

Written testimony to the PA House State Government Committee on Redistricting Common Cause PA Redistricting Reform Project Team

GOAL

Our goal is to advance the fundamental purposes of representative democracy by reforming the redistricting process to give the voting public a meaningful choice in electing their representatives. To quote the editorial staff of the Pittsburgh Tribune-Review, "Representative democracy doesn't work if it's not representative." The process must be transparent, open to public participation, free of partisan influence, and should create maps that are fair and responsive to voters.

ELEMENTS OF A REFORM PROPOSAL

Who: To accomplish this goal, the legislature needs to assign redistricting to a truly independent citizens commission composed of a politically and demographically diverse group of qualified members of the voting public chosen to ensure that the adopted plan is fair to voters.

What: Adherence to generally accepted redistricting criteria, including compactness, contiguity, population equality, and minimization of splitting municipalities.

How:

Establish:

- Criteria for membership of the commission
- A selection process for commission members
- Duties, obligations and restrictions of the commission and its members
- Elements of the redistricting process including timelines and meaningful opportunities for public input throughout the process including free access to software for citizens to create and submit alternative maps. Citizens should be allowed to use publicly available data from the PA Secretary of State to challenge commission maps.
- A process for drawing maps that is open, including requirements for public meetings and requirements that highly ranked maps produced by citizens should either have their best features incorporated into the commission's map or an explanation be provided that explains why the commission's map is superior.

Prohibit:

- Districts from being drawn for the purpose of favoring or discriminating against a political party or candidate.

Provide:

- Objective and measurable criteria for the design of voting districts, including compactness, contiguity, population, and limits on splitting of municipalities,

RS 102 Gerrymandering Authority

1. WHEREAS Exodus 23:6 mandates that “*you shall not pervert the justice due to your poor.*”
2. WHEREAS **The Book of Discipline of The United Methodist Church, 2012**, Social Principles: ¶68 V. The Political Community specifies:¹ “*While our allegiance to God takes precedence over our allegiance to any state, we acknowledge the vital function of government as a principal vehicle for the ordering of society. Because we know ourselves to be responsible to God for social and political life, we declare the following relative to governments:*”
 - A. **Basic Freedoms and Human Rights** “*We hold governments responsible for the protection of the rights of the people to free and fair elections ... The form and the leaders of all governments should be determined by exercise of the right to vote guaranteed to all adult citizens.*”
 - B. **Political Responsibility** “*The strength of a political system depends upon the full and willing participation of its citizens. The church should continually exert a strong ethical influence upon the state, supporting policies and programs deemed to be just and opposing policies and programs that are unjust.*”
3. WHEREAS The Western Pennsylvania Conference of the United Methodist Church adopted P 102 Gerrymandering in 2016,² and RS 102 Gerrymandering in 2018.³
4. WHEREAS the substance of these Resolutions has been that “the Pennsylvania General Assembly to immediately enact legislation that would create an independent citizens’ commission to design political districts which would represent our voting population. These districts should have population equality, be compact, contiguous and respectful of county and municipal boundaries. The district boundaries should be free of political considerations.”⁴
5. WHEREAS this 2019 Resolution sustains that position into the new 2019-2020 Pennsylvania Legislative Session.
6. WHEREAS as shown in the Reports Chapter of this Conference Journal, Pennsylvania’s Supreme Court delineated our Federal Congressional Districts on 2018-01-22. This districting decision was sustained by the Supreme Court of the United States as of 2018-10-16.⁵ Those Federal Congressional boundaries will remain in place until at least March 2021.
7. WHEREAS Pennsylvania’s Supreme Court did NOT alter the boundaries for our (state) General Assembly.⁶ Pennsylvania remains the most Gerrymandered state in the Union.
8. WHEREAS in June 2018 Sen. Mike Folmer meshed all our proposed Gerrymandering Bills into “The Folmer Compromise”, SB22A1780. This Folmer Compromise passed the Senate unanimously!
 - a. Our elected officials would nominate the 11 members of the Independent Commission. Four Republicans, four Democrats and three Independents.
 - b. Sen. Vincent Hughes assured that each nominee must be accepted by the majority of the Republicans AND the majority of the Democrats in that chamber. They are affirmed by a concurrent majority.

