COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

STATE GOVERNMENT COMMITTEE
PUBLIC HEARING

STATE CAPITOL
HARRISBURG, PA

IRVIS OFFICE BUILDING
ROOM G-50

WEDNESDAY, SEPTEMBER 18, 2019
9:02 A.M.

PRESENTATION ON
LEGISLATIVE AND CONGRESSIONAL REDISTRICTING PROCESSES

BEFORE:
HONORABLE GARTH D. EVERETT, MAJORITY CHAIRMAN
HONORABLE STEPHANIE BOROWICZ
HONORABLE RUSS DIAMOND
HONORABLE MATTHEW DOWLING
HONORABLE CRIS DUSH
HONORABLE MATTHEW GABLER
HONORABLE DAWN KEEFER
HONORABLE JERRY KNOWLES
HONORABLE ANDREW LEWIS
HONORABLE BRET MILLER
HONORABLE LOUIS SCHMITT, JR.
HONORABLE CRAIG STAATS
HONORABLE JEFF WHEELAND
HONORABLE KEVIN BOYLE, DEMOCRATIC CHAIRMAN
HONORABLE JOSEPH CIRESI
HONORABLE PAMELA DELISSIO
HONORABLE JOSEPH HOHENSTEIN
HONORABLE MALCOLM KENYATTA
HONORABLE BRIAN SIMS
HONORABLE JARED SOLOMON
HONORABLE WENDY ULLMAN
HONORABLE JOSEPH WEBSTER

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Pennsylvania House of Representatives
Commonwealth of Pennsylvania
COMMITTEE STAFF PRESENT:

SUSAN BOYLE
MAJORITY EXECUTIVE DIRECTOR
MATT RINDFUSS
MAJORITY RESEARCH ANALYST
MELANIE DONNELLY
MAJORITY RESEARCH ANALYST
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MAJORITY LEGISLATIVE ADMINISTRATIVE ASSISTANT

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DEMOCRATIC EXECUTIVE DIRECTOR
MATT HURLBURT
DEMOCRATIC RESEARCH ANALYST
KATHY SEIDL
DEMOCRATIC RESEARCH ANALYST
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SUBMITTED WRITTEN TESTIMONY

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(See submitted written testimony and handouts online.)
PROCEEDINGS

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MAJORITY CHAIRMAN EVERETT: I'll bring this hearing on redistricting to order. We don't have to do a roll call or anything because it's a hearing.

And I'll just say in advance that this is not a public hearing where we take public comment. This is a hearing for the Members of the House State Government Committee to hear from the presenters, their different views and background on redistricting.

And I want to thank our staff, who has worked diligently to put together what I think is a very good set of panelists and a lot of information from the Members.

And to the Members I'll say this is just probably the first of a number of hearings that we will have over this session on the issue of redistricting. And today is just an educational opportunity for the Members on redistricting. When Chairman Boyle and I looked around the room at our Committee, we noticed that there was not many of us on the Committee that were here when we did redistricting last time and that we probably needed to start at what I'll say is square one and move forward.

So I want to thank, again, staff and the presenters, some of whom have come from a pretty good distance to help us today in our process. And with that,
I'll turn it over to my Co-Chairman, Kevin Boyle.

DEMOCRATIC CHAIRMAN BOYLE: Thank you, Chairman Everett. And as Chairman Everett referenced, actually, I believe Chairman Everett and I are the only Members of the State Government Committee that were actually Members of the Pennsylvania House during the last --

MAJORITY CHAIRMAN EVERETT: I think Matt Gabler might've been.

DEMOCRATIC CHAIRMAN BOYLE: Oh, and Pam DeLissio.

MAJORITY CHAIRMAN EVERETT: Oh, and Pam, yes.

DEMOCRATIC CHAIRMAN BOYLE: Pam DeLissio, sorry.

I'm sorry. Sorry.

So it's just four of us out of 25, so I do bring the experience of having gone through redistricting in 2011. It was my freshman year. And it was a very sobering experience. In 2010 I ran in a very high-profile race against the former Republican Speaker of the PA House, and a lot of money spent, a lot of attention, a lot of media. And I was running against a Republican in the city of Philadelphia, and there weren't too many places that were maybe friendly to Republicans politically in the city of Philadelphia.

So I say that because when I was in office it was time for redistricting. And the neighboring Republican legislators decided this freshman Democrat with a lot of
Republican areas was pretty enticing to take those voting
divisions from me. So in the end I wound up with a
district that was 60 percent new. And the people in the
communities I represented in northeast Philadelphia, they
never had a voice in that, so they voted for me against a
32-year incumbent, and it was a big deal to replace him.
And then all of a sudden the person they voted into office
was no longer their State Representative. And it was done
for political reasons, and I don't think that's fair, I
don't it's right, and I don't think it should happen in a
democracy.

So I appreciate everyone's activism here today.
This is the best-attended State Government Committee
meeting I think we've ever seen, and thank you for being
here. Thanks. Thanks, Chairman.

MAJORITY CHAIRMAN EVERETT: Thank you, Kevin.

And, yes, you know, I just have a few remarks to
get started. You know, redistricting, you know, is simply
the process of drawing Congressional districts based on a
new census. And with the demographic data that we get from
the census, the United States Census Bureau these days, and
the mapping tools that we have, how hard can that be? I
mean, you can go online and anybody can draw a map.

The question is, you know, we want to have
districts that are -- you know, I think everybody agrees we
want to produce districts that are compact, contiguous, and
which preserve political subdivisions, communities of
interest, and the cores of the traditional districts. As
Kevin was alluding to, you don't care district apart just
for political purposes. It should be nonpartisan.

And just like election reform, which we had a
hearing on on Monday, which is another wonderfully easy
issue we have to deal with in State Government, you know,
what the goal is is to make every vote equal and to make
sure that voters have faith in the maps and the districts
that are fair. I think that's all of our goals. And the
process of redistricting is governed by the United States
Constitution, the Federal Voting Rights Act of 1965, and in
Pennsylvania, our State Constitution.

As you'll hear from NCSL from Mr. Williams later,
States do redistricting in many different ways and with the
majority of them doing it legislatively. In Pennsylvania,
Federal Congressional redistricting is a legislative
process, which can be as easy as introducing a bill in
either the House and the Senate, moving it over to the
other chamber, and sending it to the Governor to sign. Or
it can be as complicated as having many hearings, taking
public input, and then enacting legislation with a new map.

Right now, we do not have a Pennsylvania
Constitutional or statutorily defined process on how
Congressional maps are drawn, and maybe we should. But on the other hand one could argue that the Pennsylvania Legislature has been drawing Congressional maps every 10 years since 1790 following our legislative process, and most times it's worked well, and we can continue to do that. And there's others that say we need to throw that whole process out and put in some kind of commission, and we'll hear about the various commissions that we might want to look at.

On the State Senate and House side of things, Article 2, Section 17 of the Pennsylvania Constitution directs that the State legislative redistricting must be accomplished by a five-member legislative reapportionment commission. And I would point out that Pennsylvania is one of about only 15 States that utilizes a commission of some sort for redistricting, while the remaining 35 solely use the legislative process.

I'd also point out for those -- and I think it looks like if I scan the room I would say we're populated predominantly by the Fair Districts people, but I would also point out that only eight States using independent commission to do redistricting. But we'll hear more about that also from NCSL and other presenters.

On redistricting, the State Constitution goes on to specify how the members of the commission are appointed,
timelines for producing preliminary maps, public hearings, filing of exceptions, court appeals on the exceptions, the filing of a revised plan, and ultimately the approval of the plan by the court.

For Members, I'm going to pass out to you a timeline of the last State redistricting process to give you some feel of how detailed that process is.

As I said, I see today's hearing as the first step in our process of determining what if anything we need to do to improve our redistricting processes in Pennsylvania. As I always try to do, I'm going to go through this process with an open mind, and I'd ask the Members to do that also.

I look forward to hearing from those who are here to provide their experience, knowledge, and opinions on redistricting. For today, as we usually do, I'd ask the Members to try to stick to questions that clarify the points provided by the testimony rather than providing us with your opinion on how we should do redistricting or a soliloquy on the Constitution or the Federalist Papers. We as Members will have plenty of time to speak with each other on these issues as we move forward. Today is an educational process, and I'd ask that we all listen and learn.

And with that, Kevin, do you have anything you
want to add?

With that, we'll open up with Mr. Ben Williams from NCSL, who is a specialist on elections and redistricting. Thank you for being here. I really appreciate it.

MR. WILLIAMS: Absolutely. Thank you, Mr. Chairman. Let's see. Can you hear me well there? Is that good? Okay.

Thank you, Mr. Chairman, Members of the Committee, for inviting me to speak to you today. My name is Ben Williams. As he said, I'm a Policy Specialist in elections and redistricting at the National Conference of State Legislatures. We're based in Denver. NCSL is the Nation's leading bipartisan organization supporting the work of both legislators and legislative staff.

I have provided the Committee with written testimony and a handout which contains detailed information about the national redistricting landscape. Rather than read that to you, I will keep my comments brief to save the majority of my time for your questions.

Redistricting is a core function of Legislatures, and therefore, redistricting is a core subject for NCSL. As with all of our work, we do not make recommendations on redistricting policy. Instead, we provide 50-State research and analysis.
While redistricting can be categorized in many different ways, a helpful dichotomy is to think of the roles as governing either processes or outcomes. Redistricting processes would include who draws the lines and, in the case of commissions, how Commissioners are selected; the procedures used to draw those lines; procedures for reviewing those lines; and any framework for receiving public input. Redistricting outcomes are governed by the criteria found in Federal and State law. How a State addresses these decision points is frequently debated, and many bills are introduced each year in Legislatures across the country in relation to them.

I'll now review some general facts about how States redistrict. Additional details can be found in my written testimony. I would also recommend NCSL's guide to redistricting aimed at legislative staff called "Into the Thicket: A Redistricting Starter Kit" for those looking for a good primer on the subject who haven't addressed it in the past.

Lastly, my colleagues and I and NCSL's Elections and Redistricting Division are always available to answer any of your questions. Should you have them, please feel free to reach out.

So in terms of who draws the lines, it's divided into who draws legislative lines and Congressional lines.
The numbers are different. The Legislature draws legislative districts in 36 States around the country right now. That number does change generally from year-to-year because usually one to two States per decade will adopt a commission process. That pace has increased somewhat this decade.

The Legislature draws Congressional districts right now in 41 States across the country. And then you can do the math. It's 14 for legislative and 9 for Congressional for commissions. NCSL includes Pennsylvania's legislative redistricting process in that 14 commission number.

