

COMMONWEALTH OF PENNSYLVANIA
LEGISLATIVE REAPPORTIONMENT COMMISSION

In re: Public Meeting of the Legislative
Reapportionment Commission

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

Wednesday
October 13, 2021
2:00 p.m.

MEMBERS OF LEGISLATIVE REAPPORTIONMENT COMMISSION

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

Also Present:

Robert L. Byer, Esq., Chief Counsel
G. Reynolds Clark, Executive Director
Dr. Jonathan Cervas, Redistricting Consultant
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
Michael Schwoyer, Esq., Special Counsel, Deputy Chief of
Staff for Legislation and Policy, House Democratic Caucus

Reported by:
Ann-Marie P. Sweeney
Official Reporter

1 Also Present:

2 Justin Klos, Director, House Democratic Office of
Demographic Analysis

3 David Brogan, Esq., Director, House Democratic Legislation
and Policy

4 Andrew McGinley, Esq., General Counsel, House Democratic
Government Oversight Committee

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1 CHAIR NORDENBERG: Good afternoon, everyone. The
2 big clock on the wall says a little after 2:00, so I think we
3 should start. My name is Mark Nordenberg. As Chair of the
4 Legislative Reapportionment Commission, it is my privilege to
5 invite all of you to this hearing. I do so not only for
6 myself but on behalf of the other Members of the Commission,
7 two who are seated to my left are Senator Jay Costa, who is
8 the Democratic Leader of the Pennsylvania Senate; and
9 Representative Kerry Benninghoff, who is the Majority Leader
10 in the Pennsylvania House of Representatives; on the screen
11 via Zoom is Senator Kim Ward, who is the Majority Leader in
12 the Senate; and to my right is Representative Matt Bradford,
13 who chairs the Appropriations Committee in the Pennsylvania
14 House of Representatives and is here today representing his
15 Caucus, and that is representing Representative Joanna
16 McClinton, who is the Democratic Leader of the State House of
17 Representatives.

18 This is our seventh hearing. By the time we
19 conclude today's gathering, we will have received 22
20 presentations from invited expert witnesses. We will have
21 received 51 presentations from citizen witnesses who signed up
22 online to offer testimony either in-person or remotely. Each
23 of these hearings has been livestreamed. Recordings of each
24 of the hearings are posted on the Legislative Reapportionment
25 Commission's website, typically the next day. We also do have

1 a portal on our website through which citizens can submit
2 suggestions for the process that we are moving forward. As of
3 this morning, we have received 367 website submissions from
4 citizens of Pennsylvania.

5 The principal agenda item for today's hearing is
6 the Voting Rights Act of 1965, which is regarded by many as
7 one of the most important pieces of legislation ever passed.
8 We already have discussed, at earlier hearings, many important
9 requirements that apply to the redistricting process. Most of
10 those requirements have arisen under State law, and more
11 specifically, under the Pennsylvania Constitution. Today's
12 topic adds another dimension to redistricting, and that is
13 Federal law. In our legal system, redistricting is primarily
14 a question for the States, but there are aspects of Federal
15 law that also impose requirements either through legislation
16 or through the Federal Constitution. And today we will, to
17 some extent, be dealing with Federal limitations of both
18 types.

19 The Voting Rights Act was passed at the height of
20 the Civil Rights movement. It prohibits States from creating
21 and enforcing any standards, practices, or procedures that
22 result in the denial or abridgement of the right to vote of
23 any citizen who is a member of a protected class of racial or
24 language minorities. Most important for our purposes, the
25 Voting Rights Act prohibits the dilution of minority votes

1 through redistricting. The most common forms of Voting Rights
2 Act violations relating to district line-drawing are referred
3 to as cracking and packing. In a cracking case, a minority
4 group that is large enough to be a majority in a single
5 district is instead split into multiple districts so that the
6 group does not have majority status in any district, and I
7 suspect we may hear more about that as the afternoon
8 progresses. In a packing case, a minority group that is large
9 enough to be the majority in multiple districts is instead all
10 put into one district so that the minority group has a super
11 majority in one district but no voice in surrounding areas.
12 Federal law prohibits both cracking and packing.

13 To make matters even more complicated, we also
14 need to consider the Equal Protection Clause of the 14th
15 Amendment. That clause has been interpreted to mean that
16 States cannot use race as a predominant reason for where they
17 draw district lines, at least without a compelling reason. In
18 other words, States cannot engage in racial gerrymandering.
19 You'd think after seven hearings, I could get that word out
20 correctly.

21 (Laughter.)

22 CHAIR NORDENBERG: This requirement can seem to
23 contradict the Voting Rights Act, which sometimes requires a
24 Reapportionment Commission like ours to look at racial and
25 language minorities when drawing district lines. It can be a

1 difficult line to walk, and we certainly are fortunate to have
2 the experts with us today who are going to help us better
3 understand these requirements.

4 Our first witness of the afternoon is Ben
5 Williams. He is the Program Principal for the Elections and
6 Redistricting Program of the National Conference of State
7 Legislatures. Ben was a witness for us in an earlier hearing,
8 and as I said to him at the time, we're going to keep bringing
9 you back until you get it right, so he is here today. No, let
10 me say far more seriously that he has been a great help to us.
11 He was a terrific witness in his first appearance. He has
12 helped us between meetings. We're glad to have him back.
13 We're already thinking about what we can invite him to testify
14 on for a third time. And in addition to being a very
15 accomplished professional, some of us discovered last night
16 that he is a very pleasant dinner companion. So, Mr.
17 Williams, the floor is yours.

18 MR. WILLIAMS: Chair Nordenberg, Members of the
19 Legislative Reapportionment Commission, thank you so much for
20 having me back, and I'm glad that this time I could be in
21 person here in Harrisburg with all of you to talk about the
22 Voting Rights Act. And I apologize for those of you who are
23 watching. I'm going to be looking over to the right at my
24 screen so that I can follow the slides.

25 Next slide, please. So I know that the Members of

1 the Commission are familiar with who NCSL is and what our
2 mission is, but for those of you who are not familiar or who
3 are tuning in for the first time, NCSL is the nation's leading
4 bipartisan organization serving the needs of legislators and
5 legislative staff. All 7,383 legislators in the United States
6 are members of NCSL, as are all 25,000-plus legislative
7 staffers across the United States. NCSL is a bipartisan
8 organization with a bipartisan governing structure, but our
9 information is nonpartisan, which means that NCSL does not
10 offer advice on what States should do in terms of pursuing
11 specific policies. Rather, we provide information and policy
12 options to policymakers, and then it is free for them to
13 choose what to do with that information.

14 Next slide, please. So I was asked today to talk
15 about the Voting Rights Act, and I only have 20 minutes to do
16 it, and I want to save as much time as possible for questions,
17 so forgive me if I run through these slides fairly quickly.
18 This information will be in the public record, so I'm not
19 concerned about any of it being missed. But just to give you
20 an overview, there are four primary sections of the Voting
21 Rights Act as applied to redistricting: Sections 2, 3, 4, and
22 5, with some of them being more notable than others.

23 Next slide, please. Section 2 prohibits what is
24 known as vote dilution. That's a term that comes from several
25 Supreme Court cases decided since the 1960s. It applies

1 nationwide, which means that unlike Section 4 and 5, it is not
2 limited to particular jurisdictions. The burden of proof in a
3 Section 2 case is discriminatory effect. Plaintiffs do not
4 need to prove discriminatory intent to succeed in a Section 2
5 case, although they may do so.

6 Next slide, please. So determining when Section 2
7 applies is primarily an analysis drawn from a case called
8 Thornburg v. Gingles. This was a case from the U.S. Supreme
9 Court in the 1980s, and it sets what are known as three
10 preconditions to liability attaching under Section 2 of the
11 VRA. The first one is known as the compactness prong. It's
12 also a majority prong. So it says that, in order for a vote
13 dilution claim to succeed in Federal court, plaintiffs must be
14 able to prove that a minority group is sufficiently large and
15 geographically compact to constitute a majority of the
16 district. Majority means 50 percent plus 1 of the voting age
17 population of that minority group, in particular. The second
18 and third prongs, political cohesion and white voters acting
19 as a bloc, is sometimes referred to as racially polarized
20 voting. And what that means is that the minority group is
21 cohesive. So, for example, you may have a situation where
22 there are Latinos, particularly in the Miami area, who may
23 have very different political opinions. They may not vote as
24 a bloc. There may not be the political cohesion that the
25 Voting Rights Act is seeking in that particular context. You

1 also need the white voters to act as a bloc to defeat the
2 minority group's candidate of choice. If you have a situation
3 where there is a significant number of crossover votes, where
4 white voters are voting for the minority candidate of choice,
5 again, you may have a situation where the Voting Rights Act
6 does not apply. I will say that Section 2 is a very
7 fact-specific analysis, and each individual district has to be
8 analyzed on its own. It is not something that is typically
9 done on a statewide basis.

10 Next slide, please. I wanted to briefly highlight
11 the recent case called Brnovich that was decided at the U.S.
12 Supreme Court, and you may have heard about this. This was a
13 Section 2 case that was decided. I wanted to make sure that
14 we highlighted for the record the difference between the vote
15 denial cases and the vote dilution cases. Brnovich v.
16 Democratic National Committee was a vote denial case. That
17 deals with Section 2 as applied to the elections context. It
18 does not deal with Section 2 as applied to the redistricting
19 context. While there may be some indication of the Supreme
20 Court's direction on how it's going to interpret Section 2 in
21 the redistricting context in the future based on the opinion
22 in Brnovich, that is speculation for the future. As of right
23 now, the way the law stands, the vote dilution doctrine that
24 applied 10 years ago has not changed.

25 Next slide, please. The next section is Section

1 3, "Bail-In." I'm going to touch on this very briefly,
2 because this almost never comes up. This is a judicial remedy
3 that is available to Federal court judges in cases where a
4 State has been found, or a locality has been found, to be
5 guilty of some racial mal-intent or passing laws that have a
6 discriminatory effect on a particular minority group. It's a
7 remedy that can be asked for by the plaintiff. The judge has
8 the discretion of whether or not to give it. Bail-in means
9 that if the judge grants a Section 3 bail-in, a jurisdiction
10 has to receive pre-approval from a Federal court in
11 Washington, D.C., or the United States Department of Justice,
12 before it is permitted to make any changes to its election
13 laws. The judge, in a Section 3 remedy hearing, has a lot of
14 discretion about which types of laws are subject to the
15 bail-in. It's not as broad as Section 4 and 5, and it is an
16 extremely rare remedy that is granted. Plaintiffs typically
17 ask for it. They typically do not receive it.

18 Next slide, please. The last two sections are
19 Sections 4 and 5 of the Voting Rights Act. Section 4 was
20 invalidated in a case called Shelby County v. Holder that was
21 decided in 2013. Section 4's coverage formula was a
22 determination that was written by Congress in 1965 to decide
23 which jurisdictions nationally had a history of discriminatory
24 racial action that would make them subject to the requirement
25 that they preclear all changes to their election laws,

1 including redistricting plans, with, once again, a Federal
2 court in Washington, D.C., or the U.S. Department of Justice.
3 Section 5, the actual preclearance regime, is still in effect.
4 All of the case laws interpreting Section 5 is still valid.
5 It just applies to zero jurisdictions nationwide, and so it
6 has no practical effect. But if Congress were to enact a new
7 coverage formula for Section 4, it would snap back into place.

8 Next slide, please. This is a map of the States
9 that were subject to Section 5 in 2013. I think the only
10 thing of note here is that there are some States that are
11 highlighted. Because the coverage formula applied to every
12 jurisdiction independently, there are some cases where you
13 have a State subject statewide to preclearance. There may
14 have also been localities within that State that independently
15 were also subject to Section 5.

16 Next slide, please. So Chair Nordenberg alluded
17 to this in his opening remarks, but there is a flip side to
18 the Voting Rights Act, which is racial gerrymandering
19 doctrine. That emerges from the Equal Protection Clause of
20 the U.S. Constitution. The original case that started the
21 doctrine was Shaw v. Reno in the 1990s. This is the original
22 Shaw district that was struck down, and the claim has evolved
23 over time.

