

Testimony of State Representative Daylin Leach  
Given before the Speaker's Committee on Government Reform  
March 13, 2008

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I would like to thank the Committee for taking the time to consider this important issue.

As you know, we are constitutionally required to redraw the lines of our state legislative and congressional districts at least once every ten years to reflect the population shifts which have occurred within our commonwealth, while ensuring that each district has the same population as the others. As you also know, we have two separate systems for doing so, one for state legislative districts and one for congressional districts.

The fact is that politicians have always drawn the lines to advantage themselves, their friends and their parties while disadvantaging their opponents, their enemies and those foolish enough to belong to the other party. The term which describes the phenomenon, "Gerrymandering" has been around for a very long time. It came into being when Elbridge Gerry, the governor of Massachusetts, approved a district which looked like a salamander in 1812. It was called a Gerrymander and the term stuck.

So the problem is not new, but it is getting worse. This is due in part to the advent of powerful computer programs which can predict performance down to the block, and in part to the fact that we are just getting more blatant about it. The result is a situation where fewer and fewer elections are competitive. The voters are no longer picking their political leaders, politicians are picking their voters when they draw the lines. You can see the results of this in the attachments I've provided. You'll notice legislative districts which are drawn in a bizarre and contorted way so as to guarantee that we know the victor prior to the first vote being counted.

I want to make it clear that this is not a partisan problem. Where Republicans are in control of redistricting, such as Pennsylvania's Congressional reapportionment in 2000, they protect Republicans. Where Democrats are in control, such as in California or Indiana, they protect Democrats. Where the parties share control, they make deals to trade voters until as many incumbents as possible are safe.

The damage this does to our democracy is deep. First, it means that politicians are often not accountable to the voters. If I can never lose, then I don't have much political incentive to worry about what the voters think or to heed their concerns.

Second, it denies voters the debate they deserve. If I am in a district that performs at 70% for my party, my general election opponent won't be taken seriously. He or she

will be considered a token candidate with no chance to win. He won't be able to raise money, the media will pay scant attention and I am likely to pretend he doesn't even exist. There is no airing of policy differences and the voters are cheated out of the promise of elections in America.

What is perhaps the worst part of gerrymandering is that it is a self-perpetuating and accelerating cycle. If I don't have to worry about loosing to the other party in a general election, I have no incentive to reach across the aisle and find common ground with the opposition. That isn't going to help me. In fact, it will hurt me.

Since the only real danger to my political career would be loosing in a primary, and since the voters who turn out in the primary are the most liberal Democrats and the most conservative Republicans, I have every incentive to try to appeal to my base. Acting in a moderate or bi-partisan way will be considered heresy by my base and put me at risk of loosing the primary. Thus, politics becomes more polarized, moderate political leaders become rarer, and in that polarized atmosphere, it becomes easier to predict how voters will behave, making gerrymandering even easier next time.

I have introduced legislation, HB 81, designed to reduce (not eliminate for reasons I will discuss, but reduce) the influence of politics in reapportionment. My bill will do several things;

- It will set up a bi-partisan commission of 9 members made up of 4 Democrats, 4 Republicans and one Independent selected largely by legislative leaders.
- It will require that commission to draft a new redistricting plan, requiring a super-majority of 7 yes votes to enact a recommended plan.
- It will require all discussions and deliberations of the committee to be in public and prohibit any consideration of the advantage or disadvantage to any incumbent, challenger, party or individual of the new plan.
- Once a plan is drafted it will be sent to the legislature for approval, but the legislature will not be permitted to amend the plan in any way.
- If the first plan is rejected by the legislature, the legislature may provide comments or objections, and the commission will enact a second plan.
- If the second plan is rejected, then the PA Supreme Court will adopt, without changing, one of the two plans.
- The new districts will all be required to be shaped according to a mathematical formula whereby a circle is drawn around the outer boundaries of the district, and the district must fill in 15% of that circle.

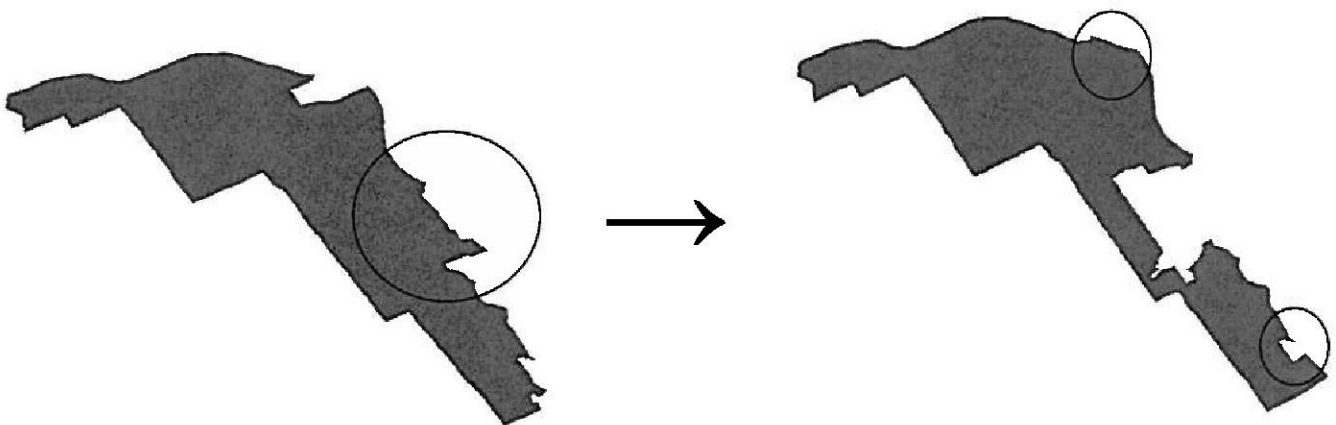
This plan will accomplish several things:

