely as practicable the local voting precinct boundary lines in order to minimize voter confusion and cost of election administration.

b. Where voting precinct boundary lines cannot be followed and also meet the population criteria as stated in these guidelines, district lines must follow census block geography in order to maintain the integrity of the statistical analysis. If a proposed congressional district line follows a precinct line that splits a census block, the district line should be moved to the boundary of the split census block.

...

8. Efforts will be made to preserve cores of existing districts where such efforts are consistent with and do not violate the other criteria stated herein, with the realization that Kentucky will lose one congressional district.

Louisiana

Constitution, Article III

[§ 6 Legislative Reapportionment . . .](#)

Sec. 6.(A) Reapportionment by Legislature. By the end of the year following the year in which the population of this state is reported to the president of the United States for each decennial federal census, the legislature shall reapportion the representation in each house as equally as practicable on the basis of population shown by the census.

Committee Rules for Redistricting, Louisiana House of Representatives, Committee on House and Governmental Affairs, adopted Jan. 19, 2011

To promote the development of a constitutionally acceptable redistricting plan, the committee adopts the following rules for itself, declaring the same to constitute minimally acceptable criteria for redistricting of the House of Representatives [and] Congress

1. **Criteria**

- a. All redistricting plans shall provide for single-member districts.
- b. All redistricting plans for the House of Representatives . . . shall provide for . . . an absolute deviation of population [within] plus or minus five percent of the ideal district population.
- c. All redistricting plans for Congress shall provide that each congressional district shall have a population as nearly equal to the ideal district population as practicable.
- d. All redistricting plans shall comply with the Equal Protection Clause of the Fourteenth Amendment and the Fifteenth Amendment to the U.S. Constitution; Sections 2 and 5 of the Voting Rights Act of 1965, as amended; and all other applicable federal and state law.

- e. All redistricting plans shall contain whole election precincts established pursuant to R.S. 18:532 and 532.1.
- f. All redistricting plans shall provide that each district is composed of contiguous geography.
- g. All redistricting plans shall respect the recognized political boundaries and natural geography of this state, to the extent practicable.
- h. In order to minimize voter confusion, due consideration shall be given to traditional district alignments.

Committee Rules for Redistricting, Louisiana Senate, Committee on Senate and Governmental Affairs, adopted Feb. 16, 2011

The Senate committee adopted the same rules as the House of Representatives, except that, in rule I (H), it changed “*traditional* district alignments” to “*existing* district alignments.”

Maine

Constitution, Article IV, Part First

Sec. 2. Number of Representatives; biennial terms; division of the State into districts for House of Representatives. . . . Each Representative District shall be formed of contiguous and compact territory and shall cross political subdivision lines the least number of times necessary to establish as nearly as practicable equally populated districts. Whenever the population of a municipality entitles it to more than one district, all whole districts shall be drawn within municipal boundaries. Any population remainder within the municipality shall be included in a district with contiguous territory and shall be kept intact.

Maine Revised Statutes Annotated, title 21A

§ 1206. Reapportionment.

[T]he commission shall ensure that each congressional district is formed of compact and contiguous territory and crosses political subdivisions the least number of times necessary to establish districts as equally populated as possible.

§ 1206-A. Reapportionment of state legislative districts.

When reapportioning districts, where possible, the Legislative Apportionment Commission shall attempt to form functionally contiguous and compact territories. For purposes of this section, a “functionally contiguous and compact territory” is one that facilitates representation by minimizing impediments to travel within the district. Impediments to travel include, but are not limited to, physical features such as mountains, rivers, oceans and discontinued roads or lack of roads. The commission shall recognize that all political subdivision boundaries are not of equal importance and give weight to the interests of local communities when making district boundary decisions.

Maryland

Constitution, Article III

Sec. 3. The State shall be divided by law into legislative districts for the election of members of the Senate and the House of Delegates. Each legislative district shall contain one (1) Senator and three (3) Delegates. Nothing herein shall prohibit the subdivision of any one or more of the legislative districts for the purpose of electing members of the House of Delegates into three (3) single-member delegate districts or one (1) single-member delegate district and one (1) multi-member delegate district.

Sec. 4. Each legislative district shall consist of adjoining territory, be compact in form, and of substantially equal population. Due regard shall be given to natural boundaries and the boundaries of political subdivisions.

Massachusetts

Constitution, Article CI, as amended by Article CIX

Section 1. . . . The General Court shall . . . divide the Commonwealth into one hundred and sixty representative districts of contiguous territory so that each representative will represent an equal number of inhabitants, as nearly as may be; and such districts shall be formed, as nearly as may be, without uniting two counties or parts of two or more counties, two towns or parts of two or more towns, two cities or parts of two or more cities, or a city and a town, or parts of cities and towns, into one district. Such districts shall also be so formed that no town containing less than twenty-five hundred inhabitants according to said census shall be divided.

Sec. 2. . . . The General Court shall . . . divide the Commonwealth into forty districts of contiguous territory, each district to contain, as nearly as may be, an equal number of inhabitants according to said census; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district.

Michigan

Constitution, Article IV, as amended Nov. 6, 2018

Sec. 6. Independent citizens redistricting commission for state legislative and congressional districts.

...

(13) The commission shall abide by the following criteria in proposing and adopting each plan, in order of priority:

(a) Districts shall be of equal population as mandated by the united states constitution, and shall comply with the Voting Rights Act and other federal laws.

(b) Districts shall be geographically contiguous. Island areas are considered to be contiguous by land to the county of which they are a part.

(c) Districts shall reflect the state's diverse population and communities of interest. Communities of interest may include, but shall not be limited to, populations that share cultural or historical characteristics or economic interests. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

- (d) Districts shall not provide a disproportionate advantage to any political party. A disproportionate advantage to a political party shall be determined using accepted measures of partisan fairness.
- (e) Districts shall not favor or disfavor an incumbent elected official or a candidate.
- (f) Districts shall reflect consideration of county, city, and township boundaries.
- (g) Districts shall be reasonably compact.

Michigan Compiled Laws

§ 3.63 Redistricting plan; guidelines.

Except as otherwise required by federal law for congressional districts in this state, the redistricting plan shall be enacted using only these guidelines in the following order of priority:

- (a) The constitutional guideline is that each congressional district shall achieve precise mathematical equality of population in each district.
- (b) The federal statutory guidelines in no order of priority are as follows:
 - (i) Each congressional district shall be entitled to elect a single member.
 - (ii) Each congressional district shall not violate section 2 of title I of the voting rights act of 1965, Public Law 89-110, 42 U.S.C. 1973.
- (c) The secondary guidelines in order of priority are as follows:
 - (i) Each congressional district shall consist of areas of convenient territory contiguous by land. Areas that meet only at points of adjoining corners are not contiguous.
 - (ii) Congressional district lines shall break as few county boundaries as is reasonably possible.
 - (iii) If it is necessary to break county lines to achieve equality of population between congressional districts as provided in subdivision (a), the number of people necessary to achieve population equality shall be shifted between the 2 districts affected by the shift.
 - (iv) Congressional district lines shall break as few city and township boundaries as is reasonably possible.
 - (v) If it is necessary to break city or township lines to achieve equality of population between congressional districts as provided in subdivision (a), the number of people necessary to achieve population equality shall be shifted between the 2 districts affected by the shift.
 - (vi) Within a city or township to which there is apportioned more than 1 congressional district, district lines shall be drawn to achieve the maximum compactness possible.
 - (vii) Compactness shall be determined by circumscribing each district within a circle of minimum radius and measuring the area, not part of the Great Lakes and not part of another state, inside the circle but not inside the district.
 - (viii) If a discontinuous township island exists within an incorporated city or discontinuous portions of townships are split by an incorporated city, the splitting of the township shall not be considered a split if any of the following circumstances exist:

(A) The city must be split to achieve equality of population between congressional districts as provided in subdivision (a) and it is practicable to keep the township together within 1 district.

(B) A township island is contained within a whole city and a split of the city would be required to keep the township intact.

(C) The discontinuous portion of a township cannot be included in the same district with another portion of the same township without creating a noncontiguous district.

(ix) Each congressional district shall be numbered in a regular series, beginning with congressional district 1 in the northwest corner of the state and ending with the highest numbered district in the southeast corner of the state.

§ 4.261. Redistricting plan for senate and house of representatives; enactment by legislature; guidelines.

....

(c) Senate and house of representatives districts shall be areas of convenient territory contiguous by land. Areas that meet only at the points of adjoining corners are not contiguous.

(d) Senate and house of representatives districts shall have a population not exceeding 105% and not less than 95% of the ideal district size for the senate or the house of representatives unless and until the United States supreme court establishes a different range of allowable population divergence for state legislative districts.

(e) Senate and house of representatives district lines shall preserve county lines with the least cost to the principle of equality of population provided for in subdivision (d).

(f) If it is necessary to break county lines to stay within the range of allowable population divergence provided for in subdivision (d), the fewest whole cities or whole townships necessary shall be shifted. Between 2 cities or townships, both of which will bring the districts into compliance with subdivisions (d) and (h), the city or township with the lesser population shall be shifted.

(g) Within those counties to which there is apportioned more than 1 senate district or house of representatives district, district lines shall be drawn on city and township lines with the least cost to the principle of equality of population between election districts consistent with the maximum preservation of city and township lines and without exceeding the range of allowable divergence provided for in subdivision (d).

(h) If it is necessary to break city or township lines to stay within the range of allowable divergence provided for in subdivision (d), the number of people necessary to achieve population equality shall be shifted between the 2 districts affected by the shift, except that in lieu of absolute equality the lines may be drawn along the closest street or comparable boundary.

(i) Within a city or township to which there is apportioned more than 1 senate district or house of representatives district, district lines shall be drawn to achieve the maximum compactness possible within a population range of 98% to 102% of absolute equality between districts within that city or township.

(j) Compactness shall be determined by circumscribing each district within a circle of minimum radius and measuring the area, not part of the Great Lakes and not part of another state, inside the circle but not inside the district.

(k) If a discontinuous township island exists within an incorporated city or discontinuous portions of townships are split by an incorporated city, the splitting of the township shall not be considered a split if any of the following circumstances exist:

(i) The city must be split to stay within the range of allowable divergence provided for in subdivision (d) and it is practicable to keep the township together within 1 district.

(ii) A township island is contained within a whole city and a split of the city would be required to keep the township intact.

(iii) The discontinuous portion of a township cannot be included in the same district with another portion of the same township without creating a noncontiguous district.

(l) Senate and house districts shall not violate the precedents established in *Miller v Johnson*, 115 S Ct 2475; 132 L Ed 2d 762 (1995); *Bush v Vera*, 116 S Ct 1941; 135 L Ed 2d 248 (1996); and, *Shaw v Hunt*, 116 S Ct 1894; 135 L Ed 2d 207 (1996).

§ 4.261a. Senate and house districts; violation of voting rights act of 1965 prohibited

Senate and house districts shall not violate section 2 of title I of the voting rights act of 1965, Public Law 89-110, 42 U.S.C. 1973.

Minnesota

Constitution, Article IV

Sec. 2. . . . The representation in both houses shall be apportioned equally throughout the different sections of the state in proportion to the population thereof.

Sec. 3. . . . Senators shall be chosen by single districts of convenient contiguous territory. No representative district shall be divided in the formation of a senate district. The senate districts shall be numbered in a regular series.

Minnesota Statutes

§ 2.91. Redistricting plans.

. . . .

Subd. 2. **Corrections.** The legislature intends that a redistricting plan encompass all the territory of this state, that no territory be omitted or duplicated, that all districts consist of convenient contiguous territory substantially equal in population, and that political subdivisions not be divided more than necessary to meet constitutional requirements. . . .

Hippert v. Ritchie, No. A11-152, Order Stating Redistricting Principles and Requirements for Plan Submissions (Minn. Spec. Redis. Panel Nov. 4, 2011)

Congressional Districts

1. There shall be eight congressional districts with a single representative for each district. The district numbers shall begin with Congressional District 1 in the southeast corner of the state and end with Congressional District 8 in the northeast corner of the state.

2. The congressional districts shall be as nearly equal in population as is practicable. *Wesberry v. Sanders*, 376 U.S. 1, 7-8, 84 S. Ct. 526, 530 (1964). Because a court-ordered redistricting plan must conform to a higher standard of population equality than a redistricting plan created by a legislature, absolute population equality shall be the goal. *Abrams v. Johnson*, 521 U.S. 74, 98, 117 S. Ct. 1925, 1939 (1997). Because Minnesota's total population is not divisible into eight congressional districts of equal population, the ideal result is five districts of 662,991 persons and three districts of 662,990 persons.

