

COMMONWEALTH OF PENNSYLVANIA  
LEGISLATIVE REAPPORTIONMENT COMMISSION

In re: Public Meeting of the Legislative  
Reapportionment Commission

VOLUME VI - Pages 246-319

Stenographic report of hearing held  
in Hearing Room No. 1, North Office  
Building, Harrisburg, Pennsylvania

Thursday  
July 29, 2021  
2:00 p.m.

MARK A. NORDENBERG, CHAIRMAN

MEMBERS OF LEGISLATIVE REAPPORTIONMENT COMMISSION

Sen. Kim Ward	Rep. Kerry Benninghoff
Sen. Jay Costa	Rep. Matthew Bradford, (Deputy for Rep. McClinton)

Also Present:

Robert L. Byer, Esq., Chief Counsel  
G. Reynolds Clark, Executive Director  
Dr. Jonathan Cervas, Redistricting Consultant  
Brent McClintock, Executive Director, Legislative Data  
Processing Center  
G. Carlton Logue, Esq. Deputy Counsel, Senate Majority Leader  
Chad Davis, Research Analyst, Senate Republican Policy Office  
C.J. Hafner, Esq., Chief Counsel, Senate Democratic Leader  
Ronald N. Jumper, Esq. Deputy Chief Counsel, Senate Democratic  
Leader  
Lora S. Schoenberg, Director, Senate Democratic Legislative  
Services  
Rod Corey, Esq., Chief Counsel, House Republican Caucus  
James Mann, Esq., Senior Deputy Chief Counsel, House  
Republican Caucus  
Katherine Testa, Esq., Senior Legal Counsel, House  
Republican Caucus  
William R. Schaller, Director, House Republican District  
Operations

Reported by:  
Ann-Marie P. Sweeney  
Official Reporter

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Also Present:

Michael Schwoyer, Esq., Special Counsel, Deputy Chief of Staff for Legislation and Policy, House Democratic Caucus  
Justin Klos, Director, House Democratic Office of Demographic Analysis  
David Brogan, Esq., Director, House Democratic Legislation and Policy  
Andrew McGinley, Esq., General Counsel, House Democratic Government Oversight Committee



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1                   CHAIR NORDENBERG: Good afternoon, everyone. My  
2 name is Mark Nordenberg, and as Chair of the Legislative  
3 Reapportionment Commission, it is my privilege to call this  
4 meeting to order. I'm looking at the clock at the back of the  
5 room, I'm looking at the clock over my shoulder, neither of  
6 them helps me know how close it is to 2 o'clock, but I think  
7 we have passed that hour by a few minutes and I'm glad to get  
8 going.

9                   I am joined here in the hearing room today by  
10 Representative Kerry Benninghoff, the Majority Leader of the  
11 House of Representatives, and by Jay Costa, the Democratic  
12 Leader of the Pennsylvania Senate. I think that I can see the  
13 distinguished Member of the House, Matt Bradford, on the  
14 screen. He is sitting in for Commissioner McClinton today.  
15 And I'm also smiling as I look at the screen and see Senator  
16 Kim Ward, who is the Majority Leader in the Senate. So we do  
17 have complete attendance by Members of the Commission.

18                   I know that each of my Commission colleagues would  
19 want to welcome all of the interested citizens of Pennsylvania  
20 who have joined us for this meeting, a number here in the  
21 hearing room, others by the livestream. It's good to have you  
22 here. I also want to repeat the fact that we do post videos  
23 of each of our hearings at the Commission's website, typically  
24 the day after the hearing. So you can look for us there too.

25                   We have three very distinguished guests who are

1 going to offer testimony this afternoon. The first is Ben  
2 Williams, who is Program Principal for the Elections and  
3 Redistricting Program of the National Conference of State  
4 Legislatures. He has been on the line from his perch in the  
5 Mountain Time Zone since before 2 o'clock. Ben, it's great to  
6 have you here, and we look forward to your presentation.

7 MR. WILLIAMS: Thank you, Chair Nordenberg, and  
8 thank you to the other Members of the Commission. Leader  
9 Ward, you're the one I see on the screen, so it's wonderful to  
10 see you. And I'm going to go ahead and pop up my screen. I  
11 did not test this, but I would hope that after this many  
12 months of Zoom, I have figured it out by now. Just give me  
13 one moment. So just let me know if you all do not see that.  
14 I think it should be there.

15 CHAIRMAN NORDENBERG: We can see it.

16 MR. WILLIAMS: Wonderful, thank you. So I'm going  
17 to go ahead and enter presentation mode. So the first thing  
18 that I would like to say is that, a little bit about who NCSL  
19 is. I know that Chair Nordenberg and the Members of the  
20 Commission are obviously well aware, because they are all  
21 members of NCSL, but just to give you a little bit of a  
22 refresher, for those who do not who may be attending. NCSL is  
23 the nation's leading nonpartisan organization serving the  
24 needs of legislators and legislative staff. We are  
25 nonpartisan in our work, we are bipartisan in our structure,

1 and here are some of the things that we do. So we conduct  
2 policy research as requested by legislators and legislative  
3 staff. Staffers and offices contact us very frequently. We  
4 also facilitate connections between legislators and  
5 legislative staff across the country. Oftentimes, we'll find  
6 that our members find value in connecting with their peers in  
7 other States who may have ideas or policies that they are  
8 interested in learning about and sharing as they develop  
9 policies of their own.

10 We also conduct trainings and in-State testimony,  
11 like this, so this counts as testimony, but in theory we could  
12 hold a training for legislators or new staff on a particular  
13 topic as well and a variety of NCSL's policies subject matter  
14 areas. NCSL is the voice of the States in Washington, D.C.,  
15 and we advocate on behalf of States' interests and the  
16 interests of legislators. And we conduct meetings, so, for  
17 example, we had a meeting a couple of weeks ago in Salt Lake  
18 City, Utah, about redistricting. There are several upcoming  
19 meetings as well, including our base camp meeting next week  
20 and our annual summit, which connects with all of the other  
21 things you've already seen on the screen.

22 So with that, here's my breakdown of today's  
23 outline. I told Chair Nordenberg this when we were planning  
24 this, but this talk lasts about 30 minutes, depending on how  
25 fast I talk, and then the rest of the time will be open to

1 questions. I know that no one would complain if you got 5 or  
2 10 minutes of your day back, but I just wanted to make sure  
3 that everything was covered and that you were getting the full  
4 breadth of what NCSL can do for you. So we'll start with  
5 fundamentals, we'll move on to the Census after that, and then  
6 we'll end with law and criteria. Law and criteria is tailored  
7 specifically to the requirements of the Pennsylvania  
8 Constitution.

9           So the first is the fundamentals. Who draws the  
10 lines? So as Commissioners, you know that Pennsylvania is a  
11 commission State for legislative districts. That is the burnt  
12 orange color that you see on your screen. Pennsylvania is one  
13 of 15 States that has a commission for legislative districts.  
14 I would like to say at the outset now that you may have heard  
15 terms like independent commission in the past, or bipartisan  
16 commission, or partisan commission. Those are terms that  
17 other organizations use. NCSL does not make distinctions  
18 between commission types. The NCSL definition is, does the  
19 legislature, through its ordinary lawmaking procedure, adopt a  
20 redistricting plan? If yes, it is a legislative State. If  
21 not, it is a commission State. That's all. So Pennsylvania  
22 is a commission State for legislative districts, and as you  
23 will see, it is a legislative State for congressional  
24 districts, because the Pennsylvania Constitution gives that  
25 power to the legislature.

1           Some fundamentals about the process of redrawing  
2 lines. The first one is that redistricting is really an  
3 exercise in the organization of data, and that data primarily  
4 comes from the Census Bureau. You've probably heard this file  
5 before, it's the redistricting data, or the PL 94-171 file.  
6 That's just a fancy name for the public law that requires the  
7 Census Bureau to give States granular information on where  
8 people live for redistricting, and there are all kinds of  
9 supplemental data sets that are used for non-Census data. One  
10 of those would be political data on election results, which is  
11 required for States to comply with the Voting Rights Act,  
12 which we'll get to in a little bit, but there are other kinds  
13 of data that may be of interest to States as well. For  
14 example, if a State is looking at communities of interest, you  
15 may be interested in socioeconomic patterns, if you had areas  
16 like my home State of West Virginia where you have coal mining  
17 in specific areas, maybe that's a community of interest that  
18 needs to be represented. You can imagine that such  
19 definitions may be at play.

20           A third option is public participation. Public  
21 participation often generates data. I was giving a talk a  
22 couple of months ago to a staffer in the Oklahoma Senate and  
23 they were interested in this as well. How do they integrate  
24 public participation into the other kinds of data that they  
25 use when they're crafting a new redistricting plan?

1           The fourth is that redistricting is a balancing  
2 act. It is often impossible to maximally comply with every  
3 constitutional criterion on your list. So, for example, it's  
4 impossible to draw a maximally compact plan while also not  
5 splitting any political subdivisions, which are two criteria  
6 that Pennsylvania has to follow. So it's a matter of figuring  
7 out that balance. And courts may give some guidance on that  
8 from time to time, but largely in most States that's an  
9 exercise that the line drawers have to resolve, and that would  
10 be you, in this case.

11           And then the last one is compliance. This is  
12 something that we're all familiar with. We all know that  
13 redistricting is an extremely litigious exercise. Litigation  
14 is very common in all 50 States, and so understanding the law  
15 as it is at this moment is critical to understanding how to  
16 comply with the existing requirements of the U.S.  
17 Constitution, Pennsylvania Constitution, and you have  
18 excellent counsel on your Committee that I understand will be  
19 able to help you with this.

20           So moving into the Census, just a couple of  
21 details, I thought this would be of interest to you, is that  
22 we always think about the Census in my field as about  
23 redistricting data, but it's also about funding and the  
24 distribution of Federal funds. And there are \$39.2 billion  
25 distributed to Pennsylvania annually that are benchmarked

1 against Census data, which is why all 50 States formed  
2 complete count committees this past cycle to insure that they  
3 counted every single person who was eligible in their State so  
4 that they received every dollar that they were entitled to.  
5 The Census also relates to apportionment, which is  
6 Pennsylvania's voice in Congress. How many congressional  
7 seats will there be in Pennsylvania? There's also  
8 redistricting, as we've already mentioned, fulfilling the  
9 one-person-one-vote principle, and crafting policies for the  
10 people of Pennsylvania. If you are a legislator and you are  
11 working on a bill that relates to some aspect of the people of  
12 Pennsylvania, you need to know where they are if you want to  
13 craft it most effectively. So the Census is something that  
14 can help you with that.

15           What we know so far is the total population of the  
16 United States. We know that the population grew 7.4 percent  
17 since 2010. That was the lowest growth rate in the total U.S.  
18 population since the 1930s, and 47 of the 50 States saw  
19 population growth. Your neighbor, West Virginia, had a 3.2-  
20 percent population decrease, which was the most significant  
21 decrease in the nation. So what we know now is on the left.  
22 We will not know the things on the right until August 16. So  
23 where did population growth occur within States? There are  
24 some States like North Dakota, where the population growth is  
25 expected to predominately be in rural areas, driven by oil and



1 gas development. There are some States where population  
2 growth is expected to be around urban centers. So we will  
3 find out all of that information on August 16. Along with  
4 that, we will find out demographic information, the age of  
5 respondents, gender, race, et cetera, which is important for  
6 your work.

7 I was asked to talk about prisoners in the Census  
8 as well. This is a policy that some of you may be familiar  
9 with. There are some of your neighboring States are adopting  
10 this, but the Census as a starting point counts people on  
11 April 1, which is Census day, so the snapshot in time that the  
12 Census is based on, as residing where they sleep and eat. You  
13 can understand the logic of that. That's a very normal  
14 definition that most people would probably use. However,  
15 prisoners are counted as residents of where they are  
16 incarcerated on Census day, even if temporary. So if someone  
17 is being moved from one facility to another and they happen to  
18 be in a county jail on April 1, that's where they're counted  
19 for the next 10 years, even if they are transient.

20 To address that, there are 10 States that will be  
21 reallocating prisoners for redistricting purposes this cycle.  
22 This is essentially just moving the data and the data sets  
23 from one State to another. This can be a time-intensive  
24 process to get the information necessary from a State's  
25 Department of Corrections to make sure that that matches up

1 with the Census data that you'll be getting so that you can  
2 say, oh, record A in our Department of Corrections data from  
3 April 1 is the same as record A in our Census data. We know  
4 where that person is, and we have their last-known address on  
5 file, so we can move them to the place where they lived prior  
6 to their incarceration. That is how it typically works in  
7 most States. Again, it can be time-intensive. The State of  
8 Illinois, for example, adopted a prisoner reallocation process  
9 this year, but they're not implementing it until 2030 because  
10 they don't have the requisite data at their Department of  
11 Corrections to implement it now. So they'll start gathering  
12 it over this decade, and then in 2030, they will make this  
13 change.

14           So I was also asked to talk about the delays in  
15 the Census data. There are several reasons why that occurred.  
16 The most obvious one is the pandemic. If you think about  
17 Census day being April 1, that is when all the notices are  
18 going out to people. That's about 2 weeks after the nation  
19 had its first lockdown because of the coronavirus, and so  
20 there were a lot of people in transit at the time, and there  
21 was a lot of uncertainty. So the timing was particularly poor  
22 for Census purposes. And then when you had people going out  
23 into the field to do non-response follow-up over the coming  
24 weeks and months, you had significant inabilities to get into  
25 certain buildings because of public health measures. So that

1 could have had an impact on the ability of the Census Bureau  
2 to get the data out on time. There are other examples: 2020  
3 had several natural disasters. I've given you an image of a  
4 fire on the screen, a wildfire. That was very common where I  
5 am out here in the west. There were also floods in several  
6 areas, including areas impacted by hurricanes in the Gulf  
7 south and the east coast. And then there were policy changes  
8 within the Federal government itself about how certain  
9 categories of people would be counted or not and the exact  
10 structure of the Census data sets. And that could have had an  
11 impact as well.

12           Just to give you a visualization of the impact, I  
13 am going to toggle between this slide and the next slide  
14 really quickly. This is where we were at the end of July in  
15 2011, so when redistricting was completed. You can see that  
16 there were several States that were already finished with all  
17 of their redistricting, some of them had draft maps released,  
18 and then there are about a third of the States were still  
19 working on redistricting, including Pennsylvania, which is  
20 common based on your deadlines and your structure. But to  
21 give you an example, this is where we are now. Only three  
22 States have made any progress on redistricting at all.  
23 Oklahoma and Illinois adopted their legislative maps using  
24 alternative data sets because the Census data is not available  
25 yet. And Colorado has released draft plans under its new

1 commission structure, also using alternative data sets. So  
2 before, after (switching screens).

3           So what is the impact of the delays? Well, it  
4 means that there is less time to redistrict. So if you think  
5 about it, when your State receives its redistricting data,  
6 there may be some lead time for either your software vendor or  
7 your State data expert to process the raw data that they're  
8 getting from the Census Bureau and put it into a format that's  
9 useable in your redistricting software. I don't know what  
10 exactly that lead time would be, but they will have an idea of  
11 what that is, and they can tell you that. You may think, oh,  
12 it's August 16, as soon as the Census Bureau releases it,  
13 we're ready to go. It might be a couple of days, it might be  
14 a week, it might be two weeks.

15           The other thing to think about are the filing  
16 deadlines. If your State has an early filing deadline,  
17 relatively high up in the calendar year, you may not have  
18 enough time to give adequate notice to potential candidates or  
19 to incumbents of which district they'll be running in, so they  
20 know where they need to file. So that's something to  
21 consider. There are several States that have a residency  
22 requirement, so legislators must live in a particular district  
23 for one year prior to being elected to office. And if the  
24 redistricting data isn't out in time and the deadline can't be  
25 completed, you can run into issues with that as well.

1           The fourth issue is local prep. Once you as the  
2           redistricters are finished with your work, the process isn't  
3           over. The files that you create have to be given to the local  
4           election officials so that they can rebuild all of their  
5           districts and precincts, and you can imagine if you are a  
6           particular voter in a particular county, you may have a school  
7           board election and a municipal election and a legislative  
8           election and a congressional election that are all in  
9           different districts, and you can imagine the number of  
10          different ballot variations just within a single jurisdiction.  
11          And so the amount of time it takes for local election  
12          officials to process that and get it up to speed can vary.

13                 And then the last one is the States that have  
14          early primaries, primaries in early 2022. Some States have  
15          been considering moving those back. I know Texas was looking  
16          at moving its primary back so that they would have more time  
17          to redistrict. North Carolina passed a law allowing their  
18          local jurisdictions to move their primaries further out into  
19          the year from early spring to the middle of the summer to  
20          allow local redistricting to have enough time to occur. So  
21          this is something that States are considering.

22                 I just wanted to give you an update on a couple of  
23          lawsuits this cycle that may be of interest to you. You may  
24          be thinking, why hasn't anyone sued about the delays in the  
25          Census data to get it sooner? And a couple of States have.

1 Ohio settled their case. Originally, the Census data was  
2 supposed to come out on September 30. The Census Bureau then  
3 said they could get it out on August 16 in a legacy format,  
4 which is a fancy way of saying the exact same way it was  
5 released in 2010, and Ohio settled that case and said that was  
6 acceptable. Alabama had a lawsuit as well with that claim,  
7 but they were also suing to make a complaint about the method  
8 that the Census Bureau was using to protect the privacy of  
9 respondents to the Census, which is called differential  
10 privacy, and that case was dismissed for a lack of standing.  
11 It is pending appeal.

12           And then there are two separate lawsuits against  
13 Illinois, and I mentioned that Illinois was one of the States  
14 that adopted a legislative map using alternative data because  
15 they don't have the redistricting data yet. Well, the State  
16 Republican Party and the Mexican American Legal Defense and  
17 Education Fund have both filed separate lawsuits arguing the  
18 same claim, which is that the use of the alternative data was  
19 *imprimis*. And those are still in their very early stages. I  
20 don't even know if we've gotten reply briefs from the  
21 legislature yet.

22           So that is Census and that is fundamentals. So  
23 now we move into law and criteria. And for those of you who  
24 are attorneys, this is not news to you, but for those who are  
25 watching, this may be helpful just to understand the order in

1 which laws take priority if there is a conflict between them.  
2 So I'll be moving in this order throughout the presentation.  
3 We'll start with the U.S. Constitution and Federal statutes,  
4 and we will move our way down to the State's Constitution.

5           So the most important principle is one person, one  
6 vote, and this emerges from the equal protection clause of the  
7 U.S. Constitution. It says that votes for legislators and  
8 Congress members must hold equal weight, and there are two  
9 Supreme Court decisions from the 1960s that I list on the  
10 screen that hold that. The standard varies, so in  
11 congressional districts, it is exact numerical equality. For  
12 State legislative districts, it is up to 10 percent deviation,  
13 if there is some justification for compliance with traditional  
14 criteria. I will say, if a State does deviate from either of  
15 these standards, that the legislative districts have a greater  
16 than 10-percent deviation, or congressional districts have  
17 greater than one person in the case of a State having an  
18 odd-numbered population, then the State would have to justify  
19 its reasoning for having that deviation if it was sued in  
20 court, and it would have to have a substantial justification  
21 for doing so.

22           So just to give you an example, there was a case  
23 from West Virginia, your neighbor, last cycle where they had a  
24 deviation in their congressional districts of less than 1  
25 percent, and their logic behind it was that they kept all of

1 their counties whole. They didn't split any counties, which  
2 was a longstanding traditional redistricting principle in West  
3 Virginia. And the Supreme Court said in an opinion called  
4 Tennant v. Jefferson County that because West Virginia had  
5 been following the same procedure for decades, they had been  
6 never splitting counties ever for decade after decade after  
7 decade, and the deviation was still quite small, less than 1  
8 percent, that that districting plan was permissible, even  
9 though it deviated more than exact numerical equality. So it  
10 can happen, but it is not common.

11 The next principle is racial gerrymandering. This  
12 also comes from the equal protection clause that originated in  
13 Shaw v. Reno, which I'm showing you the original racial  
14 gerrymander on the screen. This is a district in North  
15 Carolina that originally stretched from Charlotte all the way  
16 over to the Raleigh-Durham area, a several-hundred-mile-long  
17 district, and it's evolved over time in how the claim works.  
18 So in the 1990s, the plaintiffs in this case were white  
19 plaintiffs who were suing for lack of compliance with  
20 traditional redistricting principles. I know that all these  
21 terms are subjective, but I think that most people would look  
22 at this district and agree that it is not particularly  
23 compact, and it doesn't seem to represent any political  
24 boundaries. And then in the 2010s, the claim has shifted, and  
25 now it's primarily being used by Black plaintiffs suing on



1 vote dilution claims outside the scope of the Voting Rights  
2 Act. So if you think about it this way, the Voting Rights Act  
3 requires that districts have an opportunity to elect a  
4 candidate of choice. There were some States in the 2010s that  
5 were creating racial benchmarks that all districts had to meet  
6 in order to comply with the VRA, and Federal courts over the  
7 past decade held that that wasn't the case, that they were  
8 packing African Americans into particular districts, and that  
9 the Voting Rights Act requires opportunity to elect. It  
10 doesn't require 55 percent Black voting in each population in  
11 a district, for example. And so that's a type of vote  
12 dilution claim that the Voting Rights Act doesn't necessarily  
13 cover, but now racial gerrymandering does.

14 This is the logic of a racial gerrymandering  
15 claim. I will say that this is overly simplistic. I strongly  
16 recommend reaching out to your Counsel to get firmer details,  
17 but if I was trying to summarize an entire constitutional  
18 doctrine on one slide, this is how I do it. And so the  
19 primary question is, was race the predominant factor in the  
20 creation of a district - 50 percent plus 1? If the answer is  
21 yes, then we go into whether or not it was justified. So was  
22 the predominant use of race required by the Voting Rights Act  
23 or to remedy some past racial discrimination that was  
24 identified by the legislature, or the Commission, in your  
25 case? If the answer is yes, then that district will be

1 upheld. For any other reason though, the district will be  
2 invalid. So if race is the predominant factor, that's the  
3 test.

4 I'm bringing this up very briefly. Partisan  
5 gerrymandering was a major focus of the Supreme Court this  
6 decade. It is no longer justiciable in Federal courts, so we  
7 won't be seeing partisan gerrymandering claims in Federal  
8 courts anymore, but when they were being brought, they were  
9 based on the First and Fourteenth Amendments, and the two main  
10 cases in 2019 that settled this issue were from Maryland and  
11 North Carolina.

12 So the key Federal statute at play with  
13 redistricting is, of course, the Voting Rights Act. So  
14 Section 2 is the section that is still in effect nationwide  
15 today. It prohibits vote dilution, and it requires  
16 litigation. So it is not prophylactic. I know Pennsylvania  
17 was not subject to Section 5 of the Voting Rights Act when it  
18 was in effect, but if you talk to your peers in those States  
19 that were subject to it, they had to get preclearance from the  
20 Department of Justice anytime they wanted to make a change to  
21 any election law, of which a redistricting plan would count.  
22 And so this is not that. This requires a litigant to bring a  
23 lawsuit to enforce the provisions of Section 2. The burden of  
24 proof that plaintiffs have to overcome this discriminatory  
25 effect, so they do not need to prove that the State had racial

1 intent. They only need to prove that the plan has some  
2 racially disparate impact on the minority group in question.

3 Here is the test for Section 2 of the Voting Rights  
4 Act. It is, on the left side you have what are called the  
5 Gingles preconditions, those preconditions that come from a  
6 case called Thornburg v. Gingles in the 1980s. And the most  
7 important thing to know is that if a minority group is  
8 sufficiently large and geographically compact to constitute a  
9 majority, so remember that district from the racial  
10 gerrymandering slide, not compact at all. But if there is a  
11 geographically compact area where people can constitute a  
12 numerical majority, they are politically cohesive, so they're  
13 voting the same way, and the white voters around them act as a  
14 block to defeat the minority group's candidate of choice, then  
15 Section 2 of the Voting Rights Act may apply, at which point a  
16 court will then look to the Senate factors, which are on the  
17 right-hand side of the screen. I will say that, in general,  
18 if plaintiff is able to prove all of the Gingles  
19 preconditions, they are likely going to be able to prove the  
20 Senate factors as well, because the Senate factors are not an  
21 exhaustive list. It is a totality of the circumstances  
22 analysis. But in general, if you've satisfied Gingles, the  
23 plaintiffs probably satisfied the Senate factors as well, and  
24 a violation of Section 2 will be found to apply.

25 The other main section, as I've mentioned, is

1 Section 5, the preclearance provision of the Voting Rights  
2 Act. The case in Shelby County v. Holder in 2013 held that  
3 the coverage formula that determined which jurisdictions were  
4 subject to it was unconstitutional because it had not been  
5 updated since the Voting Rights Act was initially adopted in  
6 1965. They said that it was a violation of the principles of  
7 federalism. That means that Section 5 is still technically  
8 the valid law of the land, it just applies to zero  
9 jurisdictions, and so, there are no States or localities that  
10 are subject to Section 5. There are a few localities that  
11 have been, quote, unquote, "bailed-in" into preclearance, but  
12 that's under a different provision of the VRA, and that's such  
13 a rare circumstance that I didn't even include a slide on it  
14 here.

15 On the right-hand side of your screen though you  
16 will obviously see a picture of the U.S. Congress, and I only  
17 mention that because the Supreme Court found that that  
18 coverage formula was unconstitutional, but Congress could pass  
19 a new coverage formula at any time and a new authorization of  
20 the Voting Rights Act. So we'll have to see whether or not a  
21 new coverage formula comes into effect. So that is something  
22 for you and your Counsel to keep an eye on as the days and  
23 weeks progress.

24 Now we go down to Pennsylvania's criteria. So  
25 these are the three criteria that are in the Pennsylvania

1 Constitution: compactness, contiguity, and preserving  
2 political subdivisions. As you will see, those are all very  
3 common redistricting criteria. Others can be considered as  
4 well. I didn't see anything in the legal cases to me that  
5 indicated you were restricted to those three criteria, but  
6 again, I would defer to your Counsel for their assessment on  
7 that.

8           So the first one is compactness, and it's a common  
9 traditional principle. I think we all sort of understand what  
10 a compact district is, it's something that doesn't have  
11 tendrils and it's not spinning around. But the thing is that  
12 the different measures of compactness, of which there are over  
13 40 in political science literature, all calculate different  
14 things. And so depending on which measure you're working  
15 with, you may get a different result. So on the right-hand  
16 side of your screen you see an aura, a yellow rectangular  
17 district, and then you see two circles. The larger circle is  
18 the Reock circle, and the smaller circle is the Polsby-Popper  
19 circle. And the formulas for how compactness is calculated  
20 are on the left. A zero means least compact, a 1 means most  
21 compact. So you can see in Polsby-Popper, this rectangular  
22 district scores .589. That's a pretty good score. In Reock,  
23 it only scores a .382. Which is not as good. And so the same  
24 district, very defined shape, defined edges, has an over .2  
25 difference in how compact it is, just based on which test

1 you're using. And your redistricting software that you'll be  
2 using will have several tests built into it. And I only bring  
3 this up to you so you know when you're looking at your reports  
4 that are printed out for you from the redistricting software  
5 that tell you how compact each district is, know that the  
6 exact test you're looking at could have an impact on what the  
7 answer is.

8           The other principle is contiguity. I've included  
9 a town I used to live in, Easton, PA, on this screen here, and  
10 one of the reasons I included Easton is because it's actually  
11 somewhat difficult to find towns in Pennsylvania that are not  
12 contiguous, but as you can see, there's this little triangular  
13 block shape on the left-hand side not connected to the rest of  
14 the highlighted area on your map. That is a non-contiguous  
15 part of Easton around a city park that the city owns. And so  
16 this principle of contiguity, which essentially means can you  
17 walk to every part of the district without leaving it, really  
18 only comes up in two situations. One is where you have  
19 non-contiguous locality boundaries, such as this, and the  
20 other is water in coastal States. So, for example, if you had  
21 an off-shore island or something, that may be a contiguity  
22 issue because there's technically no land connection between  
23 different parts of the district, although it has to be  
24 included, it's part of the State's territory.

25           And so with the non-contiguous locality

1 boundaries, the issue then comes down to the preserving  
2 political subdivisions rule. If you're trying to keep  
3 localities whole, you have to split the county to make sure  
4 that you capture all of the parts of Easton, and you may have  
5 unincorporated areas that are not kept together. So it's just  
6 one of those things that you'll come across as you redraw the  
7 lines.

8           The other principle in the Pennsylvania  
9 Constitution is preserving political subdivisions. At NCSL,  
10 we've grouped that together with natural boundaries. But it's  
11 a common principle. It's in 45 States. Unless it's specified  
12 in the law, it could refer to any type of boundaries, so  
13 counties, cities, school district, municipal, ward. You can  
14 imagine that the scale can vary also depending on the level of  
15 geography you're working with. So if you're in a very dense  
16 urban area, maybe following wards makes more sense than  
17 keeping the entire county together, because the county might  
18 be so large that it cannot constitute a district on its own.  
19 It has to be split up into multiple districts.

20           Some people say that this is a stand-in for  
21 communities of interest or compactness. You can imagine that  
22 there are areas of the country, particularly in New England,  
23 where the town is central to an area's identity. And so  
24 people, when they talk about what's their community of  
25 interest, oh, it's their township, or their municipal area.

1 So there is some argument that this is a stand-in for that.  
2 The importance does vary throughout the United States.

3           And then I wanted to flag two specific  
4 applications for you, just because they're unique. One of  
5 them is Idaho. Idaho has an extremely strict political  
6 subdivision rule. The State Supreme Court has struck down a  
7 legislative redistricting plan in the past because it split  
8 one more county than a plaintiff could prove that it needed  
9 to. So Idaho is the fewest splits possible. The North  
10 Carolina example is unique, because North Carolina has a rule  
11 called the whole county provision, which means that in order  
12 to keep regions of the State relatively close together and to  
13 split fewer counties, the State is actually redistricted into  
14 you can think of them as pods. You take regions of the State  
15 and you redistrict within the little regions, and then you  
16 smash all of the regions together to create a districting  
17 plan. Which is not how it typically works in most States.  
18 Most States you start with some districts and you either work  
19 your way across or you work into the middle, or something like  
20 that. So that is the unique application that I thought would  
21 be of interest to you.

22           There are several criteria that are not in the  
23 Pennsylvania Constitution. I've given you several examples  
24 here. The most common is preserving communities of interest.  
25 I've included on the sheet here I have some definitions that



1 may be useful to you. The problem with communities of  
2 interest is that it's often undefined. It's very difficult to  
3 define what a community of interest is. Some States do make  
4 an attempt to do that. So Alaska, for example, defines a  
5 community of interest as a district containing as nearly as  
6 practicable a relatively integrated socioeconomic area. And  
7 when I've talked to folks in Alaska about what that means,  
8 they typically say, think about fishing communities along the  
9 coast of Alaska. They all have shared interests with one  
10 another because of the work that they do, and so they try to  
11 keep them together into a district so that they have a  
12 representative who can voice that interest with the  
13 legislature in Juneau.

14 Missouri has a somewhat similar one. They have  
15 preserved longstanding communities of interest based on  
16 social, cultural, ethnic, and economic similarities. So  
17 that's a little bit broader.

18 And then California has what I'm calling a  
19 negative definition. And I don't mean negative as in bad, but  
20 I mean negative as in it doesn't specify what is a community  
21 of interest but it specifies what it's not. So California  
22 says that a community of interest is not a relationship with a  
23 political party, an incumbent, or a candidate for a political  
24 office. And then it's up to the commission in that State to  
25 define beyond that what a community of interest is.

1           Another common one is prohibition on drawing  
2 districts to favor or disfavor an incumbent candidate or  
3 party. The exact wording in this really matters a lot. There  
4 are some States, like Nebraska, which is included in this that  
5 says party, and then there are some States that list all  
6 three. So depending on the scope of who is included and who  
7 is not, they can have dramatically different operations, but  
8 because they're all getting at the same idea, we've grouped  
9 them together in this category.

10           Another one is preserving the cores of prior  
11 districts. The common rationale that is given for that is to  
12 not unnecessarily break up a relationship with a previous or  
13 an existing representative.

