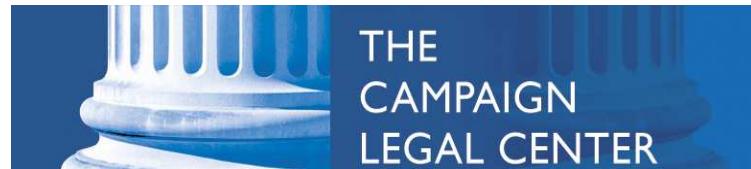


# **Developing an Action Agenda for Redistricting in 2011**

**Pocantico Conference Center, Tarrytown, NY  
JULY 2009**



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## INTRODUCTION

From July 22-24, the **Pocantico Conference Center in Tarrytown, NY**, with the generous support of the Rockefeller Brothers Fund, the Joyce Foundation, and the Ford Foundation, played host to a conference on “Developing an Action Agenda for Redistricting in 2011,” convened by the League of Women Voters of the United States and the Campaign Legal Center.

The conference brought together organizations and individuals from across the nation to discuss ways to work together to influence the results of the upcoming redistricting processes in the states in the post-2010 cycle. Committed to increasing the role that citizens play in redistricting, activists and experts with a vast array of knowledge and expertise assembled, exchanged ideas, and came away with a variety of steps that can be taken to increase citizen involvement and improve citizen effectiveness in the upcoming round of redistricting.

Although the conferees had differing views regarding the general topic of *reforming* the redistricting process itself, there was a general consensus that 1) more transparency and 2) greater citizen participation in actual redistricting hold the promise of improving our nation’s democracy. Indeed, at the conclusion of the conference, most attendees endorsed a broad set of “essential redistricting principles” going forward. See page 13 of this document.

The Conference proved timely as recent news reports indicate that the political parties at all levels are preparing for the 2010 Census and are jockeying for position to maximize their chances of using the redistricting process to pick up the most seats in the state legislatures and in Congress.

The individuals and groups invited to the Pocantico Conference share a view that redistricting too often has been deeply flawed and too often has made a mockery of our nation’s ideal of a truly representative democracy. There was a shared recognition that control of the process usually lies with incumbent legislators who treat voters like pawns in political power games. Political gerrymandering can result in diluting political power of racial, ethnic and political minorities, and in undermining the “representativeness” of representative bodies. In too many cases, this fundamental disconnect removes the accountability of elected officials from the governance equation.

Participants did not, however, necessarily share the same opinions on how best to resolve these problems. The purpose of the Pocantico Conference was to open a constructive dialogue among like-minded groups with shared goals who do not always agree on the best way to achieve those goals. The intent was to begin shared thinking about how to participate in the states in the actual 2011 redistricting. The Pocantico forum followed two previous conferences in [2005](#) and [2006](#) that brought together diverse stakeholders to discuss and debate the issues around reforming the redistricting process.

The first, convened by the Legal Center and the Council for Excellence in Government in Airlie, Virginia, was geared toward developing consensus principles for redistricting reform. The second, organized by those two organizations and the League of Women Voters, focused on lessons learned from several high-profile failed state initiatives and on the need to share and disseminate information and expertise on redistricting issues throughout the nation.

Ultimately the Pocantico Conference yielded **three key results**:

- Participants agreed to continue talking and working together in preparing for the post-2010 redistricting cycle;
- Consensus was reached on four “Essential Principles on Redistricting,” which were released in early August; and
- Many action steps were identified for organizations and individuals to prepare and to participate effectively in the 2011 redistricting.

Going forward, there is a continuing need to share information and strategies, develop capabilities in the states, and implement the ideas brought forward at Pocantico.

November 2009

## DIFFERENCES OF PERSPECTIVE

Much of the conference's first session was devoted to discussions of developing shared agendas. With such a wide range of groups, this proved no easy task. For example, several of the organizations attending the conference had taken opposite sides in California's recent redistricting reform ballot initiative, Proposition 11. It was encouraging to see that despite their differences about Prop 11, there was a willingness of groups to come together and openly discuss their issues and concerns. But the split of groups points to the inherent difficulty of building consensus on this topic. Proposition 11 proved divisive enough to divide state and local chapters from their national organizations and pitted numerous traditional allies against one another.

