

Testimony in support of House Bills 22 and 23
Carol Kuniholm, Chair of Fair Districts PA
Patrick Beaty, Legislative Director

Pennsylvania House State Government Committee
Public Hearing on Redistricting
September 18, 2019

Fair Districts PA is a statewide, non-partisan, grassroots coalition dedicated to reform of Pennsylvania's redistricting process for both Congressional and state legislative districts. Begun in January 2015, Fair Districts PA has grown quickly.

- Volunteer speakers have made over 750 presentations to citizen groups statewide, attended by over 28,500 people, appeared on dozens of radio and TV public affairs programs and podcasts, and talked with numerous editorial boards.
- Statewide 328 governing bodies, including 20 county commissions, have declared their support for fair redistricting practices. These elected bodies, with both Republican and Democratic majorities, represent over 8.8 million Pennsylvanians—68% of the estimated population of the state. More resolutions are being sought.
- The Pennsylvania State Association of Boroughs (PSAB) passed a resolution of support. PSAB represents 956 PA boroughs with a combined population of 2.6 million Pennsylvanians.
- Over 70,000 Pennsylvanians have so far signed petitions supporting an independent redistricting commission.
- Hometown newspapers have printed 150 letters to the editor supporting reform.
- In addition to writing 400 news articles about redistricting and gerrymandering, 47 media outlets statewide, representing big cities and small towns and a full political spectrum, have run over 240 editorials, op-eds and columns – virtually ALL of them calling for reform.
- Six regions, comprised of around 40 local county-based groups and a dozen working groups in our larger cities, include over 5,000 volunteers working for reform.

Leadership of the organization is entirely volunteer. Executive Committee, Statewide Coordinating Team, local group coordinators, speakers bureau and other teams include Republicans, Democrats Independents, and third party voters from across the state.

This growth is fueled by concern about extreme gerrymandering in Pennsylvania. While our congressional maps have received significant attention, our legislative districts are as badly gerrymandered. Research measuring partisan bias in state legislatures lags research on congressional districts. By any current test, PA's house and senate districts rank among the worst in the nation. ¹

¹ The Worst Partisan Gerrymanders in U.S. State Legislatures, USC Schwarzenegger Institute, Sept. 4, 2019 https://issuu.com/robquigley/docs/the_worst_gerrymanders_of_2018_us_state_legislatur;
The Princeton Gerrymandering Project, state tests. <https://gerrymander.princeton.edu/tests>

In every region of the state, voters who begin to look at their legislative district maps see counties, communities, school districts divided to control the outcome of elections. No matter their region or party, voters object strongly to the reality that legislative leaders are undermining the constitutional principle of one person, one vote.

Some examples of this are available in the appendix.

While gerrymandering has long been a concern in Pennsylvania, it has become worse over the last decades, as new mapping and data mining technologies have made it increasingly more possible for those who draw the maps to accomplish their own agendas behind closed doors. In 1990 some of our founding organizations gave testimony in this committee and its counterpart in the senate

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Source: *The Pennsylvania Manual*

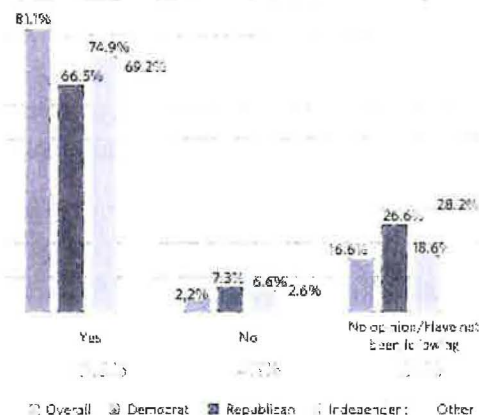
asking for attention to the constitutional requirement that districts be contiguous and compact, and that they respect county, city, incorporated town, borough, township, and ward boundaries "unless absolutely necessary." A chart showing splits in counties and municipalities in Congressional districts across past decades demonstrates how that requirement has been ignored.²

Support for an independent commission is strong

Not all citizens know the word "Gerrymandering" or understand how redistricting works. Yet PA polls consistently find that over 2/3rds of Pennsylvanians an independent citizens commission free of political influence and operating in total transparency.³

Local officials across the state, representing more than 2/3 of the state population, have passed resolutions in support of an independent citizens redistricting commission. **See Appendix H.**

Should the **redrawing of political districts** in Pennsylvania be done by an independent, non-partisan commission?



² League of Women Voters of Pennsylvania v Commonwealth of Pennsylvania, Petitioners Findings of Fact and Conclusions of Law, 12/17/2019

³ June 2018 Franklin and Marshall College Poll: 64% support redistricting reform and 69% want an independent commission to draw state legislative district lines; Pittsburgh Quality of Life survey by Pittsburgh Today and the University of Pittsburgh University Center for Social and Urban Research, June 2018

Past Fair Districts PA supported legislation

Fair Districts PA was formed in 2016 to offer support to legislation drafted in late 2015 by a group of legislators and staff from both houses and both parties. Senate Bill 484, modeled on the California redistricting commission but with some Pennsylvania-specific adjustments, was introduced in early 2016 by Senator Lisa Boscola. Later that year Representative David Parker, a Republican from Monroe County, introduced House Bill 1835, modeled on SB 484 but with additions discussed and supported by his colleagues. In particular, that bill proposed a numeric constraint on splits to counties:

- A county could not contain more Senate districts than the number required by the population plus one.
- A county could not contain more representative districts than the number required by the population plus two.

In late 2016, sponsors, key legislative supporters and representatives from Fair Districts PA and other advocacy organizations met to redraft the bills. This redraft group incorporated more suggestions from colleagues, plus ideas from other bills around the country. The resultant Senate Bill 22 was passed through the Senate with significant alterations, negotiated by Senator Folmer in the last weeks before the June deadline. The corresponding House Bill 722 was amended in this committee and never put to a vote.

Current supported legislation

House Bills 22 and 23, now among the most co-sponsored bills of this session, draw on hundreds of conversations with legislators across the past three years. Two significant changes from past bills:

1. A new failsafe in the event of commission deadlock. The past deadlock provision, court appointment of a special master, caused legitimate concern in a climate where the court is perceived by some as partisan. HBs 22 and 23 instead propose an elimination vote. In the event of inability to agree on a map, each individual or group of commissioners could propose their own preferred map. Those maps would be publicized for ten days on a commission website, allowing public inspection and comment. At the end of that time, the commission would engage in a public elimination vote, keeping the final decision within the commission.

2. Division of the bills into two. As originally written, Senate Bill 22, if first passed in the 2019-2020 session, would not allow a commission to be created in time for the 2021 redistricting process. House Bill 23 would alter the election code to provide for a commission for congressional redistricting. House Bill 22 would amend the state constitution to provide for that same commission to create both congressional and legislative district maps.

A summary of the bills is available in Appendix A.

Principles for a way forward

We appreciate Senator Folmer's work last year in negotiating amendments to Senate Bill 22 and. We also appreciate the work of the Redistricting Reform Commission and the platform that commission provided for citizens to share their concern. We are aware that there are other ideas as well. We applaud all honest contributions to this important conversation about the best way to safeguard the redistricting process. While House Bills 22 and 23 include ideas gathered through years of conversations with legislators in both houses and both parties, advice from election reform experts around the country, and feedback from passionate citizens across the commonwealth, we are open to any attempt to balance legitimate concerns.

We are adamantly in support of the following:

- Reform of BOTH congressional and legislative redistricting in time for the 2021 process
- An impartial citizens commission for both that reflects the demographic diversity of the state and allows independent and third party voices a substantive voice
- A selection process that ensures real independence of commissioners and adequate distance from legislative leaders
- Strong provisions and safeguards for transparency, public input and feedback, and numeric protection of counties and municipalities
- A map approval process and failsafe provisions that ensure collaboration and compromise

Delay is not an option

Last year, the House adjourned without taking action on redistricting reform. A spokesman for House leaders claimed there wasn't enough time to reach consensus despite the fact that reformers had been pushing for consideration of a bill with majority support among legislators for over a year. The Senate did pass a version of that bill just before the General Assembly broke for its summer recess. Again, the House took no action.

