



## Legislative Reapportionment Commission Testimony Carol Kuniholm, Fair Districts PA Chair, August 3, 2021

Thank you for the invitation to be here today and to share the concerns of Fair Districts PA volunteers and supporters. I'm here to speak on behalf of the more than 100,000 PA citizens who have signed a petition to reform the redistricting process, the 60,000 citizens who receive and act on our regular redistricting emails, and the thousands of volunteers from all parts of PA who have presented over 1000 informational meetings on redistricting in the past five years to over 40,000 people.

In my own travels around the state, I've talked with voters in cities and small towns, library basements and church fellowship halls and restaurant meeting rooms, about our legislative district maps. I've heard from voters who wonder why their precincts are split, why they need to go through two, sometimes three other districts to get to their legislators' office. I've talked with voters disheartened by the fact that elections are decided long before any opportunity to vote.

I came to this work through the League of Women Voters. As a local league member, I joined other, more experienced members in a meeting with my own state senator, back in 2015. One of our questions was "What solutions would you support to ensure fair legislative maps in 2021?"

His response? "That's not a problem. My colleague (he named the senator closest to him, from the opposing party), we meet and look at the map together and decide what neighborhoods to move. It's very friendly. There's no need to change it."

What struck me was that this senator was so convinced of his right to choose his voters he thought we'd be equally fine with this cozy arrangement. We are not fine with that arrangement.

Every district map is shaped by the values of those who draw it. Our PA constitution requires that districts be compact and contiguous, and unless absolutely necessary, keep counties, cities, boroughs, townships and wards intact. It also requires free and equal elections and puts a high value on the ability of citizens to alter and reform their government.

Even a cursory look at PA legislative maps shows that those values have been consistently ignored. The values that have shaped our district maps are more often incumbent protection, power of leadership over individual legislators, and manipulation of lines to ensure a lasting legislative advantage for the party with the final say in drawing district maps.

What this commission does, in the next few months, will shape Pennsylvania for the next decade and beyond. You are here to draw district maps, but you are also here to restore trust in the process, to reassure voters that their voices will be heard, and to affirm values dear to the democratic process.

As we've learned by examining maps in every corner of the state, by participating in Draw the Lines mapping contests, and by talking at length with national mapping experts: there is no simple way to ensure fair maps. It's not enough to say "minimize county splits and ignore everything else." Or "let a computer do it." Or "find the map with the highest score for compactness."

As with many important tasks, mapping requires holding values in balance with meaningful citizen input. Our form of government itself is a masterful, enduring example of values held in balance with constant input from engaged citizens.

A district that on paper looks compact may in fact be the opposite for voters who can't get from one side of the district to the other because of an impassable ridge or river. Minimized splits, if held as the highest priority, can undermine responsiveness and block efforts to ensure equal representation for racial minority voters.

Fair Districts PA is just concluding a mapping contest in which we asked citizen mappers to use values identified in HB 22 and SB 222, the Legislative and Congressional Redistricting Act, bills that gained 90 house and 25 senate cosponsors but were never given a vote. The goal was to balance the constitutional requirements of compactness, contiguity, and minimal splits with the need to ensure minority voters fair representation, avoid partisan bias in the overall map, and as far as possible, protect communities of interest, observe geographic boundaries and promote responsiveness.

What we've learned is that even a high school mapper can accomplish all of those goals with better metrics than the current PA house and senate maps. And we've learned that citizen mappers, even those new to the task, can complete good maps in a matter of days. We allowed less than three weeks from announcement of the contest on June 26 to the deadline on July 14 and received several dozen maps that met or came close to LACRA requirements.

Our next step will be to share winning maps with communities across PA to invite further input and refinement. We know that sometimes a small adjustment of a district line can make a huge difference for an impacted community.

We have heard legislators say that it's important for continuity that new maps reflect the contours of old district lines as much as possible. In our own study of district maps across time we've seen many dramatic changes that ignore any concern for voters. We've done our best to record the stories behind those changes: legislators punished for voting independently; strong competitors drawn out of districts or districts cracked in pieces to make reelection impossible; purple areas splintered to eke out more seats for the party drawing the lines.

In our contest, we indicated that maps drawn to acknowledge current districts and include cores of those districts would be given preference in the evaluation process so long as they met other requirements. Those who tried called attention to the difficulty in doing so, pointing to the way current

districts snake between many different counties. As one mapper pointed out: "Pittsburgh is a bit of a mess, with districts split across all of the rivers." The same is true of Philadelphia and of many other of our more densely populated regions.