At the outset of the discussion, it became clear that there is no one-size-fits-all solution to reforming the process everywhere – different states and individual districts can present unique problems. Even the terminology can be loaded. “Competitiveness” is seen by some organizations as a code word for breaking up minority districts. Other organizations see competitive districts as central to an overarching goal of citizens’ ability to hold their elected representatives accountable. And while most stakeholders agree that “communities of interest” are a key component of proper redistricting, many shared horror stories as to how the term had been hijacked and misused for partisan gain, while others spoke of the term being equated with identity politics.

One particular area of agreement was a concern over the status of the Voting Rights Act as a central pillar in holding gerrymanderers accountable. The Voting Rights Act has been weakened by the courts in recent years and there is a fear that the Act may be further undermined. Many would like to see new and creative safeguards put in place.

In addition, agreement was unanimous behind the goals of actively engaging in whatever redistricting process is currently in place in a given state and working to ensure more effective participation in that process by grass roots groups and local citizens.

When the discussion turned to actions and strategies leading up to and including the post-2010 redistricting process, participants quickly identified and discussed, and largely agreed on, many important steps. The remainder of this report outlines those actions and strategies.

## **AREAS OF ACTION**

### **A. Influencing the Decisionmakers**

It was generally agreed that the most positive impacts on the redistricting process will stem from public understanding of and involvement in the process. The only way to change the outcome is to figuratively and literally drag the redistricting process out from behind closed doors. Achieving that result, even on a limited scale, will require full engagement of those who can have a positive impact or have the potential to have such an impact. Nine primary points of influence were identified:

- Citizens
- Media (new as well as traditional)
- Legislators/commission
- Governors (veto power)
- Political parties (national)
- Candidates who may be running in 2012
- Other outside groups/other coalitions
- NRA, Business Roundtable, Chamber of Commerce
- Opponents

The groups attending the conference agreed that outreach and education will play a key role in reaching many of these audiences. It is an easily overlooked fact that many of the central players from the last round of redistricting will not be involved this time around. For many reporters, legislators, and even governors, 2011 will be their first “hands-on” experience with redistricting. The same is true of many other stakeholder groups. Opening channels of communication now is vital. Those relationships must be established, maintained and nurtured. The window of opportunity to educate this new generation of decisionmakers and stakeholders is now open and must be utilized to advantage.

There was also discussion about the importance of the Census and working to ensure an accurate count, which conference attendees agreed was vital. The 2010 Census provides an ideal opportunity to begin forging relationships and alliances with those who will later be involved in redistricting.

Understanding and utilizing the interrelatedness of these seemingly disparate decisionmakers is the key to having an impact. Fostering media attention and interest will drive citizen interest, and vice versa, and both will garner the attention of those legislators hoping to keep another round of extreme gerrymanders out of the public eye.

### **B. Education & Outreach**

Any event that only occurs once a decade will have only a limited number of experts and many of them will be in the employ of those with arguably the most to gain or lose in the process – incumbent politicians, political consultants, and the political

parties. There was consensus on the need to educate any and all stakeholders, because the more information they possess, the greater the likelihood they can impact the process.

Areas identified as priorities included:

1. First and foremost, members of the public must be reached and educated. If politicians are allowed to believe nobody is paying attention and that there will be no repercussions, then a partisan abuse of the process will ensue. But if politicians understand that their redistricting decisions are being watched, and watched closely, their behavior and the districts that emerge from the process are likely to be significantly more democratic in nature.

Ultimately, the key will be a willingness on the part of citizens to participate in the process. Citizen education, particularly education of community leaders, can be undertaken now. Knowledgeable citizen leaders can reach out to the press; develop alternative plans; lobby the legislature, both for more transparency and for fair redistricting plans; and involve others in the fight for reform.

2. Utilizing the media to a greater degree than in the past and taking advantage of new media opportunities (Facebook, twitter, blogs, etc.) is key to generating both public interest and participation. Citizen groups need to think now about steps they can take, such as producing fair alternative redistricting maps, to garner media attention. Existing media relationships must be parlayed into additional and improved coverage, and new relationships must be formed.

Representatives of the media are natural allies in the effort to shine some light on the redistricting process. In most cases, one cannot assume journalists posses institutional knowledge of redistricting. History must be dredged up and served fresh to a new generation of reporters. And stakeholders must also provide new compelling and digestible stories to media outlets if a critical mass of media attention is to be reached.

