

COMMON CAUSE PENNSYLVANIA TESTIMONY

House State Government Committee

Khalif Ali, Executive Director

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Chairman Grove, Chairwoman Davidson and members of the House State Government Committee:

Thank you for the opportunity to testify today. My name is Khalif Ali, and I am the Executive Director of Common Cause Pennsylvania. As you may know, Common Cause PA is a nonpartisan, good government organization that has been dedicated to working toward a government that is accountable to We the People since 1970. We have over 35,000 members and supporters across every district in the Commonwealth.

Common Cause has long been an advocate for a redistricting process that prioritizes transparency, builds public trust in democracy, and respects the autonomy of communities. We believe that redistricting should be fair, accessible, and politically neutral. Most importantly, we believe that to be successful, a redistricting process must intentionally seek to ensure that every Pennsylvanian, regardless of zip code, race, ethnicity, first language, or profession has an equal opportunity to elect a representative that shares their values and lived experience.

I would like to take this opportunity today to talk through some specific recommendations for this committee as you undertake the redistricting process. I know that we have limited time today, so I will keep my remarks brief, but I would very much appreciate the opportunity to talk with any members of the committee in more detail.

Recommendation 1: Start from a blank map

This redistricting cycle presents the opportunity to right the actual and perceived wrongs of previous congressional redistricting processes, both in 2011 and 2018. To do that effectively, we strongly recommend that this committee disregard the existing district boundaries and builds the new map based on public testimony about where the boundaries of their communities are. This may mean that the map takes longer to create, but we believe that the time spent will result in a map that will be far more representative to the people of the Commonwealth.

Of course, there is a possibility that drafting a map from scratch, rather than using existing boundaries as a starting point, may disadvantage current members of Congress in their next elections. From our perspective, the goal of the redistricting process should not be to protect (or punish) our incumbent elected officials. Instead, **the goal should be to create a map that is truly representative of We the People of Pennsylvania.** Further, we have faith that if a current elected congressman is the best representative of the new district, the voters in the new district will continue to elect them.

Recommendation 2: Provide accessible opportunities for meaningful public input

We were heartened by the announcement that several regional public hearings will be held to gather public input. As you know, Common Cause has been a staunch advocate for increased transparency in redistricting for decades, and we appreciate the stated commitment to ensuring a transparent 2021 congressional redistricting process in Pennsylvania.

To achieve our shared goal of “the most transparent redistricting process ever,” we recommend the following:

1. Educating the public on the requirements for redistricting: how the state draws its lines, the laws and priorities that govern its decisions, and the timeline from start to finish. This should be done as early in the process as possible, and the material should be available online in at least Spanish and English. Creating this type of transparency from the outset will help manage the public’s expectations and build trust allowing for the process go more smoothly for everyone.
2. The hearings should be held both in-person and virtually at different times during the week—some during evenings and weekends—to enable engagement and participation from as many residents as possible. These hearings should be scheduled, and the agendas advertised in advance, through the website and social media accounts with sufficient advance notice, to allow those who want to participate enough time to prepare.
3. To the extent possible, hearings should be translated live into the most frequently spoken languages in the region and all hearings should be accompanied by American Sign Language interpretation. Stakeholders who support individuals with disabilities and individuals for whom English is not their first language should be consulted prior to these hearings to ensure that as many Pennsylvanians can participate as possible.
4. The hearings should be bipartisan with both Republican and Democrat legislators in attendance. All committee members should make a concerted effort to attend, either virtually or in person.
5. The process for submitting public comment at the hearings and through the online portal should be clear and available in multiple languages. It should include any requirements such as (a) the length of comments; (b) content restrictions; (c) registration requirements – if any.

Additionally, there should be a clear process for evaluating public testimony, incorporating it into the mapping process, and, if necessary, an explanation for why the committee made mapping decisions that were not in accordance with the public testimony.

We understand that these recommendations will place some burden on this committee and legislative staff. However, we believe that they are an essential part in achieving a transparent process that builds public trust in our democracy.

Recommendation 3: Transparency in procurement

We understand that historically, the majority of the work on the congressional maps in Pennsylvania has been done either by internal legislative staff or external political consultants. The consequences of this practice have resulted in a significant decrease in public trust in the process as well as increased political estrangement between Republicans and Democrats in the General Assembly.



In order to avoid the mistakes of past redistricting cycles, we strongly recommend that, where possible, you use a public procurement process to obtain the services you'll need, be they of mapping experts, redistricting legal experts, or any other contractors who may be used in the redistricting process. Such a procurement process should include the issuance of a Request for Proposals that is publicly available and that clearly states:

- the services needed;
- the qualifications offerors should have;
- the method that the evaluating body will use to review each proposal; and
- the requirement that offerors fully disclose any possible conflicts of interest they have that could affect the outcome of their services.