In addition, there are also advisory commissions that assist State Legislatures in drawing districts in certain States. There are currently five advisory commissions for State legislative districts. That is Maine, New York, Rhode Island, Utah, and Vermont. And then there are four States which have an advisory commission to assist in drawing Congressional districts: Maine, New York, Rhode Island, and Utah. There are also States with backup commissions that are responsible for drawing districts in case the Legislature is unable to do so. Those States for our legislative districts are Connecticut, Illinois, Mississippi, Oklahoma, and Texas, and there are backup commissions for Congressional districts in
Connecticut, Indiana, and Ohio.

You also may have heard of Iowa's redistricting model, which is a bit unique. It's a statutory process that was passed by the Iowa Legislature in the late '70s, early '80s. I can speak for that more if you have questions later, but it is a complicated process.

In addition, there are questions about procedures for drawing district lines. One of the key questions is how many votes are required to adopt a map. In most States it is a majority vote in the State Legislature, but there are some States that have higher thresholds. So in the commission States there are seven which require some sort of elevated voting requirement. Those are California, Colorado, Idaho, Michigan, New York, and Utah starting in 2020, and Washington. In the legislative States, three State Legislatures require an elevated vote to pass a map. Those are Connecticut, Maine, and Ohio, again, beginning in 2020.

There are also public input mechanisms that a State could consider if they were thinking about making changes to their mapping processes, and so those would include timing rules as there is a certain time by which a map has to be adopted. Those could include whether public hearings or public comment periods are required by law. Some States require that; some States do not. It could
also be data transparency. Does the State provide software
to the public integrated with redistricting data to
facilitate public map submissions for considerations? Some
States do that. Some States that are known for having
relatively open data include California and Texas.

Of local note to Pennsylvania, a bill was
recently passed in the New Jersey State House unanimously,
which would simply take the election and district
information that's already available publicly and turn it
into a machine-readable format to facilitate that public
comment. So there is action on that issue in some of your
neighbors.

The last point is judicial review mechanisms.
Some States designate a particular court as the venue for
hearing redistricting challenges. An example of that would
be North Carolina, which requires that all redistricting
challenges be filed in a State court in the capital county
where Raleigh is. And then there are also some States that
mandate immediate judicial review of any map that's sort of
a prescreening cleansing process, and those States are
Kansas and Colorado.

There are also criteria. You're familiar with
the Federal criteria, one person, one vote, the 14th
Amendment, and the Voting Rights Act. Then there are
traditional criteria such as continuity, compactness,
preservation of political subdivisions, communities of interest, cores of prior districts, avoiding pairing incumbents. And then there are new criteria that some States have begun to adopt in recent years. Those would include prohibiting favoring or disfavoring parties, incumbents, or candidates; prohibiting the use of political data except where necessary to comply with the Voting Rights Act; competitiveness; and proportionality or symmetry, which are two different concepts, but they are related.

And with that, I think that's just a very quick and brief overview with a lot of numbers, so I'll leave the rest of the time to your questions. Thank you very much.

MAJORITY CHAIRMAN EVERETT: Thank you, Ben. And for those of you who don't have -- and I'm not trying to make anybody leave the room. You're welcome to stay here. But for those of you who do want to sit down, we have one floor above us in Room 124 there's a big-screen TV that live casting this if you want to have a seat to sit down and watch. If you want to stand or sit on the floor, you're more than welcome to do that also unless -- I don't know how many people are supposed to be in this room or not be in this room. I haven't called for security or anything, but if they look in, they might say there's too many people here, and then you might be moving off to Room
Again, thank you, Ben. Questions, Members?

Yes. Representative Solomon.

REPRESENTATIVE SOLOMON: Thank you, Mr. Chairman.

Ben, can you talk a little bit about the Iowa model, just lay it out, in particular the motivations for the Legislature to engage in that process?

MR. WILLIAMS: Sure. So, Representative Solomon, the Iowa model was adopted in the 1970s. I was not alive then, but my understanding is that there had been some contentious issues. The Legislature had been unable to adopt maps. In the previous cycle there had been court challenges, and the Legislature passed this system, which did not exist prior to it. And it involves the nonpartisan staff. Their division of legislative services would form a redistricting drawing panel.

They are extremely limited in the types of data they're allowed to look at when drawing the maps. They're not allowed to take into account political considerations. It's strictly census data except where necessary to comply with the Voting Rights Act, although my understanding of Iowa is that there aren't many, if any, voting rights districts. And they draw maps.

There's an advisory commission that Members of the Legislature appoint that the nonpartisan staffers work
with. Those maps are submitted to the Legislature for approval, and it is a complicated process of back-and-forth where you have up or down votes. So the Legislature for the first time receives the maps from the advisory commission, and they are not allowed to make any amendments. They get up or down vote immediately. And then if they reject that map, there is a second map that is submitted after the commission receives feedback from the legislators on the things that they didn't like about that first map. They'll submit that. There's another up or down vote. And if that map is also rejected, then the Legislature is allowed to make amendments to the map as they see fit.

And so far, since that process has been in place, the Legislature has never gone to the third vote. They've always approved the map for the first or second vote for both Congressional districts and State legislative districts.

REPRESENTATIVE SOLOMON: And just as a follow-up, Mr. Chairman, Ben, what about public sentiment in Iowa? I mean, has there been any polling of whether people like this process or in terms of outcomes, are districts more contiguous or kind of we keeping neighborhoods intact? Do you have any of that data?

MR. WILLIAMS: I don't have any data about
polling information or satisfaction. I can say that the process seems to work, and the Representatives I've spoken to in Iowa are happy with it.

REPRESENTATIVE SOLOMON: Can you talk a little bit more about that?

MR. WILLIAMS: I mean, I've only been to Iowa once or twice, but just my conversations with people in Iowa, they seem content with the way the process works for them. And it's a process that works for their State and their political culture.

REPRESENTATIVE SOLOMON: Thank you, Mr. Chairman.

MAJORITY CHAIRMAN EVERETT: Representative DeLissio.

REPRESENTATIVE DELISSIO: Thank you, Mr. Chairman.

Mr. Williams, when you had mentioned the number of States which seem to be the majority by far that are still controlling this process, how many of those States are you aware are actively discussing doing it differently? I was here in 2011, and even though that was my first year in office, it became evident to me rather quickly that this is about control and power. So I am not necessarily surprised at those statistics where Legislatures are trying to hold onto that control and power.

So I would like to understand, if you have that
information, are there other States similar to Pennsylvania that have initiatives out there, or are all these other States just really content with their current system? Does NCSL track any of that?

MR. WILLIAMS: NCSL does track bills that are introduced. You can decide for yourself whether the introduction of bills is a good barometer of interest in making changes for the overall legislative body. I will say that the majority of commissions around the country -- and I do have that data with me -- were created by legislative referral; they were not created by ballot initiative.

There are certain high-profile examples of redistricting commissions that were created by citizens' initiative that bypassed legislative processes, probably most notably Arizona and California and perhaps Michigan this past year, although that commission hasn't been formed yet. But the majority of commissions for both drawing legislative districts and Congressional districts were created by referrals from the State Legislature.

As to consideration about making changes, there are certainly bills that are introduced every year. For example, there was a bill passed last year in Virginia, a Constitutional amendment that passed both chambers of the Legislature. Because of Virginia's Constitutional
amendment process, it has to pass again. Or, sorry, it was this past year. It just seems like a long time ago. But it has to pass again in 2020 before it would be submitted to the voters for approval or disapproval.

And New Hampshire’s State Legislature adopted a commission bill earlier this year, but that was vetoed by the Governor. And my understanding is that there is some discussion of a veto override, but to be honest with you, I haven't followed that too closely.

REPRESENTATIVE DELISSIO: Thank you, Mr. Chairman.

MAJORITY CHAIRMAN EVERETT: Representative Dush.

REPRESENTATIVE DUSH: Thank you, Chairman. And thank you, Ben.

A couple questions. What kind of data is used by the Iowa professional staff? Because it's supposedly a nonpartisan staff. We don't have anything like that. What kind of data do they use?

MR. WILLIAMS: So the Iowa staffers are restricted to using census data, so they know anything that the Census Bureau would report to them. But they don't have incumbent locations, they don't have partisan data except where that would be necessary to comply with the Voting Rights Act because you have to do a racial polarization analysis when you're complying with the Voting
Rights Act, and that does require you to consider political data. Other than that, they don't do that.

And then they don't have any data on challengers or other people who may potentially want to run in a district. They only have the number of people, gender, race. That's it, and they draw the maps on an equal-population basis. They don't look at the prior districts either, as I understand it.

REPRESENTATIVE DUSH: With Pennsylvania when we do our State legislator maps, we don't have to have that one-for-one that is required for the Congressional districts.

MR. WILLIAMS: Yes.

REPRESENTATIVE DUSH: And as a Congressional districts are significantly larger --

MR. WILLIAMS: Yes.

REPRESENTATIVE DUSH: -- what kind of an impact does that have on the drawing of the maps?

MR. WILLIAMS: So the exact amount of equal population that you have to achieve certainly has an impact when you are looking at legislative districts. The Supreme Court has said that there's a little bit more leeway, and the exact numbers in order to comply with the criteria that a State through its laws is deemed appropriate. So there is an ability to achieve that somewhat more.
With Congressional districts, the Supreme Court has historically declared absolute numerical equality since the one-person, one-vote cases came down in the 1960s. There was a case this past decade where the Supreme Court allowed West Virginia to have a minimal Congressional deviation to comply with their whole-county provision, so there is some question about to what extent that flexibility exists for other States. The Supreme Court did not elaborate in that case. That's called Tennant v. Jefferson County if you want to look that up. But it has a significant impact.

When you're drawing the map, it is obviously easier to comply with the criteria if you have a little bit of wiggle room in the population as opposed to absolute numerical equality where the county lines breakdown. And I've never looked -- I've drawn example maps in some other States just to get a feel for how the criteria work. I've never done that for Pennsylvania, so I don't know how that would affect here particularly.

REPRESENTATIVE DUSH: Does that flexibility help with compactness and contiguous -- like I notice our State legislative districts are much more compact and contiguous than some Federal and not just in Pennsylvania.

MR. WILLIAMS: It certainly could. I've never done thorough analyses that one could use to determine the
exact extent to which it helps, but my understanding is

    generally it is helpful, yes.

    REPRESENTATIVE DUSH: Thank you.

    MAJORITY CHAIRMAN EVERETT: Representative

    Miller.

    REPRESENTATIVE MILLER: Thank you, Mr. Chairman,

and thank you for your testimony.

    MR. WILLIAMS: Sure.

    REPRESENTATIVE MILLER: I have, having not been

through this process before, been learning a lot about it.

    I was fascinated with your testimony about how many
different methods there are that the States utilize. And I
was trying to take some notes as you were going through
this.