We appreciate the fact that the new Chairs of this committee, Representatives Everett and Boyle, have allowed this opportunity for a hearing on the subject of redistricting. And we recognize that you will hear from several testifiers about a range of possible approaches to reform. We look forward to working with this committee to find the best solution for Pennsylvania, one that we can all be proud of.

There is still plenty of time for this committee to come together on a reform proposal that can be in place for the next round of redistricting in 2021. The fact that there are a variety of proposals being discussed should not be seen as a reason to do nothing. The voters of Pennsylvania want redistricting reform now. They will not be satisfied if inaction by their elected representatives means reform will be delayed for another decade.

Appendix A: Summary of House Bill 22 and 23

House Bill 23 will create an independent citizens commission to handle the drawing of federal congressional districts and does not require a constitutional amendment. The bill was introduced by Rep. Steve Samuelson (D-135) with Rep. Tom Murt (R-152) as the second sponsor.

The other bill (HB 22) will establish the commission model for drawing state legislative districts, which does require a constitutional amendment. That means HB 22 must pass two consecutive sessions of the General Assembly (the 2019-20 session and within the first two months of the next session) and then go to the voters in May 2021. While the calendar is very tight, it can be done. Rep. Murt is the prime sponsor of this bill, with Rep. Samuelson as the second sponsor.

The elegance of this two-bill approach is that the commission put in place by HB 23 to handle congressional redistricting will be the same commission to oversee state legislative redistricting once voters approve HB 22. Thus, by the time of HB 22's approval, there will be no need to assemble a new commission. A quick summary of both bills follows:

House Bill 23: Statute to Change the Congressional Redistricting Process

- Creates an 11-person commission to oversee congressional redistricting.
 - Four commissioners from each major party, three not affiliated with either party.
 - Three applicant pools, one for each party and the non-affiliated group. Elected officials, lobbyists, political staff and spouses may not apply.
 - Demographic diversity is required in both pools and final commission.
- Transparency, including public input before and after the maps are drawn.
- Maps must comply with federal Voting Rights Act provisions.
- Compact and contiguous districts. A county may not contain more congressional districts than the number required by population, plus one. Written explanations required for exceptions.
- If commission deadlocks, elimination voting is used to resolve it. (Commissioners vote to rank the maps under consideration. The map receiving the lowest rank is dropped following each round of voting until one map remains.)
- Maps may not be drawn to favor parties or individuals.

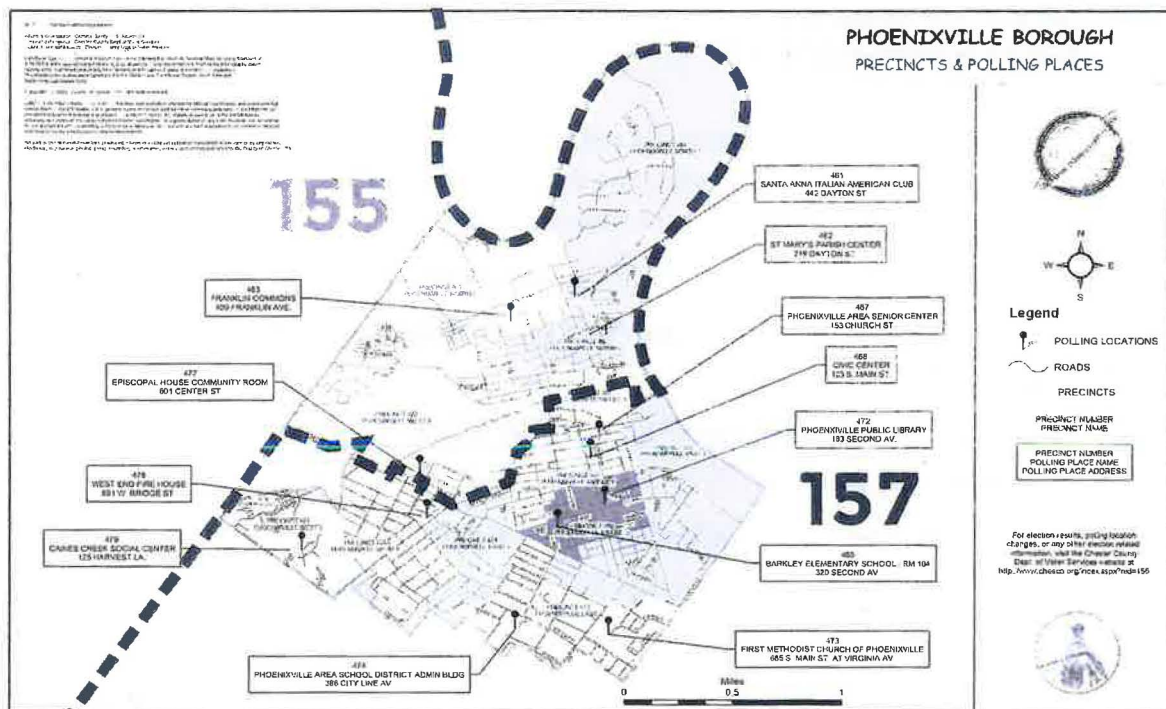
House Bill 22: Amendment to the Pennsylvania Constitution to Change State Legislative Redistricting Process

- Uses the same commission created by passage of HB 23.
- Same safeguards as HB 23.
- Same fail safe in the event of a deadlock – elimination voting.
- Different approval timeline (must pass in two consecutive sessions, then voter referendum).

Appendix B: Implementation Timeline

7/1/20	Effective date of HB 23. Approximate deadline for first passage of HB 22
8/15/20	Secretary of Commonwealth opens commission application process
10/15/20	Application deadline
10/15-12/15/20	Secretary verifies applicant qualifications and creates sub-pools by party
12/15/20	Secretary randomly selects 40 qualified applicants from each sub-pool
1/15/21	Deadline for Legislative Leaders to strike applicants
2/1/21	Secretary randomly selects 11 commissioners
2/18/21	Approximate deadline for second passage of HB 22
3/1/21	Commission organizes and selects chairman
3/1-5/1/21	Commission is trained; hires consultants; begins redistricting process
5/18/21	Voters approve Constitutional amendment (HB 22)
5/18-5/31/21	Legislative Reapportionment Commission transfers data and dissolves
6/1-7/1/21	Commission conducts at least four hearings across Commonwealth
7/1/21	Deadline for preliminary redistricting plan
7/1-7/31/21	Commission conducts at least four hearings across Commonwealth
8/15/21	Deadline for final redistricting plan
9/1/21	Deadline for second preliminary redistricting plan if needed
9/1-10/1/21	Commission conducts at least four hearings on second preliminary plan
11/1/21	Second deadline for final redistricting plan
12/15/21	Deadline for elimination vote if commission deadlocks on 2nd final plan

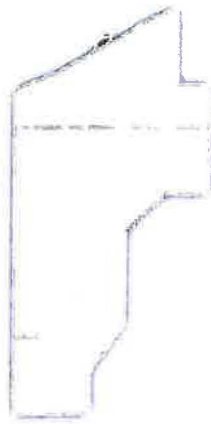
Appendix C: Split Phoenixville Precinct



Appendix D: Evolution of Three PA House Districts • 1991-2012



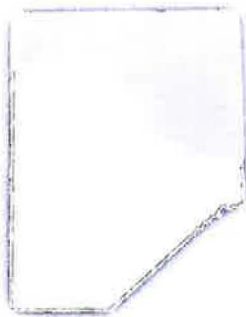
PA House 17 / 1991
Crawford, Mercer



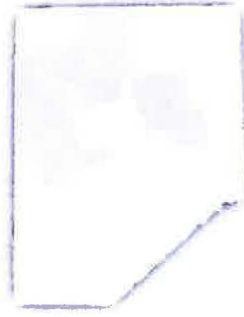
PA House 17 / 2001
Crawford, Lawrence, Mercer