We will be submitting final maps from our contest as testimony when they're available, along with the metrics we collected as part of the contest. We believe they will provide a benchmark for any maps the commission will propose.

In evaluating maps for our contest, we've had good conversations about ensuring equitable representation for minority voters. Past PA maps have fallen far short in this. As some of our mapping advisors have noted, historic practices such as red-lining and denial of housing loans forced communities of color into specific neighborhoods for generations. PA maps should redress the geographic disenfranchisement that continues as communities of color are cracked and packed into distorted districts. Voting Rights Act requirements need to be held in balance with creation of opportunity districts that could afford greater possibility of more equal representation.

We would encourage this commission to hold a separate hearing to address questions of racial equity. As part of such a hearing, Fair Districts PA and coalition partners would ask the commission to also include experts on prison-based gerrymandering. The Census Bureau's count of incarcerated persons in the places where they are incarcerated conflicts with the Pennsylvania Election Code, which states that an incarcerated individual shall be deemed to reside where the individual was last registered to vote or at his last known address before being confined. The count also conflicts with the long established legal principle that incarceration does not automatically change a person's residence. [See, e.g., *United States v. Stabler*, 169 F.2d 995, 998 (3d Cir. 1948); *McKenna v. McKenna*, 422 A.2d 668, 670 (Pa. Super. Ct. 1980).]

The Census count also violates the principle of one person / one vote, and the free and equal elections clause in the PA constitution. Given Pennsylvania's high levels of incarceration and relatively small district populations, the current count dramatically enhances the voting power of citizens in districts containing state prisons, while significantly diluting the vote of communities most impacted by mass incarceration.

There is nothing in federal or state law requiring use of unadjusted census data. Previous LRCs routinely made technical adjustments to the official Census reports before drawing legislative districts, such as correcting voting-district code and name discrepancies, late precinct changes, and problems with split census blocks. It is also the case that many counties and local governments in other states have resolved to re-allocate inmate data to address distortions in local redistricting.

Last week Ben Williams of the NCSL spoke about the time factor in reallocating inmate data, suggesting that it is a very time-consuming process. This could be the case if no prior work had been done. The Pennsylvania Department of Corrections has already taken necessary steps to gather appropriate residence data and affirmed yesterday that a corrected dataset is ready for use.

There were also some comments and questions in that hearing regarding funding impacts that might result from reallocation of prison data. Data adjustments used for redistricting would not be required for use in funding formulas, and research shows the way people in prison are counted in the census has no real impact on a particular area's funding.

There is growing legal precedent to support reallocation of prison data. While the PA legislation has so far failed to consider legislation to address this issue, there is no legal reason for this commission to continue an inequitable practice that distorts representation and benefits a handful of districts at the expense of a great many others.

**Our request to this commission:**

- Invite expert testimony on best ways to ensure racial equity.
- Resolve to adjust census data to count incarcerated persons in their home communities.
- Clarify values before you begin mapping and explain how those values will be prioritized.
- Consider the values and prioritization expressed in LACRA.
- Explain when and why one value is sacrificed for another, so voters understand how decisions were made.
- Invite public comment as you begin maps but also ensure time for public review, comment and adjustment of lines before maps are finalized.

I have submitted, as addendum to my comments here, a one page summary of LACRA, House Bill 22 and Senate Bill 222, as well as one page summaries prepared by the Princeton Gerrymandering Project explaining key terms and analytics referenced in LACRA. I've also included links to information regarding questions surrounding the reallocation of prison data.

I look forward to your questions.

Thank you.

Carol Kuniholm, August 3, 2021

Sample commission resolutions to address reallocation of prison data; [Madera, California, 2011](#)

Response to litigation; [Terre Haute, Indiana, 2013](#)

[The Emerging Constitutional Law of Prison Gerrymandering](#), Stanford Law Review, 2017

[Do prisons draw in Census money for their host communities?](#) No. Prison Policy Initiative, 2020

[PA Prison Gerrymandering: Frequently Asked Questions](#), Fair Districts PA 2021

[Do prisons draw in Census money for their host communities? No.](#) Prison Policy Initiative, 2021

# LACRA & PARTISAN FAIRNESS

## Summary

The Pennsylvania General Assembly has refused to transfer its redistricting power to an independent commission. Therefore, a legislative contingency plan containing line-drawing criteria and increasing public input and transparency has been introduced as the Legislative and Congressional Redistricting Act (“LACRA”). This bill (HB22/SB222) would ensure that whatever maps the Legislative Reapportionment Commission (LRC) and congressional redistricting committees produce in 2021 will not be drawn to unduly favor one party or person and will prohibit partisan gerrymandering.