3. Congressional districts shall not be drawn with either the purpose or effect of denying or abridging the voting rights of any United States citizen on account of race, ethnicity, or membership in a language minority group and must otherwise comply with the Fourteenth and Fifteenth Amendments to the United States Constitution and the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973-1973aa-6 (2006).
4. Congressional districts shall consist of convenient, contiguous territory structured into compact units. Minn. Stat. § 2.91, subd. 2 (2010); *Shaw v. Reno*, 509 U.S. 630, 646, 113 S. Ct. 2816, 2826 (1993) (stating that district lines may be drawn “to provide for compact districts of contiguous territory”). Contiguity by water is sufficient if the body of water does not pose a serious obstacle to travel within the district. Congressional districts with areas that connect only at a single point shall not be considered contiguous.
5. Political subdivisions shall not be divided more than necessary to meet constitutional requirements. Minn. Stat. § 2.91, subd. 2; *Karber v. Daggett*, 462 U.S. 725, 733 n.5, 740-41, 103 S. Ct. 2653, 2660 n.5, 2663-64 (1983).
6. Where possible in compliance with the preceding principles, communities of interest shall be preserved. See *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 433, 126 S. Ct. 2594, 2618 (2006) (*LULAC*) (stating that “maintaining communities of interest” is a traditional redistricting principle); *Miller v. Johnson*, 515 U.S. 900, 916, 115 S. Ct. 2475, 2488 (1995) (including respect for “communities defined by actual shared interests” in list of “traditional race-neutral districting principles”). For purposes of this principle, “communities of interest” include, but are not limited to, groups of Minnesota citizens with clearly recognizable similarities of social, geographic, political, cultural, ethnic, economic, or other interests. Additional communities of interest will be considered if persuasively established and if consideration thereof would not violate applicable law.
7. Congressional districts shall not be drawn for the purpose of protecting or defeating incumbents. But the impact of redistricting on incumbent officeholders is a factor subordinate to all redistricting criteria that the panel may consider to determine whether proposed plans result in either undue incumbent protection or excessive incumbent conflicts.

Legislative Districts

....

2. No state house district shall be divided in the formation of a state senate district. Minn. Const. art. IV, § 3.
3. The legislative districts shall be numbered in a regular series, beginning with House District 1A in the northwest corner of the state and proceeding across the state from west to east, north to south, but bypassing the 11-county metropolitan area until the southeast corner has been reached; then to the 11-county metropolitan area outside the cities of Minneapolis and Saint Paul; then to Minneapolis and Saint Paul. See Minn. Const. art. IV, § 3 (requiring senate districts to be numbered in a regular series); Minn. Stat. § 200.02, subd. 24 (2010) (defining “[m]etropolitan area” for purposes of the Minnesota Election Law as the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright).
4. Redistricting plans for state legislatures shall faithfully adhere to the concept of population-based representation. *Roman v. Sincock*, 377 U.S. 695, 710, 84 S. Ct. 1449, 1458 (1964). Because a court-ordered redistricting plan must conform to a higher standard of population equality than a plan created by a legislature, de minimis deviation from the ideal district population shall be the goal. *Connor v. Finch*, 431 U.S. 407, 414, 97 S. Ct. 1828, 1833 (1977); *Chapman v. Meier*, 420 U.S. 1, 26-27, 95 S. Ct. 751, 766 (1975). The population of a legislative district shall not deviate by more than two percent from the population of the ideal district. See *Zachman*, No. CO-O 1-160 (Minn. Special Redistricting Panel Dec. 11, 2001) (Order Stating Redistricting Principles and Requirements for Plan Submissions); *Cotlow*, No. MX-91-1562 (Minn. Special Redistricting Panel Aug. 16, 1991) (Pretrial Order No.2).
5. Legislative districts shall not be drawn with either the purpose or effect of denying or abridging the voting rights of any United States citizen on account of race, ethnicity, or membership in a language minority group and must otherwise comply with the Fourteenth and Fifteenth Amendments to the United States Constitution and the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973-1973aa-6.

6. Legislative districts shall consist of convenient, contiguous territory structured into compact units. Minn. Const. art. IV, § 3; Minn. Stat. § 2.91, subd. 2; *Reynolds v. Sims*, 377 U.S. 533, 578-79, 84 S. Ct. 1362, 1390 (1964) (stating that a legitimate redistricting principle is to provide for compact districts of contiguous territory). Contiguity by water is sufficient if the body of water does not pose a serious obstacle to travel within the district. Legislative districts with areas that connect only at a single point shall not be considered contiguous.

7. Political subdivisions shall not be divided more than necessary to meet constitutional requirements. Minn. Stat. § 2.91, subd. 2; *Reynolds*, 377 U.S. at 580-81, 84 S. Ct. at 1391-92.

8. Where possible in compliance with the preceding principles, communities of interest shall be preserved. *See LULAC*, 548 U.S. at 433, 126 S. Ct. at 2618; *Miller*, 515 U.S. at 916, 115 S. Ct. at 2488. For purposes of this principle, “communities of interest” include, but are not limited to, groups of Minnesota citizens with clearly recognizable similarities of social, geographic, political, cultural, ethnic, economic, or other interests. Additional communities of interest will be considered if persuasively established and if consideration thereof would not violate applicable law.

9. Legislative districts shall not be drawn for the purpose of protecting or defeating an incumbent. But the impact of redistricting on incumbent officeholders is a factor subordinate to all redistricting criteria that the panel may consider to determine whether proposed plans result in either undue incumbent protection or excessive incumbent conflicts.

Mississippi

Mississippi Code of 1972

§ 5-3-101. Guidelines and standards for apportionment.

In accomplishing the apportionment, the committee shall follow such constitutional standards as may apply at the time of the apportionment and shall observe the following guidelines unless such guidelines are inconsistent with constitutional standards at the time of the apportionment, in which event the constitutional standards shall control:

- (a) Every district shall be compact and composed of contiguous territory and the boundary shall cross governmental or political boundaries the least number of times possible; and
- (b) Districts shall be structured, as far as possible and within constitutional standards, along county lines; if county lines are fractured, then election district lines shall be followed as nearly as possible.

Criteria for Legislative and Congressional Redistricting, adopted by the Standing Joint Legislative Committee on Reapportionment and Standing Joint Congressional Redistricting Committee, Apr. 5, 2012

1. Each district's population should be less than 5% above or below the mean (ideal) population of a district.
2. Districts should be composed of contiguous territory.
3. The redistricting plan should comply with all applicable state and federal laws, including Sections 2 and 5 of the Voting Rights Act of 1965, as amended and the Mississippi and United States Constitutions.

Smith v. Hoseman, No. 3:01-cv-855, Analysis of Factors Considered (S.D. Miss., Dec. 19, 2011)

Majority-Minority District

The Voting Rights Act requires that one congressional district in Mississippi be maintained with an appropriate majority of African-American voting-age residents. This district is represented on the map as District 2. Under the 2002 Court Plan, African-Americans constituted 59.20% of the voting-age population. District 2 under the 2002 Court Plan now has an African-American voting-age population of 63.3%. Under this Court's proposed plan, African-Americans constitute 61.36% of the voting-age population in District 2. This result prevents retrogression of the voting rights of African-American residents of District 2 under Section 5 of the Voting Rights Act.

Compactness

This Court has attempted to achieve, as nearly as possible, four compact districts. As we observed ten years ago, the ability to create compact districts is limited by the distribution of population and the need to prevent retrogression in District 2. Thus, sparsely populated districts necessarily will be geographically larger than heavily populated districts.

County and Municipal Boundaries

The proposed plan splits only four counties: Hinds, Madison, Oktibbeha, and Clarke. Eight counties were split under this Court's 2002 plan. We think this fact is a significant improvement over the former plan.

The large population in Hinds and Madison Counties, as well as the need to prevent retrogression in District 2, necessitated the splitting of those counties between Districts 2 and 3. Clarke County is split only because it is necessary to equalize the population between Districts 3 and 4. Oktibbeha County is split to equalize the population in District 1 and to maintain a major university in District 3. The only municipality that is split is the City of Jackson, which had already been split under the 2002 Plan. Ten years ago, Mayor Johnson testified that he preferred that the City of Jackson be represented by two congressmen. Because Jackson is the State's largest city, it would be difficult to devise a plan that does not split Jackson while at the same time respecting the one person, one vote principle and preventing retrogression in District 2.

Historical and Regional Interests

The plan preserves as much as possible, given the constraints of population equality and Section 5 of the Voting Rights Act, the cores of the Mississippi River/Delta region, East Central Mississippi, Southwest Mississippi, North Mississippi, and the Gulf Coast region.

Universities and Military Bases

The plan is drawn to continue to assure that the four major research universities are in separate districts. The military bases located in Lowndes, Lauderdale, and Harrison Counties remain in separate districts under this Court's plan.

Growth Areas

This Court has continued to make an effort to place the most rapidly growing areas of the State into separate districts as much as possible given the legal constraints that determine the configurations of each district.

Incumbent Residences

No incumbent would be required to move in order to run in the district in which he resides.

Distance of Travel Within District

The distances of travel within the districts are approximately the same as they were under this Court's 2002 Plan. The new District 2 is geographically larger, but this result is unavoidable in view of the population deficit in District 2, occurring over the last ten years that had to be accounted for by enlarging District 2.

Missouri

Constitution, Article III, as amended Nov. 3, 2020

Sec. 3. Election of representatives — legislative redistricting methods — house independent bipartisan citizens commission, appointment, duties, compensation — court actions, procedure.

...

(b) The house independent bipartisan citizens commission shall redistrict the house of representatives using the following methods, listed in order of priority:

(1) Districts shall be as nearly equal as practicable in population, and shall be drawn on the basis of one person, one vote. Districts are as nearly equal as practicable in population if no district deviates by more than one percent from the ideal population of the district, as measured by dividing the number of districts into the statewide population data being used, except that a district may deviate by up to three percent if necessary to follow political subdivision lines consistent with subdivision (4) of this subsection.

(2) Districts shall be established in a manner so as to comply with all requirements of the United States Constitution and applicable federal laws, including, but not limited to, the Voting Rights Act of 1965 (as amended). The following principles shall take precedence over any other part of this constitution: no district shall be drawn in a manner which results in a denial or abridgment of the right of any citizen of the United States to vote on account of race or color; and no district shall be drawn such that members of any community of citizens protected by the preceding clause have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.

(3) Subject to the requirements of subdivisions (1) and (2) of this subsection, districts shall be composed of contiguous territory as compact as may be. Areas which meet only at the points of adjoining corners are not contiguous. In general, compact districts are those which are square, rectangular, or hexagonal in shape to the extent permitted by natural or political boundaries.

(4) To the extent consistent with subdivisions (1) to (3) of this subsection, communities shall be preserved. Districts shall satisfy this requirement if district lines follow political subdivision lines to the extent possible, using the following criteria, in order of priority. First, each county shall wholly contain as many districts as its population allows. Second, if a county wholly contains one or more districts, the remaining population shall be wholly joined in a single district made up of population from outside the county. If a county does not wholly contain a district, then no more than two segments of a county shall be combined with an adjoining county. Third, split counties and county segments, defined as any part of the county that is in a district not wholly within that county, shall each be as few as possible. Fourth, as few municipal lines shall be crossed as possible.

(5) Districts shall be drawn in a manner that achieves both partisan fairness and, secondarily, competitiveness, but the standards established by subdivisions (1) to (4) of this subsection shall take precedence over partisan fairness and competitiveness. "Partisan fairness" means that parties shall be able to translate their popular support into legislative representation with approximately equal efficiency. "Competitiveness" means that parties' legislative representation shall be substantially and similarly responsive to shifts in the electorate's preferences.

To this end, the average electoral performance of the two political parties receiving the most votes in the three preceding general elections for governor, for United States Senate, and for President of the United States shall be calculated. This index shall be defined as the total votes received by each party in the three preceding general elections for governor, for United States Senate, and for President of the United States, divided by the total votes cast for both parties in these elections. Using this index, the total number of wasted votes for each party, summing across all of the districts in the plan shall be calculated. “Wasted votes” are votes cast for a losing candidate or for a winning candidate in excess of the threshold needed for victory. In any redistricting plan and map of the proposed districts, the difference between the two parties’ total wasted votes, divided by the total votes cast for the two parties, shall not exceed fifteen percent.

To promote competitiveness, the electoral performance index shall be used to simulate elections in which the hypothetical statewide vote shifts by one percent, two percent, three percent, four percent, and five percent in favor of each party. The vote in each individual district shall be assumed to shift by the same amount as the statewide vote. In each of these simulated elections, the difference between the two parties’ total wasted votes, divided by the total votes cast for the two parties, shall not exceed fifteen percent.

...

Sec. 7. Senate independent bipartisan citizens commission, appointment, duties, compensation — court actions, procedure.

...