    Can you give me a ballpark about how many -- I
guess the simple answer is 50 different methods, but
there's a lot of different proposals out there. In your

studies of the different proposals and what States are
doing, how many different ways are there out there?

    MAJORITY CHAIRMAN EVERETT: And, Ben, before you

answer and for all the Members of the Committee, as has
been mentioned, if you go to the NCSL website, there is
more information than you'll ever be able to digest, but
some of it is actually broken down simply enough that
legislators can understand it. So I would encourage you to
go there. They have criteria -- I mean, it's amazing the amount of information they have on their website. But, Ben, go ahead.

MR. WILLIAMS: Sure. So you're correct that there are 50 different measures because every State has different criteria, every State has slightly different timing rules, different public input rules. Some States use commissions, some States use different types of commissions, so the permutations are endless if you wanted to break it down into every different category.

As Chairman Everett said, the "Into the Thicket" discussion for State legislators is actually broken down as sort of a decision tree so you can look through every decision you would make. If you were creating an entire system de novo, you could go through and see every decision you would have to make to set up a complete redistricting process just to get a full idea of the complexity of it.

So there are the State Legislatures. There are the State Legislatures that have voting rules other than simple majority. There are State Legislatures that pass bills via resolution instead of via statute, so the Governor is not included in that process. There are commissions that are appointed by Members of the Legislature. There are commissions with even numbers of Commissioners. There are commissions with odd numbers of
Commissioners.

There are commissions that have selection processes that exist outside of the Legislature almost entirely, and I think we have some Members of the California commission here today. They can tell you more about how that process worked for them. And there are commissions that are considered bipartisan commissions with tie-breaking votes, which is the system that New Jersey uses. So it's endless, the number of different permutations you could have.

And any change on any one of those decision points, criteria, public input, data, software, commission, super majority voting rules would make a change in any given State. So it's constantly changing, and every decade we have States that have entirely new setups that make the process even more diverse.

REPRESENTATIVE MILLER: Are you familiar, do any of the States have a system whereby the starting point for drawing the map is determined? For instance, if you start drawing the map, let's say, in the northwest of Pennsylvania, you're going to have a different map than if you're starting in the northeast and drawing your map. Are there any States that do something with that as a criteria?

MR. WILLIAMS: Yes. I can look up for you whether there are other States. The only one that I recall
off the top of my head is Arizona does that for their
Congressional districts. They start in the northwest
corner of the State, and they move down with a grid and
they get evenly populated squares. And then the commission
makes changes to the squares from there to comply with the
State's redistricting criteria.

REPRESENTATIVE MILLER: Is the northwest
selection, is that by law or is it arbitrary that next time
they start in the southwest?

MR. WILLIAMS: It's in the Constitution, yes. It
was part of the citizens' initiative that created the
Arizona Independent Redistricting Commission.

REPRESENTATIVE MILLER: Thank you.

MAJORITY CHAIRMAN EVERETT: Thank you.

Representative Diamond, we have just a few minutes left, so
we'll try to be swift here.

REPRESENTATIVE DIAMOND: Thank you, Mr. Chairman.

Thank you, Mr. Williams, for appearing today.

One of your responses to Representative Dush
intrigued me, and I'd like you to elaborate on it, please.

MR. WILLIAMS: Sure.

REPRESENTATIVE DIAMOND: You mentioned that in
West Virginia there was deviation allowed for population
that basically wouldn't apply to, say, Pennsylvania
following along the Baker v. Carr, one person, one vote,
because they have a whole-county rule in West Virginia. Can you explain to me why their whole-county rule kind of supersedes Baker v. Carr?

MR. WILLIAMS: Well, that's an interesting question. The Supreme Court did not elaborate on why. I think it's just because West Virginia drew a map with a slight population deviation to comply with the whole-county provision --

REPRESENTATIVE DIAMOND: Um-hum.

MR. WILLIAMS: -- and then they were sued and it went to the Supreme Court so you got an opinion. And I don't think, as I understand it, any other States had done anything like that. So it's unclear to me, and I would advise any Member of this Committee who's interested in learning about that more to speak with your counsel to learn about their take on the potential ramifications for redistricting moving forward in other States.

But it is a notable decision from the Supreme Court this decade on redistricting that doesn't get as much attention as some of the other ones. But the deviation was small. I think it was less than half a point.

REPRESENTATIVE DIAMOND: Right.

MR. WILLIAMS: So it was a very small deviation. And the Supreme Court said that it was acceptable for that slight deviation in order to comply with a neutral criteria
like keeping counties whole.

    REPRESENTATIVE DIAMOND: Yes, well half a point
is about 1,000 people --

    MR. WILLIAMS: Right.

    REPRESENTATIVE DIAMOND: -- with something like
that, but it's just interesting that one set of manmade
lines, which can easily be changed, I think, you know,
by -- any State can say, well, here's where the county line
is. I mean, we could always go through that rigmarole to
do that to manipulate those, but that that manmade line is
going to overrule another set of manmade lines that are
supposed to comply with one man, one vote. It's very
intriguing, and I appreciate that you brought that up to
our attention.

    MR. WILLIAMS: Sure.

    MAJORITY CHAIRMAN EVERETT: Thank you. Mr.
Williams, thank you. I think that's been very informative
and, you know, I really appreciate you coming here to help
us start our process. And I think we'll probably be seeing
you back again before we get to the end of it.

    MR. WILLIAMS: Absolutely.

    MAJORITY CHAIRMAN EVERETT: Thank you very much.

    MR. WILLIAMS: Thank you, Mr. Chairman. Thank
you.

    MAJORITY CHAIRMAN EVERETT: Our next panel would
be composed of -- we have individuals here from the
California Citizens Redistricting Commission, and we have a
couple folks from the Fair Districts, and an individual
from the Concerned Citizens for Democracy. I'll allow you
to come up, and we'll get chairs for you so everybody can
get at the table. We'll go across and I'll allow you to
introduce yourselves. And each of those three groups gets
about five to seven minutes for a presentation. You can
make your presentation as you see fit because we want to
obviously -- questions normally are the things that we'd
like to get to.

Just for introductory purposes, we'll start on
your right, my left, and we'll just go across the table
introducing ourselves.

MR. GORDON: Good morning. My name is Brian
Gordon. I'm with Concerned Citizens for Democracy, a
thinktank on gerrymandering.

DR. KUNIHOLM: I'm Carol Kuniholm, Chair of Fair
Districts PA.

MR. FORBES: My name is Dan Forbes. I'm the
California Commissioner.

MS. DAI: Cynthia Dai, California Commissioner.

MR. YAO: Peter Yao, California Commissioner.

MR. BEATY: Patrick Beaty, Legislative Director,
Fair Districts PA.
MAJORITY CHAIRMAN EVERETT: Thank you. And we'll start with the folks from the California Commission, who I want to thank for coming here, the longest distance I imagine of our testifiers, and we really appreciate it. Thank you.

MS. DAI: Good morning, and thank you, Chair Everett and Boyle, for inviting us to testify. I'm Commissioner Cynthia Dai, one of five Democrats serving on the California CRC. I run a business strategy firm that serves Silicon Valley's tech startups.

The California Legislature used to draw electoral districts, but in 1991 special masters drew the lines because our Republican Governor vetoed the Democratic Legislature's plan. To avoid this in 2001, the Legislature agreed to a bipartisan incumbency protection plan. For $20,000, a consultant would draw a safe district, virtually guaranteeing reelection.

And it worked. In the 765 legislative and Congressional contests over the next 10 years, only five seats changed hands. This extreme gerrymander sliced through cities, counties, even college campuses to select voters and cut candidates out of districts with careful precision. The most infamous districts garnered nicknames such as the "Stockton finger," the "low-tide district," or the "ribbon of shame."
With entrenched politicians held hostage to the extremes of their parties, State Government was gridlocked. The economists announced that California was ungovernable. We had the lowest bond rating in the Nation. The Legislature could not pass a budget or any other legislation, earning a record-low approval rating of only 10 percent.

So in 2008 citizens revolted, passing the Voters First Act by initiative giving an independent commission the mandate to draw fair legislative districts in collaboration with the public. It was proposed by a broad coalition of good government groups, civil rights organizations, business groups, and past Governors, both Democrat and Republican, who had been frustrated by unresponsive lawmakers.

In 2010 citizens rejected an initiative to abolish the new commission sponsored by my Representative Nancy Pelosi I'm ashamed to say, and instead passed the Voters First Act for Congress, adding Congressional districts to its purview.

The CRC is multi-partisan with five members from the largest party, five from the second largest, and four from neither in recognition of the growing number of independent voters.

My colleague Commissioner Stan Forbes is one of
those independents, and he will explain how we drew the
lines.

MR. FORBES: Thank you. I appreciate the
opportunity to testify. I'm Commissioner Stan Forbes, and
I'm one of four independents serving on the California CRC.
I'm a third-generation California farmer and owner of the
largest independent bookstore in the capital of Sacramento
for 33 years.

Drawing fair districts trusted by the public
required four components. First, the Commissioners needed
to be selected in a manner that avoided actual or even the
appearance of conflicts of interest.

Second, a transparent process: Everything the
commission did was in public, live streamed, transcribed,
and translated into six languages. Private meetings
discussing districts were not allowed. Input, whether at
the microphone or in writing, was in public.

Third, the commission encouraged public
participation in the process. Thirty-four hearings were
held at times and locations convenient to the public. At
these hearings, the commission encouraged speakers to
describe their communities. These comments proved
invaluable in drawing districts that fairly represented the
people. Each speaker received the same amount of time at
the microphone with an ordinary citizen or a Member of
The actual map drawing occurred in public where anyone could make comments and suggestions and see them considered. The mechanics of drawing was done by contracted line drawers under the commission's direction. Because of California's ethnically diverse population, the commission hired a Voting Rights Act attorney to ensure that each district complied with the Voting Rights Act. The commission resolved disagreements through discussion and a commitment to consensus, fairness, and a determination to make the process work.

Lastly, accountability. There are many ways to draw maps. The commission was required to prepare a report which described how and why each district was drawn in compliance with the criteria set forth in the Constitution. Although the commission could have approved the maps with nine votes -- three Democrats, three Republicans, and three independents -- in fact, the process resulted in legislative maps approved by 13-to-1 votes and a Congressional map adopted by a 12-to-2 vote. The process was furthered by the commission avoiding any appearance of partisanship by rotating the chair position each meeting.

Now, I'd like to introduce my fellow Commissioner Peter Yao.

MR. YAO: I'm Peter Yao, a lifelong Republican.
Before retiring from Raytheon, I started as a design
engineer and advanced to direct corporate R&D. I serve as
a mayor and councilmember of the city of Claremont, which
is a suburb of Los Angeles. I was honored to be elected
first chair of the CRC.