24 Next slide, please. In that initial Shaw case, it
25 was unclear what the doctrine exactly was, but I've given you

1 a flowchart here, and if you asked your counsel,
2 Commissioners, they would tell you that this is a slight
3 oversimplification. There's more to it. There's more to a
4 racial gerrymandering case than what's on this slide, but it
5 doesn't fit on one slide, and this does. So this is what's
6 been included. But in general, there's a two-step analysis.
7 Step one is, did race predominate in the creation of the
8 district? Was it the majority reason for why a district was
9 drawn in a particular way? If so, then you move on to step
10 two, which is, was there a compelling government interest?
11 This is the strict scrutiny analysis in Federal courts. And
12 if the only compelling interest that the Supreme Court has
13 ever accepted but did not decide is that compliance with the
14 Voting Rights Act or to remedy past racial discrimination is
15 acceptable. If the State can prove that the Voting Rights Act
16 compelled them to draw the district in particular, then the
17 predominant use of race is permissible in that case. If not,
18 then the district is invalid. Again, check with your counsel
19 to find out all of the little details in between.

20 Next slide, please. So how do you balance
21 threading this delicate needle between your two mandates under
22 the Voting Rights Act and the Equal Protection Clause? The
23 first one is to build a record to justify your decisions.
24 States that build comprehensive records tend to have more
25 success defending their maps in courts. Second, is to just

1 understand the dual mandates. Sit down with your counsel and
2 have a conversation with them about the history of how these
3 two laws have applied in Pennsylvania, and see if they have
4 any advice for proceeding further. And just understand that
5 previous court findings about Section 2 liability or racial
6 gerrymandering may have little weight this time because
7 there's such fact-intensive analysis, and demographics are
8 changing all the time. You know that as well in Pennsylvania
9 as I do in Denver, Colorado, with people moving in all the
10 time, that what was true 10 years ago may not be true today.

11 Next slide, please. So this is just a slide with
12 a few Pennsylvania-specific considerations. This is -- I've
13 largely stated most of this. I think the only two points of
14 noting here are that minority groups can have non-racial or
15 ethnic interests that bind them. I'll give you an example of
16 meatpackers in the rural midwest and South Dakota. They may
17 have an interest in transportation or education, because they
18 all live in one town near the meat packing plant and it's a
19 relatively rural area. Those interests that bind them are not
20 necessarily racial, they're just economic interests or other
21 interests. They just happen to all be of one particular
22 racial minority group. So it's important to think about what
23 the ask is in a particular case. Is it because of race, or is
24 it some other interest that, due to settlement patterns, just
25 happens to have a racial element to it? And then the other is

1 that the scope can vary depending on the district. So you
2 might have situations where in a smaller district size,
3 Section 2 liability may attach after an analysis is done, but
4 it may not be the case as you work your way up to a Senate
5 district, because they're larger in size. So the analysis can
6 be conducted on multiple different levels.

7 And with that, I am happy to answer any questions
8 you have. Thank you so much for having me.

9 CHAIR NORDENBERG: Thank you for being here again,
10 and being here in person this time.

11 Are there any questions from Members of the
12 Commission, or comments?

13 I heard a lot of well-dones up here. I'll make
14 one more pass.

15 Yes, Representative Bradford.

16 REPRESENTATIVE BRADFORD: If I could, and thank
17 you.

18 This is a little attenuated from the VRA, but I
19 had the opportunity to listen to you in Salt Lake when you
20 guys did your presentation this summer, and one of the things
21 that I was particularly interested as we go through kind of
22 the principles that should guide this discussion, and we have
23 the traditional compactness, contiguousness, compliance with
24 the VRA, but you talked about some emerging trends. And if
25 you could, can you just give me a quick refresher on kind of

1 what other States are looking at in terms of what we should be
2 looking at or what other States are looking at in terms of
3 having truly competitive fair districts as we move through
4 this process?

5 MR. WILLIAMS: So, Representative Bradford,
6 Members of the Commission, NCSL has two categorizations for
7 redistricting criteria, and they're not necessarily used in
8 other contexts. So if you read political science, you may not
9 see these terms, but just know these are house terms.

10 One is traditional criteria. Those would be the
11 traditional criteria you think of when you think about
12 redistricting - compactness, contiguity, respecting political
13 subdivisions. Another category is emerging criteria, and
14 these are new criteria that are typically adopted to address a
15 partisan outcome in a particular district. Now, that partisan
16 outcome isn't necessarily an advantage. If you think about
17 it, drawing a district to be competitive is drawing a district
18 with a partisan outcome. The partisan outcome just happens to
19 be close to 50/50. So there are States that have adopted
20 these new criterion. They tend to be tied to States that have
21 recently adopted redistricting commissions, so they tend to be
22 part of the broader, if you think about it, the constitutional
23 language in the States that have adopted redistricting
24 commissions, they tend to be quite large. There's typically a
25 section like that.

1 My home State--not my home State, but where I live
2 right now--Colorado, has a commission that was adopted in
3 2018, and it has language like this. And it says that
4 districts shall not be drawn to favor or disfavor an incumbent
5 candidate party. The wording varies from State to State.
6 It's not necessarily the same scope in each State. Another
7 example of a legislative State that's recently adopted this
8 language is Florida. They had an amendment in 2010 that added
9 this language to their State Constitution, but these are
10 emerging trends. They're emerging criteria. They're not the
11 majority criteria in the States yet. I believe at my last
12 count there were 18 States that had adopted some sort of
13 prohibition on favoring or disfavoring an incumbent party
14 person, the exact terminology can vary, so less than half.
15 But the number has been going up across the decades.

16 REPRESENTATIVE BRADFORD: Is there any other
17 emerging factors similar to that, competitiveness? Can you
18 run through some of those?

19 MR. WILLIAMS: Sure, sure. Absolutely.

20 So there are two others. There is
21 competitiveness. That's in five States right now, at my last
22 check. And keep in mind, States, even if they don't have it
23 in their statutes, most States have either commissions or
24 legislative committees adopt non-binding guidance, so this
25 number can fluctuate, and probably will fluctuate, over the

1 coming months. But there are States that have
2 competitiveness. Competitiveness just means that the
3 districts can flip from one party to another in a particular
4 election. I think the most notable State that has dealt with
5 this is Arizona. There was actually a pretty intense debate
6 last cycle about what competitiveness meant, because there are
7 multiple definitions of competitive. I would expect those
8 conversations to continue.

9 And then the other one is a prohibition on
10 partisan data. Now, if you'll recall when I was talking
11 earlier about my slides, I mentioned that the Voting Rights
12 Act requires a racially polarized voting analysis to be done.
13 That includes election results. You can't conduct that
14 analysis without looking at election results. So typically,
15 there's an exception written into those for complying with
16 Federal law, but absent that it means that some amount of
17 partisan data is not looked at in the redistricting data set
18 that's in the redistricting software. So that could include
19 incumbent addresses, it could include registration data, it
20 could include past election returns. It can vary from State
21 to State. It's only five States that have it right now, so we
22 don't have a large sample size to draw from to look at
23 comparisons, but it is something that has been increasing
24 since 2000.

25 REPRESENTATIVE BRADFORD: And just circling back

1 to your point about Arizona and competitiveness, how did they
2 kind of come down on how they were going to measure
3 competitiveness, if you know?

4 MR. WILLIAMS: So it was a commission decision
5 last cycle, and the commission voted to define competitiveness
6 as as many districts as possible close to 50/50. There was a
7 competing definition that was offered that was all the
8 districts as close to 50/50, but that might mean that
9 districts might reflect the political makeup of the State.
10 They might be further apart than 50/50. They might be 54/46,
11 if you had to equalize all of them. So instead, they drew
12 some districts that had larger majorities for one party or the
13 other, and they maximized the number of congressional
14 districts that were close to 50/50.

15 REPRESENTATIVE BRADFORD: Thank you, sir.

16 CHAIR NORDENBERG: And let me say thank you,
17 again. It's great to have you back, and we appreciate your
18 help and the help of the great organization you represent.

19 MR. WILLIAMS: Thank you so much. I really
20 appreciate it, and if there's anything that we can do in the
21 future, my contact information is in the record, and we'd love
22 to talk to all of you. Thank you.

23 CHAIR NORDENBERG: Thank you.

24 Our next three witnesses will be joining us by
25 Zoom. The first is Dr. David Lublin, who is Professor and

1 Chair of the Department of Government at American University.
2 He also has held a succession of leadership positions in the
3 American Political Science Association, including serving as
4 co-chair of its Task Force on Election Assistance. His most
5 recent book, *Minority Rules: Electoral Systems,*
6 *Decentralization, and Ethnoregional Party Success,* was
7 published by the Oxford University Press and won the best book
8 award from the Race, Ethnicity, and Policy section of the
9 American Political Science Association. He's written two
10 other books, many articles, and his work has been cited by the
11 U.S. Supreme Court.

12 Professor Lublin, welcome.

13 DR. LUBLIN: Well, I thank you for that extremely
14 kind introduction. Let me just, I'm trying to hide myself
15 here because there's nothing worse than watching yourself
16 talk. I thank you for that kind introduction. The only thing
17 I'd mention is my name is actually pronounced Lublin. No
18 fault for the mistake. I've heard it all, and a lot further
19 from that.

20 I want to talk to you today a bit about, some of
21 my sort of thunder was stolen in your own excellent discussion
22 of the court cases, as well as that of the previous speaker
23 from the always excellent NCSL. I do want to reiterate that,
24 you know, what you're facing, in some instances, is the
25 Goldilocks question of how do you have enough districts and

1 what percentage, say, Black or minority do you need a district
2 to be in order to avoid accusations of dilution, and what do
3 you need and what is too many to avoid accusations of racial
4 gerrymandering? I will say that in terms of both, that if you
5 cannot draw a minority district that tends to help insulate
6 you from lawsuits against that as one of the prongs of the
7 Gingles case mentioned by the previous speaker, was that you
8 have to be able to draw a reasonably compact majority-minority
9 district. I should emphasize, the need to draw a majority
10 district is more of a requirement to win a lawsuit under that
11 case to sort of like prove a prima facie case. It does not
12 mean that you have to draw that district in order to elect
13 someone. And too many is when you get too far beyond what I
14 would call an effective minority district that provides a
15 reasonable opportunity to elect.

16 And so, hoping I can share my screen, and it looks
17 like I can, so I will do that. And let me start the slideshow
18 on the election of minority State legislators. There we go.
19 Okay. And what we've seen is a new trend of some, and I'm
20 going to focus on African Americans here, but much of what I'm
21 going to say could also be applied to other groups to varying
22 extents, and I can discuss them, if you'd like. And what I
23 would emphasize is that increasing numbers of Black
24 representatives are being elected from districts that are not
25 only not majority Black but, in fact, are majority

1 non-Hispanic white, okay. In other words, people who look
2 like me. And if you look at what happened in, say, the
3 congressional elections of 2018, you can see that, in fact,
4 nine new Black Representatives were elected, none from a
5 district that was even one-quarter Black, and all but two were
6 elected from districts where whites formed a majority. Okay.
7 In 2020, we saw a more mixed bag, but again, we saw several
8 new Representatives elected from majority white districts,
9 okay. Such as Marilyn Strickland, Mondaire Jones, and so
10 forth, okay. As well as the, of course, two Republicans,
11 okay.

12 One thing I want to mention, which I think is
13 obvious to most politicians but often gets overlooked in
14 discussing this, is that our election processes have two
15 parts. We have a primary election and we have a general
16 election, and you have to win both to win. And often one part
17 of the election process is much more critical than the other,
18 because if you represent a district that's safe for your
19 party, okay, the primary election is where you're likely to
20 win or lose. So in a safe Democratic district, you want to be
21 able to win the Democratic primary, and the same is true in
22 the Republican primary. Due to racial patterns in partisan
23 voting, Blacks vote in Democratic primaries at a much higher
24 rate than they do in Republican primaries. Whites, in
25 contrast, are more likely to split their votes, okay, in terms

1 of which primary they vote in. And so the result is, I'm
2 going to present a graph that I was quickly making up that
3 shows essentially, depending upon the share of whites who vote
4 in the Republican primary, Blacks can dominate a Democratic
5 primary at much lower percentages than their share in the
6 population.

7 So in this example, I assumed the district was
8 only 40 percent Black, but what you can see is that the line
9 is crossing the 50-percent threshold for percent Blacks who
10 voted, and I apologize for misspelling "percent," at, you
11 know, a much lower share than 50 percent, okay. So then in a
12 40- percent Black district, Blacks will form a majority once,
13 you know, they get essentially above about that amount here,
14 okay. And if assuming that there's still enough Democratic
15 voters to win in that district, the Black Democratic nominee
16 will win. And increasingly what we've seen with the hardening
17 of partisanship is that there's not much defection depending
18 on the race of the nominee, okay. Increasingly, we see white
19 Republicans are willing to vote for white Republicans, and
20 white Democrats are more likely to vote for Black Democrats,
21 and that these Black Democrats are more likely to be the
22 candidates of choice, speaking frankly, because of the
23 patterns of the way Blacks vote.