(c) The senate independent bipartisan citizens commission shall redistrict the senate using the same methods and criteria as those required by subsection (b), section 3 of this Article for the redistricting of the house of representatives.

Sec. 45. Congressional apportionment. . . . [T]he general assembly shall by law divide the state into districts . . . composed of contiguous territory as compact and as nearly equal in population as may be.

Montana

Constitution, Article V

Sec. 14. Districting and apportionment. (1) The state shall be divided into as many districts as there are members of the house, and each district shall elect one representative. Each senate district shall be composed of two adjoining house districts, and shall elect one senator. Each district shall consist of compact and contiguous territory. All districts shall be as nearly equal in population as is practicable.

Montana Code Annotated

§ 5-1-115. Redistricting criteria.

(1) Subject to federal law, legislative and congressional districts must be established on the basis of population.

(2) In the development of legislative districts, a plan is subject to the Voting Rights Act and must comply with the following criteria, in order of importance:

(a) The districts must be as equal as practicable, meaning to the greatest extent possible, within a plus or minus 1% relative deviation from the ideal population of a district as calculated from information provided by the federal decennial census. The relative deviation may be exceeded only when necessary to keep political subdivisions intact or to comply with the Voting Rights Act.

(b) District boundaries must coincide with the boundaries of political subdivisions of the state to the greatest extent possible. The number of counties and cities divided among more than one district must be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions must be divided before the less populous, unless the boundary is drawn along a county line that passes through a city.

(c) The districts must be contiguous, meaning that the district must be in one piece. Areas that meet only at points of adjoining corners or areas separated by geographical boundaries or artificial barriers that prevent transportation within a district may not be considered contiguous.

(d) The districts must be compact, meaning that the compactness of a district is greatest when the length of the district and the width of a district are equal. A district may not have an average length greater than three times the average width unless necessary to comply with the Voting Rights Act.

(3) A district may not be drawn for the purposes of favoring a political party or an incumbent legislator or member of congress. The following data or information may not be considered in the development of a plan:

- (a) addresses of incumbent legislators or members of congress;
- (b) political affiliations of registered voters;
- (c) partisan political voter lists; or
- (d) previous election results, unless required as a remedy by a court.

Congressional and Legislative Redistricting Criteria, adopted by Districting and Apportionment Commission, May 28, 2010

I. Mandatory Criteria for Congressional Districts

1. **Population equality.** All congressional districts shall be as nearly equal in population as is practicable. (Article 1, Section 2 of the U.S. Constitution, U.S. Supreme Court cases).

II. Mandatory Criteria for Legislative Districts

1. **Population equality and maximum population deviation.** Each legislative district shall be as nearly equal in population as is practicable. (MT Constitution.) It is the goal of the Commission that each district have a population of 9,894 people for each House district and 19,788 people for each Senate district. Any deviation may not exceed plus or minus 3% from this ideal population. Each deviation will be accompanied by an explanation of the mandatory or discretionary criteria justifying such deviation. An explanation for the deviation shall be articulated and made part of the written record that accompanies each district description in the Commission report.
2. **Compact and contiguous districts.** Each district shall consist of a compact and contiguous territory. (MT Constitution). The Commission may use, but not be limited to, a general appearance test regarding compactness of the district and consider the district's functional compactness in terms of travel and transportation, communication, and geography.
3. **Protection of minority voting rights and compliance with the Voting Rights Act.** No district, plan, or proposal for a plan is acceptable if it affords members of a racial or language minority group "less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice". (42 U.S.C. 1973).

4. **Race cannot be the predominant factor to which the traditional discretionary criteria are subordinated.** (*Shaw v. Reno*, 509 U.S. 630 (1993)).

III. Discretionary Criteria for Legislative Districts

1. **Following the lines of political units.** The Commission will consider the boundary lines of counties, cities, towns, school districts, Indian reservations, neighborhood commissions, and other political units.
2. **Following geographic boundaries.** Districts lines will be drawn to follow geographic boundaries as provided in the TIGER/Line files of the U.S. Bureau of the Census.
3. **Keeping communities of interest intact.** The Commission will consider keeping communities of interest intact. Communities of interest can be based on Indian reservations, urban interests, suburban interests, rural interests, neighborhoods, trade areas, geographic location, communication and transportation networks, media markets, social, cultural, and economic interests, or occupations and lifestyles.

Nebraska

Constitution, Article III

[Sec. 5](#). . . . [A]ny county that contains population sufficient to entitle it to two or more members of the Legislature shall be divided into separate and distinct legislative districts, as nearly equal in population as may be and composed of contiguous and compact territory.

Legislative Resolution No. 102, adopted by the Nebraska Legislature, Apr. 8, 2011

. . . .

3. District boundaries shall follow county lines whenever practicable and shall define districts that are compact and contiguous as these terms have been articulated by the United States Supreme Court. If adherence to county lines causes a redistricting plan, or any aspect thereof, to be in violation of principles set forth by the United States Supreme Court in interpreting the United States Constitution, that requirement may be waived to the extent necessary to bring the plan or aspect of the plan into compliance with such principles.
4. Insofar as possible, and within the context of principles set forth by the United States Supreme Court, district boundaries shall define districts that are easily identifiable and understandable to voters and that preserve the cores of prior districts. When feasible, district boundary lines shall coincide with the boundaries of cities and villages. If a county, city, or village must be divided, the division shall be made along clearly recognizable boundaries, as described by census geography.
5. District boundaries shall not be established with the intention of favoring a political party or any other group or person.
6. In drawing district boundaries, no consideration shall be given to the political affiliations of registered voters, demographic information other than population figures, or the results of previous elections, except as may be required by the laws and Constitution of the United States.
7. District boundaries which would result in the unlawful dilution of the voting strength of any minority population shall not be established.

8. The general goal of the redistricting process shall be the creation of districts that are substantially equal in population. The specific criteria under which redistricting plans shall be judged with regard to the issue of population equality are described in Guideline 9.
9. The following criteria shall be specifically applicable to the public bodies for which the Legislature will create new district boundaries in 2011:

United States House of Representatives

- a. . . .
- b. Population among districts shall be as nearly equal as practicable, that is, with an overall range of deviation at or approaching 0%.
- c. No plan will be considered which results in an overall range of deviation in excess of 1% or a relative deviation in excess of plus or minus 0.5%, based on the ideal district population. Any deviation from absolute equality of population must be necessary to the achievement of a “legitimate state objective” as that concept has been articulated by the United States Supreme Court. To the extent that such objectives are relied on, they shall be applied consistently, and shall include, but not be limited to, the creation of compact districts, the preservation of municipal boundaries, and the preservation of the cores of prior districts. Whenever there is presented to the Legislature more than one plan that will substantially vindicate the above objectives, preference will be given to the plan that provides the greatest degree of population equality.

Legislature

- a. . . .
- b. In establishing new legislative district boundaries, the Legislature shall create districts that are as nearly equal in population as may be. No plan will be considered which results in an overall range of deviation in excess of 10% or a relative deviation in excess of plus or minus 5%, based on the ideal district population.
- c. Any deviation in excess of the above must be justifiable as necessary for the realization of a “rational state policy” as that concept has been articulated by the United States Supreme Court.
- d. If the population of any county falls within the relative deviation set forth in these guidelines, the boundaries of that county shall define a legislative district. . .

Nevada

Nevada Constitution, Article IV

§ 5. Number of Senators and members of Assembly; apportionment. . . .

It shall be the mandatory duty of the Legislature . . . after each subsequent decennial census, to fix by law the number of Senators and Assemblymen, and apportion them among the several counties of the State, or among legislative districts which may be established by law, according to the number of inhabitants in them, respectively.

Order Re: Redistricting, Guy v. Miller, No. 11-OC-42-1B (1st Jud. Dist., Carson City Sept. 21, 2011)

A. United States Congressional Districts.

....

(1) Population requirements.

[T]o meet constitutional guidelines for the four proposed United States congressional districts, each congressional district must contain precisely equal population such that the most and least populated districts vary by only one person total if any variation in population is required.

(2) Criteria to be Considered.

(a) Contiguous districts.

[T]he Special Masters shall draw districts with a goal that the borders are to be contiguous and not irregularly shaped by arbitrary distortions or non-arbitrary distortions.

(b) Political subdivisions.

[T]he Special Masters shall, to the extent practicable, draw districts with the goal of not dividing current political subdivisions (municipalities, townships, cities, counties) with district lines where it is not otherwise necessary to do so under the directives given herein.

(c) Communities of interest.

[T]he Special Masters, to the extent practicable, shall draw districts to avoid dividing groups of common social (e.g. educational backgrounds, housing patterns), economic (e.g. income levels, living conditions), cultural, or language characteristics.

(d) General appearance.

[T]he Special Masters shall seek to draw districts that are compact and as regularly shaped as possible (e.g. rectangular or circular).

(e) Incumbents.

[T]he Special Masters, to the extent practicable, shall avoid contests between incumbents.

(3) Starting Maps.

[T]he panel of Special Masters may look at the last political map, established and passed in 2001 by the Nevada State Legislature, and the SB 497 maps prepared by the 2011 Nevada State Legislature, if they wish to do so and to assist them in the starting of the redistricting process. However, they are not required to do so.

(4) Voting Rights Act requirement.

[T]he Special Masters shall determine whether the following three preconditions are met: (1) whether any minority group (i.e. Hispanics) is “sufficiently large and geographically compact to constitute a majority in a single-member district; (2) that the minority group is “politically cohesive”; and (3) in the absence of special circumstances, bloc voting by the white majority usually defeats the minority’s preferred candidate.

[I]f the Special Masters determine these three preconditions are met, then the Special Masters shall prepare a report for the Court indicating whether the totality of the circumstances supports a finding of vote dilution in violation of section 2 of the Voting Rights Act, unless the Court creates a majority-minority district.

[T]he factors the Special Masters shall consider in making its report are as follows: (a) the history of voting-related discrimination in the State or political subdivision; (b) the extent to which voting in elections of the state or political subdivision is racially polarized; (c) the extent to which the State or political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination against the minority group (e.g., unusually large election districts, majority vote requirements, and prohibitions against bullet voting); (d) the exclusion of members of the minority group from candidate slating processes; (e) the extent to which minority group members bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process; (f) the use of overt or subtle racial appeals in political campaigns; (g) the extent to which members of the minority group have been elected to public office in the jurisdiction; (h) whether there is a significant lack of responsiveness by elected officials to the needs of a minority group; and (i) whether the policy underlying the use of the voting qualification, standard, practice or procedure is tenuous.

(5) Representative fairness.

[T]he Special Masters may review the issue of representative fairness in the drawing of the maps, but are not to become enthralled in any representative, racial or partisan gerrymandering.

B. Nevada state legislative districts.

....

(1) Population requirements.

[T]he 21 state senate districts shall be as close to equal in population as is practicable, and any proposed deviation from the equal population shall be de minimis, but . . . there shall not be more than two percent population deviation from the equal population for any particular legislative district, with a goal to have one-half percent deviation or less.

[T]he 42 state assembly districts shall be as close to the equal population as is practicable, and any proposed deviation from the equal population shall be de minimis, but . . . there shall not be more than two percent population deviation from the equal population for any particular legislative district, with a goal to have one-half percent deviation or less.

(2) Criteria to be Considered.

(a) Contiguous districts.

[T]he Special Masters shall draw districts with a goal that the borders are to be contiguous and not irregularly shaped by arbitrary distortions; non- arbitrary distortions are described herein.

(b) Political subdivisions.

[T]he Special Masters shall, to the extent practicable, draw districts with the goal of not dividing current political subdivisions (e.g. cities, counties) with district lines where it is not otherwise necessary to do so under the directives given herein.

(c) Communities of interest.

[T]he Special Masters shall, to the extent practicable, draw districts to avoid dividing groups of common social (e.g. educational backgrounds, housing patterns), economic (e.g. income levels, living conditions), cultural, or language characteristics.

(d) General appearance.

[T]he Special Masters shall seek to draw districts that are compact and as regularly shaped as possible (e.g. rectangular or circular).

(e) Incumbents.

[T]he Special Masters, to the extent practicable, shall avoid contests between incumbents.

(f) Nesting.

[T]he Special Masters may consider the nesting of state assembly districts within state Senate districts.

(3) Starting map.

[T]he panel of Special Masters may look at the last political map, established and passed in 2001 by the Nevada State Legislature, and the SB 497 maps prepared by the 2011 Nevada State Legislature, if they chose to do so and to assist them in the starting of the redistricting process. However, they are not required to do so.

(4) Voting Rights Act Requirements.

[T]he Special Masters shall determine whether the following three preconditions are met: (1) Whether any minority group's (i.e. Hispanics) population is "sufficiently large and geographically compact to constitute a majority in a single-member district; (2) that the minority group is "politically cohesive"; and (3) in the absence of special circumstances, bloc voting by the white majority usually defeats the minority's preferred candidate.