## C. Transparency & Citizen Involvement

The groups agreed that, as in past cycles, apathy remains a real threat. In addition, those charged with making redistricting decisions have been permitted to do so largely out of public view. While members of the public are sometimes invited to testify before legislative committees and redistricting commissions, the real redistricting decisions (such as where to place the lines on the map) get made in back rooms with almost no public involvement. New opportunities are needed for citizens and organizations to participate throughout all aspects of the process in some form. Even if government officials are reluctant to allow direct public participation, participation can be generated from outside the official process.

Some of the ideas discussed at the conference to bring this about included:

- **Alternative Maps** can and should be offered by citizens, grassroots groups, and civic organizations to drive the debate, draw attention to the process and demonstrate that better, more representative maps can be developed. The necessary technology for drawing maps is becoming more accessible and affordable, and the halls of academia can be tapped to provide experts and researchers for assistance. Such “citizen maps” can be used not only to allow for wider stakeholder and citizen participation and media interest, but also to put redistricters on notice as to what a fair map looks like—and hopefully pressure them to constrain their gerrymandering. News agencies, well-respected citizen organizations, and public universities are obvious candidates for developing such maps. If redistricters fail to follow a good example, their decisions will likely drive greater citizen concern, media interest, and perhaps set the stage for and provide alternative solutions in a court challenge.
- **Consensus Maps** might be a useful tool to overcome divergent opinions of multiple stakeholders, who may come to the redistricting process with different goals and agendas. Reaching agreement on a consensus map, or portions of a map affecting particular communities, can enhance the influence that stakeholders are seeking, since a map agreed upon by several organizations may stand a better chance of being taken seriously by legislators than three different maps from three citizen groups. Moreover, efforts to reach consensus may provide opportunities to forge new alliances. Maps may also be agreed upon even if there is limited consensus as to the justifications for placing lines where they end up on the map.
- **Model Citizen Commissions** can be utilized with or without the blessing of government officials. A group of state and community leaders, experts and concerned citizens can draw the attention of the media and legislators to an alternative redistricting plan they develop. A plan that results from an open process involving multiple stakeholders presents a stark contrast to backroom deals that have carried the day in previous rounds of redistricting. As with any alternative plan, a model commission must be armed with similar expertise and mapping tools to their counterparts operating under the authority of the legislature.
- **Map Competitions** allow and solicit widespread participation in the redistricting process. Sponsored by civic organizations or the news media, map competitions demonstrate the range of options available when maximizing party control, protecting incumbents (or even their residences), or ensuring that rising politicians have a seat in Congress are not the primary goals of the redistricting process.

- ***Model Transparency*** practices and procedures should be presented to legislators before the process gets underway. Legislators should be pressed and the media solicited to ensure that there is openness and an opportunity for meaningful public participation in the process. [Model transparency language](#) for legislation has been drafted and disseminated by the Campaign Legal Center (copy attached).

There was consensus that media attention must be garnered and public awareness must be raised, but that they alone will not assure successful outcomes. Other audiences must be reached (or at least reached out to) as well in order to build effective participation and greater transparency in the redistricting process.

#### **D. Legislative and other Government Outreach**

At the end of the day, it will be the legislature or redistricting commissions that have responsibility for making the decisions about how new districts will be shaped. Conference participants discussed the importance of outreach to these decision-makers, noting that it is vital to do so regardless of their past track records. There was also agreement that, in order to identify potential allies, now is the time to build these relationships by touching base with leadership, rank and file members, and those who might be considering a run for legislative office.

Redistricting committee membership can be influenced through public involvement and lobbying before those legislative committees are named. And public participation and transparency rules can be influenced as well. That work can and should begin soon, before the actual redistricting process itself gets underway. Though usually within the purview of the legislature's leadership, organizations with contacts in the Capitol may have an effect on those choices.

Most of the organizations represented at the conference already have relationships in the legislatures stemming from other issues. Those traditional allies were identified as good starting points, but it was noted that the outreach must be broad and deep.

Even if leadership is not receptive, members can be identified who might be helpful in influencing the shape of a plan or the way in which particular communities are represented or impacted. Any voice among the decision-makers is also another means to spread the message that transparency and public participation are needed.

#### **E. Outreach to Non-Traditional Allies**

Redistricting will create new opportunities to create non-traditional alliances. In some states, non-traditional allies can be particularly useful, as more traditional allies may be seeking to take political advantage of the redistricting process with majorities in both houses or a compatriot in the governor's mansion.