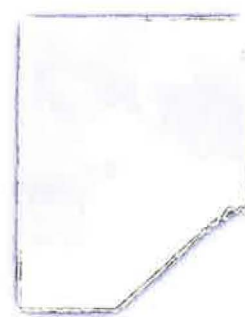
PA House 17 / 2012
Crawford, Erie, Lawrence, Mercer



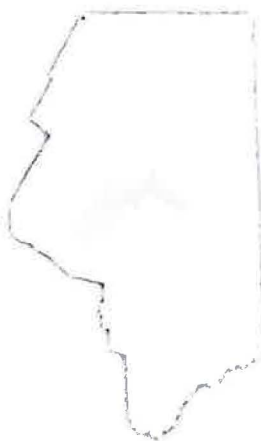
PA House 77 / 1991
Beaver



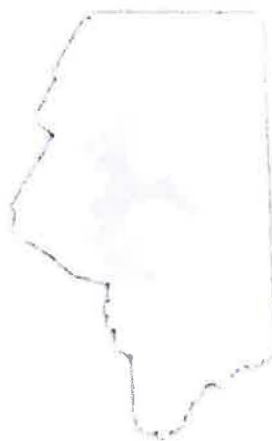
PA House 77 / 2001
Beaver



PA House 77 / 2012
Beaver, Butler



PA House 113 / 1991
Lackawanna

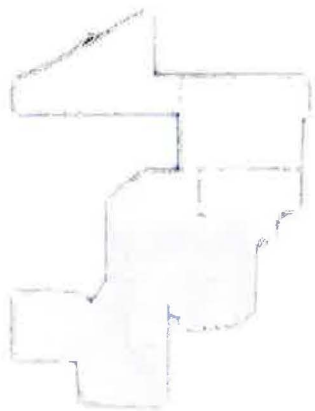


PA House 113 / 2001
Lackawanna

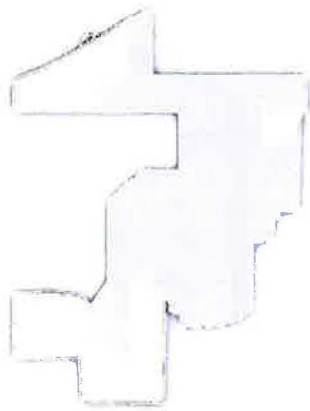


PA House 113 / 2012
Lackawanna

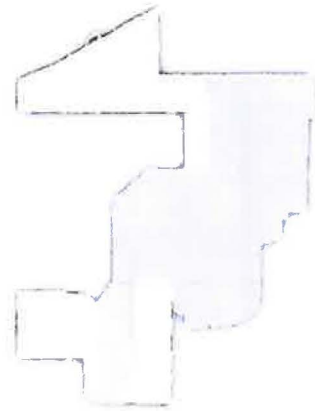
Appendix E: Evolution of Three PA Senate Districts • 1991-2012



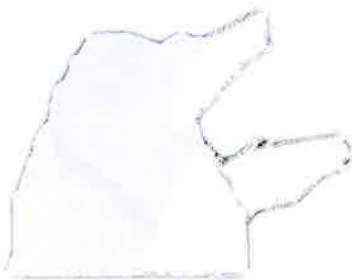
PA Senate 21 / 1991
Butler, Clarion, Lawrence,
Venango



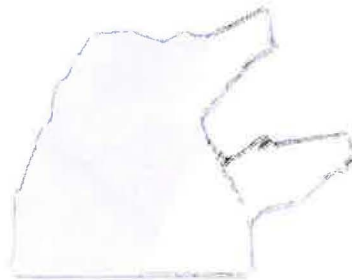
PA Senate 21 / 2001
Butler, Clarion, Erie, Forest,
Warren, Venango



PA Senate 21 / 2012
Butler, Clarion, Forest, Warren,
Venango



PA Senate 30 / 1991
Bedford, Blair, Fulton,
Huntingdon



PA Senate 30 / 2001
Bedford, Blair, Fulton,
Huntingdon, Mifflin



PA Senate 30 / 2012
Blair, Cumberland, Franklin,
Fulton, Huntingdon



PA Senate 48 / 1991
Berks, Lebanon, Lehigh



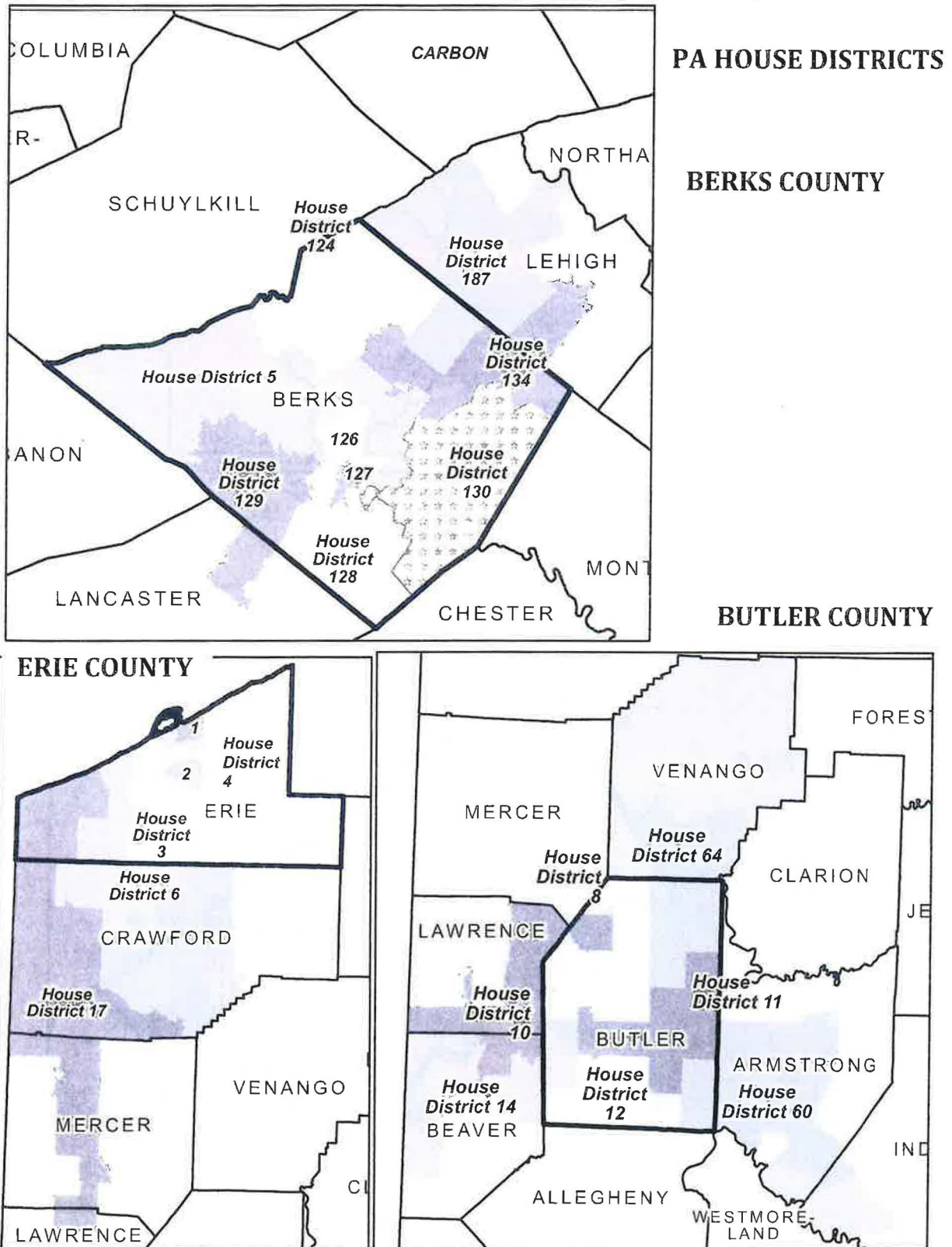
PA Senate 48 / 1991
Berks, Chester, Dauphin,
Lancaster, Lebanon