[I]f the Special Masters determine these three preconditions are met, then the Special Masters shall prepare a report for the Court indicating that the preconditions are met and further reporting on whether the totality of the circumstances supports a finding of vote dilution in violation of section 2 of the Voting Rights Act, unless the Court creates a majority-minority district.

[T]he factors the Special Masters shall consider in making their report concerning the totality of the circumstances are as follows: (a) the history of voting-related discrimination in the State or political subdivision; (b) the extent to which voting in elections of the state or political subdivision is racially polarized; (c) the extent to which the State or political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination against the minority group (e.g., unusually large election districts, majority vote requirements, and prohibitions against bullet voting); (d) the exclusion of members of the minority group from candidate slating processes; (e) the extent to which minority group members bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process; (f) the use of overt or subtle racial appeals in political campaigns; (g) the extent to which members of the minority group have been elected to public office in the jurisdiction; (h) whether there is a significant lack of responsiveness by elected officials to the needs of a minority group; and (i) whether the policy underlying the use of the voting qualification, standard, practice or procedure is tenuous.

(5) Representative fairness.

[T]he Special Masters may review the issue of representative fairness in the drawing of the maps, but are not to become enthralled in any representative, racial or partisan gerrymandering.

New Hampshire

Constitution, Part Second, House of Representatives

Article 9. **Representatives Elected Every Second Year; Apportionment of Representatives.** . . . In making such apportionment, no town, ward or place shall be divided nor the boundaries thereof altered.

. . . .

Article 11. **Small Towns; Representation by Districts.** When the population of any town or ward, according to the last federal census, is within a reasonable deviation from the ideal population for one or more representative seats, the town or ward shall have its own district of one or more representative seats. The apportionment shall not deny any other town or ward membership in a non-floterial representative district. When any town, ward, or unincorporated place has fewer than the number of inhabitants necessary to entitle it to one representative, the legislature shall form those towns, wards, or unincorporated places into representative districts which contain a sufficient number of inhabitants to entitle each district so formed to one or more representatives for the entire district. In forming the districts, the boundaries of towns, wards, and unincorporated places shall be preserved and contiguous. The excess number of inhabitants of districts may be added to the excess number of inhabitants of other districts to form at-large or floterial districts conforming to acceptable deviations. . . .

Article 11-a. **Division of Town, Ward or Place; Representative Districts.** Notwithstanding Articles 9 and 11, a law providing for an apportionment to form representative districts under Articles 9 and 11 of Part Second may divide a town, ward or unincorporated place into two or more representative districts if such town, ward or place, by referendum requests such division.

Constitution, Part Second, Senate

Article 26. **Senatorial Districts, How Constituted.** And that the state may be equally represented in the senate, the legislature shall divide the state into single-member districts, as nearly equal as may be in population, each consisting of contiguous towns, city wards and unincorporated places, without dividing any town, city ward or unincorporated place. .

..

Article 26-a. **Division of Town, Ward or Place; Senatorial Districts.** Notwithstanding Article 26 or any other article, a law providing for an apportionment to form senatorial districts under Article 26 of Part Second may divide a town, ward or unincorporated place into two or more senatorial districts if such town, ward or place by referendum requests such division.

New Jersey

Constitution, Article IV

Sec. II

1. . . . Each Senate district shall be composed, wherever practicable, of one single county, and, if not so practicable, of two or more contiguous whole counties.

. . . .

3. The General Assembly shall be composed of eighty members. Each Senate district to which only one senator is apportioned shall constitute an Assembly district. Each of the remaining Senate districts shall be divided into Assembly districts equal in number to the number of senators apportioned to the Senate district. The Assembly districts shall be composed of contiguous territory, as nearly compact and equal in the number of their inhabitants as possible Unless necessary to meet the foregoing requirements, no county or municipality shall be divided among Assembly districts unless it shall contain more than one-fortieth of the total number of inhabitants of the State, and no county or municipality shall be divided among a number of Assembly districts larger than one plus the whole number obtained by dividing the number of inhabitants in the county or municipality by one-fortieth of the total number of inhabitants of the State.

New Mexico

New Mexico Statutes Annotated

§ 2-7C-3. Membership.

The house of representatives is composed of seventy members to be elected from districts that are contiguous and that are as compact as is practical and possible.

§ 2-8D-2. Membership.

The senate is composed of forty-two members to be elected from districts that are contiguous and that are as compact as is practical.

Laws 2021, chapter 79, SB 304

Section 8. **District plans—requirements and prohibitions.**

A. The committee shall develop district plans in accordance with the following provisions:

- (1) congressional districts shall be as equal in population as practicable;
- (2) state districts shall be substantially equal in population; no plans for state office will be considered that have a total deviation of more than ten percent;

- (3) the committee shall use the most recent federal decennial census data generated by the United States census bureau and may use other reliable sources of demographic data as determined by majority vote of the committee;
 - (4) proposed redistricting plans to be considered by the legislature shall not be composed of districts that split precincts;
 - (5) plans must comport with the provisions of the federal Voting Rights Act of 1965, as amended, and federal constitutional standards; plans that dilute a protected minority's voting strength are unacceptable; race may be considered in developing redistricting plans but shall not be the predominant consideration; traditional race-neutral districting principles shall not be subordinated to racial considerations;
 - (6) all redistricting plans shall use only single-member districts;
 - (7) districts shall be drawn consistent with traditional districting principles;
 - (8) districts shall be composed of contiguous precincts and shall be reasonably compact;
 - (9) to the extent feasible, districts shall be drawn in an attempt to preserve communities of interest and shall take into consideration political and geographic boundaries, including the boundaries of Indian nations, tribes and pueblos; and
 - (10) in addition, and to the extent feasible, the committee may seek to preserve the core of existing districts.
- B. The committee may incorporate suggested changes to its proposed district plans in accordance with public comments and testimony it receives, but shall not subordinate the requirements of Paragraphs (1) through (9) of Subsection A of this section in doing so.
- C. When proposing or adopting district plans, the committee shall not:
- (1) use, rely upon or reference partisan data, such as voting history or party registration data; provided that voting history in elections may be considered to ensure that the district plan complies with applicable federal law; or
 - (2) consider the voting address of candidates or incumbents, except to avoid the pairing of incumbents unless necessary to conform to other traditional districting principles.

New York

Constitution, Article III, as amended Nov. 4, 2014

§ 4. **Readjustments and reapportionments; when federal census to control.** (a) . . . No town, except a town having more than a full ratio of apportionment, and no block in a city enclosed by streets or public ways, shall be divided in the formation of senate districts. In the reapportionment of senate districts, no district shall contain a greater excess in population over an adjoining district in the same county, than the population of a town or block therein adjoining such district. Counties, towns or blocks which, from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens.

. . . .

(c) Subject to the requirements of the federal constitution and statutes and in compliance with state constitutional requirements, the following principles shall be used in the creation of state senate and state assembly districts and congressional districts:

(1) When drawing district lines, the commission shall consider whether such lines would result in the denial or abridgement of racial or language minority voting rights, and districts shall not be drawn to have the purpose of, nor shall they result in, the denial or abridgement of such rights. Districts shall be drawn so that, based on the totality of the circumstances, racial or minority language groups do not have less opportunity to participate in the political process than other members of the electorate and to elect representatives of their choice.

(2) To the extent practicable, districts shall contain as nearly as may be an equal number of inhabitants. For each district that deviates from this requirement, the commission shall provide a specific public explanation as to why such deviation exists.

(3) Each district shall consist of contiguous territory.

(4) Each district shall be as compact in form as practicable.

(5) Districts shall not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties. The commission shall consider the maintenance of cores of existing districts, of pre-existing political subdivisions, including counties, cities, and towns, and of communities of interest.

(6) In drawing senate districts, towns or blocks which, from their location may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants. The requirements that senate districts not divide counties or towns, as well as the “block-on-border” and “town-on-border” rules, shall remain in effect.

....

§ 5. Apportionment of assemblymen; creation of assembly districts. The members of the assembly shall be chosen by single districts and shall be apportioned pursuant to this section and sections four and five-b of this article at each regular session at which the senate districts are readjusted or altered, and by the same law, among the several counties of the state, as nearly as may be according to the number of their respective inhabitants, excluding aliens. . . .

....

In any county entitled to more than one member, the board of supervisors, and in any city embracing an entire county and having no board of supervisors, the common council, or if there be none, the body exercising the powers of a common council, shall assemble at such times as the legislature making an apportionment shall prescribe, and divide such counties into assembly districts as nearly equal in number of inhabitants, excluding aliens, as may be, of convenient and contiguous territory in as compact form as practicable, each of which shall be wholly within a senate district formed under the same apportionment, equal to the number of members of assembly to which such county shall be entitled

North Carolina

Constitution

Article I

Sec. 10. **Free elections.** All elections shall be free.

Sec. 12. **Right of assembly and petition.** The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances; but secret political societies are dangerous to the liberties of a free people and shall not be tolerated.

Sec. 14. **Freedom of speech and press.** Freedom of speech and of the press are two of the great bulwarks of liberty and therefore shall never be restrained, but every person shall be held responsible for their abuse.

Sec. 19. **Law of the land; equal protection of the laws.** . . . No person shall be denied the equal protection of the laws

Article II

Sec. 3. **Senate districts: apportionment of Senators.**

. . . .

(2) Each senate district shall at all times consist of contiguous territory:

(3) No county shall be divided in the formation of a senate district

Sec. 5. **Representative districts; apportionment of Representatives.**

. . . .

(2) Each representative district shall at all times consist of contiguous territory;

(3) No county shall be divided in the formation of a representative district

Stephenson v. Bartlett, No. 94PA02, *Redistricting Criteria for State House and Senate Districts*, 355 N.C. 354, 562 S.E.2d 377 (Apr. 30, 2002)

The Whole County Provision of the North Carolina Constitution must be harmonized with the one person, one vote requirement of the U.S. Constitution and the Voting Rights Act by applying the following criteria:

- (1) Draw districts required by the Voting Rights Act, complying to the extent possible with the Whole County Provision.

- (2) Make every district a single-member district, unless a multi-member district is necessary to advance a compelling governmental interest.
- (3) Keep the population of each district within plus or minus five percent of the ideal.
- (4) Take every county with the right population for a single-member district and make that county a single-member district.
- (5) Take every county with the right population for a multi-member district and divide that county internally into compact single-member districts, without involving other counties.
- (6) For a county not having the right population for any number of districts, group that county with the minimum number of other whole counties to create a cluster of counties that has the right population for a certain number of single-member districts. Then divide that cluster of counties into single-member districts, breaking county lines only to the minimum extent necessary. Within the clusters, “communities of interest should be considered in the formation of compact and contiguous districts.”

2016 Contingent Congressional Plan Committee Adopted Criteria, adopted by Joint Select Committee on Congressional Redistricting, Feb. 16, 2016

Equal Population

The Committee will use the 2010 federal decennial census data as the sole basis of population for the establishment of districts in the 2016 Contingent Congressional Plan. The number of persons in each congressional district shall be as nearly as equal as practicable, as determined under the most recent federal decennial census.

Contiguity

Congressional districts shall be comprised of contiguous territory. Contiguity by water is sufficient.

Political data

The only data other than population data to be used to construct congressional districts shall be election results in statewide contests since January 1, 2008, not including the last two presidential contests. Data identifying the race of individuals or voters shall not be used in the construction or consideration of districts in the 2016 Contingent Congressional Plan. Voting districts (“VTDs”) should be split only when necessary to comply with the zero deviation population requirements set forth above in order to ensure the integrity of political data.

Partisan Advantage

The partisan makeup of the congressional delegation under the enacted plan is 10 Republicans and 3 Democrats. The Committee shall make reasonable efforts to construct districts in the 2016 Contingent Congressional Plan to maintain the current partisan makeup of North Carolina’s congressional delegation.

Twelfth District

The current General Assembly inherited the configuration of the Twelfth District from past General Assemblies. This configuration was retained because the district had already been heavily litigated over the past two decades and ultimately approved by the courts. The Harris court has criticized the shape of the Twelfth District citing its “serpentine” nature. In light of this, the Committee shall construct districts in the 2016 Contingent Congressional Plan that eliminate the current configuration of the Twelfth District.

Compactness

In light of the Harris court’s criticism of the compactness of the First and Twelfth Districts, the Committee shall make reasonable efforts to construct districts in the 2016 Contingent Congressional Plan that improve the compactness of the current districts and keep more counties and VTDs whole as compared to the current enacted plan. Division of counties shall only be made for reasons of equalizing population, consideration of incumbency and political impact. Reasonable efforts shall be made not to divide a county into more than two districts.

