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

**House Democratic Policy Committee
January 28, 2010**

Good afternoon. I am Sara Steelman, Vice Chair for Issues 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 Democratic Policy 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 reforms of the process.

Before considering Rep. Drucker's redistricting bill (HB 2005) and Rep. Josephs's bill (HB 1805), 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 desirable 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. Since we last visited this issue, the redistricting programs available have become even more sophisticated and user-friendly.
- 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 overwhelmingly 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 morphed over the county line into Cambria County in order to create space in Indiana 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.
- 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.

Since Common Cause last testified on this issue before a House committee, the legislature has missed an important deadline for reform. Because a full-scale change to the redistricting process requires Pennsylvania's constitution to be amended, the bill doing so would have to be passed by the House and Senate in two successive sessions before being put on the ballot for citizen approval. No such constitutional amendment can now have a realistic chance for enactment before the 2011 redistricting that will follow this year's census.

Rep. Druckers's bill, the focus of today's hearing, does amend the Constitution, which means that its provisions would only begin to come into play for the redistricting process of 2021. This might have a strategic advantage in that sitting legislators might be more inclined to vote for legislation they think is less likely to affect them. However, I remember thinking the same thing in 1992 and in 2001

Although HB 2005 has some good features, it begins by establishing a reapportionment commission that, unfortunately, only compounds one of the primary problems with the current system. Instead of a five-member commission comprising House and Senate leaders or their deputies plus one independent member selected

by the commissioners or by Pennsylvania's Supreme Court, HB 2005 envisions a nine-member commission comprising House and Senate leaders and whips of both parties plus one member selected by the court. How is doubling the number of partisan commissioners supposed to produce a more non-partisan process? There is no provision or requirement for the formation or hiring of an independent and professionally disinterested entity to perform the actual mapping, which means that the process would be carried out by the same folks who gave us the last several reapportionments.

The provision that the commission shall be responsible for both the Pennsylvania Legislature and the Congressional House districts would be good if the commission itself were more nonpartisan.

This bill changes and slightly expands the standards for drawing district lines in the current Constitution, including a more stringent requirement for compactness of districts and a requirement that any division of political units such as counties, townships and boroughs be explained in addenda. However, given the history, it seems like a good idea to be more explicit about standards.

We also note that the Drucker bill does not contain the standard requirement that all parts of a district be "contiguous." We hope this is just a drafting oversight and that this essential requirement will be restored.

HB 2005 permits the population of legislative districts to deviate from the norm by a measure of 8%. That means the difference between the largest and smallest districts could be as much as 16%. Common Cause has recommended that the maximum permissible deviation from the mean be around the 1.5% to 2.5% range.

House bills from last session included a prohibition on the use of personal and political data that this bill lacks. Without these prohibitions, gerrymandering remains a real possibility.

In considering redistricting legislation, I also want to mention Rep. Josephs's bill, HB 1805. This bill does not amend the Constitution, so it could be effective in time for the 2011 redistricting. It also fails to establish an independent entity to do redistricting and fails to limit the use of personal and political information that could result in the construction of gerrymandered districts. It would, however, create a Website that both would provide much more information to citizens than has been available in the past and would make available software tools that would enable citizens to create and submit to the commission their own reapportionment plans. We urge you to review HB 1805 and add to HB 2005 many of the standards for openness and public input that the Josephs's bill contains.

In closing, let me reiterate that Common Cause believes that both HB 2005 and HB 1805 have many good features and could, with some revisions, be the vehicle of reform in Pennsylvania's electoral process. Since HB 1805 has been voted out of the State Government Committee, we would encourage the members of the Policy Committee to try to bring it to the floor for a vote, rather than letting it die in the Appropriations Committee, where it currently languishes. Because HB 2005 has the potential to have greater effect, we would encourage the State Government Committee to consider it, amend it, and vote it out as well. Even though the effective date for redistricting reform would slip to 2021, progress would be possible. 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.

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