14           And then some newer ones that NCSL calls emerging  
15 criteria. So these are criteria that are relatively new to  
16 the process. One of them is prohibiting the use of political  
17 data. And so that would be you could think about election  
18 results, voter registration information that could include the  
19 addresses of incumbents or the addresses of potential  
20 challengers to those incumbents, and that data would be  
21 prohibited. There's typically an exception in this for  
22 compliance with the Voting Rights Act, but other than that, it  
23 is prohibited.

24           And then the final two are competitiveness and  
25 proportionality, and these are relatively uncommon, but the

1 one thing that they have in common is they are criteria that  
2 mandate that districts be drawn with a political outcome in  
3 mind. So competitiveness requires that districts be drawn to  
4 increase competition between the parties. Again, there's a  
5 definitional issue. What is competitive? If you can imagine  
6 a State with varied geography, it may be really hard to draw a  
7 competitive district in a very rural or a very urban area  
8 without drawing a district that is very non-compact, because  
9 you're trying to gather very disparate peoples together to get  
10 something that's close to 50/50.

11 So there are a couple of ways to think about it.  
12 The most common ones are, A, all of the districts across the  
13 State have to be drawn as close to 50/50 as possible. So if  
14 the State naturally tilts 55 percent to one party and 45 to  
15 another, all of the districts should be drawn to closely  
16 approximate that 55/45 split. And then another view, which  
17 was taken by Arizona in the last redistricting cycle, is we  
18 will draw as many competitive districts as we can that are  
19 close to 50/50, and then once we are no longer able to, we  
20 will draw up districts using the other criteria as they come.

21 The last one is proportionality. This is new this  
22 cycle. It's going to be used in Missouri and Ohio this  
23 decade. And what it requires is that the number of elected  
24 officials from each party should roughly mirror the breakdown  
25 in the State's statewide elections. So if you aggregate a

1 certain number of statewide elections, you'll get some  
2 benchmark of the two-party vote share for the Democrats and  
3 the Republicans. And so if your State on average in your data  
4 set votes 57 percent for one party and 43 for another, then  
5 the districting plan should be drawn with the idea that the  
6 State legislature would have, in a 100-seat body, 57 members  
7 from that Majority party, and 43 members from the Minority  
8 party.

9           With that, this is a slide that I include for  
10 other States. Being in Pennsylvania, you don't really need  
11 this. You're very aware of what the Pennsylvania Supreme  
12 Court held in 2018, but it's a slide that I include for other  
13 States, so I will include it for you as well. And this is the  
14 case of the League of Women Voters v. Commonwealth of PA,  
15 which established that for the State's congressional  
16 districts, that the free and fair election clause in your  
17 State Constitution include a prohibition on excessive  
18 partisanship in redistricting. It's significant because of  
19 the Adequate and Independent State Grounds Doctrine, which  
20 holds that even though the U.S. Supreme Court has said that  
21 partisan gerrymandering is nonjusticiable in Federal courts,  
22 because that case was held, the finding was on the grounds of  
23 the Pennsylvania Constitution and the Pennsylvania  
24 Constitution alone, that that was outside the reach of Federal  
25 courts to answer, because under our system, the Pennsylvania

1 Supreme Court is the final arbiter of the Pennsylvania  
2 Constitution and what it means. It is not the U.S. Supreme  
3 Court. And so again, you don't need to know this, you all are  
4 more than aware of this principle compared to anyone else, but  
5 you would be surprised how many surprised faces I get when I  
6 give this talk in other States.

7           So in summary, what are the takeaways for  
8 redistricting? The main one is that criteria can conflict.  
9 It will be very difficult to maximally comply with both the  
10 preserving political subdivisions rule and the compactness  
11 rule, even if you have relatively compact-shaped county  
12 boundaries. And so understanding where those criteria  
13 conflict and how to balance that is one of the tasks that's  
14 before you.

15           The second is that the law can be ambiguous. The  
16 law is always changing, and particularly in this area, with  
17 the amount of litigation that there is. And so it will be  
18 difficult to read between the lines and understand exactly  
19 what compliance means, because halfway through the decade, the  
20 doctrines may change again. So just keep in mind that this is  
21 an ambiguous area, and your Counsel may be able to help you  
22 with some of that ambiguity.

23           And then the third principle is that it's  
24 impossible to please everyone. Redistricting is an exercise,  
25 and some people say it's a winners-and-losers exercise. I

1 would like to think that it doesn't necessarily have to be,  
2 but this is the framing, and no matter which way the districts  
3 are drawn, there will be someone who isn't happy and there  
4 will be someone who is elated. And so don't go into it with  
5 the idea that everyone has to be pleased with the result,  
6 because in the end, redistricting is about complying with the  
7 law and complying with the U.S. Constitution and the  
8 Pennsylvania Constitution, and the chips will fall where they  
9 may.

10 And with that, I believe I was actually -- I think  
11 you all have been sent your Redistricting Law 2020 books, your  
12 red books, so hopefully you all have those. And with that,  
13 Chair Nordenberg, I'm happy to take questions from you or  
14 other Members of the Commission.

15 Thank you very much.

16 CHAIR NORDENBERG: Thank you very much, Ben. And  
17 we hope you'll put yourself back on the screen. There you  
18 are. And we do have the two Members of the Commission who are  
19 participating remotely rejoining us on the screen too. It was  
20 a terrific presentation.

21 I do want to make certain that Members of the  
22 Commission who have questions to ask have the opportunity to  
23 do so. I think that means Chairman Bradford and Leader Ward,  
24 you've got to let me know if you want to weigh in.

25 Senator Costa has indicated he's got a question.

1 MR. WILLIAMS: Yes, please.

2 SENATOR COSTA: Thank you very much, Mr. Chairman.

3 Just a question about the prison gerrymandering.  
4 You mentioned that there were 10 States that allocated  
5 prisoners in that regard. Was that done legislatively, or how  
6 was that done? Was it done by judicial determination, or  
7 administrative ruling? Or how was that done?

8 MR. WILLIAMS: Leader Costa, that was done through  
9 legislative action. So in all 10 States, it was a bill  
10 adopted by the legislature.

11 SENATOR COSTA: And has there been any litigation  
12 around that around the country? And if so, what were some of  
13 the issues that were raised in that space?

14 MR. WILLIAMS: Leader Costa, there has been some  
15 litigation around the country. There was a lawsuit in  
16 Connecticut that was filed for this issue, but the State ended  
17 up adopting a prison reallocation bill on its own, and so the  
18 case was mooted. But, yes, there has been some litigation,  
19 but nothing that has come to conclusion.

20 SENATOR COSTA: And finally, can you just share  
21 with me if you know any northeastern United States States, or  
22 States that are comparable to Pennsylvania, that are States  
23 that do permit the--

24 MR. WILLIAMS: Yes.

25 SENATOR COSTA: Could you share those States?

1                   MR. WILLIAMS: Yes, I would be happy to. Just a  
2 moment, I'm pulling up the list. I like to say, like all good  
3 attorneys, I don't have everything in my mind, but I know  
4 where to find it.

5                   So the list of northeastern States: Connecticut--  
6 the one I just mentioned, adopted new law this decade--  
7 Delaware, Maryland, New Jersey, New York. I don't know if you  
8 consider Virginia northeast, but I guess it's somewhat close  
9 to you, so I'll throw it in. And then the other States that  
10 have adopted these policies are: California, Colorado,  
11 Illinois--who I mentioned will not be implementing it until  
12 2030--Nevada, and Washington State.

13                   SENATOR COSTA: Thank you very much.

14                   Thank you, Mr. Chairman.

15                   CHAIR NORDENBERG: You're welcome.

16                   Senator Ward, it's good to see you up on the  
17 screen. Did you have a question?

18                   SENATOR K. WARD: Well, I just have a comment. I  
19 think when it comes to the prison inmates, it sounds like  
20 quite an undertaking, like that is not something that you're  
21 going to do in two weeks. That's an undertaking. We have a  
22 lot of prisoners, and, as you just said, we have to do it  
23 legislatively, so maybe that would be something, if the  
24 legislature is interested in, that we would perhaps do next  
25 round. We're already up against it here with the Census being



1 so late.

2 MR. WILLIAMS: Highly within your purview,  
3 Senator. So, yes.

4 SENATOR K. WARD: Thank you for the information.  
5 Thank you.

6 MR. WILLIAMS: Oh, of course.

7 SENATOR K. WARD: Can we get that? Can we have  
8 that in a hard copy?

9 MR. WILLIAMS: Of course.

10 SENATOR K. WARD: Or could you email that whole  
11 thing to us, if you don't mind?

12 MR. WILLIAMS: Sure. Chair Nordenberg, would it  
13 be easiest if I just sent this website? And I believe the  
14 presentation is public record anyway, since I submitted it to  
15 you, but it can be distributed to the Members of the  
16 Commission.

17 CHAIR NORDENBERG: Yes, we--

18 SENATOR K. WARD: Or it could be on our website  
19 and we can just go there and look and read it. That's fine.

20 MR. WILLIAMS: Yeah, it is on the website, but I'm  
21 more than, so you don't have to hunt around for it, I'm more  
22 than happy to send it to you.

23 SENATOR K. WARD: Thank you.

24 MR. WILLIAMS: Just let me take down that note.

25 CHAIR NORDENBERG: To just stick with that topic

1 for a moment, Ben, I notice you have been careful not to use  
2 the term "prison gerrymandering," but instead you talk about  
3 prisoner reallocation. Why is that?

4 MR. WILLIAMS: Prison gerrymandering is a term  
5 that describes a problem that some people believe exists. It  
6 is not NCSL's position to take a position on a policy issue.  
7 We would very rarely, if ever, do that because we serve the  
8 Members of the States, and you can imagine that with every  
9 Member of every State legislature in the country, it's quite a  
10 diverse group politically. If you're serving the Members of  
11 the Majority in Vermont and the Members of the Majority in  
12 Texas, you know, the way that you can come into a State like  
13 Pennsylvania and have a nonpartisan reputation that holds some  
14 credence is by not taking a position on an issue. Prisoner  
15 reallocation is the policy solution to that problem, if the  
16 State believes that that problem exists. And so that is the  
17 term that we've used in-house. We actually received a  
18 recommendation from a person to call it reallocating inmate  
19 data, because some people thought that actual prisoners were  
20 being moved around, to comply with this rule. So, but, in the  
21 end, that is the answer. Yes.

22 CHAIR NORDENBERG: Well, I appreciated your  
23 description of your group as nonpartisan in its work and  
24 bipartisan in its structure, particularly as the designated  
25 nonpartisan Member of this Commission. And I wasn't sure what

1 you and Senator Ward were discussing, but I do want to say  
2 that there is an entry on the website of NCSL that does deal  
3 with prisoner reallocation. It does list all of the 11  
4 States, and it also lists the authorizing legislation that  
5 existed in each of those States. I haven't looked at all 11  
6 of those statutes, but I've looked at a number of them, and  
7 they are quite elaborate and clearly targeting this issue.

8 MR. WILLIAMS: Yes, and I will say, I will add,  
9 Chair Nordenberg, that it was 2 States in 2010, and it's 10  
10 States this cycle. And so the majority of those States are  
11 doing it for the very first time, and they will be working  
12 with this, and the States that do do it, we often connect them  
13 with staffers in Maryland and New York, the 2 States that did  
14 it 10 years ago, because they're the only ones who have any  
15 experience doing it. And so this is a relatively new area of  
16 redistricting law and policy, and my teammates and I and my  
17 staff are happy to connect with you if this is of further  
18 interest to Members of the Commission.

19 CHAIR NORDENBERG: Thank you very much.

20 Are there other questions for Ben?

21 Senator Costa.

22 SENATOR COSTA: Thank you, Mr. Chairman.

23 Just very quickly, you mentioned utilization, I  
24 think, by Illinois of alternative data. What -- I think it  
25 was Illinois.

1 MR. WILLIAMS: Yes.

2 SENATOR COSTA: What exactly is alternative data?  
3 Could you describe what that data might look like?

4 MR. WILLIAMS: Sure. So in some sense that's the  
5 million-dollar question, because there are lots of different  
6 kinds of alternative data, but the most common one that is  
7 used is the American Community Survey data. It's called the  
8 ACS data. It comes in two different formats. There is a  
9 format that is released every year that goes down to somewhat  
10 large jurisdictions, I think it's populations over 65,000, and  
11 then there is a five-year estimate that goes down to the block  
12 group level. And so that is a much smaller unit of geography,  
13 but it is still larger than the Census blocks that are in the  
14 PL file that States traditionally use to redistrict. And  
15 there are other private data sets as well. I believe that  
16 common redistricting software vendors do offer them for sale,  
17 and then I think that there are -- I've heard rumors about  
18 data aggregators who work with corporations, for example, in  
19 how McDonald's picks where they pick their next location.  
20 They have big data sets as well. They may offer those to  
21 States. But my understanding is that in Illinois, they used  
22 the five-year ACS estimates, and they cross-compared it  
23 against the ESRI data file, which is their software vendor.  
24 And then in Oklahoma, which was the other State that used  
25 alternative data, they used the five-year ACS estimates as

1 well.

2 I will say, in both of those cases, in Illinois  
3 and Oklahoma, the legislature made clear at the outset that  
4 they knew they were using estimates, they were doing it to  
5 comply with their redistricting deadlines in their  
6 Constitutions, and when the PL redistricting data comes out on  
7 August 16, if they get the numbers and they see that there are  
8 still population errors that violate one person, one vote,  
9 they will go back in and make amendments to fix it. So that  
10 is the path that those two States took, and if this is of  
11 interest, I can connect you with staffers in those States who  
12 may be able to help answer questions about how they did it.

13 SENATOR COSTA: And finally, both those Illinois  
14 cases are in court. Are they in State court or Federal court?  
15 And do you know any timeline with respect to when they may  
16 make a decision?

17 MR. WILLIAMS: Yes. So, Leader Costa, those cases  
18 are both in Federal court, and they are two separate lawsuits,  
19 the Republican Party lawsuit and the MALDEF lawsuit. They're  
20 arguing the same thing. They're both in very preliminary  
21 stages. I think that there is a possibility, I would defer to  
22 your committee Counsel. They may have a different  
23 understanding, but I would believe that there's a strong  
24 possibility that these cases will get mooted, because before  
25 we get to any kind of briefing or findings stage, the State

1 may adopt a new redistricting plan, if they make some tweaks  
2 to it. But that is where those cases are at this time.

3 SENATOR COSTA: Thank you.

4 CHAIR NORDENBERG: Any other questions?

5 Chairman Bradford.

6 REPRESENTATIVE BRADFORD: Thank you, Chairman  
7 Nordenberg, and I want to apologize. I had a family  
8 commitment, so I find myself in a park right now taking in the  
9 hearing. But I do appreciate the opportunity, and I know that  
10 Leader McClinton wishes she was here as well.

11 But I did have a quick question on prisoner  
12 reallocation, and I want to thank you, Ben, for the work that  
13 he and NCSL has done on this issue. I had the opportunity  
14 last week, with Leader McClinton, to attend the Salt Lake  
15 Redistricting Summit and thought they did a great job on these  
16 issues. One of the things I wanted to follow up specifically  
17 was because of the challenges, and because it is, frankly, an  
18 emerging issue in terms of things, was the number of  
19 incarcerated individuals that are difficult to allocate, we  
20 [lost connection] -- allocation. In other words--[lost  
21 connection].

22 CHAIR NORDENBERG: Ben, can you understand the  
23 question?

24 MR. WILLIAMS: I think the question is, what do  
25 you do with difficult populations? That is my understanding,

1 if that's your understanding as well. I'm seeing a nod from  
2 Senator Ward, so maybe that's what she heard, too.

3 CHAIR NORDENBERG: Ben, would you repeat that  
4 again?

5 MR. WILLIAMS: Sure. So my understanding of that  
6 question, you can correct me if you heard something different,  
7 was what does a State do with difficult populations, because  
8 obviously, you will never have a completely perfect data set  
9 in dealing with a prisoner reallocation policy. And the  
10 answer is that some States vary. Some States, if they can't  
11 find a prior address, they just count them at the prison as  
12 they were counted on Census day by the Census Bureau, and  
13 other States exclude them entirely from the redistricting data  
14 set. So there's just fewer people who are being redistricted.  
15 That is the typical procedure that States that have this  
16 policy follow. And that information is on the website, Chair  
17 Nordenberg, that you referenced, that I'll be sending to you  
18 once this hearing is over.

19 CHAIR NORDENBERG: Senator Ward.

20 SENATOR K. WARD: It's a complicated issue,  
21 because, you know, you get even prisoners from one county into  
22 another county. When they go into that county prison, now  
23 that county is responsible to pay for all of their healthcare  
24 and to pay for everything. So it's not a real simple issue.  
25 There's, you know, a lot of back things to it like that, for

1 example. It costs counties a lot of money. Ok, sorry, I just  
2 wanted to add that I think it's complicated.

3 MR. WILLIAMS: No, no, it certainly is. I think  
4 that even the advocates would agree with you that it is an  
5 extremely complicated issue.

6 CHAIR NORDENBERG: And though Representative  
7 Bradford has disappeared from the screen, let me ask if you  
8 can hear me, was your question answered?

9 (There was no response.)

10 CHAIR NORDENBERG: I guess we will assume that it  
11 was.

12 REPRESENTATIVE BRADFORD: Chairman, can you hear  
13 me now?

14 CHAIR NORDENBERG: Yes.

15 (There was no response.)

16 CHAIR NORDENBERG: Though not now.

17 Here's what I'm going to say. We've got this  
18 technical barrier. Ben has indicated that he is willing to  
19 respond to questions at any time.

20 MR. WILLIAMS: Yes.

21 CHAIR NORDENBERG: So I think we'll move on and  
22 leave it at that. And at the very beginning of your  
23 presentation, Ben, you indicated that your organization exists  
24 to serve the needs of your State legislative Members.  
25 Certainly, you met an important need for us this afternoon.



1 So thank you very much.

2 MR. WILLIAMS: Thank you, Chair Nordenberg. I  
3 know this hearing continues to go on, and I have to hop onto  
4 another call, so I will leave, but as you mentioned, if  
5 there's anything I can do to help with the Members of the  
6 Commission further, I'm more than happy to take any questions  
7 at my email address that I listed on the slide. And thank you  
8 for having me.

9 CHAIR NORDENBERG: Thank you again.

10 MR. WILLIAMS: Bye, bye.

11 CHAIR NORDENBERG: Our second presentation of the  
12 day is going to come from someone who is more geographically  
13 proximate to us. In fact, he's moving to the witness table  
14 right now. This is Dr. Kyle Kopko, who is the Director of the  
15 Center for Rural Pennsylvania. He is going to talk about  
16 Pennsylvania population trends and their impact on rural  
17 communities.

18 Dr. Kopko, welcome.

19 DR. KOPKO: Thank you very much. Can everyone  
20 hear me? Thank you. Excellent.

21 Good afternoon, Chairman Nordenberg, Leader Ward,  
22 Leader Costa, Leader Benninghoff, and Chairman Bradford.  
23 Thank you for the opportunity to speak before you today.  
24 Again, my name is Kyle Kopko. I am the Director of the Center  
25 for Rural Pennsylvania and, as you know, the Center is a

1 bipartisan, bicameral legislative research agency of the  
2 General Assembly. The Center has two broad legislative  
3 mandates. The first is to conduct and sponsor applied policy  
4 research studies in support of our rural communities all  
5 throughout the Commonwealth. And secondly, we also maintain a  
6 comprehensive statistical database that measures a variety of  
7 statistical indicators, so that way policymakers can use these  
8 data to benefit our rural communities. And today I'll be  
9 using that information from this database to discuss a variety  
10 of population and demographic trends in rural Pennsylvania in  
11 hopes that the Commission will find this useful in their  
12 reapportionment process.

13           Now, while we don't have access to the updated  
14 decennial Census data quite yet, it will be released in the  
15 coming weeks, as you all know, we are able to draw information  
16 from a wide range of secondary data sources to infer some  
17 trends regarding population and demographic changes. And  
18 today I really want to focus on three issues here: Overall  
19 population changes in recent years and what we refer to as the  
20 bifurcation of Pennsylvania. That is, shifts in population to  
21 the southeast part of the State. Second, demographic changes  
22 particularly with regard to age and race and ethnicity. And  
23 finally, divisions of school districts within legislative  
24 districts. And I should note in advance that the Center has  
25 provided a number of slides here for your consideration today,

1 but I won't discuss all of them. I won't be discussing slides  
2 26 through 37 as part of my prepared remarks. That's all  
3 supplemental information which, hopefully, the Commission will  
4 find to be of use, but I'm happy to talk about those in  
5 greater detail during the question-and-answer period. Also,  
6 please note that the Center is more than happy to answer any  
7 additional questions that you may have or produce additional  
8 maps, graphs, charts, or anything of the sort that might be of  
9 use to you as you begin your work.

10           Next slide please. Thank you very much. So I  
11 want to begin with just a brief overview of what is rural  
12 Pennsylvania. And this is a map of counties throughout the  
13 Commonwealth based upon the Center for Rural Pennsylvania's  
14 definition. The Center maintains definitions of counties,  
15 school districts, and municipalities as being rural or urban,  
16 and it's primarily based upon population density. So based  
17 upon the last Census, if a county is below the median State  
18 population density threshold of 284 persons per square mile,  
19 it's considered rural. If it's above that, it's considered  
20 urban. And just to provide some background here, 48 of  
21 Pennsylvania's 67 counties are considered rural. Its  
22 population as of the last Census was 3.4 million people, so  
23 it's about a quarter of the Commonwealth's overall population,  
24 but Pennsylvania also has a substantial rural population in  
25 comparison to other States. In fact, it has the third largest

1 rural population in the country, only behind Texas and North  
2 Carolina. And if rural Pennsylvania were its own State, it  
3 would have a population larger than 21 other States and the  
4 District of Columbia, and a GDP that's larger than 17 States.  
5 So it is a substantial portion of our country and our  
6 Commonwealth.

7           Next slide, please. I want to begin my discussion  
8 here by talking about longitudinal changes in population, and  
9 again, these data are drawn from secondary data sources,  
10 primarily the ACS, as Mr. Williams was referencing in the  
11 previous panel discussion. Next slide, please. These next  
12 two graphs and maps, I should say are -- if we could go back  
13 one slide please. Thank you. This graph here is one of the  
14 most important ones that I want to draw to your attention.  
15 This is rural Pennsylvania's population growth and urban  
16 Pennsylvania's population growth. Even though Pennsylvania  
17 overall has seen about a 2.1-percent population increase since  
18 the 2010 Census, that population growth has not been uniform  
19 across the Commonwealth. And what we've seen now for decades  
20 is increasing population in urban areas within Pennsylvania,  
21 and in recent years essentially stagnation of rural  
22 Pennsylvania's population.

23           Next slide, please. And I think that this bears  
24 out this trend in a little more detail. As I mentioned in my  
25 opening comments, much of this population change is happening

1 in the southeast part of Pennsylvania, and we're defining the  
2 southeast essentially following two major transportation  
3 corridors. So the two corridors are Interstate 81 and  
4 Interstate 78. Counties to the east and south of those  
5 transportation corridors have generally seen increases in  
6 recent years, indicated by these counties in red. For the  
7 most part, counties outside of that region have seen  
8 population decreases. Now, there are some notable exceptions.  
9 For example, Centre County is projected to have population  
10 increases, Butler County as well. But for the vast majority  
11 of those counties outside that particular region, we are  
12 projecting population decreases, and again, that is primarily  
13 within our rural communities.

14           Next slide, please. And to better contextualize  
15 this, we prepared some maps that demonstrate population shifts  
16 by both House districts, and that's what this slide depicts,  
17 and then the following slide, which I'll get to in just a  
18 moment, depicts population changes based upon Senate  
19 districts. So the white-shaded districts here, again, these  
20 are House districts, would have witnessed no population growth  
21 or decline since 2014. So the implication there being that  
22 these districts will likely become geographically larger. And  
23 the shaded districts in orange and purple will likely become  
24 geographically smaller due to increases in population there.  
25 Just to put a finer point on this, 100 House districts are

1 projected to see population loss.

2           Next slide, please. And again, this is an analog  
3 looking at the Senate maps. Twenty-three Senate districts are  
4 projected to have population loss during this time, 2014 to  
5 2019, and they are also shaded in white. The orange and  
6 purple-shaded Senate districts would have witnessed population  
7 increases during this time.

8           Next slide, please. Now, with that background  
9 information on how population has changed in recent years, I  
10 would like to briefly discuss the two ways in which  
11 populations can change. Through in-migration, out-migration,  
12 and also differences in birth rates and death rates, and then  
13 after that I'd like to spend some time also discussing what  
14 the Census refers to as group quarters.

15           So we'll begin with in-migration and  
16 out-migration. Next slide, please. What we've prepared here  
17 are two maps of the United States. Obviously, we've shaded  
18 Pennsylvania, the rural sections of Pennsylvania, in blue  
19 here. The map of the country in the upper left depicts  
20 in-migration. So where do people from throughout the United  
21 States come from when they move to rural Pennsylvania? And  
22 not surprisingly, the vast majority of folks who move into  
23 rural Pennsylvania come from within a 100-mile radius,  
24 generally from border States. And the map in the lower right  
25 depicts out-migration from rural Pennsylvania as of 2018, and

1 it's a similar phenomenon. Whenever people do move out of  
2 rural Pennsylvania, they move to a location that's usually  
3 within 100 miles of where they previously lived, and this  
4 could also be within the Commonwealth. It could be in urban  
5 areas, it could be in adjoining States, but this helps to give  
6 a sense of where people are coming from and where they're  
7 going to whenever they move in and out of Pennsylvania.

8           Next slide, please. And sticking with this  
9 in-migration/out-migration topic, what we've provided here is  
10 an overview of net migration by county. Again, this is based  
11 on ACS data. The shaded counties depict positive migration.  
12 So more people moving in than out, as of 2018. Particularly  
13 with regard to rural Pennsylvania, the two counties that have  
14 seen the most significant net migration, again, Centre County,  
15 a little over 10,000 individuals moving in, likely due to Penn  
16 State University and its influence, and also Indiana County as  
17 well. And we also see population net out-migration  
18 particularly in the northern tier and the southwest part of  
19 the Commonwealth.

20           Next slide, please. Now shifting from migration  
21 patterns, I would like to briefly touch upon birth rates and  
22 death rates within rural Pennsylvania. In 2000, that was the  
23 threshold inflection point when death rates overtook birth  
24 rates in rural Pennsylvania. And since that time, with few  
25 exceptions, deaths have outpaced births in our rural

1 communities. And we also have the preliminary number of  
2 deaths and births from 2000. Obviously, the uptick in deaths  
3 is related to the Covid-19 pandemic, and the shaded map of the  
4 Commonwealth in the upper right corner depicts counties that  
5 had more deaths than births as of 2019. So this is  
6 particularly an important trend for rural Pennsylvania, but  
7 it's also not solely limited to our rural areas. This is a  
8 larger phenomenon for much of Pennsylvania, too.

9           Next slide, please. And I also wanted to touch  
10 upon group quarters, which I also believe is relevant to Mr.  
11 Williams' previous discussions, particularly regarding  
12 prisons. But group quarters within the U.S. Census Bureau has  
13 a broad definition. I want to be able to state that here so  
14 everyone fully understands what this map depicts here. The  
15 U.S. Census Bureau classifies all people not living in housing  
16 units, that is houses, apartments, mobile homes, rented rooms,  
17 as living in group quarters. So that's the big umbrella term  
18 here that the Census Bureau uses. Now, group quarters include  
19 both institutional and non-institutional settings. So an  
20 institutional setting would be a correctional facility, a  
21 nursing home, long-term care hospital, settings of that  
22 nature. Non-institutional settings would be college  
23 dormitories, military barracks, group homes, homeless  
24 shelters, settings of that nature. And these data that we're  
25 presenting here on this map is -- they are based upon the 2010



1 decennial Census. So the data has likely changed in the 10  
2 years since this was captured. In rural Pennsylvania, there's  
3 a little over 1,500 group quarters, and that roughly equates  
4 to 28 percent of all the group quarters throughout the  
5 Commonwealth. So, hopefully, you get a sense that this is  
6 dispersed all throughout the entire Commonwealth.

7           Next slide, please. And here we provide a  
8 comparison of the rural and urban population that lives in  
9 group quarters. In brief, there isn't a significant  
10 difference in the two areas. About 3 percent of the urban  
11 residents reside in group quarters, compared with about 4  
12 percent of rural residents. But there is some difference  
13 between the institutionalized and non-institutionalized  
14 populations. So urban residents are slightly more likely to  
15 reside in a non-institutional setting compared with rural  
16 residents, and we provide a greater detail there on the data  
17 visualization.

18           Next slide, please. And here again we have a  
19 county map of the Commonwealth. What we did here was we  
20 depicted group quarters as a percentage of the county  
21 population. So the statewide average population rate that  
22 resides in group quarters is 3.4 percent of the population.  
23 So the blue-shaded counties here are those counties that have  
24 a higher share of its population living in group quarters  
25 relative to the State average, and those in white are below

1 the average rate. Again, within rural counties, a few  
2 immediately are noticeable, like Forest County, Centre County,  
3 and Union County. Forest County is the highest percentage.  
4 Also, Forest County is one of our most sparsely populated  
5 counties. There are about 7,000 residents in total, so just  
6 to place that percentage in context, because we are dealing  
7 with just a low end for that particular county.

8           Next slide, please. I would now like to briefly  
9 address age and diversity, as those demographic changes have  
10 taken root over the past few years in rural Pennsylvania.

11 Next slide. Aside from the shift in population to the  
12 southeast corner of the State, I think the aging population in  
13 Pennsylvania is something to particularly bring to the  
14 Commission's attention. While this will be particularly  
15 pronounced in rural Pennsylvania, it is also a trend that will  
16 affect all of Pennsylvania, and you may wish to take this into  
17 account in the reapportionment process. What we've seen in  
18 our rural communities in particular, and this graph is for  
19 rural Pennsylvania, is over the years a decline in the  
20 percentage of the population that is young. That is,  
21 individuals who are less than 20 years of age, and a steady  
22 progression upwards of those who are senior citizens as a  
23 percentage of the population. And these projections are  
24 pre-pandemic projections, and we're hoping to update them in  
25 the relatively near future, but in 2030 and 2040, senior

1 citizens will make up a greater percentage of our rural  
2 communities than younger people will.

3           Next slide, please. And again, this is not just  
4 limited to rural Pennsylvania. Hopefully, this gives you a  
5 sense of how this has progressed over time. The shaded  
6 counties are those that have had a greater share of its  
7 population of senior citizens, 65 years of age or older,  
8 relative to younger individuals, those under 20 years of age.  
9 So in 2011, only three counties had more senior citizens than  
10 younger people. As of 2019, that increased to 14 counties.  
11 And based upon projections by 2030, 47 counties in the  
12 Commonwealth will have more senior citizens than what they do  
13 young people under the age of 20, and that's expected to last  
14 up through 2040 as well. So this will be a trend that the  
15 legislature, community leaders, local leaders will have to  
16 address for years to come. It will have significant public  
17 policy implications.

18           Next slide, please. Aside from age, I also wish  
19 to discuss increases in diversity among Pennsylvania's overall  
20 population and its rural population. We're able to depict  
21 here two different maps of the Commonwealth. The upper left  
22 corner depicts a map from 1990 showing the number of people of  
23 color in Pennsylvania. So there's about 1.3 million people  
24 who identify as persons of color in 1990, and that increased  
25 by over a million by estimates for 2019. So this is not just

1 limited to any particular region of the Commonwealth. It's  
2 happening across the board in both our rural and urban  
3 communities.

4 Next slide, please. And here we're able to  
5 compare changes in the population of racial and ethnic groups  
6 within rural Pennsylvania in particular. So in 2000, about 5  
7 percent of rural Pennsylvania's population constituted persons  
8 of color. By 2019, that increased to 9 percent, so almost  
9 double in size. And in that time, there was a significant  
10 increase in individuals who identify as having two or more  
11 races or who were self-identified as Hispanic or Latino. And  
12 we expect this trend to increase for the foreseeable future.

