

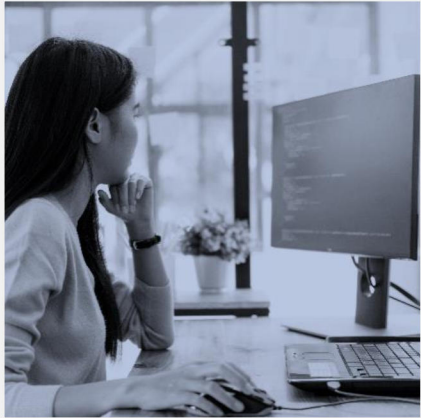


Presentation to the Pennsylvania House State Government Committee

Wendy Underhill, Director, Elections and Redistricting

July 22, 2021

Who are we?



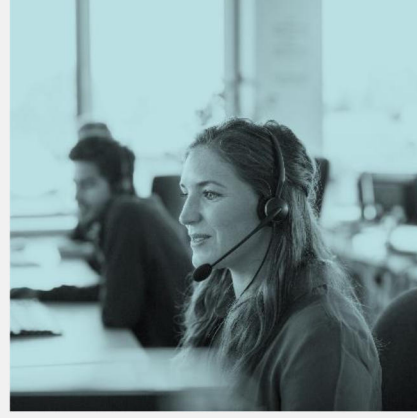
Policy Research

NCSL provides trusted, nonpartisan policy research and analysis



Connections

NCSL links legislators and staff with each other and with experts



Training

NCSL delivers training tailored specifically for legislators and staff



State Voice in D.C.

NCSL represents and advocates on behalf of states on Capitol Hill



Meetings

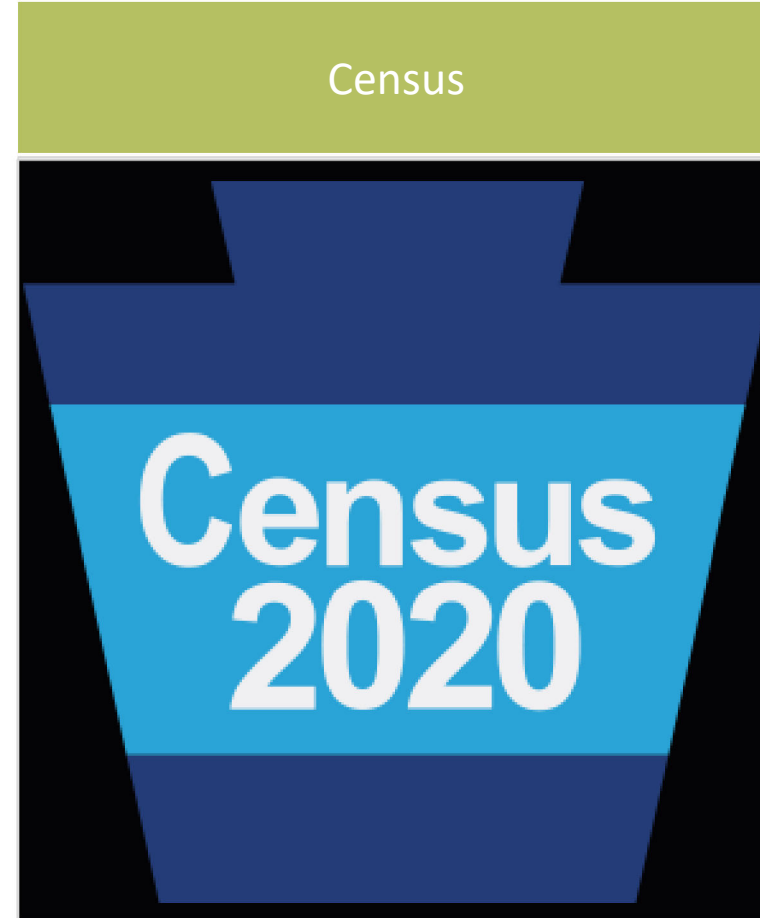
NCSL meetings facilitate information exchange and policy discussions