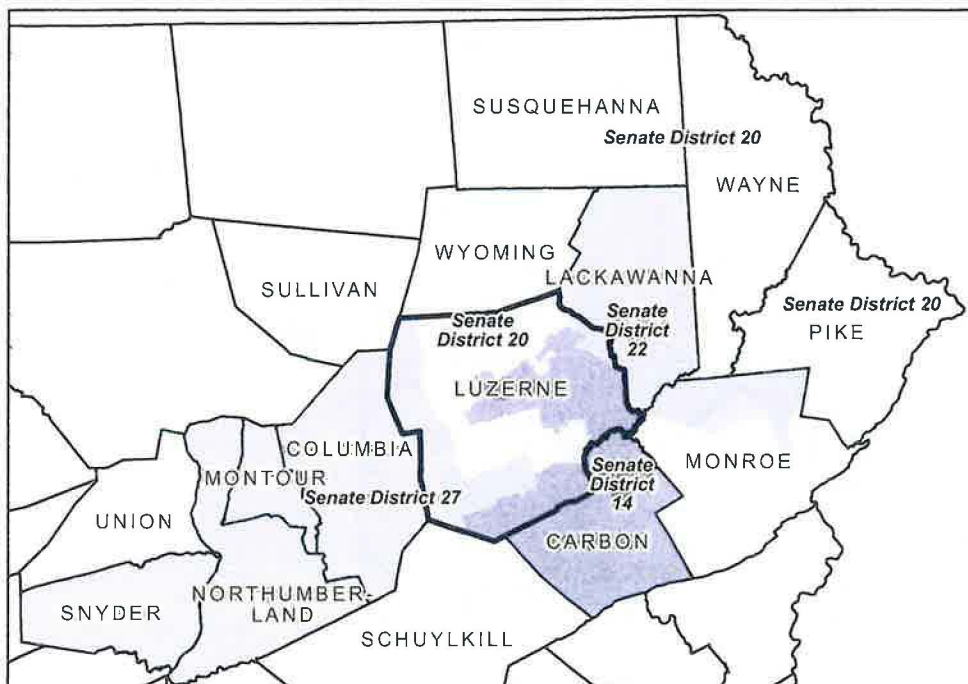


PA Senate 48 / 1991
Dauphin, Lebanon, York

Appendix F: Sampling Pennsylvania's Divided Counties

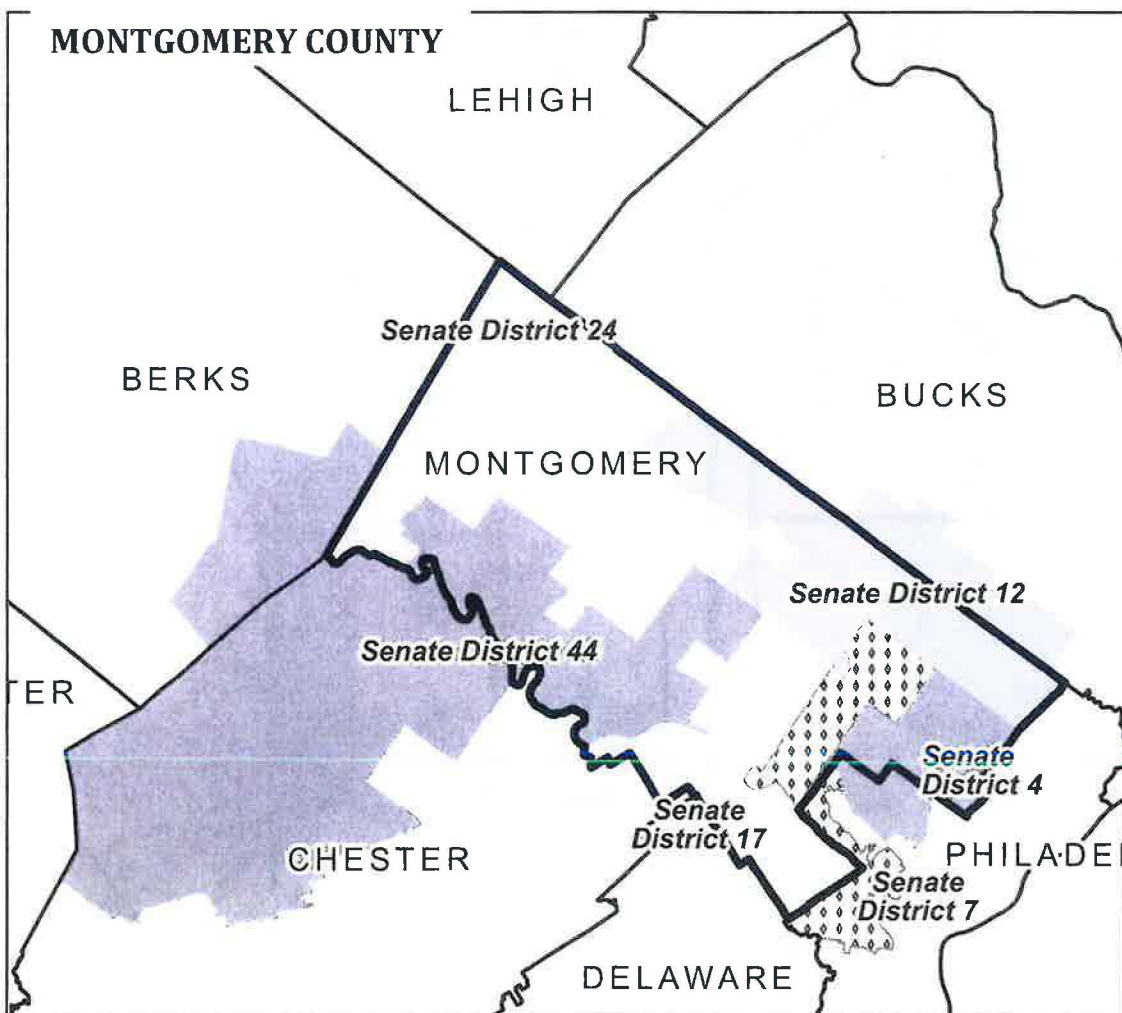
PA constitution: ARTICLE II § 16: Unless absolutely necessary no county, city, incorporated town, borough, township or ward shall be divided in forming either a senatorial or representative district.





**PA SENATE
DISTRICTS**

**LUZERNE
COUNTY**

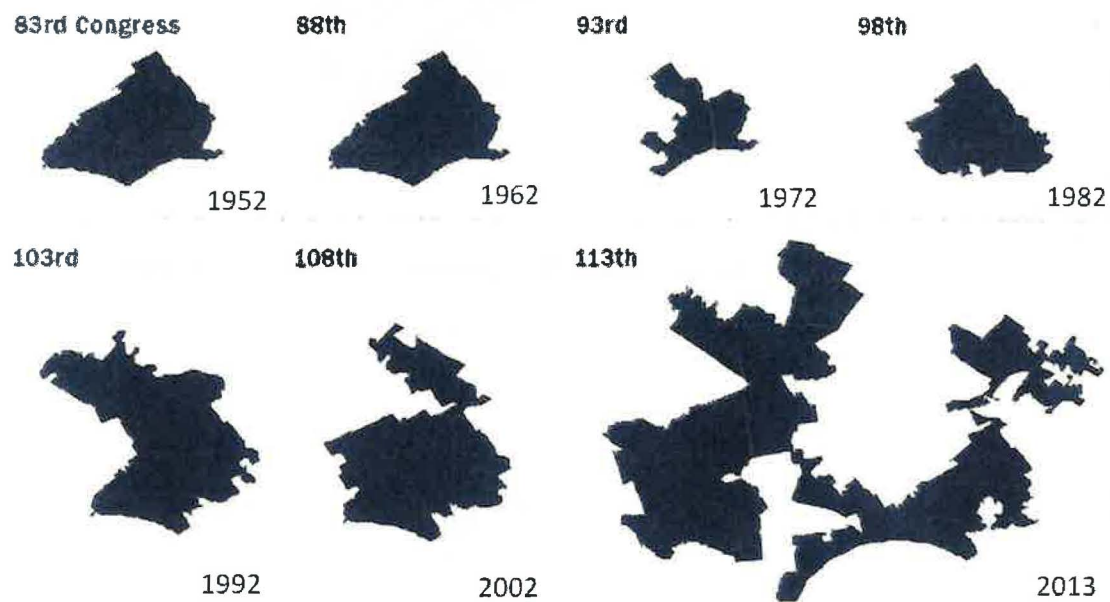


Appendix G: Congressional gerrymandering over time

Year	Split Counties	Split Municipalities
1966-1972	7	2
1970s	9	4
1980s	16	3
1990s	19	14
2000s	25	67
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Source: The Pennsylvania Manual

