



LEAGUE OF WOMEN VOTERS®
OF PENNSYLVANIA

STATEMENT ON REDISTRICTING REFORM LEGISLATION

January 28, 2010

HOUSE MAJORITY POLICY COMMITTEE HEARING ON REDISTRICTING

Tredyffrin Township Municipal Building, Berwyn, Pennsylvania

Testimony presented by Olivia Thorne, President

Thank you for this opportunity to comment on an issue that has been at the top of the League's legislative priority list for several years.

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. Under this structure the process has been an insider's game in which in which politicians choose their voters rather than the other way around. The grotesque shape of the 157th House District where this hearing is being held is a prime example. We believe redistricting plans should put the interests of the voters first.

In the last session of the General Assembly, the League proposed a redistricting reform amendment to the Pennsylvania Constitution. Our proposal had the following goals:

- Assign responsibility for drawing congressional and legislative district maps to an independent, non-partisan redistricting body.
- Ensure the transparency of the process and a meaningful opportunity for interested parties and the public to participate effectively.
- Promote competitiveness and partisan fairness.
- Encourage geographic compactness and respect for the boundaries of political subdivisions.
- Ensure that redistricting would be conducted only once each decade following the Federal decennial census.

The House version of our proposal had 95 cosponsors. We hoped it would be approved by the General Assembly and put before the voters for ratification in time to take effect for redistricting after the 2010 census. Unfortunately this did not happen.

HB 2005 sponsored by Representative Drucker contains many of the reforms we advocate regarding the criteria and procedures for drawing district lines. However, the actual mapmaking for congressional and legislative districts would be done by the majority and minority leadership of the House and Senate as is now the case for legislative redistricting. The major difference is that the leadership commission would be expanded to include the majority and minority whips. We proposed putting the actual drawing of redistricting maps into the hands of a non partisan bureau and still believe this is the better course. Like our proposal, under HB 2005, the entire membership of the House and Senate would have the opportunity to vote to accept or reject, but not amend, a proposed plan. This provision along with anti-gerrymandering rules would put restraints on the bipartisan mapmakers.

We will continue to work for a constitutional amendment. But, since it is too late to enact a reform amendment in time to affect redistricting in 2011, we want to take this opportunity to urge support for legislation that does not require amending the Constitution. If enacted into law this year, its provisions could be applied next year. Our proposal would work within the framework of Article II, Sections 16 and 17 of the PA Constitution but give added direction to how the redistricting process should be carried out to make it more fair and open. It would also create standards for the criteria

already in the Constitution that must be met by redistricting plans. The details of our proposal are outlined in the attached document "Legislative Option for Redistricting Reform to Take Effect for 2011."

HB 1805 sponsored by Representative Babette Josephs and a bipartisan list of co-sponsors, incorporates many of our proposed reforms. It was reported out of the House State Government Committee in November with no dissenting votes.

Under HB1805, the Legislative Reapportionment Commission, which is responsible for redistricting the PA House and Senate, would be required to comply with the Pennsylvania Open Meetings Law and the Pennsylvania Right to Know Law and to conduct a series of public hearings across the Commonwealth to get citizen input into redistricting plans. The bill defines anti-gerrymandering criteria for drawing maps. An Internet website would be created to disseminate all information used to create redistricting plans and to post preliminary and final plans drawn by the Commission. The website would be set up to facilitate the use of software that the public can use to create redistricting plans. These can be posted on the website for comparison with the Commission drawn plans.

While HB 1805, if enacted, would achieve many of our reform goals it is missing several key features of our proposal.

First, the current process for drawing congressional redistricting plans is open to abuse if one party controls the General Assembly and the governorship. Attached to this testimony is a memorandum from the Public Interest Law Project of Philadelphia suggesting that a Congressional Redistricting Commission can be created through the regular legislative process. The make up of this Commission could be the same as the Legislative Reapportionment Commission as constituted under Article II, Section 17 of the PA Constitution. Like HB 2005, the legislation could give the legislature the opportunity to accept or reject the congressional plan without amendment. Doing this would ensure that the process is bipartisan and, in combination with anti-gerrymandering criteria, result in a congressional plan that is fair to both parties.

Second, HB 1805 should be amended to specify that congressional as well as legislative redistricting shall only take place once per decade. The provisions regarding criteria for redistricting plans and for openness, public input and dissemination of public information should also apply to congressional redistricting.

The bill should also be amended so that:

- No district shall be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress or other person.
- The Commission(s) can contract the design and mapping to a qualified Pennsylvania university or college.
- No use shall be made of addresses of incumbent legislators or members of Congress, political affiliations of register voters, or previous elections results.

Several technical amendments are needed for clarification and to ensure that the Act is consistent with the requirements of the PA Constitution.

We believe that our proposal merits bipartisan support and should be enacted before outcome of this year's legislative and gubernatorial races is known.