Professionally, as an executive, I care most
about end results. I believe the results of our commission
are good. The commission’s map was more equitable than any
joined by politicians. Every map line was drawn in an open
public forum and replacing the secret backroom process.
The Center for Public Integrity singled out California’s
redistricting due to its unprecedented transparency, giving
us a perfect score.

There were claims that the Democratic Party was
able to unduly influence the CRC because the maps were
perceived to favor Democrats. While both parties did send
operatives to testify before the commission, it’s easy to
confirm that their testimony did not impact the results
except the changes reflect an unraveling of the bipartisan
gerrymander to protect incumbents while ignoring the
demographic shifts over the past two decades.

Satisfying everyone was impossible. Predictably,
the commission faced legal challenges. But the California
Supreme Court upheld all our maps in multiple unanimous
decisions and said that the commission’s work is an open,
transparent, and nonpartisan redistricting process. By the
way, six of seven California Justices are Republican
appointees.

Independent experts like the Public Policy
Institute of California affirmed that our districts were
more compact, better reflect our growing minority
population, and according to the Brennan Center, California
has the most responsive district in the whole country. In
a statewide field poll, voters approve our maps two to one,
and they rejected a referendum overturning the maps.

Seven years after our maps became law, the
California Legislature enjoys an approval rating close to
60 percent. Passing budgets on time and our bond rating is
at the highest in decades. Independent redistricting
really is a keystone of our democracy, and it embodies the
words of Abraham Lincoln's Gettysburg Address, "government
of the people, by the people, and for the people." Thank
you.

MAJORITY CHAIRMAN EVERETT: Again, thank you for
your testimony. And we go to Fair Districts. I'm not sure
who's leading off. Could you grab your microphone as we --

DR. KUNIHOLM: Thank you, Chair Everett, Boyle,
and Members of the State Government Committee. I am Carol
Kuniholm, Chair of Fair Districts PA. We are a statewide
nonpartisan grassroots coalition dedicated to reform of
Pennsylvania's redistricting process for both Congressional and State legislative districts.

I am a volunteer, as are all of our Fair Districts PA leaders, speakers, and coordinators from local groups across the State. Here today are supporters from Altoona, State College, Allentown, Gettysburg, Pittsburgh, Philadelphia, Chester County, Lebanon County, Adams, Lancaster, Dauphin, Bucks, and I'm sure I have missed some. We have passionate volunteers working hard on this issue from around the State.

We shared written testimony that gives a lot of documentation of the problem of gerrymandering in Pennsylvania, lots of evidence of maps that we have supplied, all that work by volunteers, and we also share our proposed solution.

What I want to do today is just share my own story about why I am concerned about this. Each person here has a story. You have constituents who have stories. You have your own stories, and I've heard many. I first heard the word gerrymandering four years ago when Senator Lisa Boscola convened a meeting of all the past prime sponsors of districting reform legislation across several decades. She invited members of advocacy organizations that had expressed interest with the goal of reviewing past bills, looking at legislation from other States, success in
places like California, and the impact of that on the State
itself, responses from colleagues over the years. And then
the idea was to craft a reasonable solution for
Pennsylvania's gerrymandering problem.

As the newly elected Election Reform Specialist
on the State Board of the League of Women Voters of
Pennsylvania, I did not know what the word gerrymandering
meant, and I started doing some research. The more I
learned, the more I wanted to learn. The discussions in
Senator Boscola's office resulted in bills in the Senate
and in the House -- the House in 2016 -- followed by
redraft discussions with legislators and policy staff and
advocates that resulted in Senate Bill 22 and House Bill
722 in the last session. Those bills then incorporated
feedback from legislators, which became the basis for the
current House Bills 22 and 23. This has been an ongoing
conversation incorporating many ideas, suggestions,
concerns, and ideas from legislators across several years.

I helped launch Fair Districts PA as a coalition
in early 2016 to give support to the work being done by
Pennsylvania legislators on those bills and to help
Pennsylvania voters understand the importance of underlying
systems that can protect or destroy the values essential to
our Nation's success.

Gerrymandering, we know, has been a concern for a
long time, but new mapping and data mining technologies have made it increasingly more possible for those who draw the maps to accomplish their partisan or their personal agendas behind closed doors. Our 2011 Congressional map, by most standards, was the worst in the Nation. But while Congressional districts are easiest to measure and often draw the most attention, our legislative districts have also been distorted in ways that undermine representation and diminish confidence in our elections. According to recent research, ours are among the worst in the country. Sources for some of that research are included in our written testimony.

But the truth is we don't need research to tell us something is wrong. In the November 2016 election I worked a polling place in Phoenixville near my home in Chester County. None of the poll workers or voters could understand why there were two different ballots in one polling place. I went home and looked at our district maps and saw that my own House District 155 sliced through a precinct in downtown Phoenixville, divided Phoenixville in half, and then wanders through three more school districts. You can see that divided precinct in Appendix 6 in your testimony.

Distorted districts hurt all of us. I am an unaffiliated voter and have been most of my life. I live
in a very purple part of Chester County. I attend church
alongside lifelong Republicans and passionate young
progressives. And once they look at our district maps, no
matter who they are, no matter what party, they want to
know why anyone would allow district lines to be drawn in
such a way.

In the past three years I've traveled around the
State from Lawrence to Lycoming to Luzerne to Lancaster
speaking with voters in rural, urban, and suburban
districts, all impacted by gerrymandering. I've heard
stories about ways maps have been drawn to punish
colleagues and entire communities for petty personal
reasons. I've heard stories of constituents rebuffed and
refused meetings because the legislator isn't interested
and doesn't need to be interested because of the way the
district map is drawn. I've had phone calls from angry
voters in places I've never been about districts dissected
by mountains, rivers, railroads, and turnpikes. I've heard
the stories about long drives through other districts to
reach a legislator's office.

Once citizens start to look at our House and
Senate maps, they see a cynical game in which we are the
pawns, a game that undercuts community, dilutes
representation, and diminishes accountability. I've shared
just a sampling in the appendix of our testimony of
counties divided in direct defiance of Constitutional requirements, districts that have evolved over time into strange shapes reaching across multiple county lines.

You can also see in our written testimony details about county and municipal resolutions passed in support of an independent citizens commission. These resolutions cover over two-thirds of the State's population. Of the 21 counties that have passed resolutions, 15 did so unanimously. About two-thirds of those county resolutions were passed by Republican majorities.

In September 2017, 15 Republican statewide officials, including past Governors John Kasich, Christine Todd Whitman, and Arnold Schwarzenegger, as well as past Senators Bob Dole and John Danforth, filed an amicus brief in the Wisconsin Gill v. Whitford redistricting case. That brief said emphatically partisan gerrymanderers are repugnant to the Constitution. Partisan gerrymanders violate the First and 14th Amendments. Partisan gerrymanders are designed to subvert the principle of republican government. Partisan gerrymanders frustrate majority rule by entrenching political parties in ways they do not earn on their merits.

As a result of partisan gerrymanders, politicians feel constrained to tow their legislative leader's agenda at the expense of their own, their constituents, or even
good governance. It is no surprise that intelligent voters, regardless of party affiliation, resent this sort of political manipulation and simply cease participating in a game they view as rigged. All of that is true here in Pennsylvania. All of it needs to change.

The people of Pennsylvania want a fair redistricting process and a responsive Legislature. We believe House Bills 22 and 23 contain the best avenue to ensure a truly independent commission in time for the 2021 redistricting process. At the same time, we welcome continued conversation. Those bills have been shaped by years of conversation. We expect there will be further conversation. We would like to be part of that.

Again, thank you, Representatives Everett and Boyle, for furthering this important work.

MAJORITY CHAIRMAN EVERETT: Thank you. And Patrick, unfortunately, Carol has exceeded your time allotment, and so will now go to Brian Gordon from the Concerned Citizens for Democracy.

MR. GORDON: Thank you very much for allowing me to come speak with you, Chairman Everett, Co-Chair or Vice Chair Boyle, Members of the Committee, and public. My name is Brian Gordon. I'm a Member of the Board of Directors of Concerned Citizens for Democracy, which is a thinktank of engineers, lawyers, and activists laser-focused to create a
method for redistricting that's fair to all parties and that prevents both partisan and individual gerrymandering.

    Partisan gerrymandering, as you know, is to manipulate the boundaries of districts in order to favor or disfavor a party, and individual gerrymandering would be the same thing to sort of do a loop to favor or disfavor an individual legislator or candidate.

    Our goal was to answer the plea of Justice Anthony Kennedy in Vieth v. Jubelirer, a 2004 case to find a method of redistricting that was neutral and created a judicially manageable standard for evaluating electoral maps, for calling strikes and fouls, and for ordering when new maps should be drawn.

    We succeeded by looking at the Pennsylvania Congressional maps of 1951, '62, and '72. And I'll note that our packet comes after this list of legislators from Fair Districts who -- or, I'm sorry, a list of municipalities in the past. It's kind of distinct in your packet. And if you want to turn to it, there are a few maps that are kind of important as it's a visual topic. So we're just after this list of municipalities.

    So what the earlier maps have in common is that the districts are compact. The districts follow county and municipal boundaries and, where necessary, to divide communities to equalize district populations, whole
municipalities were added or removed in layers at county
boundaries in order to achieve equal population districts.
This is particularly evident when looking at the 1972
Congressional map.

We were studying this for about a year. Our team
decided to join the Agre v. Wolf team, a Federal anti-
gerrymandering case, and the idea of our methodology came
to us during the case when I was on the phone with one of
our Caltech physicists and engineers Ann Hannah. And we
were looking at the 1972 map and suddenly an epiphany came
to us. If we can devise a set of rules that created
rigorous design standards that followed Pennsylvania law,
that followed Congressional and Supreme Court -- that
didn't violate any Supreme Court precedents, if the maps
would come out compact and avoided breaks and
municipalities, wouldn't that be wonderful? And that's
exactly what we did.

Each of the earlier maps were drawn at a time
when the Pennsylvania Legislature continued to follow the
redistricting methodology set forth in the Federal
Apportionment Act of 1911, and that's important because if
any speaker ever comes before you and tells you there's no
such thing as historic redistricting standards or effective
redistricting standards, they're wrong.

The original gerrymander, that salamander-like
creature, could never pass muster if compactness were the rule. Compactness was a rule in the 1901 Federal Reapportionment Act, and it was again reenacted in 1911. And then it was enacted into the Pennsylvania Constitution in 1968 in Article 2, Section 16.

The Pennsylvania maps were not completely free of small personal gerrymanders to favor or disfavor individual legislatures. However, they did follow that act in that Congressional districts were contiguous and compact territory containing as nearly as practical an equal number of inhabitants.