Today's Outline

State Criteria



Census



**Redistricting criteria
(aka principles,
standards, guidelines)**



United States Constitution



Federal Statutes



State Constitutions



State Statutes/Common Law



Guidelines

1

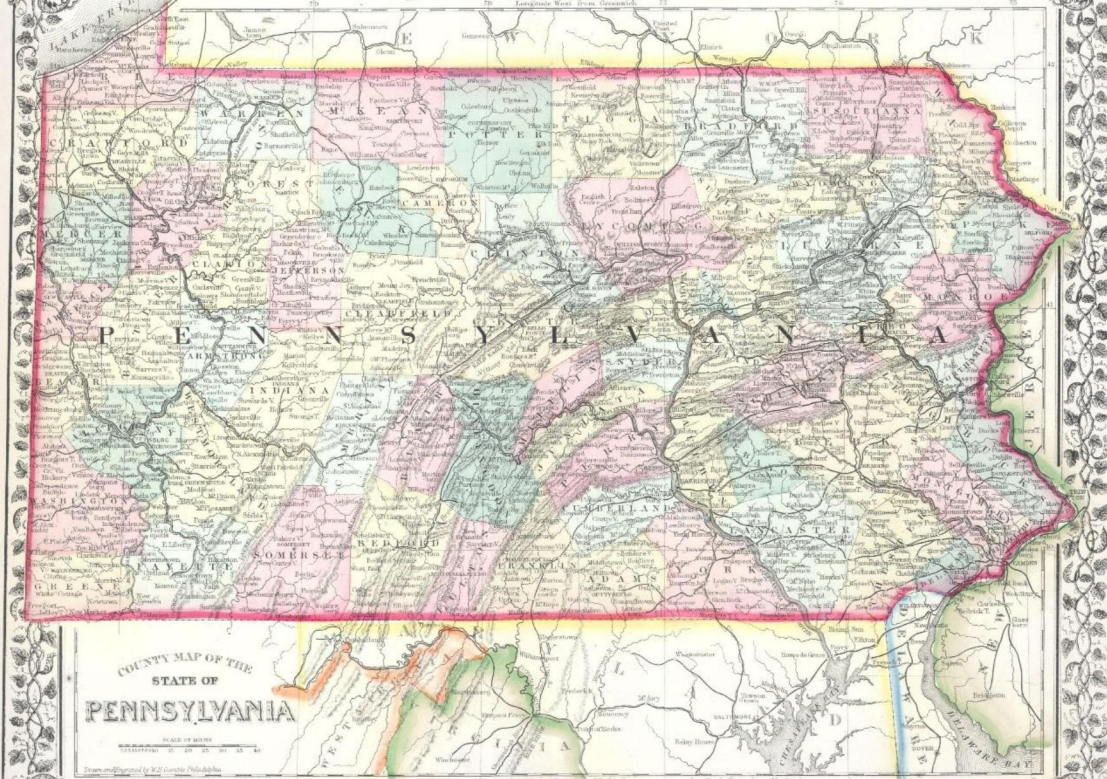
One Person, One Vote

- Equal Protection clause means votes for elected officials must have equal weight
- Congressional districts must be within one person (so far)
- Legislative districts must be within +/- 5% (with caveats)



Racial Gerrymandering

- Equal Protection clause means you can't use race as a standard in redistricting...
- ...but the VRA says race must be considered to prevent discrimination based on race
- Race can't predominate in determining a district, unless required by the VRA



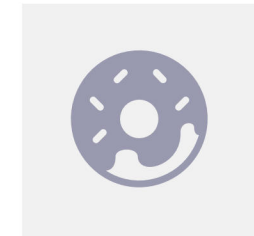
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Pennsylvania's Criteria

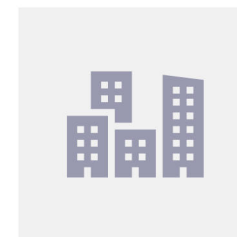
Legislative redistricting criteria are in the state constitution. Congressional redistricting criteria are in a 2018 court order.



