



**COMMENTS OF COMMON CAUSE/PENNSYLVANIA
ON HB-1835
URGING IMPLEMENTATION OF REDISTRICTING REFORMS**

**House State Government Committee
Harrisburg – August 16, 2016**

Good morning Chairman Metcalfe, Chairman Cohen and distinguished members of the House State Government Committee. I am Barry Kauffman, Senior Advisor to Common Cause/PA, and co-chair of Fair Districts PA. We thank you for this opportunity to present our strong endorsement of HB-1835, and urge you to take all necessary action to ensure that its components are activated for the 2021 redistricting which is rapidly approaching.

We commend Representatives David Parker and Mary Jo Daley (as well as Sen. Lisa Boscola and her bipartisan team of Senators) for their extraordinary efforts to enact a redistricting reform amendment to the PA constitution that is truly non-partisan, as well as their work to build a trans-partisan campaign within the General Assembly to achieve its passage.

HB-1835 recognizes that legislative and congressional districts are owned by the citizens of Pennsylvania – not any individual party, not any individual official, not any individual candidate. It recognizes the need to protect the political integrity of our counties, municipalities, and our communities. It also recognizes the deepening concerns of people across Pennsylvania, and across our nation, that their representative democracy is slipping away from them. These concerns are being voiced by presidential candidates across the political spectrum, as well as by officials at the state and local levels.

Citizens now understand the role redistricting plays in “rigging” elections. They understand that when gerrymandering creates a system in which many elections are determined before the first vote is cast, our representative democracy operates as a mere shadow of constitutional intent. Without genuinely competitive elections at both the primary and general election level, there is little or no opportunity to hold government accountable. Unfortunately, Pennsylvania has been widely cited as among the most gerrymandered states in the nation.

Rep. Parker’s HB-1835 makes major strides to correct Pennsylvania’s gerrymandering problem.

Common Cause/PA’s Redistricting Reform Project Team has spent the past four years examining and evaluating redistricting systems across the country. Our national organization has been engaged in litigation in blue, red, and purple states (Arizona, Florida, Maryland, and North Carolina) where redistricting plans have abused the voters and denied them truly representative government.

Our research efforts led to the creation of a set of basic principles that must be included in any responsible redistricting reform endeavor. Fair Districts PA has adopted many of these principles and expanded upon them. These basic principles state that Pennsylvania's redistricting process must:

- Adhere to all constitutional and Voting Rights Act requirements;
- Ensure that all State House, State Senate, and Congressional districts be as nearly equal in population as possible; *and* be within a constitutionally established range of deviation;
- Respect the boundaries of established political subdivisions, and not divide them unless *absolutely necessary* to achieve other constitutional mandates;
- Encourage geographical compactness, as provided by constitutionally mandated standards of deviation, and demonstrate respect for natural geographical features and barriers; and
- Prohibit districts from being drawn for the purpose of favoring or discriminating against any political party or candidate.

We are happy to note that HB-1835 adheres to these fundamental principles.

To accomplish these basic goals, the following also must be achieved:

- Establishment of a truly independent citizens redistricting commission that is charged with designing Pennsylvania's House, Senate, and Congressional districts after each decennial census;
- Prohibitions of government and political party officials and their staffs, and their immediate families, from serving on the independent redistricting commission;
- Requirements of transparency throughout all proceedings of the redistricting process, and meaningful opportunities for citizens to participate in a manner that will have real impacts;
- Restrictions of redistricting to once per decade, unless otherwise mandated by a federal or state court decision; and
- Commitment to addressing other factors that create unfair redistricting.

We are delighted to recognize HB-1835 for meeting these essential goals.

Elections are the principal way most citizens exercise their influence over government. For elections to serve their accountability functions, voters must have real choices. Yet in 2016, over half of the state House seats will be uncontested in the general election, and nearly half will have had no competition in either the primary or the general election. In the Senate, nearly two-thirds of the general election races are uncontested. Over a quarter of Pennsylvania's congressional candidates have free rides through the primary and general elections.

Pennsylvanians deserve better – much better.

Pennsylvania's current redistricting process is causing real harm to Pennsylvanians and our governing institutions in the following ways:

- 1.) When redistricting makes the primary election the real election, with the outcome of the general election decided before the first vote is cast (as is the case in most districts), it denies a meaningful right to vote – and ultimately denies real representation to voters not registered with the largest political party of their district;
- 2.) When large numbers of elections are uncontested, accountability is severely weakened;
- 3.) When accountability is weakened, levels of public cynicism rise and faith in government crumbles;

- 4.) When legislative leaders use redistricting to punish and/or reward rank-and-file lawmakers for following leadership demands – sometimes against their own best judgement – confidence in government deteriorates further; and
- 5.) When the majority party primary becomes the real election, government functionality is damaged. Because the most extreme wings of each party tend to dominate the primaries, candidates cater to their most extreme constituents, and this leads to representatives' inability to negotiate in good faith and compromise for the greater good. Governing from the center where the vast majority of citizens' policy goals reside is crippled. This leads to a highly contentious governing environment and gridlock.

These problems are created or exacerbated by abusive redistricting systems. Fortunately, there are known and proven solutions to these problems. Other states already have moved forward to adopt them. HB-1835 incorporates many of these reforms, and Pennsylvania should not wait to bring up the end of the reform parade as it so often does.

Even here in Pennsylvania there have been clear demonstrations that we can do better – and we must do so. Amanda Holt, a citizen from Lehigh County, took on the Legislative Reapportionment Commission and convinced the state Supreme Court that the commission had failed to meet its constitutional obligations, forcing the Commission to produce an improved (but still inadequate) plan. Holt demonstrated that county and municipal splits could be reduced by 43.9% (258 compared to LRC's 460) while maintaining equivalent, or in some cases better, compliance with requirements for population equity and compactness.

We must end the current process by which legislators select their voters instead of voters selecting their legislators. The value of competition is constantly lauded in the halls of Congress and the Legislature. Proponents of competition claim it makes us better, stronger, more innovative and more resilient – yet it is resisted like the plague in our redistricting process.

For more than half a century, presidents have complained about this blight on our body politic. From Kennedy and Obama to Nixon, Reagan and Bush (the first), our presidents have urged redistricting reform. And now leaders of Pennsylvania's counties, municipalities, and prominent organizations are joining the chorus to restore faith in our government. We must provide the kind of competitive elections that are essential to properly functioning government and public policies that represent and support the best interests of the people.

We urge you to provide the leadership necessary to make this fundamental reform a reality. Let's finally fix the system to ensure that no political party can misuse it, and so that it truly serves the peoples' interest in accountable representative government. Thank you.