## What is partisan gerrymandering?

Partisan gerrymandering is when district lines are drawn to purposefully favor or disfavor a political party, candidate, or incumbent. Typically, this is achieved in one of two ways: “cracking” or “packing.” Cracking is when districts split up a group of voters such that their preferred party will never have enough votes to win in those districts. Packing, on the other hand, is when a district contains a much higher number of a party’s voters than would be necessary to win in that district. When done effectively and armed with sophisticated redistricting software, both of these practices will result in large numbers of wasted votes for the targeted group. At its worst, partisan gerrymandering will result in a party winning a minority of the votes, but a majority of the seats.

## How does LACRA prevent partisan gerrymandering?

First, LACRA would explicitly prohibit the favoring of parties, candidates, and incumbents and require that districts be responsive. Focusing on the former, by prohibiting favoring parties on a statewide basis, LACRA inherently considers the use of statistical measures of partisan fairness, which have been relied upon by a number of federal and state courts.

Second, LACRA would require increased public input and transparency. Therefore, citizens can act as watchdogs over the redistricting process, armed with the data that must be published under LACRA’s data transparency provisions. Further, citizens can submit their own maps, analyze them, and present them as fair, non-partisan alternatives. Public input, analysis, and alternative map submissions will help to keep the LRC and congressional redistricting committees honest.

Third, LACRA creates a list of clear rules (e.g. county-splitting, minority protection, communities of interest, etc.) which will rein in any potential partisan gerrymandering by the LRC and congressional redistricting committees.

## How is partisan fairness typically measured?

Several metrics have been proposed to measure partisan fairness, and in a closely divided state like Pennsylvania, [certain metrics may work better than others](#). According to metrics calculated by PlanScore, [Pennsylvania’s invalidated congressional map](#) was a gerrymander that was [remedied](#) by the 2018 Special Master.

One possible metric would be the [mean-median difference](#), which compares the average district’s vote-share to the median district’s vote-share to find partisan asymmetry across a district plan. If the median district’s vote-share is considerably lower than the average district’s, the plan likely cracks and packs voters of one party. As the difference gets closer to zero, partisan fairness is more likely.

Another metric would be the [efficiency gap \(EG\)](#), which compares parties’ wasted votes to test for unequal outcomes. The EG adds together all the votes for a losing party and the votes for a winning party in excess of 50%+1 to get the total number of wasted votes. This number is then divided by the total number of votes to see how efficiently votes were spread across a district plan. Generally, an EG over 8% is considered evidence of a gerrymander. One caveat is that minimizing the EG in the pursuit of partisan fairness will affect a plan’s responsiveness, precipitating some degree of a “winner’s bonus” or seat-share advantage to the majority party.

A number of other metrics to measure partisan fairness could be used to meet LACRA’s criterion, including the [lopsided wins test](#), [partisan bias](#), and [declination](#). When based upon these widely-accepted statistical measures, maps produced in accordance with LACRA will ensure that the parties are treated fairly by the LRC and congressional redistricting committees.



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# LACRA'S PUBLIC INPUT & TRANSPARENCY

## Summary

The Legislative and Congressional Redistricting Act, or “LACRA” (HB22/SB222), is a bill that would increase transparency and public input in the redistricting process, along with enshrining clear criteria to prevent a number of redistricting offenses. It would not change who draws new legislative and congressional districts (the Legislative Reapportionment Commission (LRC) and the Legislature, respectively), but it would ensure greater public access and accountability throughout the process.

## How does LACRA increase public input in the redistricting process?

LACRA would mandate formal avenues for input in the form of public hearings, map submissions, and public comments. For legislative redistricting, the LRC would have to hold four hearings in different regions of the Commonwealth prior to completing a preliminary plan; another two hearings would be held if exceptions to the plan were filed. For congressional redistricting, four hearings in different regions would be required both before and after the approval of a preliminary plan. A similar number of hearings is required in [Illinois](#), [Oregon](#), and [Utah](#). Throughout both processes, citizens would be allowed to submit their own draft plans for any and all districts and/or communities of interest.