24 But I should emphasize that determining who is a
25 candidate of choice should be based on the election results.

1 In other words, if African Americans start shifting heavily to
2 the Republicans, then the Republican nominee would become the
3 candidate of choice.

4 And so my point being is that essentially in a
5 district that's less than 50 percent Black, Blacks may be able
6 to form a majority in the primary and carry the district even
7 without white support in the primary, and then they could
8 easily win the general election. And as the previous speaker
9 emphasized, I think what's really important is what I call,
10 and others call, a jurisdiction-specific analysis, okay. So
11 you would want analyses not just for Pennsylvania, but for
12 different areas in Pennsylvania. You can't assume that
13 Pittsburgh is just like Philadelphia, or that, you know, rural
14 areas vote the same way as urban areas, okay. And so you
15 would want to look in the parts of the State that are most at
16 issue.

17 And what you want to do, essentially, is look to
18 see what is the percentage needed to elect, based on--and to
19 emphasize the key factors--that turnout of the minority group
20 and the other groups, as well as the cohesion of minority
21 voters, which is essentially the share of support that
22 minority candidates are able to attract, and also the
23 crossover vote from whites and the other group, okay. And
24 essentially, all of those are needed to assess in a
25 jurisdiction-specific analysis, and you come up with estimates

1 of what is needed to produce a performing or an effective
2 minority district. And what I want to emphasize is that that
3 can sometimes be over 50 percent, but increasingly in many
4 places it also can be well under 50 percent.

5 Now, of course, even if Blacks form a majority in
6 the Democratic primary, they will not win if the district is,
7 say, incredibly Republican, okay. I've seen areas in South
8 Carolina, for example, where in a 20-percent Black district
9 they formed a big majority of Democratic primary voters, but
10 it doesn't really matter because the district is so Republican
11 that the Democratic nominee will lose.

12 Moving on briefly, these are sort of national
13 percentages of the percentage Black needed to elect, sort of
14 broad estimates. They are not jurisdiction-specific, but they
15 do give you an idea that the probability of electing a Black
16 Representative can be well above 0 and under 50 percent, and
17 looking at different areas, I found some very different
18 patterns. That in the deep South, it was often harder to win
19 in districts with lower Black populations. In the non-South,
20 a bit higher. Interestingly, the rim-South actually had the
21 best of all areas, you could argue, in terms of that. But
22 again, I wouldn't take the non-South numbers as, ah, that's
23 what Pennsylvania needs to do. You need to look at
24 Pennsylvania, okay.

25 And so the conclusion is essentially that Black

1 candidates can run and win outside Black majority districts.
2 Speaking briefly to other minorities that may be of issue in
3 Pennsylvania, particularly I think Latinos, with Latinos, you
4 have to consider the high rates of non-citizenship and make
5 sure that, you know, just because a district is 55 percent
6 Latino doesn't mean that Latinos form a majority in the
7 electorate and that they're able to win. On the other hand,
8 even if they don't, if they attract enough crossover from
9 other groups, they can still win.

10 So, yes, it's complicated. Hopefully, you will
11 have good experts that can help you estimate the percentage
12 needed to elect, and that would provide an excellent defense
13 against charges of both vote dilution but also of packing in a
14 way that is a racial gerrymander.

15 And on that note, I'll conclude. And if you have
16 any questions, I'm happy to answer them.

17 CHAIR NORDENBERG: Thank you very much, Professor
18 Lublin.

19 Are there any questions or comments from Members
20 of the Commission?

21 SENATOR K. WARD: I have.

22 CHAIR NORDENBERG: Senator Ward.

23 SENATOR K. WARD: Hi. Thank you. I wish I could
24 be with you today, but I am isolating. So sitting in my house
25 on Zooms all day.

1 I just have a, maybe I missed that, but if a Black
2 candidate, even if it's 20 percent of a district, if they ran
3 on a Republican ticket and won, they can still win an election
4 in a heavily Republican district, because I didn't see any of
5 that. It's all kind of based on the Black candidate running
6 in a Democratic district.

7 DR. LUBLIN: Thanks for that question. It's a
8 really good question.

9 Essentially, Black candidates are taken as
10 particularly probative in legal cases, but the key thing you
11 have to show for any candidate is, any Black candidate, is
12 that what really matters is not so much the race of the
13 candidate as the race of the voters. And who is the candidate
14 they pick? So if Blacks in a general election, they voted for
15 that Black Republican over whoever the Democratic nominee was,
16 absolutely they would be the candidate of choice. And that's
17 what I was talking about when I referred to it's about the
18 choice of the voters, okay. So if, you know, if I think in
19 the last Presidential election, we saw shifts in some areas,
20 quite major among the Latino, and to a certain extent the
21 Black population, towards the Republican ticket. You know, if
22 that continued to the point where Republicans were the party
23 of choice and their candidates were for Black voters in State
24 legislative or congressional elections in Pennsylvania,
25 absolutely. But the reality remains that these days is that

1 most candidates of choice are Democrats, and Black candidates
2 are considered the most probative for courts, unless you have
3 a white candidate who actually beat a Black candidate with
4 Black support in the primary.

5 But, Senator, I really do appreciate your
6 emphasizing that it's about the choice of the voters, not, you
7 know, the candidate or the party.

8 SENATOR K. WARD: Thank you. Thank you for your
9 answer.

10 CHAIR NORDENBERG: Leader Benninghoff.

11 REPRESENTATIVE BENNINGHOFF: She asked what I
12 wanted.

13 CHAIR NORDENBERG: They were thinking along the
14 same lines.

15 Any other questions?

16 (There was no response.)

17 CHAIR NORDENBERG: If not, again, Professor
18 Lublin, we thank you very much for your testimony today and
19 your help to us.

20 DR. LUBLIN: Thank you, Mr. Chairman, and good
21 luck with your redrawing and the rest of your hearings.

22 CHAIR NORDENBERG: Thank you.

23 Our third witness this afternoon is Dr. Trey Hood,
24 who now is magically before us on the screen. He is a
25 Professor of Political Science at the University of Georgia,

1 where he is also the Director of that university's Survey
2 Research Center. He has been conducting research on American
3 politics and policy at the University of Georgia since 1999.
4 His research primarily focuses on Southern politics and
5 election sciences.

6 Welcome, Professor Hood.

7 DR. HOOD: Thank you. Thank you for the
8 opportunity today to testify before the committee. Greetings
9 from the classic city of Athens, Georgia, as we like to say.

10 So, I mean, I may be retroding some ground that's
11 already been trod before me, but I wanted to talk a little bit
12 today specifically about the Voting Rights Act and
13 redistricting. Is that working.

14 CHAIR NORDENBERG: Yes, it is.

15 DR. HOOD: Okay. So maybe now that should say
16 2021, obviously. Everything keeps getting pushed further and
17 further back.

18 So just a little background. Of course, I know
19 Pennsylvania was not a Section 5-covered jurisdiction, but
20 Section 5 is no longer in effect, at least currently, anywhere
21 in the U.S. And so where I'm at, again, we would be looking
22 at things like the retrogression standard under Section 5, but
23 that's not there. But what is there is Section 2, of course.
24 And it's probably going to be important this year to
25 prospectively apply Section 2 when we're drawing redistricting

1 plans. And, of course, Section 2 applies to everywhere in the
2 country, right? And I'm sure most of us here are probably
3 aware of the Gingles standard or the Gingles criteria that was
4 developed in applying Section 2 to redistricting situations.
5 And it's got three prongs, of course: A minority group
6 sufficiently large and compact enough to form a majority in a
7 single-member district; that there's minority political
8 cohesion, that the minority group in question has a clear
9 candidate of choice that they're behind; and that this
10 minority candidate of choice is typically defeated by a
11 majority-wide voting bloc.

12 So again, you know, if you have to draw a Section
13 2 relief district, that's a majority-minority district, a 50
14 plus 1 district using a single race or single ethnicity. And,
15 of course, you know, one of the areas that Pennsylvania's
16 going to have to look into closely in this particular
17 redistricting cycle is that for Hispanics, because the
18 Hispanic, you know, population has had tremendous growth in
19 Pennsylvania over the last 10 years.

20 So coming out of North Carolina, a term was
21 developed in the Fourth Circuit, and again, this may not be
22 directly applicable, but I think this is one way to think
23 about how to prospectively apply Section 2, and that is, is
24 there legally-significant racially polarized voting? You can
25 have racially polarized voting, but it might not be legally

1 significant racially polarized voting. So you need both
2 evidence of prongs 2 and 3 from Gingles. Of course, you also
3 need prong 1, obviously, you've got to have a minority group
4 that can constitute a majority of a single-member district in
5 a fairly compact method, right.

6 Now, one thing to keep in mind, any State's going
7 to have to keep in mind, of this redistricting cycle is that
8 you can't ignore Section 2, you know, because you risk
9 potentially a vote dilution suit. But on the other hand, if
10 you create a Section 2 relief district, you make it a
11 majority-minority district, if you put too great a
12 concentration of minorities in that district, you're probably
13 going to end up with a different kind of lawsuit, a 14th
14 Amendment claim for racial packing. So States have to really,
15 as I say, sort of thread the needle, if you will, between
16 Section 2 and the 14th Amendment.

17 So these are some cases that might be helpful to
18 look at. Again, one of them comes out of the Fourth Circuit.
19 It's not binding in Pennsylvania, but it might not hurt to
20 look at that because it deals with some of these issues, but
21 the Bethune-Hill case out of Virginia, and then the Covington
22 case out of North Carolina, and another case, Cooper v. Harris
23 out of North Carolina, dealing with either congressional or
24 State legislative districts. And then another case, too,
25 might be, of course, in between the last cycle is the Alabama

1 v. Legislative Black Caucus case in which, you know, the
2 courts said you cannot just have a mechanical formula when you
3 create majority-minority districts in terms of what percentage
4 of minorities to put in those districts.

5 So a little bit more on Section 2 in redistricting
6 for this cycle, you know, usually, again, you're taking
7 Section 2 and applying it to a districting scheme that's been
8 in place maybe for a couple of election cycles, and you're
9 evaluating a claim against an existing map. Here we're using
10 Section 2 to take a future look at what a map might look like
11 and what a map might portend prospectively. And again, that
12 just sort of emphasizes the point I just made here about race
13 being a real tightrope, you know, between Section 2 and the
14 14th Amendment. But some of the things that I think may be
15 important for States this redistricting cycle with Section 2
16 is to make comparisons back to the benchmark map, you know,
17 the current map versus the proposed map. And you need to look
18 at Section 2 while the proposed map is being drawn, so there's
19 forethought ahead of time. It's not an after-the-fact thing,
20 it's while the map is being drawn. And, again, these types of
21 analyses really need to be conducted on a district-by-district
22 basis, and again, there's no application, or you can't just
23 apply a mechanical formula. You know, that was the Alabama v.
24 Legislative Black Caucus case.

25 And four, you want to try to demonstrate prongs 2

1 and 3 if there is legally-significant racially polarized
2 voting. You know, the racially polarized voting exists to the
3 extent to which, without drawing a Section 2 district, that
4 minorities or minority groups would not be able to elect a
5 candidate of choice.

6 So a little more on this term, since I'm
7 concentrating on it in this presentation, that again, a couple
8 of things that need to be demonstrated. Minority group
9 cohesion, is there a clear candidate of choice for the
10 minority group in question? Is more than a majority, more
11 than 50 percent of the minority group, voting for coalescing
12 around the particular candidate? And again, it may be
13 important to also examine primary elections as well as general
14 elections. That's something to keep in mind as well. Is
15 there white vote cohesion, non-Hispanic white vote cohesion?
16 So is a majority of the white voting bloc moving in a
17 different direction or supporting a candidate that's not the
18 minority candidate of choice? And, again, is the minority
19 candidate of choice going to typically be defeated? Now,
20 that's harder to show prospectively, right. Retrospectively,
21 it's not that hard to show. You can show whether that's the
22 case or not, and there needs to be a pattern here, hopefully.

23 So in this kind of prospective redistricting
24 context, one of the ways you might be able to do this is to
25 use what's called a district functionality analysis. How will

1 this district perform under different criteria? You know, at
2 this level and, you know, again, if you're above 50 percent,
3 how much further above 50 percent do you need to be? Does it
4 need to be 51, 52, 53, you know, before, again, you get into a
5 racial packing claim? Well, you can look at how a district
6 would function under different scenarios and also bring into
7 account, and at this point with the functionality analysis,
8 turnout among different racial and ethnic groups. So I think
9 that can be brought in at this point.