Concerned Citizens for Democracy added a fourth requirement to these districts, which is derived from Article 2, Section 16, that states that, unless absolutely necessary, no county, city, incorporated town, borough, township, or ward -- and cities of course -- shall be divided in forming either a Senatorial or Representative district. The team examined each of these elements and found the following method, which is the -- for redistricting. So I'll review it kind of quickly because I know I'm running out of my seven minutes if I'm not out already.

But step one, essentially, what you want to do is you start with a blank slate and then you assemble either visually or with the use of a computer -- if you're doing
Congressional districts or even State districts, you assemble the largest pieces. If it's Congressional districts, you would assemble counties roughly in a compact manner to create roughly equal -- whether it's 18 districts or 17 districts or 203 districts or 50 districts, you assemble the maps in a relatively compact manner.

And then the second step is you add or subtract territory at the boundaries of the largest political subdivisions to begin to equalize population between the districts using smaller political subdivisions to further equalize the population.

Step three is you repeat step two and you get finer and finer, so essentially, if you're imagining a Congressional district, you would add layers of townships along the border in a layer-by-layer manner, which creates an already compact district, and you need to break only one township in order to get to plus or minus one requirement of equal population.

Then you measure the compactness. We have this -- it's not just an eyeball test. There are now at least four mathematical measures for compactness, which were invited by the Pennsylvania Supreme Court.

Step five is to make sure the districts comply with the Voting Rights Act and other criteria. And this usually happens because when you have compact districts,
you don't fragment minority communities, so it's kind of already done for you.

In seeking the remedial map, the Pennsylvania Supreme Court -- I was asked or suggested that I file an amicus brief with our methodology. I was on the Federal team with the Pennsylvania Supreme Court. These are the two briefs that our group filed, and there seems to be some mystery as to what standards they use. Interestingly, the map that we had proposed -- this is Concerned Citizens for Democracy in both the first and second brief -- was very similar to the Congressional map that was ultimately created. And what it did was it did exactly what it said. It created districts compactly, and that added territory in a linear manner at the borders.

The court acknowledged us in their final opinion, but it was from the map itself, the final map, which is in your materials on the next page, that shows what the court did. The remedial map is an example of a well-drafted map following strong design standards, neither packing or cracking or distributing votes for the drafter's part as possible if the court or you require county boundaries to achieve maximum compactness -- I should say electoral boundaries to achieve compactness. In brief, partisan electoral boundaries are replaced by mandated historic county and municipal boundaries.
I mentioned the communities of interest, and probably the most important thing is that if the Legislature follows this methodology and it sets up a method for redistricting, which can be used both with an independent commission or without an independent commission, it would create a judicially manageable standard so you can have a referee in the process and call it when there are fouls.

Our group is aware that the gold standard if you want to take this off your -- not be an issue every 10 years is to have an independent commission because there's nothing that really replaces someone trying to be neutral. But if you don't trust -- if you don't want or it's not feasible to have an independent redistricting commission or if you have a commission, you should still have these design standards to have guardrails and to keep it from going off the rails.

And the other items are probably going to be repeated by the other groups, so I won't go into them. I'm available for questions. Thank you.

MAJORITY CHAIRMAN EVERETT: Thank you. And I think all those presentations were excellent. And I think we'll now go to questions. And I'm going to recognize -- even though he hasn't asked to be recognized, Representative Ciresi, since you didn't get to ask a
question last time, do you have a question this time?

REPRESENTATIVE CIRESI: I appreciate that. I want to thank you all for being here today. This is a very important issue to all of us in this room as Pennsylvanians and really as Americans as we look at this problem across the Nation.

My district is somewhat gerrymandered. It didn't matter to me. I ran even though I didn't have the advantage. But I was sitting here thinking for a little bit, my first election was for school board, and I had no clue on anything and knocked on every door, was new to the community. It didn't matter how it was districted; I told my story. And what bothered me the most out of this testimony is what Carol said, a game that is rigged. We should not ever have that phrase in an election anywhere in this State, let alone the Nation.

And, you know, I think of my years in college and I guess I absorbed something, marketing class where we used the KISS method, "keep it simple, stupid," when you went out to market. This is the way this should be. When we could see eighth graders and third graders who can draw districts --

MAJORITY CHAIRMAN EVERETT: Representative Ciresi, I don't want to --

REPRESENTATIVE CIRESI: I'm sorry. I need to get
to the question.

    MAJORITY CHAIRMAN EVERETT: Yes, ask a question, okay?

    REPRESENTATIVE CIRESI: I'm sorry. I'm pontificating a little bit. But the question to you is you've done countless hours on this, and we've met a couple of times. What really is the response from the public? I'd like to hear what you're hearing from the public. You went through some of it, but really tell the stories. Do people understand what we're talking about here 100 percent?

    DR. KUNIHOLM: When people look at maps, they are shocked. And we have spoken to thousands of Pennsylvanians across the State at polling places as they leave their polling places to say have you ever looked at your district map? When people look at their districts map, they are shocked. We've done over 750 public informational meetings attended by over 28,000 people. We show maps of their districts. And as soon as they look at them, people know exactly what's going on. They look at them and they say there's communities that have been divided. Those district lines have been drawn very deliberately to predict, to control the outcomes.

    Many have never heard the word gerrymandering. They've never look at district maps. Once they do, the
polling numbers are very high that people understand this
and do not like it when they look at the maps. They want
maps that reflect their communities.

REPRESENTATIVE CIRESI: Thank you.

MAJORITY CHAIRMAN EVERETT: Representative Sims.

REPRESENTATIVE SIMS: Thank you, Mr. Chairman.

Mr. Beaty, as Dr. Kuniholm was wrapping up her
testimony, she was referencing the time frame with which
H.B. 22 and H.B. 23 could go into effect. Could you speak
a little bit more to putting these bills in place in time
to impact the next election cycle?

MR. BEATY: Certainly. Thank you very much. So
there are two bills, and the reason for that is because of
the very constricted time frame for amending the
Constitution in Pennsylvania. So the first bill in
opposite order, House Bill 23, amends the statutory law to
create an independent commission for Congress. And so the
expectation would be that that bill would pass by July 1st
of next year, 2020, and the commission would be appointed,
would be trained, and would begin the redistricting
process, collecting data, hiring consultants, hiring
attorneys, et cetera, do all those things beginning
probably at the very beginning of 2021, January, February.
There is a timeline attached to our testimony that
addresses this.
At the same time, House Bill 22 would also be moving forward and would hopefully also pass for the first time by July 1st of next year. It would then have to pass again very early in the next session, 2021. That same process was followed in 1971 when the environmental rights amendment was approved by the voters. It was approved for the second time by the General Assembly in February of 1971 and was on the May primary ballot in 1971. So the same process was followed before. It can be done.

REPRESENTATIVE SIMS: Thank you, sir. Thank you, Mr. Chairman.

MAJORITY CHAIRMAN EVERETT: Representative Diamond.

REPRESENTATIVE DIAMOND: Thank you, everyone, for your testimony. Thank you, Mr. Chairman.

I wanted to talk about a term that was brought up at least once in the testimony, which is communities of interest. And the reason I want to bring it up is because I want to ask what a legitimate community of interest is. And the reason I bring that up is because I had a group come to my office to talk about gerrymandering and redistricting, and they brought a map that they had won some award for drawing. And, quite frankly, although I wouldn't have voted for the 2011 Congressional map here in the General Assembly -- I wasn't here, though -- but I
objected to it personally because it split my county right down the middle.

Unfortunately, the map that they drew, which they thought was fantastic, also split my county right down the middle almost in the exact same fashion. The difference was that their map was based on what they called an environmental community of interest. So I want to know why anyone would think gerrymandering for environmental purposes is any better than gerrymandering and cracking counties for partisan or political interests?

DR. KUNIHOLM: I'll answer this. We've had lots of discussion with our California counterparts. Pennsylvania are -- the bills we support do not talk about communities of interest and do not support the idea of communities of interest. The mapping process that draw the lines, that's one of the options that they could consider. The bills that we support don't include that.

And early on there was the recognition that in Pennsylvania counties and municipalities are the essential communities of interest and they can't be rigged. They can be hijacked. No one can come and say, oh, our community of interest lines, you know, follows this highway. They're very clear. So the bills that we support don't discuss communities of interest, don't give preference to communities of interest. They recognize counties and
municipalities.

The process we suggest, though, is there are times when some things need to be split and there needs to be an opportunity for the public to say if the county needs to splinter over into one other county -- and sometimes that's necessary -- do it here, don't do it there. You know, there are some places where counties would say this makes more sense for us, as we know there are some school districts that straddle county lines, as we know there are some towns that straddle -- State College is a place that municipalities really consider themselves one entity rather than multiple entities. So it's important for the public to have a chance to say when you draw the maps, please recognize this reality.

But the bills we support do not talk about communities of interest, and they are very specific about no more county splits than mathematically necessary, plus one per county or House plus two for House districts. So counties and municipalities are strongly recognized in the bills we support.

REPRESENTATIVE DIAMOND: Well, let me just follow up on that, though. You say, okay, if you have to, you know, sprawl into another county, don't you think that one of the people who is most expert in which place to do rather here than there, I mean, who's going to set the
guideline as to why is here better than what's there? And I think one of the best experts is somebody who's actually in the General Assembly and serving those areas, that sort of thing. Why would we not rely on them? I mean, honestly, your elected Representatives are political experts on what's going on in their own community.

DR. KUNIHOLM: I think that's directed to me. In the California process legislators were allowed to come to public hearings and offer their input in the same way the public would, but I think it's important for the public to be able to say this is where it would sprawl, this is where it not, and their voice should be heard as much as legislators who do have a vested interest in having those lines drawn in a way that might benefit themselves.

MAJORITY CHAIRMAN EVERETT: Mr. Gordon.

MR. GORDON: Thank you. You are right that communities of interest are a horribly mushy standard to be the leading standard. And Carol is right that there are appropriate but really at the end. And if you adhere to the Congressional standards already of compact districts that follow -- you asked what is a community of interest. I would say, as a 12-year Lower Merion Township Commissioner and someone who's run for Congress a couple times, I would say a community of interest is a place where people choose to live, a municipality where people live. I
chose to live in Montgomery County. I chose to live in Lower Merion and run for office. People choose to pool their tax dollars, rich and poor, you know, black and white. We choose to be together in that community. That's a community of interest. And those are -- you can't move county and municipal boundaries that easily, so they're fairly static and they're good sort of measuring posts.

And if you did adopt a method that said respect these and then add territory just bit by bit along the borders as you attempt -- because you have to get to equal population districts under the law. But if you do it at the borders, then it won't tear apart and fragment counties.