THE EVOLUTION OF PENNSYLVANIA'S SEVENTH DISTRICT



SD1 DISTRICT MAP - 104th Pennsylvania House, G. Loretta Davidson DeVine, Elizabeth Feltner and Kenneth C. Storer, 100LA, District 1, 2014
 104th PA House District Map - Published May 20, 2014

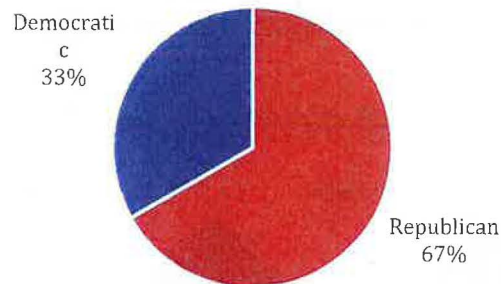
Appendix H: Resolutions of support for fair redistricting practices passed by PA Municipalities, Counties and Associations

County Commissions that passed a resolution in support

Allegheny
Beaver*
Carbon*
Centre*
Chester*
Clinton*
Cumberland*
Delaware*
Erie*
Greene*
Lehigh
Luzerne
Monroe*
Montgomery
Northampton*
Northumberland*
Perry
Philadelphia*
Warren
Wyoming*
York*

14 With Republican Majorities 7,620,944 population
7 With Democratic Majorities 249,460 population

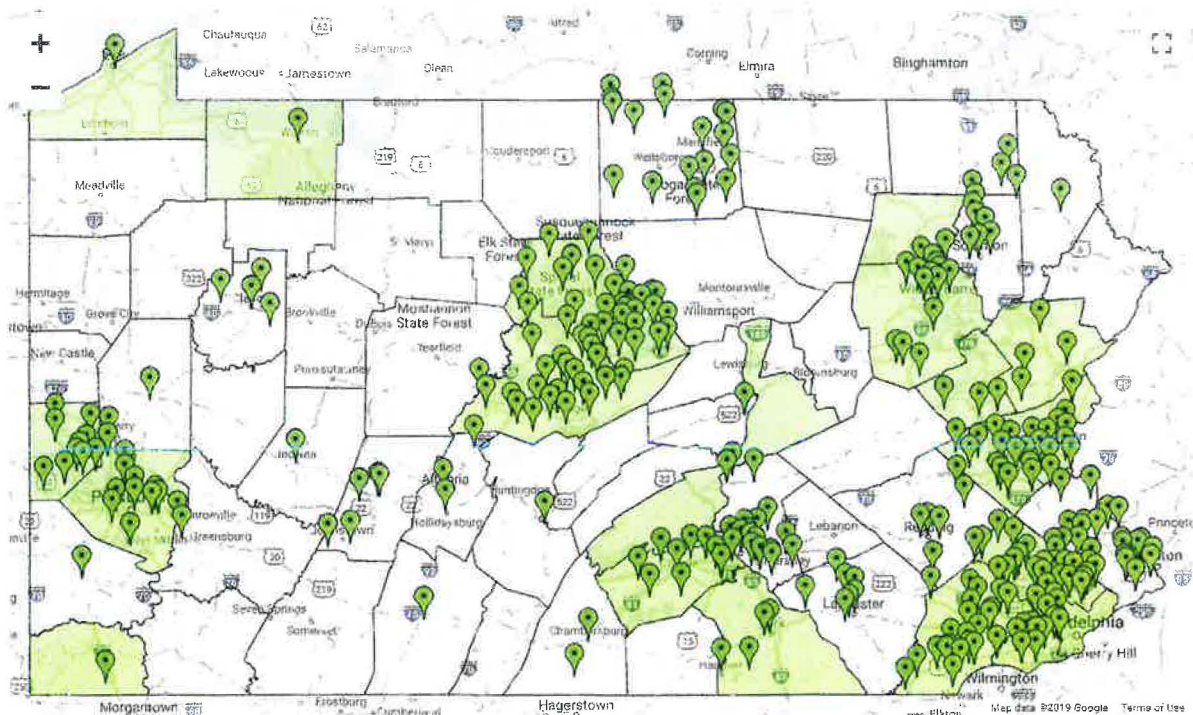
County Commissions
Majority Party Make Up



*unanimous

Associations that passed resolution in support

Bucks County Boroughs Association
PA State Association of Boroughs
Capital Region Council of Governments



Municipalities that have passed a resolution in support

Allegheny

Bell Acres Borough
 Crafton Borough
 Forest Hills Borough
 Heidelberg Borough
 Marshall Township
 Mccandless Township
 Millvale Borough
 Pittsburgh City
 Ross Township
 South Park Township
 Swissvale Borough
 Wilkinsburg Borough

Beaver

Aliquippa City
 Baden Borough
 Brighton Township
 Chippewa Township
 Hanover Township

Beaver, continued

Hopewell Township
 Independence Township
 New Sewickley Township
 South Heights Borough

Bedford

Bedford Borough

Berks

Kutztown Borough
 New Morgan Borough
 Reading City
 Rockland Township
 Saint Lawrence Borough
 Wyomissing Borough

Blair

Altoona City
 Hollidaysburg Borough
 Tyrone Borough

Bucks

Bristol Township
 Buckingham Township
 Doylestown Borough
 Doylestown Township
 Falls Township
 Haycock Township
 Langhorne Borough
 Langhorne Manor Borough
 Lower Makefield Township
 Middletown Township
 Morrisville Borough
 New Britain Township
 New Hope Borough
 Newtown Borough
 Newtown Township
 Riegelsville Borough
 Solebury Township

Springfield Township
 Tinicum Township
 Warminster Township
 Warrington Township
 Yardley Borough

Butler

Butler City
 Cranberry Township

Cambria

Cambria Township
 Ebensburg Borough
 Nanty Glo Borough
 Stonycreek Township
 Upper Yoder Township

Carbon

Bowmanstown Borough
 Lower Towamensing
 Township
 Summit Hill Borough

Centre

Bellefonte Borough
 Burnside Township
 Centre Hall Borough

Centre, continued

College Township
 Curtin Township
 Ferguson Township
 Gregg Township
 Halfmoon Township
 Harris Township
 Howard Borough
 Howard Township
 Liberty Township
 Marion Township
 Milesburg Borough
 Millheim Borough
 Patton Township
 Penn Township
 Philipsburg Borough
 Port Matilda Borough
 Potter Township
 Rush Township
 Snow Shoe Borough
 Spring Township
 State College Borough
 Unionville Borough
 Walker Township

Chester

Downingtown Borough
 East Marlborough Township
 East Pikeland Township
 East Whiteland Township
 Honey Brook Borough
 Kennett Square Borough
 Kennett Township

London Britain Township
 London Grove Township
 Malvern Borough
 New Garden Township
 Oxford Borough
 Penn Township
 Phoenixville Borough
 Pocopson Township
 Upper Uwchlan Township
 Uwchlan Township
 West Bradford Township
 West Chester Borough
 West Goshen Township
 West Grove Borough
 West Marlborough Twp
 West Nottingham Township

Clarion

Clarion Borough
 Highland Township
 Knox Borough
 Limestone Township

Clinton

Allison Township
 Avis Borough
 Bald Eagle Township
 Beech Creek Borough

Clinton, continued

Beech Creek Township
 Castanea Township
 Chapman Township
 Colebrook Township
 Crawford Township
 Dunnstable Township
 East Keating Township
 Flemington Borough
 Gallagher Township
 Greene Township
 Grugan Township
 Lamar Township
 Leidy Township
 Lock Haven City
 Logan Township
 Loganton Borough
 Mill Hall Borough
 Noyes Township