10 So this prospective district has been drawn. You
11 know, based on what we know about voting patterns from the
12 analyses that we've done and turnout patterns that we know for
13 racial and ethnic groups, you know, how would this district
14 perform at this level of, say, Black VAP, this level of Black
15 VAP, et cetera.

16 So in order to do this, again, there almost
17 always, there has to be some kind of statistical analysis
18 whereby someone is using aggregate level data, precinct level
19 vote returns, to create statistical estimates of individual
20 level behavior. And so what you're trying to do from that
21 analysis, obviously, is figure out the different voting
22 patterns for different racial or ethnic groups. And the two
23 sort of preeminent statistical techniques that are used that
24 are accepted by the courts are ecological regression or
25 ecological inference for this.

1 It's something to think about as a State if you're
2 getting ready to really start drawing maps and getting ready
3 to get involved in this process, is what data are necessary
4 for these types of analyses? Well, you know, this all sounds
5 very straightforward, until you start looking into things.
6 You know, it depends on different States. Some States have
7 very high levels of data accuracy and some States are a little
8 more challenged. So, you know, you need a good set of
9 precinct-level election returns, and, again, both general
10 election and possibly Democratic primary data especially
11 spanning multiple election cycles. And then you need, you
12 know, it's my understanding that in Pennsylvania you don't
13 have racial turnout or registration data, so you'd have to use
14 voting-age population data from the Census as a proxy for race
15 and voters. So you need that data. You should have that
16 through the redistricting plan, obviously. You need an
17 accurate list of prospective precincts, you need an accurate
18 precinct list for prospective districts, and that sounds
19 straightforward, but, again, sometimes these things are not so
20 straightforward. So you need that. And you also need some
21 kind of precinct alignment chart to make sure that the
22 historic precincts you may be using for the voting analysis
23 are lining up with the precincts that are currently in place.
24 Some States, some counties change precincts all the time, and
25 so someone's got to take that into account over time.

1 But that's all I had in terms of thoughts. I'm
2 glad to answer any questions, if there are any.

3 CHAIR NORDENBERG: Well, that was a lot of
4 thoughts. Thank you very much, Professor.

5 Are there any questions or comments for Professor
6 Hood?

7 Leader Benninghoff.

8 REPRESENTATIVE BENNINGHOFF: Thank you, again,
9 Professor, for your testimony.

10 I just wanted to ask you, you used the words
11 "district functionality analysis." I was curious of what
12 barometer or measuring tool you use or would encourage to say,
13 yes, this is functionally occurring correctly.

14 DR. HOOD: So, again, I guess people can differ on
15 definitions of district functionality analysis. In my
16 opinion, or the way I would approach it is, once you get the
17 vote estimates by race so you know, say, the Democratic
18 support level and the Republican support level for the Black
19 community versus the white community, say, versus the Hispanic
20 community, you can use those estimates and combine that with
21 turnout data and say, okay, at this level of Black VAP,
22 Hispanic VAP, white VAP, you know, using those factors, you
23 know, what would be the vote outcome? And again, it's a
24 prediction, you know, you're predicting how the district is
25 going to react in the future, but that's all we do at this

1 point, because these are all new districts. So that's how I
2 would answer that. Again, some people might differ with me on
3 that, but those are my thoughts on it.

4 REPRESENTATIVE BENNINGHOFF: Thank you very much
5 for expanding on that.

6 Thank you, Mr. Chairman.

7 DR. HOOD: Thank you.

8 CHAIR NORDENBERG: Any other questions?

9 (There was no response.)

10 CHAIR NORDENBERG: If not, Professor Hood, again,
11 thank you very, very much for being with us from the classic
12 city of Athens today.

13 DR. HOOD: Thank you. I appreciate it.

14 CHAIR NORDENBERG: Your screen is still up. I'm
15 not sure whether we can take it down or whether you need to do
16 that.

17 DR. HOOD: Okay. There we go. Sorry.

18 CHAIR NORDENBERG: No problem at all. And again,
19 thank you very, very much.

20 Our fourth speaker may get the award for traveling
21 the greatest distance, but he didn't travel, so I guess Ben
22 Williams, who came from closer in the West than UCLA, will get
23 that award. But our next speaker is Dr. Matt Baretto, who is
24 a professor of political science at UCLA. He also, at UCLA,
25 is founder of the Research Center Latino Policy and Politics

1 Initiative and the UCLA Voting Rights Project. He is
2 co-founder of the research and polling firm, BSP Research, and
3 he previously co-founded the research firm Latino Decisions.
4 I probably also should say that before moving to UCLA, he had
5 a distinguished stint at another of America's great public
6 research universities, the University of Washington.

7 Professor Baretto, welcome to Harrisburg,
8 Pennsylvania.

9 DR. BARETTO: All right. Thank you. It's a
10 pleasure to be with you. Thank you for the invitation. I
11 hope you don't mind my "Go Dodgers" sign here in the
12 background. We're all excited about the playoffs, and I guess
13 you guys don't have a horse in the race right now, so please
14 cheer hard for my Dodgers.

15 Senator COSTA: Next witness.

16 (Laughter.)

17 CHAIR NORDENBERG: Yeah, those of us from
18 Pittsburgh were out of it about mid-May, I would say.

19 REPRESENTATIVE BENNINGHOFF: Tell him we got a
20 unanimous vote on this.

21 DR. BARETTO: Well, let me get started and share a
22 few of my observations and comments, you know, about
23 redistricting. Just as a way of an introduction, I have
24 advised numerous State commissions, county commissions, and
25 also worked with plaintiffs' groups who wish to challenge maps

1 under Section 2 of the Voting Rights Act. So I've been
2 involved in both a formal and informal capacity working with
3 jurisdictions while they are redistricting, and then on the
4 jurisdiction side of litigation, and then I have also worked
5 with numerous plaintiffs' groups after the maps have come out
6 when they wish to challenge. So I've been able to, you know,
7 glean and understand both sides of what goes into
8 redistricting, and also thinking about what plaintiffs' groups
9 often think about when they wish to challenge a map. And I'll
10 share a couple of those observations with you because I know
11 everyone's goal, it's always my goal when I advise groups, is
12 to try to avoid litigation and try to have maps that are
13 compliant with all of the State rules but also with the
14 Federal Voting Rights Act.

15 Section 2 of the Federal Voting Rights Act, of
16 course, applies everywhere and is used to uphold minority
17 opportunities to elect candidates of their choice. And in
18 particular, in Section 2(b), what it talks about is avoiding
19 the dilution, the purposeful dilution of minority votes. You
20 heard a lot about this from Professor Hood, who I have also
21 worked with in many voting rights litigation. Sometimes we've
22 been on opposite sides, but we usually see eye to eye when it
23 comes to the data science and the political science that is
24 behind the scenes.

25 Section 2(b) specifically informs that when there

1 are opportunities to draw a minority district that performs,
2 which I'll talk about, that redistricting bodies should be
3 aware of that, that they should be aware of the minority
4 population. They should be aware of the minority communities
5 of interest, and it is forbidden that the minority community
6 is diluted.

7 Now, what does that mean, diluted? Generally, we
8 take a view of that that when there is minority voting
9 strength that could emerge, it cannot be reduced, it cannot be
10 cracked, it cannot be divided into different districts, it
11 cannot be combined with those who would vote against or bloc
12 vote against their interests. And so in order to understand
13 whether or not there is minority dilution, we'd have to start
14 first with looking at population sizes. Is it possible to
15 draw a minority influence district? What are those sort of
16 rules and guideposts that previous court decisions have given
17 us?

18 And the way that I'm looking at the 2020
19 redistricting cycle and the Census data that has come out is
20 that it demonstrates there's been a substantial increase in
21 minority populations, in particular Hispanic/Latino
22 populations, Asian American populations, both growing very,
23 very rapidly, and then in many States like Pennsylvania, which
24 already have a longstanding and large African American
25 population. Are these populations existing in places where

1 single race districts can be drawn? That's only but one
2 question. But also thinking about whether or not coalition or
3 unity districts can be drawn where those groups might vote
4 together, be cohesive as a group and want to create a minority
5 coalition district. Still being debated exactly what courts
6 have set upon that as a protected entire class together, but
7 that's certainly something that other districting commissions
8 have taken on and have promoted, the creation of minority
9 unity or coalition districts, where no single group perhaps
10 crosses the 51 percent threshold, but these groups often live
11 in close contact with each other in similar neighborhoods and
12 perhaps those coalition districts. That's another thing that
13 I think is important to think about.

14 The first thing that you will want to think about
15 is this issue that Dr. Hood raised related to vote cohesion.
16 I just want to offer one caveat on a perspective that he gave
17 where he continued to remind us about: Can we establish
18 majority vote preference? That is certainly relevant in two-
19 person elections where the vote adds up to 100 percent and
20 there's only two candidates. So if I win 55 percent and you
21 won 45 percent, I was preferred. I was the majority choice.
22 However, he also mentioned it's important to look at primary
23 elections, and that is definitely the case, because oftentimes
24 minority candidates emerge in a primary but they don't win a
25 primary. And so they fall by the wayside and now the

1 preferred candidate never made it to the general election, and
2 it might be difficult to argue that there is or is not a clear
3 pattern in that general election.

4 So oftentimes, we do spend time looking at primary
5 elections, and in some primaries you might have six or seven
6 candidates running, in which case using that 51 percent
7 threshold is not necessary. Really, what we want to answer
8 is, is there a preferred candidate? Is there a clear choice?
9 And so if in a seven-person primary, a Black, Latino, or Asian
10 American candidate might be the leading vote getter in their
11 community with 45, 46 percent, maybe perhaps leading the
12 second place person by 30 points, that would also be enough to
13 say this is who that community preferred. That's who they
14 ranked first. And when looking at the bloc voting on the
15 other side, I often think of the same thing. Did that
16 preferred candidate, were they also similarly preferred? Were
17 they in the middle of the pack or were they way at the end of
18 the pack?

19 So primary elections are very important to
20 analyze, but they do take a little bit of a different lens for
21 us trying to really hone in and understand who is the
22 preferred candidate. But that's the question that we'll be
23 asking is, can we establish patterns in different regions
24 within your State where there are minority-preferred
25 candidates? If there are, and there's not always the case,

1 oftentimes, there's a lot of crossover voting or, you know,
2 the minority community itself is divided. We have to take the
3 data in each locality, in each jurisdiction, for what it is.
4 But if there is a minority-preferred candidate, the question
5 then is, can a district be created that is not diluted, that
6 can elect that candidate of choice?

7 And that's the next thing that I wanted to talk
8 about, which Professor Hood also mentioned, and he called it
9 district functionality analysis. Sometimes we call it
10 performance analysis. And the question that we want to know
11 is, does this district work? Does it perform? If we created
12 a minority opportunity district to uphold Section 2 of the
13 Voting Rights Act, would that district that we are drawing
14 work generally to give minority voters an opportunity to elect
15 a candidate of choice? This is very, very important because
16 if the district maybe has the technical racial population
17 demographics to look like a Section 2 district, it doesn't
18 mean that it will actually perform if voter turnout is low or
19 if there's a very high degree of bloc voting by non-minority
20 voters in that district.

21 And so there's a couple of different ways, and
22 Professor Hood outlined one way, in which we could create a
23 model taking turnout into account, taking previous vote choice
24 into account, but oftentimes what we do now is just take the
25 existing, the election results in those precincts, and we

1 reconstitute them into the new district. So we can go back
2 and look at all of the elections for U.S. Senate, for
3 Governor, for President, for any other large elections that
4 overlapped an entire region, and we can reconstitute the
5 precincts and say if this became a district, if we redrew the
6 boundaries and this district emerged, who would have won the
7 election for President, for Governor, for U.S. Senate, perhaps
8 for Congress, if the district was that large? If we're
9 talking about smaller State legislative districts, who would
10 have won that district? And would it have gone with who
11 minority voters prefer as their candidate of choice or not?
12 And so that's a way that you can do that performance analysis.
13 I just want to emphasize that it is very important to do. You
14 don't want to be creating districts that do or don't perform
15 or you will be on the edge of this minority vote dilution
16 argument, and that's one that we want to avoid.

17 Finally, what is at the heart of the Voting Rights
18 Act is, do you have a districting scheme that seems to usually
19 block or hinder a minority candidate of choice from emerging,
20 or does it allow minority candidates an opportunity to win?
21 It's not ordained that it needs to be 10 out of 10 times, but
22 are the pieces in place that would allow that to emerge? And
23 this is why the performance analysis is very important and
24 that it takes into account white crossover voting, especially
25 in these areas that we want to think about as coalition or

1 unity districts, places that have emerged, oftentimes in
2 cities or suburbs that are quite diverse. No single racial
3 group is the largest, but there is a coalition of interests
4 that might also support the minority groups that are in that
5 community. And that's the type of analysis that would be
6 important for you all to consider and think about as these
7 districting decisions are made.