Conferees discussed how the redistricting issue may fracture existing relationships, as it has in numerous redistricting reform legislative fights and ballot initiatives. But the redistricting process also offers the opportunity to open new doors. There was discussion about how traditional disagreement over issues or even outright animosity should not stop outreach to any organization if some mutual benefit can be obtained in forming a relationship on redistricting. Conferees noted that the redistricting process is not unlike other public policy areas in that the more voices, and the more diverse they are, the greater the likelihood of being heard.

The media is always intrigued by strange-bedfellow coalitions, virtually guaranteeing attention if traditional opponents can be brought together to work on redistricting.

## F. Preparing for the Courts

Litigation, or the threat of litigation, is often an integral part of redistricting. Some states, particularly those with split control in the legislature or where the Governor vetoes a redistricting plan, will not be able to pass plans through normal legislative processes and redistricting will fall to the courts. The groundwork for legal strategies must be laid now.

Conferees identified the need to develop a legislative record that can be useful in any subsequent court challenge. Citizens must be recruited, trained, and prepared to offer sophisticated testimony to redistricting committees or commissions. Experts, cartographers, and researchers also must be recruited, both for possible litigation and to make presentations and provide advice during the map-drawing process. In some cases, the tools outlined above – consensus maps, alternative maps and public education – can become extremely important as the redistricting fight moves to the courts. For example, in a state that fails to draw a map, the subsequent court proceeding could well be a free-for-all, with numerous parties proposing plans for the court's consideration. A consensus map produced by a broad coalition of groups or by a well-respected organization may well win this contest.

There was agreement that work should begin now in developing litigation and legal strategies. Waiting until redistricting actually reaches the courts would be a mistake, depriving advocates of one of the key tools for influencing the drawing of maps and falling behind in preparing for the inevitable legal challenges.

## WORKING TOGETHER, MOVING FORWARD

Despite a wide array of perspectives on the problems and the solutions, conference attendees made clear that they are committed to maintaining strong lines of communication and working together through the Census and redistricting processes. All agreed that there are problems with the current system and realize that relationships, old and new, with fellow stakeholders will be important.

- 1) **Additional meetings** and/or calls for stakeholder should be continued through 2011 and beyond. The sharing of information and ideas was seen as pivotal to building and maintaining strong relationships, both nationally and at the grassroots level. With both political parties already raising money and gathering experts for their partisan redistricting efforts, alliances and communication will be vital for citizen groups who share common or overlapping concerns.
- 2) **Develop models** for redistricting transparency (including drafting of transparency legislation) and substantive citizen participation. These can and should be utilized as measuring sticks against which to compare the state's current redistricting process. Changes may be possible in 2010, before the actual drawing of plans formally begins in the states. Suggestions included elements to allow citizen input, alternative submissions, suitable comment periods, etc.
- 3) **Identify key states** and build collaborative efforts. Those states in a position to be "bad actors" in 2011 or states with little opportunity for public input in the redistricting process present a logical starting point for this discussion and subsequent coalition building.
- 4) **Develop ways of sharing resources and expertise** nationally and at the state level.
  - (a) **Communications techniques**, from listservs to conference calls, should be used to share ideas, concerns and strategies. Misunderstandings must be avoided.
  - (b) **Software and online resources for mapping** are necessary tools for fostering citizen involvement and media attention.
  - (c) **Publications, studies and research** should be shared and distributed widely for maximum effectiveness. A central repository of this and other information about redistricting should be considered.
  - (d) **Experts and research resources** should be identified and shared where possible. Partnerships with academic institutions, think tanks and other organizations also should be pursued. In many cases, these relationships already exist and should be utilized to develop redistricting resources and strategies.

(e) **Model redistricting legislation** providing for greater transparency of the redistricting process has been drafted and distributed by the Campaign Legal Center for use by organizations and governmental bodies (copy attached). Where formally enacting into law a new set of redistricting transparency legislation proves too formidable, this model legislation could easily be transformed into proposed rules to be considered and adopted by a legislative committee charged with redistricting.