Compactness



Contiguity



Preserve Political
Subdivisions



Others Can Be
Considered

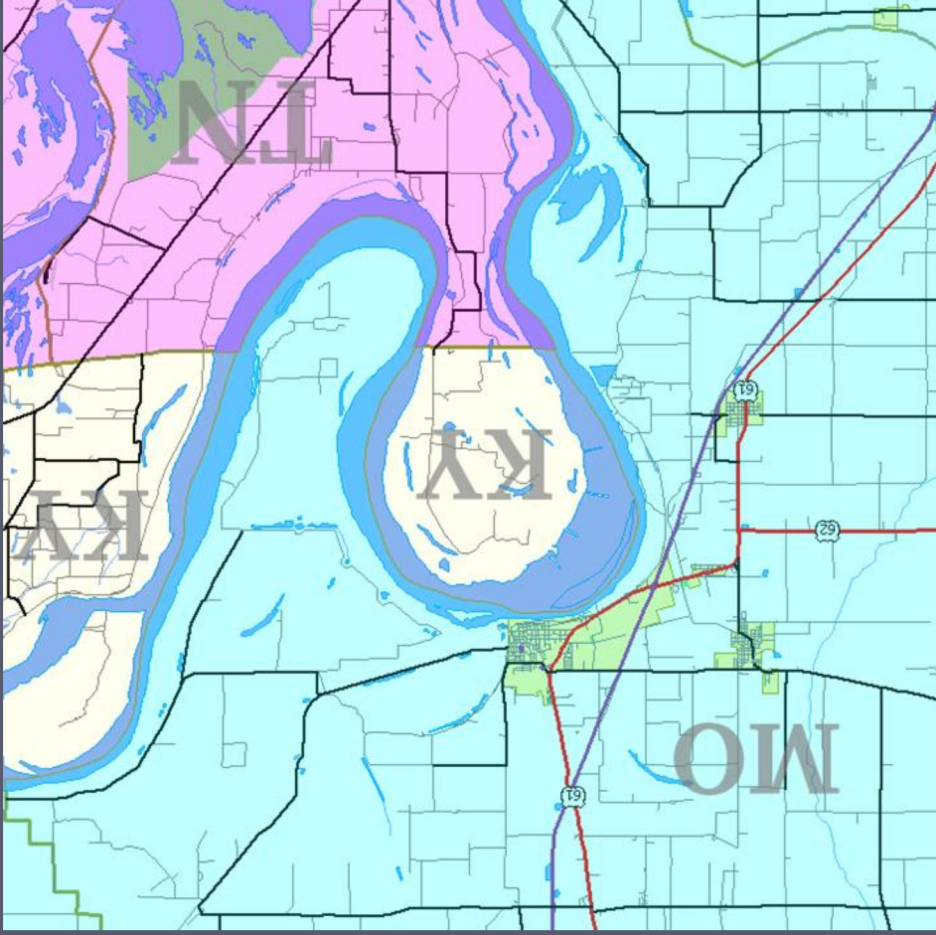
Compactness

- Common traditional principle (40 states)
- Two common ways to measure:
 - Polsby-Popper :
$$\frac{\text{Area of District}}{\text{Area of Circle with Same Perimeter as District}}$$
 - Reock :
$$\frac{\text{Area of District}}{\text{Area of Smallest Encompassing Circle}}$$



Contiguity

- Most common principle (all 50 states)
- **General Rule:** Must be able to go to every part of the district without leaving it