Again, thank you for this opportunity to present our views.

ATTACHMENTS:

1. "Legislative Option for Redistricting Reform to Take Effect for 2011"
2. Memorandum: Constitutional Authority to Establish a Congressional Redistricting Commission

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LEGISLATIVE OPTION FOR REDISTRICTING REFORM TO TAKE EFFECT FOR 2011

- 1.) Legislative Intent -- Government accountability depends on competitive elections that provide real choices to voters. Therefore all redistricting procedures shall be conducted in a manner that is open and transparent. Redistricting plans shall be intended neither to favor nor hinder the opportunities of any political party or candidate.
- 2.) In addition to redistricting the seats in the PA legislature after each decennial census, the Legislative Reapportionment Commission constituted under Article II, Section 17 of the PA Constitution shall also conduct redistricting of Pennsylvania's congressional districts after each decennial census.
- 3.) Redistricting shall be conducted only once in each decade unless otherwise ordered by a court of competent jurisdiction.
- 4.) If the House or Senate Majority or Minority leaders delegate their duties on the commission to deputies the persons they select and the fifth member selected as chairman shall be persons who are eligible electors of this Commonwealth and have been inhabitants of this Commonwealth for at least 4 years at the time of their appointment. Neither the chairman nor the deputies shall have served as either elected or appointed Federal State or local government officials or political party officials or registered lobbyists during the past 10 years. Nor shall the chairman and the deputies be an immediate family member of members of the General Assembly or the United States Congress or in the past ten years have been employed by the General Assembly or by the United States Congress.
- 5) The Commission may contract the design and mapping of legislative and or congressional districts to a qualified Pennsylvania university or college or other independent entity with the required expertise.
- 6) Redistricting plans shall comply with the provisions of the Constitution of the United States and applicable Federal and Pennsylvania law. Article II, section 16 of the PA Constitution identifies criteria for conducting redistricting. If there are conflicts in meeting these standards, the Legislative Reapportionment Commission shall require that the following criteria be applied listed in rank order:

First - All districts shall have a population as nearly equal as practicable to the ideal population for the districts, as determined by dividing the number of districts to be established into the population of this Commonwealth reported in the Federal decennial census. No district shall have a population that deviates more than .75% from the ideal population for that district nor shall the district with the highest population deviate more than 1.5% from the district with the smallest population.

Second - Unless absolutely necessary no county, city, incorporated town, borough, township or ward shall be divided in forming a congressional, senatorial or representative district. No such entity shall be divided more than once until all other entities of the same or larger population have been divided at least once.

Third - All districts shall be composed of geographically contiguous territory. Districts having sections that meet only at the points of adjoining corners shall not be considered contiguous.

Fourth - Districts shall be reasonably geographically compact in form with a compactness measurement of not less than 15% of the total ideal measurement for the district but the above criteria take precedence over compactness. The ideal compactness measurement for any district shall be a ratio of one to one of the dispersion of population about the population center of the district to the dispersion of population about the geographic center of the district.

The Legislative Reapportionment Commission must accompany any plan which deviates from any of these criteria with a specific explanation defining why the deviation is necessary and alternate plans that were considered that would have avoided the deviation.

- 7) In designing districts neither the members of the Legislative Reapportionment Commissioners, the State Ethics Commission nor their employees or contractors shall have access to or in any way utilize any of the following information for redistricting:
 - Party affiliation data of any political subdivision;
 - Voting histories of any political subdivision;
 - The location of residences of any incumbent official, candidate, or other person;
- 8.) Any data that is to be used in drafting a redistricting plan, the preliminary and any revised plan, notice of commission meetings and public hearings, transcripts of testimony presented at public meetings, and any written testimony is to be posted on the Internet and otherwise made available to the public within 48 hours of it being received by the Commission.
- 9.) All Commission meetings are to be publicly advertised widely and open to the public.
- 10.) All communications between the commission and other persons concerning any redistricting plan are to be in writing and made part of the public record.
- 11) Any violation of sections 7 through 10 shall carry a \$10,000 fine for each violation. No public funds may be used in payment of such penalties. Public funds used for legal counsel to defend against alleged violations shall be reimbursed to the State Treasury upon a finding that a violation has occurred.
- 12.) Prior to the drafting of a Preliminary Plan the Legislative Redistricting Commission shall hold public hearings in five different regions of the Commonwealth to solicit public input on their expectations relevant to redistricting
- 13.) Upon publication of the Preliminary Plan the Legislative Redistricting Commission shall hold a second series of public hearings in five different regions of the Commonwealth.
- 14.) Any Revised Plan proposed by the Legislative Redistricting Commission is to be accompanied by an explanation for the revisions.
- 15) If any section of this law is found to be unconstitutional or otherwise illegal or unenforceable, the remaining sections shall remain in effect.