13 Next slide, please. And what might be driving  
14 this change over time? It's primarily based upon the data.  
15 It appears to primarily be the result in birth rates for  
16 members of our rural communities as opposed to in-migration  
17 here. The pie chart provides a snapshot of the number of  
18 births in rural Pennsylvania between white residents and  
19 persons of color. But the graph in the lower right depicts  
20 birth rates over time. So going back to 2005, the birth rate  
21 for people of color in rural areas has consistently outpaced  
22 the birth rate for white residents in rural Pennsylvania. And  
23 to just place this in a greater context, normally a fertility  
24 rate of 2.1 is needed to sustain population levels. Between  
25 2017 and 2019, within rural Pennsylvania the birth rate for

1 people of color was 2.17, so above the replacement rate. But  
2 for white rural residents it was 1.66, so it's lower. So we  
3 see a slight increase in the birth rate over time for persons  
4 of color, and a steady decline over time for white residents.  
5 So that helps to explain why this demographic change has  
6 occurred.

7           Next slide. And because school districts are an  
8 important part of communities, particularly in our rural  
9 communities, they are an important anchor, a source of  
10 identity, and obviously of great importance to families. I  
11 want to take a few moments to briefly discuss school districts  
12 being divided by district lines. Even though this is not a  
13 formal consideration under Article II of the Pennsylvania  
14 Constitution for redistricting purposes, it's still something  
15 that the Commission may wish to consider.

16           So next slide, please. This is a map of  
17 Pennsylvania's school districts, and it's color coded  
18 according to divisions by House districts. So whether or not  
19 a school district has more than one Member of the House of  
20 Representatives representing it. So was a school district  
21 divided by a House district? The white-shaded school  
22 districts are contained within a single House Member's  
23 district, whereas the yellow, orange, or red districts have  
24 two or more Members of the House representing that particular  
25 district. In rural Pennsylvania, about 49 percent of our

1 school districts are represented by a single member of the  
2 House, compared to 37 percent in urban districts. So the  
3 majority of school districts throughout the Commonwealth are  
4 split within House districts. And we provide, on the next  
5 slide, an analog map for the Senate districts. Obviously,  
6 given the size of Senate districts, about a half-million  
7 people, this isn't as common of a phenomenon to have school  
8 districts split by a Senate district. About 73 percent of  
9 both rural and urban school districts are contained within a  
10 single Senate district.

11           Next slide, please. This map depicts the average  
12 House size population in relation to school districts across  
13 the Commonwealth. So based upon 2019 estimates, the average  
14 population for a typical House district within Pennsylvania is  
15 about 63,000 people. The white-shaded school districts have  
16 less than 63,000 people living there. So in theory, any one  
17 of these school districts could be housed within a single  
18 House district. Now, obviously, that's not possible. There's  
19 500 school districts within the Commonwealth, 203 members of  
20 the House, and there are a variety of considerations that  
21 would necessitate the division of a school district. But we  
22 present this here in hopes that the Commission may find it  
23 useful determining whether or not school districts should be  
24 divided in any given region of the State.

25           Next slide, please. And in summary, I want to

1     thank Members of the Commission, again, for the opportunity to  
2     be here today. In the supplemental materials that we  
3     provided, we also have information about the number of road  
4     miles within legislative districts, Internet access, Census  
5     response rates, and a wide variety of other information that  
6     may be of use to you. But the three points I would like to  
7     emphasize, again, that may be of interest as you undertake  
8     your work is due to population shifts, many legislative  
9     districts in the Commonwealth will geographically become  
10    larger, particularly in our rural areas. This will likely  
11    have implications for constituents, particularly those living  
12    at the district boundaries, to be able to travel to district  
13    offices, meet with their legislators. Legislators will have  
14    more territory that they'll to have cover. And the Center's  
15    previous research has documented the challenges that many  
16    rural communities have in attaining broadband Internet access,  
17    so many constituents within our rural communities don't have  
18    the ability to electronically connect with Members of the  
19    legislature. And I would also commend to your attention Penn  
20    State Extension's GIS maps documenting where there may be gaps  
21    in broadband coverage. I made a footnote reference of that in  
22    my written testimony. That may be a useful resource as you  
23    continue your work.

24                   Also, geographic shifts primarily to the southeast  
25    of Pennsylvania creates a regional difference. So legislators

1 in the future will have to take into account these differences  
2 and regional priorities and needs due to population shifts.  
3 And finally, the demographic changes that we have seen over  
4 time will also present unique challenges to legislators going  
5 forward, particularly Pennsylvania's aging population. Again,  
6 which will have significant implications for public policy.  
7 Members of the legislature will have to balance the needs of  
8 an aging population with that of young people and families.

9 So with that, I'll conclude, and thank you for  
10 your time, and I'm happy to answer any questions. And if I  
11 don't know the answer right now, my staff and I, we will do  
12 everything we can to respond to your request in a timely  
13 manner. Thank you.

14 CHAIR NORDENBERG: Thank you, Dr. Kopko. That was  
15 a very thought-provoking report.

16 Are there questions? I should note that I see  
17 Leader McClinton is now on the screen. We saw her, I think,  
18 in that same pose when she was hanging out with President  
19 Biden at our last hearing. Let me ask whether there are  
20 questions from any Members of the Commission.

21 SENATOR K. WARD: I do.

22 CHAIR NORDENBERG: Senator Ward.

23 SENATOR K. WARD: So my question is this. So when  
24 we go and we do the maps, and let's just take, for example,  
25 when they threw the maps out in 2010. You know, Senate



1 districts are large, but in the beginning my district that I  
2 serve crossed a county line, but they threw that out, which  
3 was fine. I love my county that I represent, but, you know,  
4 though House districts cross lines, and they're considerably  
5 smaller than Senate districts. And many, many House districts  
6 cross county lines. So how do they -- I just wonder how they  
7 make that all come together in that you have -- and as I'm  
8 watching this presentation, it's so interesting, because I do  
9 have school districts that might have one Representative, but  
10 I have school districts that have two Representatives, and  
11 then some of these Representatives represent school districts  
12 in different counties. And I know that I'm supposed to just  
13 worry about the Senate, but I'm just wondering how they come  
14 up with these decisions that they make.

15 DR. KOPKO: That's an excellent question, Leader  
16 Ward. I'm honestly not sure how divisions were taken into  
17 account 10 years ago with regard to school districts. If I'm  
18 understanding your question correctly, and if I'm not, please  
19 feel free to correct me. My understanding is that under the  
20 Pennsylvania Constitution, this is not a mandated  
21 consideration. Counties, municipalities, voting wards, for  
22 example, are specifically mentioned in Article II, but school  
23 districts are not mentioned there, to my understanding. And  
24 in the supplemental materials, if I could draw the  
25 Commission's attention to that, we've provided a map, I'll

1 have the page number for you here momentarily, it's actually  
2 slide 33, it's a color-coded map that gets into a bit more  
3 detail. There are a number of school districts that have a  
4 population of less than 10,000 individuals living there. So  
5 there's 142 of those school districts. And there's 39 school  
6 districts throughout the Commonwealth that have a population  
7 of 50,000 or more. So a lot also depends, too, upon having  
8 maybe a small school district next to a very large school  
9 district, and taking into account those population  
10 disparities. Not all school districts could possibly be  
11 housed within a single House district. It's just not  
12 feasible, given a variety of other considerations. But it's a  
13 complex puzzle, and I'm sure that this is something that the  
14 Commission may wish to entertain going forward, if it deems  
15 so.

16 CHAIR NORDENBERG: Thank you.

17 Leader Benninghoff.

18 REPRESENTATIVE BENNINGHOFF: Thank you, Mr.  
19 Chairman.

20 Thank you also, Dr. Kopko. Very detailed, very  
21 interesting information. I worry about the economic  
22 implications of some of those demographic changes that we see  
23 and know that are coming, as we cross that vortex of having  
24 more of an aging population, which generally also means more  
25 no longer employed and sometimes needing more services than

1 that younger population. But I actually have a specific  
2 question. You had talked about institutional versus  
3 non-institutional quartered populations. I was curious at  
4 what criteria you or your organization would use to classify  
5 somebody in one of those sections versus the other.

6 DR. KOPKO: I should note that the definition that  
7 we've used and presented here today is based upon the U.S.  
8 Census Bureau's definition, and so my understanding is that  
9 non-institutionalized populations, in the examples that they  
10 give through the Census Bureau's documentation, would be  
11 places like colleges and universities, military barracks. So  
12 those individuals are more likely to move around and go from  
13 place to place, if they so choose. Whereas institutionalized  
14 populations, that is not necessarily the case. Either they  
15 are confined in a correctional institute, or maybe there is a  
16 medical necessity why they need to be in a certain type of  
17 facility. And that's essentially how the Census Bureau  
18 designates those two categories of institutionalized versus  
19 non-institutionalized.

20 REPRESENTATIVE BENNINGHOFF: Thank you. I don't  
21 want to assume, but I would question, would they have used  
22 that same criteria when they did their count?

23 DR. KOPKO: Yes, my understanding is that that's  
24 the case. For the overall Census count, my understanding is,  
25 as Mr. Williams noted in the last presentation, wherever

1 someone is residing at the time, if it's a college or  
2 university or a correctional facility, they would be counted  
3 there. From what I understand, and I'll have to defer to the  
4 Census Bureau to provide more information on this,  
5 particularly due to the pandemic, there were some  
6 non-institutionalized settings like college campuses where  
7 there simply weren't students there at the time that the count  
8 was conducted. I know that the Census Bureau is in the  
9 process of making adjustments to those estimates. I'm not  
10 sure exactly how those estimates are being corrected or  
11 reclassified, but I know that's something that they are  
12 working on for the full release of data in coming weeks.

13 REPRESENTATIVE BENNINGHOFF: I appreciate your  
14 response and excellent presentation.

15 Thank you, Mr. Chairman.

16 DR. KOPKO: Thank you.

17 CHAIR NORDENBERG: Any other questions?

18 Jay.

19 SENATOR COSTA: Thank you, Mr. Chairman.

20 Let me echo the comments of my colleagues. Your  
21 presentation and the detailed information is really helpful.  
22 How do we define rural counties? It changes over time, I  
23 suspect, right?

24 DR. KOPKO: Yes.

25 SENATOR COSTA: Based upon the definition.

1 Because I look at Butler County in my part of the State, north  
2 of Allegheny, and it's listed as rural, but I know the  
3 significant growth, particularly in southern Butler County,  
4 and also it's growing. At what point do we cross that  
5 threshold where we go from rural versus non-rural, I guess?

6 DR. KOPKO: Sure.

7 SENATOR COSTA: Because that's one in particular  
8 I'm looking at with its growth and what I seem to know about  
9 that particular county.

10 DR. KOPKO: Sure. So we have three different  
11 rural definitions - one for counties, one for school  
12 districts, and one for municipalities. So for the counties,  
13 based upon the last Census, the population density threshold  
14 is 284 persons per square mile. So that's the statewide  
15 average across the entire Commonwealth as of the last Census.  
16 If a county is below that threshold, they would be classified  
17 as rural. If they're at 284 or higher, they would be  
18 classified as urban. Right now, our estimates are that with  
19 the new release of data, that threshold should change to 290  
20 persons as the statewide average, and we'll be updating that  
21 classification later this year.

22 For municipalities, it's a little more technical,  
23 particularly because of Allegheny County and some of the  
24 smaller municipalities there. But I can send you the exact  
25 criterion that we use to classify the municipalities there.

1           SENATOR COSTA: But could we see some counties  
2 across Pennsylvania go from rural to non-rural, between--

3           DR. KOPKO: It's possible.

4           SENATOR COSTA: --now and the time we have  
5 finalized data?

6           DR. KOPKO: It's possible, but we're not  
7 projecting that for this particular Census. It's possible  
8 that might happen by 2040, but for right now we're not  
9 confident that there will be any changes, at least in the  
10 county classifications.

11           SENATOR COSTA: And you've added to your  
12 presentation the school district overlays, which I think are  
13 important. I think to Senator Ward's question earlier about  
14 how do they make determinations about crossing boundaries,  
15 whether they be municipal or county, but not taking into  
16 consideration school district boundaries. I know 10 years  
17 ago, having served on this Reapportionment Commission, I don't  
18 think we spoke much about school district boundaries at that  
19 time. And I think there was a reference, I think, by a  
20 previous testifier about they sort of become communities of  
21 interest in some way. We did talk about that, certainly, but  
22 my sense is that they are now, it's a new category, I think,  
23 of ways which we look at as we draw these lines. Whether or  
24 not to what degree we look at school districts and the number  
25 of people representing them and the like. So I'm glad you

1 pointed out the data you provided. Thank you.

2 DR. KOPKO: Thank you.

3 CHAIR NORDENBERG: Any other questions?

4 (There was no response.)

5 CHAIR NORDENBERG: I will say, I am generally  
6 associated with what is considered to be an urban university,  
7 but we have a number of regional campuses, and so I have known  
8 of your Center and its important work for a lot of years. It  
9 shows in the presentation you made today, so thank you for  
10 being with us.

11 DR. KOPKO: Thank you, Mr. Chairman.

12 CHAIR NORDENBERG: Our next presenter is setting a  
13 new record today. He is the first witness to be appearing for  
14 a second time before this panel. He was here for our first  
15 hearing and, with the head of the Penn State Data Center,  
16 provided very important information about Census data and how  
17 it is received and processed. Today, Brent McClintock, who is  
18 the Executive Director of the Legislative Data Processing  
19 Center, is going to talk about recent developments  
20 particularly in our website, because his Data Center does the  
21 website work for the Commission that are designed to enhance  
22 the openness and transparency of our efforts. And this is  
23 late-breaking news, because much of what he's going to talk  
24 about involves enhancements that are taking effect today.

25 Brent.

1 MR. McCLINTOCK: Yes. So good afternoon,  
2 Chairman, Commissioners. Thank you, again, for the  
3 opportunity to speak today. So as you well know, your  
4 obligation to redistrict the State legislative boundaries is a  
5 complex and it's a very difficult task. As you approach this  
6 responsibility in 2021, each of the Members of this  
7 Legislative Reapportionment Commission has expressed a strong  
8 commitment to an open and transparent process. From the  
9 Commission's inception back in March, legislative leaders made  
10 it clear that gathering public input would be a high priority  
11 for this Commission. In fact, when the announcement was made  
12 to certify you as the legislative leaders of this Commission,  
13 the Speaker of the House, Bryan Cutler, said the following:  
14 "For Pennsylvanians to trust in the results of the  
15 redistricting progress, we must ensure every step is as  
16 transparent as possible."

17 Today's announcement marks the starting point and  
18 allows the maximum time to collect public input on district  
19 lines for the next 10 years. The Commission has continued,  
20 thankfully, its commitment to this to advance these priorities  
21 since the Chairman has assumed his role. And one tool that is  
22 allowing this enablement of an open and transparent process is  
23 the Commission's updated website. A number of features were  
24 recently added that provide the citizens of Pennsylvania with  
25 the ability to participate in new ways, and so today I'd like



1 to spend a few minutes to briefly highlight those new features  
2 and to cover those. A link to the website is included in  
3 today's agenda.

4           And like I said, the new features were added, and  
5 three in specific provide citizens with opportunities to  
6 participate in new ways. First, citizens can submit written  
7 testimony through the website to the Commission. This can be  
8 used formally to submit written remarks when presenting at a  
9 public hearing, but also these submissions can be used as a  
10 tool to provide feedback to the Commission independent of any  
11 formal hearing detailing criteria that any citizen believes is  
12 important for the Commission to consider.

13           Second, citizens can upload GIS files that inform  
14 the Commission's process of redrawing the statewide maps in  
15 2021. Citizens can submit a statewide map for the  
16 Pennsylvania House and Senate districts, and they can depict a  
17 community of interest, if they choose to do that. Along with  
18 these uploaded files, citizens can provide comments that  
19 describe any important distinguishing characteristics.

20           And then lastly, online mapping tools are going to  
21 be available later this year. This will provide everyone in  
22 Pennsylvania with the data and tools necessary to draw their  
23 own statewide legislative maps and to easily submit these maps  
24 to the Commission. Now, as you know, the Census data has been  
25 delayed and we won't receive it until later this fall, and so

1 this online mapping portion won't be available until that data  
2 is received. And to provide the most transparent process  
3 possible, citizens are able to -- I'm sorry. Submissions to  
4 the Commission will be publicly available on this website, and  
5 then citizens also will have the ability, when they make  
6 submissions, to tag these submissions to provide categories  
7 that then can quickly and easily be searched.

8 Now, one final way that the website was changed  
9 recently that I think will be of great importance is the  
10 ability to create -- I'm sorry, that a new page was created  
11 detailing how citizens can participate in public hearings. So  
12 on this new page, each new hearing will be listed, along with  
13 its agenda and location. The Commission is also scheduling  
14 hearings so that citizens can participate virtually via Zoom,  
15 and this removes any barriers that may have precluded citizens  
16 from testifying in person due to travel or health-related  
17 concerns. And as always, hearings will continue to be  
18 livestreamed as they are today, with recorded video posted on  
19 the website shortly after the end of each meeting.

20 So in conclusion, I do believe that these new  
21 features provide the framework for a robust public  
22 participation. This direct line of communication between the  
23 citizens of Pennsylvania and the Commission should be an  
24 important part of a process that both supports citizen  
25 participation and assists the Commission in its very important

1 work of redistricting. So, thank you.

2 CHAIR NORDENBERG: Thank you very much.

3 Mr. McClintock is really a part of the team, and  
4 so it's a little bit different for me to ask the Commission  
5 Members if they have questions of him, but I'm going to do  
6 that. Are there questions for our guest?

7 REPRESENTATIVE BENNINGHOFF: I will defer to the  
8 lady.

9 SENATOR K. WARD: I don't--

10 CHAIR NORDENBERG: Senator Ward, why don't you go  
11 ahead.

12 SENATOR K. WARD: Thanks. I don't have a  
13 question. I just want to say it's going to be great working  
14 with you, and thank you for being here today. And I'm sure as  
15 this progresses, there will be plenty of questions. We'll  
16 probably be bothering you all of the time.

17 MR. McCLINTOCK: Thank you very much. We're happy  
18 to help.

19 CHAIR NORDENBERG: Leader Benninghoff.

20 REPRESENTATIVE BENNINGHOFF: Thank you, Mr.  
21 Chairman.

22 I actually had just a small question. Seeing as  
23 this is at the end of the second public hearing, I was just  
24 curious if you're getting any feedback online from the general  
25 public about their ability to access information.

1 MR. McCLINTOCK: We just launched the features  
2 today, and I have noticed that it's been used already. So I'm  
3 hopeful that quite a bit of public input will be received  
4 through the tools already.

5 REPRESENTATIVE BENNINGHOFF: Very good. Let us  
6 know if there's anything that we need to do to make it better.

7 MR. McCLINTOCK: Thank you.

8 CHAIR NORDENBERG: Yeah, because this is, in many  
9 respects, a pioneering effort, and so if there are suggestions  
10 that come in as to what we might do to improve the effort, I  
11 know the Legislative Data Processing Center, as well as the  
12 Commission, will be interested in them.

13 I want to underscore something that Brent said,  
14 and that is that all of the features of the website are  
15 functional right now, aside from the map-drawing feature. And  
16 again, we don't want to make the map-drawing feature a live  
17 feature until there is the data that can be used by the  
18 citizen mappers.

19 SENATOR K. WARD: That's right.

20 CHAIR NORDENBERG: Let me also say, in  
21 anticipation, that on August 3, that is Tuesday of next week,  
22 we will have two hearings. One in the afternoon from 2:00 to  
23 4:00 will again be a hearing with invited guests, and then  
24 that evening from 6:00 to 8:00, we will have a citizen hearing  
25 providing opportunities for the public to share their ideas or

1 concerns with the Commission. I should say that the response  
2 to this point has been very good, and it has been interesting  
3 to see first that the vast, vast majority of those who are  
4 expressing an interest in participating are choosing to  
5 participate virtually rather than in person. That those who  
6 are asking to participate virtually cover a wide geographic  
7 span. I mean, in this first hearing we already have people  
8 registering from different parts of the State, and perhaps not  
9 surprisingly, given that fact, also expressing an interest in  
10 testifying about a wide range of different issues. And so I  
11 think that these are going to be interesting hearings.

12 I also do want to say that we had planned to do a  
13 hearing in person and remote in Philadelphia the following  
14 day, the evening of August 4. Because of the changing public  
15 health environment and the changing guidelines with respect to  
16 protections that needed to be in place, we decided to postpone  
17 that particular hearing. We felt somewhat uncomfortable about  
18 moving forward with a hearing in a space that we don't control  
19 when people are not certain about what is expected of them,  
20 but we will be looking at other opportunities to actually go  
21 to Philadelphia, if we can. And we also will be looking at  
22 other opportunities to do hearings here or in other locations  
23 where we expect that most of the participation will be remote.

24 In our own discussions as Commission Members, we  
25 believe that one of the key lessons learned from the past year

1 and a half is that using modern technology to connect in  
2 meaningful ways often is a great convenience for everyone who  
3 is participating, so that even when you do have a hearing in  
4 another location, typically people who want to testify have  
5 got to travel, they have got to wait, there may be challenges  
6 of different types for them that are not presented when we're  
7 doing the hearings remotely.

8 Do any of my Commission colleagues have any  
9 observations or closing remarks they'd care to make?

10 SENATOR COSTA: If I just could very briefly,  
11 given that the site is live and we're anticipating comments,  
12 it would be helpful maybe to have him come back maybe later  
13 next week to update us on the utilization, as the Leader  
14 mentioned earlier. I think it would be helpful for us to know  
15 utilization, but also the type of comments that we're  
16 receiving and how to incorporate them into our discussions as  
17 we go forward. So just to get a flavor for what we're hearing  
18 from folks. Maybe there's ways in which we can enhance what  
19 you're already doing. So maybe either give a summary, or not  
20 necessarily an in-person testimony, but just a summary of how  
21 things are moving in that direction. Because while it's  
22 important that we do it, this is great work, but I think if  
23 there are recommendations from the public that can make it  
24 better, we should be listening to them.

25 CHAIR NORDENBERG: That's a great suggestion,

1 Senator Costa. And I don't want to lose sight of that feature  
2 of the website. We've been talking mainly, or I've been  
3 talking mainly, about the registration feature, and we have  
4 already been tracking that. Perhaps because the pressure of  
5 signing up for a hearing that is coming up next week has led  
6 people to get on the website and to try to claim a space. But  
7 I think the other feature that permits someone, whether they  
8 want to participate in a hearing or not, to share ideas,  
9 whether they are ideas about the process generally or they are  
10 ideas that relate to the place that they live, and problems or  
11 priorities that they think they should share with us, I think  
12 that will be a really valuable source of information. So we  
13 will do that.

14 SENATOR COSTA: Thank you.

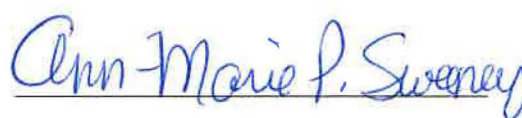
15 CHAIR NORDENBERG: Brent, it sounds like you're  
16 coming back for a third time.

17 MR. McCLINTOCK: Very good.

18 CHAIR NORDENBERG: With that then, let me thank  
19 everyone again for being here today, thank all three of our  
20 speakers, and I'll adjourn this meeting with those thanks.

21 (Whereupon, the proceedings were concluded at 3:48  
22 p.m.)

1 I hereby certify that the proceedings and evidence  
2 are contained fully and accurately in the notes taken by me  
3 during the hearing of the within cause, and that this is a  
4 true and correct transcript of the same.  
5  
6  
7  
8

9 

10 ANN-MARIE P. SWEENEY  
11 Official Reporter  
12 Legislative Reapportionment  
13 Commission  
14

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22 Legislative Reapportionment Commission  
23 P.O. Box 203079  
24 Harrisburg, PA 17120  
25



COMMONWEALTH OF PENNSYLVANIA  
LEGISLATIVE REAPPORTIONMENT COMMISSION

In re: Public Meeting of the Legislative  
Reapportionment Commission

VOLUME VI - Pages 246-319

Stenographic report of hearing held  
in Hearing Room No. 1, North Office  
Building, Harrisburg, Pennsylvania

Thursday  
July 29, 2021  
2:00 p.m.

# EXHIBITS



# Presentation to the Pennsylvania Legislative Reapportionment Commission

Ben Williams, Program Principal, Elections and Redistricting

July 29, 2021

# Who are we?



## Policy Research

NCSL provides trusted, nonpartisan policy research and analysis



## Connections

NCSL links legislators and staff with each other and with experts



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NCSL delivers training tailored specifically for legislators and staff



## State Voice in D.C.

NCSL represents and advocates on behalf of states on Capitol Hill

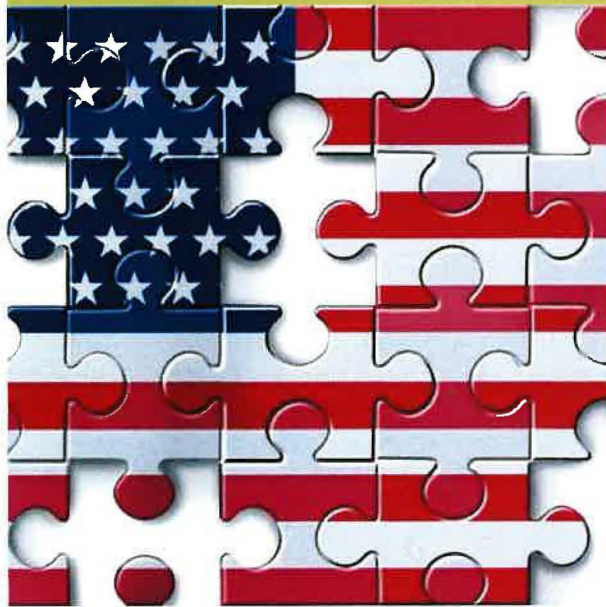


## Meetings

NCSL meetings facilitate information exchange and policy discussions

# Today's Outline

## Fundamentals



## Census



## Law and Criteria





# Fundamentals: Who Draws Legislative Districts

Statutory or constitutional only; excludes commissions set up under other authorities

- Legislature only
- Legislature, with advisory commission
- Legislature, with backup commission
- Commission

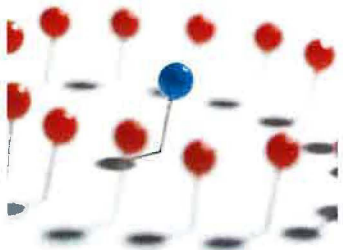


# Fundamentals: Who Draws Congressional Districts

Statutory or constitutional only; excludes commissions set up under other authorities



# Fundamentals: Data and the Process of Redrawing Lines



Census Data



Non-Census  
Data



Public  
Participation



Balancing Act



Compliance



# 2020 U.S. CENSUS



## The Census Matters

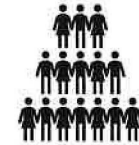


NATIONAL CONFERENCE OF STATE LEGISLATURES



### Funding

\$39.2 billion in federal funds distributed to Pennsylvania annually



### Apportionment

Pennsylvania's voice in Congress



### Redistricting

Fulfilling "One Person, One Vote"



### Policymaking

Crafting policies for the people of Pennsylvania



- People living in the United States: 331,449,281
- Growth since 2010: 7.4%
- National growth rate is lowest since the Great Depression
- 47/50 states saw population growth this decade
- Only three states saw their populations shrink this decade:
  - Illinois (-0.1%)
  - Mississippi (-0.2%)
  - West Virginia (-3.2%)



## 2020 Census Takeaways

What We Know So Far: Population

# The First Census Data Has Arrived



## What we know

- Total population counts for all 50 U.S. states
- How many seats each state will receive in Congress for the next decade
- Growth trends of prior decades continue: South and West grow at expense of Midwest and Northeast



## What we don't know

- Where population growth occurred within states
- Demographic information (age, gender, race, etc.)
- *We should know these by August 16*



## Prisoners and the Census

- Census policy: people reside where they sleep and eat
- Prisoners, thus, are counted as residents of wherever they are incarcerated on Census Day—even if temporary
- 10 states will “reallocate” prisoners for redistricting purposes this cycle.
  - How they are reallocated varies by state



- The pandemic
- Fires
- Floods
- Policy changes



## Delays

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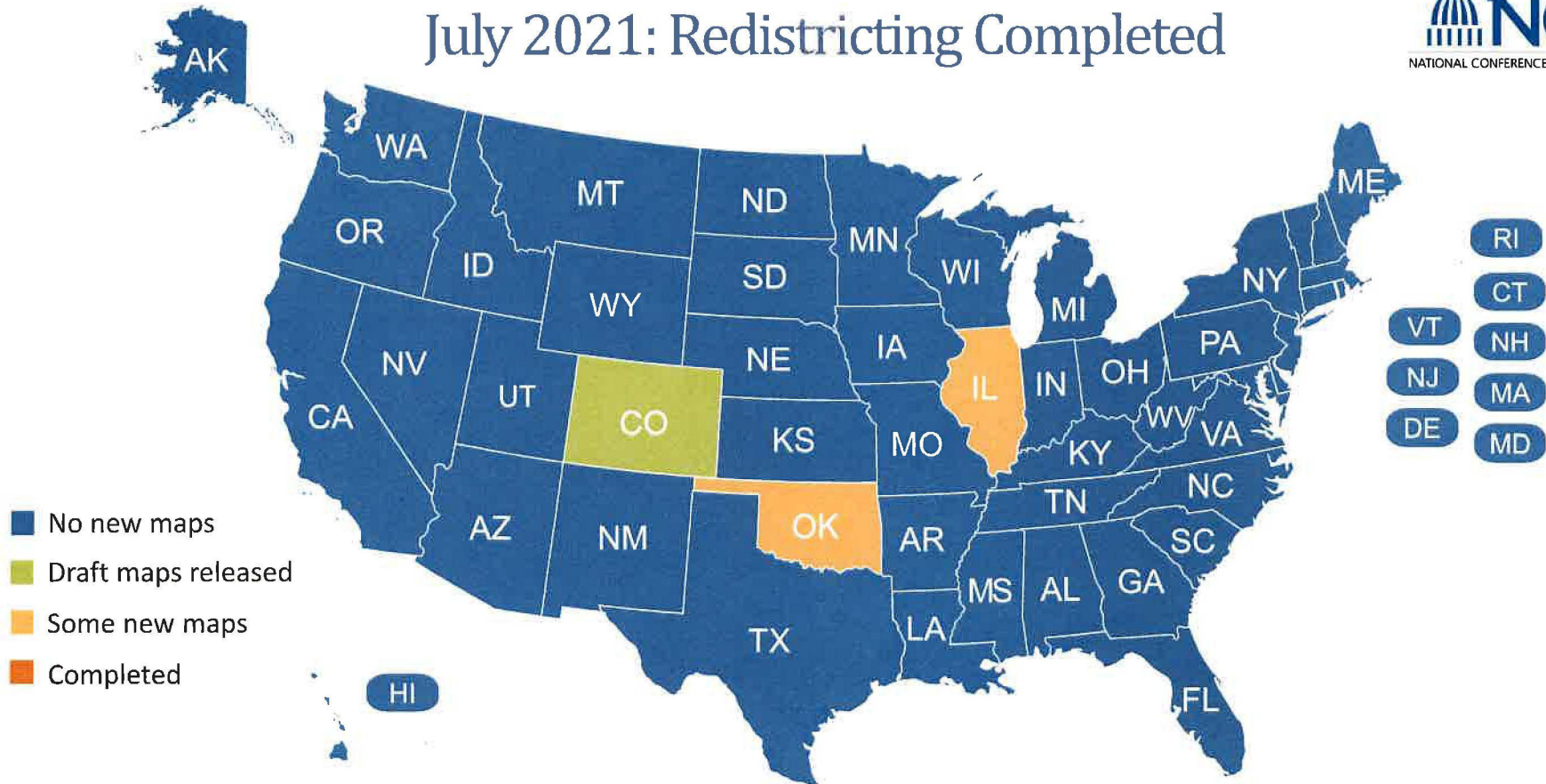
# July 2011: Redistricting Completed



Source: All About Redistricting

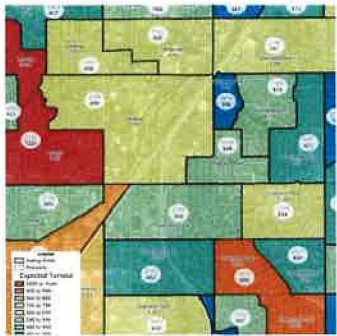


# July 2021: Redistricting Completed



# The Problem With Delays: Less Time to Redistrict

It isn't just drawing new maps



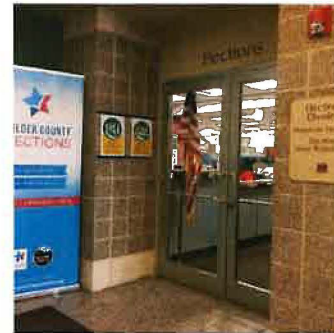
Processing



Filing Deadlines



Residency



Local Prep



Primaries

**Ohio**—on the ground the Census Bureau hasn't met its statutory deadlines (settled)

**Alabama**—the same, plus it alleges that the use of differential privacy is unconstitutional (dismissed, pending appeal)