- Where issues arise:
 - Non-contiguous locality boundaries (usually relating to annexations)
 - Water



Preserving Political Subdivisions

General Application

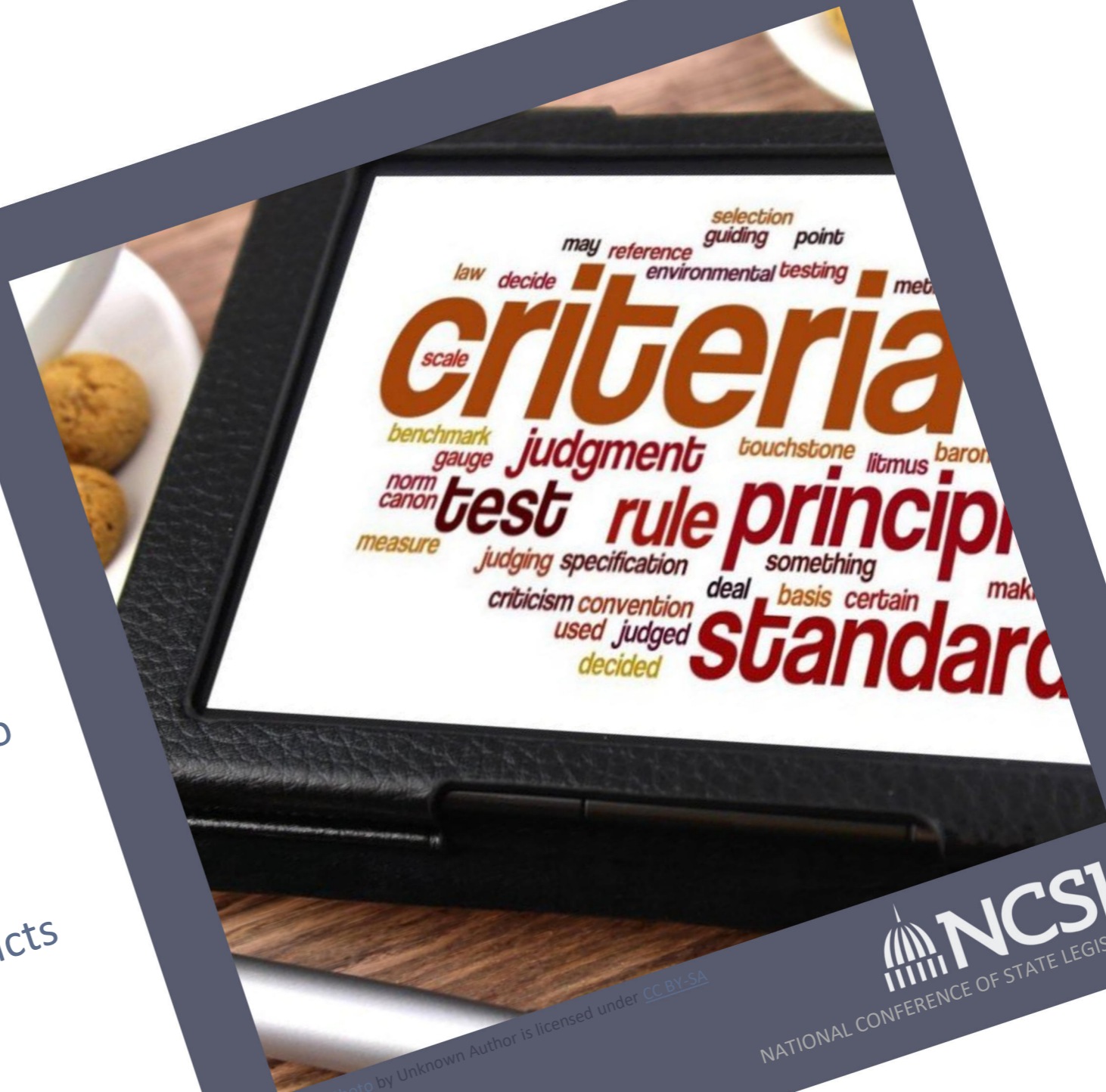
- Common traditional principle (45 states)
- Unless specified, could refer to any type of subdivision or geographic boundary
 - County, City, School District, River, Mountain Range, etc.
- A stand-in for communities of interest or compactness?
- Importance varies throughout the U.S.