Clinton continued

Pine Creek Township
 Porter Township
 Renovo Borough
 South Renovo Borough
 Wayne Township
 West Keating Township
 Woodward Township

Cumberland

Camp Hill Borough

Carlisle Borough
 East Pennsboro Township
 Lower Frankford Township
 Mechanicsburg Borough
 Middlesex Township
 Mount Holly Springs Boro.
 Newville Borough
 Penn Township

Cumberland, continued

Silver Spring Township
 Upper Allen Township

Dauphin

Conewago Township
 Derry Township
 Elizabethville Borough
 Harrisburg City
 Highspire Borough
 Lower Paxton Township
 Middletown Borough
 Millersburg Borough
 Paxtang Borough
 Penbrook Borough
 Royaltown Borough
 Steelton Borough
 Susquehanna Township
 Swatara Township
 Upper Paxton Township
 West Hanover Township

Delaware

Chadds Ford Township
 Chester City
 Chester Heights Borough
 East Lansdowne Borough
 Haverford Township
 Lansdowne Borough
 Media Borough
 Middletown Township
 Nether Providence Twp
 Radnor Township
 Rose Valley Borough
 Rutledge Borough
 Swarthmore Borough
 Upper Chichester Township
 Yeadon Borough

Erie

Erie City

Franklin

Chambersburg Borough
 Greencastle Borough

Greene

Perry Township

Huntingdon

Mount Union Borough

Indiana

Indiana Borough

Lackawanna

Benton Township
 Dickson City Borough
 Dunmore Borough
 North Abington Township
 Scranton City

South Abington Township
 Taylor Borough
 Vandling Borough
 Waverly Township

Lancaster

East Petersburg Borough
 Lancaster City
 Lancaster Township
 Manheim Borough
 Manor Township
 Marietta Borough
 Millersville Boro

Lehigh

Allentown City
 Coopersburg Borough
 Lower Macungie Township
 Lowhill Township
 Lynn Township
 Macungie Borough
 North Whitehall Township
 Salisbury Township
 South Whitehall Township
 Upper Milford Township
 Upper Saucon Township
 Weisenberg Township
 Whitehall Township

Luzerne

Conyngham Borough
 Dallas Township
 Edwardsville Borough
 Exeter Township
 Forty Fort Borough
 Hazleton City
 Jackson Township
 Kingston Township
 Lehman Township
 Plains Township
 Plymouth Borough
 Sugarloaf Township
 Swoyersville Borough
 Wilkes-barre City
 Wright Township

Monroe

Chestnuthill Township
 Eldred Township
 Mount Pocono Borough
 Stroud Township

Montgomery

Abington Township
 Ambler Borough
 Bryn Athyn Borough
 Cheltenham Township
 Collegeville Borough
 East Norriton Township
 Jenkintown Borough
 Lansdale Borough
 Lower Frederick Township
 Lower Merion Township
 Montgomery Township
 Narberth Borough
 New Hanover Township

Norristown Borough
 North Wales Borough
 Pottstown Borough
 Skippack Township
 Springfield Township
 Upper Dublin Township
 Upper Moreland Township
 Upper Providence Township
 West Conshohocken Boro.
 West Norriton Township
 West Pottsgrove Township
 Whitmarsh Township
 Whitpain Township

Northampton

Bethlehem City (and Lehigh)
 Bethlehem Township
 Easton City
 Forks Township
 Hanover Township

Northampton, continued

Lower Saucon Township
 Palmer Township
 Washington Township
 Williams Township

Snyder

Selinsgrove Borough

Susquehanna

Clifford Township
 Herrick Township

Tioga

Bloss Township
 Blossburg Borough
 Brookfield Township
 Chatham Township
 Elk Township
 Farmington Township
 Liberty Borough
 Liberty Township
 Mansfield Borough

Tioga, continued

Morris Township
 Nelson Township
 Roseville Borough
 Rutland Township
 Sullivan Township
 Union Township
 Ward Township
 Westfield Borough
 Westfield Township

Warren

Warren City

Washington

Washington City

Wayne

Honesdale Borough

York

Hanover Borough
 Jefferson Borough
 West York City
 York City

Concerned Citizens for Democracy, 1 Belmont Ave. Suite 519, Bala Cynwyd, PA 19004 Tel (610) 667-4500

Comments before the Pennsylvania House State Government Committee on

September 18, 2019

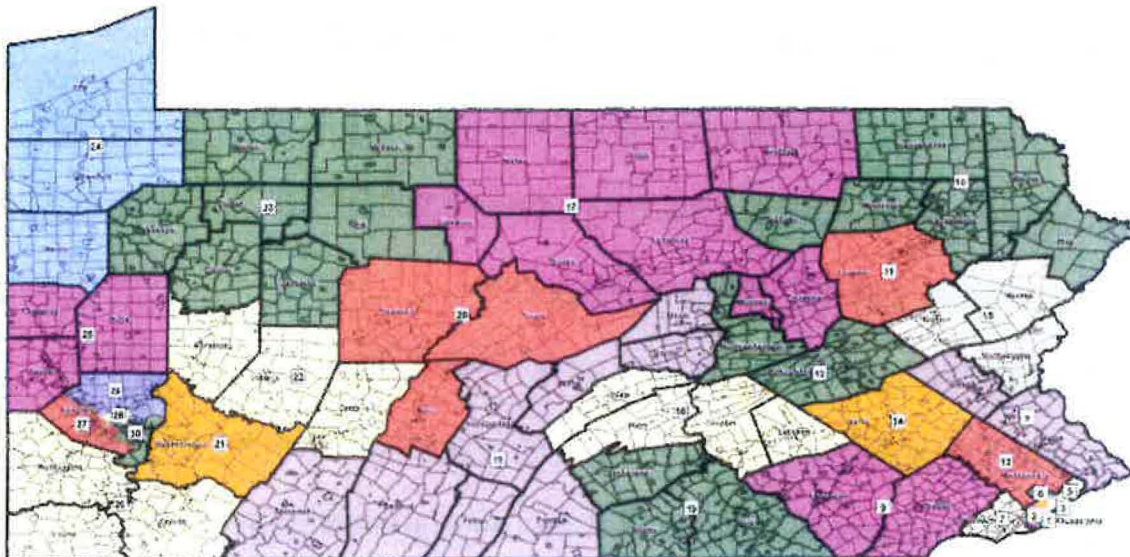
My name is Brian Gordon. I am a member of the Board of Directors of Concerned Citizens for Democracy (CCFD) a think tank of engineers, lawyers and activists laser-focused to, create a method of redistricting that is fair to all parties, and to prevent both partisan and individual gerrymandering.

Our goal was to answer the plea of Justice Anthony Kennedy in the *Vieth v. Jubelirer*, 541 U.S. 267 (2004) to find a method of redistricting that was neutral and created a judicially manageable standard for evaluating electoral maps. We succeeded by looking at the Pennsylvania congressional maps of 1951, 1962 and 1972.

What these earlier maps have in common is that (1) the districts are compact, (2) the districts follow county and municipal boundaries, and (3) where it was necessary to divide counties to equalize district populations, whole municipalities were added or removed in layers following the borders of counties along the district edges, to keep the resulting districts compact.