- 5) **Draw attention to the issue** in order to build citizen and media interest and maintain momentum.
  - (a) **Creative and anecdotal storylines** will help humanize the story and make it easier for the media to relate redistricting to a larger audience.
  - (b) **Reports** can be compiled and publicized to rate how states perform in terms of transparency and whether they provide an effective opportunity for substantive citizen participation.
  - (c) **Begin drawing maps.** Though Census data for the next redistricting cycle won't be available until early 2011, many are already drawing alternative maps using available demographic data and population estimates to show how more representative plans can be drawn.
- 6) **Funding** from within organizations' existing budgets, as well as from outside entities, will be needed. Traditional, as well as new funding sources, should be investigated and pursued. Particular priority should be given to information sharing and to tools, such as mapping software and training, which are not unduly expensive and can be utilized by multiple organizations.
- 7) **Education and training** can be conducted for citizens as well as legislators seeking to participate in the process. Training will also be required for witnesses for both the legislative process as well as the inevitable litigation.
- 8) **Census participation** will help ensure an accurate count and will help to create new and solidify existing relationships.
- 9) **Identify sympathetic lawmakers** through exiting relationship and utilize them to recruit others.

## **CONCLUSION**

As evidenced by the “Essential Principles of Redistricting” agreed upon at the Pocantico Redistricting Conference, participants committed to:

- working for an accurate and complete 2010 Census;
- ensuring that the redistricting process be as transparent as possible; and
- taking steps to give the public a legitimate and effective opportunity to participate in the redistricting process in a substantive manner.

In addition, there is a continuing need to share information and develop capabilities, nationally and in the states. Many action steps were identified for organizations and individuals as they prepare to participate effectively in the 2011 redistricting. Finally, participants agreed to continue talking and, hopefully, working together to ensure that the post-2010 round of redistricting improves the representative character of our nation’s democracy.

###

**STATEMENT ON  
ESSENTIAL PRINCIPLES ON REDISTRICTING**

*as formulated at  
Pocantico Redistricting Conference  
July 2009*

*The statement below was agreed upon by attendees of the Pocantico Redistricting Conference on July 22-24, 2009. Additional organizations and individuals have signed on as well. All signatories are [listed below](#). The essential principles are:*

- An accurate and complete count in Census 2010 is an essential building block for all redistricting efforts.*
- The process used for redistricting must be transparent to the public.*
- The redistricting process, at all levels of government, must provide data, tools and opportunities for the public to have direct input into the specific plans under consideration by the redistricting body.*
- In order to achieve representative democracy, redistricting plans must be drawn in a manner that allows elected bodies to reflect the diversity of the populace, especially racial and ethnic diversity.*

## **Signatory Organizations**

(in alphabetical order)

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States

Mexican American Legal Defense and  
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Michigan Campaign Finance Network

Arturo Vargas  
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Catherine Turcer  
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TakeAction Minnesota

Mike McCabe  
Executive Director  
Wisconsin Democracy Campaign

## **Signatory Individuals**

(in alphabetical order)

The intent of these individuals is only to  
speak for themselves and not for their  
institution.

Kristen Clarke  
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Ohio State University

Heather Gerken  
J. Skelly Write Professor of Law  
Yale Law School

Michael P. McDonald  
Associate Professor  
George Mason University

## *Developing an Action Agenda for Redistricting in 2011*

Pocantico Conference Center of the Rockefeller Brothers Fund  
July 22 – 24, 2009

### **Wednesday, July 22 SETTING THE STAGE**

- 6:30 pm      **Welcoming remarks** (Mary Wilson)
- 7:00            **Opening Dinner**
- 8:30            **Informal Conversations**

### **Thursday, July 23 DEVELOPING SHARED AGENDAS & 2011 STRATEGIES**

- 7:00 am        **Breakfast**, informal conversations
- 8:30            **Setting the Context: Goals and Desired Outcomes of Conference.** (Nancy Tate and Gerry Hebert)
- 9:00            **Snapshot of Current Work on 2011 Redistricting.** (Nancy Tate)
- 9:45            **Working to Develop Shared Agendas.** Topics of conversation to include minority representation, communities of interest, political subdivisions, competitiveness, partisan gerrymandering, etc. (Gerry Hebert and Mary Wilson)
- 12:00 pm       **Lunch**
- 1:00            **Recap / Continuation of Previous Conversation.** (Gerry Hebert and Mary Wilson)
- 1:30            **Getting Ready for 2010: Identifying Strategies and Tactics.** What approaches have been used (or could be used), and how effectively, in such areas as coalition building; citizens or model commissions; lobbying; proposing maps; media/PR; litigation or the threat thereof; etc. (Meredith McGehee)
- 3:45            **Developing the Strategies.** (especially in selected states of California, Florida, Ohio, Pennsylvania, Wisconsin; discussion to include citizen commissions and other approaches) (Mary Wilson)
- 6:30            **Dinner**