Specific Application: Counties

- Sometimes codified (e.g., Idaho)
- Sometimes judicial (e.g., North Carolina)
- **General Idea:** keep counties or groups of counties together wherever possible. Only deviate from county borders when necessary to comply with federal laws like the Voting Rights Act or One Person, One Vote

Non-PA Criteria

- Preserving communities of interest (25 states)
- Prohibiting use of political data (5 states)
- Prohibition on drawing districts to favor or disfavor an incumbent, candidate or party (17 states)
- Preserving cores of prior districts (10 states)
- Competitiveness (5 states)
- Proportionality (2 states)



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Free and Equal Clauses (30 States)

Not exactly a “criteria” but equally important:

*“Elections shall be **free and equal**; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.”*

Pa. Const. art. I, § 5



In Summary, Redistricting Criteria...



Can Conflict



Can Be Ambiguous

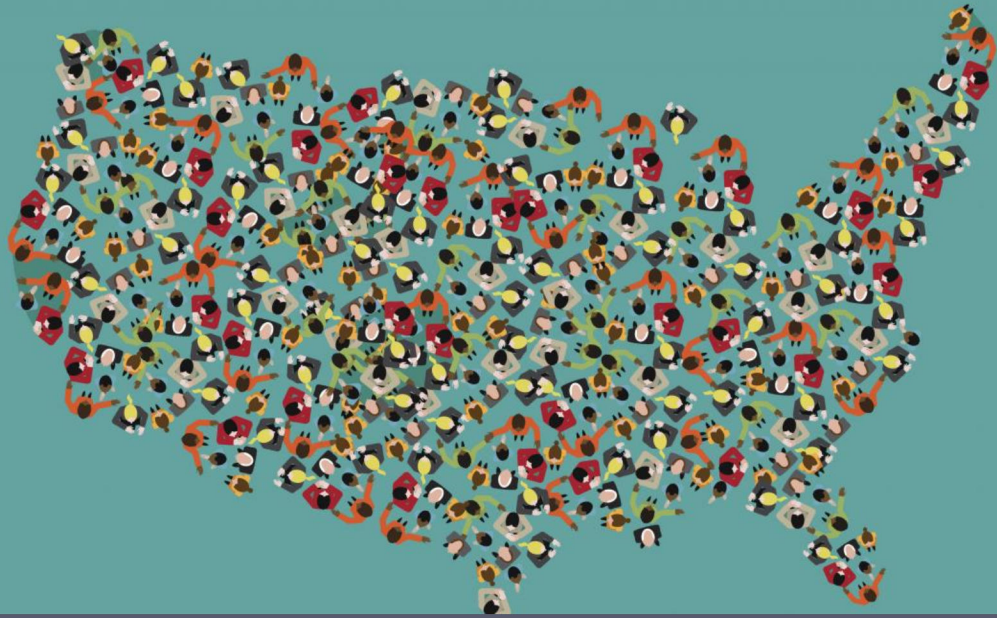


Won't Please Everyone

The Census and Redistricting



2020 U.S. CENSUS



The Census Matters

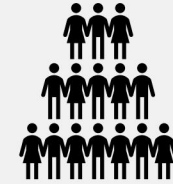


NATIONAL CONFERENCE OF STATE LEGISLATURES



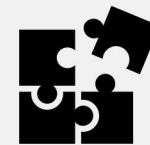
Funding

\$39.2 billion in federal funds distributed to Pennsylvania annually



Apportionment

Pennsylvania's voice in Congress



Redistricting

Fulfilling "One Person, One Vote"



Policymaking

Crafting policies for the people of Pennsylvania

The First Census Data Has Arrived



What we know

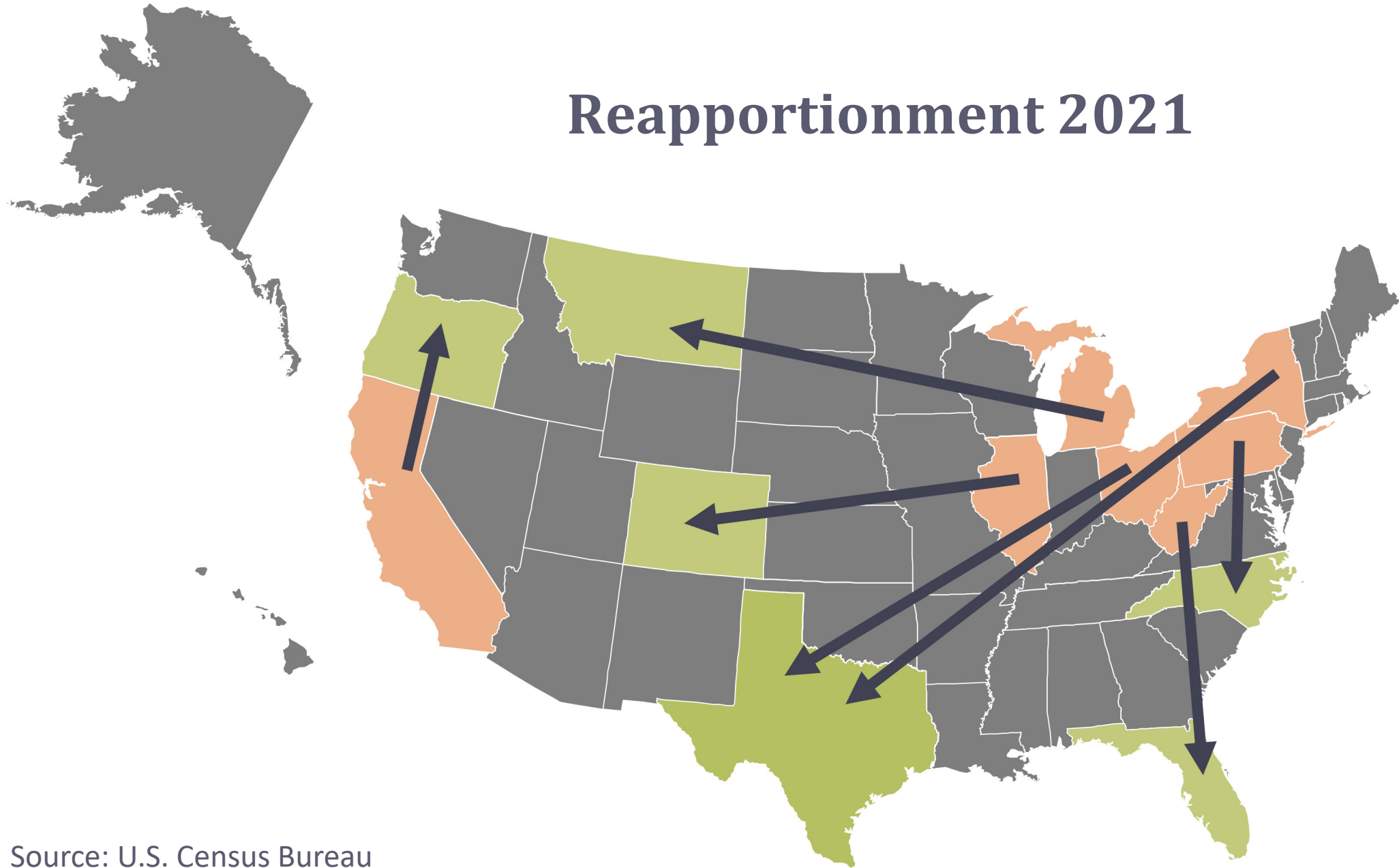
- Total population counts for all 50 U.S. states
- How many seats each state will receive in Congress for the next decade
- Growth trends of prior decades continue: South and West grow at expense of Midwest and Northeast



