

Testimony of Jean Handley
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Before the Pennsylvania House Committee on State Government
Informational Hearing on Congressional Redistricting
July 22, 2021

Good afternoon, Chairman Grove, Chairwoman Davidson, and members of the House State Government Committee.

Thank you for this opportunity to appear before you today to discuss the upcoming congressional redistricting in Pennsylvania.

My name is Jean Handley and I am the Dauphin County Coordinator for Fair Districts PA, an all-volunteer, grassroots coalition of Pennsylvania citizens dedicated to reform of Pennsylvania's redistricting processes for both congressional and state legislative redistricting.

My testimony today will focus on two main aspects of congressional redistricting: First, the need for a fully transparent process that allows for meaningful public participation and second, the question of what criteria the General Assembly should apply in drawing the congressional district map.

Fair Districts PA understands that the purpose of today's hearing is not to discuss any proposed legislation dealing with those issues. It is worth noting, however, that several of our recommendations for your consideration during the current redistricting process are also contained in House Bill 22 which is currently awaiting action in this committee. While we believe there is much this committee can do even in the absence of new legislation, Fair Districts PA will continue to push for the permanent reforms in that bill which we call the Legislative and Congressional Redistricting Act, or LACRA.

Transparency and Meaningful Public Participation

Chairman Grove recently announced plans to conduct eight regional hearings in the coming months to hear testimony from local residents regarding the current congressional map and what they want the committee to consider in drawing the new map. We believe you will hear much about the importance of local communities and the need to avoid dividing counties, cities and towns into multiple congressional districts. The regional hearings will provide an opportunity for local groups to define what they consider to be their "community of interest," whether it be a school district, an ethnic neighborhood or another recognizable area of people with common interests.

We appreciate the challenges you will face in conducting a transparent, inclusive redistricting when you will not receive the necessary census data until late summer. However, we also firmly believe those challenges *can and must* be overcome. The announced series of hearings is a good start, but more is needed. Because it's not enough to just let voters express their

wishes, then watch as lawmakers vote on a final bill crafted behind closed doors further eroding the public trust.

In 2011, the joint House and Senate state government committees held only three hearings in May and June. The final congressional map was amended into a shell bill, SB 1249, in December 2011. That bill then passed in both chambers of the General Assembly within a week, with no additional hearings, no explanation of why lines were drawn as they were, and no opportunity for the public to respond.

This time must be different. This time voters are demanding transparency – and more.

What is meant by *meaningful public participation*?

First, the development of a robust, user-friendly website where citizens can obtain data and information about the mapping process. The website should include a portal capable of receiving maps and comments from the public and a means to view and compare maps submitted by others. Public hearings should be live-streamed and recordings of those hearings should be available on the website.

Second, following the initial series of hearings, the committee should produce a preliminary redistricting plan and map with a report explaining: (1) reasons for any divisions of political subdivisions; (2) the criteria applied by the committee in choosing the boundaries of proposed congressional districts; and (3) the ways in which the plan incorporates the public input received. This information should also be included on the website.

Third, the committee should hold additional hearings on its preliminary plan and consider possible amendments to the plan before reporting it to the full House for a vote. If the bill is amended in committee, an explanation of how the amended plan differs from the preliminary plan should be provided. Once again, this information should be made available on the website.

Should consideration of the redistricting legislation be done first by the Senate State Government Committee, this same process should be followed. Regardless of which committee acts first to produce a preliminary plan, we believe there will be sufficient time for an open, participatory process that results in a final plan by the end of December or early January.

Congressional Mapping Criteria

We know for certain that the Commonwealth will be losing one congressional seat as a result of the 2020 census, making redistricting perhaps more difficult than might otherwise be the case. But the loss of a seat should not increase the likelihood that the final redistricting legislation will provide an *unfair* advantage to either major political party. The current political reality of the legislature being controlled by one party and the governor's office by the other provides an inherent check and balance. In addition, the voters are paying attention and will be watching *much more closely* this time.

Fair Districts PA believes the decennial redistricting process must be guided by more than partisan considerations.

As we are aware, all states must comply with Federal requirements for districts of equal population and protections for racial minorities. However, the General Assembly has not enacted constitutional or statutory standards to prevent unfair partisan gerrymandering of congressional districts of the kind we believe has occurred far too often in the Commonwealth.

I use Dauphin County and the 2011 congressional map as an example. Dauphin County with a population of 268,100 in the 2010 census was split into 3 congressional districts – 4, 11 and 15. District 15 stretched from the far south west corner of Dauphin County to the New Jersey border near Easton. It included parts of Berks, Dauphin, Lebanon and Northampton Counties and all of Lehigh County. District 11 stretched from the western border of Cumberland County near Shippensburg to the northern border of Wyoming County to include parts of 6 counties and 3 entire counties. District 4 included Adams and York counties, the eastern part of Cumberland County and crossed the Susquehanna River to include parts of Harrisburg City and Susquehanna Township in Dauphin County. Susquehanna Township was divided with Ward 1 and part of Ward 3 in District 4 and the remainder of the township in District 11. Harrisburg City was divided with Ward 1 in District 11 and the remainder of Harrisburg in District 4. West Hanover Township was split between Districts 11 and 15. These divisions caused voter confusion and extra taxpayer expense and split what some would call ‘communities of interest’

In its 2018 decision striking down the 2011 congressional map, the Pennsylvania Supreme Court applied essentially the same standards that our state Constitution requires for legislative redistricting. The Court said congressional districts should be:

composed of compact and contiguous territory; as nearly equal in population as practicable; and which do not divide any county, city, incorporated town, borough, township or ward, except where necessary to ensure equality of population.

Fair Districts PA is hopeful that the 2021 congressional plan will comply with these standards, making it more likely the plan will be upheld if challenged in court.

But we also know that having those rules in our Constitution has not prevented the Legislative Reapportionment Commission from approving plans for state House and Senate districts that were badly gerrymandered. That is why the LACRA legislation would go further in placing limits on splitting political subdivisions.

Specifically, HB 22 prohibits dividing voting precincts, and also states that a county may not contain more congressional districts than the number required by the population plus one.

Even if HB 22 is not enacted in time for the current redistricting, there is no reason why this committee cannot apply these mapping guidelines when it draws the new congressional map. The limitation on county splits has the advantage of being easily measured. The Census Bureau has already released data indicating that each congressional district will contain an average of

761,169 residents as a result of the 2020 census. With LACRA mapping rules as a guide, counties with populations larger than that number, but less than about 1.5 million residents (Allegheny and Montgomery), would be divided among no more than three congressional districts.

Other counties should be split only when “*absolutely necessary*” to ensure equality of population. However, no county with a population less than the size of a congressional district should be split more than once.

Secondary criteria should also be considered once the primary criteria have been met. These second-tier criteria include keeping communities of interest intact and conforming district boundaries to natural boundaries like rivers and mountains.

Fair Districts PA believes there is broad support for these concepts among voters and members of the General Assembly. We urge this committee to adopt the LACRA mapping guardrails for congressional district mapping and other reforms to make the process of drawing district lines more transparent and open to public participation. We stand ready and would be honored to assist you in that effort.

Thank you again for the opportunity to speak with you today.