



**Committee of Seventy**  
**Written Testimony on Redistricting Reform**  
**Senate State Government Committee**  
**April 24, 2018**

The Committee of Seventy has been a nonpartisan advocate for better government in Philadelphia and Pennsylvania since 1904. We are led and supported by more than 60 private sector leaders, men and women whose companies, universities, and civic institutions understand that good government is good for them and good for the Commonwealth.

This is not our first endeavor to improve redistricting in local or state government, but never before have we been more concerned about this critical democratic process.

There is much not to like about gerrymandering—it breeds political dysfunction, unfairly protects partisan advantage, and ultimately fuels a growing sense, across the political spectrum, that our democracy is broken. Or, if not broken, that it is fixed—and by fixed, I mean rigged.

We agree with the recent Supreme Court decision that struck down the 2011 congressional maps because they found evidence of partisan overreach. We also believe that the remedy prescribed by the Court repeated several of the weaknesses of the 2011 process. We do not want to repeat the 2011 or the 2018 map-drawing process again in 2021, or for that matter ever again.

To go to the root of the issue, here's what was wrong with both the 2011 and 2018 map-drawing processes:

**Politicians chose their voters.** No job applicant sets the conditions of their interview, and elected officials should be no exception. As one Vietnam veteran solemnly expressed last week at the rally for fair districts, no American who died in that war, or in any war, died to protect the right of elected officials to select their own voters.

**Deals were made in darkness.** Whether in the General Assembly or the Legislative Reapportionment Commission, the maps were drawn behind closed doors by political operatives who guarded closely their data, their software, and their intent.

**The court drew the maps.** The Supreme Court was correct in striking down the 2011 congressional maps. They were an offensive product of partisan deal making that representatives on both sides of the aisle supported. But the process that followed lacked transparency, public input or open deliberation. The process was not democratic.

Unfortunately, Pennsylvanians seem to have a high tolerance for ineffectual and transactional politics. But we can't afford that approach any longer, because the consequences of partisan political dysfunction are more serious than ever. Our industrial might has waned for decades as the economy evolved and government failed to keep up. We fight for democratic ideals, but an insular, opaque and broken political culture, marked by a broken and fixed redistricting process has tangible costs.



Pennsylvania competes for jobs, people and political power with the rest of the country, and unless we reform it, our political culture will be an ongoing drag on our competitive position.

Here's what we need to do to improve this critical democratic process of redistricting so that the citizens of Pennsylvania trust and have faith in its integrity and fairness:

1. Put citizens at the heart of the process;
2. Guarantee openness and transparency; and
3. Provide an appropriate "backstop" for the process.

### Put citizens at the heart of the process

Seventy believes strongly that the digital pen belongs in the hands of Pennsylvania citizens, people who bring common sense, balance and fairness to the process. Power goes to those who draw the maps—and this power belongs in the hands of the people. This is why we have long supported Senate Bill 22 and its key provision to create a citizens commission to ensure that partisan self-interest cannot overwhelm the interests of the voters.

That's also why earlier this year we launched *Draw the Lines*, an open-source public-mapping competition that—in parallel to the "official" process of drawing political maps—will guarantee that every man, woman and child in the Commonwealth will have the chance to draw maps and make his or her voice heard in this critical process. I'm pleased to note that we have raised almost \$1 million to date from Pennsylvania foundations to support this civic engagement effort. I'm also pleased to note that one of your former Senate colleagues, Mike Brubaker from Lancaster County, has agreed to co-chair one of the Steering Committees we're building to help lead this effort.

There is no perfect model to select those who ultimately draw political maps, only better and worse ways to ensure that purely partisan interests are kept in check. A two-tiered random selection process like that specified in SB 22 is both workable and desirable. We support its key features that provide:

- **Political safeguards to ensure members' independence.** Citizens across the Commonwealth increasingly do not trust their government to do what is right. This includes redistricting. How commission members are chosen is important, but strict rules around who can serve and the activities they can engage in while serving are equally important.
- **Representation across the political spectrum.** Nearly 1.2 million Pennsylvanians are currently registered as unaffiliated or with a third party. All of these voters are currently shut out of the redistricting process, not to mention our primaries. They deserve a seat at the table.
- **Geographic, racial and gender diversity.** By population, Pennsylvania is the fifth largest state in the country, and our people are spread across 45,000 square miles of distinct geographic, cultural and economic regions. If citizens are to truly have a role in this process, diverse representation on the commission is essential.