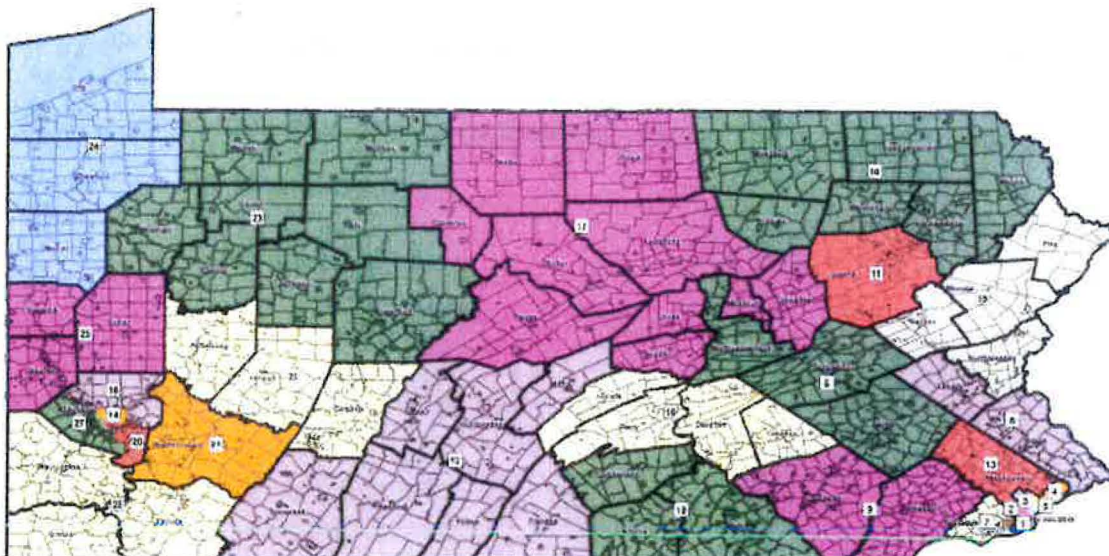
Concerned Citizens for Democracy, 1 Belmont Ave. Suite 519, Bala Cynwyd, PA
19004 Tel (610) 667-4500

Pennsylvania Congressional Districts
Act 464 of 1951

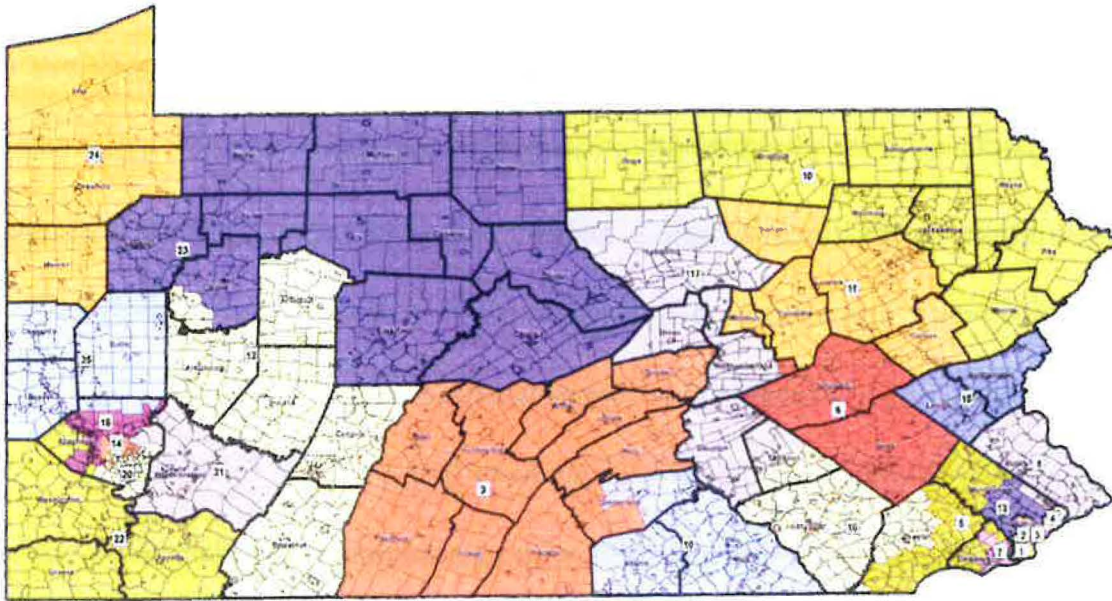


"Pennsylvania Congressional Districts Act 464 of 1951." *Congressional Redistricting*,
16 Jan. 2013, <http://www.redistricting.state.pa.us/Maps/index.cfm>

Pennsylvania Congressional Districts
Act 1 of 1962



"Pennsylvania Congressional Districts Act 1 of 1962." *Congressional Redistricting*,
16 Jan. 2013, <http://www.redistricting.state.pa.us/Maps/index.cfm>



Each of these maps was drawn at a time when members of the Pennsylvania Legislature continued to follow the redistricting methodology set forth in the federal Apportionment Act of 1911, while resisting the temptation to engage in overt partisan gerrymandering. These maps were not completely free of small personal gerrymanders to favor or disfavor individual legislators. However, the maps did follow the Apportionment Act of 1911 requirement that Congressional districts be “contiguous and compact territory ... containing as nearly as practicable an equal number of inhabitants.”¹

¹ **Section 3 of the 1911 Apportionment Act:**

[I]n each State entitled under this apportionment to more than one Representative, the Representatives to the Sixty-third and each subsequent Congress shall be elected by *districts composed of a contiguous and compact territory, and containing as nearly as practicable an equal number of inhabitants*. The said districts shall be equal to the number of Representatives to which such State may be entitled in Congress, no district electing more than one Representative.

CCFD added a fourth requirement to these design criteria, which was derived from Article 2, Section 16 of the Pennsylvania Constitution, and which matches many other state constitutions on this topic. Article 2, Section 16 provides that, “[u]nless absolutely necessary, no county, city, incorporated town, borough, township or ward shall be divided in forming either a senatorial or representative district.”²

Our team examined each of these elements to find a method for balancing minimization of county and municipal splits with maximization of compactness. As a result of our study, we devised a more flexible standard, which, when strictly applied, dramatically detects and constrains partisan gerrymandering.

The CCFD Step-By-Step Method of Non-partisan Redistricting

Step 1. Divide the state roughly into the required number of districts using the largest possible political subdivisions (e.g., counties or municipalities). For example, in treating Congressional districts, assemble whole counties or cities into compact districts with roughly equal populations, without breaking the largest political units.

² **Article 2, Section 16 of the Pennsylvania Constitution:**

§ 16. Legislative districts.

The Commonwealth shall be divided into 50 senatorial and 203 representative districts, which shall be composed of compact and contiguous territory as nearly equal in population as practicable. Each senatorial district shall elect one Senator, and each representative district one Representative. *Unless absolutely necessary no county, city, incorporated town, borough, township or ward shall be divided in forming either a senatorial or representative district.* (Apr. 23, 1968, P.L. App. 3, Prop. No. 1)

For political units with a population larger than one district, first create as many (compact) whole districts as possible within the political unit, and then add the remaining unused territory as a single piece to a neighboring district.

Assemble entire lower-population political units into compact districts.

Step 2. Add or subtract territory at the boundaries of the largest political subdivisions to begin to equalize population between districts. Use whole smaller political subdivisions to further equalize population between districts.

To equalize district populations further, add or subtract territory at the boundary of each larger political subdivisions (e.g. counties) in layers using whole municipalities of the next smallest size. For example, if a Congressional district needs more voters to reach the target district population, add whole municipalities along the entire border of a single district-edge county in layers until the target population is achieved. municipalities from the next layer should not be added until the first layer is completely utilized. This is a very important technique to preempt the selection of territory based upon partisan goals of packing or cracking.

Step 3. Repeat the procedure in Step 2 with each level of smaller political subdivisions (e.g., municipalities, wards, precincts).

At each level, no more than one political subdivision should be split between any pair of adjacent districts. No political subdivision should ever be divided between more than two districts unless its population is larger than that of two districts, in which case it

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should be divided among no more than the absolute minimum number of districts necessitated by its population.

Step 4. Measure compactness and the number of split political subdivisions.

Count the number of divided political units and compute the compactness of all the districts using one or more mathematical measures of compactness. In choosing among competing maps, preference should be given to those maps that achieve maximum compactness without excessive political subdivision splits. This reduces the discretion of would-be gerrymanderers to use non-compact, subdivision-breaking selection of territory to gather far-flung groups of opposing voters and pack them into as few districts as possible.

Step 5. As a final step, make sure the district complies with the Voting Rights Act (VRA).