Incumbency

Candidates for Congress are not required by law to reside in a district they seek to represent. However, reasonable efforts shall be made to ensure that incumbent members of Congress are not paired with another incumbent in one of the new districts constructed in the 2016 Contingent Congressional Plan.

2017 House and Senate Plans Criteria, adopted by North Carolina House and Senate Redistricting Committees, Aug. 10, 2017

Equal Population. The Committees shall use the 2010 federal decennial census data as the sole basis of population for drawing legislative districts in the 2017 House and Senate plans. The number of persons in each legislative district shall comply with the +/- 5 percent population deviation standard established by *Stephenson v. Bartlett*, 355 N.C. 354, 562 S.E. 2d 377 (2002).

Contiguity. Legislative districts shall be comprised of contiguous territory. Contiguity by water is sufficient.

County Groupings and Traversals. The Committees shall draw legislative districts within county groupings as required by *Stephenson v. Bartlett*, 355 N.C. 354, 562 S.E. 2d 377 (2002) (*Stephenson I*), *Stephenson v. Bartlett*, 357 N.C. 301, 582 S.E.2d 947 (2003) (*Stephenson II*), *Dickson v. Rucho*, 367 N.C. 542, 766 S.E.2d 238 (2014) (*Dickson I*) and *Dickson v. Rucho*, 368 N.C. 481, 781 S.E.2d 460 (2015) (*Dickson II*). Within county groupings, county lines shall not be traversed except as authorized by *Stephenson I*, *Stephenson II*, *Dickson I*, and *Dickson II*.

Compactness. The Committees shall make reasonable efforts to draw legislative districts in the 2017 House and Senate plans that improve the compactness of the current districts. In doing so, the Committees may use as a guide the minimum Reock (“dispersion”) and Polsby-Popper (“perimeter”) scores identified by Richard H. Pildes and Richard G. Neimi in *Expressive Harms, “Bizarre Districts,” and Voting Rights: Evaluating Election- District Appearances After Shaw v. Reno*, 92 Mich. L. Rev. 483 (1993).

Fewer Split Precincts. The Committees shall make reasonable efforts to draw legislative districts in the 2017 House and Senate plans that split fewer precincts than the current legislative redistricting plans.

Municipal Boundaries. The Committees may consider municipal boundaries when drawing legislative districts in the 2017 House and Senate plans.

Incumbency Protection. Reasonable efforts and political considerations may be used to avoid pairing incumbent members of the House or Senate with another incumbent in legislative districts drawn in the 2017 House and Senate plans. The Committees may make reasonable efforts to ensure voters have a reasonable opportunity to elect non- paired incumbents of either party to a district in the 2017 House and Senate plans.

Election Data. Political considerations and election results data may be used in the drawing of legislative districts in the 2017 House and Senate plans.

No Consideration of Racial Data. Data identifying the race of individuals or voters shall not be used in the drawing of legislative districts in the 2017 House and Senate plans.

Common Cause v. Lewis, No. 18 CVS 014001, Judgment, slip op. at 355 (N.C. Super. Ct. Wake County, Sept. 3, 2019)

5(h) *Election Data.* Partisan considerations and election results data *shall not* be used in the drawing of legislative districts in the Remedial Maps.

North Dakota

Constitution, Article IV

Sec. 2. The legislative assembly shall fix the number of senators and representatives and divide the state into as many senatorial districts of compact and contiguous territory as there are senators. . . . A senator and at least two representatives must be apportioned to each senatorial district and be elected at large or from subdistricts from those districts. The legislative assembly may combine two senatorial districts only when a single member senatorial district includes a federal facility or federal installation, containing over two-thirds of the population of a single member senatorial district, and may provide for the election of senators at large and representatives at large or from subdistricts from those districts.

North Dakota Statutes,

[§ 54-03-01.5](#) **Legislative redistricting requirements.**

2. Except as provided in subsection 3, one senator and two representatives must be apportioned to each senatorial district. Representatives may be elected at large or from subdistricts.

3. Multimember senate districts providing for two senators and four representatives are authorized only when a proposed single-member senatorial district includes a federal facility or federal installation, containing over two-thirds of the population of the proposed single-member senatorial district.

4. Legislative districts and subdistricts must be compact and of contiguous territory.

5. Legislative districts must be as nearly equal in population as is practicable. Population deviation from district to district must be kept at a minimum. The total population variance of all districts, and subdistricts if created, from the average district population may not exceed recognized constitutional limitations.

Ohio

Constitution, as amended May 8, 2018

Article XI

Sec. 3. [Effective Until 1/1/2021] Population of each house of representatives district.

The population of each house of representatives district shall be substantially equal to the ratio of representation in the house of representatives, as provided in section 2 of this Article, and in no event shall any house of representatives district contain a population of less than ninety-five per cent nor more than one hundred five per cent of the ratio of representation in the house of representatives, except in those instances where reasonable effort is made to avoid dividing a county in accordance with section 9 of this Article.

Sec. 3*. [Effective 1/1/2021] Requirements for drawing House of Representatives districts.

(A) The whole population of the state, as determined by the federal decennial census or, if such is unavailable, such other basis as the general assembly may direct, shall be divided by the number “ninety-nine” and by the number “thirty-three” and the quotients shall be the ratio of representation in the house of representatives and in the senate, respectively, for ten years next succeeding such redistricting.

(B) A general assembly district plan shall comply with all of the requirements of division (B) of this section.

(1) The population of each house of representatives district shall be substantially equal to the ratio of representation in the house of representatives, and the population of each senate district shall be substantially equal to the ratio of representation in the senate, as provided in division (A) of this section. In no event shall any district contain a population of less than ninety-five per cent nor more than one hundred five per cent of the applicable ratio of representation.

(2) Any general assembly district plan adopted by the commission shall comply with all applicable provisions of the constitutions of Ohio and the United States and of federal law.

(3) Every general assembly district shall be composed of contiguous territory, and the boundary of each district shall be a single nonintersecting continuous line.

(C) House of representatives districts shall be created and numbered in the following order of priority, to the extent that such order is consistent with the foregoing standards:

(1) Proceeding in succession from the largest to the smallest, each county containing population greater than one hundred five per cent of the ratio of representation in the house of representatives shall be divided into as many house of representatives districts as it has whole ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining house of representatives district.

(2) Each county containing population of not less than ninety-five per cent of the ratio of representation in the house of representatives nor more than one hundred five per cent of the ratio shall be designated a representative district.

(3) The remaining territory of the state shall be divided into representative districts by combining the areas of counties, municipal corporations, and townships. Where feasible, no county shall be split more than once.

(D)(1)(a) Except as otherwise provided in divisions (D)(1)(b) and (c) of this section, a county, municipal corporation, or township is considered to be split if any contiguous portion of its territory is not contained entirely within one district.

(b) If a municipal corporation or township has territory in more than one county, the contiguous portion of that municipal corporation or township that lies in each county shall be considered to be a separate municipal corporation or township for the purposes of this section.

(c) If a municipal corporation or township that is located in a county that contains a municipal corporation or township that has a population of more than one ratio of representation is split for the purpose of complying with division (E)(1)(a) or (b) of this section, each portion of that municipal corporation or township shall be considered to be a separate municipal corporation or township for the purposes of this section.

(2) Representative districts shall be drawn so as to split the smallest possible number of municipal corporations and townships whose contiguous portions contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.

(3) Where the requirements of divisions (B), (C), and (D) of this section cannot feasibly be attained by forming a representative district from whole municipal corporations and townships, not more than one municipal corporation or township may be split per representative district.

(E)(1) If it is not possible for the commission to comply with all of the requirements of divisions (B), (C), and (D) of this section in drawing a particular representative district, the commission shall take the first action listed below that makes it possible for the commission to draw that district:

(a) Notwithstanding division (D)(3) of this section, the commission shall create the district by splitting two municipal corporations or townships whose contiguous portions do not contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.

(b) Notwithstanding division (D)(2) of this section, the commission shall create the district by splitting a municipal corporation or township whose contiguous portions contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.

(c) Notwithstanding division (C)(2) of this section, the commission shall create the district by splitting, once, a single county that contains a population of not less than ninety-five per cent of the ratio of representation, but not more than one hundred five per cent of the ratio of representation.

(d) Notwithstanding division (C)(1) of this section, the commission shall create the district by including in two districts portions of the territory that remains after a county that contains a population of more than one hundred five per cent of the ratio of representation has been divided into as many house of representatives districts as it has whole ratios of representation.

(2) If the commission takes an action under division (E)(1) of this section, the commission shall include in the general assembly district plan a statement explaining which action the commission took under that division and the reason the commission took that action.

(3) If the commission complies with divisions (E)(1) and (2) of this section in drawing a district, the commission shall not be considered to have violated division (C)(1), (C)(2), (D)(2), or (D)(3) of this section, as applicable, in drawing that district, for the purpose of an analysis under division (D) of Section 9 of this article.

....

Sec. 4*. [Effective 1/1/2021] Requirements for drawing Senate districts.

(A) Senate districts shall be composed of three contiguous house of representatives districts.

(B)(1) A county having at least one whole senate ratio of representation shall have as many senate districts wholly within the boundaries of the county as it has whole senate ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining senate district.

(2) Counties having less than one senate ratio of representation, but at least one house of representatives ratio of representation, shall be part of only one senate district.

(3) If it is not possible for the commission to draw representative districts that comply with all of the requirements of this article and that make it possible for the commission to comply with all of the requirements of divisions (B)(1) and (2) of this section, the commission shall draw senate districts so as to commit the fewest possible violations of those divisions. If the commission complies with this division in drawing senate districts, the commission shall not be considered to have violated division (B)(1) or (2) of this section, as applicable, in drawing those districts, for the purpose of an analysis under division (D) of Section 9 of this article.

(C) The number of whole ratios of representation for a county shall be determined by dividing the population of the county by the ratio of representation in the senate determined under division (A) of Section 3 of this article.

(D) Senate districts shall be numbered from one through thirty-three and as provided in Section 5 of this article.

Sec. 5*. [Effective 1/1/2021] Changes in boundaries of Senate districts.

At any time the boundaries of senate districts are changed in any general assembly district plan made pursuant to any provision of this article, a senator whose term will not expire within two years of the time the plan becomes effective shall represent, for the remainder of the term for which the senator was elected, the senate district that contains the largest portion of the population of the district from which the senator was elected, and the district shall be given the number of the district from which the senator was elected. If more than one senator whose term will not so expire would represent the same district by following the provisions of this section, the plan shall designate which senator shall represent the district and shall designate which district the other senator or senators shall represent for the balance of their term or terms.

Sec. 6. [Effective Until 1/1/2021] Creation of district boundaries; change at end of decennial period.

. . . District boundaries shall be created by using the boundaries of political subdivisions and city wards as they exist at the time of the federal decennial census on which the apportionment is based, or such other basis as the general assembly has directed.

Sec. 6*. [Effective 1/1/2021] **Additional district standards.**

The Ohio redistricting commission shall attempt to draw a general assembly district plan that meets all of the following standards:

- (A) No general assembly district plan shall be drawn primarily to favor or disfavor a political party.
- (B) The statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party shall correspond closely to the statewide preferences of the voters of Ohio.
- (C) General assembly districts shall be compact.

Nothing in this section permits the commission to violate the district standards described in Section 2, 3, 4, 5, or 7 of this article.

Sec. 7. [Effective Until 1/1/2021] **Boundary lines of house of representatives districts.**

(A) Every house of representatives district shall be compact and composed of contiguous territory, and the boundary of each district shall be a single nonintersecting continuous line. To the extent consistent with the requirements of section 3 of this Article, the boundary lines of districts shall be so drawn as to delineate an area containing one or more whole counties.

(B) Where the requirements of section 3 of this Article cannot feasibly be attained by forming a district from a whole county or counties, such district shall be formed by combining the areas of governmental units giving preference in the order named to counties, townships, municipalities, and city wards.

(C) Where the requirements of section 3 of this Article cannot feasibly be attained by combining the areas of governmental units as prescribed in division (B) of this section, only one such unit may be divided between two districts, giving preference in the selection of a unit for division to a township, a city ward, a city, and a village in the order named.

(D) In making a new apportionment, district boundaries established by the preceding apportionment shall be adopted to the extent reasonably consistent with the requirements of section 3 of this Article.

Sec. 7* [Effective 1/1/2021] **Political subdivision boundaries to be used.**

Notwithstanding the fact that boundaries of counties, municipal corporations, and townships within a district may be changed, district boundaries shall be created by using the boundaries of counties, municipal corporations, and townships as they exist at the time of the federal decennial census on which the redistricting is based, or, if unavailable, on such other basis as the general assembly has directed.

