When a jigsaw puzzle is missing a piece or two, you can never fully complete the picture.

The same is true for redistricting, which is among the most challenging puzzles lawmakers must solve. But, just as there are tricks for completing a tough jigsaw—sorting pieces by shape or color, starting in simple areas of the picture—there are proven strategies for successful redistricting.

Whether you’re a beginner or an old pro, these tips can help you get your pieces organized and complete your state’s picture.

Get Prepared
How are redistricting, line-drawing and mapmaking different? They’re not. The terms all refer to the process of carving up a jurisdiction, such as a state, into districts for elected officials to represent.

The tricky part is that the U.S. Constitution’s 14th Amendment requires districts to be of equal population to ensure that political power is distributed evenly in the U.S. House. (Some states have created complete count committees and devoted resources to ensuring their residents are fully counted. Other states still have time to act.)

By April 2021, the Census Bureau must release detailed data to the states under Public Law 94-171. This is the data necessary for redistricting.

Most states will complete their maps no later than spring 2022 to meet candidate filing deadlines for the biennial elections.

States with legislative elections in odd-numbered years get their census data first and must rush to be ready for fall 2021 elections.

Manage Your Time
The amount of time it takes to redistrict depends on many things, including the prep work states do before the census data are released. Each state—traditionally, its legislature—is responsible for
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drawing its legislative and congressional district boundaries. Fourteen states have shifted primary responsibility for legislative redistricting to a board or commission. In eight states, commissions draw congressional lines as well. Advisory commissions in six states and backup commissions in five take over if lawmakers fail to adopt legislative maps of their own. For congressional maps, five states have advisory commissions, three have backups.

2018 was a year of change in who does redistricting. Colorado, Michigan, Missouri, Ohio and Utah all approved
ballot measures to adopt commissions or change how their existing commissions did business.

Ohio’s model, developed by the legislature, is a hybrid. First, the legislature works on a plan. If it passes with significant bipartisan support, fine. If not, a commission gives it a try, again requiring bipartisan support. If that fails, the legislature can try again, with a lower threshold of bipartisan support. If that fails, the legislature can pass a plan with a simple majority—but the new plan lasts just four years.

Despite voters’ hopes that letting commissions draw the lines might take politics out of the process, history has shown commissions to be no more successful in avoiding court challenges to their efforts than legislatures.

Know the Players

Whether legislatures or commissions do the work, many people may play a role, including legislative staff, the public and the courts.

In most states, staff will need technical training to manage data, software and maps, and legal training to help policymakers understand federal and state requirements. The administrators responsible for tracking the action will need to know a little of everything.

“I wish I had known that redistricting involves so much more than clicking buttons in a mapping program,” says Rachel Weiss, a Montana legislative research analyst. “The legislative staff spent a lot of time answering questions, giving presentations and developing tools that would help the public participate effectively in the redistricting process.”

In the 2010 redistricting cycle, states continued to expand the public’s role in solving the puzzle. In many states, the public was encouraged to create and submit maps using computers set up for the purpose. Maps that met state criteria were accepted for consideration. One of those maps, which redrew State Board of Education lines in Utah, was adopted. In 2021, the trends toward greater transparency and increased opportunities for public input are likely to grow.

The courts may play several roles as well, especially if a legislature gets bogged down and cannot enact a plan. In those cases, the courts may draw the plans themselves or work with consultants to draw the lines. Some state courts have an automatic review authority that is built into the process.

A final consideration is to be mindful of who has access to your work.

“A reporter was in our building during the last redistricting cycle and snapped a photo of the commission’s (yet to be re-
leased) congressional map,” says Michelle Davis, a senior policy analyst with the Maryland General Assembly. “At the very least, if draft maps are draft legislation, you need a secure, locked facility where your plotter resides.”

**Build Your Puzzle**

This will be the first redistricting cycle when all states will be treated equally in the eyes of the federal government. Because of the 2013 Shelby v. Holder Supreme Court case, preclearance, which applied only to some states and jurisdictions, will no longer be required anywhere. Under the Voting Rights Act, those places—mostly in the South—had been required to submit all changes to election procedures, including new maps, to the Department of Justice or a federal court for review before they could go into effect. No longer. All states are subject to challenges under a different part of the federal law, which still prohibits discrimination in anything related to voting.

Redistricting plans begin as maps that are translated into bills or resolutions, ready for legislative consideration. Whereas states once used “metes and bounds” to define jurisdictions, they now use geographic information system software, shapefiles and block equivalency files.

To ensure that maps will hold up in court, legislators and staff must be fully aware of their state’s legal requirements. Maps must meet both federal and state standards, the latter of which vary widely. Drafting “legal” maps is not necessarily that difficult. Drafting good maps—however that may be defined—is tricky.

There is at least one constant, though: one person, one vote. Since 1963, the U.S. Supreme Court has applied this standard to all elected bodies that divvy up representation based on geography.

In the case of U.S. House districts, one person, one vote has been interpreted to mean that the population as reported by the Census Bureau must be divided exactly equally among a state’s congressional districts, down to a person. For legislative districts, the court’s interpretation allows states some leeway. The idea is to draw districts as close to the same size as possible, within the variance determined by the legislature.

**Expect Challenges**

Lawmakers must anticipate the difficulties they may encounter. Most states have dealt with court challenges to their maps over the years, so anticipating litigation is wise. During the last redistricting cycle, well over 200 challenges were filed; some are still in the courts.

Even with all the pieces, redistricting puzzles are hard to solve! Experienced redistricters have learned to be patient and give themselves time to do the job right.

“The process is enervating,” says James “Ted” Booth, general counsel for Mississippi’s Legislative PEER Committee, which analyzes state agency programs and operations. “Anyone new to the process must be prepared to work late and take problems home. Even if your files stay at the office, what is in your head presumably goes home with you. You will think, and rethink matters over and over. Will an ever-so-slight change in the population of a district make a potential plaintiff’s argument of racial gerrymandering stronger? At what level of population must a district have to provide minorities an opportunity to elect a candidate of their choice?”

“These and similar matters will try your endurance,” Booth says, “particularly if you have other unrelated duties to attend to. Expect to feel drained at some point. Drained or not, you must persevere.”

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