- The super-majority will prevent one party from forcing its will on another in either congressional or state legislative reapportionment.
- The ban on political consideration and the sunshine requirements will make it very difficult to draw districts for the specific purpose of aiding a candidate or party.
- The mathematical formula will make the districts more compact and contiguous as the constitution currently requires.

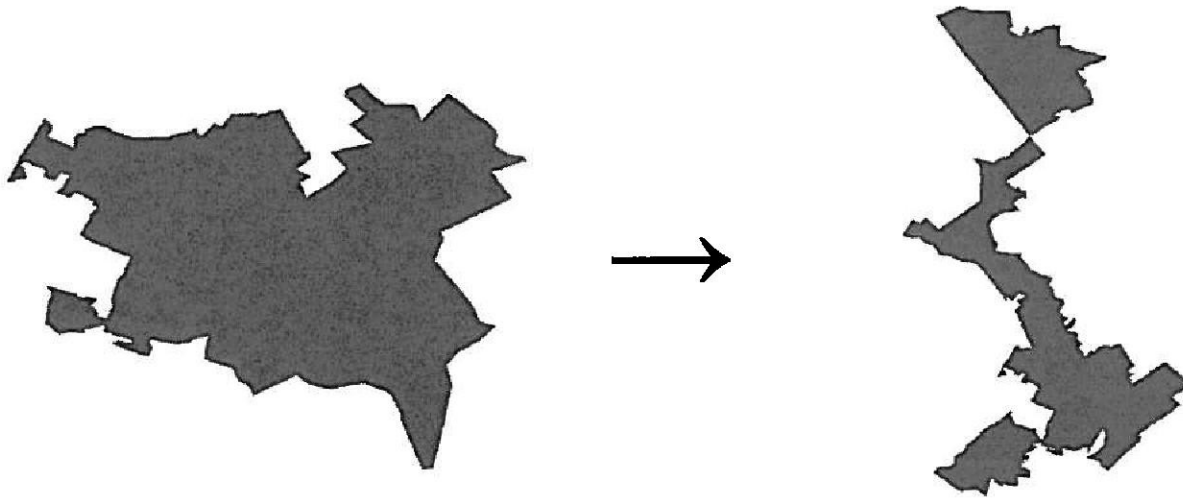
The most controversial part of this plan as I speak about it around the state is the part where legislative leaders pick the members of the commission. The reason I proposed that is that this method of selection is, in the words of Churchill, the worst possible method with the exception of all others. We can't elect commissioners. They would make campaign promises and the party with the most votes would have the most commissioners. We can't, in my view, randomly select them, because even if we ensured a balance in terms of party registration, some people might be registered in one party but sympathize with the other. This would lead to one party dominating the commission's deliberations. I have not managed to think of a better way of selecting members, but I am open to suggestions on this point.

I believe that this is the most important political reform we can consider this year. If we give people back fair, open and competitive elections, I think you will find that many of the other problems with our political system will solve themselves.