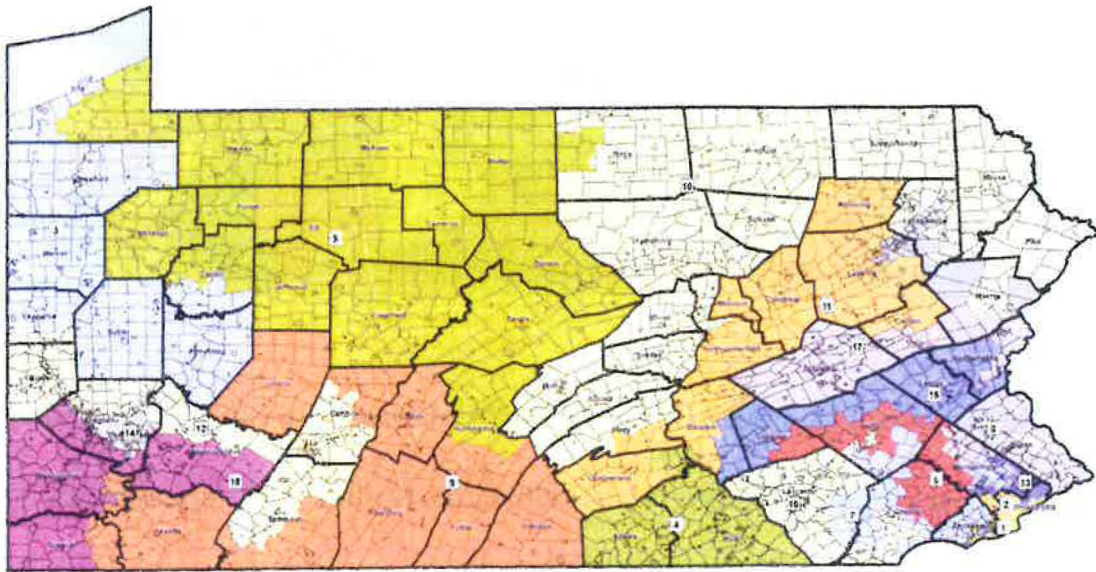
The resultant map should be verifiably consistent with the Voting Rights Act. In most instances, no further adjustment will be needed, as compact districts that respect political subdivisions have a tendency to preserve communities of interest, normally in compliance with the VRA. Any problems at this stage can usually be resolved with relatively slight adjustments of district boundaries.

The reasons this method works is that requirements for compactness and preservation of political subdivisions significantly reduce the maneuverability gerrymanderers have to choose territory based on self-serving criteria such as partisan voting performance in past elections. If the design criteria are strictly applied, both

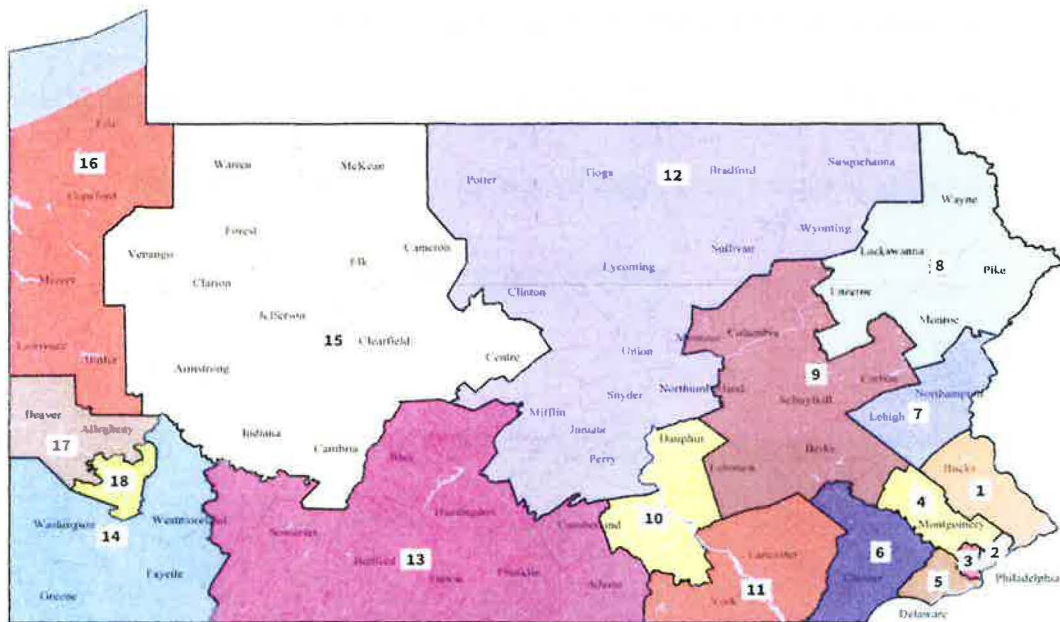
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extreme and subtle forms of gerrymandering become nearly impossible. Referring to the 2011 PA Congressional Map (below), the less obviously gerrymandered districts consisting of the 6th, 15th, 17th, 11th, 10th, 9th, 18th, 12th, 5th, 4th, and 14th would all be unlawful for dividing counties unnecessarily and in a non-compact fashion.

Pennsylvania Congressional Districts
Act 131 of 2011



In seeking a remedial map, the Pennsylvania Supreme Court not only invited proposed maps, but also required submitters to provide compactness computations and enumerations of county, municipal, and precinct splits. This enabled the Court to survey the landscape of reasonable mapping outcomes and ensure that its own final map would comply well with the standards it had established (Pennsylvania Supreme Court remedial map below).



The remedial map issued by the Pennsylvania Supreme Court is an example of a well drafted map following strong design standards. Neither packing and cracking, nor distributing voters efficiently for the drafter's party, is possible if the Court requires all maps to follow county boundaries and achieve maximum compactness. In brief, partisan electoral boundaries are replaced by mandated historic county and municipal boundaries.

Additionally, the CCFD method preserves communities of interest, by maintaining political subdivisions (counties, municipalities and wards). Moreover, the CCFD definition of "community of interest", requires that political subdivisions generally have well-defined and stable boundaries which are not easily misrepresented or handwaved for disingenuous purposes. In turn, this will benefit racial minorities, as they

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are the population at greatest risk of being “cracked” and “packed,” reducing their voice in government.

Are there other conditions that help prevent partisan gerrymandering?

Yes. Any complete anti-gerrymandering reform package should include:

1. Independent Redistricting Commission

A truly independent, diverse, and well-qualified redistricting commission.

2. Partisan Data Must Be Prohibited.

A ban on the use of election results, partisan voter registration data, or other partisanship indicators in district design, except for the narrow purposes of VRA analysis and gerrymandering detection.

3. Mapping Tools Provided to the Public

A requirement that all redistricting data and computer programs used to draft proposed maps be available to the public and academics throughout the entire redistricting process.

4. Communications Made Available To The Public

A requirement that all communications of any kind by redistricting officials regarding redistricting be immediately, easily, and permanently publicly accessible.

5. Citizen Participation

A strong public participation requirement, including recorded and broadcast public hearings all across the state, as well as broadly, easily accessible, and well-publicized methods for ordinary citizens to submit comments and mapping proposals.

6. Limited Participation for Politicians, Legislators and Political Allies

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A ban on legislators and other affected politicians or their close allies participating in any way in redistricting, outside the channels accessible to all citizens. This is essential to prevent politicians from corruptly choosing their own voters, rather than allowing the voters to choose their representatives.

7. No “Personal Gerrymanders”

A ban on “personal gerrymanders”, that is, redistricting decisions made specifically to advantage or disadvantage any individual representative or candidate for office.

8. Redress Procedure

A well-designed redress procedure to ensure that citizens whose rights to free and equal elections have been abridged can have their grievances addressed expeditiously *at any point during or after the redistricting process* when it becomes apparent that the redistricting process has been corrupted.

9. Strong Design Standards

As discussed, regardless of who draws the lines, there must be strong standards for district design to reduce the freedom of would-be gerrymanderers to manipulate district lines for political advantage.

Thank you for your interest in this important topic.

Respectfully submitted,

Brian A. Gordon
Member, Board of Directors
Concerned Citizens for Democracy

GORDON & ASHWORTH, P.C.
One Belmont Ave., Suite 519

Concerned Citizens for Democracy, 1 Belmont Ave. Suite 519, Bala Cynwyd, PA
19004 Tel (610) 667-4500

Bala Cynwyd, PA 19004
office 610 667 4500
mobile 215 939 1441
email briangordon249@gmail.com