



COMMON
CAUSE

Pennsylvania

Holding Power Accountable

**TESTIMONY OF COMMON CAUSE/PENNSYLVANIA
SUPPORTING REFORMS TO PENNSYLVANIA'S
REDISTRICTING SYSTEM**

**House State Government Committee
March 13, 2008 – Philadelphia, PA**

Good morning. I am Sara Steelman, chair of Common Cause/Pennsylvania, and a former member of the Pennsylvania House of Representatives. I appreciate the opportunity to represent Common Cause in this hearing. We are grateful for the chance to share with the members of the House State Government Committee some of our ideas on improving the redistricting process in Pennsylvania, a long-overdue reform.

Pennsylvania is notable both for the ingenuity devoted to the creation of painfully convoluted legislative districts and for the unwillingness of the commonwealth's courts to respond favorably to citizen's complaints about obvious gerrymandering. Since appeals to the court system fail despite glaring violations of existing constitutional standards, it's become clear that the most likely way redistricting will change is through legislative action, and we applaud the interest shown by this committee in considering such reforms.

Before considering the several redistricting bills before the committee, I'd like to outline some general principles that Common Cause thinks need to be reflected in any redistricting bill in order for it to be considered an improvement on the current process. These principles concern both the procedures and the standards for redistricting.

First, I want to consider procedural elements of redistricting:

- Redistricting should be carried out by an independent body that would be responsible for both state and federal legislative redistricting. The importance of the adjective “independent” in this context cannot be overstated. The current processes of having state legislative redistricting done by a commission composed mostly of legislative leadership and having federal redistricting maps directly voted upon by the legislature, have resulted in legislative districts that reflect the desire to protect incumbents (and occasionally to punish the leadership’s “enemies,” such as by moving a senatorial district from one end of the commonwealth to another) more than any desire to create districts that promote representative democracy.
- The redistricting process should involve the public to the greatest extent possible, by, for example, making the information and standards used in redistricting available to the public; encouraging public input on that information and those standards prior to the publication of a draft redistricting map; and providing opportunities for public criticism of the map when it is published. Iowa, it is worth noting, publishes a “Do-It-Yourself Redistricting Plan” early in its process that permits interested citizens to see what information and criteria the map is based on. Given recent developments in imaging technology and computer programs for developing maps, this also enables interested parties to determine whether the final map actually reflects those standards.
- Finally, the redistricting process also should be limited to occurring once each decade, and there should be a firm timeline for its completion. In addition, there should be procedures to be followed if the timeline standards are violated, as well as an appeals procedure.

Second, I'd like to list some desirable standards for redistricting itself:

- It's, of course, a given that any redistricting plan must adhere to all constitutional and VRA (Voting Rights Act) requirements. Two of those requirements have been particularly prominent in recent redistricting battles: equality of population between districts and fair representation for minority populations. Again, because of the advances in computer mapping, creating districts that are equal in population, no matter how bizarre their shapes are, is not terribly difficult. Insuring fair representation for minorities is also not terribly difficult, but that criterion may create limitations on the application of some other important standards.
- One of those other standards, and one which has been obviously and drastically violated in Pennsylvania, is respect for political subdivisions. In a spirit of disclosure, I can point out that I got interested in reapportionment myself during the 1991-2 legislative session, when the 62nd House District, which I represented, suddenly ceased to be an entirely Indiana County district, which it had been historically, and oozed over the county line into Cambria County in order to create a space into which a district previously centered in Armstrong County could move. People in Indiana County were indignant at losing "their" district, and as I began to look at the process, I became indignant myself. During the remainder of my time in the House, I repeatedly introduced legislation to change the redistricting process, and I'm happy to note that some of the current bills reflect those efforts. Respect for county, township, and municipal boundaries should be a central feature of any redistricting legislation. It's important because
 - (a) people need to know who their legislator is, both in order to contact her or him and to be motivated to vote, and uncertainty is depressing both to citizen action and voter turnout;
 - (b) a legislator who only represents a sliver of a borough, township, or county is necessarily going to pay less attention to that area than to the larger parts of the district; and

(c) badly fractured districts are more difficult for a challenger to campaign in, both because of the physical effects and because more media markets mean more expensive campaigns – this reduces the competitiveness of a district, which is good for incumbent legislators, but perhaps not so good for the people.

