



LEAGUE OF WOMEN VOTERS[®] OF PENNSYLVANIA

STATEMENT ON REDISTRICTING REFORM LEGISLATION

March 13, 2008

House State Government Committee Hearing
University of Pennsylvania, Philadelphia

Good morning. I am Andrea Mulrine, President of the League of Women Voters of Pennsylvania. Thank you for this opportunity to comment on proposed legislation to reform Pennsylvania's redistricting process.

The League believes that the right of all citizens to vote should be protected, and yet few citizens appreciate how redistricting affects their right to vote for a candidate of their choice. Therefore, it is an issue that does not get much public attention and the result is that legislatures ignore reform until it is too late to do anything. With the 2010 census and the subsequent redistricting upon us, the League has put redistricting reform at the top of our legislative agenda. In Pennsylvania, reform requires amending the Pennsylvania Constitution. To complete the process in time for a Constitutional amendment to take effect for redistricting after the 2010 census, legislation must pass the in the current General Assembly no later than late June of this year.

The League believes that redistricting should advance the fundamental purposes of representative democracy by giving the people a meaningful choice in electing their representatives and by holding government accountable to the people. Pennsylvania's legislative and congressional redistricting process as currently structured advances neither of these goals.

The Pennsylvania Constitution gives legislative leaders the power to redraw State House and Senate district lines. The job of redrawing Congressional District boundaries is done by the General Assembly. It is an insider's game in which in which politicians choose their voters rather than the other way around. We believe the process should put the interest of the voters first.

Gerrymandering is one of the factors that reduces electoral competition. Until this last election, when other factors prevailed, Pennsylvania had one of the highest rates of legislative incumbent reelection in the country.

There are several bills pending in the General Assembly that address this issue. All of them would remove Congressional redistricting from the direct control of the General Assembly. This would prevent a replay of the 2001 round of redistricting when the Pennsylvania House, Senate and Governorship were all controlled by the same party and the outcome favored the party in power.

HB 81 and HB 2047 would both assign Congressional and Legislative redistricting to a bipartisan commission composed of legislative leaders or their appointees. Any plan approved by the commission would be subject to legislative approval. If none of the plans is approved, the final choice is left to the PA Supreme Court. Both of these bills have many good features. But assigning redistricting to the same type of commission that produced what has been described as a "bipartisan incumbent protective gerrymander," giving us, by at least one measurement, the second most gerrymandered state in the country, is not real reform.

The question of how the system should be reformed does not lend itself to easy answers. In 2005 representatives of the League of Women Voters and 27 other organizations concerned about the state of redistricting in the United States, met in Airlie, Virginia.

The group agreed to these procedures for redistricting:

- Assign the redistricting power to an independent commission.

- Ensure transparency of the process and a meaningful opportunity for interested parties and for the public to participate effectively.
- Conduct redistricting once each decade, following the census, with a strict timeline for completion.

The group agreed to this set of standards (*in rank order*):

1. Adhere to all Constitutional and Voting Rights Act requirements.
2. Promote competitiveness and partisan fairness.
3. Respect political subdivisions and communities of interest.
4. Encourage geographical compactness and respect for natural geographical features and barriers.

They also agreed that application of these principles will vary depending on circumstances in each state.

Of the several proposed amendments to Article II, Section 17 of the Pa Constitution, HB 84 comes closest to meeting the Airlie Conference criteria. It is based on the Iowa plan which is often cited as a model of fairness. It places the job of redrawing congressional and legislative district lines in the hands of a bureau consisting of employees covered by the Civil Service Act. To become law, any plan drawn by the bureau must be approved by the General Assembly and up to three plans can be submitted for approval. The first two must be voted up or down without amendment. If it is necessary to submit a third plan, it can be amended by the General Assembly. HB84 also creates a bipartisan redistricting advisory commission composed of four individuals appointed by the majority and minority leaders of the House and Senate who select by majority vote a fifth person to serve as chair. Commission members may not hold partisan public office, be employees of the General Assembly or Congress or be a relative of such persons. The commission's functions are confined to the following:

1. providing guidance to the bureau when no clearly applicable guidelines are provided by the section of the law setting forth criteria for drawing district lines;
2. conducting public hearings on any redistricting proposal sent by the bureau to the General Assembly; and,
3. conveying a report on those hearings to the General Assembly along with comments and conclusions drawn from the hearings and any other information it receives.

The League has the following comments on HB 84:

1. The bill fails the test of redistricting by independent commission. Final authority over approval of any plan rests with the General Assembly which can reject every plan submitted by the bureau and write its own plan.
2. The bill does not specify which government body will create the redistricting bureau.
3. The bill gives too much discretion to the commission regarding public information and input into the process. It fails to provide for any meaningful public input until the bureau submits a plan to the legislature. We believe that public input should begin at the start of the process when stakeholders can alert the redistricting body to their various concerns including communities of interest that should be considered in preparing a plan. In the public comment period following submission of a plan prepared by the bureau, interested groups and individuals should also be able to submit alternate plans for consideration by the commission.
4. The bill prohibits drawing districts "for the purpose of favoring a political party, incumbent legislator or member of Congress or other person or group." Precluding favoring a group could run counter to the Voting Right Act and respect for communities of interest.
5. The bill prohibits the bureau from using such information as addresses of incumbents or party registration in various geographic areas. We believe this is impractical because this information is readily available. Transparency in the process will reveal if such information is inappropriately used to favor or disfavor one or another group.
6. The amendment should clearly state that it is the intent of the General Assembly that redistricting will take place only once per decade.