Finally, the bipartisan [Legislative Data Processing Committee](#) (LDPC) would create an electronic public comment portal to facilitate the submission of written testimony. These new public input requirements are [pivotal to the success](#) of LACRA's new community-of-interest criterion.

## What additional transparency requirements does LACRA put in place?

LACRA also includes procedural provisions to guarantee greater transparency. The LRC and congressional redistricting committees would be subject to Pennsylvania's Open Meetings Law, a common transparency mechanism in [a number of states](#). All meetings would be livestreamed, held at convenient times, and available in multiple languages. In addition, adequate notice would be required before any meeting, with a video archive made available after. LACRA would also mandate the timely publication of all underlying data, preliminary and final plans, testimony transcripts, and analytical reports. This wealth of information would (1) be accessible on a public, free, and user-friendly website established by the LDPC; (2) be provided with adequate time to review; and (3) remain on the website for at least 10 years following its publication.

## Why is it useful to have so many types of data released free of charge for public use?

The public release of data is necessary for meaningful citizen involvement in the redistricting process. For example, LACRA's required publication of all underlying data used to create plans, in formats easily usable for analysis, would allow citizens to scrutinize released plans and to create and present their own to the LRC and congressional redistricting committees. Live and archived meetings would allow the public to directly participate in, and keep an eye on, the process to ensure that it is fair. Lastly, the provisions for real-time, electronic input would allow citizens from all over the Commonwealth to participate. Such capability has become especially important as social distancing becomes commonplace in response to the current public health crisis.

## What else does LACRA do to guard the integrity of the redistricting process?

In addition to increased public input and transparency requirements, LACRA would impose additional eligibility requirements for the LRC chairperson to guard against undue political influence. Currently, the [state constitution](#) only stipulates that the chairperson cannot presently hold political office. Under the new qualifications outlined in LACRA, the chairperson cannot have registered as a lobbyist, been nominated for office, or served as a staff member of a political group – nor have a spouse who has done any of the above – in the preceding five years. These requirements will protect the independence of the LRC and the redistricting process and are common among other commissions.

Furthermore, the Chair would be required to meet ethical standards already spelled out in Pennsylvania law. The Chair would also have to fill out a financial disclosure form before taking office and one year after leaving.



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# LACRA & RESPONSIVENESS

## Summary

The Pennsylvania General Assembly has refused to transfer its redistricting power to an independent commission. Therefore, a legislative contingency plan containing line-drawing criteria and increasing public input and transparency has been introduced as the Legislative and Congressional Redistricting Act (“LACRA”). This bill (HB22/SB222), would ensure that whatever maps the Legislative Reapportionment Commission and congressional redistricting committees produce in 2021 will be responsive to changes in voters’ preferences.

## What is responsiveness? What does it seek to measure?

As defined in LACRA, the responsiveness criterion seeks to ensure that a particular group of voters can “translate their popular support into representation” and “that such representation is . . . reflective of shifts in the electorate’s preferences.” Concretely, responsiveness is the rate at which a change in a party’s vote-share increases or decreases in proportion to that party’s seat-share.

Essentially, a responsiveness criterion measures whether election outcomes will respond to changes in the will of the people or whether they will be durable against shifts in popular opinion. In general, low responsiveness will protect incumbents from any party due to cemented margins of victory. Such insulation eliminates a voter’s ability to vote out their representative. High responsiveness, on the other hand, will benefit whichever party wins a majority of votes in a given legislative or congressional election and can allow districts to switch parties from election to election if the voters so choose. Importantly, responsiveness does not favor any particular party.

## How is responsiveness typically measured? And how reliable is it?

Since responsiveness is a relationship between a party’s vote-share and its seat-share, the [seats-to-votes curve](#) “is the most appropriate vehicle to assess” a particular district plan. Once the seats-to-votes curve is plotted, experts create a “line of best fit” to estimate the relationship between vote-share and seat-share, and responsiveness is measured by the slope of this line. Generally, a steeper slope for the [part of the curve](#) that falls closest to the state’s average vote-share will correspond with a responsive map. For example, the slope for the seats-to-votes curve of [Pennsylvania’s unresponsive 2012-2016 congressional map](#) is nearly flat within the range of actual vote-share between 2006-2016. The curve for the [remedial 2018 map](#), on the other hand, is smooth, constant, and steep within that critical range, showing that it is likely more responsive.