- The standard that compactness is a valuable consideration in redistricting is another one that is consistently violated in Pennsylvania. In 2004, Donald Buckwalter and Robert Wilson, working at Indiana University of Pennsylvania's Spatial Sciences Research Center, published an article in *The Pennsylvania Geographer* utilizing two mathematical indexes of compactness and demonstrating that both Pennsylvania House and Senate districts had, on average, steadily become less compact during the period between the 1960 and 2000 redistricting. As they pointed out in their article, decreasing compactness tends to reflect decreasing respect for municipal boundaries and has the same negative effects. The more linear a district is, and the less it resembles either an ideal circular or hexagonal shape, the harder it becomes for people to know their representatives, to feel themselves as part of a community of interest, to care about elections, or to participate themselves.
- It should go without saying that all parts of a district must be contiguous, but that should probably be mentioned too.
- Finally, the data used in redistricting must be limited to prohibit the use of personal or political data in drawing the redistricting maps. Information as to the home addresses of incumbents or likely challengers, political affiliation of voters, or voting performance should be explicitly banned from consideration.

Of the bills before the committee for consideration, HB 84 has the distinct advantage of explicitly putting the process of redistricting for both Congressional districts and for the Pennsylvania House and Senate into the hands of a

redistricting bureau whose members would be selected and governed by the terms of Pennsylvania's Civil Service Act.

I would like to note parenthetically that Iowa's redistricting process, on which HB 84 is largely modeled, charges the Iowa Legislative Services Bureau with carrying out redistricting. This would also certainly be a possibility for Pennsylvania. We're not entirely sure that the advisory commission outlined in HB 84 is, in fact, necessary, and would ask the committee to consider whether both the preliminary hearings on redistricting and the public response hearings could be, perhaps, conducted by the redistricting bureau or the House and Senate State Government committees.

The second critically important improvement on the current process is that the language of HB 84 includes an extensive section laying out the guidelines to be followed by the bureau in redrawing the district lines. The current Constitution contains some language indicating the standards legislative districts should meet – compact and contiguous; equal in population; and with no political units subdivided “unless absolutely necessary.” However, given the history, it seems like a good idea to be more explicit, including the prohibition on the use of personal and political data that appears in both HB 84 and HB 81.

HB 81 and HB 2047 have the most complete timelines for redistricting. Our only question would be whether this level of detail needs to be addressed in a constitutional amendment. We also appreciate the fact that HB 2047, as well as HB 84, but not HB 81, call for public hearings on the plan. We believe other forms of input are also potentially valuable and would like to see an Internet forum made available, but public hearings should also be a part of the process. HB 81 and HB 2047 appear to have good procedures in case of failures either to meet the process deadlines or for the legislature to accept a final bill.

In closing, let me reiterate that Common Cause believes that the bills before the committee have many good features and any one could, with some revisions, be the vehicle of major reform in Pennsylvania's electoral process. However, I must point out that time is of the essence. If the General Assembly is to protect Pennsylvanians' interests in rationally and ethically sound legislative districts for the 2011 redistricting process, it must succeed in passing a constitutional amendment bill before the General Assembly recesses for the summer. Otherwise, Pennsylvania's constitutionally mandated process for passing an effective redistricting amendment will slip to an effective date of 2021. Pennsylvanians have waited far too long for this reform. They deserve legislative and congressional districts designed to promote effective, accountable, and responsive government, rather than districts designed to perpetuate incumbency.

I'll be happy to respond to any questions.