As I noted, Senate Bill 22 satisfies these standards. The 11-member commission it proposes is designed to include citizens without direct connections to the political establishment. The fact that



members are drawn at random from large pools of applicants makes it difficult—if not impossible—for any particular interest, partisan or otherwise, from selecting individuals who support only their own agendas. Rules around members’ political activities before, during and after their service ensures that the body’s decisions are impartial, based only on appropriate data and public feedback solicited from across the state. That interested citizens would be placed at the heart of this process is a striking difference from redistricting bodies elsewhere, and a feature consistent with our Commonwealth’s motto: *Virtue, Liberty, and Independence*.

## Guarantee openness and transparency

In addition to assuring that citizens hold the pen, certain key principles are necessary to guarantee an open, transparent and democratic process. A new commission charged with drawing congressional and legislative maps is meaningless without them. Senate Bill 22 as it now exists embraces some of these principles but we believe it could go further. This process should:

- 1. Ensure thorough opportunities for public input and discussion.** Voters across our large and diverse Commonwealth deserve the opportunity to speak directly to the individuals holding the pen. As all of you understand well, community members know their community best. At least five public hearings, but preferably more, should be scheduled in geographically-diverse locations. But other ways to observe and participate must be available through an accessible website, social media and other supplemental means (e.g. online surveys, crowdsourced data or narratives from communities of interest).
- 2. Explain the rationale behind the new maps.** Redistricting is inherently political, but only in the sense that a series of decisions are made after vigorous public discussion and balancing factors like communities of interest, municipal and county splits, and statutory requirements. Drawing maps should force an explicit public conversation about values and tradeoffs. This is why leaving redistricting exclusively to a computer algorithm is inappropriate. The commission should provide for a “plain English” rationale, perhaps similar to those statements required of ballot initiatives, for any set of maps produced—preliminary and final.
- 3. Provide a website with the data and software being used.** The current “Legislative Guide to Redistricting in Pennsylvania” website used during the 2011-12 cycle is a good model to build from in creating a best-in-the-nation government redistricting resource. Some important additions include:
  - *Any and all* data utilized (e.g., demographic, statistical and geographic);
  - Written explanations of any plan produced;
  - A detailed overview of how the commission works and how the public can participate; and
  - A mechanism for citizens to submit their own plans for consideration.
- 4. Install safeguards against off-the-record communications.** Selecting citizens to serve as commission members is the first critical step to a good process. But once chosen, members still need to be protected from communications intended to influence the maps that are not



in a public forum. This includes backdoor efforts not only from elected officials and their staff, partisan representatives and lobbyists, but any civic, community or issue-focused group.

### **Provide an appropriate backstop for the process**

The Pennsylvania Supreme Court’s decision striking down the 2011 maps was the right one, but we should avoid the prospect of having a court-appointed “expert” —from another state—draw political maps for the Commonwealth. This backstop process lacked transparency, public input or a reasonable timeline; but even if it did, it is impossible for one person, particularly one who lacks grounding in the nuances of Pennsylvania’s history, geography, and communities, to carry out what should be an inherently deliberative and participatory exercise. So understandably, there have been serious concerns expressed about the “Special Master” provision currently waiting at the end of the line in the SB 22 proposal. Take it out. There are other options for a backstop that we could consider, and we’d be happy to discuss these further.

### **Pennsylvanians want a redistricting process they can trust**

The Committee of Seventy has fought for a more open, accountable and responsive government since the early 20th century. Few issues are now of greater importance to the health of our democracy than the manner in which we draw our political boundaries. Gerrymandering is a political tactic as old as the Republic, but big data, high-speed computers and cutting edge software have amplified and distorted its dangers. We’ve seen the consequences in state capitals across the United States and in Washington.

Fortunately, the same tools abused in the past can be put in the hands of citizen map-drawers on a new commission and citizens across the Commonwealth. As Amanda Holt powerfully demonstrated in 2011, even one citizen can have a profound impact on the process for the better. The redistricting reform codified by this General Assembly should embrace this fact. This is the people’s government, and these are the people’s maps.

Even as we stand firm on the bedrock principle that the people should hold the pen to draw political maps, we understand and respect the principle embedded in the U.S. Constitution that grants power to state legislatures to frame a process by which redistricting is carried out. It is this tension that must be resolved in order to restore faith and trust in the redistricting process.

Thank you for the opportunity to testify, and I’m happy to address any questions.