Using the seats-to-votes curve analysis, responsiveness is generally a reliable criterion for gauging a voting bloc’s ability to translate its popular support into representation. It becomes all the more reliable when combined with the criterion that prohibits the undue favoring of a party on a statewide basis. All that said, as with other metrics, responsiveness may be affected by things like incumbency and political geography.

## How does it work in the map-drawing process? Do you first draw a map that meets your other goals, and then test whether it results in districts that are likely to be responsive?

Yes, a map-drawer would first draw a map that complies with all of LACRA’s other criteria (e.g., compactness, communities of interest, county-splitting rules, etc.), and then the map-drawer would run the responsiveness analysis. If the analysis shows that a map is sufficiently responsive based upon the seats-to-votes curve measure described above, then the map has met this criterion. If not, the map-drawer would return to the drawing board.

## Why is responsiveness desirable as a goal? And what are its advantages as a redistricting criterion?

Responsiveness is a desirable goal because it seeks to prevent the worst ill of gerrymandering: durable lack of representation. As defined by [Bernard Grofman and Ronald Gaddie](#), “If a map is responsive, then when voters change their allegiances, their representation also changes.” Further, responsiveness is advantageous as a redistricting criterion because rather than focusing purely on partisan outcomes or ensuring that every district is as close to 50% as possible, it makes sure that the preferences of the voters can adequately translate into representation in Congress and in the Pennsylvania General Assembly.



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# LACRA & COMMUNITIES OF INTEREST

## Summary

The Pennsylvania General Assembly has refused to transfer its redistricting power to an independent commission. Therefore, a legislative contingency plan containing line-drawing criteria and increasing public input and transparency has been introduced the Legislative and Congressional Redistricting Act (“LACRA”). This bill (HB22/SB222), would ensure that communities of interest are protected in whatever maps the Legislative Reapportionment Commission and congressional redistricting committees produce in 2021.

## What is a community of interest?

Generally, a community of interest (COI) is a group of Pennsylvanians who share similar interests that might be the subject of legislation. Specifically, LACRA would define a COI as “a neighborhood or geographically confined area of persons who share similar social, cultural and economic interests or other shared interests that may be subject to legislative action. A community’s shared interest does not include a shared relationship with a political party, incumbent or political candidate.” This language is common among recent reform laws and proposals in places like [Colorado](#), [Michigan](#), [Nevada](#), [North Dakota](#), [Oklahoma](#), [Oregon](#), and [Virginia](#).

## But can’t public input about COI be used to game the system?

Examples from other states have shown instances where public input has been used by partisan actors. However, LACRA’s clear definition of what is and isn’t a COI will mitigate concerns about potential misuse while ensuring that districts are more representative of the people of the Commonwealth. Not only that, but other redistricting criteria in the bill will ensure that potential sabotage is prevented by a number of competing considerations.

In addition, LACRA’s public input provisions will play a large role in the success of the COI criterion. As stated by [Michael Li and Yuriy Rudensky](#) from the Brennan Center for Justice at NYU, “[t]o ascertain whether a community of interest exists, public input is essential.” LACRA’s public input requirements that allow for both in-person and virtual input will allow members of the public to challenge and reject false testimony about COIs. This type of robust public involvement can also be strengthened by the submission of community of interest maps through software like [Representable](#) and [Districtr](#). In particular, Representable’s ability to show aggregate community data will help show where COIs exist, as proven by broad public consensus.

## What does COI add to LACRA?

The COI provision provides a manner for certain communities to be recognized that might not otherwise get proper representation. Although Pennsylvanians strongly identify with their particular town or county, people don’t always live neatly within the boundaries of subdivision lines, so relying upon these subdivisions can still split communities. While subdivisions can often overlap with communities, [former Speaker Mike Turzai](#) has noted that “consideration and preservation of communities of interest ensures that implicit communities are not destroyed by explicit, but invisible and sometimes outdated, municipal boundaries.” The Supreme Court of Pennsylvania came to a similar conclusion in [a 2012 case](#). Lastly, [a large coalition of national civil rights and reform organizations](#) have also spoken about the importance of COI, writing that “[c]onsideration of communities of interest is essential to successful redistricting.”