Using HB 84 as a starting point, the League has developed a concept for a redistricting process that we believe will satisfy the Airlie criteria and work for Pennsylvania. The process is designed to provide for widespread public input.

Under our plan:

1. The redistricting process would be assigned to the Pennsylvania Legislative Reference Bureau. The Bureau has a reputation for professionalism and fairness and this is our closest equivalent to the Bureau used in the Iowa plan.
2. All external communications to and from the Bureau are to be in written form and part of the public record.
3. Any data collected by the Bureau that will be used to draw district boundaries is to be posted on the Internet and otherwise made available for public inspection as soon as it is available.
4. Even before census data is available, the Bureau is to hold preliminary public hearings in five different regions of the state to get public input on their expectations relevant to redistricting.
5. The Bureau will have a defined period of time after population data is available for either Congressional or legislative redistricting or both to make public a corresponding preliminary redistricting plan along with information on how the plan satisfies various criteria for redistricting including those designed to prevent gerrymandering.
6. The preliminary plan will go to the citizens first for public comment. Hearings are to be held in five different regions of the state. The public, incumbent legislators and members of Congress can submit written testimony and even alternate plans they believe better satisfies the redistricting criteria.
7. Within 30 days after the end of the public comment period the Bureau is to make public and deliver a revised plan to the General Assembly. The General Assembly will hold hearings and otherwise receive public comment on the proposal.
8. No less than 21 days but no later than 30 days after receipt of the revised plan the General Assembly is to vote the plan up or down without amendment.
9. If the General Assembly fails to meet the deadline for accepting or rejecting the revised plan then it becomes the adopted redistricting plan. If either or both houses reject the plan it is to be sent back to the Bureau along with the reasons why it was rejected.
10. After a specified period for additional public comment, the Bureau will have 21 days to prepare and deliver a final plan to the General Assembly which is to be publicized as before. If the General Assembly fails to approve the final plan by a certain deadline the final plan will be the adopted plan. If either House rejects the plan then the revised and final plan will be delivered to the Secretary of State who will select one of them by lot to be the adopted redistricting plan.
11. Unless otherwise directed by court order, congressional and legislative redistricting is to take place only once per decade following the Federal census.
12. Appeals go to the PA Supreme Court.

Our proposal also sets forth criteria to limit gerrymandering for partisan and incumbent advantage as follows:

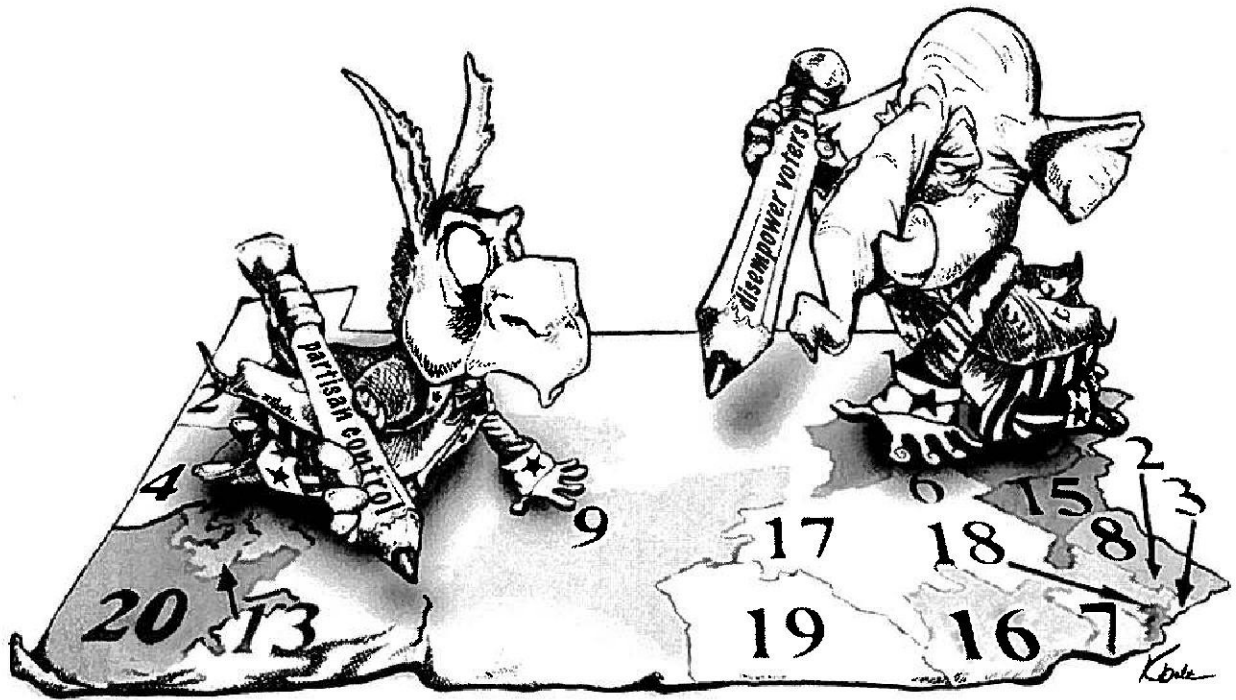
1. To the extent consistent with one-person-one-vote requirements, district boundaries are to coincide with the boundaries of political subdivisions including voting precincts and school districts.
2. With regard to a Congressional, senatorial or representative district plan, under no circumstances shall a municipality be divided more than once until all larger municipalities have been divided an equal number of times. If a division is necessary the Bureau must file said findings as an addendum to the preliminary, revised or final plan.
3. A district shall be composed of convenient contiguous territory. Areas which meet only at the points of adjoining corners are not contiguous.
4. Districts should preserve communities of interest.
5. Districts shall be compact in form to the extent possible with meeting population and Voting Rights Act requirements and preserving political subdivisions and respecting communities of interest.
6. No district shall be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress or other person.