**Illinois**—two separate lawsuits challenging state's use of alternative data for redistricting (GOP; MALDEF)

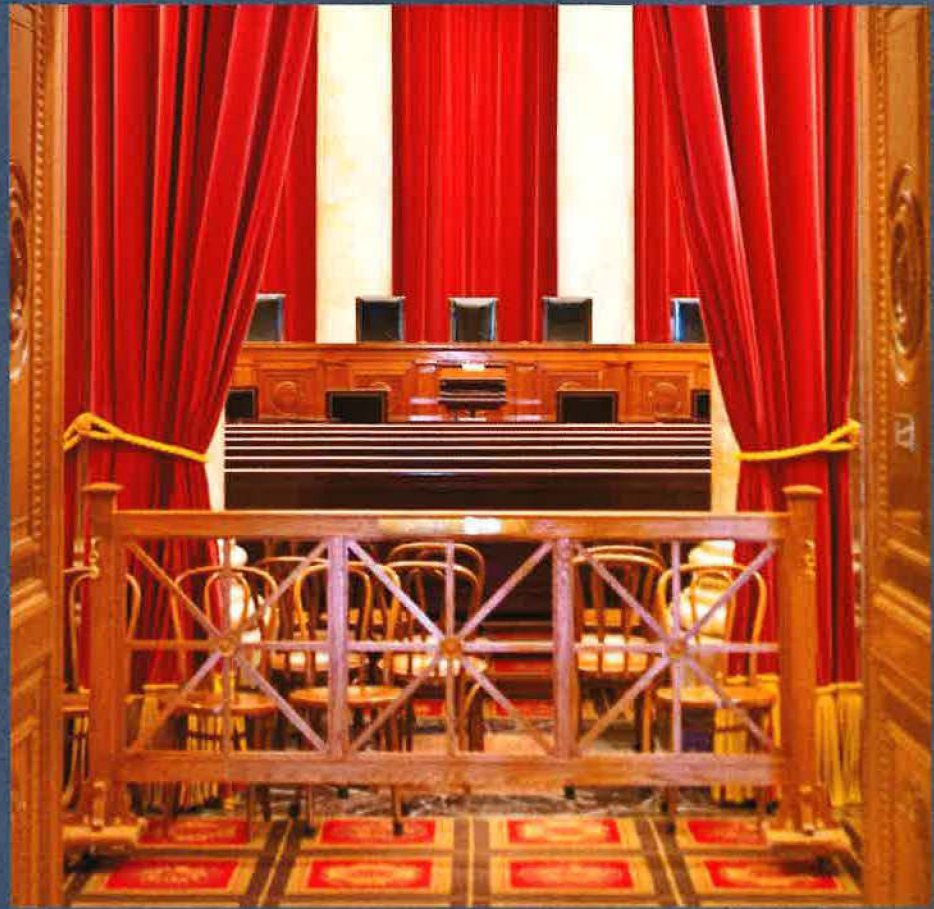


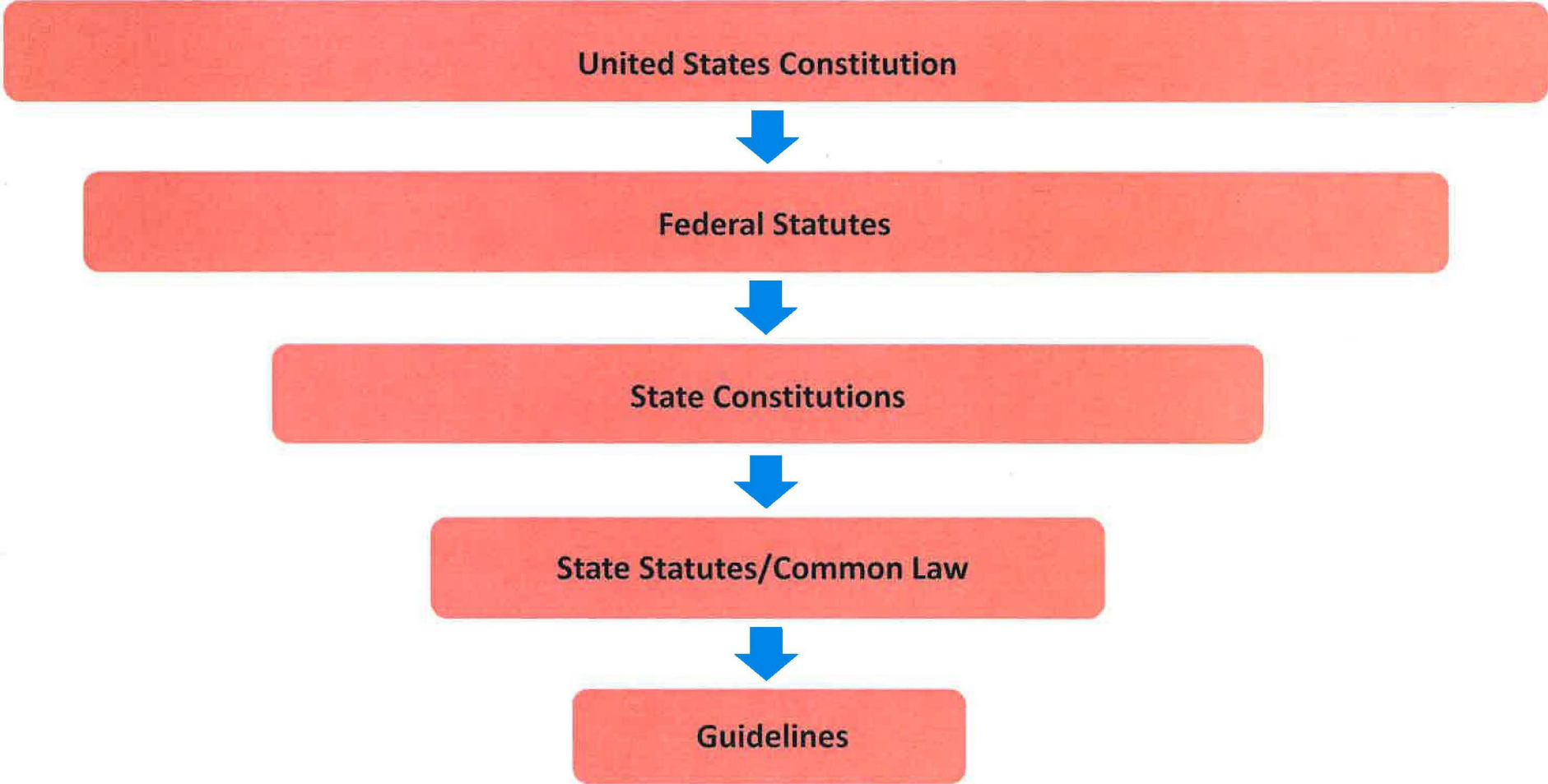
## Lawsuits This Cycle



# Law and Criteria

Federal and State



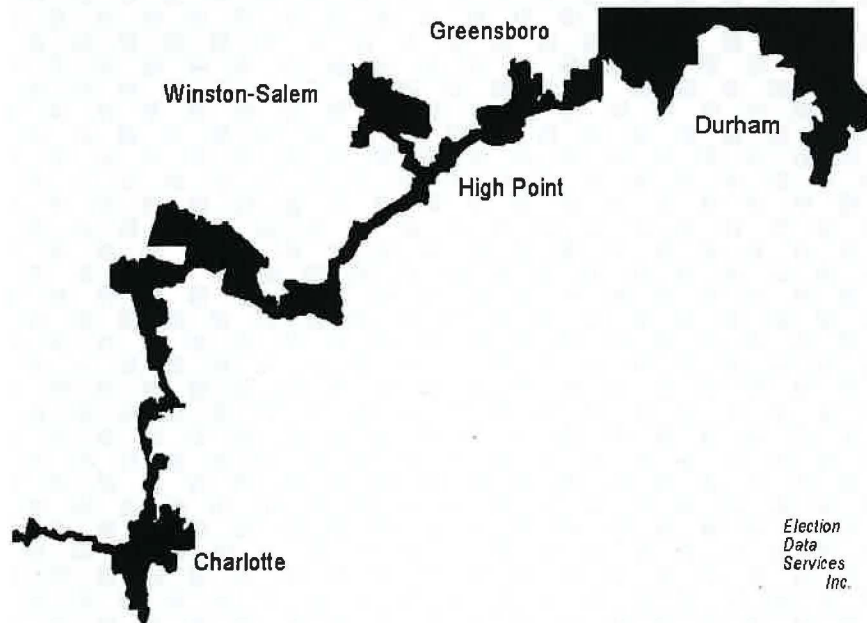


# US Constitution: One Person, One Vote



- Principle: Equal Protection requires that votes for legislators and congressmembers hold equal weight
  - Congressional Districts: *Wesberry v. Sanders* (1964)
  - State Legislative Districts: *Reynolds v. Sims* (1964)
- Application: Varies depending on district type
  - Congressional Districts: Exact numerical equality
  - State Legislative Districts: up to 10% deviation if justified by compliance with traditional criteria

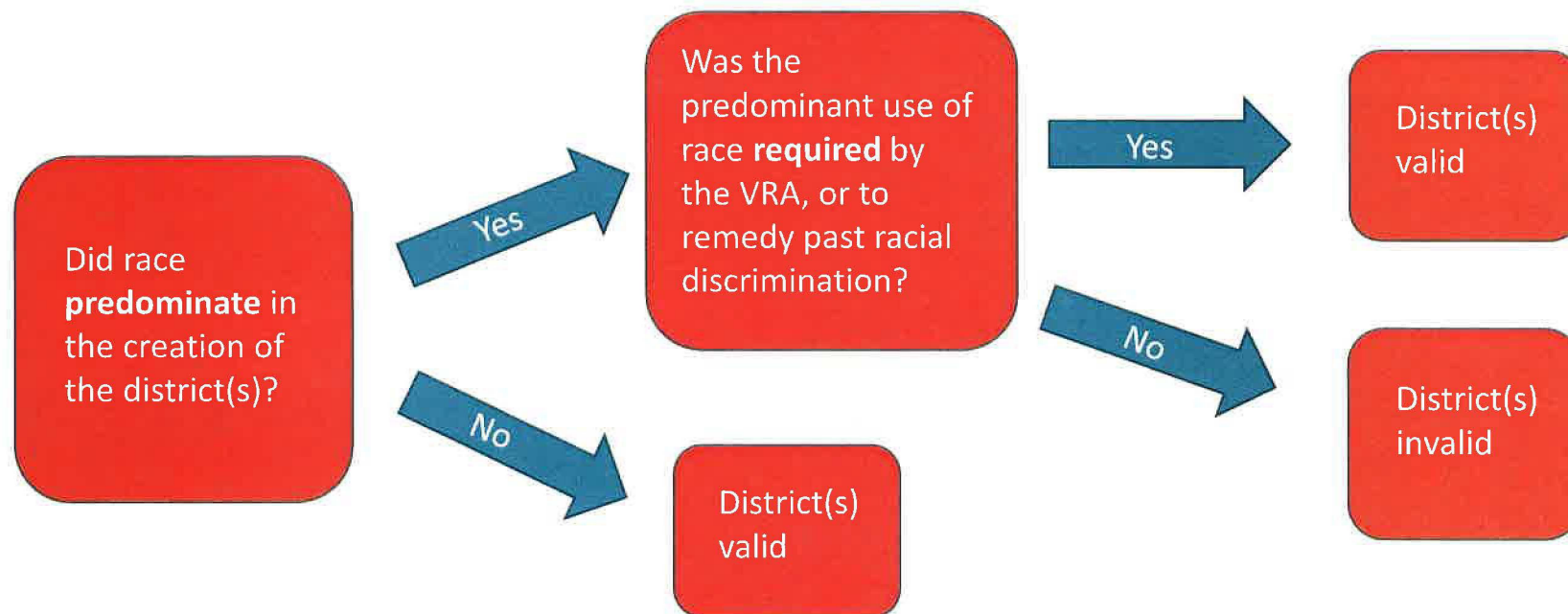
# US Constitution: Racial Gerrymandering



- Equal Protection Clause claim
- Origin: *Shaw v. Reno* (1993)
- Claim has evolved over time
  - 1990s: white plaintiffs suing for lack of compliance with traditional principles
  - 2010s: black plaintiffs suing on vote dilution claims outside scope of Voting Rights Act



# US Constitution: Racial Gerrymandering



# US Constitution: Partisan Gerrymandering



- Major focus at SCOTUS this decade
- Claims based on 1<sup>st</sup> and 14<sup>th</sup> Amendments
- No longer justiciable in federal courts

## Federal Statute: VRA Section 2

- Prohibits Vote Dilution
- Applies Nationwide
- Requires litigation (not prophylactic)
- Burden of Proof: Discriminatory Effect
  - Plaintiffs do not need to prove discriminatory intent



## Federal Statute: VRA Section 2

### *Gingles* Preconditions

**Sufficiently large and geographically compact** to constitute majority

Minority group is **politically cohesive**

**White voters act as a bloc** to defeat minority group's candidate of choice

### Senate Factors

- History of official discrimination
- Racially polarized voting in the state
- Minority vote diluting election procedures
- Minority exclusion from the candidate slating process
- Discrimination in health education and employment
- Subtle or overt racial appeals in campaigns
- Extent of minority success being elected to public office



# Federal Statute: VRA Section 5

## SUPREME COURT OF THE UNITED STATES

### Syllabus

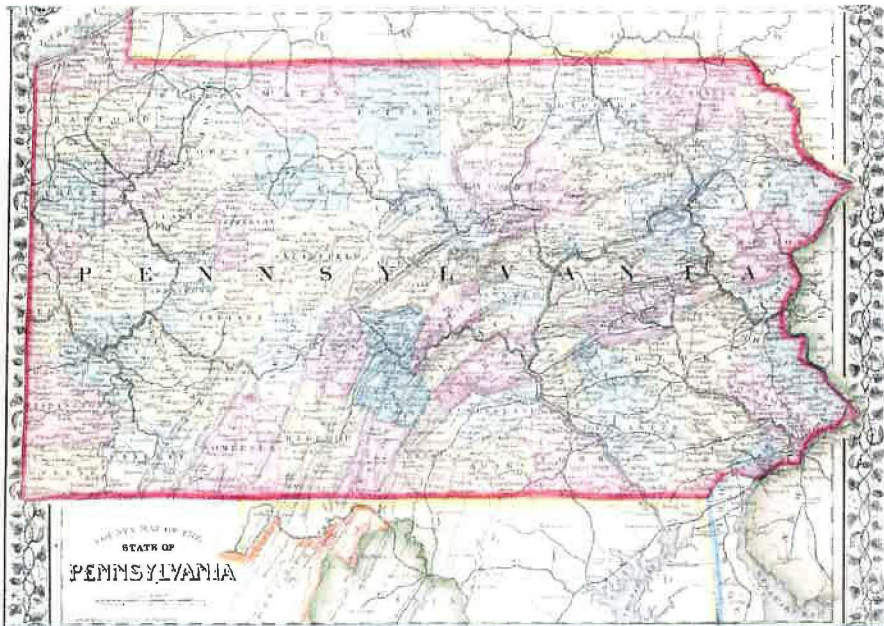
### SHELBY COUNTY, ALABAMA v. HOLDER, ATTORNEY GENERAL, ET AL.

### CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 12-86 Argued February 27, 2013—Decided June 25, 2013

The Voting Rights Act of 1965 was enacted to address entrenched racial discrimination in voting. “an insidious and pervasive evil which had been perpetuated in certain parts of our country through unremitting and ingenious defiance of the Constitution.” *South Carolina v. Katzenbach*, 383 U.S. 301, 309. Section 2 of the Act, which bans any “standard, practice, or procedure” that “results in a denial or abridgement of the right of any citizen . . . to vote on account of race





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# Pennsylvania's Criteria

Additional congressional criteria can be found in *League of Women Voters v. Commonwealth of Pa.* (2018).



Compactness

---



Contiguity

---



Preserve Political  
Subdivisions

---



Others Can Be  
Considered

---

# State Constitution: Compactness

○ Common traditional principle (40 states)

○ Two common ways to measure:

• Polsby-Popper:  $\frac{\text{Area of District}}{\text{Area of Circle with Same Perimeter as District}}$

• Reock:  $\frac{\text{Area of District}}{\text{Area of Smallest Encompassing Circle}}$





## State Constitution: Contiguity

- Most common principle (all 50 states)
- **General Rule:** Must be able to go to every part of the district without leaving it
- Where issues arise:
  - Non-contiguous locality boundaries Water



# State Constitution: Natural Boundaries & Subdivisions



## General Application

- Common traditional principle (45 states)
- Unless specified, could refer to any type of subdivision or geographic boundary
  - County, City, School District, River, Mountain Range, etc.
- A stand-in for communities of interest or compactness?
- Importance varies throughout the U.S.

## Specific Application: Counties

- Sometimes codified (e.g., Idaho)
- Sometimes judicial (e.g., North Carolina)
- **General Idea:** keep counties or groups of counties together wherever possible. Only deviate from county borders when necessary to comply with federal laws like the Voting Rights Act or One Person, One Vote



## Non-PA Criteria

- Preserving communities of interest (25 states)
- Prohibition on drawing districts to favor or disfavor an incumbent, candidate or party (18 states)
- Preserving cores of prior districts (10 states)
- Prohibiting use of political data (5 states)
- Competitiveness (5 states)
- Proportionality (2 states)



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# Emerging Trend: Free and Equal Elections Clauses

## POLITICO



The request to stay the ruling from the Pennsylvania state Supreme Court was denied without comment or recorded dissent. | Jacqueline Martin/AP Photo

### **Supreme Court won't block new Pennsylvania congressional map**

By ELENA SCHNEIDER and STEVEN SHEPARD | 03/19/2018 03:51 PM EDT | Updated 03/19/2018

- 30 state constitutions require elections to be some combination of free, equal and fair
- **Pennsylvania Constitution Art. I, Section 5:** “Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.”
- Why it’s significant: Adequate & Independent State Grounds Doctrine

# In Summary, With Redistricting...



Criteria Can Conflict



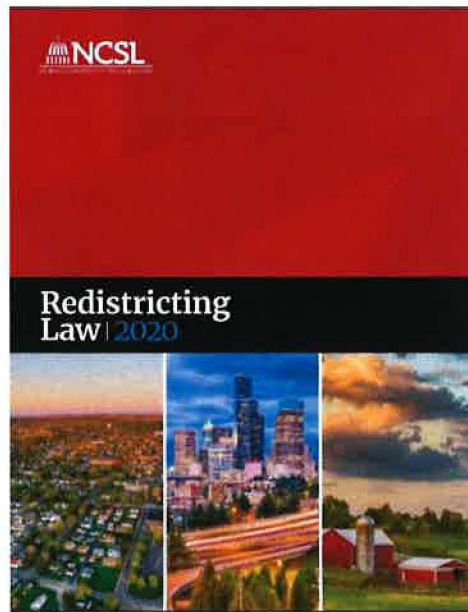
Law Can Be Ambiguous



Impossible to Please Everyone



Questions?



Reach out anytime!

**Ben Williams**

303-856-1648

[Ben.Williams@NCSL.org](mailto:Ben.Williams@NCSL.org)





**Testimony of Dr. Kyle C. Kopko  
Director, Center for Rural Pennsylvania<sup>1</sup>**

Good afternoon Chairman Nordenberg, Leader Ward, Leader Costa, Leader Benninghoff, and Leader McClinton. Thank you for the opportunity to speak before the Commission. My name is Dr. Kyle C. Kopko, and I serve as the Director of the Center for Rural Pennsylvania.

As you know, the Center is a bipartisan, bicameral legislative research agency of the General Assembly. The Center's legislative mandates include two broad charges: 1) conducting and sponsoring applied policy research to benefit our rural communities; and 2) maintaining a comprehensive database of statistical indicators to assist policymakers in meeting the needs of rural Pennsylvania. I will use information from this database to discuss a variety of population and demographic trends in rural Pennsylvania in the hopes that these data will be useful to the Commission.

Although the detailed results of the 2020 Census will not be available for several more weeks, we are able to rely on a variety of existing secondary data sources to highlight population and demographic changes in recent years.

Today, I will provide an overview<sup>2</sup> of three data trends or themes that the Commission may wish to consider when reapportioning Pennsylvania's legislative districts:

1. Population changes over time, including what we refer to as the "Bifurcation of Pennsylvania" – that is, population shifts to the southeastern part of the Commonwealth;
2. Demographic changes with regard to age and race/ethnicity; and
3. The division of school districts within legislative districts.

Before addressing each of these topics, it is important to provide a brief methodological summary. The data presented here are primarily from the U.S. Census Bureau's American Community Survey (both 5-year average surveys and 1-year surveys) and various decennial censuses. It is possible that American Community Survey data, and other survey data from federal and state agencies, may

<sup>1</sup> Portions of this written testimony were previously included in a submission to the Pennsylvania Senate State Government Committee on May 26, 2021.

<sup>2</sup> This written testimony is intended to provide an overview of key data findings. The data visualizations that accompany this testimony provide a greater level of detail, and more information, than what is presented here. Among other things, the accompanying visualizations include maps of rural/urban Pennsylvania, school district maps, population estimates by county and legislative district, information on group quarters, Census response rates, and other data.

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Phone (717) 787-9555  
[www.rural.pa.gov](http://www.rural.pa.gov)

not precisely align with updated Census data that will be released in the coming weeks. Nevertheless, these estimates represent the best available data currently at our disposal.

Additionally, much of our data analysis occurs at the county level. The Center for Rural Pennsylvania defines a county as rural when the number of people per square mile is below the average statewide population density (284 people per square mile, as of the 2010 Census). All other counties are considered urban. The Center also classifies school districts and municipalities as rural or urban.<sup>3</sup> The rural/urban school district definition mirrors that of counties – if a school district is below 284 people per square mile, the district is classified as rural; all others are classified as urban. A municipality is classified as rural when the population density within the municipality is less than the statewide average density of 284 people per square mile, or the total population is less than 2,500, unless more than 50 percent of the population lives in an urbanized area as defined by the U.S. Census Bureau. All other municipalities are classified as urban. Later this year, the Center will begin the process of updating its classification of rural/urban communities based upon the 2020 Census data.

### **Population Bifurcation**

In terms of population changes, Pennsylvania can be divided into two regions: the southeast and the rest of the state.

Generally speaking, we are including counties that are east of Interstate 81 from Franklin to Lebanon counties and south of Interstate 78 from Berks to Northampton counties as the southeast region. All counties south and east of these two major transportation corridors have seen significant population increases, while counties west and north of this line have seen population declines, with some exceptions. From 1980 to 2019, the southeast corner of the state has experienced a 22 percent increase in population, while the rest of the state has seen a 6 percent decline.

This population shift also mirrors an economic shift. Per capita household income in the southeast has increased, and it has increased at a faster rate than the rest of the state. After adjusting for inflation, in 1980, per capita income in the southeast was \$33,085, and by 2019, it was \$63,111, an increase of more than \$30,000 or 91 percent. In comparison, the per capita income in the rest of the state went from \$29,194 in 1980 to \$51,497 in 2019, an increase of about \$22,300 or 76 percent. In addition, the unemployment rate in the southeast has been 1 percentage point lower than the rest of the state.

Many rural counties have seen population stagnation and decline in recent years. Specifically, from 2010 to 2019, 38 of Pennsylvania's 48 rural counties have seen their populations decrease. Rural Pennsylvania, however, was not alone in this trend. Across the United States, two out of every three rural counties lost population during the last decade. This trend was especially prevalent among rural counties in the Pennsylvania border states of Ohio, New York, Maryland, and West Virginia.

When examining these population shifts within legislative districts, these changes will primarily affect legislative districts in northern and western Pennsylvania, particularly in rural areas. Of the 203 House legislative districts, 100 experienced no change or population decline between 2014 and 2019. Of the 50 Senate districts, 23 experienced no change or population decline during this same timeframe.

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<sup>3</sup> Maps of school districts and municipalities classified according to the Center's rural/urban definition are included in the supplemental data visualizations.



While we do not have adequate longitudinal data on “group quarters,”<sup>4</sup> we can provide information based upon the 2010 Census. At the time, there were 5,553 group quarters throughout the Commonwealth, of which 1,530 (or 28 percent) were located in rural areas. As of 2020, there was not a substantial difference in the percentage of the rural or urban population that lived in group quarters. About 3 percent of the urban population lived in group quarters (N=278,111), while 4 percent of the rural population lived in group quarters (N=148,002).

## **Changing Characteristics of Rural and Urban Pennsylvanians**

Pennsylvania’s overall population is becoming older and more diverse. I will discuss each of these trends in turn.

### Pennsylvania’s Aging Population

In 2019, 20 percent of rural residents were 65 years old and older. Among urban residents, the percentage was slightly lower at 17 percent. In that same year, 14 of Pennsylvania’s 67 counties had more senior citizens (65 years old and older) than youth (under 20 years old). This trend will likely continue as more Baby Boomers turn 65 years old. In fact, projections suggest that 47 counties will have more senior citizens than youth by 2030.

The aging of our population will likely have profound effects on educational institutions and employers. There will likely be fewer students enrolled in schools and fewer employees in the workforce.

### Increasingly Diverse Population

From 2000 to 2019, people of color in Pennsylvania (non-white, including those who identify as Hispanic/Latino) increased 54 percent. This dramatic increase has occurred throughout the state, especially in rural counties, where the number of people of color increased 88 percent.

Within rural Pennsylvania, the increase in diversity among rural residents is primarily attributable to a higher birth rate among people of color. Over the past 15 years, the birth rate for people of color who live in rural areas was higher than white residents who live in rural areas. In addition, the fertility rate for rural people of color is 2.17, while the fertility rate for white rural residents is 1.66. Generally speaking, a fertility rate of 2.1 is needed to sustain population levels.

Based upon the data available to the Center, it does not appear that people of color who are living in group quarters in rural areas are the primary cause of this demographic group’s population increase in recent years. A larger percentage of rural Pennsylvania’s people of color population live in group quarters, relative to their counterparts in urban areas. As of 2010, approximately 17 percent (N=43,155) of people of color who lived in rural areas resided in group quarters. Approximately 4 percent (N=90,172) of people of color who lived in urban areas resided in group quarters.

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<sup>4</sup> The United States Census Bureau “classifies all people not living in housing units (house, apartment, mobile home, rented rooms) as living in group quarters.” Group quarters includes both institutional (e.g., correctional facilities, nursing homes, long-term care hospitals, etc.) and non-institution (e.g., college dormitories, military barracks, group homes, homeless shelters, etc.) settings. See United States Census Bureau. 2018. “Group Quarters/Residence Rules.” <https://www.census.gov/topics/income-poverty/poverty/guidance/group-quarters.html>. Last accessed July 27, 2021.

## School Districts and Legislative Representation

There are 500 school districts throughout Pennsylvania. Of these school districts, 235 (or 47 percent) are located in rural areas, and 265 (or 53 percent) are located in urban areas.

Most school districts in Pennsylvania are divided between two or more House districts. As of 2020, 287 (or 57 percent) of all school districts in Pennsylvania were represented by two or more members of the House. Understandably, the division of school districts across House districts was more common in urban areas (N = 166, or 63 percent of urban school districts), than rural areas (N = 121, or 51 percent of rural districts).

As of 2019, population estimates suggest that 473 school districts (or 95 percent of school districts) across the Commonwealth have a population of fewer than 63,012 residents (the average population per House district in Pennsylvania). In theory, any of these school districts could be included entirely within a single House district. However, there are obviously a variety of considerations that warrant the splitting of school districts across legislative district boundaries.

As one may suspect, given the size of Senate districts, there are far fewer instances where a Senate district divides a school district. In fact, 73 percent of rural school districts and urban school districts are included within a single Senate district.

### What does this mean for reapportionment?

First, many legislative districts, particularly those in rural areas, will become geographically larger. For some rural constituents, this means that they have to travel farther to meet with their legislator.<sup>5</sup> In addition, the Center's previous research<sup>6</sup> has demonstrated that rural residents are more likely than their urban counterparts to lack adequate internet access for the purpose of electronic communication.<sup>7</sup> For this reason, the Commission may wish to consider the ease of transportation within a district and the (in)ability of residents to effectively engage with legislators and their staff through broadband access.

Second, legislators will likely be challenged to balance the interests and concerns of southeastern Pennsylvania with those of the rest of the state. Population shifts within the Commonwealth may present a variety of policy challenges in the years to come as legislators seek to meet the needs of their constituents.

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<sup>5</sup> The supplemental data visualizations included with this testimony provide estimates of miles of roadways within Pennsylvania's legislative districts.

<sup>6</sup> See Meinrath, Sascha, et al. 2019. "Broadband Availability and Access in Rural Pennsylvania." Center for Rural Pennsylvania Report.

[https://www.rural.palegislature.us/broadband/Broadband Availability and Access in Rural Pennsylvania 2019 Report.pdf](https://www.rural.palegislature.us/broadband/Broadband%20Availability%20and%20Access%20in%20Rural%20Pennsylvania%202019%20Report.pdf).

Accessed July 27, 2021. See also Meinrath, Sascha, et al. 2020. "Broadband Demand: The Cost and Price Elasticity of Broadband Internet Service in Rural Pennsylvania." Center for Rural Pennsylvania Report.

<https://www.rural.palegislature.us/documents/reports/Broadband-Demand-Report-October-2020.pdf>. Accessed July 27, 2021.

<sup>7</sup> Readers are also encouraged to review the broadband coverage maps created by the staff of Penn State Extension for recent information on coverage gaps throughout the Commonwealth. See <https://extension.psu.edu/pennsylvania-broadband-map>. Accessed July 27, 2021.

Finally, due to an aging population and increased diversity, legislators will need to consider the distinctive needs of these constituents. In particular, legislators may be challenged with balancing the needs of an aging population along with those of younger adults and families.

Thank you again for this opportunity to discuss population and demographic trends in Pennsylvania. I hope this information is helpful and I am happy to answer your questions.