Sec. 8. [Effective until 1/1/2021] Determination of number of House of Representatives districts within each county.

A county having at least one House of Representatives ratio of representation shall have as many House of Representatives districts wholly within the boundaries of the county as it has whole ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining House of Representatives district.

The number of whole ratios of representation for a county shall be determined by dividing the population of the county by the ratio of representation for the House of Representatives determined under section 2 of this Article.

Sec. 9. [Effective Until 1/1/2021] When population of county is fraction of ratio of representation.

In those instances where the population of a county is not less than ninety per cent nor more than one hundred ten per cent of the ratio of representation in the house of representatives, reasonable effort shall be made to create a house of representatives district consisting of the whole county.

Sec. 10. [Effective Until 1/1/2021] Creation and numbering of house of representatives districts.

The standards prescribed in sections 3, 7, 8, and 9 of this Article shall govern the establishment of house of representatives districts, which shall be created and numbered in the following order to the extent that such order is consistent with the foregoing standards:

(A) Each county containing population substantially equal to one ratio of representation in the house of representatives, as provided in section 2 of this Article, but in no event less than ninety-five per cent of the ratio nor more than one hundred five per cent of the ratio shall be designated a representative district.

(B) Each county containing population between ninety and ninety-five per cent of the ratio or between one hundred five and one hundred ten per cent of the ratio may be designated a representative district.

(C) Proceeding in succession from the largest to the smallest, each remaining county containing more than one whole ratio of representation shall be divided into house of representatives districts. Any remaining territory within such county containing a fraction of one whole ratio of representation shall be included in one representative district by combining it with adjoining territory outside the county.

(D) The remaining territory of the state shall be combined into representative districts.

Sec. 11. [Repealed on 1/1/2021] Senate districts.

Senate districts shall be composed of three contiguous house of representatives districts. A county having at least one whole senate ratio of representation shall have as many senate districts wholly within the boundaries of the county as it has whole senate ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining senate district. Counties having less than one senate ratio of representation, but at least one house of representatives ratio of representation shall be part of only one senate district.

The number of whole ratios of representation for a county shall be determined by dividing the population of the county by the ratio of representation in the senate determined under section 2 of this Article.

Senate districts shall be numbered from one through thirty-three and as provided in section 12 of this Article.

Article XIX

Section 1. (A) Except as otherwise provided in this section, the general assembly shall be responsible for the redistricting of this state for congress

Not later than the last day of September of a year ending in the numeral one, the general assembly shall pass a congressional district plan in the form of a bill by the affirmative vote of three-fifths of the members of each house of the general assembly, including the affirmative vote of at least one-half of the members of each of the two largest political parties represented in that house. A congressional district plan that is passed under this division and becomes law shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(B) If a congressional district plan is not passed not later than the last day of September of a year ending in the numeral one and filed with the secretary of state in accordance with Section 16 of Article II of this constitution, then the Ohio redistricting commission described in Article XI of this constitution shall adopt a congressional district plan not later than the last day of October of that year by the affirmative vote of four members of the commission, including at least two members of the commission who represent each of the two largest political parties represented in the general assembly. The plan shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(C)(1) If the Ohio redistricting commission does not adopt a plan not later than the last day of October of a year ending in the numeral one, then the general assembly shall pass a congressional district plan in the form of a bill not later than the last day of November of that year.

(2) If the general assembly passes a congressional district plan under division (C)(1) of this section by the affirmative vote of three-fifths of the members of each house of the general assembly, including the affirmative vote of at least one-third of the members of each of the two largest political parties represented in that house, and the plan becomes law, the plan shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(3) If the general assembly passes a congressional district plan under division (C)(1) of this section by a simple majority of the members of each house of the general assembly, and not by the vote described in division (C)(2) of this section, all of the following shall apply:

(a) The general assembly shall not pass a plan that unduly favors or disfavors a political party or its incumbents.

(b) The general assembly shall not unduly split governmental units, giving preference to keeping whole, in the order named, counties, then townships and municipal corporations.

(c) Division (B)(2) of Section 2 of this article shall not apply to the plan. The general assembly shall attempt to draw districts that are compact.

. . . .

(F)(1) If the Ohio redistricting commission does not adopt a congressional district plan not later than the last day of October of the year after the year in which a plan expires under division (C) (3)(e) of this section, then the general assembly shall pass a congressional district plan in the form of a bill not later than the last day of November of that year.

....

(2) If the general assembly passes a congressional district plan under division (F)(1) of this section by the affirmative vote of three-fifths of the members of each house, including the affirmative vote of at least one-third of the members of each of the two largest political parties represented in that house, and the plan becomes law, it shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(3) If the general assembly passes a congressional district plan under division (F)(1) of this section by a simple majority vote of the members of each house of the general assembly, and not by the vote described in division (F)(2) of this section, all of the following shall apply:

(a) The general assembly shall not pass a plan that unduly favors or disfavors a political party or its incumbents.

(b) The general assembly shall not unduly split governmental units, giving preference to keeping whole, in the order named, counties, then townships and municipal corporations.

(c) Division (B)(2) of Section 2 of this article shall not apply to the plan. The general assembly shall attempt to draw districts that are compact.

....

Sec. 2. ...

....

(B) A congressional district plan shall comply with all of the following requirements:

(1) The plan shall comply with all applicable provisions of the constitutions of Ohio and the United States and of federal law, including federal laws protecting racial minority voting rights.

(2) Every congressional district shall be compact.

(3) Every congressional district shall be composed of contiguous territory, and the boundary of each district shall be a single nonintersecting continuous line.

(4) Except as otherwise required by federal law, in a county that contains a population that exceeds the congressional ratio of representation, the authority drawing the districts shall take the first of the following actions that applies to that county:

(a) If a municipal corporation or township located in that county contains a population that exceeds the congressional ratio of representation, the authority shall attempt to include a significant portion of that municipal corporation or township in a single district and may include in that district other municipal corporations or townships

that are located in that county and whose residents have similar interests as the residents of the municipal corporation or township that contains a population that exceeds the congressional ratio of representation. In determining whether the population of a municipal corporation or township exceeds the congressional ratio of representation for the purpose of this division, if the territory of that municipal corporation or township completely surrounds the territory of another municipal corporation or township, the territory of the surrounded municipal corporation or township shall be considered part of the territory of the surrounding municipal corporation or township.

(b) If one municipal corporation or township in that county contains a population of not less than one hundred thousand and not more than the congressional ratio of representation, that municipal corporation or township shall not be split. If that county contains two or more such municipal corporations or townships, only the most populous of those municipal corporations or townships shall not be split.

(5) Of the eighty-eight counties in this state, sixty-five counties shall be contained entirely within a district, eighteen counties may be split not more than once, and five counties may be split not more than twice. The authority drawing the districts may determine which counties may be split.

(6) If a congressional district includes only part of the territory of a particular county, the part of that congressional district that lies in that particular county shall be contiguous within the boundaries of the county.

(7) No two congressional districts shall share portions of the territory of more than one county, except for a county whose population exceeds four hundred thousand.

(8) The authority drawing the districts shall attempt to include at least one whole county in each congressional district. This division does not apply to a congressional district that is contained entirely within one county or that cannot be drawn in that manner while complying with federal law.

(C)(1) Except as otherwise provided in division (C)(2) of this section, for purposes of this article, a county, municipal corporation, or township is considered to be split if, based on the census data used for the purpose of redistricting, any contiguous portion of its territory is not contained entirely within one district.

(2) If a municipal corporation or township has territory in more than one county, the contiguous portion of that municipal corporation or township that lies in each county shall be considered to be a separate municipal corporation or township for purposes of this section.

Oklahoma

Constitution, Article 5

Sec. 9A. Senatorial districts - Tenure. . . . In apportioning the State Senate, consideration shall be given to population, compactness, area, political units, historical precedents, economic and political interests, contiguous territory, and other major factors, to the extent feasible. . . .

2011 Guidelines for Redistricting, adopted by the House of Representatives Redistricting Committee, Feb. 14, 2011

1. A. The House Redistricting Committee will strive to make all legislative and congressional plans fair and reasonable with regard to population, minority, ethnic and political groups.
 - B. Districts will be drawn to be numerically as equal in population as possible, using the following percentages:
 - i. The House district plan must have an overall range of no more than 6% (+/-3%). No individual district boundary shall deviate more than 6% (+/-3%), unless it is in consideration of a political boundary (e.g., a municipal boundary).
 - ii. The congressional district plan must have an overall range of no more than 1% (+/-0.5%). This shall be considered a guideline. The House Redistricting Committee will strive for the accepted standard of “as nearly equal in population as practicable.”
2. Whenever possible, county and municipal boundaries which are *on physical features* will be considered for district boundaries, in order to preserve the integrity of existing political subdivisions.
3. As required by law, districts will be drawn to be contiguous. Compactness of districts will be a consideration; however, population and geographic requirements will take precedence should a conflict arise.
4. Where possible, consideration shall be given to preserving long-standing communities of interest based on social, cultural, ethnic, and economic similarities.
5. In addition, the House Redistricting Committee may seek to preserve the core of existing districts, and may consider the residence of incumbents.

Oregon

Constitution, Article IV

Sec. 6. Apportionment of Senators and Representatives; operative date. (1) . . . A senatorial district shall consist of two representative districts.

Sec. 7. Senatorial districts; senatorial and representative subdistricts. A senatorial district, when more than one county shall constitute the same, shall be composed of contiguous counties, and no county shall be divided in creating such senatorial districts. Senatorial or representative districts comprising not more than one county may be divided into subdistricts from time to time by law. Subdistricts shall be composed of contiguous territory within the district; and the ratios to population of senators or representatives, as the case may be, elected from the subdistricts, shall be substantially equal within the district.

[**Note:** The Oregon Supreme Court has ruled that election districts must be changed without regard to county lines in order to comply with the U.S. Constitution. *Hovet v. Myers*, 260 Ore. 152, 489 P.2d 684 (1971).]

Oregon Revised Statutes

§ 188.010. **Criteria for apportionment of state into congressional and legislative districts.** The Legislative Assembly or the Secretary of State, whichever is applicable, shall consider the following criteria when apportioning the state into congressional and legislative districts:

- (1) Each district, as nearly as practicable, shall:
 - (a) Be contiguous;
 - (b) Be of equal population;
 - (c) Utilize existing geographic or political boundaries;
 - (d) Not divide communities of common interest; and
 - (e) Be connected by transportation links.
- (2) No district shall be drawn for the purpose of favoring any political party, incumbent legislator or other person.
- (3) No district shall be drawn for the purpose of diluting the voting strength of any language or ethnic minority group.
- (4) Two state House of Representative districts shall be wholly included within a single state senatorial district.

Pennsylvania*Constitution, Article II*

Sec. 16. Legislative Districts. [S]enatorial and . . . representative districts . . . shall be composed of compact and contiguous territory as nearly equal in population as practicable. . . . Unless absolutely necessary, no county, incorporated town, borough, township or ward shall be divided in forming either a senatorial or representative district.

League of Women Voters of Pa. v. Pa., No. 159 MM 2017, Order, slip op. at 3 (Pa. Jan. 22, 2018)

[A]ny congressional districting plan shall consist of: congressional districts composed of compact and contiguous territory; as nearly equal in population as practicable; and which do not divide any county, city, incorporated town, borough, township, or ward, except where necessary to ensure equality of population.

Rhode Island*Constitution, Article VII*

Section 1. **Composition.** . . . The house of representatives shall be constituted on the basis of population and the representative districts shall be as nearly equal in population and as compact in territory as possible.

Constitution, Article VIII

Section 1. **Composition.** . . . The senate shall be constituted on the basis of population and the senatorial districts shall be as nearly equal in population and as compact in territory as possible.

*Laws 2011, chapter 106*Sec. 2. **Reapportionment standards.**

- (a) All districts shall be single member districts.
- (b) Congressional and state legislative districts shall comply with all requirements of the United States Constitution. All state legislative districts shall comply with all requirements of the United States Constitution and of the Rhode Island Constitution, and recognize pertinent or applicable federal legislation and court precedent.
- (c) Congressional and state legislative districts shall be as nearly equal in population as possible, and:
 - (1) In no case shall congressional districts vary in population by more than one percent (1%) from each other as determined by the population reported in the federal census in 2010; and
 - (2) In no case shall a single state senate district have a population which varies by more than five percent (5%) from the average population of all senate districts as determined by the population reported in the federal census in 2010, and in no case shall a single state representative district have a population which varies by more than five percent (5%) from the average population of all representative districts as determined by the population reported in the federal census in 2010.
- (d) Congressional and state legislative districts shall be as compact in territory as possible and, to the extent practicable, shall reflect natural, historical, geographical and municipal and other political lines, as well as the right of all Rhode Islanders to fair representation and equal access to the political process.
- (e) To the extent practicable, congressional and state legislative districts shall be composed of contiguous territory.
- (f) To the extent practicable, the commission should endeavor to avoid the division of state representative districts in the formation of state senate districts and the division of state senate districts in the formation of United States congressional districts in any manner which would result in the creation of voting districts composed of fewer than one hundred (100) potential voters.