8 Those are all the sort of high-level points I
9 wanted to share with you today. I'd be happy to take any
10 questions, and if not, yield my time back to the Committee.

11 Thank you.

12 CHAIR NORDENBERG: Thank you very much. That was
13 a terrific presentation.

14 Are there are any questions or comments from
15 Members of the Commission?

16 Senator Ward, on the screen and on the clock.

17 SENATOR K. WARD: Thank you.

18 That was a really interesting presentation.
19 You're talking about maybe, I think I heard you right,
20 combining minorities in a district to make a minority
21 district, like different minorities, combining different
22 groups, say, Latinos and Asians. Has that been done anywhere?

23 DR. BARETTO: Yeah, there has been -- so let me
24 start by saying that's typically the route that people might
25 consider if none of the groups themselves were large enough to

1 create a single-race district, and if in combination you could
2 create a district that was majority-minority that performed.
3 And so that is the case that has been done in parts of Texas,
4 in the Dallas region, has been done in Florida. There have
5 been cases here in California where that has been done, where
6 groups have been combined. It is still sort of being debated
7 whether or not that coalition itself, as a coalition, is
8 protected or not at the outset, but certainly as a district
9 that can perform. Now, you would need to insure before you
10 went into that that there was cohesion and so--

11 SENATOR K. WARD: Right.

12 DR. BARETTO: --we would check the voting patterns
13 to see are Latinos, Blacks, Asians, whichever groups, are they
14 voting together? Are they polling together for the same
15 outcome or not? If they are not, if they are not cohesive,
16 then you could still draw the districts however you want, but
17 it wouldn't necessarily be a Section 2 voting rights district.

18 SENATOR K. WARD: Correct. They would have to all
19 want the same thing, kind of the same agenda.

20 Thank you. That was really -- I hadn't thought of
21 that. It was very interesting. Thank you.

22 CHAIR NORDENBERG: Senator Costa.

23 SENATOR COSTA: Thank you very much.

24 And those districts you cited, is it typically two
25 races that have come together, or could there be a situation

1 where there are three, like Asian American, Latino American,
2 and African American coming together to create a coalition
3 district, or is it just limited to two?

4 DR. BARETTO: No. My understanding of at least
5 one case out of Texas, in the Dallas region, where there has
6 been very rapid American Asian population growth, was that a
7 district was created that way, it was successfully litigated
8 as and considered a minority opportunity district.

9 (Zoom connection lost.)

10 CHAIR NORDENBERG: Well, let's wait for just a
11 second and see if he reappears.

12 Oh, we've got him back.

13 DR. BARETTO: I think we lost you there for a
14 moment.

15 CHAIR NORDENBERG: And we lost you, so it was a
16 problem all the way around. But you were about midway
17 through, I think, your answer to Senator Costa's question.

18 DR. BARETTO: Okay. Let me just re-explain what I
19 was saying, which is, in the case that was in Texas, which was
20 litigated as a minority opportunity district, there were three
21 racial groups. There's no magic number or anything. The
22 question would just be, are the groups of sufficient size
23 together to be able to create a district that they could elect
24 candidates of choice -- but more importantly, can you
25 demonstrate with political data that the three groups or two

1 groups are voting together, that they themselves are cohesive
2 as a coalition in supporting the same candidates so that when
3 you add them together, and perhaps they constitute 62 percent
4 of the voters in the district, even though no individual
5 racial group hits 51 percent, is that 62 percent hypothetical
6 coalition district still performing for minority interests?
7 And so that would be the type of analysis that I would
8 recommend and that I think would be probative to the courts.

9 CHAIR NORDENBERG: Obviously, people are very
10 interested in the ideas that you shared. Thank you very much
11 for being with us today. We appreciate your time.

12 DR. BARETTO: All right, it's my pleasure. Take
13 care.

14 CHAIR NORDENBERG: We now are going to turn to our
15 citizen-witnesses who have been invited to appear today. The
16 first is Victor Martinez, the CEO of VP Broadcasting and the
17 host of El Relajo de la Manana. And I should say that the
18 appearance of our next two guests is a reflection of how
19 seriously we have taken the citizen-witnesses who have
20 volunteered to appear, because he did appear in that role a
21 few weeks ago, and many of us came away thinking, I didn't
22 know that. And I think there are things that he told us about
23 the Allentown schools and other things in his own area that we
24 will not quickly forget.

25 So I want to thank you for your past contribution

1 and welcome you here today, Mr. Martinez.

2 MR. MARTINEZ: No, thank you for having me and for
3 the opportunity.

4 And I would like to first clarify something that I
5 said in my previous testimony, to clarify something. In my
6 previous testimony, I testified that about 66 percent of the
7 total population of the Allentown School District was Hispanic
8 or Latino, and I was wrong. I was quickly clarified by some
9 of my friends that the Allentown School District is actually
10 73.13 percent. So I was wrong and somebody watched the video
11 and quickly sent me a message and said thank you, but make
12 sure they know that it's a little higher than the 66 percent.
13 So the Allentown School District is actually 73.13 percent
14 Latino population. So I want to first clarify that.

15 The second thing I would like to say is I'm not
16 here representing any group. I'm not part of any advocacy
17 group or anything. I'm here representing myself and the over
18 100,000 listeners that I have every morning on my morning
19 show. For those who weren't able to see my previous
20 testimony, as it was mentioned, I am the owner of now seven
21 radio stations in the State of Pennsylvania. This is in the
22 cities of Philadelphia, Allentown, Bethlehem, Lehigh Valley,
23 Reading, Pennsylvania, and I am happy to announce that now
24 also in the Lancaster, York, and Harrisburg area. And so the
25 morning show gets broadcast in all of those markets, and so we

1 estimate that by the ratings that we have about 100,000
2 Latinos, Hispanics, that listen to us in the State of
3 Pennsylvania.

4 I wanted to also bring you more numbers, more data
5 for you to take into consideration. Some of this you may
6 know, and I'm just refreshing your memory. And if you don't
7 know, then I'm glad that I brought this information. You
8 know, when we talked about Allentown and the Lehigh Valley,
9 when we talk about the State of Pennsylvania, as I mentioned
10 before and you guys know, based on the latest Census, the
11 Hispanic population grew to over a million people. Over a
12 million Latinos now live in the State of Pennsylvania. I
13 wanted to give you some numbers of the voting participation of
14 Latinos in the city of Allentown. The city of Allentown is
15 composed of 55 percent. The latest Census tells us that the
16 city of Allentown has a 55-percent Latino population. Reading
17 has a 70-percent Latino population. Bethlehem has a 30-
18 percent population. Philadelphia has a 15-percent population.

19 For this conversation, when we're talking about
20 drawing the lines in the Lehigh Valley, and, again, I'm here
21 representing my listeners and my audience on trying to express
22 our need and want to have representation. As I mentioned in
23 our previous testimony, out of the 203 Representatives, we
24 only have 4 Hispanics, and out of the 50 Senators, we got
25 none. And for us, with all due respect, that's not

1 representation. Those are not enough voices to come to the
2 table and present our needs as a community.

3 So to give you some numbers on the growth of the
4 Hispanic population and how they are getting engaged and
5 voting and participating, in the 2019 municipal elections in
6 the city of Allentown, the top surnames -- I'm sorry, in the
7 2017 municipal elections, the top surnames that came out to
8 vote were Miller, followed by Rodriguez, Smith, Rivera,
9 Martinez, and Johnson. That was in 2017. About 12 percent of
10 the voters in 2017 were Hispanics in the city of Allentown.
11 In 2019, the top surnames -- remember, 2017 was Miller,
12 followed by Rodriguez, Smith, Rivera, Martinez, and Johnson --
13 in 2019, the top surnames were Rodriguez, followed by Miller,
14 Smith, Rivera, Gonzalez, and Perez. In the 2021 municipal
15 elections, the top surnames were Rodriguez, Rivera, Gonzalez,
16 Martinez, Torres, and Ortiz. Notice I didn't mention Miller.
17 Notice I didn't mention Johnson.

18 So in 2017, the Latino vote represented 12
19 percent; in 2019, it was 15.4 percent; in 2021, 17 percent.

20 So we are seeing that with the growth of the Latino population
21 throughout the years in elections, the interest is there, the
22 amount of Latinos getting involved in voting, it's going up.

23 In the 2020 general election, we know how people like to vote
24 in those Presidential elections and they really get riled up
25 and they really come out and vote, well, during the 2020

1 general election, the top surnames in the city of Allentown,
2 once again, were Rodriguez, Rivera, Gonzalez, Martinez,
3 Torres, and Ortiz, and 26 percent of the total voters were
4 Hispanics or Latinos. And I bring those numbers once again to
5 show you that the Hispanic community is not only growing in
6 population, but it's also growing in their interest to be
7 involved in their communities and their interest to want to
8 have a voice in their communities.

9 So if we are now growing in population but we're
10 showing to the powers-to-be that we are interested in coming
11 out and vote and having a voice, so then that's why I'm here
12 today, to say, well, when you make these decisions where a
13 line should be, please keep in mind that there's a community
14 that is growing, that there's a community who wants to be
15 heard but has nobody here speaking for them. That's what I
16 want to bring you to the table.

17 So to bring you more numbers, the 22nd District of
18 the city of Allentown, it's believed to be -- hold on a
19 second, my phone is interfering -- so in the 22nd District of
20 the city of Allentown, it's to believe that that district has
21 a good size Latino voter registration. And I'm going to let
22 you know how many Latinos came to vote there and how the
23 surrounding district also had Latinos. Why? Because we're
24 talking about dividing and diluting the vote. So by creating
25 District 22, District 131, District 132, that's what I believe

1 could be considered a diluting and dividing of the vote. So
2 in District 21 in the last election, 8.5 percent were Latino
3 voters. In District 132, 10 percent were Latino voters. Now,
4 these are two districts, as you probably know, they're really
5 next to each other, they are crossed with each other. So now
6 if these two districts were combined and represent one
7 district that represents this growing, emerging population,
8 that means we could have an 18-, 20-percent Latino
9 representation in one district, but because we're divided, all
10 of a sudden we look like a minority. Oh, only 8 percent voted
11 there and only 10 percent voted there. What about if we
12 consider the possibility of unifying or looking for ways to
13 make sure that, again, this community and this population gets
14 representation, an opportunity to have a voice that represents
15 their needs and their wants.

16 I brought you a map. I'm a visual learner, and
17 that gave me a lot of problems in school when they said read
18 three chapters and come back. Well, I'm a visual learner, so
19 I brought a map, a colorful map, only to visually show you,
20 and, again, you guys already know this, but this is just for
21 the audience, as we say. Where's the growth in the State of
22 Pennsylvania? Well, the growth in the State of Pennsylvania
23 we know is in the southeast part of the State. And so I bring
24 you this map, which you've probably already seen in some other
25 presentations or somewhere else, the blue is what represents

1 the growth. And by the way, the color has nothing to do with
2 party affiliation. It just happened to be that, you know, the
3 red represents where that population is declining. It's
4 negative. Blue represents the growth. Where's the growth?
5 Lehigh County, which is where I'm here to speak on behalf of
6 today. Lehigh County is representing -- the city of Allentown
7 is representing that growth.

8 And based on this map, I want to give you some
9 numbers of why I brought the map and what are the numbers
10 behind the map. So the southeast part of the State is the
11 fastest growing region, with a population increase of 5.3
12 percent, versus a 2.4 percent on the rest of the State. So
13 there was a bigger growth in just this part of the State than
14 the rest of the State. Again, as I mentioned before with
15 Allentown, Reading, Philadelphia, now in this eight-county
16 region, the region grew by 324 percent since 2010. And this
17 just shows you where the growth is.

18 So now when we're looking at, okay, where should
19 we have more representation, where can we look for communities
20 and population that need to be heard here in our beautiful
21 State Capitol? Well, Lehigh County is right there, city of
22 Allentown, Bethlehem, Easton, that region needs to have
23 representation. So with my initial testimony, I suggested
24 that the Lehigh Valley area should have, obviously, I believe
25 at least one district that represents our community, but maybe

1 even two, two areas that represent our community. Again, with
2 Easton, Allentown, Bethlehem, that Lehigh Valley area being
3 included within that county.

4 So again, with the school population number, I'd
5 like to talk about that number in particular, because I see
6 that as a window into the future, a small, little window. If
7 we want to see where the city of Allentown, where the Lehigh
8 Valley is going to be in the next 10 years, well, look at the
9 school district. If 73 percent of the school district is
10 Hispanic or Latino, we are okay to assume that in the next 10
11 years, that's the future of our community. That's where the
12 growth of our community is going to come from.