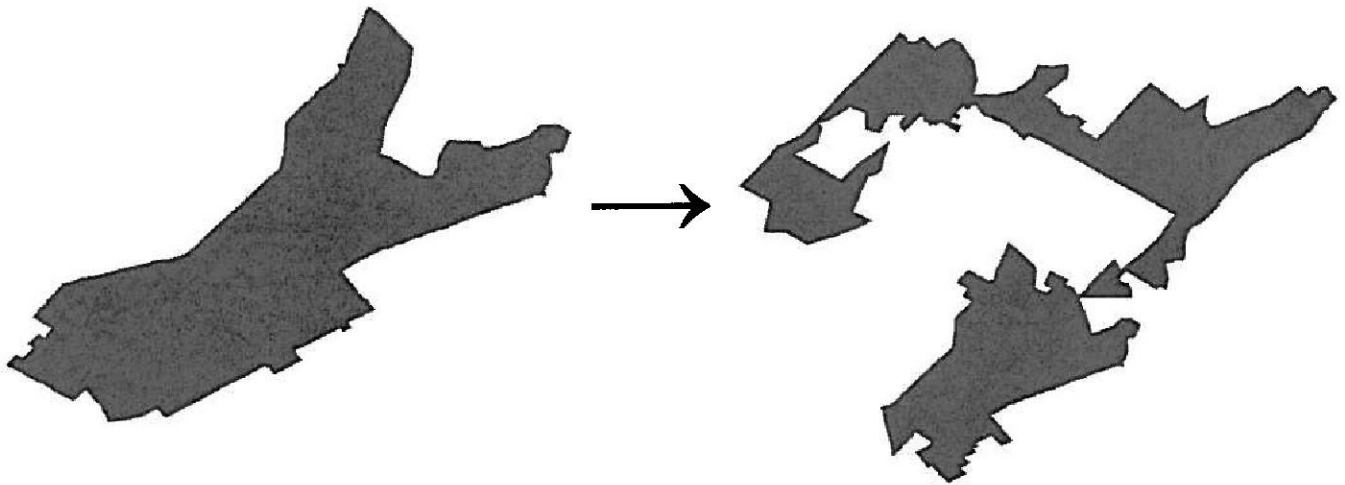
District 149 (2000→2002)



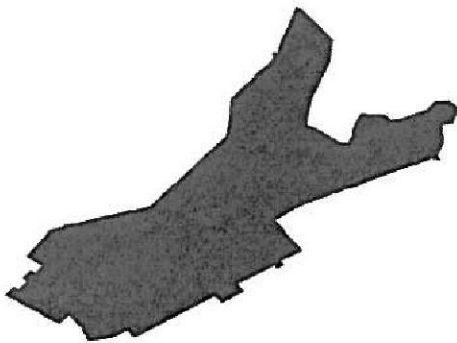
District 161 (2000→2002)



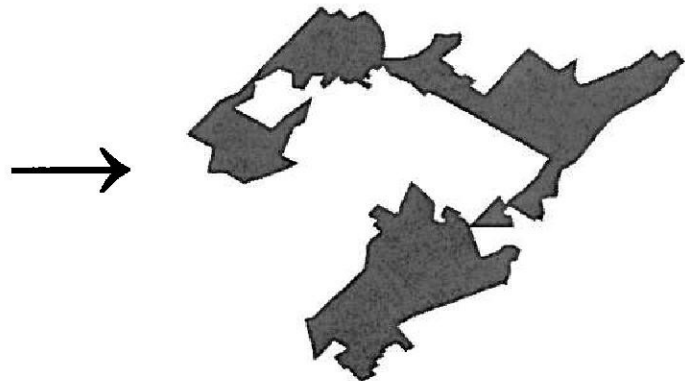
District 172 (2000→2002)



**172nd State House District 1992**



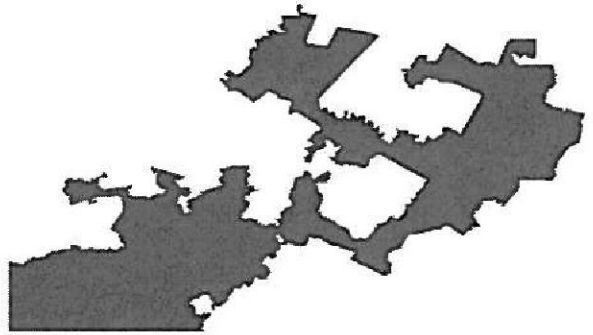
**172nd State House District 2002**



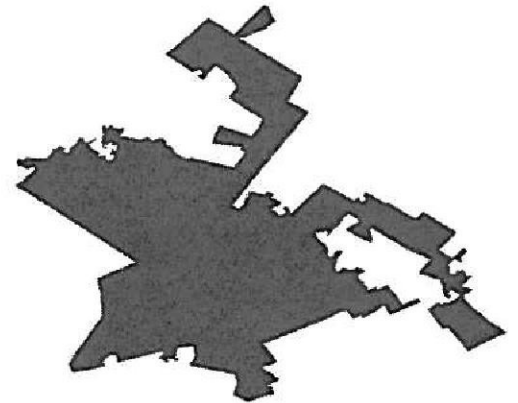
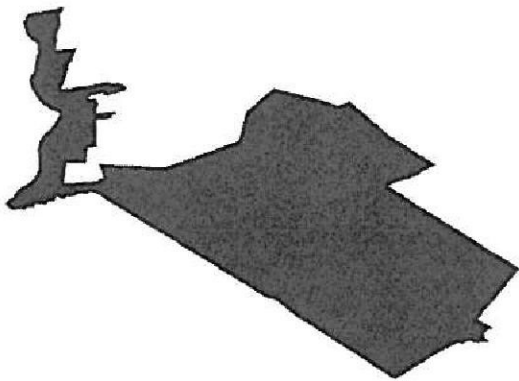
12th Congressional District 1992



12th Congressional District 2002



Congressional District 6 (2000→2002)



Congressional District 12 (2000→2002)