# Pennsylvania Population Trends and Their Impact on Rural Communities

Legislative Reapportionment Commission Hearing  
Thursday, July 29, 2021

Kyle C. Kopko, Ph.D., Director, Center for Rural Pennsylvania

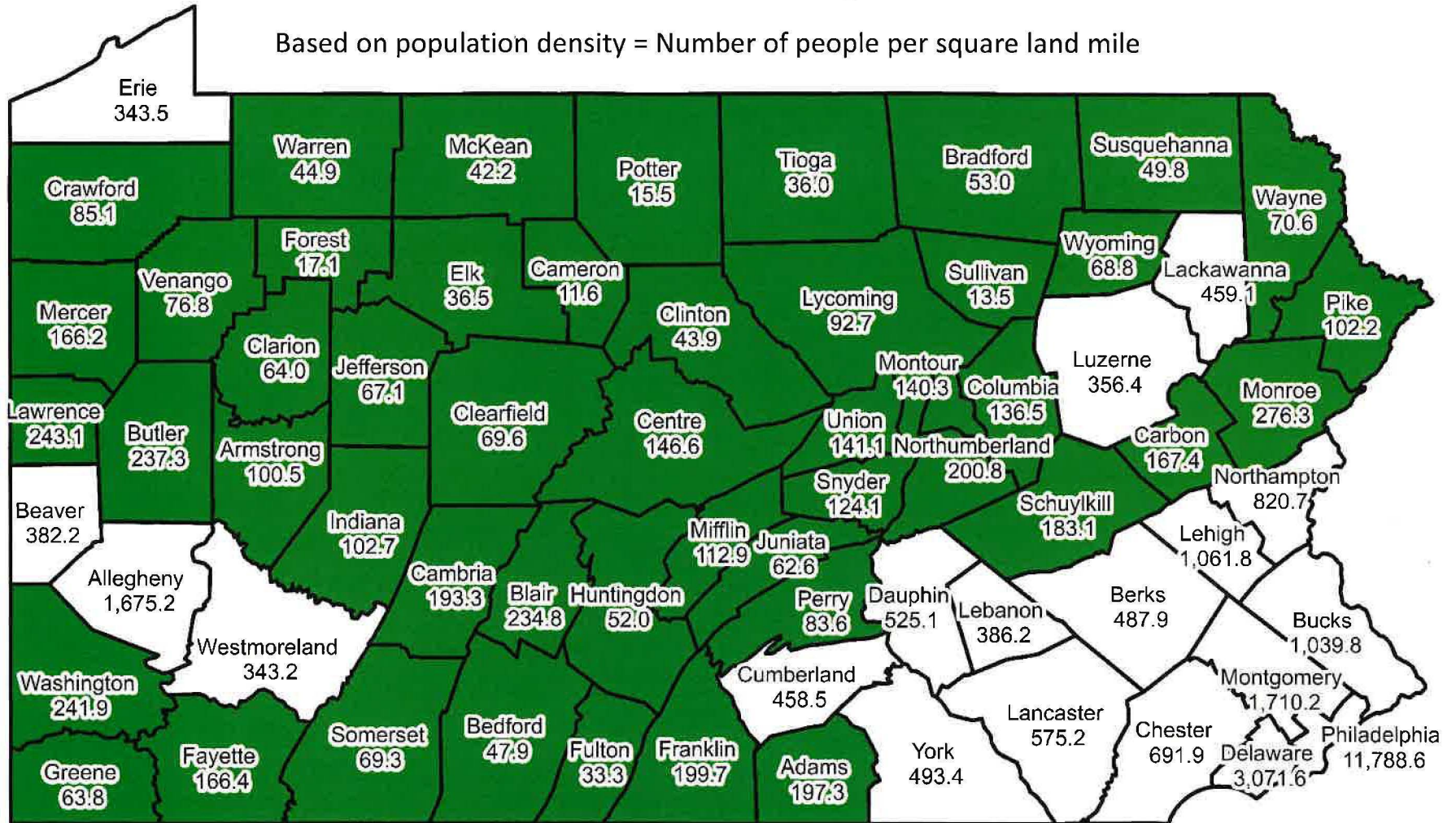
[kkopko@rural.pa.gov](mailto:kkopko@rural.pa.gov) | [www.rural.pa.gov](http://www.rural.pa.gov)

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# This is Rural Pennsylvania

Based on population density = Number of people per square land mile



- Urban Counties (n=19)
- Rural Counties (n=48)

According to the Center for Rural Pennsylvania's definition, a rural county has a population density below the statewide average of 284 people per square mile. Urban counties have a density at or above the statewide average.

Data source: 2010 Census, U.S. Census Bureau.

Center for



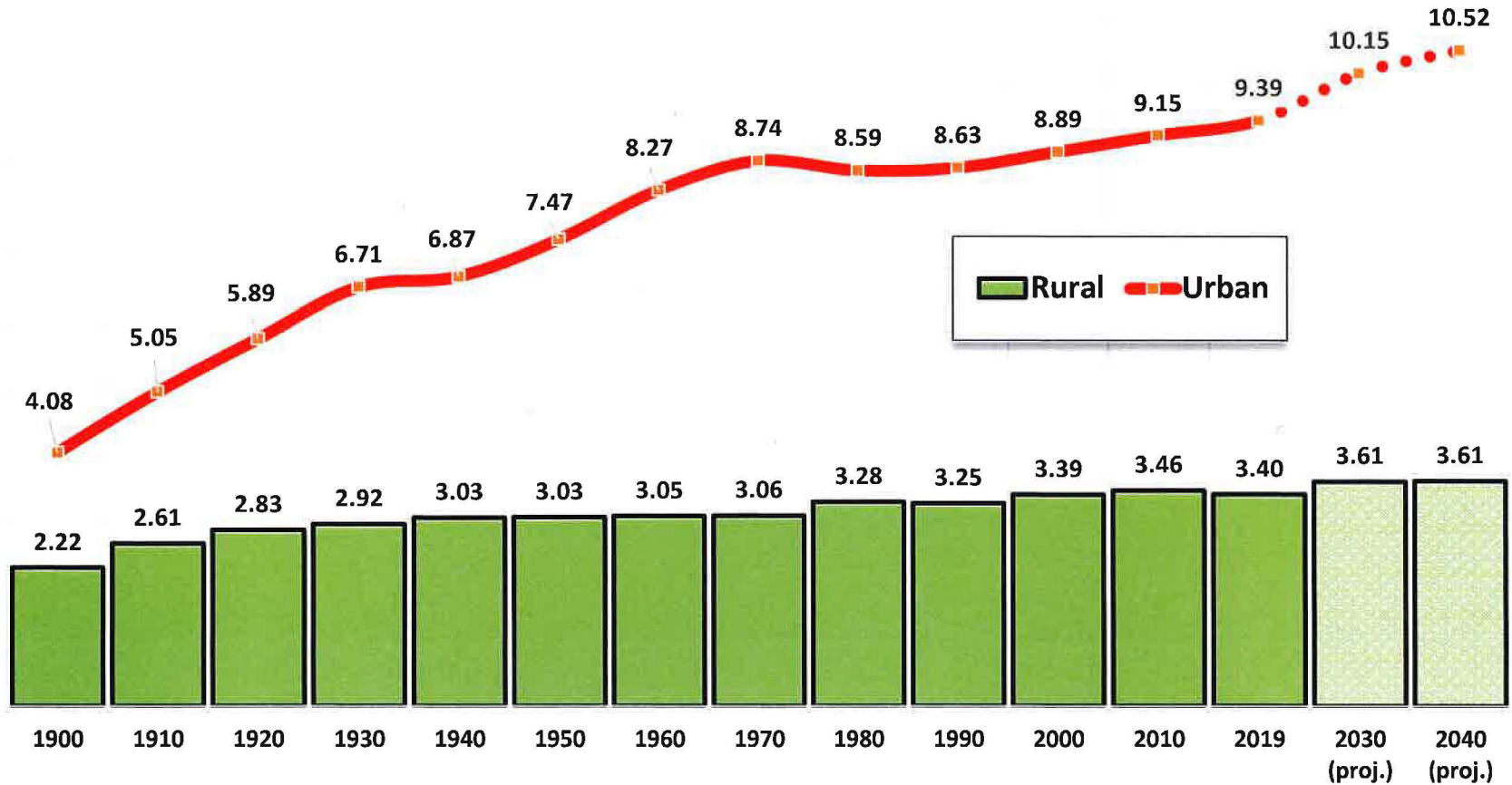
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# Population Change: A Longitudinal Overview

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# Rural Pennsylvania's Population is Growing Very Slowly

Rural and Urban Pennsylvania Population, 1900 to 2040 (projected)  
(Population in Millions, Current Rural/Urban Definition)

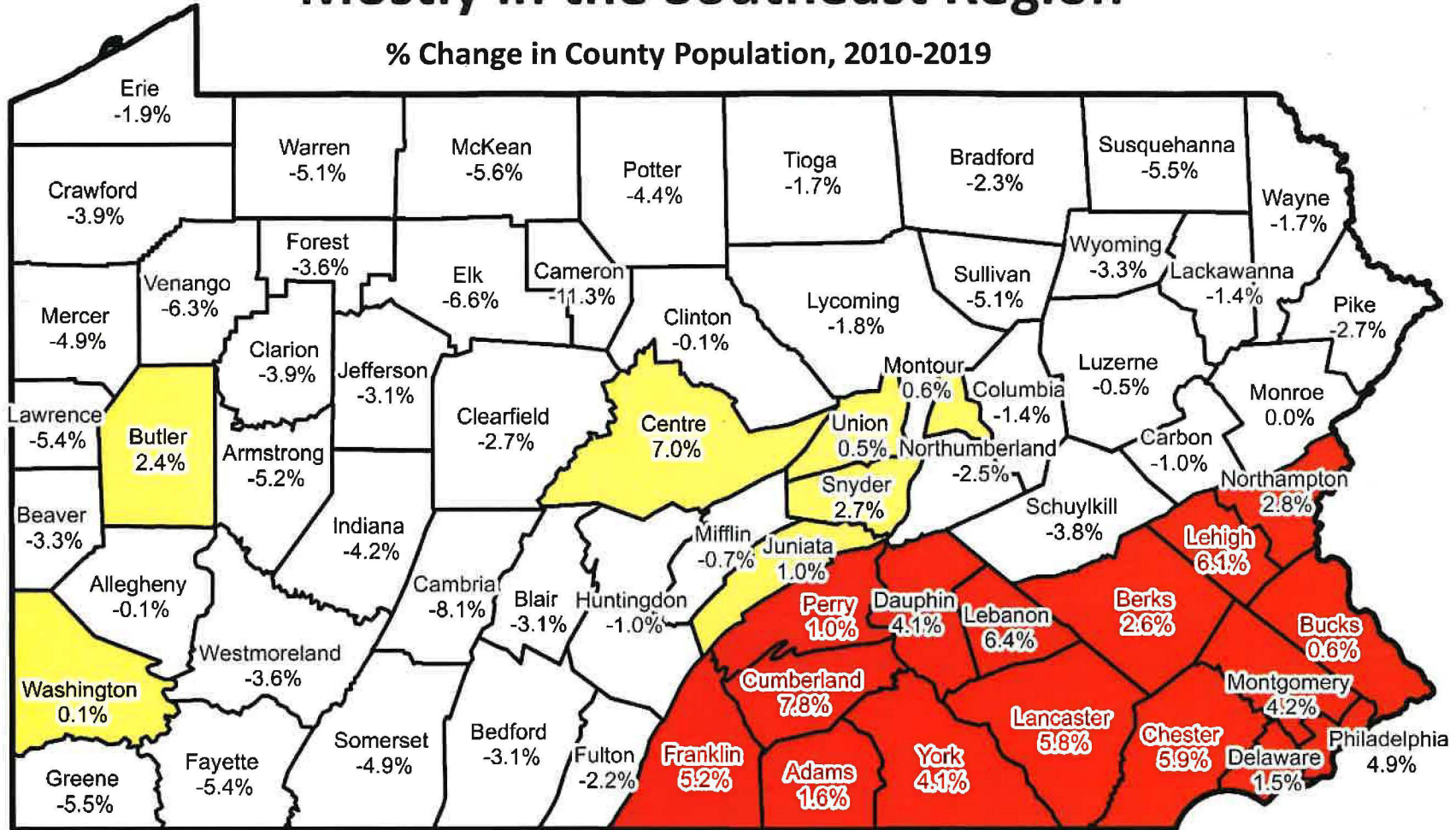


Data sources: Decennial Censuses, 2019, 5-year Average, American Community Survey, U.S. Census Bureau, and Pennsylvania State Data Center.



# Pennsylvania's Population Growth is Happening Mostly in the Southeast Region

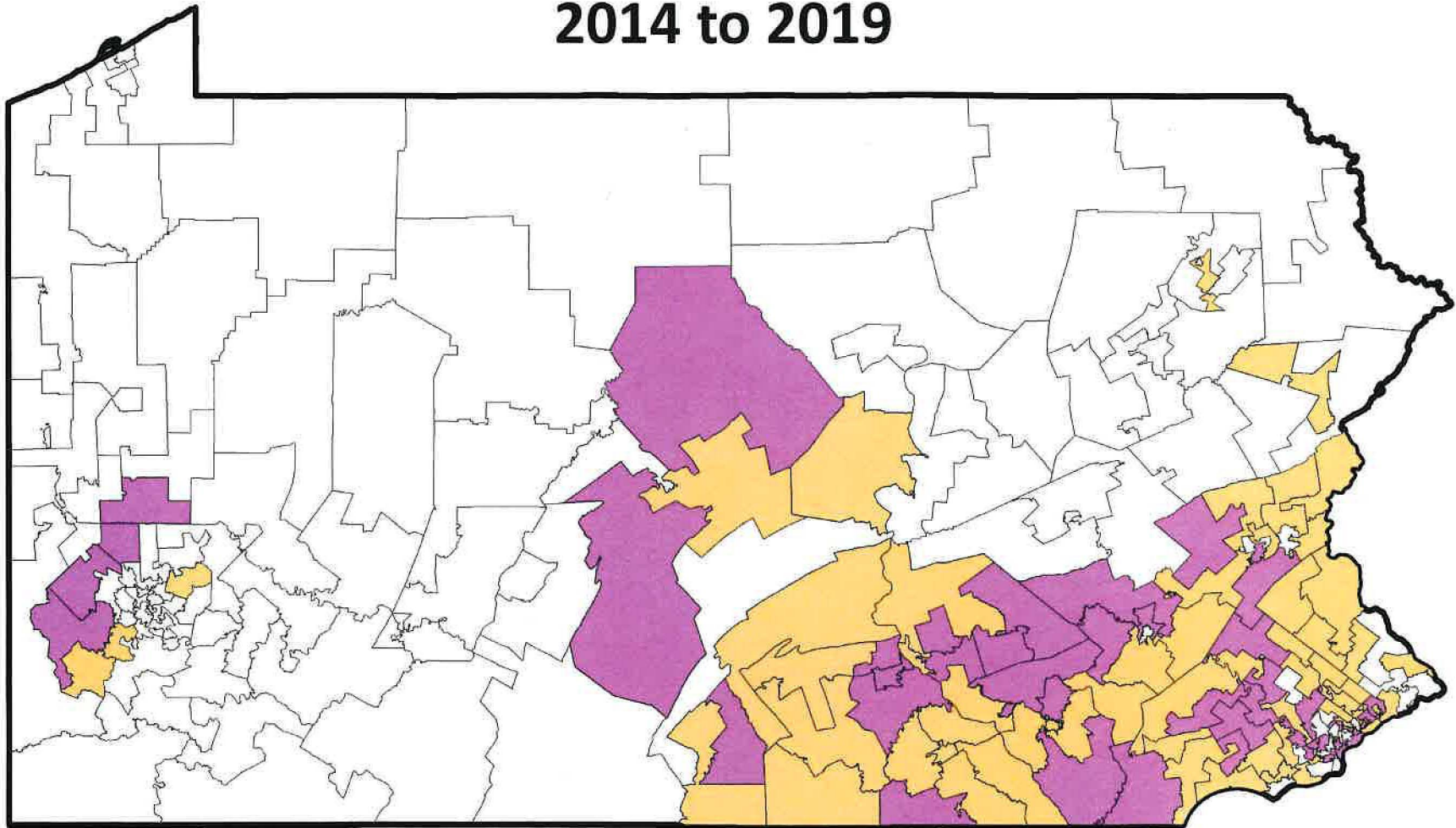
% Change in County Population, 2010-2019



- Population Increase in Southeastern PA
- Population Increase Outside Southeastern PA
- Population Decrease or No Change

Data source: Decennial Censuses, and the 2019, 5-year Average, American Community Survey, U.S. Census Bureau.

# Population Change by House District, 2014 to 2019

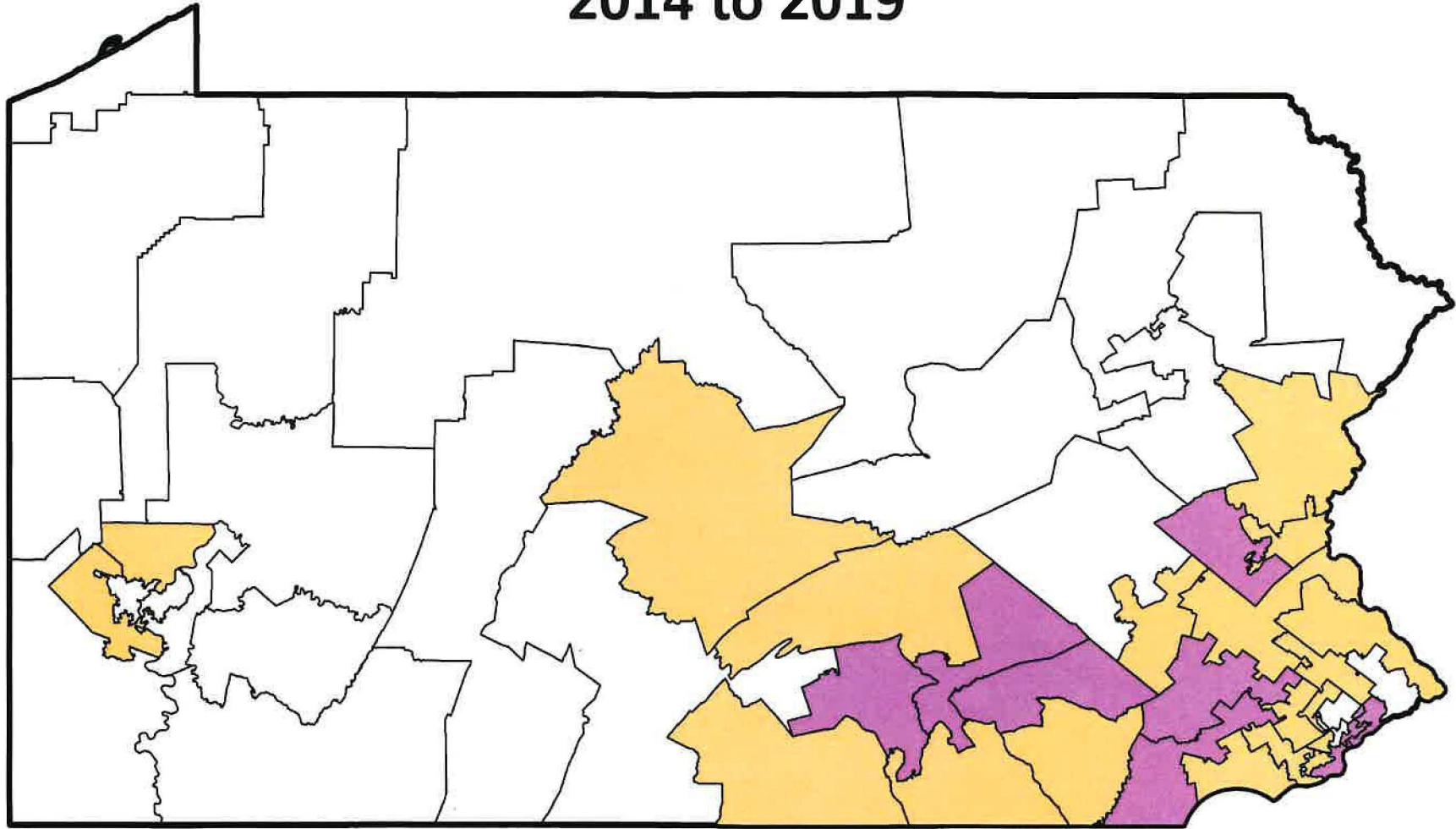


- Population Decline or No Change (n=100)
- 0.1% to 2.4% Population Increase (n=58)
- 2.5%+ Population Increase (n=45)

Data sources: 2014 and 2019, 5-year Averages, American Community Survey, U.S. Census Bureau.



# Population Change by Senate District, 2014 to 2019



- Population Decline or No Change (n=23)
- 0.1% to 2.4% Population Increase (n=18)
- 2.5%+ Population Increase (n=9)

Data sources: 2014 and 2019, 5-year Averages, American Community Survey, U.S. Census Bureau.

Center for



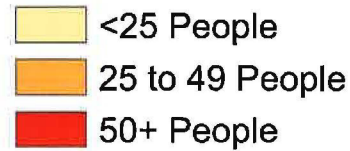
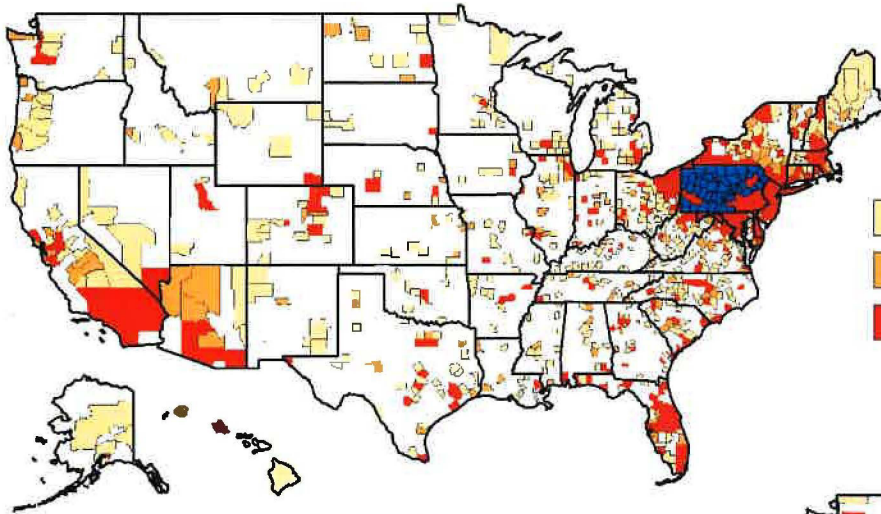
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# Population Change: Influences & Causes

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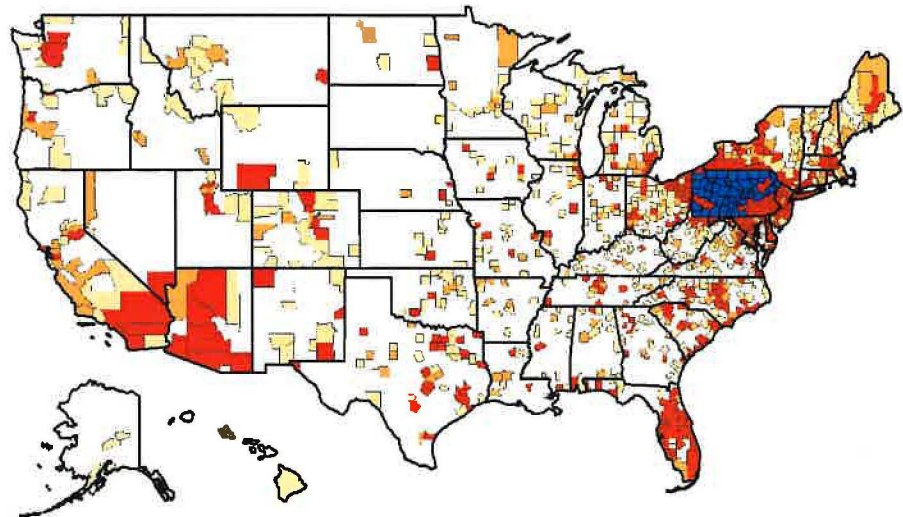
# Rural Pennsylvania Domestic In- and Out-Migration, 2018

**In-Migration to Rural Pennsylvania**  
*n=113,248*



**65% of people who moved out of rural Pennsylvania went to a county <100 miles away**

**Out-Migration from Rural Pennsylvania**  
*n=109,066*



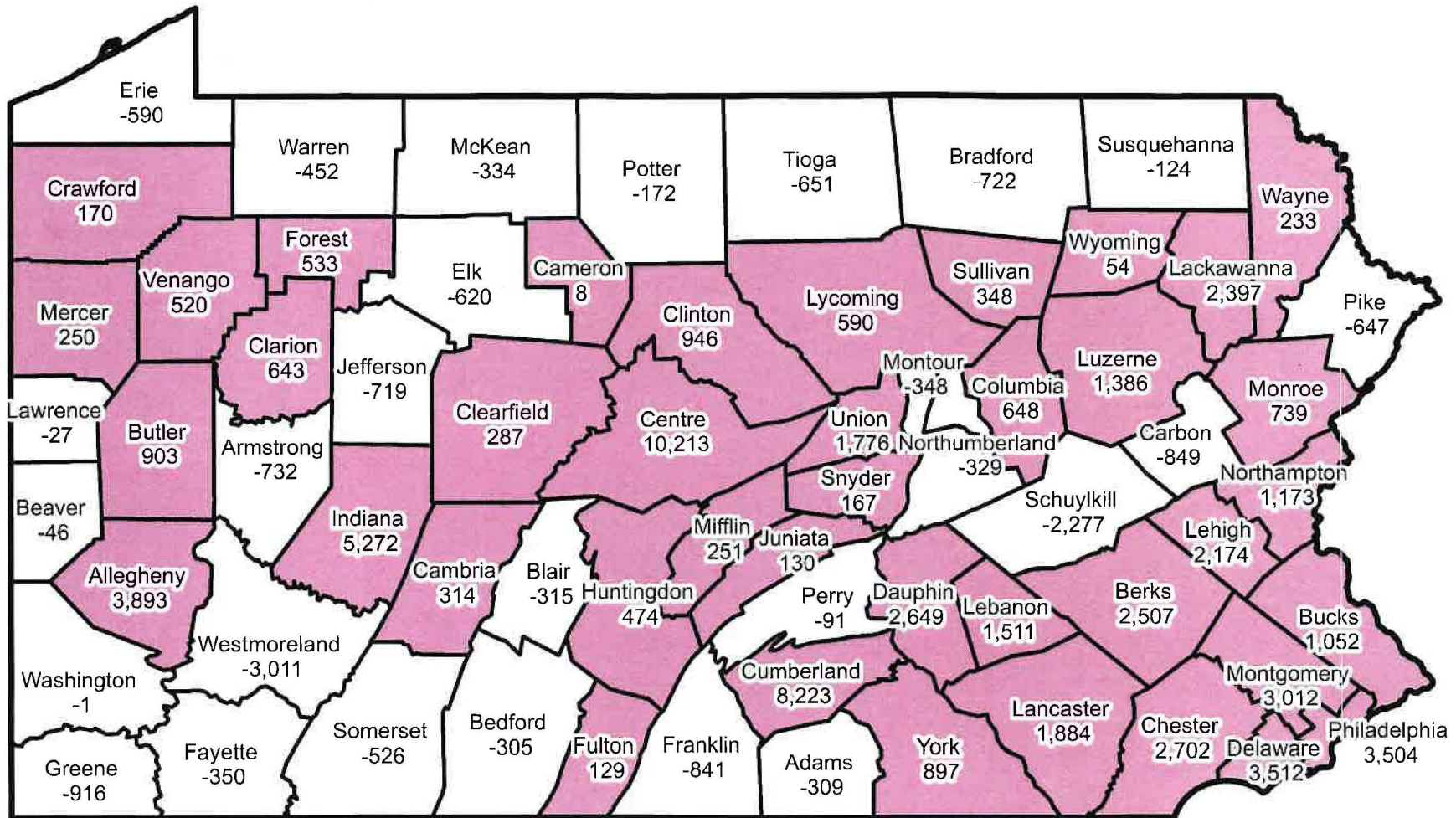
**78% of people who moved to rural Pennsylvania came from a county <100 miles away**

Data exclude international migration.  
Data source: 2018, 5-year Average, American Community Survey, U.S. Census Bureau.



# Pennsylvania's Net Migration, 2018

(Number of people who moved into the county subtracted from number who moved out of the county)

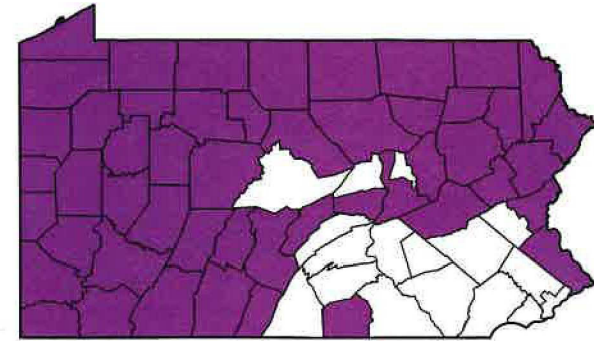


**Pennsylvania's Total Net Migration = 51,770**

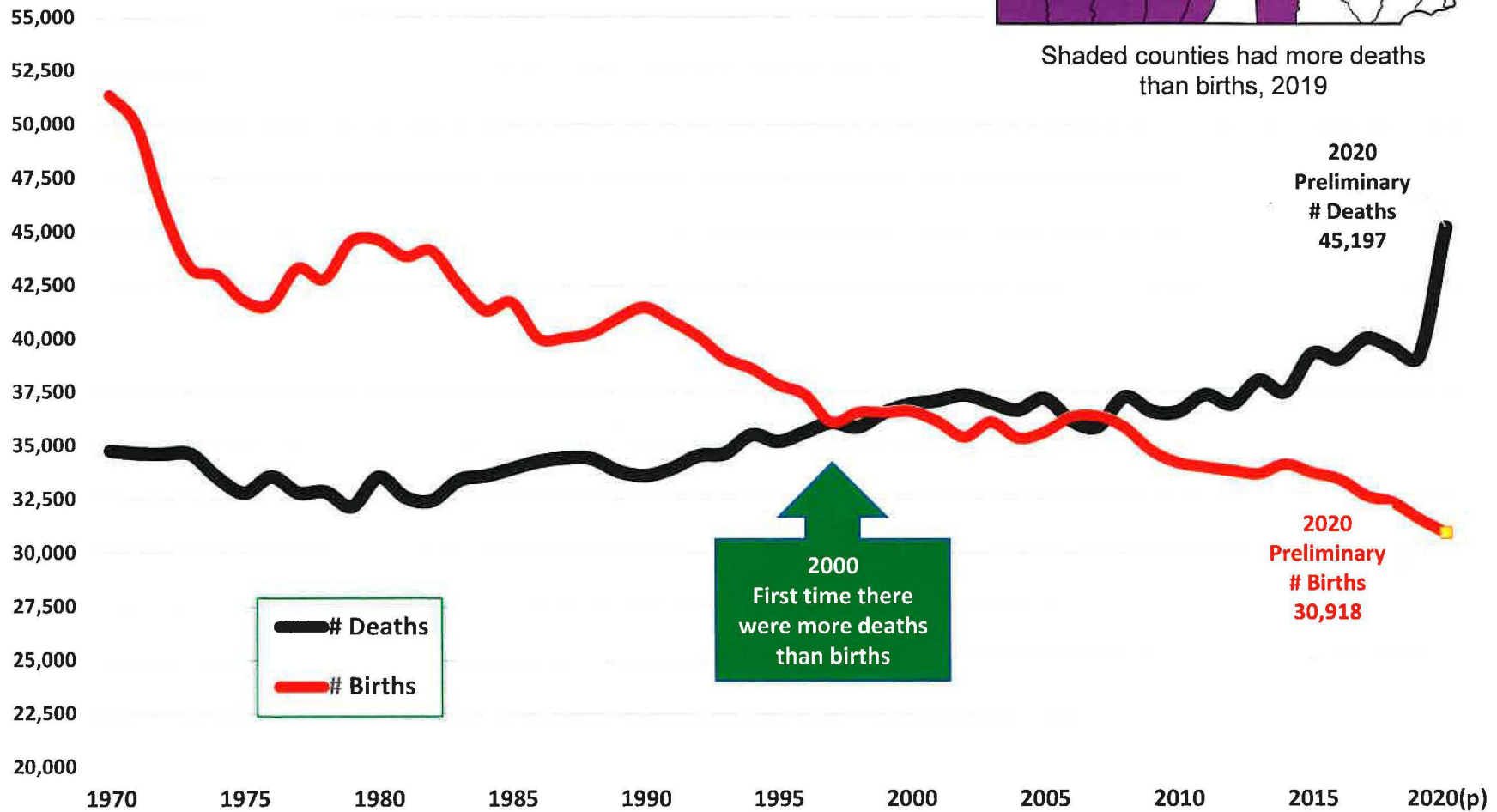
- Net Out-Migration (More people moved out than moved in)
- Net In-Migration (More people moved in than moved out)

Data source: 2018, 5-year Average, American Community Survey, U.S. Census Bureau.