13 So we are okay to assume that in the next 10
14 years, we're going to go from 55 percent to possibly 60 or 70
15 percent, unless something drastic happens and people decide to
16 leave and move and go somewhere else. But with the jobs and
17 opportunities in the Lehigh Valley, with all the warehouse
18 works that we have, all the big warehouses opening up and all
19 the job opportunities that we are having in the Lehigh valley,
20 I don't think many people are going to want to leave. But
21 again, what is the small window that can tell us, that can
22 predict what the future of the Hispanic communities is going
23 to be in the Lehigh Valley? The school district. The school
24 district. That's our future. Those are our kids, who
25 eventually will become adults and will have more kids, which

1 is going to now then represent the growth of our community.

2 So with that, if anybody has questions, I will be
3 glad to try to answer your questions.

4 CHAIR NORDENBERG: Thank you very much.

5 Are there any questions?

6 SENATOR K. WARD: Me, again.

7 CHAIR NORDENBERG: Senator Ward.

8 SENATOR K. WARD: I'm the question person today.

9 Thank you so much for that testimony. So in your
10 school district where all the Hispanics were on the ballot, do
11 we have a Hispanic school board there? Is it in control?

12 MR. MARTINEZ: We have the Allentown School
13 District that currently has one Hispanic board director.

14 SENATOR K. WARD: Okay. So--

15 MR. MARTINEZ: And I will add, the school board
16 director who is Hispanic, her name is Linda Vega, and now
17 she's running for judge. So if she wins, then we lose the one
18 Latino representation that we have on the school board.
19 Hopefully, more will run.

20 SENATOR K. WARD: So the Hispanics in that area,
21 is that community kind of condensed all in one area, but
22 you're split with the districts? Is that what you said--

23 MR. MARTINEZ: Yes.

24 SENATOR K. WARD: --you have?

25 MR. MARTINEZ: Yes. That's technically what I'm

1 saying. So we have the city of Allentown, which we now know
2 is 55 percent Hispanic, but it's divided in between three or
3 four districts. That's exactly what's happening. So that's
4 why I brought the example of Districts 22, 131, 132, which are
5 really right on top of each other, but even though we're 55
6 percent of the population, we are divided in those three,
7 maybe even four, districts, and so the vote is diluted.

8 And I will add something else. It also, it's a
9 scary thought for me, but even when we talk within the
10 community to Hispanic/Latino leaders, and we say why don't you
11 run? You would be great for that, run. They automatically
12 assume I have no shot of winning, so why would I run? Why
13 would I jump in on that when I don't have a shot of winning?
14 So we could have very educated, professional, intelligent
15 voices representing the community right here in Harrisburg,
16 but they don't even want to try because they don't see it as
17 having a shot of winning the election, so they don't even try.

18 SENATOR K. WARD: But I think one of the
19 challenges is, you're talking about House districts. There
20 are about 60,000 people, I think, 55, so if the Hispanic
21 population is spread throughout and there's no way to, you
22 know, condense them into a district or two, then we continue
23 to have that challenge.

24 MR. MARTINEZ: Absolutely. I mean, it's no easy
25 job, the one that you guys have. You know, I'm the first one

1 to say, you guys have a tough job in trying to accommodate and
2 trying to determine what's good, what's fair, and so on and so
3 forth. All I can do is come here, present a case, and say,
4 hey, keep this in mind. Keep this in the back of your head.
5 When you guys are talking and making the decision, make sure
6 you remember this.

7 And, again, I'm here talking on behalf of the
8 Lehigh Valley and Allentown, but another great example is the
9 city of Reading. The city of Reading now has a Latino Mayor,
10 and he has his first Latino Representative, Manny Guzman, here
11 in the Capitol, but the city is 70 percent Latino, so the
12 chances are that, you know, there is Latinos everywhere. When
13 you have a city that is not that big and you have 70 percent
14 Latino, but Allentown is bigger. It's only, I said only,
15 compared to Reading's 55 percent, and when they are divided
16 among two and three districts, it makes it harder. It makes
17 it difficult for people to want to run, to get involved, and
18 to be honest, to even encourage the community to vote.

19 You know, we know for a fact that when a Latino is
20 on the ballot, the community gets fired up. We know that the
21 community feels they have an incentive to come out and vote.
22 So we have seen when Latinos run, Latinos come out to vote.
23 They feel like they have something invested, so they come out
24 and vote. And we have a perfect example, District 22. We had
25 a Latina, Enid Santiago, who decided to run, and she was

1 within 55 votes of winning. Within 55 votes of winning. And
2 this is a person who no one knew, had no political experience,
3 she wasn't popular, she wasn't famous, and yet she ran against
4 an incumbent and came that close, because by her being on the
5 ballot, the community got motivated. They got engaged. They
6 decided they wanted to come out and vote. But it also shows
7 an example that we can only just get that close. We could
8 only just get that close, within 55 votes.

9 SENATOR K. WARD: Thank you. Thank you.

10 MR. MARTINEZ: Thank you.

11 CHAIR NORDENBERG: Leader Costa, or--

12 SENATOR COSTA: Kerry.

13 CHAIR NORDENBERG: --I'm sorry, I didn't know,
14 Kerry, if you were pointing at Jay or yourself.

15 Leader Benninghoff.

16 REPRESENTATIVE BENNINGHOFF: Thank you, Mr.
17 Chairman. Thank you, Senator, for the deferment.

18 I actually just wanted to compliment you on your
19 testimony both now and what you did prior at one of the other
20 hearings, and frankly, this is big steps towards what your
21 goal is. These things don't happen overnight. The fact that
22 you're getting people involved on the local level in different
23 races, I think success continues to build success. So I
24 would, one, thank you for your very good data. I actually
25 wrote some of your statistics down last time, and all your

1 numbers were correct, except for that school board one, so
2 I've made that edification. But I just wanted you to know,
3 from that time until now, you know, your voice was heard. We
4 took those notes down, and we appreciate you being here again
5 today.

6 MR. MARTINEZ: And I thank you, and I appreciate
7 that.

8 CHAIR NORDENBERG: Jay.

9 SENATOR COSTA: Thank you, Mr. Chairman.

10 Thank you very much, both again for your
11 testimony, and you mentioned that you want to put it in the
12 back of our mind. I think it's in the forefront of our minds,
13 because I think the arguments you've made and the statistics
14 you've provided us are significant and I think made a world of
15 difference.

16 One of the things I heard you say though that
17 concerned me, particularly as it related, I believe it was to
18 the 22nd District, where the city of Allentown is broken up
19 into three or four different House districts.

20 MR. MARTINEZ: Um-hum.

21 SENATOR COSTA: It almost sounds as if you're
22 saying that by virtue of that, you're -- I don't want to say
23 disenfranchising voters, but you're discouraging people from
24 wanting to participate in the process. Is that what you find
25 prevalent in your community? That people, when they see those

1 types of things, by the nature of the redistricting that took
2 place, folks are discouraged from participating in the
3 process, not necessarily voting, but being candidates, quite
4 frankly? It's clear that maybe, as I see it in maybe the
5 municipal races you referred to, there's a growing number, but
6 in the State legislative matters, I mean, it sounds like it's
7 a mechanism to keep, in this case, Latino candidates from
8 running. Do you find that to be something that's taking
9 place, or is that changing, or how would you respond to that?

10 MR. MARTINEZ: I would say as far as the actual
11 voters, we have been, for the last 5 years that I've been
12 engaging the community, doing nothing but on a basically daily
13 basis trying to encourage the Latino community to get
14 involved, to get registered to vote, and to participate. I
15 will repeat that. Yes, once again, it discouraged
16 Latino/Hispanic candidates from running. I talk to them. I
17 go to, you know, the Chamber events, and I approach them and I
18 say, listen, why you don't run? Run for school board, or run
19 for city council, or run for something. You're well-prepared,
20 you've got a great story, you are an accomplished business
21 owner, and they say, I don't have a shot. There's not enough
22 Latinos that will come out in that district and vote. And in
23 order to get the Latinos to know who I am and present my case,
24 I don't have enough money for that. Because we know elections
25 are expensive, they take money, and if you don't have any name

1 recognition, then you have to work harder, you have to spend
2 more money. And so then that's number one and number two.

3 Number one is there's not an area with enough
4 Latinos that know me as the local business owner to get
5 elected, and then it will cost me too much money to try to get
6 my name known to those who don't know me. So yes, they are
7 community leaders, business owners that could be great
8 candidates, but they are discouraged from running because they
9 have the perception and belief, whether rightly or wrongly,
10 that they don't have a shot.

11 SENATOR COSTA: No, I appreciate that, and in this
12 space, you know, we in our Caucus had a race last year in
13 Lancaster with Janet Diaz, as you probably know, and saw
14 firsthand the enthusiasm that is generated when folks get
15 engaged, particularly of a particular race, get engaged, and
16 worked hard for that. We came up a little short, but I think
17 it was really a good step forward for the community, and we
18 continue to be able to work in that space as well.

19 So thank you, again, for your testimony, and trust
20 me, it's in the forefront of our minds, not in the back of our
21 minds.

22 MR. MARTINEZ: And I try to be an optimist, so
23 what I tell my audience and I tell the people is, okay, we
24 came a little short, but that's just a sign that we are
25 getting closer. So please, the next time, don't get

1 discouraged. We got a little closer, and every time we get a
2 little closer, well, we're hoping that this time around we get
3 past just being close and actually accomplish a win, or
4 something like that. So.

5 CHAIR NORDENBERG: Well, thank you, again, very
6 much--

7 MR. MARTINEZ: No problem.

8 CHAIR NORDENBERG: --for the past and for the
9 present.

10 And I think I also should say, and this is really
11 picking up on the remarks that Senator Costa just made when he
12 said this is now in the forefront of our minds. The testimony
13 that really is helping us at this point is testimony that
14 becomes more specific. We've talked about general concepts
15 and values and how they ought to be applied, but we can't know
16 what's going on everywhere in the State. And so when Mr.
17 Martinez comes in and he talks to us about Allentown, all of a
18 sudden we're not going to forget what you had to say. And
19 that is true of testimony that others have given, either
20 in-person or the observations they have offered through the
21 portal on the website. We are cataloging those things, we're
22 trying to pay attention to them, and they provide, really,
23 they fill the inevitable gaps in our knowledge, because we
24 can't know what's going on everywhere. So I think you've done
25 us a real service both in terms of what you have said about

1 the area that you're representing, but also more generally in
2 terms of the example that you have provided. So thank you.

3 MR. MARTINEZ: I appreciate it. One more thing
4 that I would like to say, that this benefits both parties,
5 because you can have a Republican Latino candidate running,
6 you can have a Democratic Latino candidate running. Through
7 my 32 years in radio, I've had the opportunity to work in
8 different cities and States, and I can bring you a great
9 example of central Florida, where you have an Orange County
10 Commissioner who is Puerto Rican, who is Latina, and she's a
11 Republican, and she won. And then you have the city of
12 Kissimmee, Florida, where you have a Republican, Puerto Rican,
13 Latino, who ran and won. And then you have Darren Soto, who
14 is a Puerto Rican, Hispanic/Latino, who is a Democrat and won.
15 You have State Representative Rena Placencia, who I happen to
16 personally know, and he is a State Representative in the
17 central Florida-Orlando area, and he's a Republican and he
18 won.

19 So this is not exclusive of, well, if we get more
20 Latinos in and we create this one district, it's going to
21 favor one political party. At this point for our community,
22 we'll be, okay, if we get the chance to have a Latino
23 Republican and a Latino Democrat, which is going to present
24 their best case to us? And then we make the decision of,
25 okay, out of the two of you, regardless of your party, it's

1 who we're going to trust this time around. So I just want to
2 make that very clear that it's not necessarily benefitting,
3 because we have experiences and instances where Latinos have
4 been elected in other cities, both Republicans and Democrats.

5 SENATOR COSTA: Mr. Chairman, can I ask another
6 quick question?

7 CHAIR NORDENBERG: Yes. Senator Costa.

8 SENATOR COSTA: So you heard the previous
9 testimony regarding combined districts, where races are
10 combined to be able to develop a unified district. Is there
11 similar type growth of other races in the areas you're talking
12 about that we could possibly have to even maximize the number
13 of opportunities for seats that combine races to have multiple
14 majority-minority seats that are combined?

