

## COMMON CAUSE PENNSYLVANIA TESTIMONY

### Legislative Reapportionment Commission

**Khalif Ali, Executive Director**

**August 3, 2021**

Chairman Nordenberg,

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 county in the Commonwealth.

Common Cause PA 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.

My hope is that this testimony today is the beginning of an ongoing conversation with you all as members of the Legislative Reapportionment Commission (LRC). We know that the work you are undertaking is serious, difficult, and will require balancing any number of factors. Common Cause PA seeks to be an ally to you in this process.

### **Recommendation 1: Conduct extensive intentional outreach/education efforts**

One of the most impactful steps that the LRC can take is intentional outreach to Pennsylvanians. We know from public messaging research that many people don't understand the redistricting process, or worse, believe that all redistricting is an attempt to dilute or diminish the impact of their votes. While organizations such as Common Cause PA are working around the clock to provide information to Pennsylvanians and work with them to tell the story of their communities, we also know the LRC has important messengers.

We would encourage individual legislators to consider holding town halls, including educational materials about redistricting, opportunities for public input in your constituent communications, and using social media platforms to educate broadly. Additionally, we recommend that the legislature spend at least some portion of its funds appropriated for the redistricting process to purchase paid targeted advertising, ideally in multiple languages, to help reach those Pennsylvanians who have historically been left out of the redistricting conversation.

This education should include both 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.

## 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, and we appreciate the stated commitment to ensuring a transparent 2021 Legislative redistricting process in Pennsylvania.

Specifically, we recommend the following:

1. 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.
2. 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.
3. The hearings should be bipartisan with both Republican and Democrat members in attendance. All LRC members should make a concerted effort to attend, either virtually or in person.
4. 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.

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

## Recommendation 3: Prioritize communities of interest as the building blocks of the map

Communities of interest should be the building blocks of redistricting. We strongly urge you to prioritize protecting the boundaries of communities of interest throughout the redistricting process. This can be done without violating any of the other constitutional criteria.

Pennsylvania law does not contain a definition of communities of interest. However, a widely used definition is: *‘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 4: Establish clear additional mapping criteria in order of priority**

The Pennsylvania Constitution requires that the LRC draw districts that are made up of “compact and contiguous territory as nearly equal in population as practicable.” The Constitution further requires that “Unless absolutely necessary no county, city, incorporated town, borough, township or ward shall be divided” to create a district. Additionally, federal law requires that districts be equal in population and comply with the Federal Voting Rights Act.

While these criteria are well-established, we would recommend that the LRC further clarify how you plan to apply them, including the order the criteria will be applied and how the LRC intends to define compactness, and the phrases “nearly equal in population as practicable” and “unless absolutely necessary”.

Further, we know that there are other criteria that historically have been used to produce more representative maps. To the extent that the LRC will be using other mapping criteria, we encourage you to make the criteria clear and provide an opportunity for public input before those decisions are made.

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 legislative and senatorial districts using the following criteria set forth in the following order of priority:
  - a. Legislative 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. Districts shall comply with the Constitution of Pennsylvania.
  - c. Districts shall be geographically contiguous.
  - d. 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. 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. Districts shall not divide county, city, incorporated town, borough, township, or ward unless absolutely necessary.
2. Prohibitions. --The LRC shall comply with all of the following when drawing a final legislative district map:



- a. A final legislative district map shall not, when considered on a Statewide basis, unduly favor or disfavor any political party, candidate, or incumbent.
- b. A district in a final legislative 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.

Establishing clear redistricting criteria will allow for the public to participate in the process more meaningfully. The criteria will allow members of the public to draw their own maps that follow the same criteria that the LRC does and evaluate draft and final legislative district maps.

### **Recommendation 5: Create a plan for processing and incorporating public input**

If all goes as planned, the LRC will be receiving significant public comment and input on the redistricting process, communities of interest, and draft/final maps.

Accordingly, 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.

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.

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