8:00           **Informal Conversations**

**Friday, July 24           MOVING FORWARD**

7:00 am       **Breakfast**, informal conversations

9:00           **Lessons Learned from Recent Redistricting Reform Efforts.**  
(Gerry Hebert)

9:30           **Resources.** What exists and what else is needed in such areas as  
research, mapping technology, technical assistance, litigation  
assistance, funding, etc.      (Nancy Tate)

10:45          **Next Steps / Wrap Up.** (Nancy Tate and Gerry Hebert)

## **Conference Participants**

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**Model Legislation for Transparency of Redistricting Process**  
(drafted by the Campaign Legal Center)

**TRANSPARENCY IN THE REDISTRICTING PROCESS**

**SECTION 1. SHORT TITLE; DEFINITIONS.**

- (a) Short Title- This Act may be cited as the ‘Redistricting Transparency Act of 2010.’
- (b) Definitions
  - (1) “Redistricting Entity” – the state authority or authorities that have responsibility under State law for drafting, adopting or enacting Congressional or state legislative redistricting plans.
  - (2) “Meeting” – any interaction, meeting, or discussion concerning redistricting during which a quorum of the Redistricting Entity, as defined by State law, are in attendance.
  - (3) “Agenda” – a comprehensive listing of the topics that will be discussed at Redistricting Entity meetings, including times, planned speakers, and any other pertinent information.

**SEC. 2. PURPOSE.**

The Redistricting Entity shall: (1) establish an open and transparent process for developing Congressional and state legislative redistricting plans; (2) ensure full public participation in and comment on all stages of the redistricting process; and (3) conduct itself with integrity and fairness.

**SEC. 3. REQUIREMENTS FOR MAKING DATA AVAILABLE.**

- (a) **BEFORE THE CENSUS DATA ARE RELEASED.** The Redistricting Entity shall develop and maintain a public Internet site that will allow members of the public to monitor and comment on the Redistricting Entity’s work. This Internet site shall be fully functional and accessible by members of the general

public at least 30 days before the U.S. Census Bureau provides the State with selected decennial census tabulations pursuant to Public Law 94-171.

**(b) AFTER THE CENSUS DATA ARE RELEASED.** Within fourteen days after the United States Bureau of the Census provides the State with selected decennial data tabulations pursuant to P.L. 94-171, the Redistricting Entity shall:

- (1) promptly post on a public Internet site:
  - (A) Precinct-level data containing voter registration and election returns;
  - (B) Census tract-level data on voter registration and election returns;
  - (C) Detailed maps reflecting the data provided in subsections (b)(1)(A) and (B);
  - (D) Interactive software that enables a person to design congressional and state legislative districts that meet criteria established by law; and
  - (E) Information and tutorials on creating and submitting a proposed plan developed pursuant to subsection (D) or by other means to the Redistricting Entity.
- (c) DUTY TO UPDATE INTERNET SITE. The Redistricting Entity shall take all actions necessary to ensure that the public Internet site is updated continuously to provide advance notice of Redistricting Entity meetings and to otherwise provide timely information on the activities of the Redistricting Entity.

#### **SEC. 4. POST-CENSUS PUBLIC NOTICE AND HEARINGS; SOLICITATION OF PUBLIC COMMENT.**

**(a) POST-CENSUS PUBLIC HEARINGS; SOLICITATION OF COMMENT FROM PUBLIC.** Within sixty (60) days after the United States Bureau of the Census provides the state with selected decennial data tabulations pursuant to P.L. 94-171 , the Redistricting Entity shall solicit public input in developing the State's redistricting plans for congressional and legislative districts by: publicizing and holding hearings in representative geographic regions of the

State at which members of the public may provide comments; and establishing a procedure through which members of the public can provide comments through the Redistricting Entity Internet site and other methods. The Redistricting Entity shall broadcast each public hearing live on its Internet site, if practicable, and in any event, within 7 days of a public hearing, shall produce a written transcript of the hearing and post such transcript on its Internet site. The Redistricting Entity shall also post any written comments received by the public on its Internet site within 48 hours upon receipt of such comments. Within sixty (60) days after the United States Bureau of the Census provides the state with selected decennial data tabulations pursuant to P.L. 94-171, the Redistricting Entity shall also identify and make public by posting on its website established pursuant to Section 3(a) above, all redistricting criteria that will be utilized by the Redistricting Entity in adopting a final plan.