15 MR. MARTINEZ: In the city of Allentown, they are.
16 You have the Syrian population, who is growing in the area.
17 You have the Hindu community, who is growing in the area, and
18 they're represented within the community. Now, I will say
19 that the Hispanic population, by the Census data, is not only
20 the fastest growing but the one that has grown the most.
21 Again, now becoming 55 percent of the population. So yes,
22 there are other communities who are emerging. There's other
23 communities who are growing, but not to the extent or to the
24 level of where the Hispanic community has grown in the last 10
25 years and where we're predicting it's going to grow in the

1 next 10 years.

2 SENATOR COSTA: Thank you.

3 CHAIR NORDENBERG: Thank you very much.

4 MR. MARTINEZ: Thank you.

5 CHAIR NORDENBERG: Our next witness is Will
6 Gonzalez, who is the Executive Director of CEIBA, a coalition
7 of Latino community-based organizations in Philadelphia. Its
8 mission is to promote the economic development and financial
9 inclusion of the Latino community. And Mr. Gonzalez, too, is
10 a repeat witness, someone whose earlier testimony led us to
11 believe that he would have value to contribute as we move to
12 this next stage of our work looking at the Voting Rights Act.
13 So welcome, sir.

14 Can you hear? I'm wondering if your mic is on.

15 MR. GONZALEZ: Thank you. Now the green light is
16 on. Thank you very much.

17 CHAIR NORDENBERG: We invited you because we
18 wanted hear from you, so.

19 MR. GONZALEZ: Thank you. Thank you.

20 Again, thank you for giving us the opportunity to
21 expand on our previous testimony about the growth of the
22 Hispanic community in Pennsylvania. The importance of the
23 Hispanic community to the Commonwealth cannot be overstated.
24 Growth in the Hispanic population far outpaced that of the
25 whole State and successfully offset the declines in population

1 of other groups in the Commonwealth. Pennsylvania's
2 population only grew 2.4 percent between 2010 and 2020, or
3 about 30,000 people. In the same period, Pennsylvania's
4 Hispanic population grew 45.8 percent, or about 330,000
5 people. In other words, the Latino's share of total
6 population change in Pennsylvania was 110 percent.

7 Pennsylvania's 1.05 million Hispanic community constitutes 8.1
8 percent of the population of the Keystone State. Of the 12
9 States in the United States with at least 1 million Hispanics,
10 Pennsylvania saw the fastest population growth during the last
11 decade, according to the Pew Research Center.

12 Can you please show the next slide? Thank you.

13 Hispanic population growth fueled increases in population in
14 many municipalities in eastern Pennsylvania. For example, the
15 total population of Philadelphia went up 5 percent, thanks to
16 25.6 percent of Hispanic population growth. In Allentown, the
17 total population went up 6.6 percent, thanks to 30.9 percent
18 Hispanic population growth. You can see from the slide other
19 communities who experienced growth thanks to the growth in the
20 Latino community. You can highlight Hazleton, with a total
21 population growth of 28.4 percent, thanks to an 85-percent
22 Hispanic population growth.

23 Hispanic population growth was important for
24 Harrisburg. Pennsylvania's capital city only grew by 571
25 people in 2020's Census. That's only 1.1 percent. Yet its

1 Hispanic population grew by 1,983 people, 22.2 percent. In
2 other words, the Hispanic population of Harrisburg accounted
3 for 340 percent of the city's growth in population.

4 In Scranton, the positive impact of the Hispanic
5 population on the total population growth of the Electric City
6 was 15-fold. Scranton's total population grew by only 239
7 people in the 2020 Census. In the same period, the Hispanic
8 population of Scranton increased by 3,766 people. That is 50
9 percent growth in the Latino community of that city.

10 If you could go to the next slide, please. This
11 particular slide shows the municipalities with the largest
12 Hispanic population in Pennsylvania, topped by Philadelphia,
13 with 235,758 people, and you can see all the way down to
14 Coatesville, with 3,765. There's more, but highlights are
15 Allentown, Reading, Bethlehem, Hazleton, and York.

16 If you could please go to the next slide. The
17 municipalities with the highest percent of Hispanics, minimum
18 of at least 1,000 Hispanics in those municipalities - tops is
19 Reading with 67 percent; Hazleton, 58.4; and on you go down to
20 you see Kennett Square at 39.1 percent; York at 33.7;
21 Wilkes-Barre, 21 percent. Just some of the highlights.

22 If you could go to the next slide, please. The
23 2020 Census showed the following counties as top in Hispanic
24 population. Again, this is just total population of
25 Hispanics. Philadelphia, with 235,758; and you can see down,

1 you know, 15 bullets down, Lebanon County with 20,348;
2 Northampton County, 44,597; Monroe, 28,558.

3 If you could go, please, to the next slide. The
4 counties with the highest percent of Hispanics relative to
5 their total, up on the top is Lehigh County, with 25.9
6 percent; and you can see all the way down to York at 8.6
7 percent. Highlights: Philadelphia is 14.9 percent;
8 Northampton County, 14.3 percent; Dauphin County, 10.9
9 percent.

10 The next slide, please. The counties that had the
11 largest percent increase in the Hispanic share of their
12 population between 2010 and 2020, this was interesting because
13 if you look at Cameron County, only had an increase of 67
14 people, their Hispanic share of the population grew 352.6
15 percent. But you can see with Lackawanna County, for example,
16 a 71-percent increase because of 7,585 Hispanics. Allegheny
17 County, 80 percent increase, 15,255.

18 These numbers show the impact of the growth that
19 the Hispanic population had was felt in every corner of the
20 Commonwealth. The Hispanic communities in our Commonwealth
21 are communities of interest. They are self-defined groups of
22 people who share bilingual and bicultural characteristics,
23 have their own culturally and linguistically appropriate civic
24 organizations, churches, schools, business corridors, social
25 institutions, and radio stations. They share common interests

1 and mostly live in compact footprints without geographic
2 barriers.

3 If you could go to the next slide, please. We
4 urge you to draw legislative districts that take into account
5 the streets, neighborhoods, and important hubs that make
6 Hispanic communities unique. Consider landmarks, cultural
7 districts, industries, employers, where kids go to school,
8 where families go to church, and the location of neighborhood-
9 based and social service organizations which serve them.

10 I want to make sure that I make this point:
11 Ensuring Hispanic civic engagement through voting and strong
12 working relationships with their elected officials will
13 bolster the economic power and global competitiveness of
14 Pennsylvania. Between 2010 and 2020, Hispanic buying power in
15 Pennsylvania grew to 10th among the States with the fastest
16 growth in the Hispanic market, according to the Selig Center
17 for Economic Growth of the University of Georgia. Hispanic
18 buying power increased substantially over the last 30 years in
19 our country. Hispanic buying power accounted for 11.1 percent
20 of U.S. buying power in 2020, up from only 5 percent in 1990.
21 The same report found that the Hispanic market is the largest
22 minority market in the U.S., and continues to expand briskly.
23 Hispanic spending power in the country grew to 1.9 trillion in
24 2020, an increase of 87 percent from 2020. This 1.9 trillion
25 in Hispanic spending power is larger than the GDP of Italy,

1 and slightly smaller than the GDP of France.

2 Hispanics are also helping Pennsylvania's
3 vitality. As Pennsylvania's population grows older, with a
4 median age of 41 years old, the Latino population's median age
5 is 26 years old. Because Hispanics tend to be younger overall
6 than the non-Hispanic communities, neighbors, Hispanics begin
7 forming households at a higher pace than other demographic
8 groups. Accordingly, a study by the Urban Institute predicts
9 that by 2040, fully 70 percent of new U.S. homeowners will be
10 Hispanic. The 2020 State of Hispanic Homeownership Report
11 from the National Association of Hispanic Real Estate
12 Professionals found that Hispanics now have a 48 to 49 percent
13 rate of homeownership, up from 47.5 in 2019. In Pennsylvania,
14 the Hispanic homeownership rate is 42.8 percent.

15 The economic power of Hispanics in Pennsylvania is
16 also manifested in its potential for future growth.
17 Pennsylvania has a large and young Hispanic population that
18 continues to grow. While 8 percent of the overall population
19 of the Commonwealth is Hispanic, 12 percent of students in
20 K-12 education are Hispanic.

21 Next slide, please. Hispanic enrollment in our
22 Commonwealth school districts is poised to make Pennsylvania
23 stronger. The school districts with the highest Hispanic
24 enrollment are, you can see Reading at 80.7 percent, Allentown
25 at 71, Harrisburg at 35, Philadelphia with 21, Pittsburgh only

1 at 3 percent today, but it will get there. The strength of
2 Hispanic students in Pennsylvania transcends K-12 education.
3 According to a report from Excelencia in Education, using data
4 from the U.S. Department of Education, National Center for
5 Education Statistics, Latinos in Pennsylvania graduate at a
6 higher rate from four-year institutions than Latinos
7 nationally, 61 percent versus 51 percent, respectively.

8 If you could go back to the previous slide, thank
9 you. There are many more manifestations of the positive
10 impact on Pennsylvania by its Hispanic communities and the
11 potential to keep the Keystone State growing. It is important
12 to note, however, that Hispanics are also a community with
13 people struggling to overcome poverty, lack of education, and
14 poor access to quality healthcare. Keeping Hispanic
15 communities of interest undivided will help local
16 jurisdictions and our State as a whole better meet these
17 challenges for the benefit of all. A chain is only as strong
18 as its weakest link.

19 Redistricting is a double-edged sword that cuts
20 depending on the hand that wields it. Mapmakers can draw
21 legislative districts to ensure that communities are kept
22 whole to maximize the prospect of their residents and
23 institutions working together, or they can slash neighborhoods
24 into fragments to minimize their power. We have an
25 opportunity here. Let's make the best of it. Pennsylvania's

1 Hispanic community is ready to be a steward of change rather
2 than victims of it.

3 Thank you, again, for the opportunity to address
4 you today.

5 CHAIR NORDENBERG: Thank you very much.

6 Are there questions or comments from the Members
7 of the Commission?

8 SENATOR K. WARD: Me.

9 CHAIR NORDENBERG: Majority Leader Ward is not
10 visible, but we can hear you.

11 SENATOR K. WARD: Well, I don't know what that is.
12 Anyway.

13 So, sir, you were giving all those statistics
14 about the Hispanic population in specific towns. And I don't
15 know this, I only know where I live, have Latinos, Hispanics,
16 have they run for any of those local offices and won in those
17 towns? Do you know if they've even run for those local
18 offices?

19 MR. GONZALEZ: I don't know that. This is all
20 data that was derived from the U.S. Census information. In
21 terms of getting specific about running in particular towns, I
22 apologize, I'm not as aware. I'm more familiar with
23 Philadelphia. So, yes, I'm sorry.

24 SENATOR K. WARD: No, no, it's okay. I just think
25 that is a great starting point for some. It's a great

1 opportunity to get your name out. To win or lose, you get
2 your name out, you get your ideas out, you get your ID up, and
3 I think when people run, it's good, you know. The worst--

4 MR. GONZALEZ: Yeah, but I think that to maximize
5 that opportunity is to make sure that communities of interest
6 stay whole. And that way residents from those communities of
7 interest can maximize their ability to participate and to help
8 develop their future.

9 SENATOR K. WARD: Thank you. Thank you so much
10 for your--

11 MR. GONZALEZ: Thank you.

12 SENATOR K. WARD: Thank you.

13 CHAIR NORDENBERG: Leader Benninghoff.

14 REPRESENTATIVE BENNINGHOFF: I have two quick
15 things. One, I was curious if the consolidated statistics you
16 have put together, if that could be made available to the
17 Commission? I thought you did a nice job with that.

18 MR. GONZALEZ: Thank you.

19 REPRESENTATIVE BENNINGHOFF: And as the good
20 Senator to my left and I were trying to express our electronic
21 prowess and take pictures off the screen, I'm not sure how
22 they're going to look when they're done. So if you can
23 provide that to us, I think that would be helpful.

24 The only other question I had, you were talking
25 about some really good information there, I was curious about,

1 did you say much as far as voter activity amongst those
2 populations? I mean, that's some pretty significant growth in
3 those areas. I was just curious if you saw proportionate
4 participation in voting at the same time.

5 MR. GONZALEZ: That takes further study.
6 Obviously, the Census data is easier to work with. Voting
7 data is more localized, so the comments by Mr. Martinez very
8 specific to Allentown were apropos, he's very familiar with
9 it. To go deeper into each community would take, you know,
10 some work. And that's why one of the hallmarks in a process
11 like this is to ensure that people from those communities
12 participate so that they can bring up those specific things.

13 REPRESENTATIVE BENNINGHOFF: Thank you. I'd just
14 note, if you had already extrapolated, that would be helpful
15 to have.

