



Public Input Into Redistricting

BY DREW MARVEL

As the public has become increasingly attentive to redistricting in recent years, states have incorporated more opportunities for public input into the process. This trend holds whether redistricting is done under the authority of the legislature or a commission.

So far in 2019, 16 bills have been introduced in eight states aimed at opening the redistricting process to the public in some way. For example, this session Missouri enacted [SB 213](#). It mandates that the state demographer, who draws legislative maps for submission to legislatively appointed commissions, create and maintain an online portal where citizens can view, submit and comment on proposed maps and plans.

Citizen involvement can be broken down into the following categories: allowing citizens to contribute maps of their own design to redistricting authorities; allowing citizens to comment on proposed plans throughout the map-drawing process; giving the public access to redistricting authorities through hearings and available information; providing public notice of redistricting-related actions and meetings; and prescribing a procedure for

citizens to seek court review of enacted plans.

An important note: Many states' redistricting processes are subject to generally applicable public access and transparency in government laws that effectively provide for some form of citizen participation. The aspects discussed here are limited to statutory, redistricting-specific provisions.

State Action

■ **Public Map Submissions.** Eight states—Colorado, Idaho, Michigan, Missouri, New Jersey, New York, Ohio and Utah—explicitly provide that their redistricting authority **shall accept and consider** maps drawn and submitted by members of the public. Some of these states go further. Some, like Utah, require an **electronic submission portal** and others, like California, require that **publicly available map-drawing software** be available to interested citizens. Opportunities for citizens to draw their own maps are not limited to these states. There is an increasing amount of publicly available redistricting software that citizens can use on their own. While a state's redistricting authorities may not be *required* to accept citizen-submitted plans, these plans can nevertheless be used to publicly critique official plans and proposals and compare

Did You Know?

- A total of 28 states have incorporated some form of public input or citizen participation in their redistricting processes.
- Various companies, nonprofit entities and some states have created free, publicly available map-drawing software for citizens to use and participate in the redistricting process.
- In 2010, the Utah Legislature adopted a citizen-drawn plan for the state's new school board boundaries.

Additional Resources

- [NCSL's Redistricting webpage and Table of Contents](#)
- [NCSL's Public Input and Redistricting webpage](#)

them to state requirements and criteria.

■ **Public Comment and Testimony.** Many states require that any maps proposed by, or submitted to, their redistricting authority be publicly available so that citizens can [comment](#). Some states accomplish this by maintaining an [electronic database](#) of all proposed maps so that any citizen can view and comment on them. Eleven states also require their redistricting authorities to solicit and consider [testimony](#) from the public at hearings, either in person or [remotely](#) through the use of telecommunication.

■ **Public Hearings and Access.** Twenty-two states have a statutory requirement that the state’s redistricting authority hold public meetings and/or hearings. Some of these states merely include a provision that subjects the redistricting authority to preexisting [open meeting laws](#), while others go further and specify that these meetings must use [technology](#) and [broadcasting](#) tools to ensure widespread public access. Most states require a minimum number of hearings. These range from [at least one](#) in Montana to [at least 10](#) in Oregon. Even those states that do not specify a number may require as many meetings “[as may be necessary](#)” to hear testimony from a wide variety of residents. This is true in Missouri. States also may require that public hearings be held throughout the state based on [geography](#), [population](#) or [political subdivisions](#). Finally, these hearings can be required [before maps are officially proposed](#) (with the intent to gather local concerns before lines are drawn) or [after maps are proposed](#) but before they are adopted. Additionally, many states require that the [underlying data and/or criteria](#) used by the redistricting authorities be publicly available.

■ **Notice.** Ten states require redistricting authorities to give the public notice before taking certain actions during the map-drawing process. Eight of these states require public notification of the time, date and location of any [meetings or hearings](#) planned by the redistricting authority so that citizens can attend and participate. Four of these states require that the public be notified when either proposed maps are [to be voted on](#) or after a proposed map [has been adopted](#). Some states specify the minimum amount of time in advance such notice must be given, ranging anywhere from [24 hours](#) to [20 days](#), while others simply state such notice must be “[reasonable](#)” or “[appropriate](#).” The specific medium in which the notice must be given is not addressed except in New York, which requires it be given through the “[best available means and media](#).”

■ **Citizen Initiated Review.** Twelve states include provisions that allow certain citizens to petition their state supreme court to review an approved plan for [alleged errors](#) or violations of the [law or](#)

Categories of Public Input Requirements	States With Such Requirement(s)	
Public Map Submissions	Colorado	New Jersey
	Idaho	New York
	Michigan	Ohio
	Missouri	Utah
Public Comments and Testimony	Arizona	Nebraska
	Colorado	New York
	Iowa	Ohio
	Michigan	Oregon
Public Hearings and Access	Missouri	Utah
	Alaska	Missouri
	Arizona	Montana
	California	Nebraska
	Colorado	New Jersey
	Hawaii	New York
	Idaho	Ohio
	Illinois	Oregon
	Iowa	Pennsylvania
	Maine	Utah
	Maryland	Vermont
Notice	Michigan	Washington
	Alaska	Illinois
	Arizona	Michigan
	California	New Jersey
	Colorado	New York
Citizen-Initiated Review	Oregon	
	Hawaii	
	Idaho	
	Maine	
	Alaska	Maryland
	Arizona	Massachusetts
	California	Oklahoma

[applicable redistricting criteria](#). The majority of these states limit the petition process to [registered voters](#), although a few permit [any citizen](#) to do so, and a few limit this option to only “[aggrieved](#)” persons. Vermont requires [at least five](#) people to file the petition. These challenges usually need to be initiated within a specified period, typically between [30 to 60 days](#) of a plan’s filing or approval. A small number of states permit citizens to directly challenge an approved map through the [referendum process](#), which then forces a review by the state’s supreme court. If the map is found to be inadequate, it is then redrawn by either the original redistricting authorities, the state’s [supreme court](#) or an [appointed special master](#).

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