# Number of Births and Deaths in Rural Pennsylvania, 1970 to 2020



Shaded counties had more deaths than births, 2019

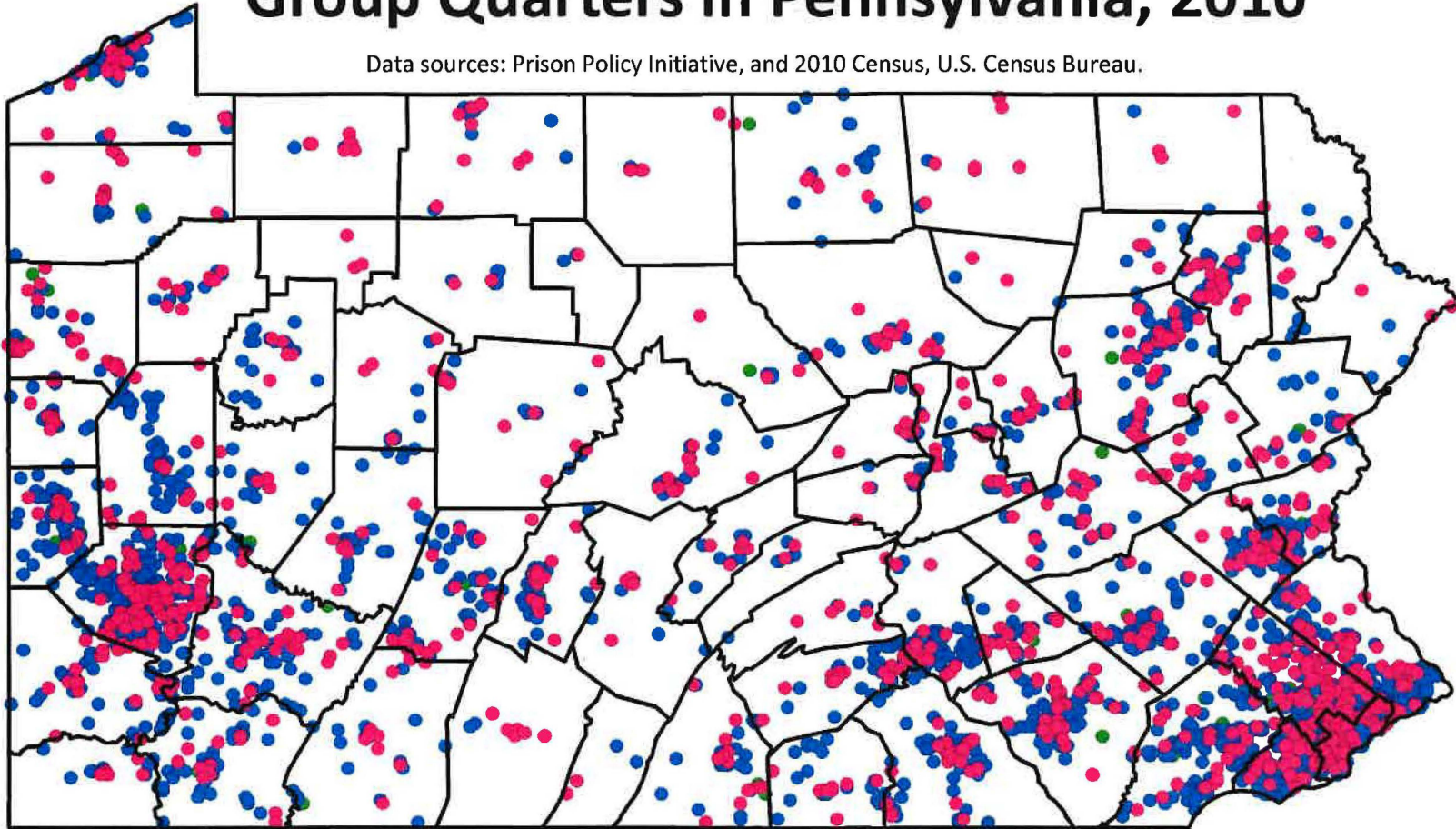


Data source: Pennsylvania Department of Health.



# Group Quarters in Pennsylvania, 2010

Data sources: Prison Policy Initiative, and 2010 Census, U.S. Census Bureau.

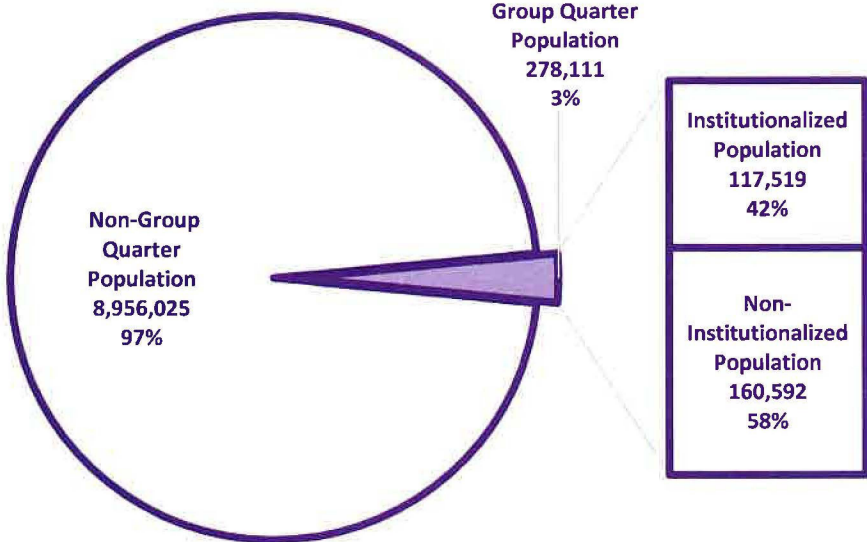


- Institutionalized Group Quarters
- Non-Institutionalized Group Quarters
- Combination of Institutionalized and Non-Institutionalized Group Quarters

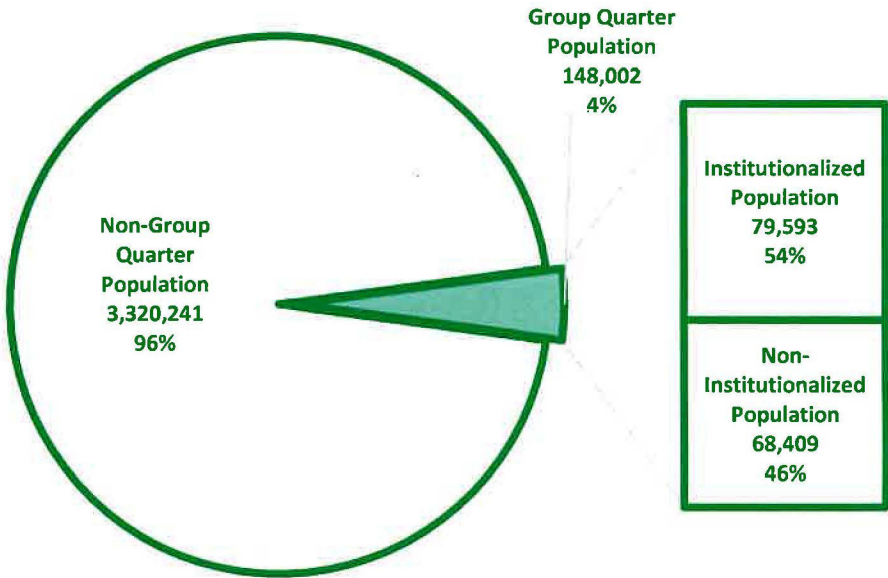
	# Rural Group Quarters	# Urban Group Quarters
Institutional	472	899
Non-Institutional	1,058	3,106
Total	1,530	4,005

# Group Quarter Populations in Rural and Urban Pennsylvania, 2010

## Urban Group Quarter Population, 2010



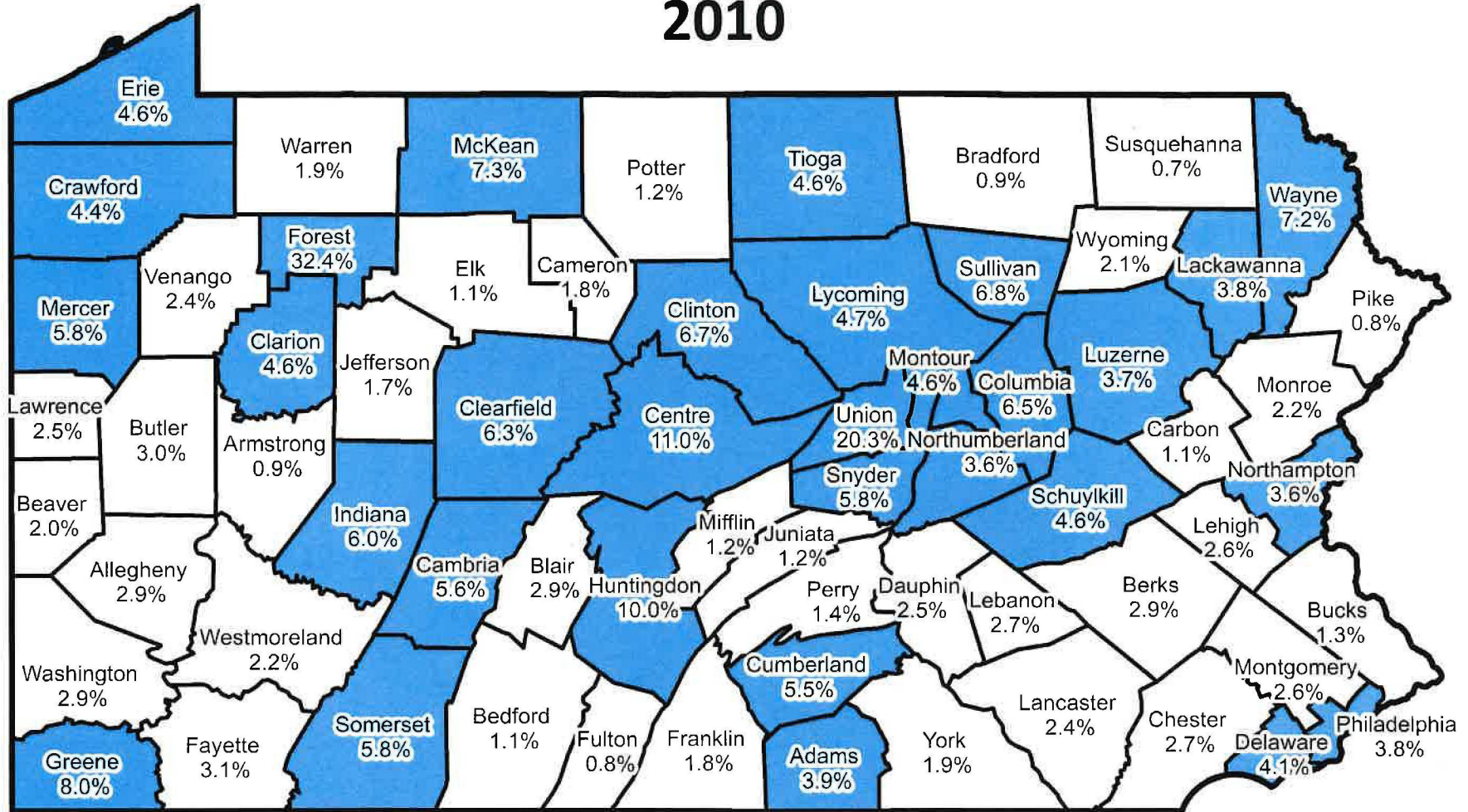
## Rural Group Quarter Population, 2010



Data source: 2010 Census, U.S. Census Bureau.



# Percent of Total Population Living in Group Quarters, 2010



Statewide Rate = 3.4% Total Population

- At or Below Statewide Rate
- Above Statewide Rate

Data source: 2010 Census, U.S. Census Bureau.

Center for



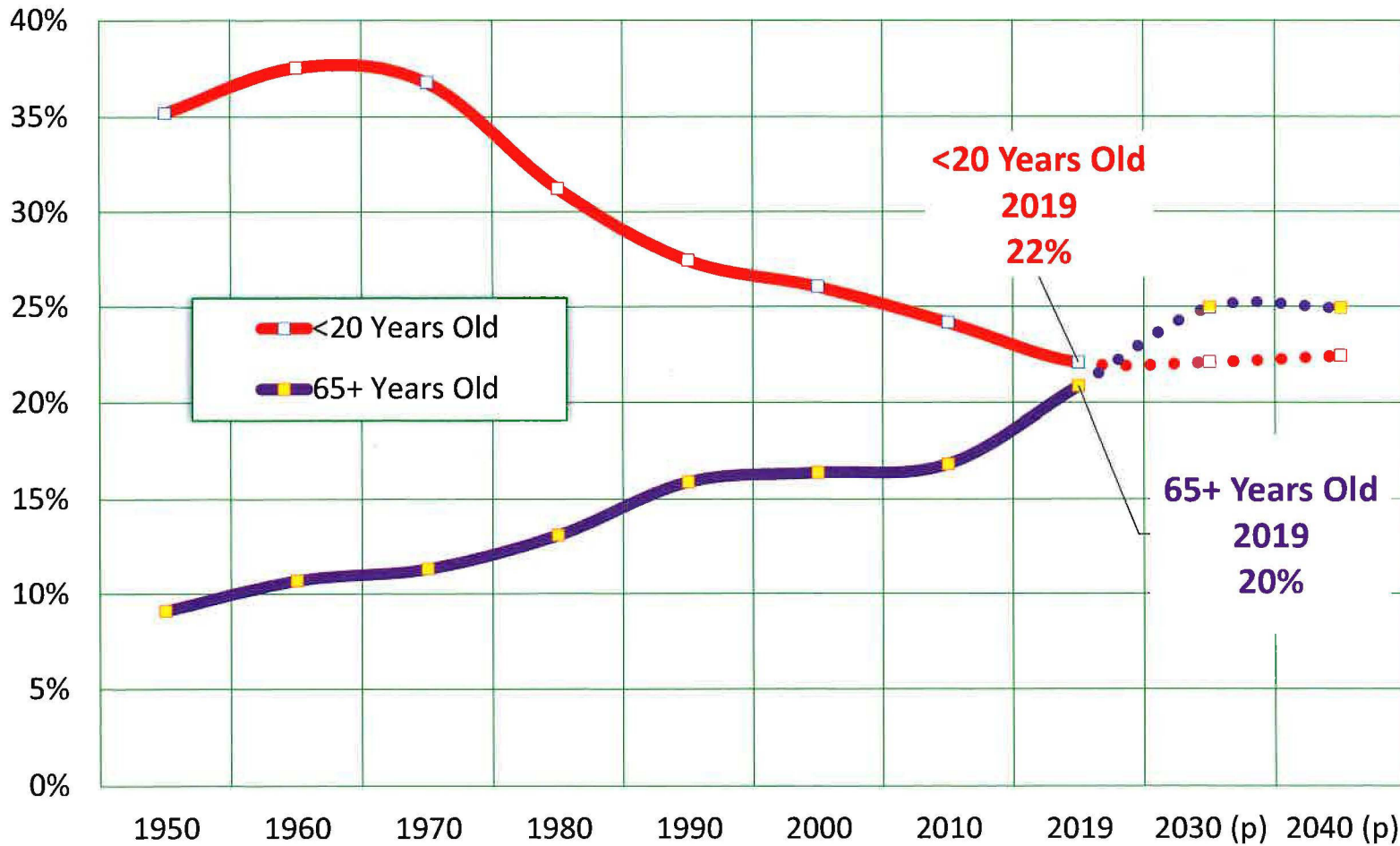
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# Demographic Changes: Age & Diversity

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# Rural Pennsylvania is Rapidly Aging

Percent of Population Under 20 Years Old and 65 Years Old and Older, 1950 to 2040 (projected)

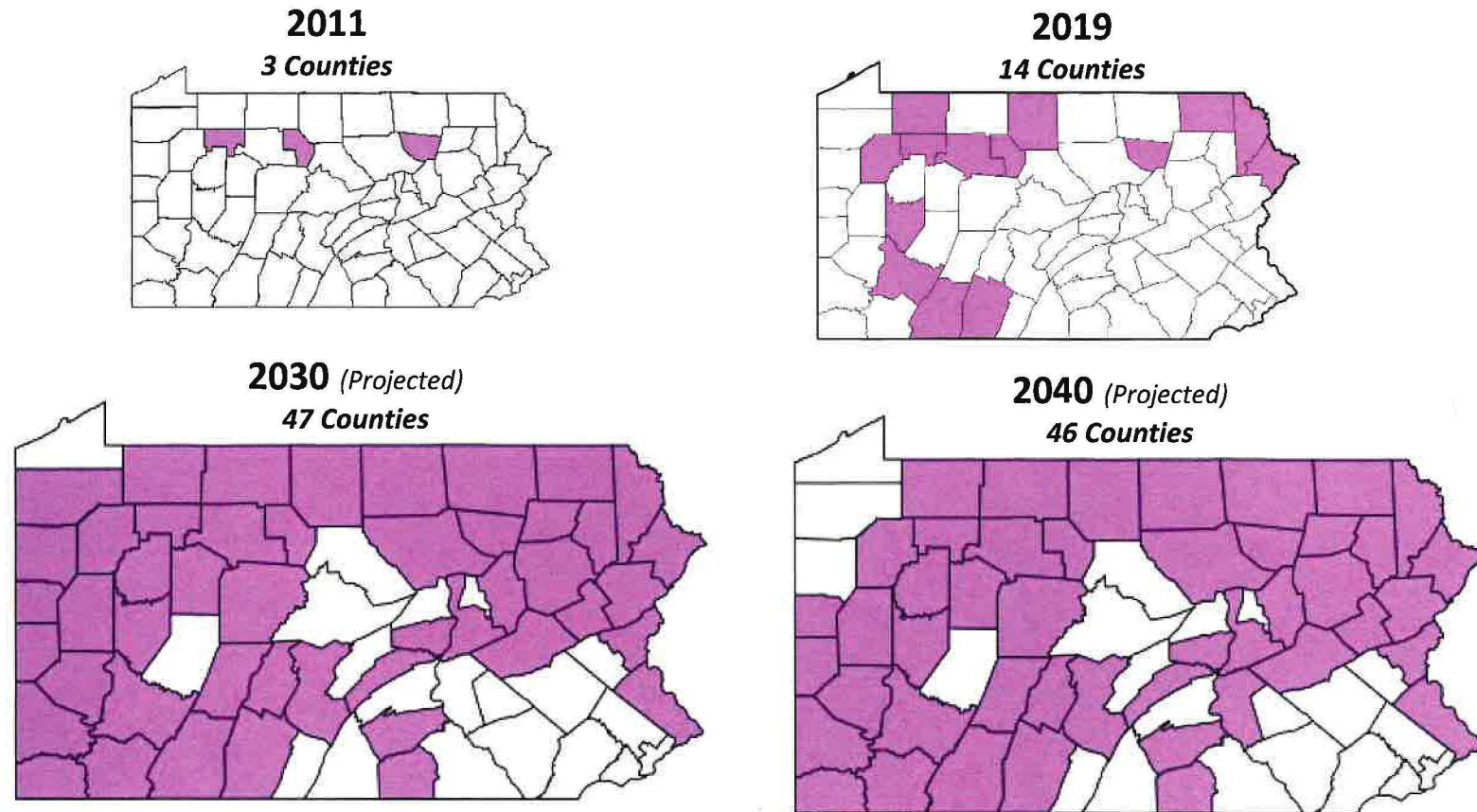


Data sources: Decennial Censuses, 2019, 5-year Average, American Community Survey, U.S. Census Bureau; and Pennsylvania State Data Center.



# An increasing number of Pennsylvania counties are projected to have more senior citizens than youth

Shaded counties have more residents 65+ than residents <20 years old.

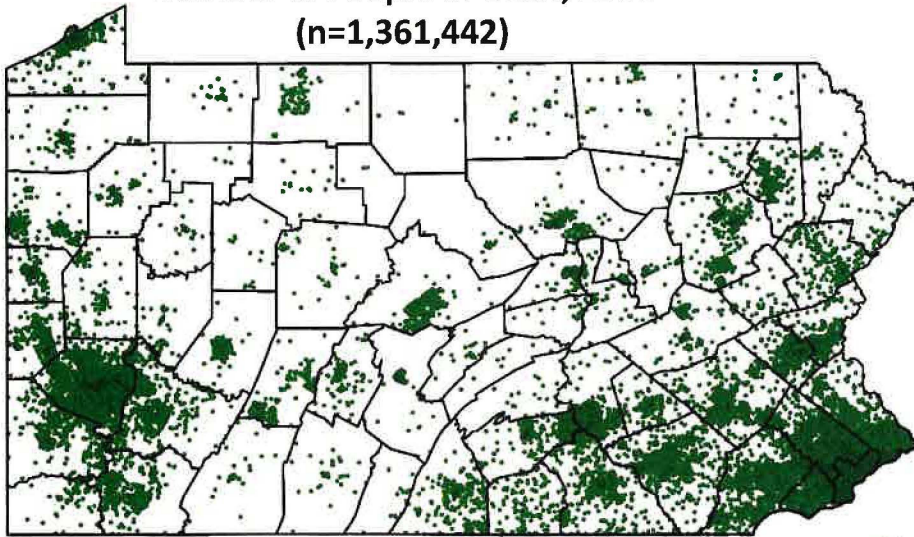


Data sources: Decennial Censuses, 2019, 5-year Average, American Community Survey, U.S. Census Bureau; and Pennsylvania State Data Center.



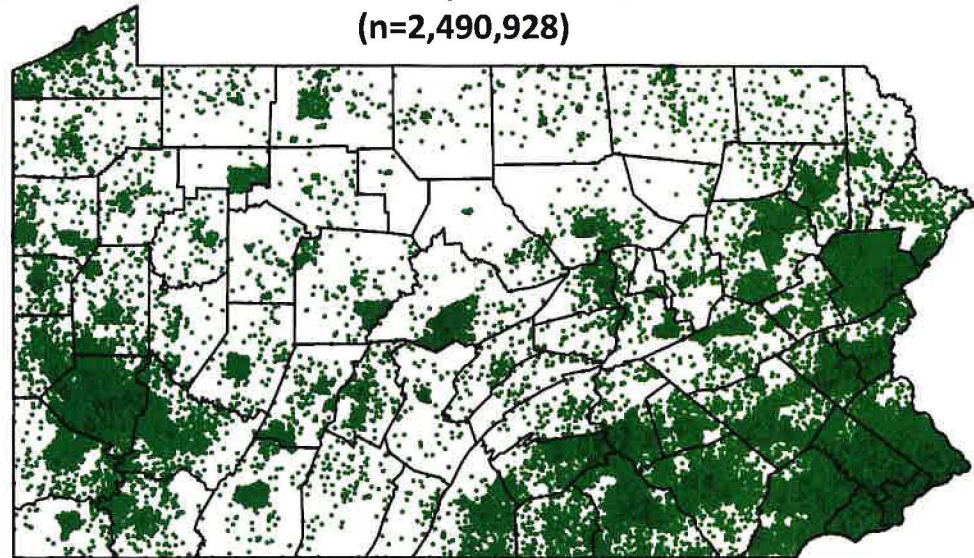
# Number of People of Color by Municipality, 1990 and 2019

**Number of People of Color, 1990**  
**(n=1,361,442)**



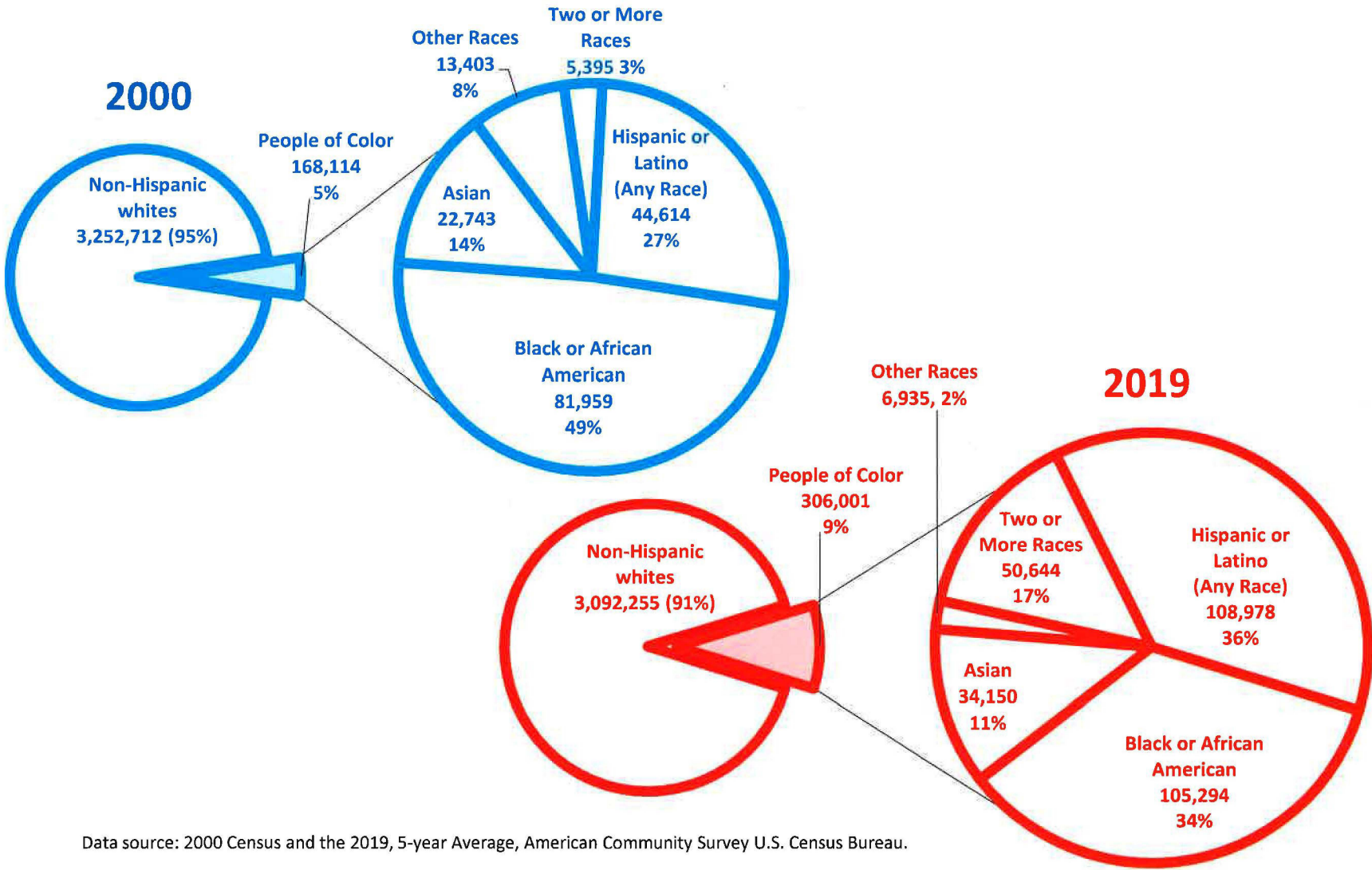
1 Dot = 10 People

**Number of People of Color, 2019**  
**(n=2,490,928)**



People of color include all people who are not non-Hispanic whites. Data sources: 1990 Census, and the 2019, 5-year Average, American Community Survey, U.S. Census Bureau.

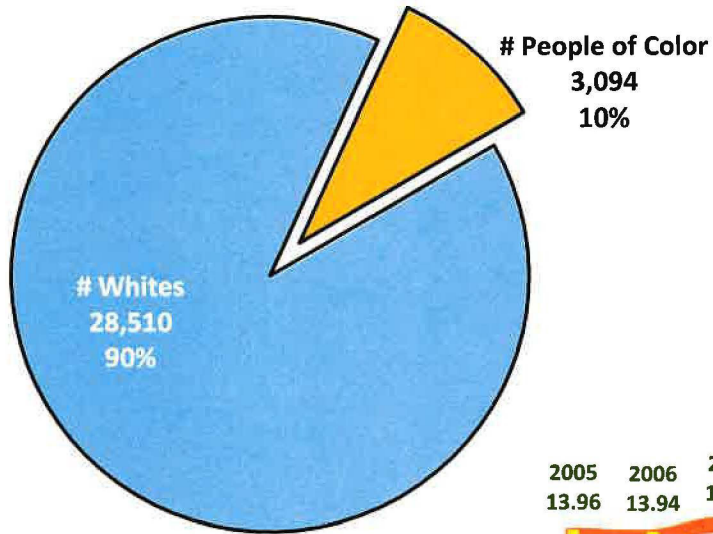
# Rural Pennsylvania Population by Race & Ethnicity, 2000 and 2019



Data source: 2000 Census and the 2019, 5-year Average, American Community Survey U.S. Census Bureau.

# Rural Births by Race

Number of Births in Rural Pennsylvania, 2019

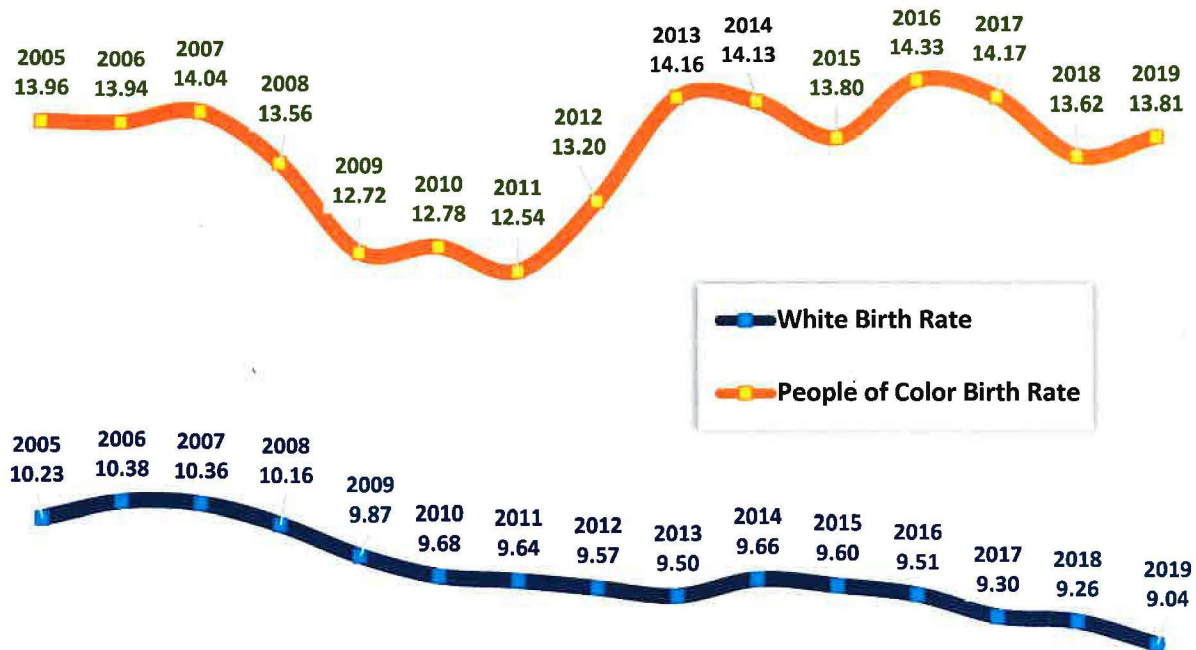


NOTE: Because of data reporting limitations, the information here does not separate Hispanic/Latinos. The information is reported as non-white and white.

Data sources: Pennsylvania Department of Health, and the 2019, 1-year Average, American Community Survey, U.S. Census Bureau.