And another rule is you don't want to have counties -- if a county is divided, you want to avoid multiple breaks in a county, so you don't want to have people -- you want to have it split as few times as possible. So that addresses it.

But I wanted to say one thing where it is appropriate. So in the 2011 map, as a candidate, I observed that the line between the first and second district, Brady and Fattah, went straight down 5th Street in north Philadelphia, which divided the Latino community literally in two in Philadelphia. It didn't have to be there. It could have been moved over to Broad Street, and
would have been fine and no one would have squawked.

So it is appropriate as a subordinate criteria after you initially draw the map. So once you've done sort of your rough outlines, you can have subordinate criteria be things like don't have incumbent Members of the House run against each other, so you can move the boundary just a little bit in order to avoid incumbent contest. Avoid splitting communities of interest. You can move it off of 5th Street and have a whole -- if you did a whole ward, you wouldn't have had that happen anyway. But you can adjust it for real communities of interest. But it should be minor adjustments at the very end. There was a third one. But that's what you would do. As long as they are -- oh, the VRA, to make sure you're not fragmenting a minority community, you can adjust it as a final step without violating the dominant criteria. And the maps work.

MR. FORBES: Mr. Chairman?

MAJORITY CHAIRMAN EVERETT: Anybody from the California delegation want to add to anything on this question?

MR. FORBES: Well, I think that in California we viewed that the public has the best knowledge of their community of interest. Because we had such a history of gerrymandered incumbents who never lost, they really, I think, didn't care about the community of interest. And we
had some very interesting stories that we were able to take
into account testimony from citizens. We actually had
2,700 people come and testify to us and 23,000 written
submissions to us to tell people so people could tell us
this is what we think we should be doing. This is our
community of interest. And that was incredibly valuable.
And there's no evidence at all that the politicians drawing
the lines took any of that into account.

MS. DAI: And we also ended up with way fewer
city splits than the previous maps.

MAJORITY CHAIRMAN EVERETT: Thank you.

REPRESENTATIVE DIAMOND: Mr. Chairman, a follow-
up, please?

MAJORITY CHAIRMAN EVERETT: Real quick,
Representative Diamond.

REPRESENTATIVE DIAMOND: Okay. Thank you.

You suggested -- and I took from your testimony,
ma'am, that because the bad map was drawn in 2011 that we
have to change the system. Why would it not dawn on you
that we would do a better map the next time around? And
I'll give you an example. In 2005 the Legislature gave
itself a pay raise in the middle of the night. We didn't
fight to change the way the Legislature was built. We
fought just to get new legislators in. And they've done a
much better job, myself excluded. They've done a much
better job since then of doing better policy than they did before 2005. So why change the entire system? Why not just count on the new people that are here to do a better job this time?

DR. KUNIHOLM: The quick answer is we're the only democracy that allows that conflict of interest of legislators drawing their own district lines. There are no other democracies that allow it.

And what you're saying is, well, you know, we did a bad job but why don't you trust us to do it again? Trust is broken, and we need to restore trust. Trust is an essential piece of the democratic process, the response of government, and trust is gone. And to say -- the League of Women Voters in 1990 asked for the Constitution to be recognized and for districts to be compact and contiguous and minimize splits. That was ignored. League of Women Voters asked again in the year 2000. That was ignored. In 2010 it was worse.

So the suggestion that we would now say, oh, right, you're going to do a trustworthy job the next time around without any changes in the process, I'm sorry, but trust, as you can see, is very much broken and it needs to be restored.

MAJORITY CHAIRMAN EVERETT: Representative Miller.
REPRESENTATIVE MILLER: Thank you. To the California folks, thank you all for your testimony. What if anything would you change about your system?

MAJORITY CHAIRMAN EVERETT: And, Representative Miller, in answers, I'll add you have like a minute and a half.

MS. DAI: So this is actually in our written testimony. We were asked that question by the State Senate Committee as well. So basically we were allowed to propose legislation, which the California Legislature did pass. The biggest issues that we had were not enough time and not enough money. So that was changed. The new commission, which is being recruited right now, will have a full year to do their job, and they will have a real budget to do their job, so that has been fixed.

The one item that we had discussed among ourselves to change was to add a fifth independent. As you noticed, it was five, five, and four. And that is to prevent the possibility of having only two Commissioners be able to block any final map because it requires a super majority of three of each artisan pool. And so that means three out of the four independents have to agree. We didn't have that problem this time, but, you know, it was something we were consciously aware of during the entire process. All of us were always thinking we need a super
majority, we need a super majority, we need a super
majority, which is why we operated by consensus all the way
through.

So that is something we wanted to change, but
because it requires a Constitutional amendment, no one has
had kind of the stomach to do that. So we will live with
the current process.

MAJORITY CHAIRMAN EVERETT: I want to thank the
panel for your time and energy and enthusiasm. And we
really appreciate it. And to those of you who didn't get
to ask questions, I apologize. We'll have plenty of time
as we go through the process.

So we'll now switch to our next two-person panel.
We have David Thornburgh, the President and CEO of the
Community of Seventy; and Mr. Michael Watson, Research
Director for the Capital Research Center. David, thank you
for coming, and it's all yours.

MR. THORNBURGH: Thank you, Chairman Everett,
Chairman Boyle, Members of the Committee. It's a pleasure
to be here, and I appreciate your leadership on this issue.
It's a huge stride forward.

So you mentioned by day I am the President and
CEO of the Community of Seventy, a long-standing
nonpartisan, nonprofit, good-government organization in
Philadelphia, but I'm here today to talk about my role as
Chair of the recently concluded Pennsylvania Redistricting Reform Commission that was created by Executive Order last November.

And I want to recognize the folks that participated on that commission over the last nine months. I know at least one is here today, Amanda Holt from Lehigh County. And we put a lot of blood, sweat, and tears into our work, and I'm glad to recognize those folks and talk about our report today.

I believe we've provided you copies of the report. I will not read its 35 pages or nine appendices, nor will I read my five-page summary, which I've also -- I think we've provided to you, but I did want to offer some less formal remarks just to pull out some of the high points of that report and our experience.

And I want to set this up by talking about the challenge that we set for ourselves and the Governor encouraged us to take on, that clearly over the course of nine months we wanted to hear the people of Pennsylvania and what was on their minds. We wanted to reflect what we heard. We wanted to reflect what we had learned from other States, particularly those in recent years that have changed their redistricting process. And of course we wanted to draw on our own experience.

And we were fortunate on the commission. We had
two former Members of Congress, Charlie Dent and Kathy Dahlkemper. We had Amanda Holt, as I mentioned, who is a current elected official. We had business and civic leaders and also some really provocative academics.

One of the things that we resolved early on is that we wanted to reflect Pennsylvania's distinctive nature, our culture, our politics, our system of government that, as much as we could, we wanted to come up with some observations, recommendations that felt like Pennsylvania.

With no disrespect to our wonderful colleagues from California, but it really feels important to ground this in the realities of our culture and our politics. And I say that as a nearly lifelong Pennsylvanian and one who learned a great deal at the foot of my father Dick Thornburgh, I think our great Governor during the late '70s and '80s.

We also wanted to, importantly, ground our observations and our recommendations in a way that restored rather than diminished the sense of trust that people had in this process. And I'll talk a little bit later about our findings on that. But I think that is, at the end of the day, what we're after here is a process that people can understand and trust. And if you know in business, in government, in life, that if we have a process that works, we're going to get results that we can have faith in and abide by.
So let me first talk about what we heard when we went across Pennsylvania. We had nine public meetings. We were only required to have six, but we wanted to make sure that we gave everybody in this great Commonwealth a chance to come and talk to us. We started in Williamsport, Chairman Everett, your home territory, ended up in Harrisburg, and hit all points as much as we could in between. We had about 600 people come out, and a good number of them testified to those public meetings along the way. It was, I think, a very rich and robust conversation, and it was clearly a conversation. It wasn't just tell us how to fix this in 30 words or less.

We also fielded an online survey and offered people the chance to comment online on questions, fundamental questions about who do you trust in this process, what kinds of values would you like to see reflected in the maps, and how we can organize this in a way that, again, restores rather than diminishes trust.

The topline -- and a question came up earlier about how the people of the Commonwealth see this. This is the most comprehensive and, I think, disciplined conversation that anybody in recent years at least has had with the people of Pennsylvania. And in reflecting on what we heard both online and in person, a few words come up. There's a sense of frustration, sometimes outrage,
sometimes just a sense of being dispirited about the way
this has turned out, the sense that some folks said, you
know, it feels like there's just too much cheating going on
in this process, that I don't know what the set of rules
are by which these maps are drawn, but when I look at them
and I learn about them, it feels like there's people taking
unfair advantage of the process. And I'm sure, as with
you, that's hard to hear. It's hard to hear that the
fundamentals of the way government works and politics works
in Pennsylvania has landed in that way.

There's also a clear sense that -- and this has
come up already, that too often maps divide. And this is
particularly relevant in Pennsylvania where we have over
2,600 units of local government, which is, I think, a
pretty good proxy, better than other States, for
communities of interest. And whether we were in Indiana
County or Erie County or Berks County or Northampton
County, we heard story after story about a line seemingly
arbitrarily drawn down the middle of a street that put one
side of a community on one district and another side in
another, which makes it very frustrating and difficult for
citizens to voice their ideas and their support. It
requires them to negotiate between two or three different
Representatives to move a particular interest, and that,
again, is very dispiriting to people.
Folks, this issue is on people's screen. Eighty percent of the people that we surveyed -- and we surveyed a general population, Republican voters, African-American voters, and Hispanic voters with the help of my colleague on the commission, Dr. Lee Ann Banaszak from Penn State. Eighty percent of all groups said this is a very important or at least somewhat important issue for the Commonwealth.

They also, again, said -- we gave them a chance to say who would you trust to draw these maps in a way that gave you confidence, and everything from a citizens commission to elected Representatives to have them done by a computer and everything in between? Perhaps not surprisingly, across the board folks trusted an independently constructed commission of citizens and trusted least elected Representatives. And I say that -- again, this was across all populations that we surveyed, and so I think it's worth hearing that.

We also know -- and, Chairman Everett, you made reference to this and it has come up before -- we live in an era where the tools of redistricting and the data to draw maps are accessible to everyone, so there's a lot more awareness and engagement in this issue than ever before in the history of the Commonwealth. And some of you know, my organization the Community of Seventy has fielded a creative public map-drawing competition called Draw the
Lines in which we've engaged over 3,300 people across the Commonwealth to actually take up the task of drawing Congressional maps.

Some of you know -- this is the time in which we live -- there's a tool called Dave's Redistricting, which is a free online tool available to anybody where, in a couple hours, you could sit down and draw legislative maps, Congressional maps in any State in the union, again, in a matter of hours. So we live in a time where the tools and frankly the awareness and the engagement in this issue is really unprecedented.