What we don't know

- Where population growth occurred within states
- Demographic information (age, gender, race, etc.)
- *We should know these by August 16*

Reapportionment 2021



Source: U.S. Census Bureau

- People living in the United States: 331,449,281
- Growth since 2010: 7.4%, lowest since the Great Depression
- Pennsylvania grew 2.4%
- 47/50 states saw population growth this decade
- Only three states saw their populations shrink this decade:
 - Illinois (-0.1%)
 - Mississippi (-0.2%)
 - West Virginia (-3.2%)



2020 Census Takeaways

What We Know So Far: Population

Prisoners and the Census

- Census policy: People reside where they sleep and eat.
- Thus, prisoners are counted as residents of wherever they are incarcerated on Census Day.
- 10 states (not Pennsylvania) will “reallocate” inmate data for redistricting purposes this cycle.



Census Data Quality



Disclosure Avoidance & Differential Privacy

- Federal statutes require the protection of respondents' information*
- The previous system proved to be breakable
- Any system to protect privacy reduces accuracy and usability

**There's a federal requirement to provide population data at the block level too*



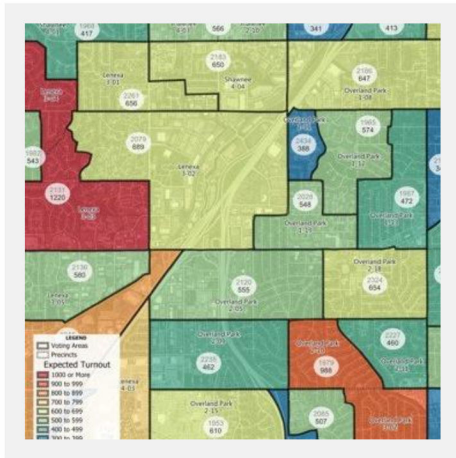
- The pandemic
- Fires
- Floods
- Policy changes