¹ <http://www.umc.org/what-we-believe/political-community>

² P102 Gerrymandering 102/3/2=98% !

³ <https://www.wpaumc.org/files/resource/journal/2018/07+legislation+2018.pdf> p.406. All three Pennsylvania Conferences adopted Gerrymandering Resolutions. WPAUMC adopted the Resolution by 99%!

⁴ <http://www.wpaumc.org/files/resource/journal/2016/07+legislation2016draft.pdf>; <https://www.epaumc.org/wp-content/uploads/2017/05/2017RESOLUTIONS.pdf> Resolution2017-03; http://susumc.org/files/annual_conf/2017/2017_Annual_Conference_Workbook_FINAL.pdf RES-3 In Support of a Citizens Commission for Legislative and Congressional Redistricting. As shown in the Reports Chapter of this Conference Journal, that Resolution, and Gerrymandering Pennsylvania: A Crisis in this Legislative Session⁴ were presented as testimony to the Pennsylvania Senate State Government Committee.

⁵ Turzai v. League of Women Voters of Pa., No. 17A795 (Feb. 3, 2018)

⁶ In Commonwealth Court, <https://www.brennancenter.org/sites/default/files/legal-work/17.12.29%20Recommended%20Findings%20of%20Fact%20and%20Conclusions%20of%20Law.pdf>; In Pennsylvania Supreme Court, https://www.brennancenter.org/sites/default/files/legal-work/LWV_v_PA_Majority-Opinion.pdf

- c. Anyone who has been a candidate for political office for the last 5 years is excluded. So are all lobbyists, or staff people. The commissioners may not seek elected office for 5 years.
- d. The Commission must reflect Pennsylvania's demographics.
- e. The districts must be contiguous, compact and within 1% population distribution. Officials' residences or existing districts shall not be considered.
- f. Anticipating that the Federal Census Report will be received on January 31, 2020, the Commission must file its Initial Report must be filed before September 1, and the Final Report must be filed before October 1. Six public hearings must be held around the Commonwealth before the Initial Report, and six more before the Final Report. Following the concurrent majority, the Final Report must be approved by a super majority, including a majority of each faction.
- g. The Final Report has the full force of law, and therefore cannot be modified by political people. Jurisdiction as to any legal issue with the Final Report is exclusively vested in the Pennsylvania Supreme Court.

9. WHEREAS similar legislation has been introduced in our 2019-2020 Legislative Session.

Implementation

THEREFORE BE IT RESOLVED THAT the clergy and laity of the Western Pennsylvania Conference of the United Methodist Church continue to call upon the Pennsylvania General Assembly to immediately enact legislation that would create an independent citizens' commission to design political districts that would represent our voting population. These districts should have population equality, be compact, contiguous and respectful of county and municipal boundaries. The district boundaries should be free of political considerations. This citizens' commission should be independent, diverse, transparent, and accountable to the public.

THEREFORE BE IT FURTHER RESOLVED that the Western Pennsylvania Conference of the United Methodist Church authorizes the author of this Resolution (Roger Thomas) to promptly deliver it to the Chairs of the appropriate committees of both the Senate and the House of Representatives in accordance with Conference Rule 2.3.8.1.3.

Rev. Dr. Roger Thomas (Roger.Thomas1143@hotmail.com); Board of Church and Society, Kelly Smith Chair; Rev. Phil Wilson

RS 102 Gerrymandering

2018-06-07 47/8/0=55=85%

Authority

1. WHEREAS Exodus 23:6 mandates that “you shall not pervert the justice due to your poor.”
2. WHEREAS **The Book of Discipline of The United Methodist Church, 2012**, Social Principles: ¶68 V. The Political Community specifies:¹ “While our allegiance to God takes precedence over our allegiance to any state, we acknowledge the vital function of government as a principal vehicle for the ordering of society. Because we know ourselves to be responsible to God for social and political life, we declare the following relative to governments:”
 - A. **Basic Freedoms and Human Rights** “We hold governments responsible for the protection of the rights of the people to free and fair elections ...The form and the leaders of all governments should be determined by exercise of the right to vote guaranteed to all adult citizens.
 - B. **Political Responsibility** “The strength of a political system depends upon the full and willing participation of its citizens. The church should continually exert a strong ethical influence upon the state, supporting policies and programs deemed to be just and opposing policies and programs that are unjust.”