Let me talk about what we learned from other States. And we looked at in the commission report and in our work a subset of States, not all 50, but particularly those eight States that have changed their processes in the last 20 years because I think it's significant to see where they're headed. We looked at Ohio, Missouri, New York, New Hampshire and how they organized the who, what, and the how of redistricting. So I commend that portion of the report to you.

Let me talk about conclusions, and then I'm happy to take your questions. We, again, looked at the who, what, and the how of redistricting. Who draws the maps, by what criteria and what public process? We wanted to construct a model that was driven by consensus, that had
checks and balances in it, but it also gave a legitimate and proper role to legislators themselves. So in our model a commission was constructed with choices from the Legislature but in a creative way that prevented you from essentially, as they say in pool, running the table.

We also said at the end of the process we wanted the Legislature or some subset to approve the final map but only after an enormous amount of public input, adherence to strict criteria, and a process that winnowed a set of maps to the point where that body would choose from three without any additions, subtractions, or changes. So there was a sense of choice, but constrained choice and, again, after an enormous amount of public input.

So let me conclude with that. And again, just to say our goal here was to try to outline a process that restored people's trust and confidence in the process because, again, the people understand the process. If they know what the rules are, they're much more likely to, frankly, give you your due as their Representatives because they understand that everything is aboveboard and that you're playing by those rules. So thanks again for the invitation. I look forward to your questions.

MAJORITY CHAIRMAN EVERETT: Thank you, David.

And I can envision a time when we may have you back to drill into more of the details of your plan, more of the
details of the 22 and 23 when we actually move down that path. You know, today we're starting at a high level, at the 30,000-foot level, and we'll start drilling down into more details as we move. And again, thank you.

And before questions we'll do the other presentation, and then we'll move on to questions for both of you.

MR. WATSON: Thank you, Mr. Chairman. Good morning. My name is Michael Watson, and I am Research Director of the Capital Research Center, a nonprofit based in Washington, D.C.

MAJORITY CHAIRMAN EVERETT: I can't tell. Is your microphone on?

MR. WATSON: Is that better?

MAJORITY CHAIRMAN EVERETT: That's better.

MR. WATSON: Okay. A nonprofit based in Washington D.C. that studies organizational interests and their effects on American public policy. I would like to thank the Committee for inviting me to speak today.

Before we can consider what sort of -- what districts would be fair, we have to have a basis for comparison. And looking at a piece of pending Federal legislation, H.R. 1, which seeks changes to the process so that when, quote, "considered on a statewide basis," the Congressional redistricting would not, quote, "unduly favor
or disfavor any political party."

I conducted an analysis taking the real-world election results for the U.S. House of Representatives from the elections from 2010 through 2018 and then ran them through a mathematical process that is a simplified version of the one used by the European Parliament to allocate the Representatives of each country to the European Parliament. The method allocates seats proportionally to the competing parties based on the total votes cast for each party in the jurisdiction to equalize the votes cast per seat won by each party to the extent possible given the number of available seats. Proportional representation in some form like this has been advocated by a number of supporters of changing Congressional reapportionment procedures, though Federal law that would not be affected by H.R. 1 currently prevents it from being used.

If a Congressional map does not unduly favor a political party, then, all else being equal, a State with multiple Congressional seats should elect a delegation of Representatives whose ratio of functionally Democrats and Republicans approximately matches the proportion of the total votes cast in the States for each party.

Interestingly, the analysis found that the present Congress already has essentially the same partisan breakdown it would have had if the 2018 vote totals were
used using this proportional State-by-State method. The Democratic Caucus would have an identical 235 Members. Pennsylvania's districts, as redrawn by the State Supreme Court, would have gained one Republican -- or, I'm sorry, would lose one Republican replaced by one Democrat, the vagaries of district drawing between each State canceled out over the nationwide.

Another major finding of the analysis calls into question the idea that independent commissions by themselves draw Congressional districts that necessarily end up closer to the State's proportional vote than do States that draw their districts under a legislative, judicial, or politician-commissioned system. From 2010 through 2018, States with independent commissions deviated no less, and in a current Congress deviate substantially, from the proportional allocation compared to States that did not use such independent commissions.

California has been especially unfair when judged by the proportional-representation standard. In all the election cycles studied, California deviated by at least 9 percentage points in favor of excess Democratic Representatives by the 53 seats in each election. In 2018, California produced a dramatically disproportionate result, returning the Democrats an extra 10 seats relative to the statewide vote proportions.
The currently debated means of assigning representations come with advantages and disadvantages, and every manner of district drawing is subject to the influence of organized political interests. Apportionment of seats in the Legislature is a fundamentally political act. There is no fundamentally scientific way to determine how communities should be allocated and political ideals should be contested. Current Pennsylvania law allows the voters of the State at large, through elections for the State Governor and Lieutenant Governor, for the Attorney General, and for the judicial offices to act to reform the representation if voters feel such representation is inadequate.

Thank you for the opportunity to testify this morning, and I welcome any questions you may have.

MAJORITY CHAIRMAN EVERETT: Thank you. And, Members, if you have questions, let's -- Representative Miller.

REPRESENTATIVE MILLER: Thank you, both of you, for your testimony. Mr. Thornburgh, a question. Would your proposal seek to start a new drawing of the maps using existing maps?

MR. THORNBURGH: Using existing?

REPRESENTATIVE MILLER: Um-hum.

MR. THORNBURGH: I'm sorry, I missed the last
REP. MILLER: Using existing maps.

MR. THORNBURGH: No, it doesn't address that. It could. What we were calling for is a robust round of public comment and input much like the commission that I chaired in our public meetings across the Commonwealth and a set of specific criteria that would generate an initial set of maps that the commission would review and then take it from there. Those could be the existing maps, but there's nothing in our proposal that specifically says it has to or that it couldn't.

REP. MILLER: And quick question for both of you. Since this is a citizen issue for all, what are your thoughts about putting this to vote or referendum and letting the citizens vote on a series of maps since they will be subject to them?

MR. THORNBURGH: That idea came up on the trail, maybe not frequently but occasionally. I'd be a little concerned that I don't believe -- you could ask your representative from the NCSL. I don't believe there's any State that does that, and I'd be a little concerned that that's asking a lot of Pennsylvania voters to try to understand the nuances and the choices that were made in those maps.

MR. WATSON: I think I would concur with that
analysis that putting it to a statewide referendum might not be ideal.

REPRESENTATIVE MILLER: Thank you.

MAJORITY CHAIRMAN EVERETT: Representative Ullman.

REPRESENTATIVE ULLMAN: Thank you, Mr. Chair, and thank you to all of the people who have come to give testimony. I think that we are all really working hard to make sure that we avoid the gerrymandering, which is obviously subverting the basic tenets of representational democracy.

My question is perhaps better suited to the previous panel, but I'm going to ask you, Mr. Thornburgh. And I appreciate your comments, Representative Diamond. Can you expound on the distinction between communities of interest which may perhaps have undue influence on district lines while protecting the invaluable importance -- I just want to make sure my phrasing -- the invaluable importance of the Voting Rights Act because there is philosophical overlap and literal overlap sometimes with communities of interest, and I think we all recognize that one of the primary problems with gerrymandering in its history and causing distrust among communities has been intentional or unintentional violation of the Voting Rights Act.

MR. THORNBURGH: Right.
REPRESENTATIVE ULLMAN: So maybe you could speak to that.

MR. THORNBURGH: Sure. I would first note that the communities of interest as a value or criteria was not part of our recommended model I think for some of the reasons that Carol Kuniholm addressed as well. And I would repeat that, you know, the fact that, unlike a lot of other States like, say, Maryland or Virginia, that Pennsylvania has so many local governments makes those a better proxy for communities of interest than they would in those other States so that if we concentrated our efforts on the criteria that says we really should avoid splitting these unless necessary for population purposes, that might get us to that same place of community of interest.

The only other thing I'd say is, you know, there's a number of different criteria that you could bring to this question of mapping, and we face the decision -- and all States do -- should we prioritize these criteria? Should we say this is most important, followed by this, followed by that, followed by the other thing? And we decided not to because, frankly, it's hard to speak on behalf of 12 million Pennsylvanians to say here's what's most important. But instead we should have a robust public conversation where those choices and trade-offs are made evident and would allow for someone to articulate a version
of what a community of interest is and see if that would hold forth in sort of swaying the decision.

MAJORITY CHAIRMAN EVERETT: I would just interrupt for a second on the criteria. I would again advise the Members to take a look at the NCSL page they have. A separate page just on criteria that lists criteria that are currently being used by various States, and then emerging criteria that might be used and has a discussion right there. I think that is one of the places, no matter how we're going to do what we're going to do, is I think that criteria. And I think Mr. Gordon kind of addressed that in his presentation. I think that's the core starting point is, you know, what are we trying to achieve when we do our redistricting?

And do you have any follow-up?

REPRESENTATIVE ULLMAN: I just wanted to say thank you, and I just think we need to really be determined that the legacy of the wrongs of gerrymandering was manifested first and foremost in communities who are now protected by that act, and that needs to be just a prime starting point. And I just wanted to reiterate that.

MAJORITY CHAIRMAN EVERETT: Representative Solomon.

REPRESENTATIVE SOLOMON: Thank you, Mr. Chair. David, two questions for you. So you got a lot
of citizen input. Can you talk about those that were
suspicious, pushing back against an independent commission
and how you would counter their claims?

    And two, I mean, your report, is it arguing for a
process, outcome, or both? So it seems like the California
experience, they identified a problem, right, incumbency.
Incumbency is the issue, all these crazy districts. And in
the process, it seems that they got it right, open,
transparent, voter engagement.

    MR. THORNBURGH: Yes.

    REPRESENTATIVE SOLOMON: And I don't know what
actually happened in the outcomes that all of a sudden are
all of these incumbents being challenged? I'm not sure.
But would it matter? So if we got the process right and we
have a complete transparent process but in the end nothing
necessarily changes on the outcome and doesn't matter, do
you need both tied together?

    MR. THORNBURGH: Yes.

    REPRESENTATIVE SOLOMON: So those are the two.

    MR. THORNBURGH: Yes. We were, I think, trying
to address the question of process, and there's a who, who
draws, who approves, you know, who appeals. There's a
what, the criteria by which the maps are drawn, and then
there's a how, which really relates to the public part of
the process.
And this question came up repeatedly. You'd run into folks that say we really have to draw maps in such a way so that, you know, the parties are more balanced across the Commonwealth. And then they'd also say, well, but you can't use partisan data in drawing maps or you can't use election results in drawing maps. And you say, well, how do you reconcile those two things? You can't have one and not the other.

