

REDISTRICTING REFORM IN PENNSYLVANIA

Blue Paper

*[A **white paper** is a report or guide that addresses issues and how to solve them. White papers are used to educate readers and help people make decisions. They are often used in politics and business. A **blue paper** is a compilation of white papers that have been presented ad infinitum on an issue to a point where people begin to turn blue in the face.]*

Purpose

This paper describes a problem, its solution and, by necessity, a unique way to get there. The problem concerns how voting districts are determined in Pennsylvania, which has become a major – some say the biggest -- impediment to progress for the state and its citizens. While any system can be improved upon, simply laying out the facts, especially in this case, won't induce change. Instead, American ingenuity is needed.

Redistricting - Definition

The U.S. Constitution requires that under the one-person one-vote principle, congressional and state legislative districts be roughly equal in population. Thus, every 10 years, after each federal census, these district boundaries are redrawn to reflect changes in the size and distribution of the population revealed by the census.

Redistricting – How It's Done in Pennsylvania

In Pennsylvania, *federal* (or congressional) district boundaries are determined by legislation passed by the state General Assembly (the legislature) and signed by the Governor. The PA Constitution assigns the job of redistricting *state* House and Senate districts to a five-member Legislative Reapportionment Commission. Four of the members are the Republican and Democratic leaders of the House and Senate or their appointees. The four select a fifth person to serve as chair. The chair must be a PA citizen and “may not be a local, state or federal official holding an office to which compensation is attached.” If the four cannot agree on a chair then the Supreme Court selects a chair.

Problems with PA's Redistricting Process

Under current law, the redistricting process is controlled by state legislators. Allowing elected officials to draw their own districts is a conflict of interest that harms voters. PA is one of the most “gerrymandered” states in the nation. Gerrymandering is the process by which elected officials draw district boundaries to protect their interests rather than the interests of voters. They create or preserve districts that will predictably elect members of their own parties, including themselves. For no apparent reason other than protection of partisan interests, counties, municipalities and neighborhoods are divided among two, three or even more congressional or legislative districts depriving residents of these split jurisdictions of a meaningful political voice.

Specific problems with gerrymandering include:

- **LOSS OF VOTING POWER:** Even when you vote, you really lose your Constitutional right to choose because the elected officials ensure their own re-election and expand their own political power.
- **LOW VOTER TURNOUT:** Since the outcome of the election is perceived to be pretty much predetermined, apathy sets in and people don't bother voting.
- **POLITICAL POLARIZATION:** Uncompetitive elections means candidates don't need to reach out to independents or voters from the other party.
- **UNRESPONSIVE REPRESENTATION:** Elected officials assured of re-election stop listening to constituents' concerns and implement measures to advance their personal interests.
- **LOSS OF A VOICE:** Redistricting the state legislature is controlled by House and Senate leaders. This gives them the power to reward or punish your legislators according to how they vote. The importance of your voice is diminished.
- **DETTERRANT TO QUALIFIED CANDIDATES:** When the electoral process is stacked against newcomers, qualified candidates of all stripes stay on the sidelines.
- **BARRIER TO PROGRESS:** Overcoming these problems is a prerequisite to the ultimate goal, which is to enable better government and a better Pennsylvania.

Solution

A solution to these problems is for PA to *change* from the current state legislator-controlled Legislative Reapportionment Commission to an Independent Redistricting Commission. This proposed change requires an amendment to the PA Constitution. Amendments to the Constitution may occur by either the state legislature's approval of identical bills in two successive legislative sessions, OR, the approval of such amendments by delegates to a PA Constitutional Convention, which may be called for by the legislature, the Governor, or citizens. In either case, voters must finally approve any amendment to the Constitution.

Two proposed key characteristics of the independent commission are the selection of commission members who are not current office holders or related to or employed by members of Congress or the legislature, AND, adherence to strict criteria for mapping, transparency, accountability and public input. The first characteristic may entail appointments made by elected officials, but would result in a layer of independence that heretofore has been absent. The second characteristic would be achieved by retaining in the Constitution existing provisions with respect to the redistricting process (but ones that arguably have not been adhered to) and by adding new provisions -- many of which hold wide public support -- but have not been possible to achieve because of active or passive resistance by elected officials.