Independent Citizens’ Commission

3. WHEREAS The United States Constitution requires a national census every 10 years.² Each state must then re-draw the borders of their state legislative and Federal Congressional district boundaries.
4. WHEREAS “Gerrymandering” occurs when politicians draw political districts to guarantee their re-election.³
5. WHEREAS gerrymandering defeats the “one voter-one vote” rule.⁴ It creates “a conspicuous conflict of interest that gives an undue advantage to incumbent legislators or political parties.”⁵
6. WHEREAS in 2011 the Pennsylvania General Assembly –not the Legislative Redistricting Commission– drew the following Federal Congressional Districting map as the Act of December 22, 2011, P.L. 598, No. 131. There were no public hearings on this statute.

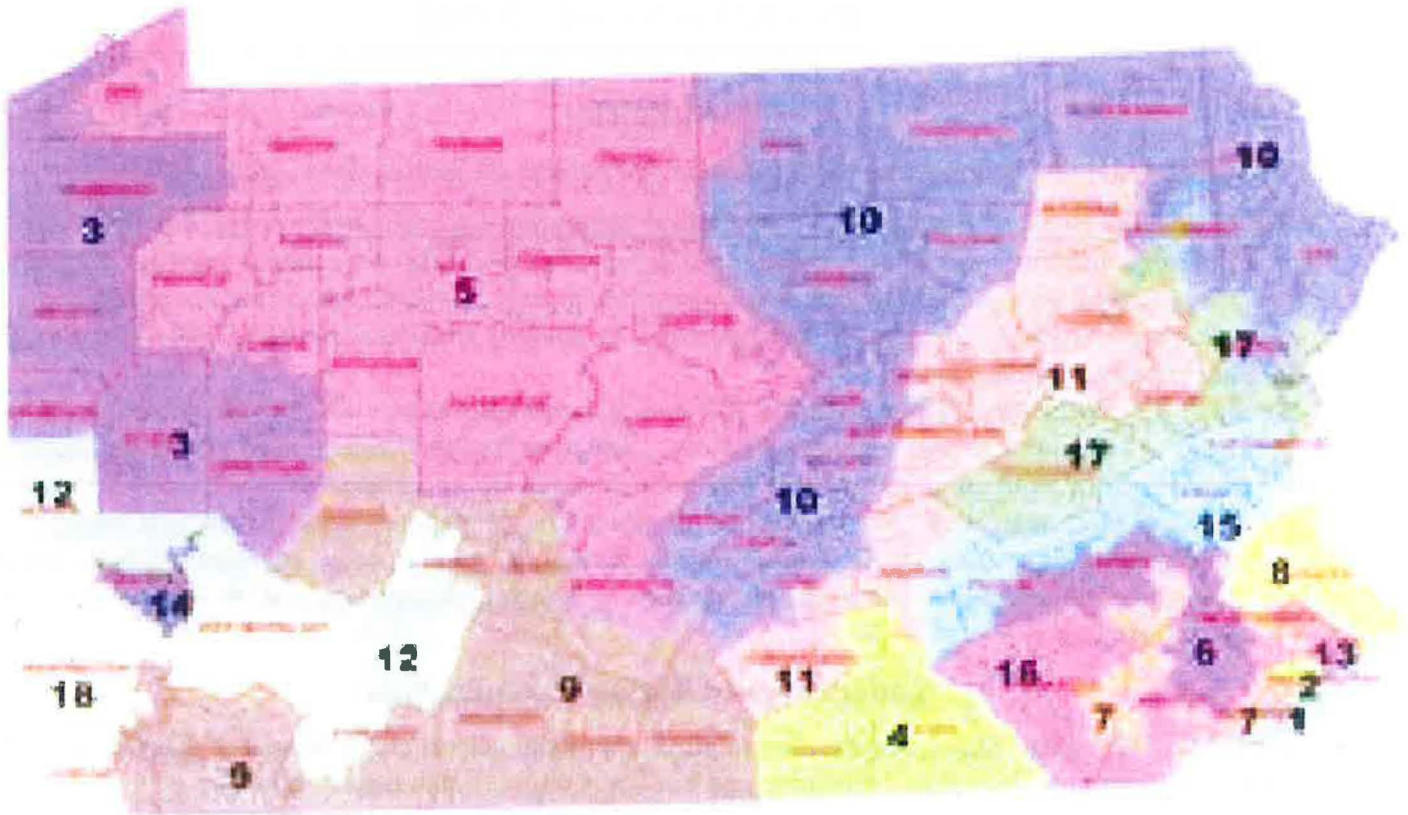
¹ <http://www.umc.org/what-we-believe/political-community>