I frankly -- you know, but just to go back, we believe that if we have a transparent participatory process that's defined by a set of rules and that's governed by a set of people that get there to try to do the right thing for the right reasons, we have confidence that over the long term, maybe not each and every time we draw maps, we're going to get better outcomes. And frankly -- and I think this is maybe where the two of us might agree -- I'd be a little hesitant to start with a defined set of criteria or outcome or a defined set of outcomes and define that as sort of what we're after.

And, I apologize, I've forgotten the first part of your question.

REPRESENTATIVE SOLOMON: Those who push back against the --

MR. THORNBURGH: Oh.

REPRESENTATIVE SOLOMON: -- independent
commission, what were their concerns, and how would you counter them?

MR. THORNBURGH: Well, frankly, there was an overwhelming sentiment for an independent commission. There were not that many folks that said, A, the status quo was fine, I really like it, I understand it, I have faith and trust. If anything, there were folks who were pushing for, in their view, a construct of this commission that's more independent, i.e., from elected officials, than we ended up with in our model.

But, frankly, that's partly a recognition on members of the commission and myself that we don't have an initiative process in this Commonwealth and that most of -- I think actually all of the commissions, the randomly selected commissions in States that have done this in the last 20 years have come from initiative processes. So we understand that for anything to move here you folks and subsets therein are going to have to embrace it, and I think that there's a proper role for legislators. And that's what we reflected in the model.

MR. WATSON: Just following up on what you said earlier, the importance of -- you know, the importance to avoid the disproportional outcome if one of the things that we are seeking is a relative proportional balance from the votes cast and the partisan outcome, the traditional -- you
know, my experience, the traditional compactness, municipal boundaries to the extent that they match identifiable communities of interest, tends to have a bit more success.

This is Iowa, the gentleman from the National Conference of State Legislatures speaking about the Iowa system, the list of criteria that their civil servants are supposed to consider is about like three pages long. And, as a result, you know, again, they tend -- you know, my report tends to put them -- that they should be getting 2-2 and they usually get a 3-1. But that has more to do with the vagaries of the proportional allocation.

MAJORITY CHAIRMAN EVERETT: Thank you.

Representative DeLissio.

REPRESENTATIVE DELISSIO: Thank you, Mr. Chairman.

Mr. Thornburgh, when you conducted these meetings throughout the State, were people very familiar with the current process, for instance, that our Congressional districts are drawn legislatively but the reapportionment commission is used for Reps and Senators?

MR. THORNBURGH: Not really honestly. Some folks were, but I think the phrase we used in the report is -- and I suspect this jibes with your experience. Most folks out there are much more familiar with the consequences of process than they are with the process themselves, and then
the challenge is, you know, can they envision a better process, which, again, most folks who don't do this day to day are not terribly fooling with.

So we heard a lot of here's what's wrong and here's what I don't like and here's what frustrates me about the way we do this, but many folks I'll say didn't delineate between -- partly because, as we recognize, this only happens once every 10 years, so it's not a day-to-day kind of a thing. There's an education process.

But, having said that, this general issue is more on people's minds than I think certainly anytime in my lifetime. So there's a general awareness even if it's not particularly specific.

REPRESENTATIVE DELISSIO: Because I think most folks would be surprised -- I think when that Congressional legislation came through, if memory serves -- and this is going back now almost nine years -- most of us saw that legislation minutes before we voted on it. So, you know, we have to -- you know, you can't fix a problem unless you know there's a problem there --

MR. THORNBURGH: Right.

REPRESENTATIVE DELISSIO: -- so, you know, I think that those efforts to endeavor to educate constituents so those constituents can give all of their State Reps and State Senators their feedback on this is a
good process to go by. And I think when we reference
political parties -- and I don't know if you found this --
where was the role of unaffiliated and independents in this
process? We see growing numbers here in the Commonwealth.
I have my opinions as to why we think we -- you know, I see
so many people becoming unaffiliated or independent. So
did you see this sort of Democrat versus Republican in
those hearings? Were people who were unaffiliated
concerned about their voices being heard and how they were
heard?

MR. THORNBURGH: Yes. Well, couple things. I
think, as you know, the ranks of unaffiliated voters is the
fastest-growing segment of the electorate in Pennsylvania,
as it is elsewhere. Frankly, when the issue of parties
came up in these public meetings, there was a lot of rancor
and disappointment and distrust. People do see what's
happened as, you know, what seems like an endless war
between these two forces that either don't pay attention to
them or take them for granted.

And one of the comments that I found most
dispiriting from a member of the public who came to talk
was she said she went to go talk to her local
representative, the township commissioner I think about
this, who was a Republican, and she said, you know, I'm
really concerned about gerrymandering and the redistricting
and so forth, and he said, "Don't you understand, to the
victor go the spoils." And she was offended by that. And
I would be, too, if I were she.

REPRESENTATIVE DELISSIO: Unless we wanted the
victor to be the citizens of the Commonwealth.

MR. THORNBURGH: Well, touché.

MAJORITY CHAIRMAN EVERETT: Representative
Gabler.

REPRESENTATIVE GABLER: Thank you, Mr. Chairman.
And thank you, gentlemen, for your testimony and helping
illuminate this process.

Since we are kind of starting this from the
30,000-foot level I wanted to benefit a little bit,
Mr. Watson, from your expertise and your comparison that
you've done across States. And I wanted to ask you to
speak a little bit to the effects of efficient versus
inefficient distribution of voters and how that can affect
a map. And then specifically how does the breakdown of the
results of a map, is it necessarily indicative of a
specific gerrymander or are there ways in which a non-
gerrymandered map can produce surprising outcomes?

MR. WATSON: Yes. It is possible for a non-
gerrymandered map to not be proportional. This is why
countries that use proportional representation -- Israel
voted yesterday. They used proportional representation.
They use proportional representation. They use a mathematical allocation formula. Because if you have a situation where a large number of members of one party live in a mono-partisan area and members of the other party live in less mono-partisan areas, maybe not purple areas but, you know, if one lives in 90/10 and the other lives in 60/40, even if you're following the traditional redistricting metrics of compactness, of preserving communities of interest, preserving local municipal authorities, you can end up in a situation where the number of well-drawn districts you get of the party that lives mostly in 90/10 is less than the number that was mostly in 60/40.

REPRESENTATIVE GABLER: And I appreciate that because I think it is important as we look at the process going forward and try to assess by outcomes -- I think one of the things that we need to be careful of is that we don't specifically look and say, okay, we've got 18 seats, it's 9-8 this side, so this side is obviously gerrymandered or it's 8-9, so the other side gerrymandered. No matter what -- I guess 8 and 9 is 17. I apologize. I'm catching myself there. But I think that one of the things that this Committee definitely needs to look at is to determine how do we achieve an outcome that can be agreeable by all sides that was fair?
And I guess, Mr. Thornburgh, to your point it's a question of process, and that's why I'm glad we're having this discussion now. So I guess I'll just leave my question and my comment there, but I appreciate you guys' expertise. Thank you.

MAJORITY CHAIRMAN EVERETT: Representative Sims.

REPRESENTATIVE SIMS: Thank you, Mr. Chairman. I'll be brief.

Chairman Thornburgh, your commission clearly spoke to thousands, tens of thousands potentially of --

MR. THORNBURGH: Well, I wouldn't say tens of thousands but in the thousands, yes.

REPRESENTATIVE SIMS: Thousands. You said 3,300 completed the mapping --

MR. THORNBURGH: Yes.

REPRESENTATIVE SIMS: -- program? Okay.

MR. THORNBURGH: Yes.

REPRESENTATIVE SIMS: During that time, you have identified from the report here countless, numerous supporters of redistricting or opponents of gerrymandering. I don't want to split that hair. In that time did you come across a coordinated effort in opposition of redistricting reform? Did you come across a coordinated effort to maintain the status quo? And if you didn't, to what do you attribute our lack of movement on gerrymandering?
We heard from Dr. Kuniholm earlier that there had been efforts and requests by citizens of Pennsylvania to have this body review how we draw our own districts in 1990, in 2000, and 2010. So if you haven't seen a coordinated effort against redistricting in this State and citizens of the State have been requesting redistricting for the better part of 30 years, as an expert in this issue, to what do you attribute our lack of movement on redistricting reform?

MR. THORNBURGH: Well, to answer the first and simplest question, we didn't see evidence of a coordinated effort to oppose change. We tried to run an open and transparent process ourselves. We invited through all the networks we could, including our local -- you folks in your local areas, cast the net wide to have folks come out and talk to us, to participate in the survey, and so forth, we didn't see effort of which you talked about.

The only observation I would make is sort of the simple and most obvious. The rules of the game by which your offices are determined and these districts are determined are one of the fundamental building blocks of power in the Commonwealth and in the General Assembly in the dance between the courts and the executive and the General Assembly. And I think that in a nutshell explains why it's so difficult to move change forward.
It's worth noting the last time we addressed this issue was 51 years ago, and that was after -- that was the Constitutional Convention of '67 and '68, of which my dad was a delegate -- to which he was a delegate, which was, I think, the last time we re-examined the Constitution in its several pieces and I think was -- that convention took place after about three or four failed attempts to hold a convention. So maybe the short answer is that change doesn't come easily in Pennsylvania.

REPRESENTATIVE SIMS: Thank you, Mr. Chairman.

MAJORITY CHAIRMAN EVERETT: And I thank you. And believe it or not, we're wrapping up on time. And I appreciate the Members and the presenters for making that happen, and I'm sorry that everybody probably didn't get to say everything they wanted to say. And I will ask Chairman Boyle if he has any concluding remarks.

DEMOCRATIC CHAIRMAN BOYLE: Thank you, everyone, for being here. And thank you for all the activists that have really lobbied for the better part of probably about eight years to change the status quo in Pennsylvania. What came out of this building in 2011 was a disgrace. The Congressional maps and the legislative maps were absolutely reprehensible and really an affront to democracy. But it was good to see that the citizenry responded. And I think in many ways it's really surprising to many that such a dry
issue as redistricting has become such a passionate issue to so many people. And, you know, I appreciate all the pressure and all the lobbying that has taken place. This legislative body has to do better when we do redistricting in 2021. Thank you.

MAJORITY CHAIRMAN EVERETT: And I will again thank our staff for putting this all together. I think it worked rather well.

And to the Members of the House State Government Committee, I think you see some of the complexities of the issues that we're going to need to deal with as we move forward on this. There's no set answer and no easy answer to how to do this, and I look forward to working together with the Committee to work ourselves through this. And again, thank you very much and have a great day.

(The hearing concluded at 10:55 a.m.)
I hereby certify that the foregoing proceedings are a true and accurate transcription produced from audio on the said proceedings and that this is a correct transcript of the same.

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