Birth Rates in Rural Pennsylvania, 2005 to 2019

(Number of Births per 1,000 Residents)



**Total Fertility Rates for Rural Women 2017-2019**

(2.1 = Births Needed per Woman for Population Replacement)

2.17 = People of Color

1.66 = Whites



Center for

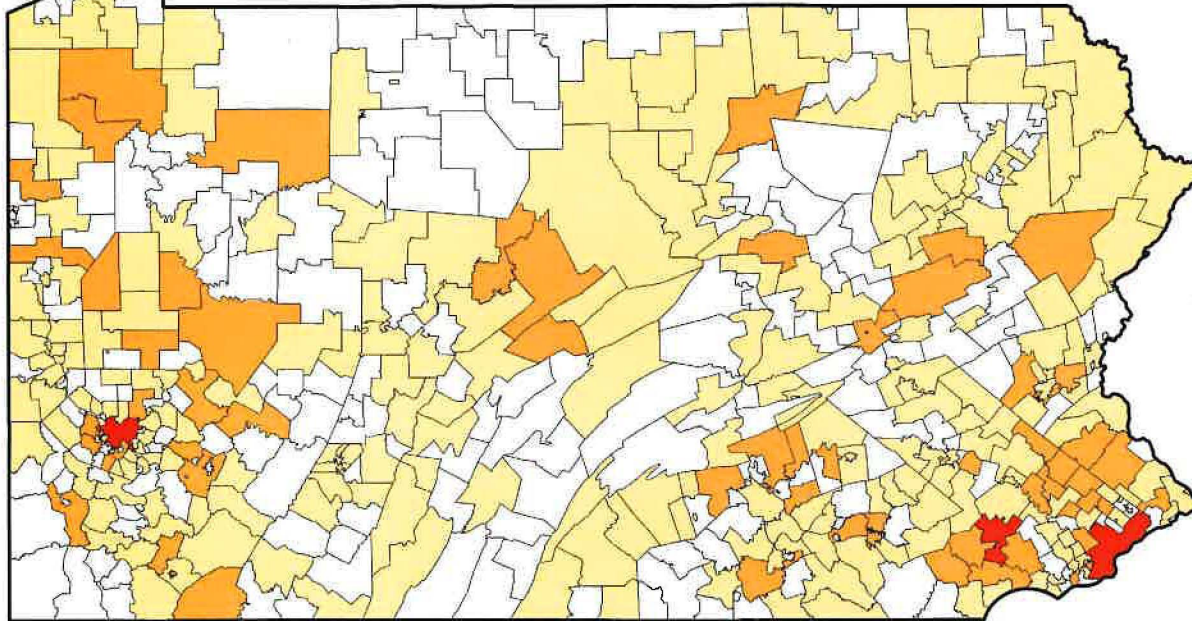


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# Implications for Political Subdivisions: School Districts

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**School Districts by the Number of House Members, 2020**



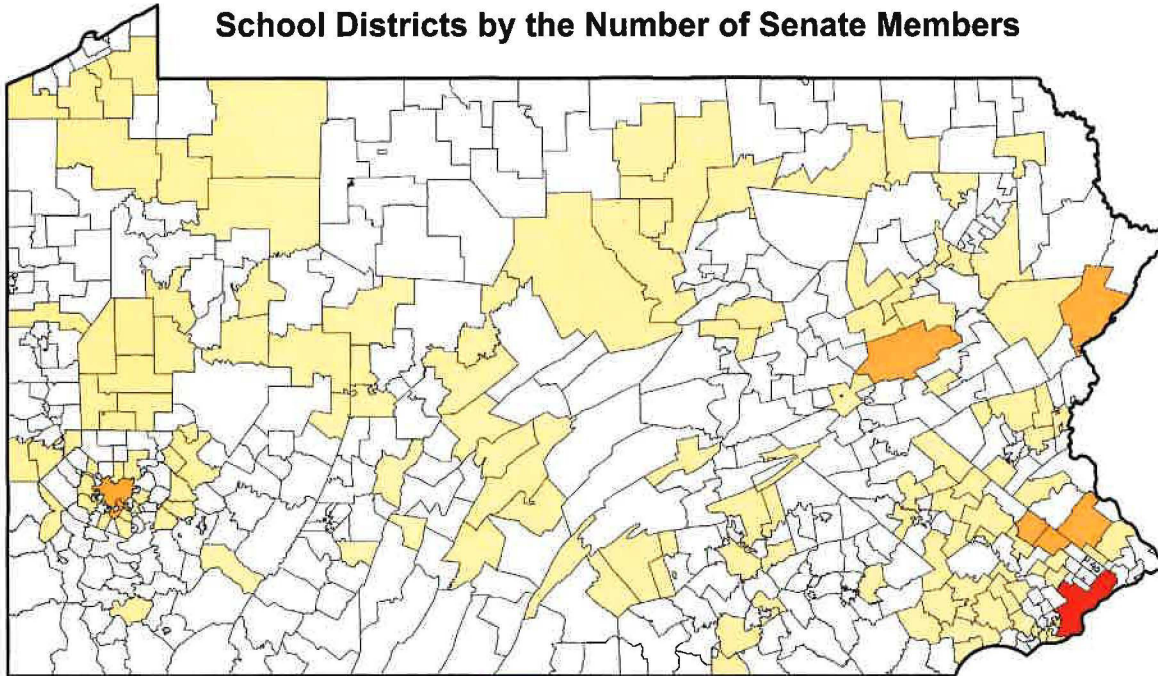
**School Districts by House Districts, 2020**

School Districts with 1 House Member
  School Districts with 3 to 4 House Members  
 School Districts with 2 House Members
  School Districts with 5+ House Members

House Districts that are less than 25 acres in a school district were eliminated from the analysis. Data are TIGER Shapefiles, U.S. Census Bureau.

HOUSE	Rural School Districts	Urban School Districts	Total School Districts
School Districts with 1 House Member	114 (49%)	99 (37%)	213 (43%)
School Districts with 2 House Members	100 (43%)	123 (46%)	223 (45%)
School Districts with 3 to 4 House Members	21 (9%)	40 (15%)	61 (12%)
School Districts with 5+ House Members	0 (0%)	3 (1%)	3 (1%)
<b>Total</b>	<b>235 (100%)</b>	<b>265 (100%)</b>	<b>500 (100%)</b>

### School Districts by the Number of Senate Members



School Districts with 1 Senate Member
  School Districts with 3 to 4 Senate Members  
 School Districts with 2 Senate Members
  School Districts with 5+ Senate Members

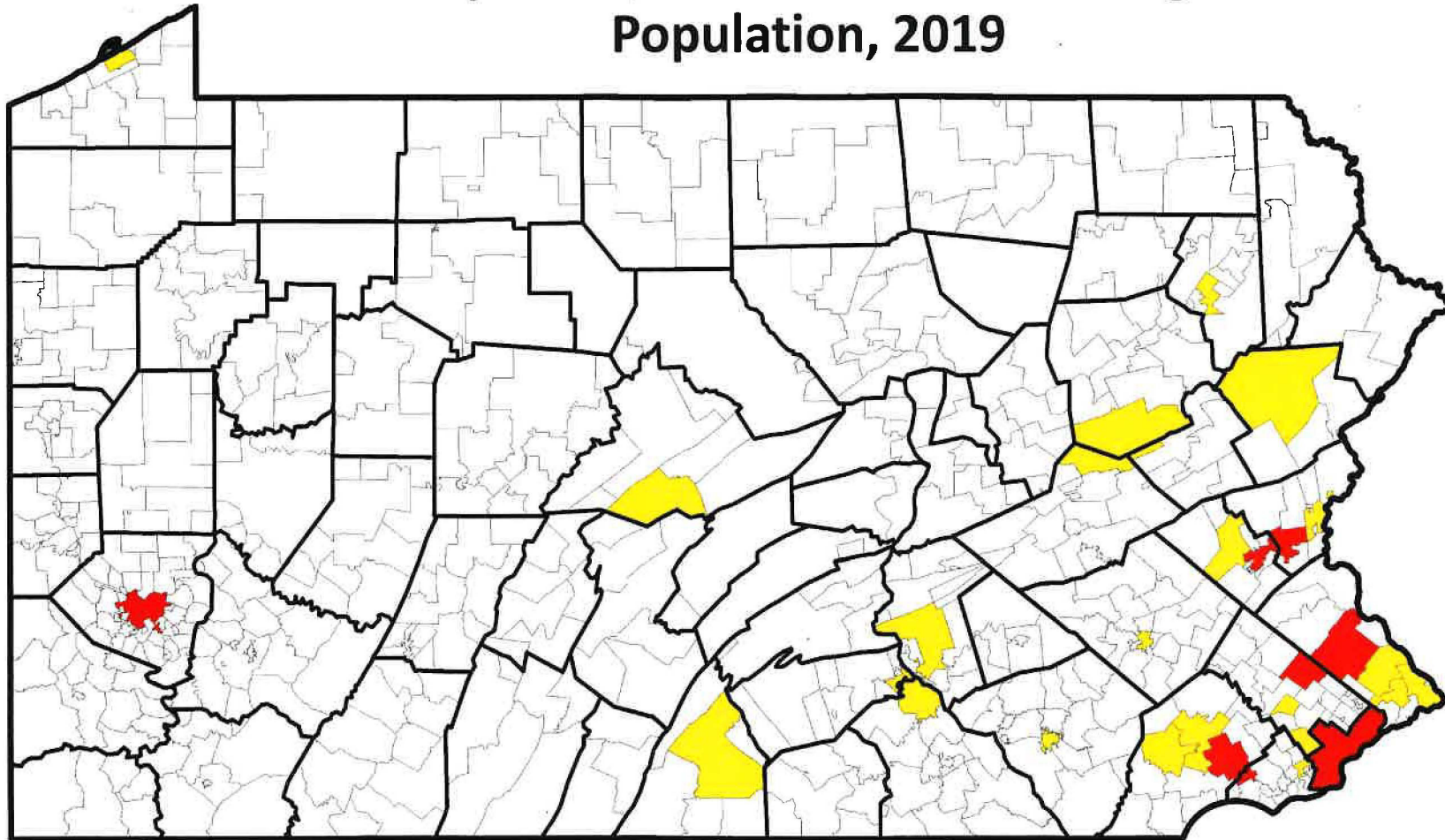
### School Districts by Senate Districts, 2020

Senate Districts that are less than 25 acres in a school district were eliminated from the analysis. Data are TIGER Shapefiles, U.S. Census Bureau.

SENATE	Rural School Districts (n=235)	Urban School Districts (n=265)	Total School Districts (n=500)
School Districts with 1 Senate Member	171 (73%)	193 (73%)	364 (73%)
School Districts with 2 Senate Members	63 (27%)	65 (25%)	128 (26%)
School Districts with 3 to 4 Senate Members	1 (<1%)	6 (2%)	7 (1%)
School Districts with 5+ Senate Members	0 (0%)	1 (<1%)	1 (<1%)
<b>Total</b>	<b>235 (100%)</b>	<b>265 (100%)</b>	<b>500 (100%)</b>



# School District Population Relative to the Average House District Population, 2019

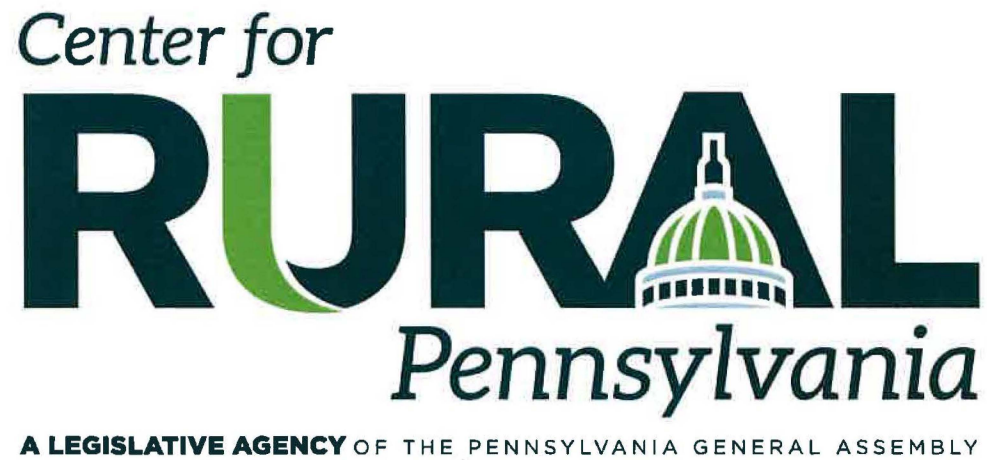


<63,012 Population
  63,012 to 99,999 Population
  100,000+ Population

	Rural	Urban
School Districts With <63,012 Pop.	233	240
School Districts with 63,012 to 99,999 Pop.	2	18
School Districts with 100,000+ Pop	0	7
<b>Total</b>	<b>235</b>	<b>265</b>

Data source: 2019, 5-year Average, American Community Survey, U.S. Census Bureau.





# Conclusion & Thank You

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Legislative Reapportionment Commission Hearing  
Thursday, July 29, 2021

Center for

**RUR****AL**

*Pennsylvania*

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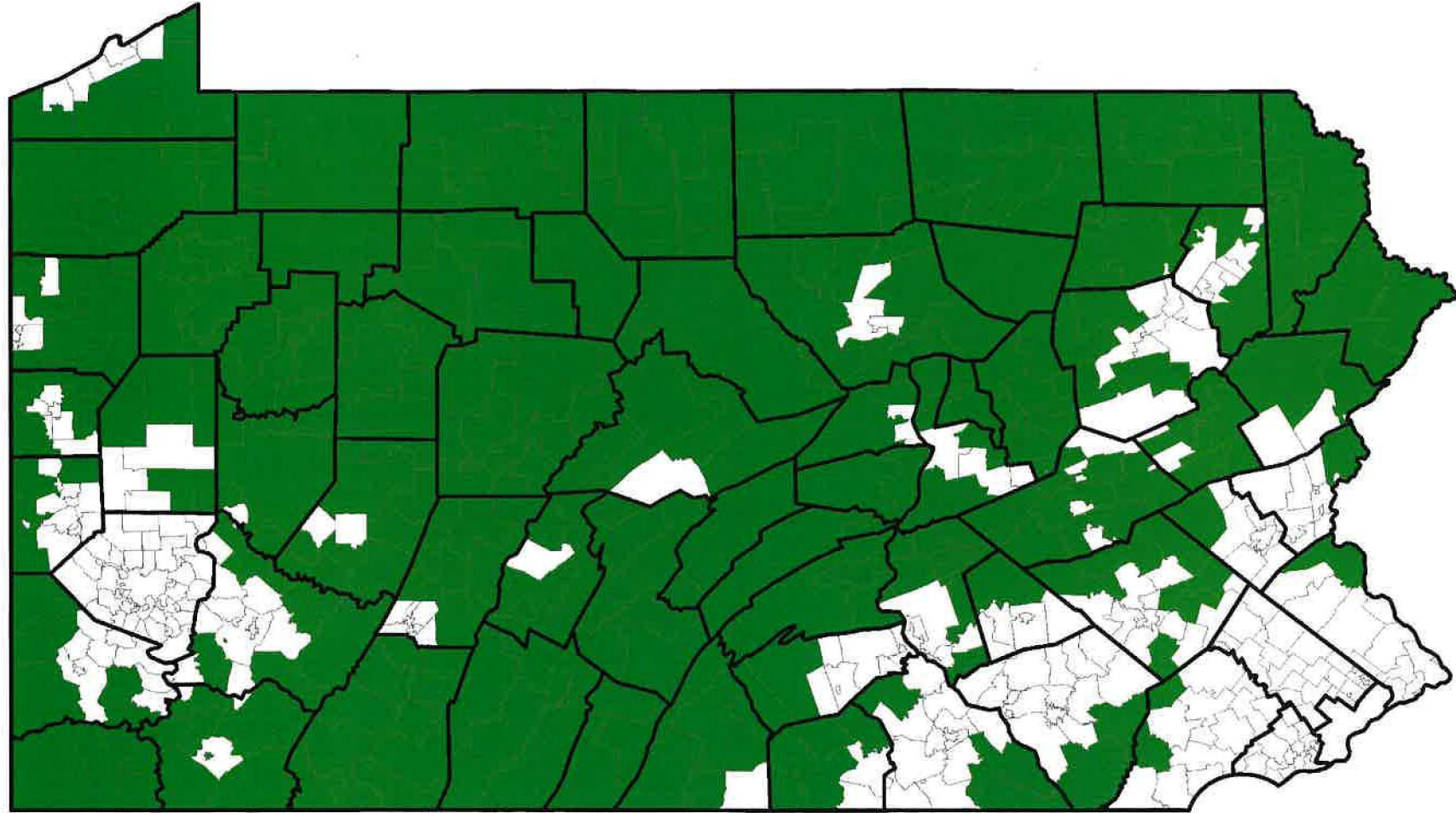
# Supplemental Information

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Legislative Reapportionment Commission Hearing

Thursday, July 29, 2021

# Rural and Urban School Districts, 2010



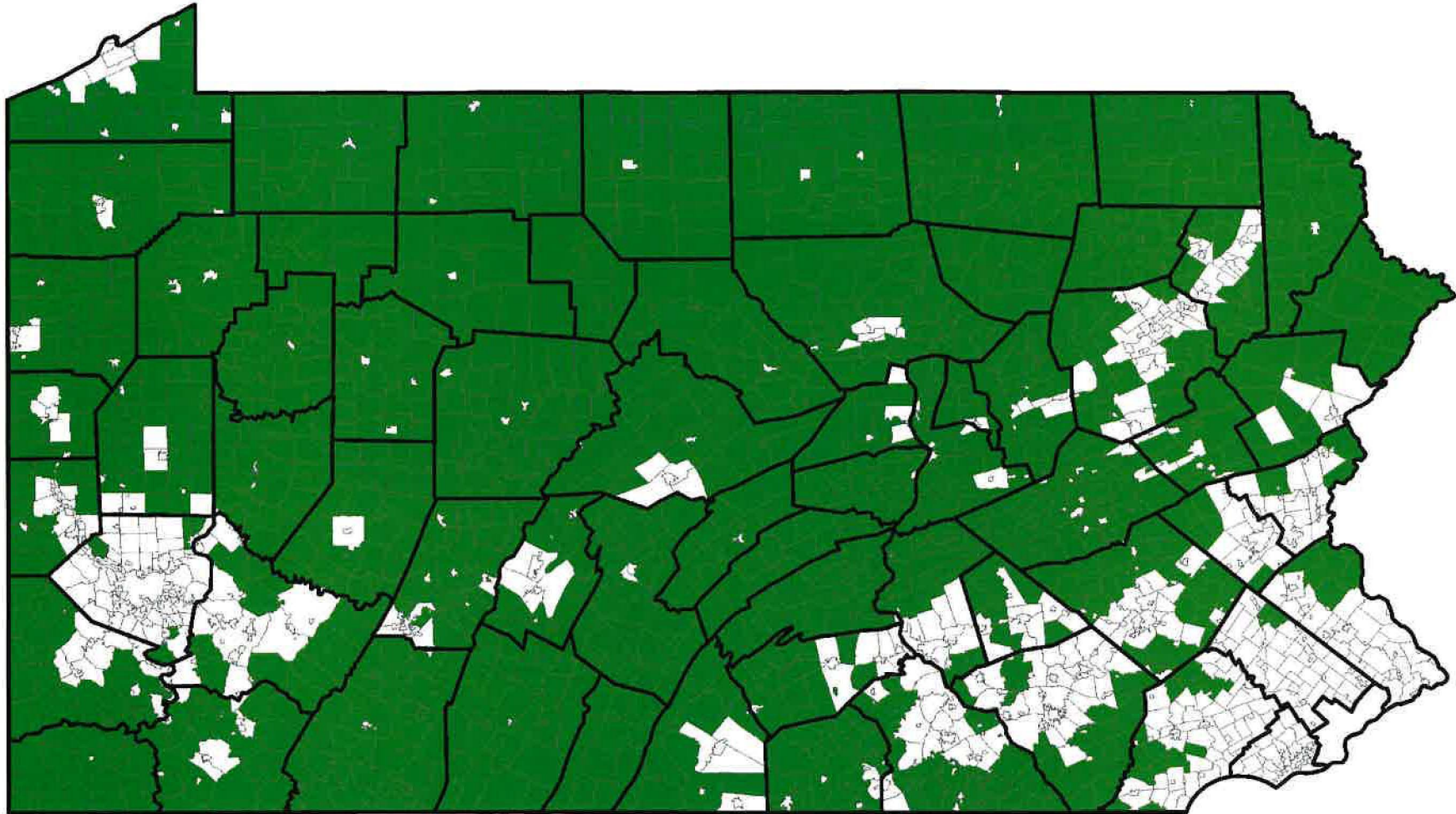
- Urban School Districts (n=265)
- Rural School Districts (n=235)

According to the Center for Rural Pennsylvania's definition, a rural school district has a population density below the statewide average of 284 persons per square mile. Urban school districts have a density at or above the statewide average

Data source: 2010 Census, U.S. Census Bureau



# Rural and Urban Municipalities, 2010

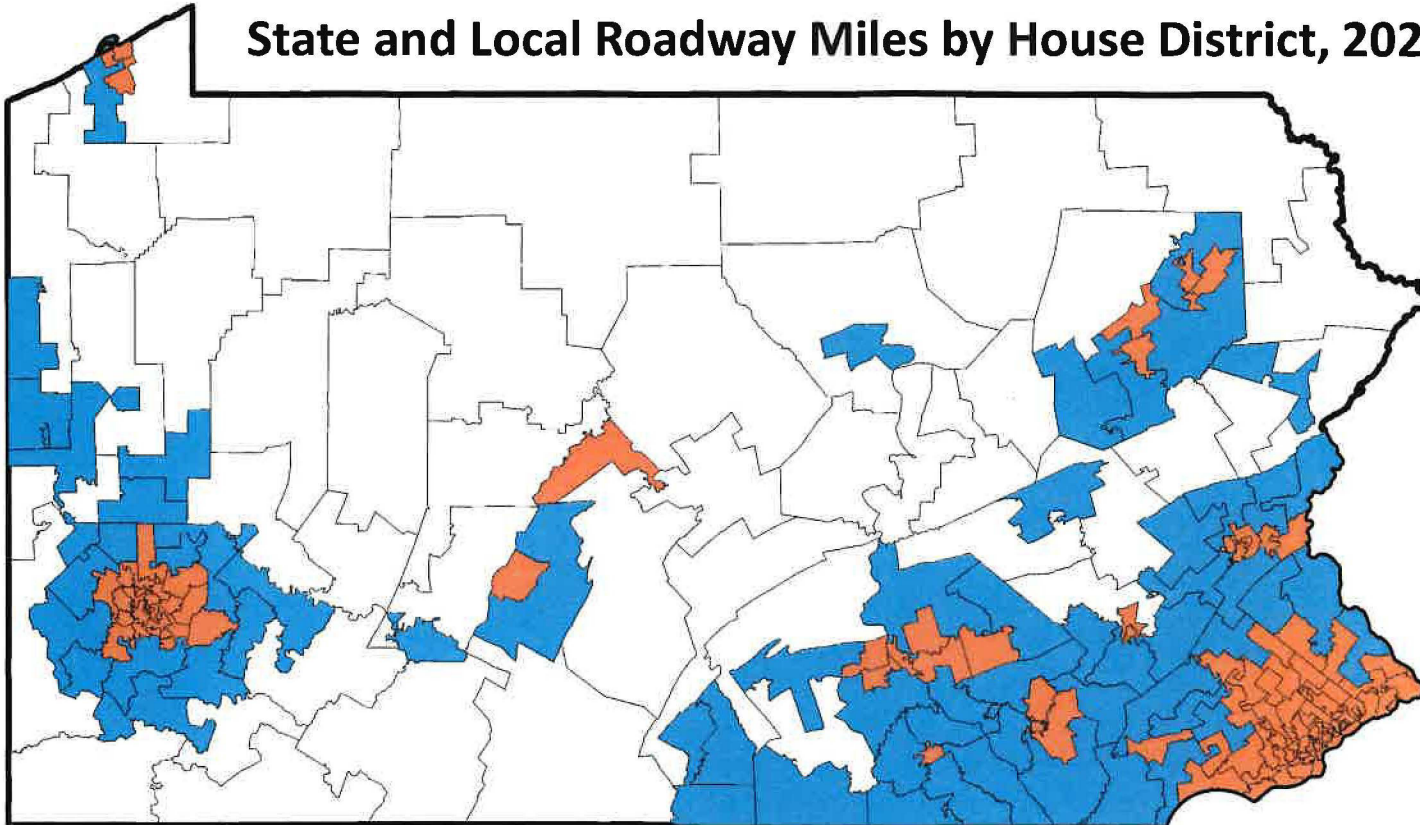


-  Urban Municipalities (n=970)
-  Rural Municipalities (n=1,592)

According to the Center for Rural Pennsylvania's definition, a municipality is rural when the population density within the municipality is less than the statewide average density of 284 persons per square mile, or the total population is less than 2,500, unless more than 50 percent of the population lives in an urbanized area as defined by the U.S. Census Bureau. All other municipalities are considered urban.

Data source: 2010 Census, U.S. Census Bureau

## State and Local Roadway Miles by House District, 2020



**Estimated Miles of Roadway in Pennsylvania = 151,368**

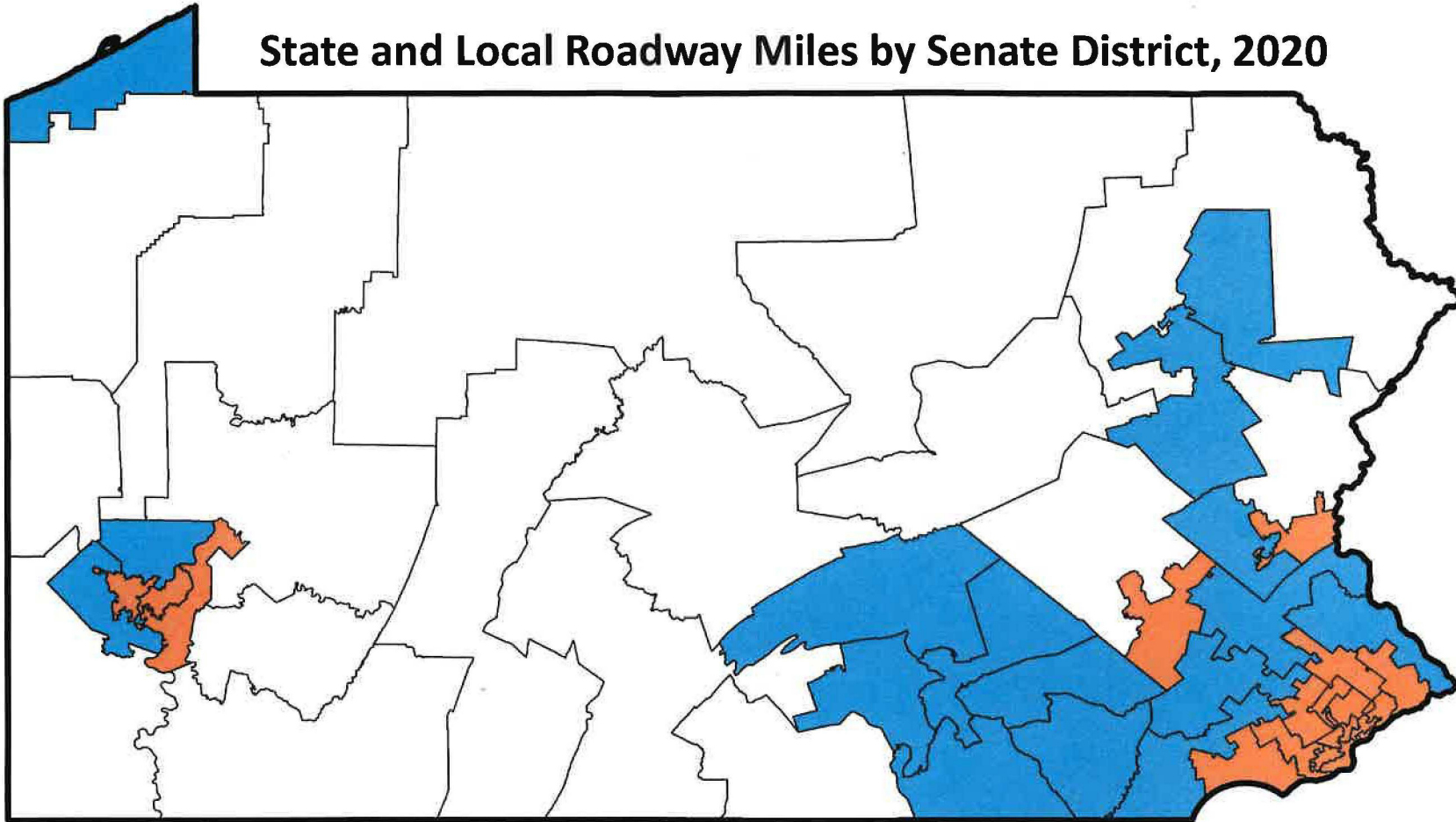
- <500 Miles of Roadway
- 500 to 999 Miles of Roadway
- 1,000+ Miles of Roadway

*Miles of roadway are estimated based on GIS calculations. Data source: Pennsylvania Department of Transportation.*

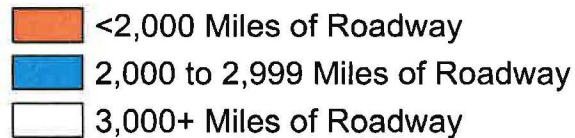
	Est. Miles of Local Roadway	Est. Miles of State Roadway	Total Est. Miles of Roadway
# Districts with <500 Miles of Roadway (n=97)	19,260	8,071	27,331
# Districts with 500 to 999 Miles of Roadway (n=62)	30,763	14,335	45,098
# Districts with 1,000+ Miles of Roadway (n=44)	52,121	26,819	78,940
<b>Total (n=203)</b>	<b>102,144</b>	<b>49,225</b>	<b>151,369</b>



## State and Local Roadway Miles by Senate District, 2020



**Estimated Miles of Roadway in Pennsylvania = 151,368**

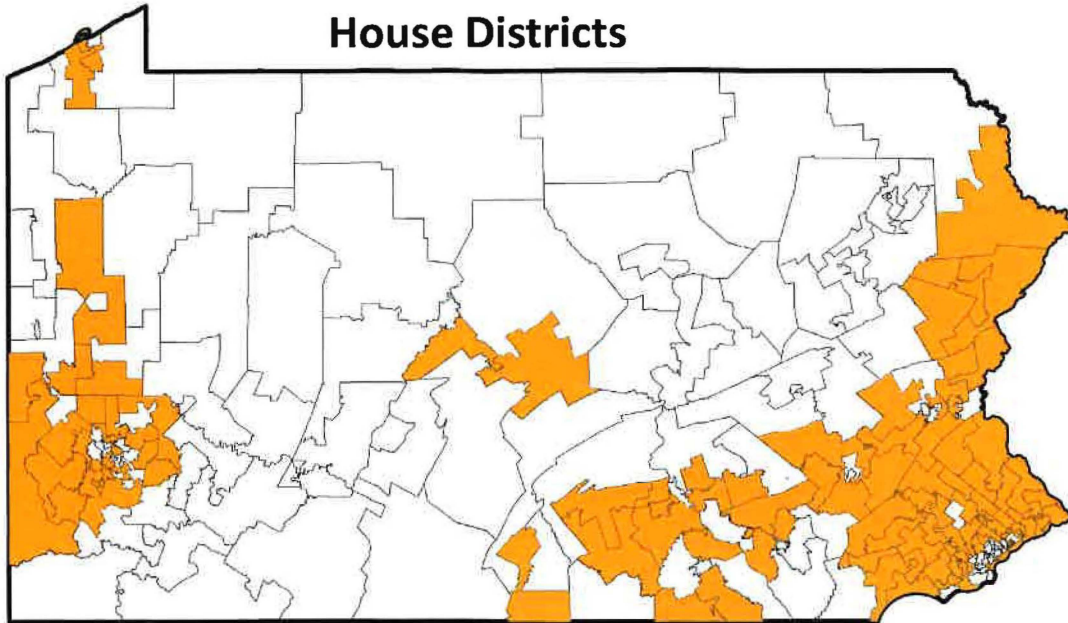


	Est. Miles of Local Roadway	Est. Miles of State Roadway	Total Est. Miles of Roadway
# Districts with <2,000 Miles of Roadway (n=17)	13,065	5,253	18,318
# Districts with 2,000 to 2,999 Miles of Roadway (n=16)	26,153	12,026	38,179
# Districts with 3,000+ Miles of Roadway (n=17)	62,925	31,946	94,871
<b>Total (n=50)</b>	<b>102,143</b>	<b>49,225</b>	<b>151,368</b>

Miles of roadway are estimated based on GIS calculations. Data source: Pennsylvania Department of Transportation.