Running each procurement with the same level of transparency as the redistricting process itself will give the public and the legislators alike confidence. Confidence that the plan will be developed in a competent and even-handed manner, without favoring any party or incumbent, and that the interests of the public in creating a fair redistricting plan will come first.

Recommendation 4: Prioritize communities of interest as the building blocks of the map

As I've alluded to previously in this testimony, communities of interest are the building blocks of redistricting. We strongly urge you to prioritize protecting the boundaries of communities of interest throughout the redistricting process.

In contrast to some other states, Pennsylvania law does not contain a definition of communities of interest. However, the relevant academic literature as well as redistricting law in other states uses the following definition: *'A community of interest is a neighborhood or area whose residents have **shared culture, history and policy concerns** and so would benefit from being represented in the same district.'* A community of interest can be defined as people who share such things as: economic concerns, environmental concerns, race, language, ethnicity, watershed, school district, concerns about access to health care, etc. The definition typically explicitly excludes relationship interests with a particular political party, elected official, or candidate.

There is no requirement that a community of interest must be composed of a certain number of residents or cover a certain amount of geographic area. Communities of interest may overlap, or cross municipal or county boundaries.

Communities of interest should be defined by members of that community – not by academics or advocates from outside. That is why the public hearings that have been scheduled are so essential to a successful redistricting process.

For too long, redistricting has been conducted as a political game with partisan winners and losers. While it is undeniable that there are direct political impacts from redistricting, focusing on communities - not just municipal boundaries - is an important part of ensuring that We the People are at the center of the process.

Recommendation 5: Establish clear mapping criteria in order of priority

Establishing clear mapping criteria, and the order in which you will apply them, will go a long way to increasing transparency and public trust in the process, which is something this committee has

demonstrated a concerted interest in. Our recommendation towards achieving that goal, is that you should hold a hearing to get public feedback on what the criteria should be prior to developing these criteria. Additionally, we recommend that once you have developed the criteria you release it publicly so that stakeholders, community members, and experts can use the criteria to create their own maps and/or provide meaningful input on proposed maps. While the criteria are not required to be created as a piece of legislation, doing so would also provide opportunity for public input and a robust debate.

As you consider which criteria to establish, we strongly encourage you to adopt the below criteria:

1. Map drawing criteria. --The General Assembly shall establish single-member congressional districts using the following criteria set forth in the following order of priority:
 - a. Congressional districts shall comply with the Constitution of the United States and all applicable Federal laws, including but not limited to the Voting Rights Act of 1965.
 - b. Congressional districts shall comply with the Constitution of Pennsylvania.
 - c. Congressional districts shall be geographically contiguous.
 - d. Congressional districts shall provide racial and language minorities with an equal opportunity to participate in the political process and shall not dilute or diminish their ability to elect candidates of choice by themselves or in a coalition with others.
 - e. Congressional districts shall respect the integrity of communities of interest to the extent practicable. The term “community of interest” shall not include common relationships with political parties or political candidates.
 - f. Congressional districts shall minimize county, city, borough, and township boundary splits to the extent practicable.
2. Prohibitions.--The General Assembly shall comply with all of the following when drawing a final congressional district map:
 - a. A final congressional district map shall not, when considered on a Statewide basis, unduly favor or disfavor any political party, candidate, or incumbent.
 - b. A congressional district in a final congressional district map shall not dilute or diminish the ability of racial and language minorities to elect candidates of their choice by themselves or in a coalition with others.

Finally, we would strongly encourage this committee and your colleagues in both chambers of the General Assembly, as well as the Governor’s office, to commit to a redistricting process that is conducted in the spirit of bipartisanship. We understand that this is an inherently political process and that there is much to be gained or lost by drawing districts in a way that solidifies political control by one part or the other. However, to do this would be a mistake and could continue to erode public trust in government.

What would we need to prioritize to achieve bipartisanship in the redistricting process?

- Center communities of interest, particularly those communities made up of Black, Latinx, Asian/Pacific Islander and other Pennsylvanians of color who have historically been left out of the redistricting conversation.



- Ensure that all public facing redistricting materials generated by the General Assembly, including websites, hearing notices, educational materials, etc. are not branded by a single caucus or political party. This recommendation does not include information or outreach that is done by a single caucus or party.
- Guarantee that all public hearings and meetings to discuss redistricting include representation from both Republicans and Democrats. This is especially important when it comes to the regional public hearings.
- Make Certain that the process of drawing maps take place in public or at least with representatives from both parties in the room.
- Ensure that any maps that are introduced or voted on are available to members of both caucuses, external stakeholders and experts for at least a week before they are brought up for a vote in committee.

Thank you again for the opportunity to speak with you today and for your commitment to a redistricting process that works for all Pennsylvanians.

