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Top News

Supreme Court upholds use of election commissions for redistricting

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New interns run with a decision across the plaza of the Supreme Court in Washington, Monday June 29, 2015. On Monday, the court upheld Arizona congressional districts drawn by an independent commission and rejected a constitutional challenge from Republican lawmakers and upheld the use of a controversial drug in lethal injection executions Monday, as two dissenting justices said for the first time that they think it's "highly likely" that the death penalty itself is unconstitutional. (AP Photo/Jacquelyn Martin)

WASHINGTON >> The Supreme Court on Monday upheld Arizona congressional districts drawn by an independent commission and rejected a constitutional challenge

from Republican lawmakers.

The 5-4 outcome preserves efforts in 13 states, including Hawaii, to limit partisan influence in redistricting.

In Hawaii, congressional and other districts are drawn by a nine-person commission. The Senate president and House speaker each appoint two commissioners. The minority legislative party appoints two commissioners who, in turn, pick two more. The ninth commissioner is chosen by the other eight members of the panel.

The Arizona case stemmed from voter approval of an independent commission in 2000. The legislature's Republican leaders filed their lawsuit after the commission's U.S. House map in 2012 produced four safe districts for Republicans, two for Democrats and made the other three seats competitive. Democrats won them all in 2012, but the Republicans recaptured one last year.

Justice Ruth Bader Ginsburg wrote for the court that there is "no constitutional barrier to a state's empowerment of its people by embracing that form of lawmaking."

"Arizona voters sought to restore the core principle that the voters should choose their representatives, not the other way around," Ginsburg said.

Justice Anthony Kennedy and Ginsburg's three liberal colleagues joined her opinion.

In dissent, Chief Justice John Roberts accused the majority of approving a "deliberate constitutional evasion."

"The court's position has no basis in the text, structure, or history of the Constitution, and it contradicts precedents from both Congress and this court," Roberts said. Justices Samuel Alito, Antonin Scalia and Clarence Thomas signed onto Roberts' opinion.

The argument against independent commissions rests in the Constitution's Election Clause, which gives state legislatures the power to set "the times, places and manners of holding elections for senators and representatives."

States are required to re-draw maps for congressional and state legislative districts to account for population changes after the once-a-decade census.

Some states have sought to rein in lawmakers' power over drawing political boundaries because the justices have been unwilling to limit excessive partisanship in redistricting, known as gerrymandering. A gerrymander is a district that is intentionally drawn, and sometimes oddly shaped, to favor one political party.

Republicans employed an enormously successful strategy to take advantage of the 2010 census, first by winning state legislatures and then using that control to draw House districts to maximize their power. One measure of their success: In 2012, Republicans achieved a 33-seat majority in the House, even though GOP candidates as

a group got 1.4 million fewer votes than their Democratic opponents.

Independent commissions such as Arizona's "may be the only meaningful check" left to states that want to foster more competitive elections, the Obama administration said.

Only Arizona and California essentially remove the legislature from the process, the National Conference of State Legislatures said, in support of the Republican lawmakers in Arizona.

Lawmakers' only contribution in those states is picking commission members from a list devised by others. In the other states — Connecticut, Hawaii, Idaho, Indiana, Iowa, Maine, Montana, New Jersey, New York, Ohio and Washington state — lawmakers either get first crack at drawing districts, approve plans drawn by commissions or appoint commission members of their choosing, the conference said.

Supporters of the commissions point to more competitive races in both Arizona and California since the commissions were created.

The case is Arizona State Legislature v. Arizona Independent Redistricting Commission, 13-1314.