

State of Our State: Redistricting

Tennessee Stands to Benefit From a Redistricting Process That Better Engages the Public

Nearly 60 years after handing down its decision in *Baker v. Carr*, the Tennessee case that paved the way for the “one person, one vote” standard, the Supreme Court in June 2019 declined to set limits on partisan gerrymandering, leaving decisions about how to draw legislative districts squarely with the states.(i)

As the country prepares for the 2020 census, which provides the population information used to redraw districts, many states are taking new steps to encourage a fairer and more open process. **Tennessee’s current legislative maps appear by a number of measures to have less partisan skew than many peer states, but the process by which the state legislature draws those maps is one of the least open in the nation, ranking 40th for transparency.**(ii)

This brief provides an overview of Tennessee’s current redistricting process and outlines a spectrum of policy options that would increase citizen participation and avoid costly litigation. These solutions range from small fixes, such as applying our state’s Sunshine Laws to the redistricting process, to those that require legislative action, such as creating an advisory commission to involve a broader set of stakeholders in redistricting.

How Redistricting Works in Tennessee

The federal government conducts the census every 10 years, as it will in 2020. **The state legislature uses that new population information to redraw district lines for Tennessee’s nine seats in the U.S. House of Representatives, as well as the 99 seats in the State House and the 33 seats in the State Senate.** Federal law requires that these districts be near equal in population and not dilute minorities’ voting strength. State law additionally requires that the districts be contiguous and not unnecessarily split counties.(iii)

Tennessee is among a group of 30 states in which the state legislature is responsible for drawing district maps. The governor, however, has constitutional authority to veto these maps and return them to the state legislature for reconsideration.(iv)

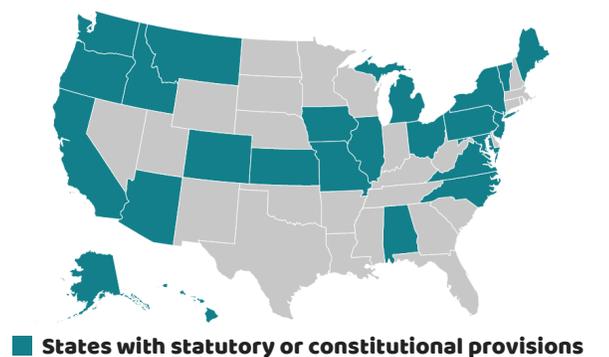
Tennessee’s Redistricting Process Is Less Open to the Public Than Other States

Tennessee received an “F” grade for the openness of its last redistricting process, ranking 40th in the country. Tennessee is one of 26 states in which redistricting transparency is not legally or constitutionally required.(v)

During the five-month redistricting process the state conducted in 2011 and 2012, public participation was limited. Only the first organizational meeting of the House and Senate redistricting committees was open to the public, and a website created to facilitate public input allowed only limited commentary.

Preliminary district plans were made public only about a week before their adoption, further restricting opportunity for public input. The final district maps were released to the public two weeks after the legislature had approved them.(vi)

Redistricting Transparency Provisions, 2018



An Open Redistricting Process Has Important Benefits for Tennessee's Democracy

A redistricting process that is open to public oversight and input...

-  **Empowers citizens and legislators to work together to create more representative districts.**(vii)
-  **Can lead to increased voter turnout.**(viii)
-  **Promotes public confidence in the integrity of our electoral process.**(ix)
-  **Helps avoid unnecessary litigation.**(x)

Tennessee's Counties Lead by Example on Openness in Redistricting

Tennessee's county-level redistricting is noticeably more open to public participation than our congressional and state legislative redistricting process.(xi)

-  **The Office of Local Government at the State's Comptroller of the Treasury provides a detailed guide to the local redistricting process. The guide outlines the rules and procedures that govern the redistricting process.**
-  **Local-level redistricting in Tennessee is done through committees composed of county commissioners and election officials.**
-  **Committees are required to give public notice of their meetings, which are open to the public.**
-  **Meeting minutes and redistricting maps are open for public inspection.**

Peer States Offer Best Practices for Creating a More Open Redistricting Process

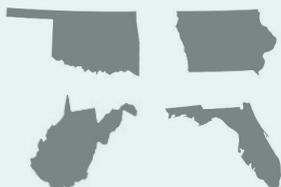
Tennessee should consider a spectrum of solutions, from expanding the application of current law to enacting new legislative reforms, to increase transparency and strengthen the voice of voters in our state's redistricting process.

1) Apply already strong "Sunshine Laws" to the redistricting process by:

-  **Increasing public communication about the redistricting process.**

Publish a legislative guide that 1) clarifies how Tennessee's Public Records Act and Open Meetings Act apply to the redistricting process; 2) outlines the rules, procedures and timeline that the state intends to follow in drawing district lines; and 3) highlights opportunities for the public to provide input.

Peer state examples from the 2010 cycle:



Oklahoma and **Iowa** published guidelines that gave legislators and the public an overview of their redistricting processes.(xii)

West Virginia and **Florida** provided public timelines for each step of redistricting.(xiii)



Providing advance notice about redistricting committee meetings and making them open to the public.

The Tennessee General Assembly currently provides advance notice about its meetings, which are also livestreamed and saved in video archives. The same could be applied to meetings related to redistricting. The legislature could also explore other ways to allow citizens across the state to comment on procedures and plans, such as holding meetings in various locations and enabling public comments through live streaming.

Peer state examples from the 2010 cycle:



Louisiana held public hearings across the state in the two months before it adopted an official plan. Recordings and meeting minutes were made publicly available online.(xiv)



Publishing draft district maps, making them available for public comment prior to adoption and allowing citizens to submit alternate maps.

A growing number of states have embraced technological innovations to provide the public with access to census and geographic data. These states make data available in an easily usable format at the start of the redistricting process so the public can submit comments and propose alternate maps.(xv)

Peer state examples from the 2010 cycle:



Alabama was one of the first states to bring its redistricting process entirely online. It was also the first state to purchase software that allowed the public to evaluate official plans and provide input into the drawing of district lines.(xvi)

2) Reform Tennessee law to require a more open and participatory redistricting process by:



Adopting statutes requiring public notice, open meetings and the publication of draft maps for public comment.

Peer state examples from the 2010 cycle:



Missouri's constitution requires redistricting committees to hold at least three hearings to allow the public to offer objections or testimony.(xvii)



Creating an advisory commission to assist the General Assembly in the redistricting process.

Advisory commissions, which typically consist of a mix of legislators and non-legislators, advise the state legislature on redistricting. The recommendations are not legally binding and must be approved by the legislature.(xviii)

Peer state examples from the 2010 cycle:



Utah's seven-member commission is appointed by the governor and party leaders in the state legislature. Commissioners must be active voters who have not held public office, worked for the federal or state legislature, been employed by a political campaign or served as a lobbyist.(xix)



Virginia's governor appoints to its state redistricting commission a nonpartisan chair and five members of each political party, who must not have recently held elected office and must not work for the federal or state legislatures.(xx)

NOTES AND REFERENCES

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