South Carolina

2011 Redistricting Guidelines, adopted by Senate Judiciary Committee, Apr. 13, 2011

I. Requirements of Federal Law

A. Population equality

1. Legislative districts

The Fourteenth Amendment to the U.S. Constitution requires an honest and good faith effort to construct legislative districts as nearly of equal population as is practicable. The good faith effort required by the Fourteenth Amendment does not preclude the pursuit of legitimate redistricting policies such as making districts compact, respecting political subdivision boundaries, preserving the cores of prior districts, and avoiding contests between incumbent legislators. Any redistricting plan with population deviation ranges of greater than ten percent (10%) between the most-populous and least-populous districts is presumptively unlawful unless the good faith effort required by the Constitution is proven. So that the State may avoid assuming this additional burden under federal law, population deviations of individual districts shall be within plus (+) or minus (-) of five percent (5%) of the ideal population and within an overall range of less than ten percent (10%). This guideline does not affect the requirement of an honest and good faith effort to construct districts as nearly of equal population as is practicable.

2. Congressional districts

Under the apportionment clause of Article I, Section 2 of the U.S. Constitution, any population deviation among congressional districts, no matter how small, must be justified through a showing that the specific deviation is required by legitimate redistricting policies such as making districts compact, respecting political subdivision boundaries, preserving the cores of prior districts, and avoiding contests between incumbent Representatives. So that the State may avoid assuming this additional burden under federal law, a congressional redistricting plan should not have population deviations greater than one (1) person.

B. Voting rights. A redistricting plan for the General Assembly or Congress must not have either the purpose or the effect of diluting minority voting strength and must otherwise comply with Sections 2 and 5 of the Voting Rights Act and the Fourteenth and Fifteenth Amendments to the U.S. Constitution.

C. Avoidance of racial gerrymandering. All plans must comply with the Fourteenth Amendment to the U.S. Constitution, as interpreted by the United States Supreme Court in *Shaw v. Reno* and subsequent cases. Under those cases, while consideration of race is permissible, race must not be the predominant factor in that race-neutral considerations are subordinated to racial considerations, unless that subordination is narrowly tailored to serve a compelling state interest.

II. Contiguity

All legislative and congressional districts should be composed of contiguous geography. Contiguity by water is acceptable to link territory within a district provided that there is a reasonable opportunity to access all parts of the district and the linkage is designed to meet the other criteria stated herein. Point-to-point contiguity is acceptable so long as adjacent districts do not use the same vertex as points of transversal.

III. Additional Considerations

Other criteria that should be given consideration, where practical and appropriate, in no particular order of preference, are:

A. Communities of Interest

B. Constituent Consistency

C. Not Dividing County Boundaries

D. Not dividing Municipal Boundaries

E. Voting Precinct Boundaries. Voting precinct boundaries are represented by the Census Bureau's Voting Tabulation District (VTD) lines. Both existing lines and pending precinct boundary realignments should be considered. If precincts are split, every effort should be made to divide precincts along recognizable and demonstrable boundaries.

F. District Compactness. In determining the relative compactness of a district, consideration should be given to geography, demography, communities of interest, and the extent to which parts of the district are joined by roads, media outlets, or other means for constituents to communicate effectively with each other and with their representative.

2011 Guidelines and Criteria for Congressional and Legislative Redistricting, adopted by House of Representatives Judiciary Committee, Election Laws Subcommittee

I. Constitutional Law

Redistricting plans shall comply with the United States Constitution and the opinions of the United States Supreme Court.

II. Voting Rights Act

Redistricting plans shall comply with the Voting Rights Act of 1965, as amended. Pursuant to the Voting Rights Act of 1965, and in accordance with the opinions of the Supreme Court, race may be a factor considered in the creation of redistricting plans, but it must not be the predominant factor motivating the legislature's decisions concerning the redistricting plan and must not unconstitutionally predominate over other criteria set forth in these guidelines. The dilution of racial or ethnic minority voting strength is contrary to the laws of the United States and of the State of South Carolina, and also is against the public policy of this state. Accordingly, these criteria are subordinate to the Voting Rights Act of 1965, as amended, and the laws of the United States or of the State of South Carolina. Any proposed redistricting plan that is demonstrated to have the intent or effect of dispersing or concentrating minority population in a manner that prevents minorities from electing their candidates of choice will neither be accepted nor approved.

III. State Constitution and Laws

Except as otherwise required by the Constitution and laws of the United States, redistricting plans also shall comply with the South Carolina Constitution and the laws of this state.

IV. Equal Population/Deviation

- a. The population of the Congressional and legislative districts will be determined based solely on the enumeration of the 2010 federal decennial census pursuant to the United States Constitution, Article I, Section 2.
- b. The number of persons in Congressional districts shall be nearly equal as is practicable. The ideal population for Congressional districts shall be 660,766. In every case, efforts shall be made to achieve strict equality or produce the lowest overall range of deviation possible when taking into consideration geographic limitations.
- c. The ideal population for a South Carolina House of Representatives district shall be 37,301. In every case, efforts should be made to limit the overall range of deviation from the ideal population to less than five percent, or a relative deviation in excess of plus or minus two and one-half percent for each South Carolina House district. Nevertheless, any overall deviation greater than five percent from equality of population among South Carolina House districts shall be justified when it is the result of geographic limitations, the promotion of a constitutionally permissible state policy, or to otherwise comply with the criteria identified in these guidelines.

V. Contiguity

Congressional and legislative districts shall be comprised of contiguous territory. Contiguity by water is sufficient. Areas which meet only at the points of adjoining corners shall not be considered contiguous.

VI. Compactness

Congressional and legislative districts shall be compact in form and shall follow census geography. Bizarre shapes are to be avoided except when required by one or more of the following factors: (a) census geography; (b) efforts to achieve equal population, as is practicable; or (c) efforts to comply with the Voting Rights Act of 1965, as amended. Compactness may require the division of population concentrations when to do otherwise would mean dramatically altering the character of a district or would require tortuous configuration of an adjoining district.

Compactness will be judged in part by the configuration of prior plans. Particular reference will be made to prior plans implemented after the 2000 census because these configurations more accurately reflect the present realities imposed by the state's most recent ongoing population shifts. Compactness will not be judged based upon any mathematical, statistical, or formula-based calculation or determination.

VII. Communities of Interest

Communities of interest shall be considered in the redistricting process. A variety of factors may contribute to a community of interest including, but not limited to the following: (a) economic; (b) social and cultural; (c) historic influences; (d) political beliefs; (e) voting behavior; (f) governmental services; (g) commonality of communications; and (h) geographic location and features. Communities of interest shall be considered and balanced by the Election Laws Subcommittee, the House Judiciary Committee, and the South Carolina House of Representatives. County boundaries, municipality boundaries, and precinct lines (as represented by the Census Bureau's Voting Tabulation District lines) may be considered as evidence of communities of interest to be balanced, but will be given no greater weight, as a matter of state policy, than other identifiable communities of interest.

It is possible that competing communities of interest will be identified during the redistricting process. Although it may not be possible to accommodate all communities of interests, the Election Laws Subcommittee, the House Judiciary Committee, and the South Carolina House of Representatives will attempt to accommodate diverse communities of interest to the extent possible.

VIII. Incumbency Protection

Incumbency protection shall be considered in the reapportionment process. Reasonable efforts shall be made to ensure that incumbent legislators remain in their current districts. Reasonable efforts shall be made to ensure that incumbent legislators are not placed into districts where they will be compelled to run against other incumbent members of the South Carolina House of Representatives.

IX. Priority Of Criteria

- a. In establishing congressional and legislative districts, all criteria identified in these guidelines shall be considered. However, if there is a conflict among the requirements of these guidelines, the Voting Rights Act of 1965 (as amended), equality of population among districts, and the United States Constitution shall be given priority.
- b. If application of the criteria set forth in these guidelines will cause a violation of applicable constitutional, federal, or state law, and there is no other way to conform to the criteria without a violation of law, deviations from the criteria are permitted. However, any deviation from the criteria shall not be any more than necessary to avoid the violation of law, and the remainder of the redistricting plan shall remain faithful to the criteria.

South Dakota

Constitution, Article III

Sec. 5. Legislative reapportionment. . . . House districts shall be established wholly within senatorial districts and shall be either single-member or dual-member districts as the Legislature shall determine. Legislative districts shall consist of compact, contiguous territory and shall have population as nearly equal as is practicable, based on the last preceding federal census.

South Dakota Codified Laws

§ 2-2-41. Legislative policy in redistricting. The Legislature, in making the 2011 redistricting, determines, as a matter of policy, that the following principles are of primary significance:

- (1) Adherence to standards of population deviance as established by judicial precedent and to standards of population deviance as prescribed by S.D. Const., Art. III, § 5;
- (2) Protection of communities of interest by means of compact and contiguous districts;
- (3) Respect for geographical and political boundaries; and
- (4) Protection of minority voting rights consistent with the United States Constitution, the South Dakota Constitution, and federal statutes, as interpreted by the United States Supreme Court and other courts with jurisdiction.

Tennessee

Tennessee Code Annotated

§ 3-1-102. State senatorial districts.

....

(e) It is the legislative intent that all senate districts shall be contiguous and, toward that end, if any voting district or other geographical entity designated as a portion of a senate district is found to be noncontiguous with the larger portion of the senate district, it shall be constituted a portion of the senate district smallest in population to which it is contiguous.

....

(i) It is the intention of the general assembly in passing a plan apportioning the state senatorial districts to do so in a manner which complies with the constitutional mandates of the United States Constitution and the Constitution of Tennessee and applicable judicial decisions.

§ 3-1-103. State representative districts.

....

(b) It is the intention of the general assembly that:

(1) Each district be represented by a single member;

(2) Districts must be substantially equal in population in accordance with constitutional requirements for “one (1) person one (1) vote”;

(3) Geographic areas, boundaries and population counts used for redistricting shall be based on the 2000 federal decennial census;

(4) Districts must be contiguous and contiguity by water is sufficient and, toward that end, if any voting district or other geographical entity designated as a portion of a district is found to be noncontiguous with the larger portion of such district, it shall be constituted a portion of the district smallest in population to which it is contiguous;

(5) No more than thirty (30) counties may be split to attach to other counties or parts of counties to form multi-county districts; and

(6) The redistricting plan will comply with the Voting Rights Act and the fourteenth and fifteenth amendments to the United States Constitution.

Texas

Constitution, Article III

Sec. 25. Senatorial Districts. The State shall be divided into Senatorial Districts of contiguous territory, and each district shall be entitled to elect one Senator.

Sec. 26. Apportionment of Members of House of Representatives. The members of the House of Representatives shall be apportioned among the several counties, according to the number of population in each, as nearly as may be, on a ratio obtained by dividing the population of the State, as ascertained by the most recent United States census, by the number of members of which the House is composed; provided, that whenever a single county has sufficient population to be entitled to a Representative, such county shall be formed into a separate Representative District, and when two or more counties are required to make up the ratio of representation, such counties shall be contiguous to each other; and when any one county has more than sufficient population to be entitled to one or more Representatives, such Representative or Representatives shall be apportioned to such county, and for any surplus of population it may be joined in a Representative District with any other contiguous county or counties.

Utah

Constitution, Article IX

Section 1. Dividing the state into districts.

No later than the annual general session next following the Legislature's receipt of the results of an enumeration made by the authority of the United States, the Legislature shall divide the state into congressional, legislative, and other districts accordingly.

Utah Code, Title 20A, Election Code

20A-20-302. Selection of recommended maps — Map requirements and standards.

...

- (4) The commission shall ensure that:
 - (a) each map recommended by the commission:
 - (i) is drawn using the official population enumeration of the most recent decennial census;
 - (ii) for congressional districts, has a total population deviation that does not exceed 1%;
 - (iii) for Senate, House of Representatives, and State School Board districts, has a total population deviation of less than 10%;
 - (iv) does not use race as a predominant factor in drawing district lines; and

-
- (v) complies with the United States Constitution and all applicable federal laws, including Section 2 of the Voting Rights Act; and
- (b) each district in each map is:
- (i) drawn based on total population;
 - (ii) a single member district; and
 - (iii) contiguous and reasonably compact.
- (5) The commission shall define and adopt redistricting standards for use by the commission that require that maps adopted by the commission, to the extent practicable, comply with the following, as defined by the commission:
- (a) preserving communities of interest;
 - (b) following natural, geographic, or man-made features, boundaries, or barriers;
 - (c) preserving cores of prior districts;
 - (d) minimizing the division of municipalities and counties across multiple districts;
 - (e) achieving boundary agreement among different types of districts; and
 - (f) prohibiting the purposeful or undue favoring or disfavoring of:
 - (i) an incumbent elected official;
 - (ii) a candidate or prospective candidate for elected office; or
 - (iii) a political party.
- (6) The commission may adopt a standard that prohibits the commission from using any of the following, except for the purpose of conducting an assessment described in Subsection (8):
- (a) partisan political data;
 - (b) political party affiliation information;
 - (c) voting records;
 - (d) partisan election results; or
 - (e) residential addresses of incumbents, candidates, or prospective candidates.