Our proposal does not include the involvement of any kind of commission in the redistricting process. In HB 84 the commission would be merely advisory. Under HB 81 and HB 87 the commission would be responsible for developing the plan. In all cases the commission would be appointed by the legislative leadership and be equally composed of Republicans and Democrats or their appointees. However, they would all face a common problem – the selection of a chair that would be a fair and impartial arbitrator and have the powerful role of tiebreaker. A common

feature of HB 84, 81 and 2047 is that they all require that any plan be put to vote by the General Assembly. This is desirable because each incumbent legislator is made publicly accountable for their approval or disapproval of the plan. This being the case, the commission serves no useful function. Eliminating a commission puts all the people's representatives on an equal footing regarding input into the development of a redistricting plan.

We believe this proposal is the one that puts the interest of the voters first.

Thank you again for this opportunity to present our views.



DRAWING DEFORMED DISTRICTS OF DEMOCRACY

Voters First!



GOOD GOVERNMENT GROUPS RALLY AROUND REDISTRICTING REFORM - IT'S NOT DEAD YET!

From: *"The Shape of Representative Democracy"* Report of the Redistricting Reform Conference, Airlie, Virginia, June 2005, sponsored by The Council for Excellence in Government and The Campaign Legal Center.

REDISTRICTING REFORM PRINCIPLES
AGREED TO JUNE 17, 2005 BY 28 ORGANIZATIONS INCLUDING
THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

Preamble

Congressional and legislative redistricting should advance the fundamental purposes of representative democracy and a republican form of government by affording the people a meaningful choice in electing their representatives and by holding government accountable to the people.

PRINCIPLES

Procedures for Redistricting

- Assign the redistricting power to an independent commission.
- Ensure transparency of the process and a meaningful opportunity for interested parties and for the public to participate effectively.
- Conduct redistricting once each decade, following the census, with a strict timeline for completion.

Standards for Redistricting

(in rank order)

- Adhere to all Constitutional and Voting Rights Act (VRA) requirements.
- Promote competitiveness and partisan fairness.
- Respect political subdivisions and communities of interest.
- Encourage geographical compactness and respect for natural geographical features and barriers.

ADDITIONAL VIEWS

By Lloyd Leonard
League of Women Voters

The *League of Women Voters* is pleased to endorse the principles described in this report as techniques for implementing the three key goals for redistricting reform set out by the League: "one person, one vote;" effective representation of minority citizens; and opposition to partisan gerrymandering. Though not the exclusive means for reform, the principles chart a roadmap for achieving real reform, and, as the report recognizes, they will need further enhancement or refinement in the states.

Protection of minority voting rights is enunciated in the principles as support for Voting Rights Act requirements. Beyond recognition of current federal requirements, the League support for minority rights extends to full political participation, effective representation and the opportunity to elect candidates of choice. Similarly, we support "one person, one vote" not just as a legal requirement but also as a basic democratic value.

Assigning redistricting to an independent commission can be an important procedural reform. However, it is the final result that is important, not just the process, and in many states citizens will need to work through legislative or other processes to achieve good redistricting plans. The selection of independent commissions must ensure that they are insulated, but not divorced, from the political process. The aim is to prevent partisan gerrymandering, not to create another unresponsive or unrepresentative process.

Promoting competitiveness is also an important reform, which in these principles is paired with fairness. This captures an essential tension. We seek districts that are responsive to voters, but not so unstable that effective representation is made difficult. Defining competitiveness will be important in each state, and should not come at the expense of "one person, one vote" or effective representation of minority citizens. Finally, geographical standards are already largely encompassed by other standards in the principles.