Delays

The Problem With Delays: Less Time to Redistrict

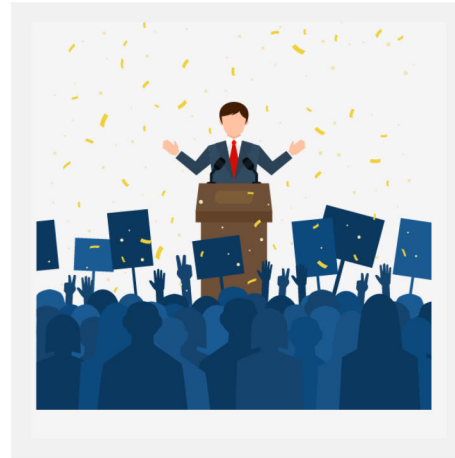
It isn't just drawing new maps



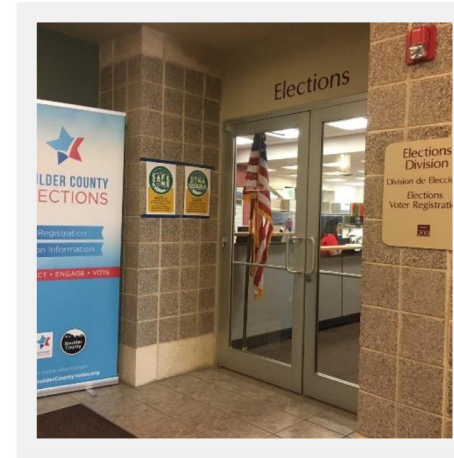
Processing



Filing Deadlines



Residency

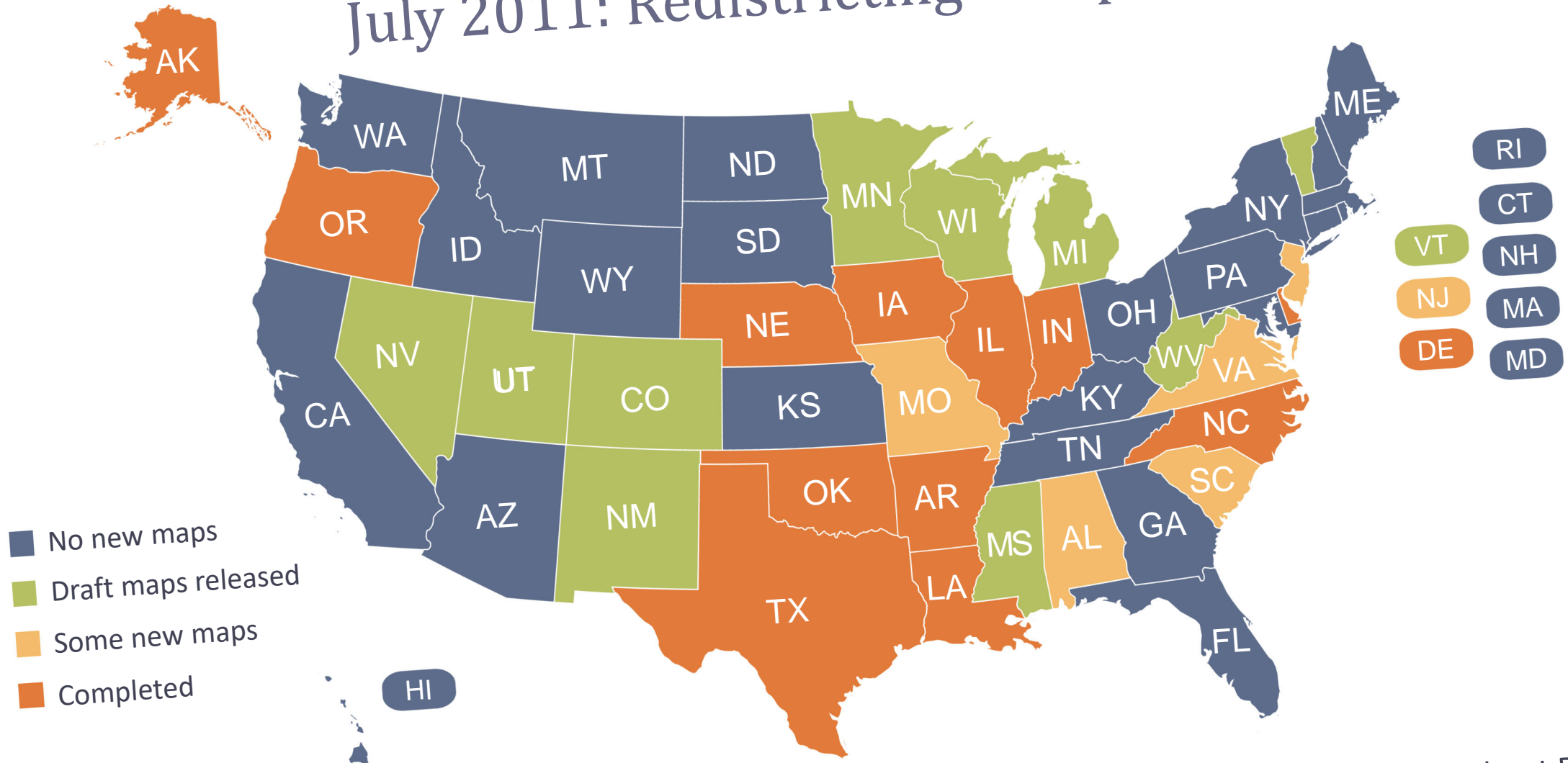


Local Prep



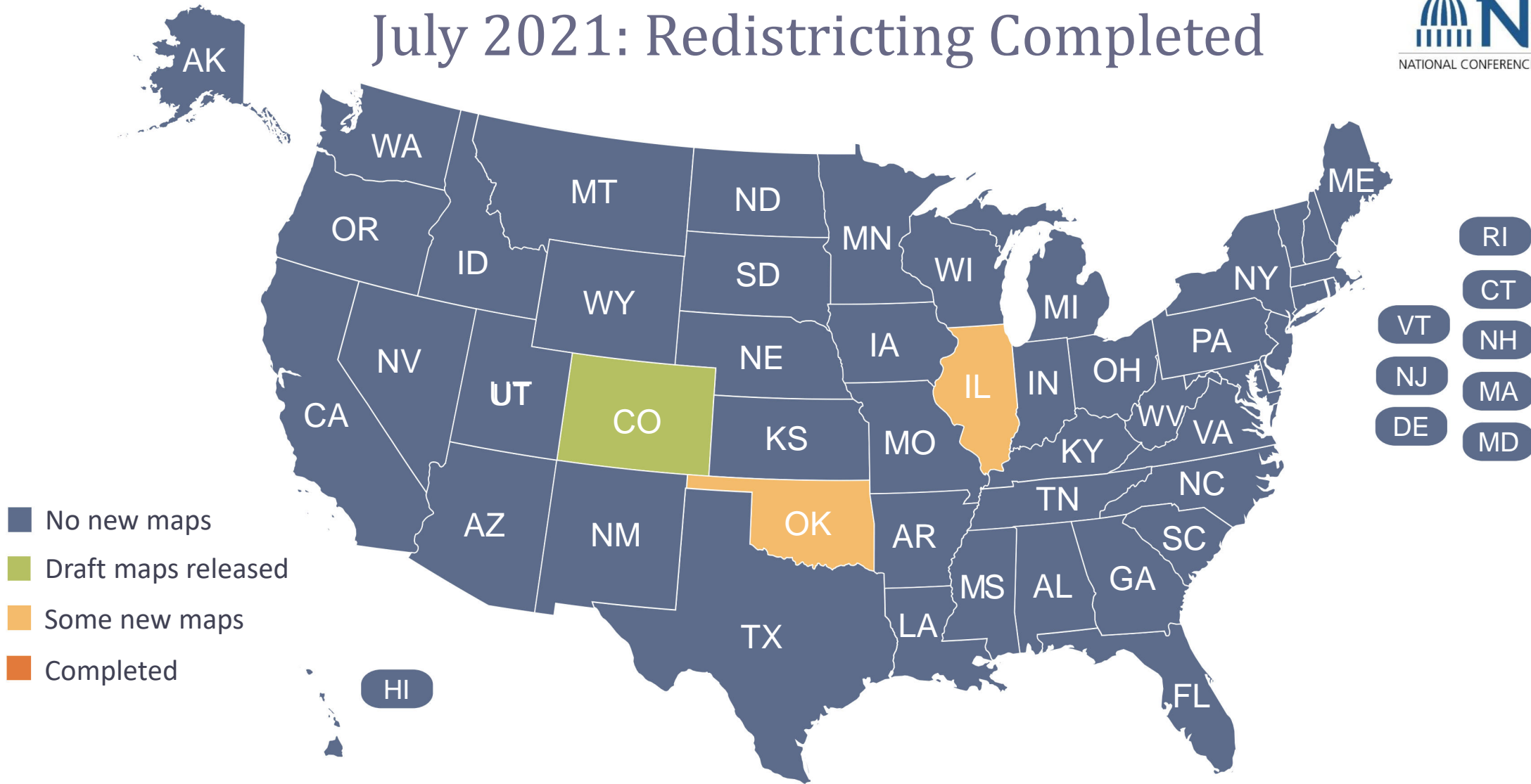
Primaries

July 2011: Redistricting Completed



Source: All About Redistricting

July 2021: Redistricting Completed