## What are examples of COI that may not be represented well within municipal boundaries?

Certain communities can be cut by municipal lines. For example, it is likely that Native American or Amish communities do not neatly follow county boundaries. Some economic communities cross these boundaries too. In fact, a 2012 alternative plan [split apart coal mining operations](#) due to a focus on maintaining political subdivision boundaries, even though this economic COI would likely benefit from shared representation. Additionally, even school districts, an easy proxy for a neighborhood COI, may be affected by a heavy focus municipal boundaries.

Further, [Common Cause PA](#) has noted that a COI provision can be critical in ensuring that smaller communities of color are adequately represented (e.g. smaller Latinx communities in Allentown, Philadelphia, and Reading). Admittedly, rules limiting municipal splits protect these communities to an extent by striving to keep their cities whole as much as possible. But if a city split is needed to comply with population requirements, a COI provision would ensure that the required split does not harm communities.



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# LACRA'S MINORITY PROTECTIONS

## Summary

The Pennsylvania General Assembly has refused to transfer its redistricting power to an independent commission. Therefore, a legislative contingency plan containing line-drawing criteria and increasing public input and transparency has been introduced as the Legislative and Congressional Redistricting Act ("LACRA"). This bill (HB22/SB222) would ensure that communities of color are protected in whatever maps the Legislative Reapportionment Commission and congressional redistricting committees produce in 2021.

## Does LACRA protect communities of color in the redistricting process?

Yes, and it does so in two key ways: (1) increasing public input and (2) a specific line-drawing criterion. First, by increasing public input, LACRA will allow communities of color to have a voice in the redistricting process, ensuring that they can point out any potential harms that ought to be remedied. Second, the bill includes language that mirrors, but expands upon, the [federal Voting Rights Act](#) (VRA): "Districts shall provide racial and language minorities with an equal opportunity to participate in the political process and may not dilute or diminish their ability to elect candidates of choice by themselves or in coalition with others."

## What does it mean to say that a district map "may not dilute or diminish their ability to elect candidates of their choice by themselves or in coalition with others?"

First and foremost, this language means that a map must give fair representation to communities of color. As noted, LACRA's language mirrors the federal VRA's Section 2. Under the federal law, majority-minority districts may be required in areas that [satisfy certain criteria](#), where the minority voting age population percentage is above 50% and is politically cohesive. The minority group must also be competing against a bloc of white voters that always defeats minority candidates of choice. Currently, these districts result in almost assured victory for a minority group's candidate of choice but they also lead to a decline in minority influence on a statewide basis.

Based on American Community Survey data from 2018, [17 of Pennsylvania's 203](#) state House districts are above [a threshold estimated](#) that may give minority communities the ability to elect their candidates of choice. Five of these districts have a Black voting age population (BVAP) above 80%. The BVAP in these districts may be indicative of packing. LACRA would more equitably spread out minority voters in order to create fairer representation of these communities. It would also allow districts that unite communities of color to create coalition districts. [Coalition districts](#) are ones where racial groups vote in a bloc to elect mutually agreed upon candidates of choice.

## Is LACRA's language more expansive than the federal VRA?

Yes, it is. LACRA's language is similar to the federal VRA, but it expands upon it by allowing for districts that rely on coalitions between minority groups. Currently, [federal law is split](#) on whether coalition districts satisfy the federal VRA's requirements for redistricting. By including the phrase "in coalition with others," LACRA eliminates this confusion within Pennsylvania. Similar language has passed in [Illinois](#), [Missouri](#), and [Virginia](#) and has been recently proposed in [Maryland](#), [Minnesota](#), [Nevada](#), [North Dakota](#), and [Rhode Island](#).

## How is that language likely to be interpreted by the courts?

Previously, the [Florida Supreme Court](#) has interpreted this type of language in lockstep with the federal requirements. But the Florida Constitution does not consider coalition districts, so the Supreme Court of Pennsylvania would likely interpret LACRA differently. The minority protection provision would likely be interpreted similar to the current federal requirement, requiring that a group is sufficiently large and cohesive to create a single-member district. But instead of basing this calculus on a single group, LACRA would likely be interpreted to require districts that include multiple minority groups.

Importantly, rather than relying upon the federal Supreme Court's interpretation of the federal VRA, plaintiffs would be able to bring redistricting vote dilution cases based solely upon state law. Therefore, no matter what the federal Supreme Court decides in future cases, LACRA would maintain redistricting protections for communities of color, even if the federal VRA is invalidated in the future.



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