(7) The commission may adopt redistricting standards for use by the commission that require a smaller total population deviation than the total population deviation described in Subsection (4)(a)(iii) if the committee or the Legislature adopts a smaller total population deviation than 10% for Senate, House of Representatives, or State School Board districts.

(8)

(a) Three members of the commission may, by affirmative vote, require that commission staff evaluate any map drawn by, or presented to, the commission as a possible map for recommendation by the commission to determine whether the map complies with the redistricting standards adopted by the commission.

(b) In conducting an evaluation described in Subsection (8)(a), commission staff shall use judicial standards and, as determined by the commission, the best available data and scientific methods.

Vermont

Constitution, Chapter II

Sec. 13. **Representatives; Number.** . . . In establishing representative districts, which shall afford equality of representation, the General Assembly shall seek to maintain geographical compactness and contiguity and to adhere to boundaries of counties and other existing political subdivisions.

Sec. 18. **Senators; Numbers; Qualifications.** . . . In establishing senatorial districts, which shall afford equality of representation, the General Assembly shall seek to maintain geographical compactness and contiguity and to adhere to boundaries of counties and other existing political subdivisions.

Vermont Statutes, Title 17, Chapter 34A

§ 1903. **Periodic Reapportionment; Standards.**

(a) The house of representatives and the senate shall be reapportioned and redistricted on the basis of population during the biennial session after the taking of each decennial census of the United States, or after a census taken for the purpose of such reapportionment under the authority of this state.

(b) The standard for creating districts for the election of representatives to the general assembly shall be to form representative districts with minimum percentages of deviation from the apportionment standard for the house of representatives. The standard for creating districts for the election of senators on a county basis to the general assembly shall be to form senatorial districts with minimum percentages of deviation from the apportionment standard for the senate. The representative and senatorial districts shall be formed consistent with the following policies insofar as practicable:

(1) preservation of existing political subdivision lines;

(2) recognition and maintenance of patterns of geography, social interaction, trade, political ties and common interests;

- (3) use of compact and contiguous territory.

§ 1906b. Division of Two-member Representative Districts.

(a) An initial district entitled to two representatives under section 1893 of this title may be divided into single-member representative districts as provided in this section.

(b) As soon as practical after enactment of a final plan for initial districts under section 1906 of this title, the boards of civil authority of the town or towns which constitute 25 percent or more of the population of the initial district may call a meeting of the boards of civil authority of the town or towns of the initial district for the purpose of preparing a proposal for division of the district. Each board shall have one vote, provided that the proposal shall not provide for a representative district line to be drawn through a town if the board of civil authority of that town objects.

(c) In making a proposal under this section, the boards of civil authority shall consider:

- (1) preservation of existing political subdivision lines;

(2) recognition and maintenance of patterns of geography, social interaction, trade, political ties and common interests;

- (3) use of compact and contiguous territory;

- (4) incumbencies.

....

(f) Representative districts proposed under this section shall become effective when approved by the general assembly before adjournment sine die. The general assembly shall approve representative districts proposed by the boards of civil authority if they are consistent with the standards set forth in this section.

§ 1906c. Division of Districts Having Three or More Representatives.

(a) An initial district entitled to three or more representatives under section 1893 of this title shall be divided into single- and two-member representative districts as provided in this section.

(b) As soon as practical after enactment of a final plan for initial districts under section 1906 of this title, the boards of civil authority of the town or towns within an initial district having three or more representatives shall meet and prepare a proposal for division of the district. Each board shall have one vote, provided that the proposal shall not provide for a representative district line to be drawn through a town if the board of civil authority of that town objects.

(c) In making a proposal under this section, the boards of civil authority shall consider

- (1) preservation of existing political subdivision lines;

(2) recognition and maintenance of patterns of geography, social interaction, trade, political ties and common interests;

(3) use of compact and contiguous territory;

(4) incumbencies.

....

(f) Representative districts proposed under this section shall become effective when approved by the general assembly before adjournment sine die. The general assembly shall approve representative districts proposed by the boards of civil authority if they are consistent with the standards set forth in this section.

Virginia

Constitution, Article II

Sec. 6. Apportionment. . . . Every electoral district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district.

Code of Virginia

§ 24.2-305. Composition of election districts and precincts.

A. Each election district and precinct shall be composed of compact and contiguous territory and shall have clearly defined and clearly observable boundaries.

B. A “clearly observable boundary” shall include (i) any named road or street, (ii) any road or highway which is a part of the federal, state primary, or state secondary road system, (iii) any river, stream, or drainage feature shown as a polygon boundary on the TIGER/line files of the United States Bureau of the Census, or (iv) any other natural or constructed or erected permanent physical feature which is shown on an official map issued by the Virginia Department of Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on the TIGER/line files of the United States Bureau of the Census. No property line or subdivision boundary shall be deemed to be a clearly observable boundary unless it is marked by a permanent physical feature that is shown on an official map issued by the Virginia Department of Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on the TIGER/line files of the United States Bureau of the Census.

Committee Resolution No. 1, House of Delegates District Criteria, adopted by the House Committee on Privileges and Elections, Mar. 25, 2011

I. Population Equality

The population of legislative districts shall be determined solely according to the enumeration established by the 2010 federal census. The population of each district shall be as nearly equal to the population of every other district as practicable. Population deviations in House of Delegates districts should be within plus-or-minus one percent.

II. Voting Rights Act

Districts shall be drawn in accordance with the laws of the United States and the Commonwealth of Virginia including compliance with protections against the unwarranted retrogression or dilution of racial or ethnic minority voting strength. Nothing in these guidelines shall be construed to require or permit any districting policy or action that is contrary to the United States Constitution or the Voting Rights Act of 1965.

III. Contiguity and Compactness

Districts shall be comprised of contiguous territory including adjoining insular territory. Contiguity by water is sufficient. Districts shall be contiguous and compact in accordance with the Constitution of Virginia as interpreted by the Virginia Supreme Court in the cases of *Jamerson v. Womack*, 244 Va. 506 (1992) and *Wilkins v. West*, 264 Va. 447 (2002).

IV. Single-Member Districts

All districts shall be single-member districts.

V. Communities of Interest

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. Public comment has been invited, has been and continues to be received, and will be considered. It is inevitable that some interests will be advanced more than others by the choice of particular district configurations. The discernment, weighing, and balancing of the varied factors that contribute to communities of interest is an intensely political process best carried out by elected representatives of the people. 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.

VI. Priority

All of the foregoing criteria shall be considered in the districting process, but population equality among districts and compliance with federal and state constitutional requirements and the Voting Rights Act of 1965 shall be given priority in the event of conflict among the criteria. Where the application of any of the foregoing criteria may cause a violation of applicable federal or state law, there may be such deviation from the criteria as is necessary, but no more than is necessary, to avoid such violation.

Committee Resolution No. 1, Senate District Criteria, adopted by the Senate Committee on Privileges and Elections, Mar. 25, 2011

The Senate resolution was the same as the House resolution, except that it limited the population deviation of Senate districts to two percent, rather than one percent.

Committee Resolution No. 2. Congressional District Criteria, adopted by the Senate Committee on Privileges and Elections, Mar. 25, 2011

Committee Resolution No. 2 adopted criteria for congressional districts. It was the same as the resolutions on Senate and House districts, except that it did not permit any deviation in the district populations.

Third Congressional District Criteria, adopted by the Joint Reapportionment Committee, Aug. 17, 2015

The criteria for the Third Congressional District were the same as for other congressional districts, as adopted March 25, 2011, except that the prohibition against retrogression under the Voting Rights Act (“compliance with protections against the unwarranted retrogression or dilution of racial or ethnic minority voting strength”) was deleted.

Washington

Constitution, Article II

Sec. 6. **Election and Term of Office of Senators.** . . . [T]he senators shall be elected by single districts of convenient and contiguous territory, at the same time and in the same manner as members of the house of representatives are required to be elected; and no representative district shall be divided in the formation of a senatorial district.

Sec. 43. **Redistricting.**

. . . .

(5) Each district shall contain a population, excluding nonresident military personnel, as nearly equal as practicable to the population of any other district. To the extent reasonable, each district shall contain contiguous territory, shall be compact and convenient, and shall be separated from adjoining districts by natural geographic barriers, artificial barriers, or political subdivision boundaries. . . . The commission’s plan shall not be drawn purposely to favor or discriminate against any political party or group.

. . . .

Revised Code of Washington

§ 44.05.090. **Redistricting plan.** In the redistricting plan:

(1) Districts shall have a population as nearly equal as is practicable, excluding nonresident military personnel, based on the population reported in the federal decennial census.

(2) To the extent consistent with subsection (1) of this section the commission plan should, insofar as practical, accomplish the following:

(a) District lines should be drawn so as to coincide with the boundaries of local political subdivisions and areas recognized as communities of interest. The number of counties and municipalities divided among more than one district should be as small as possible;

(b) Districts should be composed of convenient, contiguous, and compact territory. Land areas may be deemed contiguous if they share a common land border or are connected by a ferry, highway, bridge, or tunnel. Areas separated by geographical boundaries or artificial barriers that prevent transportation within a district should not be deemed contiguous; and

(c) Whenever practicable, a precinct shall be wholly within a single legislative district.

....

(5) The commission shall exercise its powers to provide fair and effective representation and to encourage electoral competition. The commission's plan shall not be drawn purposely to favor or discriminate against any political party or group.

West Virginia

Constitution, Article I

Sec. 4. **Representatives to Congress.** For the election of representatives to Congress, the state shall be divided into districts . . . which . . . shall be formed of contiguous counties, and be compact. Each district shall contain, as nearly as may be, an equal number of population, to be determined according to the rule prescribed in the constitution of the United States.

Constitution, Article VI

Sec. 4. **Division of state into senatorial districts.** . . . The districts shall be compact, formed of contiguous territory, bounded by county lines, and, as nearly as practicable, equal in population, to be ascertained by the census of the United States.

Wisconsin

Constitution, Article IV

Sec. 3. **Apportionment.** At its first session after each enumeration made by the authority of the United States, the legislature shall apportion and district anew the members of the senate and assembly, according to the number of inhabitants.

....

Sec. 4. **Representatives to the assembly, how chosen.** The . . . districts to be bounded by county, precinct, town or ward lines, to consist of contiguous territory and be in as compact form as practicable.

Sec. 5. **Senators, how chosen.** The senators shall be elected by single districts of convenient contiguous territory, at the same time and in the same manner as members of the assembly are required to be chosen; and no assembly district shall be divided in the formation of a senate district. The senate districts shall be numbered in the regular series, and the senators shall be chosen alternately from the odd and even-numbered districts for the term of 4 years.

Wyoming

Constitution, Article 3

Sec. 3. Legislative apportionment. Each county shall constitute a senatorial and representative district; the senate and house of representatives shall be composed of members elected by the legal voters of the counties respectively, every two (2) years. They shall be apportioned among the said counties as nearly as may be according to the number of their inhabitants. Each county shall have at least one senator and one representative; but at no time shall the number of members of the house of representatives be less than twice nor greater than three times the number of members of the senate.

....

Sec. 49. District representation. Congressional districts may be altered from time to time as public convenience may require. When a congressional district shall be composed of two or more counties they shall be contiguous, and the districts as compact as may be. No county shall be divided in the formation of congressional districts.

Redistricting Principles, adopted by Joint Corporations, Elections and Political Subdivisions Interim Committee, Apr. 12, 2011

- i. Election districts should be contiguous, compact, and reflect a community of interest;
- ii. Population of election districts should be substantially equal, with the range of deviation not to exceed 10%;
- iii. To the greatest extent possible, in establishing election districts: county boundaries should be followed; the majority of the population of each county should be in one district; and census blocks should be followed.
- iv. The plan should avoid diluting voting power of minorities in violation of the Voting Rights Act;
- v. The House shall have 60 seats and the Senate shall have 30 seats;
- vi. Consideration should be given to two (2) contiguous House districts in each Senate district; and
- vii. Significant geographical features should be considered in establishing districts.