² US Constitution, Article I, Section 2, Provision 3.

³ <https://rantt.com/the-top-10-most-gerrymandered-states-in-america-bd962843ba1f> ; <https://www.azavea.com/blog/2017/07/19/gerrymandered-states-ranked-efficiency-gap-seat-advantage/> ; <http://geekpsychologist.com/which-states-have-the-worst-congressional-gerrymandering-in-the-country/>

⁴ *Reynolds v. Sims* 377 U.S. 533 (1964)

⁵ https://www.academia.edu/34634102/2017-09-21_Gerrymandering_Pennsylvania



7. WHEREAS The League of Women Voters of Pennsylvania filed *League v. Pennsylvania* ⁶ to determine whether this December 22, 2011 districting plan violated the Pennsylvania Constitution's Free Expression and Association Clauses,⁷ Equal Protection Guarantees,⁸ and Free and Equal Clause.⁹
8. WHEREAS an alternative districting plan was developed in the course of litigation.¹⁰ These districts were drawn with computer assistance. They have population equality, and are compact, contiguous and respectful of county and municipal boundaries. They were deliberately drawn without regard for partisan data.

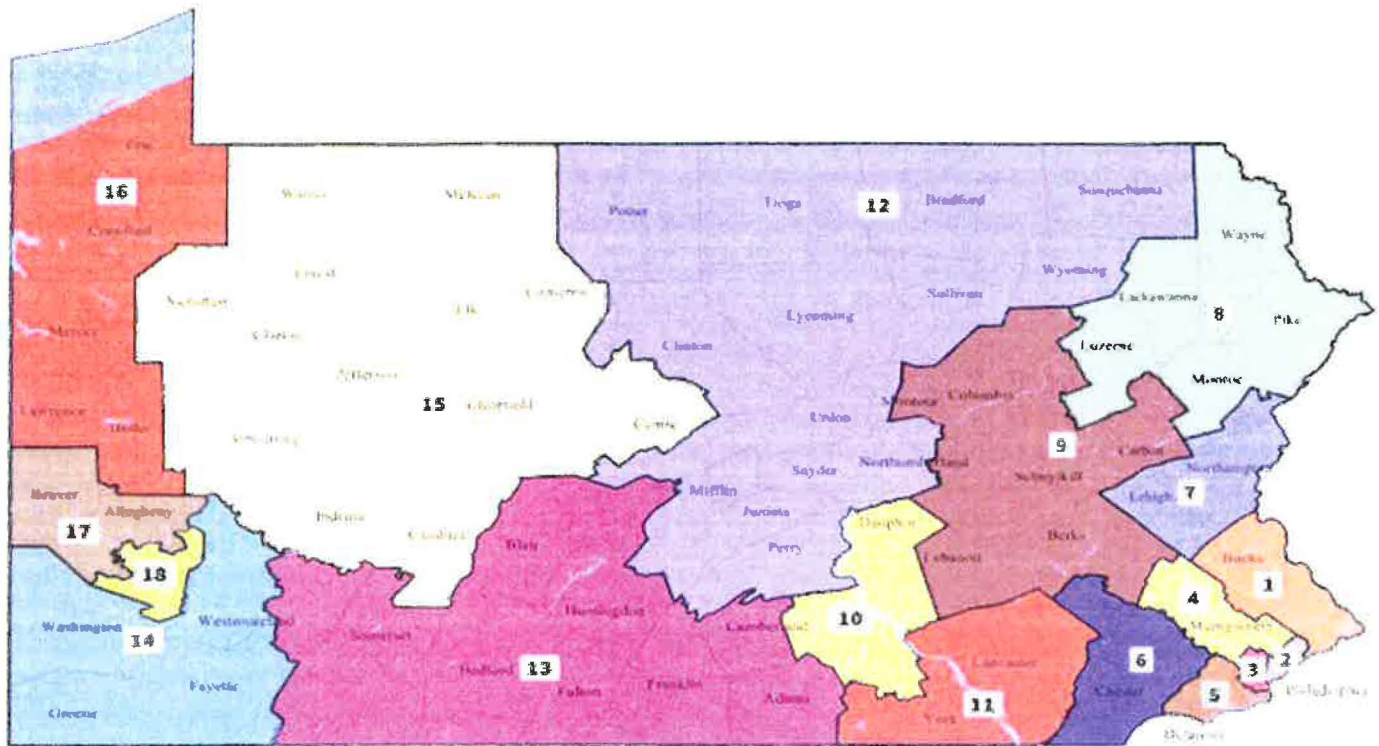
⁶ Filed 6/15/2017, Commonwealth Court 261 MD 2017