**(b) SOLICITATION OF PUBLIC SUBMISSION OF PLANS.** The Redistricting Entity shall encourage the public submission of redistricting plans, both partial and complete, through its Internet site and other proposed methods, and shall post all plans received on its Internet site. When practicable, the Redistricting Entity shall consider each and every plan submitted to it.

## **SEC. 5. PUBLIC NOTICE OF PLANS PRIOR TO SUBMISSION TO LEGISLATURE; SOLICITATION OF PUBLIC COMMENT.**

**(a) PUBLIC NOTICE.** At least 21 days prior to adopting a final redistricting plan, the Redistricting Entity shall post on its Internet site and, if practicable, cause to have published in newspapers of general circulation throughout the State, the following information:

- (1) A detailed version of the proposed final plan, including a map showing each Congressional and state legislative district established under the plan and the voting age population by race of each such district;

- (2) Where practicable, a description of all redistricting plans submitted by the public;
- (3) A statement explaining why the districts were drawn by the Redistricting Entity as they were and explaining how the adoption of the plan will best serve the public interest;
- (4) Any dissenting statements of any members of the Redistricting Entity who did not approve of the proposed final plan;
- (5) Information on how to submit public comment to the Redistricting Entity regarding the plan and
- (6) Where practicable, a detailed statement explaining why other proposed plans submitted and pursuant to Section 4(b) above were rejected.

**(b) PUBLIC COMMENT.** At least 14 days prior to adopting a final redistricting plan, the Redistricting Entity shall solicit comments from the public regarding the plan either by publicizing and holding public meetings at which members of the public may provide comment, or by establishing a procedure by which the public can submit written comments through the Redistricting Entity Internet site and other methods. The Redistricting Entity shall post any written comments received by the public regarding the plan on its Internet site within 48 hours upon receipt of such comments.

**(c) AMENDMENTS.** If, in response to public comment or for any other reason, the Redistricting Entity amends its plan or drafts a new plan, the Redistricting Entity shall again provide public notice and solicit public comment regarding the amended or new plan pursuant to subsections (a) and (b), unless so doing would cause the Redistricting Entity to violate a deadline established by state law.

**(d) RESTRICTION ON REDISTRICTING PLANS ADOPTED.** The Redistricting Entity shall not adopt any redistricting plan for final approval or enactment unless and until such plan has been subject to the public notice and comment process outlined in this section.

## **SEC. 6. PUBLIC NOTICE OF PLANS PRIOR TO ENACTMENT.**

Within 7 days after any redistricting plan is adopted or enacted by the Redistricting Entity, the Redistricting Entity shall post on its public Internet site:

- (a)** A detailed report justifying the adopted plan and explaining specifically how the plan, and each district within such plan, serves the public interest. The Redistricting Entity shall also publish on its public Internet site any dissenting statements of any members of the Redistricting Entity.
- (b)** The final redistricting maps showing each Congressional and state legislative district established under the plan, and a report showing the total population, the voting age population by race or membership in a language minority group, of each such district in the plan. If the state maintains registered voter data by race and/or membership in a language minority group, the report under this section shall also include those registered voter data for each district in the adopted final plan.

## **SEC. 7. ENFORCEMENT.**

**(a) JURISDICTION.** The State Supreme Court has original and exclusive state-court jurisdiction to hear and decide all challenges to the Commission's actions, including the Redistricting Entity's adoption of a final redistricting plan for Congress or either house of the state legislature.

**(b) PETITIONS FOR REVIEW.** Within thirty days after the State has enacted a redistricting plan, any resident of the State may petition the State Supreme Court to invalidate that plan on any valid legal grounds, including that the Redistricting

Entity did not comply with the notice and comment requirements of this [section/title].

**(c) EXPEDITED REVIEW.** The State Supreme Court shall give priority to petitions filed under this section, and shall advance on the docket and expedite to the greatest possible extent the disposition of the case.

**SEC. 8. EFFECTIVE DATE.** This law shall be effective upon passage.