Reform of PA's redistricting process through constitutional amendment, to take effect in time for 2011, is no longer possible. Still, for 2011, the legislature could adopt measures that will reform the redistricting process within the current constitutional structure.

Benefits to Pennsylvania / Pennsylvanians

PA redistricting reform is a forerunner to progress on many fronts. The current suboptimal political system breeds suboptimal results. Enhancing (not perfecting) this system should be the goal and is needed in today's society where labor, capital and citizens are free to locate virtually anywhere in the world. Examples of previously elusive benefits that can accrue to Pennsylvania and Pennsylvanians once redistricting reform occurs include:

- Reduction in / rightsizing of government
- Deserved trust in government and the political process
- Enhanced, more cost-effective public services
- Better-qualified candidates for elected office, and
- A more attractive state in which to work, live, play, and stay

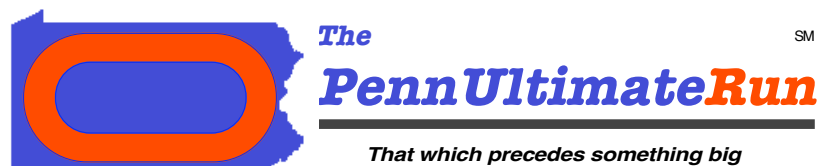
Reform – Roadblocks & Hurdles

A unique combination of roadblocks & hurdles exist to redistricting reform in PA. One is a *palisade* of powerful people in the legislature who are subject to the fundamental law of inertia which, scientifically speaking, is the resistance of mass to a change in its state of motion. Two is *esotericism* -- citizens have a difficult time understanding this issue because it is difficult to grasp. It's like the damaged Ozone layer or a mutated gene -- something dangerous yet invisible. Three is *timelessness*. Elected officials are usually driven to act by crises. Together the decennial census and related redistricting effort is the opposite of a crisis -- it is a lengthy, lumbering, and largely predictable process. Popular and political support for or against any issue is difficult to build to a climax over any ten-year period.

Novel circumstances, therefore, call for novel actions.

Reform – A Single Step

Any journey is completed through the sum total of each step. Some journeys are like relay events, where a baton is passed from one participant to another and together, as a relay team, the finish line is crossed. The PennUltimate Run is a type of relay event beginning April 1, 2011 whose purpose is to place a spotlight on 2011 congressional and legislative redistricting and to inspire PA citizens to push the Legislature and Governor to conduct this effort in an open and transparent manner. Won't you please take a step?



www.pjmathison.com/pennultimate-run

Bibliography / Additional Resources

ACE The Electoral Knowledge Network
<http://aceproject.org> (search “Redistricting”)

Azavea Inc.
www.azavea.com/research

Committee of Seventy
www.seventy.org

Common Cause/PA
Reachable through national Common Cause web site at www.commoncause.org.

Democracy Rising PA
www.democracyrisingpa.com

FairVote
www.fairvote.org/redistricting

Gerrymandering Film
www.gerrymanderingmovie.com and www.endgerrymandering.com (related collaborative effort)

National Conference of State Legislatures
<http://www.ncsl.org> (select “Redistricting” from the Legislatures & Elections menu)

PA Constitution
http://sites.state.pa.us/PA_Constitution.html (see Article II, Section 16 & 17)

PA Department of State – Bureau of Commissions, Elections and Legislation
www.dos.state.pa.us/bcel (reapportionment plans and maps)

Redistricting the Nation / the Philadelphia Region
www.redistrictingthenation.com (a project of Azavea’s)
www.redistrictingthenation.com/philadelphia (Azavea and Committee of Seventy)

The League of Women Voters of Pennsylvania
<http://palwv.org>

The PennUltimate Run
www.pjmathison.com/pennultimaterun (The Run’s main web page)

The Public Mapping Project
www.publicmapping.org

U.S. Census Bureau
<http://2010.census.gov>