⁷ Art. I, §§ 7, 20

⁸ Art I, §§ 1, 26

⁹ Art I, §5

¹⁰ In Commonwealth Court, <https://www.brennancenter.org/sites/default/files/legal-work/17.12.29%20Recommended%20Findings%20of%20Fact%20and%20Conclusions%20of%20Law.pdf> ; In Pennsylvania Supreme Court, https://www.brennancenter.org/sites/default/files/legal-work/LWV_v_PA_Majority-Opinion.pdf



9. WHEREAS more than seven states already use independent commissions.¹¹ Private citizens draw the district boundaries. All politicians -and most felons- are deliberately excluded from these commissions. The US Supreme Court has sustained these independent commissions.¹²
10. WHEREAS Districts designed by independent commissions tend to be more representative and more competitive.¹³ These districts have population equality, and are compact, contiguous and respectful of county and municipal boundaries. They cannot consider partisan data when drawing the boundaries.
11. WHEREAS some nine Bills have been introduced into Pennsylvania's 2017-2018 General Assembly calling for Independent Citizens' Commissions.¹⁴ SB22 A7149 passed the Senate on 2018-06-11.
12. WHEREAS all three of Pennsylvania's United Methodist Conferences have passed resolutions calling for redistricting reform before the 2020 Federal Census.¹⁵

Implementation

THEREFORE BE IT RESOLVED THAT the clergy and laity of the Western Pennsylvania Conference of the United Methodist Church call upon the Pennsylvania General Assembly to immediately enact legislation that would create an independent citizens' commission to design political districts that would represent our voting population. These districts should have population equality, be compact, contiguous and respectful of county and municipal boundaries. The district boundaries should be free of political considerations.

¹¹ https://en.wikipedia.org/wiki/Redistricting_commission Arizona, California, Hawaii, Idaho, Montana, New Jersey & Washington. Others states, like Alaska & Missouri, have modified forms.

¹² Arizona State Legislature v. Arizona Independent Redistricting Commission, 576 US ____ (2015)

¹³ <https://www.nytimes.com/2015/07/02/upshot/independently-drawn-districts-have-proved-to-be-more-competitive.html> California changed from 5% to 19% competitive districts, the efficiency gap dropped by 30% statewide.

¹⁴ [Gerrymandering Pennsylvania: A Crisis in This Legislative Session](https://www.academia.edu/34634102/2017-09-21_Gerrymandering_Pennsylvania), https://www.academia.edu/34634102/2017-09-21_Gerrymandering_Pennsylvania

¹⁵ <http://www.wpaumc.org/files/resource/journal/2016/07+legislation2016draft.pdf>, <https://www.epaumc.org/wp-content/uploads/2017/05/2017RESOLUTIONS.pdf>, http://susumc.org/files/annual_conf/2017/2017_Annual_Conference_Workbook_FINAL.pdf

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