

Remarks by Michael Coulter before State Government Committee, August 24, 2021

First, as an employee of GCC and a former council member in this borough, let me welcome you to Grove City College, commend you for having hearings about the redistricting process and thank you for the opportunity to present a few comments at this hearing. First, I'd like to make some brief remarks about general rules for redistricting and then add some specific comments about the representation in northwestern and north central Pennsylvania.

State legislatures are subject to many constraints when drawing congressional districts. The US Constitution's apportionment provision after a decennial census constrains by causing some states to lose and others to gain seats; US Supreme Court decisions interpreting the Equal Protection clause as it relates to legislative districts – most notably, *Wesberry v Sanders* (1963) is a constraint by requiring that districts be substantially equal in population. Decisions by Pennsylvania Supreme Court place constraints upon this process. Most notably, in 2018 the Pennsylvania Supreme Court in *LWV v Commonwealth* held that the 2011 districts violated the Free and Equal Elections clause.

Within those constraints, there are obviously choices that can be made. I would suggest that those choices be guided by some self-imposed rules that are prima facie neutral – and that's because those rules would serve the good of better representation and increased trust in the political process.

One rule would be to keep as many municipalities and counties from being split between two congressional districts. A second rule would seek to keep as many residents in their existing districts as possible by adjustments with existing boundaries rather than wholesale changes.

I want to base my support for the first rule in some theoretical discussion of representation. In our system - with single member geographically-based plurality winner districts - it assumes that areas are deserving of representation. In an electoral system that utilizes proportional representation – where voters vote for parties such as in the Israeli Knesset – there those elected from party lists represent the ideas and the political platforms of their political party. They make no pretense to

represent an area. In that system by design party representation in the legislature will closely match the distribution in the larger population.

With our system of representing a geographic areas, we should consider what we expect from representatives. Hannah Pitkins' *The Concept of Representation* (1967) is considered by political theorists to be an extensive and important exploration of representation. Therein she explores multiple meanings of representatives. There is obviously just the act of electing something and then that person casts votes in a legislative body. Pitkin calls this formalistic representation. There is also what Pitkin calls substantive representation. That is, taking the substance of concerns and needs and being present with those concerns and ideas in the production of laws. Intuitively, it would seem that representative democracies would want institutional arrangements and practices that encourage substantive representation.

Having entire municipalities kept within legislative districts as much as possible would support the aim of enabling substantive representation. Municipalities often have concerns and focusing responsibility on a single representative to take those substantive concerns to a legislative body gives the best chance of those concerns being represented. One could assert that municipalities divided into more than one Congressional district would have more representation, but a representative could assume or tell others that those concerns were represented by the other representative(s). When a municipality has one federal representative, that representative would have likely have a sense of responsibility to that municipality and the citizens of that municipality could reward or punish that representative for representation or the lack thereof.

Beyond those substantial concerns of municipal officials, citizens in a municipality with a single representative would have an easier time knowing who their representative is. To cite a local example, after the 2000 census, the city of Hermitage here in Mercer County was divided between two congressional districts. It would be a reasonable assumption that residents of Hermitage during that

time had more confusion about who their representative was compared to residents of municipalities where the entire municipality was in a single district.

As for keeping entire counties in single Congressional districts, that cannot be achieved because of the requirement that districts have limited population variation. But districts could be established with an aim to keep counties as much as possible and when divided to have as few districts as possible. To cite a local example, parts of three Congressional districts are in Butler County. Having an entire county within a congressional district focuses the relationship between the area and the representative. Having a county divided between multiple districts diffuses the relationship between an area and congressional representatives.

The argument against the aim to avoid splitting municipalities when establishing congressional districts is that in the present circumstances it would likely give an advantage to Republicans – assuming the present partisan distribution holds. John Nagle, a retired CMU professor and collaborator with Fairvote PA, has produced computer simulations of a variety of congressional districts that seek to minimize divided municipalities. In all of possible districts, it seems that Republicans would elect more representatives than would be warranted by the statewide distribution of registered voters by party.

In response to Nagle, our system is not one of proportional representation. There are good arguments for a proportional representation electoral system, but that's not the system we have. To expect a geographically-based system of representation to behave like a proportional representation system is not possible. Furthermore, while recognizing that partisan identity is remarkably important when it comes to vote choice, districts drawn with aims of partisan gerrymandering do not always perform as expected. When the 2001 congressional districts were established, I remember then Rep. DeWeese claiming that the proposed districts would put the Democrats into the political equivalent of the wilderness. While the 2001 was short benefit to Republicans, the elections of 2006 and 2008 wiped

away that electoral advantage. Five seats switched from Republican to Democrat in those elections, including two in western Pennsylvania.

My second suggested rule would be to conservatively – with a small c – change existing districts. Why take this approach? Such an approach would encourage greater trust (or at least would not further diminish trust) in political institutions. Political actors face the temptation of short term political gains in part because there is a short time horizon before being held accountable before the next election. But political actors in both parties should have a longer-term interest in supporting trust in institutions. If there's one concept that political scientists from across the political spectrum and around the world support and respect is the idea that higher rather lower levels of trust are important for political societies. Political orders with higher levels of trust tend to have greater participation and compliance. According to the Pew Research Center, trust in government has been at historic lows for the past decade. Only about a quarter of American trust the government to do the right thing. Whereas during the Eisenhower, Kennedy, Johnson, and most of the Nixon administration that number was well above 50 percent of Americans. Now a map that makes as few changes as possible will not restore Pennsylvanian's trust in government, but a map that has dramatic changes and could be easily characterized as a pure power grab could further erode trust.

To apply this approach to this region, the 15th and 16th would expand to have the larger population needed, but their basic locations and shapes would remain the same. The boundaries would go farther east and/or south.

That's a good transition to a few brief comments about the districts in northwestern and north central Pennsylvania. I think representation in this region would be well-served by having as few split municipalities and counties as possible.

In the current 16th only one county is currently split – Butler County – and increasing the population of the district by adding more of Butler County would be the least change needed to meet

new population requirements. It would also keep Butler County as a community of interest more together. As for the current 15th district, it faces the challenge of having lost – relative to other districts – significant population since the 2010 census. A district in that region will have to expand towards the east or south or both.

The concept of “communities of interest” is not perfectly clear and there’s no that an entire congressional district could be a single community of interest, but regions within a congressional district can have similar economic concerns. For example, expanding 16th to include more of Butler County would seem to keep a community of interest in Butler County together. The present 16th district includes both industry and significant agriculture, but the 16th has more industrial and post-industrial concerns than does the 15th, and the 15th is more dominated by agriculturally concerns than is the 16th. Adding more agricultural areas to the 15th would keep communities of interest together. Furthermore, expanding the district to include more of the I-79 corridor in Butler County would seem to connect a community of interest.

If the districts in the northwestern and north central were to change in the ways described, these changes would support the substantive representation of these new districts and support longer term trust in the political process and political institutions. It’s a longer discussion, but such changes would likely withstand legal challenges and having stable district boundaries would be useful for Commonwealth of Pennsylvania and its citizens.