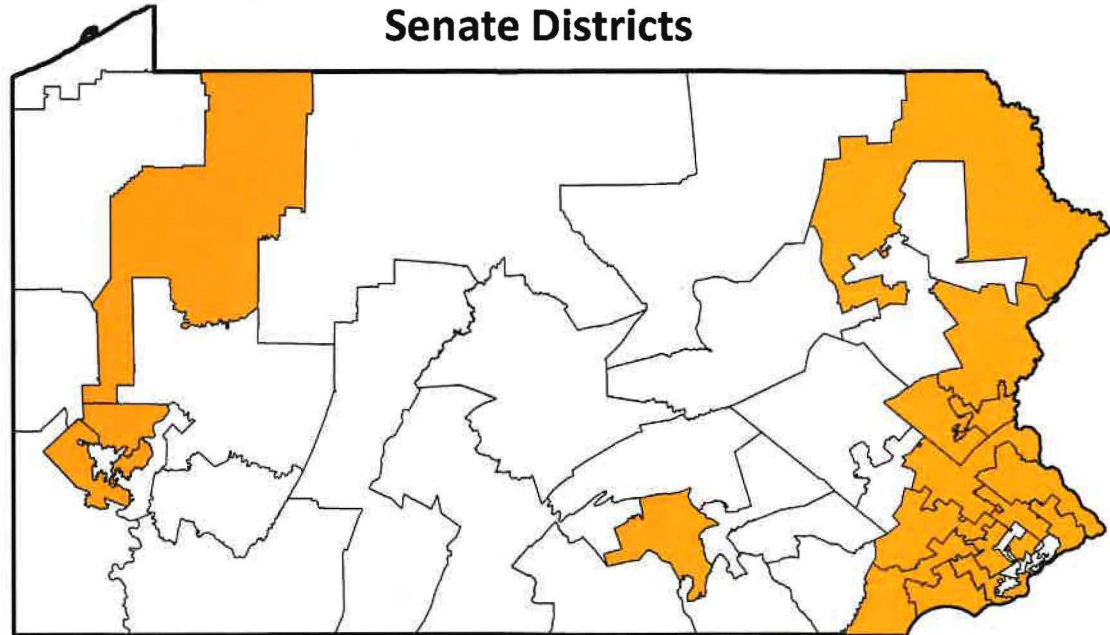


### House Districts



## Percent of Households with Internet Access by House and Senate Districts, 2019

### Senate Districts



**Statewide Rate = 84.7% Households**

- At or Below Statewide Rate
- Above Statewide Rate

Data source: 2019, 5-year Average, American Community Survey, U.S. Census Bureau.

# In-Migration: People Moving into Rural Pennsylvania

Number of People Who Moved into Rural PA, 2018-2019

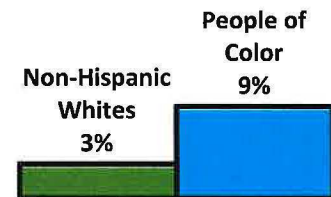
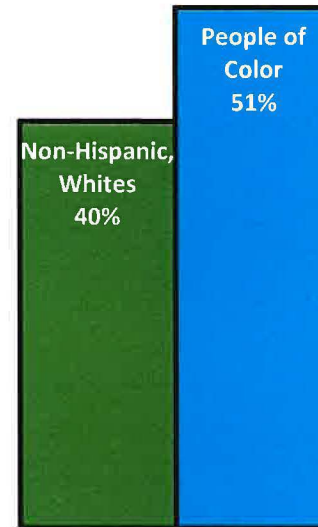
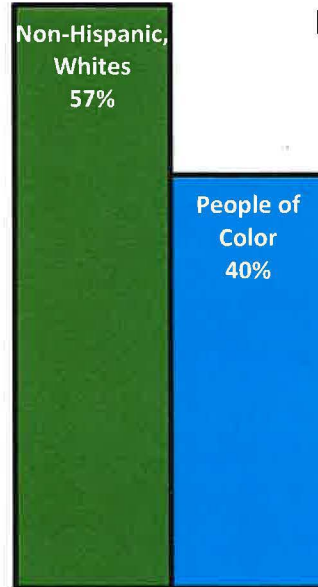


Non-Hispanic  
Whites  
128,300



People of  
Color  
47,411

Where People Lived Before Moving  
Into Rural Pennsylvania, 2018-2019



Top 5 States Where People Lived  
Before Moving Into Rural  
Pennsylvania, 2019

	People of Color	Non-Hispanic, Whites
New York	5,107	7,486
Texas	3,000	2,334
Florida	2,802	2,254
Georgia	2,508	1,312
Maryland	2,125	4,418

Moved from  
Urban PA to Rural PA

Moved from Another  
State to Rural PA

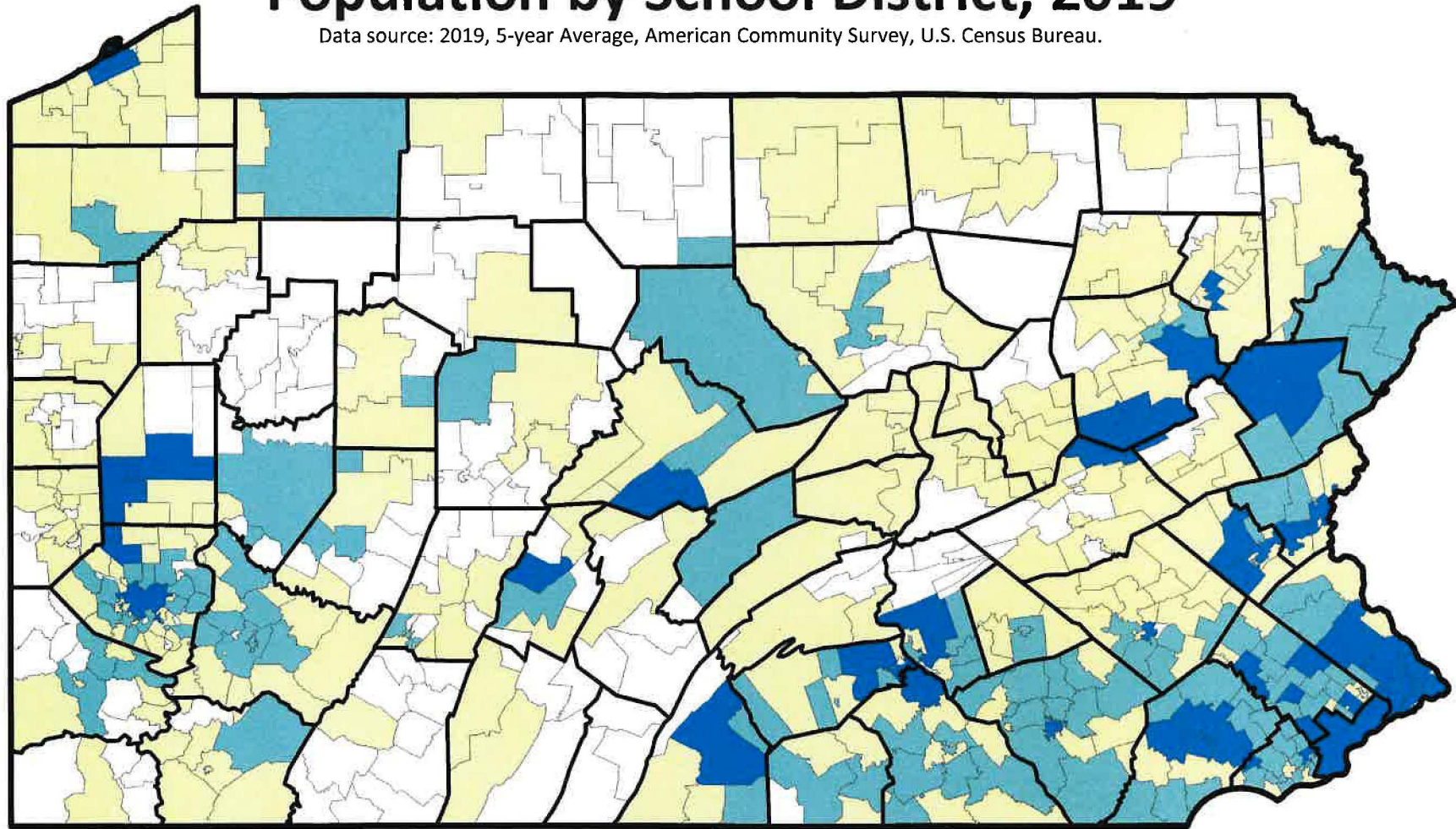
International Migration  
into Rural PA

Data source: 2019, 1-year Average, American Community Survey Public Use Microdata Sample (PUMS), U.S. Census Bureau.



# Population by School District, 2019

Data source: 2019, 5-year Average, American Community Survey, U.S. Census Bureau.



 <10,000 Population (n=142)

 25,000 to 49,999 Population (n=108)

 10,000 to 24,999 Population (n=211)

 50,000+ Population (n=39)

# Number and Type of Group Quarters in Pennsylvania, 2010

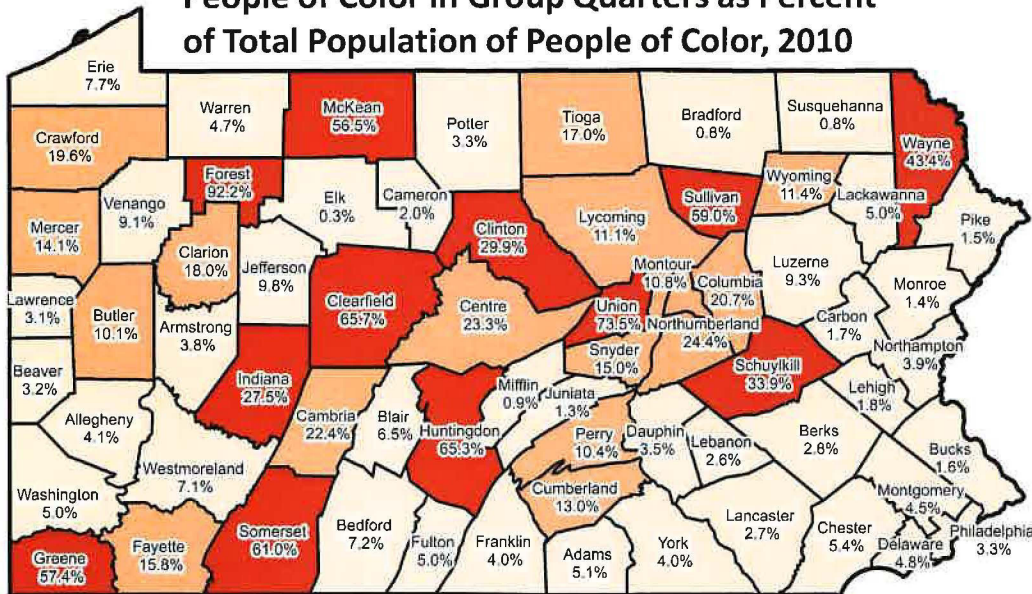
Data sources: Prison Policy Initiative, and 2010 Census, U.S. Census Bureau.

Number of Institutionalized Group Quarters, 2010	Rural	Urban
Corrections Facilities (Federal, state, local)	81	80
Juvenile Facilities	98	207
Nursing Homes	280	564
Other (Long-term care facilities)	13	48
Total	472	899

Number of Non-Institutionalized Group Quarters, 2010	Rural	Urban
College Dorms/Student Housing	219	480
Other (Group homes, treatment centers, homeless shelters, etc.)	850	2,676
Total	1,058	3,106



## People of Color in Group Quarters as Percent of Total Population of People of Color, 2010



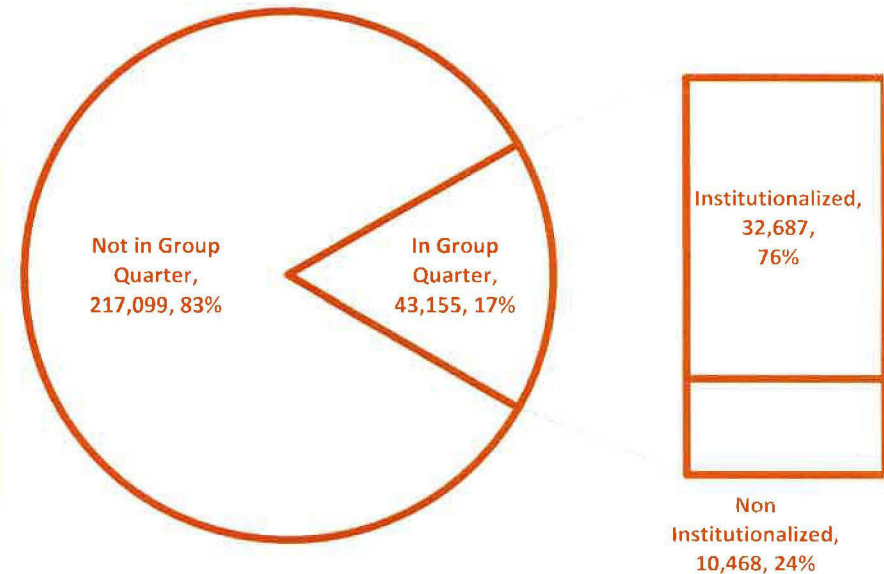
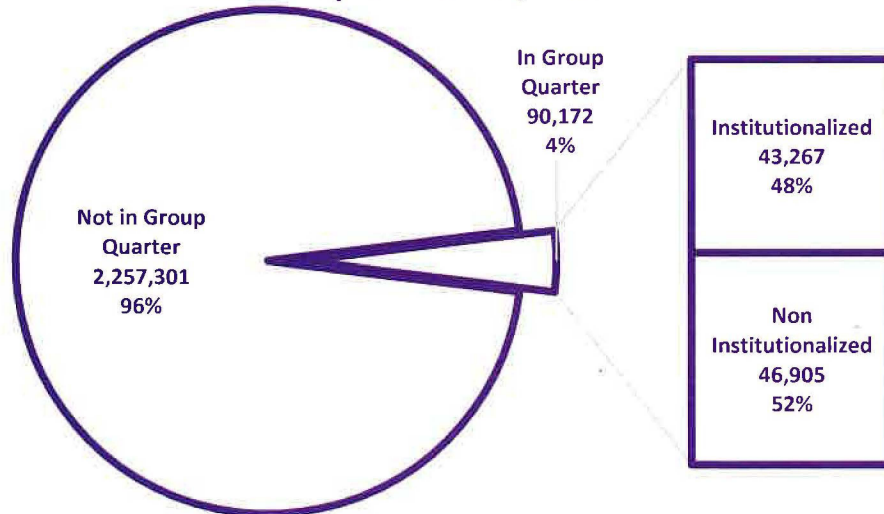
Statewide Rate = 5.1%

<10.0% Population of Color
  10.0% to 24.9% Population of Color
  25.0%+ Population of Color

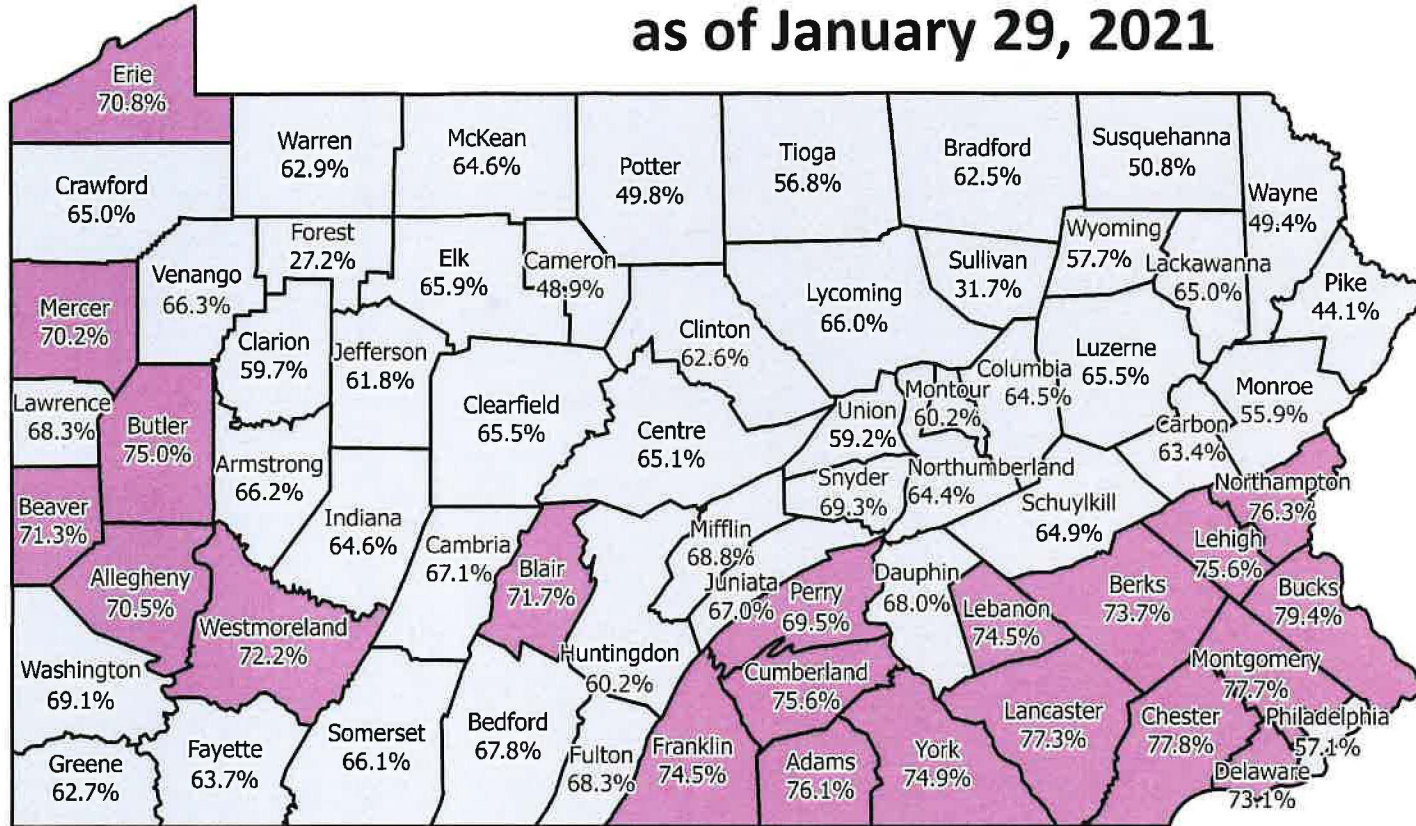
## People of Color by Group Quarters, 2010

### Rural People of Color, 2010

### Urban People of Color, 2010



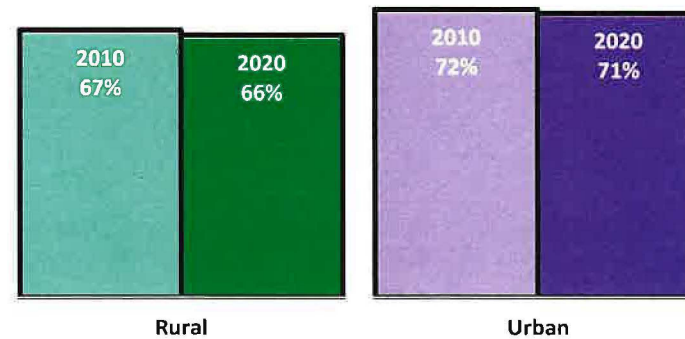
# Response Rates for 2020 Decennial Census, by County, as of January 29, 2021



Statewide Response Rate = 69.5%

- Below Statewide Response Rate
- Above Statewide Response Rate

Data source: 2020 Census, U.S. Census Bureau.

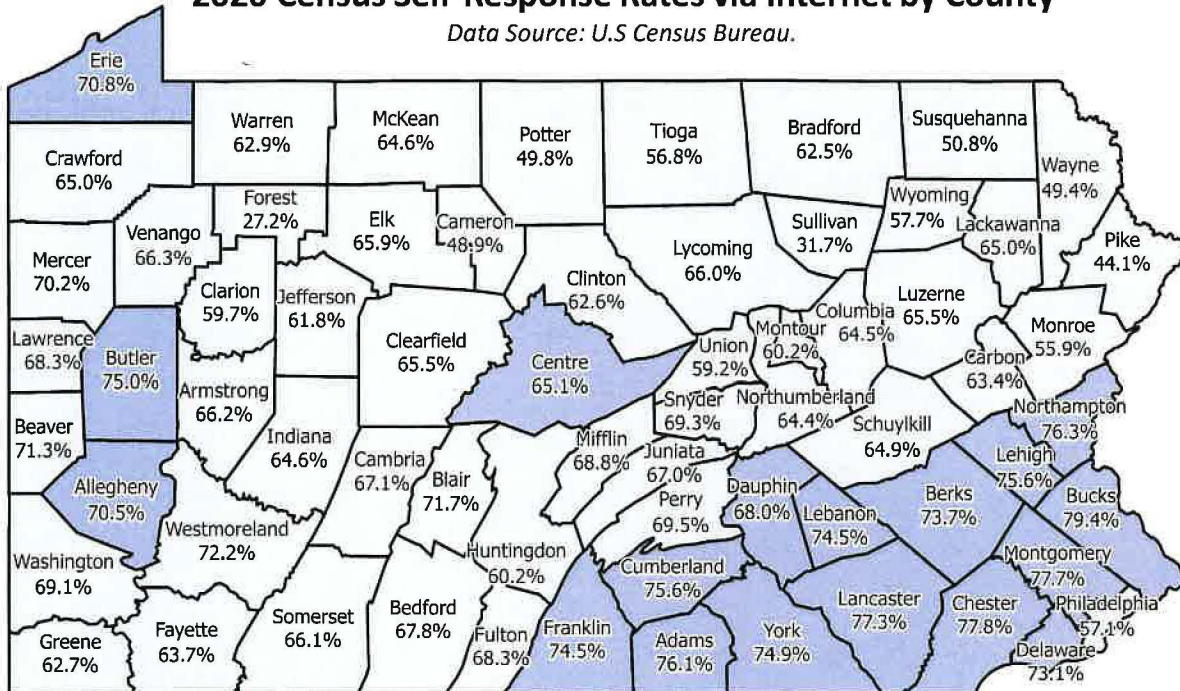




# Pennsylvania Census Response Rates by Response Type, 2020

## 2020 Census Self-Response Rates via Internet by County

Data Source: U.S. Census Bureau.

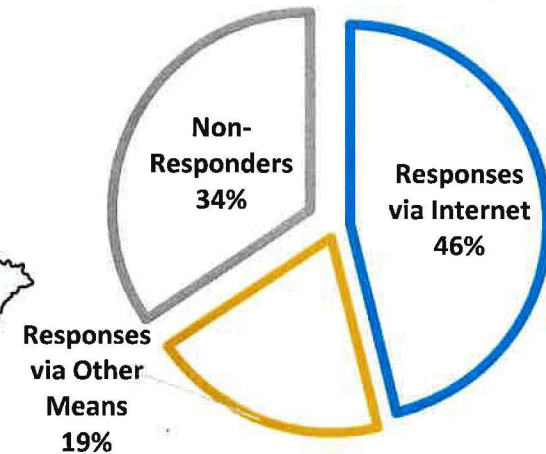


Statewide Internet Response Rate = 54.1%

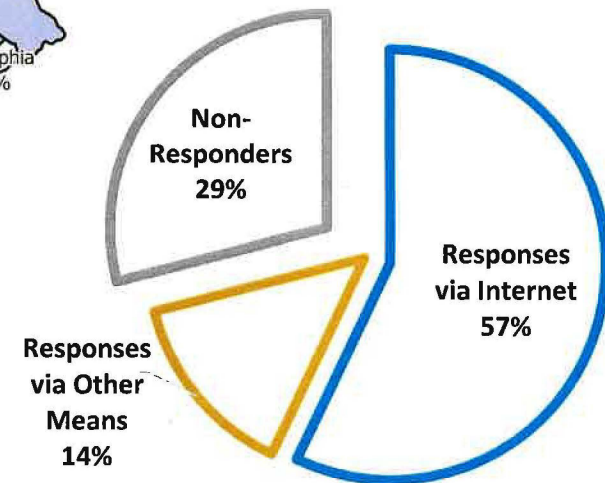
Below Statewide Internet Response Rate

At or Above Statewide Internet Response Rate

### Rural Pennsylvania Census Response Rates by Response Type



### Urban Pennsylvania Census Response Rates by Response Type





# Written Testimony

## Website Updates Providing for Public Participation

### Pennsylvania Legislative Reapportionment Commission

July 29, 2021

Brent McClintock, Executive Director  
Pennsylvania Legislative Data Processing Center  
B-48 Main Capitol Building  
Harrisburg, PA 17120

717-787-7358 | [help@legis.state.pa.us](mailto:help@legis.state.pa.us) | [www.paldpc.us](http://www.paldpc.us)

**PENNSYLVANIA LEGISLATIVE  
DATA PROCESSING CENTER**

B-48 MAIN CAPITOL BUILDING  
HARRISBURG, PA 17120  
717-787-7358  
717-772-1652 (fax)



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Anthony H. Williams  
Wayne Fontana  
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Bryan Cutler  
Joanna McClinton  
Michael Peifer  
Robert F. Matzie

**SECRETARY OF THE SENATE**

Megan Martin

**HOUSE PARLIAMENTARIAN**

Clancy Myer

July 29, 2021

Good afternoon, Chairman, and Commissioners,

Thank you for the opportunity to speak today. As you well know, your obligation to redistrict the state legislative boundaries is a complex and difficult task. As you have approached this responsibility in 2021, each of the members of the Legislative Reapportionment Commission has expressed a strong commitment to an open and transparent process. From the Commission's inception in March, legislative leaders have made it clear that collecting public input would be a high priority for this Commission. When the announcement<sup>1</sup> was made to certify the legislative leaders for the Commission, Speaker of the House, Bryan Culter said:

*"For Pennsylvanians to trust in the results of the redistricting process, we must ensure every step is as transparent as possible. Today's announcement marks the starting point and allows for maximum time to collect public input on district lines for the next ten years."*

The Commission has continued to advance this priority since the Chairman assumed his role. One tool that is enabling this open and transparent process is the Commission's updated website. A number of features were recently added that provide the citizens of Pennsylvania with new ways to participate.

I'd like to spend a few minutes today highlighting these new features. A link to the website, <https://www.redistricting.state.pa.us>, is also included in today's meeting agenda.

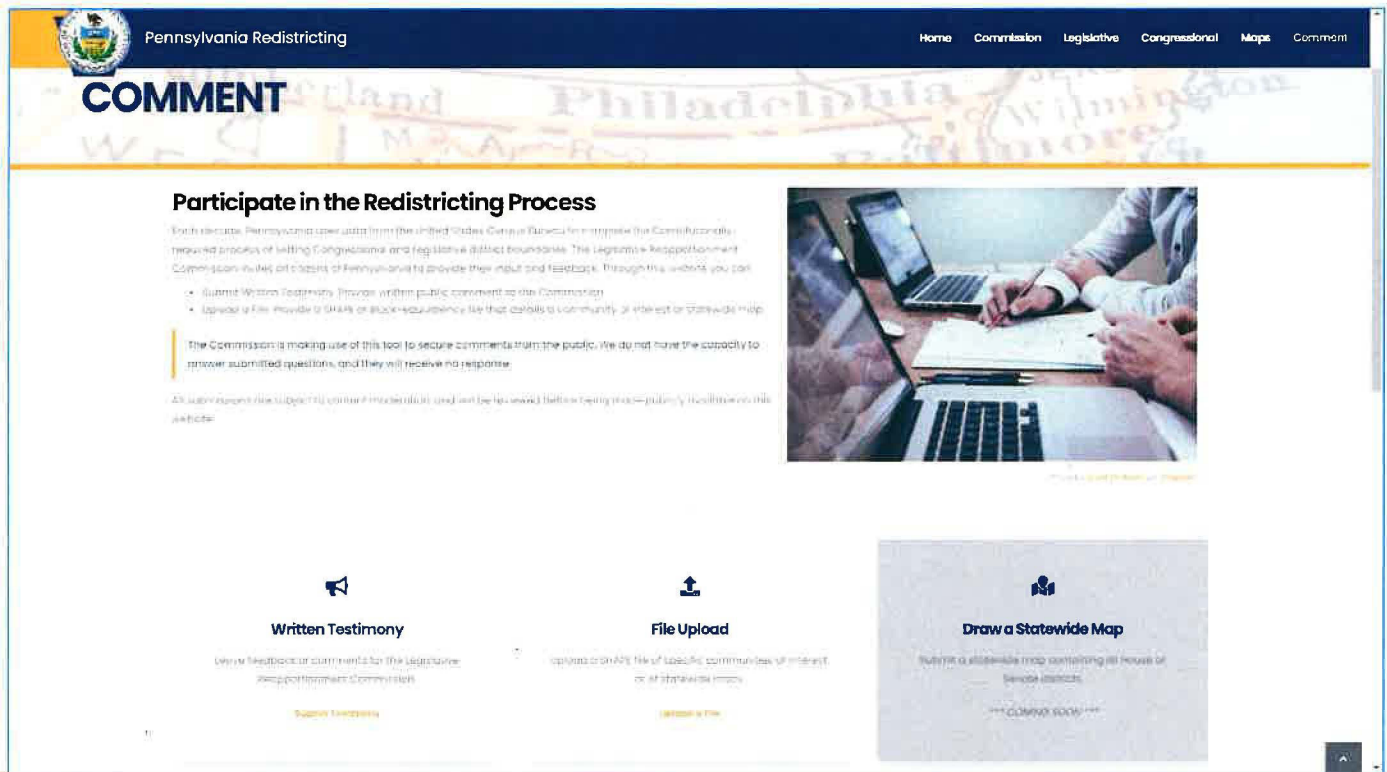
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<sup>1</sup> Legislative Leaders Name Reapportionment Commission Members  
<https://www.redistricting.state.pa.us/commission/article/1060>



## Public Comment

New features were added today, inviting the public to provide their feedback in three different ways.



First, citizens can submit “Written Testimony” to the Commission. This can be used to formally submit written remarks that will be presented at a public hearing. These submissions can also be used as a tool to provide feedback to the Commission independent of any formal hearing, detailing criteria that any citizen believes are important for the Commission to consider.

Second, citizens can upload GIS files that inform the Commission’s process of redrawing the statewide maps in 2021. They can submit a statewide map for Pennsylvania’s state House and Senate districts, or they can depict a specific community of interest. Along with these uploaded files, citizens can provide comments that describe any important distinguishing characteristics.

Lastly, online mapping tools will be available later this year. This will provide everyone with the data and tools necessary to draw their own statewide legislative maps, and to easily submit those maps to the Commission. As you know, the U.S. Census data that was expected in April is now delayed until a release later this fall. These online mapping tools will be added to the website after Census data is received.

To provide the most transparent process possible, submissions to the Commission will be publicly available on the website. Citizens have the option to “tag” their submissions to provide categories that can quickly and easily be searched.

## Public Hearings

In addition to the features inviting Public Comment, the website also added a new page today that details how citizens can participate in Public Hearings.

**HEARINGS**

**You are welcome to attend our public hearings.**

WE WELCOME ALL PENNSYLVANIA RESIDENTS TO PARTICIPATE IN THE 2021 REDISTRICTING PROCESS.

There are many ways for you to participate in the 2021 redistricting process: you can tell the Commission about your community by attending and testifying at a public hearing, providing written testimony, or drawing a boundary in one of your communities.

The Commission welcomes and encourages your input on all Commission matters. Please review guidelines for providing public comment at meetings below.

If you prefer to submit feedback outside of scheduled meeting times, you may do so by [visiting the public comment page](#).

**View**

All public meetings held by the Legislative Redistricting Commission will be [webcasted on YouTube](#). Meetings will also be recorded and available to view if you are unable to attend the live meeting.

**Participate Virtually**

Some public hearings of the Commission may provide the opportunity for Pennsylvania residents to participate virtually via Zoom. If you would like to provide public testimony at one of the Commission's hearings, you must register in advance. Meetings will be [webcasted on YouTube](#) and will include links to register. **Registration is only required if you intend to speak at a Commission hearing. All hearings will be livestreamed, and anyone who is not registered to speak is encouraged to view the livestream or attend in-person.**

Please download and read [this important information](#) on how to participate and testify during a Commission virtual public meeting.

Each new hearing will be listed, along with its agenda and location, on this new page. The Commission is also scheduling hearings that invite constituents to participate virtually via Zoom. This removes any barriers that may have precluded citizens from testifying in-person due to travel or health-related concerns.

**Attend In-Person**

Some public hearings will be held at physical locations across the state. The Commission invites residents to participate in person and attend. Details on the schedule of the meetings will be [available on the Commission website](#).

If you would like to attend a hearing and provide your testimony in person, please email the Commission at [info@redistricting.com](#).

**Public Meeting Schedule**

Date of Hearing	Location	Agenda	Registration
07/29/2021 2:00 PM - 4:00 PM	Hearing Room 1, North Office Bldg., Harrisburg	<a href="#">Meeting Agenda</a>	
08/03/2021 2:00 PM - 4:00 PM	Hearing Room 1, North Office Bldg., Harrisburg		
08/03/2021 8:00 PM - 9:00 PM	Hearing Room 1, North Office Bldg., Harrisburg		<a href="#">Register to Attend</a>



All hearings will continue to be livestreamed on the website, with recorded video posted to the website after each meeting.

### **Conclusion**

I believe these new features provide the framework for robust public participation. This direct line of communication between the citizens of Pennsylvania and the Commission should be an important part of a process that both supports citizen participation and assists the Commission in it's important work of Redistricting.