Ohio—on the ground the Census Bureau hasn't met its statutory deadlines (settled)

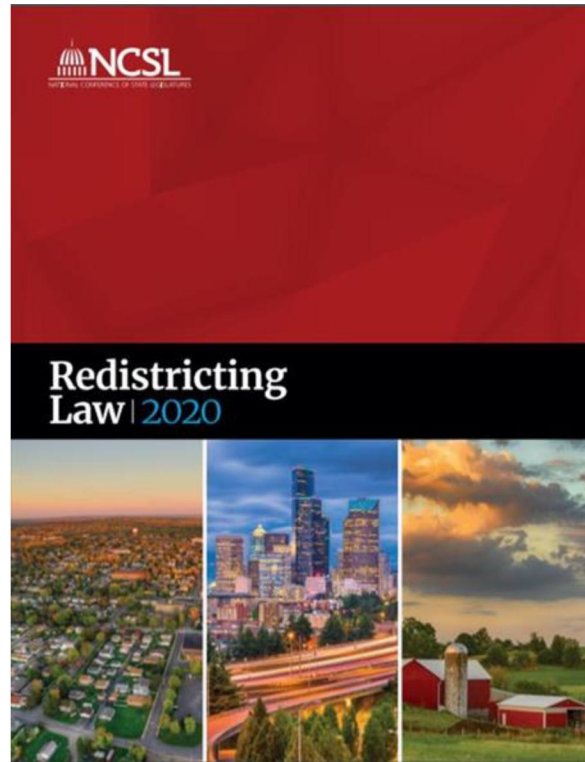
Alabama—the same, plus it alleges that the use of differential privacy is unconstitutional (dismissed, pending appeal)

Illinois—two separate lawsuits challenging state's use of alternative data for redistricting (GOP; MALDEF)



Lawsuits This Cycle

Questions?



Reach out anytime!

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