16 Thank you, Mr. Chairman. Thank you, sir.

17 CHAIR NORDENBERG: Yes, Representative Bradford.

18 REPRESENTATIVE BRADFORD: One of the things that I
19 think may be more by commentary than anything, but one of the
20 earlier speakers talked about coalition or unity communities
21 of interest in terms of some of the smaller third class cities
22 that have very large Latino populations but haven't gotten to
23 that critical mass but could obviously support a coalition
24 seat. It strikes me in my own backyard. You used Norristown
25 as an example, the city of Lancaster potentially. These are

1 not insignificant populations. If you looked at it as a
2 coalition, and have you looked at it as a coalition that would
3 potentially support a seat?

4 MR. GONZALEZ: So unity districts are being
5 considered by people who live in those communities. I think
6 Professor Baretto said it best. Obviously, when you have a
7 community of interest that is large enough, then you should,
8 you know, focus on that. But in those places like you just
9 mentioned, sir, they may not be as large to constitute a full,
10 you know, district, 50 percent plus 1, et cetera, those
11 communities, community by community, making decisions about
12 unity districts.

13 REPRESENTATIVE BRADFORD: Thank you.

14 CHAIR NORDENBERG: Senator Costa.

15 SENATOR COSTA: Thank you very much for your
16 testimony and the statistics you showed us. But I think a
17 couple of things you pointed out that I thought were really
18 helpful to your collective cause, you referred to it a couple
19 times as communities of interest, and I think that's really
20 important where we are today. The previous folks have talked
21 about percentages of Allentown or percentages of Lancaster,
22 whatever. While those are important, when you talk to me, at
23 least anyhow what I hear is, when you talk about the business
24 community, when you talk about the churches, when you talk
25 about, you know, community centers and things of that nature

1 as being part of a community, that, in my view, lends weight
2 to this argument that we need to be looking at along the lines
3 of folks we are talking about. So I appreciate you raising it
4 in that context, because I just think that that's a variable
5 or a factor that we'd have to look at as well, outside from
6 the numbers themselves. So thank you.

7 MR. GONZALEZ: No, I appreciate your comment. I
8 think it's very important that we want to keep communities
9 together to take advantage of opportunities and to be involved
10 in addressing challenges.

11 CHAIR NORDENBERG: Thank you, again, for all that
12 you contributed this time and the last time. And you made a
13 distinctive contribution this afternoon. You showed that this
14 Commission is bipartisan even in its technological
15 deficiencies, as Leader Benninghoff and Senator Costa were
16 trying to take snapshots of the screen. But we'll get those
17 numbers to them, between us.

18 MR. GONZALEZ: Thank you. Have a good day.

19 CHAIR NORDENBERG: Thank you very, very much.

20 I do want to say, we have two more distinguished
21 witnesses on the agenda today, and though she is not with us
22 this afternoon, Leader Joanna McClinton was largely
23 responsible for recruiting our final two witnesses, and so I
24 wanted to credit her.

25 The first of those witnesses is Bishop Dwayne

1 Royster, who is the Executive Director of POWER Interfaith in
2 Philadelphia. It's noteworthy that he earned that position
3 after serving as Interim Executive Director for a year, and
4 that as they extended the invitation to him to assume that
5 role, his board also said, and take us statewide, while you
6 are at it. So he's got a big set of responsibilities and
7 opportunities. He also has served as the Senior Pastor of
8 Faith United Church of Christ in the north Michigan Park
9 section of Washington, D.C., and as the National Political
10 Director of Faith in Action. Faith in Action is the nation's
11 largest faith-based organizing movement committed to racial
12 and economic justice, with more than 40 federations in 22
13 States and 5 countries.

14 We welcome you to Harrisburg, Bishop.

15 BISHOP ROYSTER: Thank you, Chairman. We
16 appreciate the opportunity to be here today.

17 Chairman Nordenberg and the whole of the
18 Legislative Redistricting Commission - Leaders Ward, Costa,
19 Benninghoff, and McClinton, and Representative Bradford, who
20 is sitting in for Representative McClinton today - we thank
21 you for the invitation to come and to share today about the
22 very future of democracy in the State of Pennsylvania.

23 Chairman Nordenberg, we're grateful for your leadership and
24 for the transparent manner in which Pennsylvanians can watch
25 and participate in the shaping of the future of their

1 government and their State through this Commission.

2 I am Bishop Dwayne Royster. I'm a former
3 councilman-at-large for the municipality of Norristown. I
4 have the honor of being the Executive Director of POWER Inter-
5 faith, the State of Pennsylvania's largest faith-based
6 organizing movement, with over 150 congregations and multiple
7 faith traditions, including, Christian, Jewish, Muslim,
8 Society of Friends, Unitarian Universalist, Ethical Humanist,
9 and Sikh. We are multi-racial, in addition to being
10 multi-faith. We are working to build Pennsylvania into a
11 State that works for all.

12 POWER is a member of PA Voice, of which I am also
13 a board member. PA Voice is a partnership of over 45
14 organizations across the Commonwealth that are aligned in the
15 vision of a democracy that includes full participation and
16 representation. We believe that the growing Black,
17 Indigenous, and communities of color across the Commonwealth
18 are essential and must be valued to realize that vision. It
19 is in this dual capacity as an organization member of PA Voice
20 and a board member that I testify with you today, in addition
21 to being the Executive Director of POWER.

22 As I was sitting here listening today--and
23 deeply--to all of the scholars and community leaders that have
24 been brought into this place, I reminded myself that I was a
25 political science major a very, very long time ago, a graduate

1 of Geneva College in western Pennsylvania, and I am thankful
2 to all of the Black political scientists that helped to shape
3 my thinking and helped me to understand the importance of
4 whatever we do that we are working to build collective power,
5 not just for the Black community, but for all communities, and
6 that we are finding our way to do that even today. I'm even
7 more, thinking this moment about everything that's happening
8 here today and some of the testimony that was given by some of
9 the other witnesses in this moment, and I'm reminded of a
10 statement that the Reverend Alvin Herring, who's the Executive
11 Director of Faith in Action, says all the time. He talks
12 about his mother, his late mother, and she said, if you show
13 up like hope, people will give you their hopelessness. And I
14 believe that in this particular moment, with the virulent
15 rhetoric that's happening around elections in this country and
16 in this State, that this Commission has the ability to provide
17 hope in the State of Pennsylvania so that folk will think
18 about running for office because they will have a chance to
19 win, and they will not see that it will be a waste of money or
20 a waste of time to engage in the political process.

21 Chairman Nordenberg, as a leader of one of our
22 State's premier education institutions, I'm sure you
23 understand the importance of diversity of thought and
24 representation, and to make an institution more powerful,
25 engaging, and inviting. I have a similar vision for this

1 State. I believe that Pennsylvania must lean into its
2 diversity. I would like Pennsylvania to be a State where
3 every citizen can thrive, not just have the opportunity to
4 thrive, but actually can thrive and will thrive. I imagine a
5 State where children's bellies are full, and they're laughing
6 without a care in the world. I imagine a State where we see
7 African Americans, Latinx, and Indigenous and Asian Pacific
8 Islanders, and biracial and white folk, that we see each other
9 and don't walk around acting like we're colorblind, but we see
10 each other's colors, ethnicities, and we value the difference.
11 I imagine that we see the racial and cultural differences not
12 as deficiencies but as a strength and an opportunity for our
13 collective growth and development.

14 In order for every one of these communities to
15 thrive, it is imperative that at the highest forms of our
16 State government these communities are represented on the
17 floors of our State House and our State Senate so that the
18 structures and systems that are created by our government and
19 voted on in these hallowed halls do not discriminate against
20 the members of minority communities. Minority representation
21 must be had in our government, and I recognize that minority
22 is a legal term that we are using here today, but I want to be
23 very clear, as an African American man, I don't see myself as
24 a minority. I'm understanding four-fifths of the world looks
25 more like me than it does other folks, and so I just want to

1 be reminded that while this is a technical term, we are no
2 less than anybody else in our abilities to lead, to make
3 decisions, and to transform our State, for a State that will
4 work for every single one of us.

5 It is important for the Legislative Redistricting
6 Commission to consider, as they draw the lines, how
7 communities of color across Pennsylvania are being impacted by
8 not having the representation they deserve. And I just want
9 to note, there was an article that just came out today that
10 was printed in *The Inquirer*, it just came out an hour ago,
11 that was also posted in *The Washington Post*, that came out
12 very clearly and said, there is already a belief that there is
13 a deep underrepresentation of both Latinx folk and Black folk
14 in the 2020 Census. And I think we need to understand that,
15 even as we're thinking about redistricting now, that the
16 numbers that we have might actually be smaller than what they
17 actually are, even though the majority of the growth in the
18 State of Pennsylvania has come from these communities.

19 The overall intent of the Voting Rights Act,
20 Section 2, is to make sure that communities of color have
21 their political interests represented. This is the main goal
22 of the VRA with regard to the redistricting process. Current
23 district lines do not account for the change in Pennsylvania
24 demographics. Pennsylvania's population growth is being
25 driven by Black, Latinx, and Asian Pacific Islander

1 communities. Our population's share on the Commonwealth has
2 grown by 4 percent in the past four years alone. Communities
3 of color in Pennsylvania are growing at 12 times the rate of
4 the white population. Although people of color make up 27.5
5 percent of Pennsylvania's total population, as of 2018, its
6 highest lawmaking body, the State legislature, was 89 percent
7 white. Let me say that again: Although people of color make
8 up 27.5 percent of Pennsylvania's total population, as of
9 2018, its highest lawmaking body, the State legislature, was
10 89 percent white.

11 We need to understand that it's not just
12 Philadelphia and Pittsburgh. The growth is occurring across
13 the Commonwealth - in the collar counties surrounding
14 Philadelphia, where I served as a councilman-at-large; the
15 northeastern part of the State; and central Pennsylvania.
16 These are Pennsylvania's fastest growing communities, but they
17 remain significantly underrepresented in local and State level
18 elected offices. We have to create seats at the table so that
19 these communities get the representation they deserve.

20 Looking at Pennsylvania, there are different types
21 of polarization, which must be considered under the VRA.
22 These types of polarization vary by region, and they must be
23 considered by the LRC in a nuanced manner to ensure that all
24 communities of color in PA get the representation they
25 deserve. Allegheny has Black Reps who have been elected with

1 Black populations of around 25 percent. Berks just elected
2 its first Latinx Rep, despite the fact that there was
3 significant Latinx population in Reading. Lancaster City has
4 significant Latinx communities currently residing in
5 historically white districts that aren't being represented.

6 The true equity that the VRA compels is not just
7 about forming majority-minority districts, it's more nuanced
8 than that. We have to ensure that local communities of color
9 get the representation they deserve. Let me say it this way:
10 We have to ensure that local communities of color get the
11 representation that they deserve so that Pennsylvania can
12 become the best State it could possibly be. Truly equitable
13 maps don't dilute the power of these communities by splitting
14 them into separate districts, but rather will provide them the
15 opportunity to exercise their power so that their interests
16 are representative. Karen Hill-Evans represents York and is
17 Black, but the significant Latinx population in York City was
18 partially disenfranchised in 2020 due to a lack of translated
19 election information.

20 Growth in communities of color has been tremendous
21 in the past 30 years, and the only way to make our modern maps
22 truly equitable is to start from scratch and draw maps that
23 reflect the significant demographic changes that have occurred
24 over the past 30 years, and will continue well into the
25 future. We have to pay respect to these communities - these

1 communities that are building Pennsylvania; these communities
2 that are longing for a better State. They have been the only
3 source of population growth in Pennsylvania. By ensuring that
4 they have an opportunity to have their interest represented in
5 Harrisburg, these communities must be kept whole in new maps
6 so that their power is not diluted. It is possible to elect
7 folks who will represent the interests of all their community,
8 but not necessarily drawing deep majority-minority districts.

9 Let me just say this: As having worked in
10 Washington, D.C., during the last four years, I'm deeply
11 committed to the notion of we, the people. But we, the
12 people, has to really be all the people, and the voices of all
13 the people have to be heard across our State. I don't know
14 about you, but I imagine Pennsylvania has the opportunity to
15 look like the horn of cornucopia, which has different
16 vegetables and fruits and corn and flowers in it. It is
17 beautiful when it all is different, when all the flavors are
18 represented in that space. The only way Pennsylvania becomes
19 the great State that we want it to be is when every voice in
20 every community is heard in the highest places of power. And
21 we have the capacity to make Pennsylvania the State that it
22 should be, not the one that it necessarily is. This
23 Commission is not just about drawing districting lines, it's
24 about providing hope for the people of Pennsylvania to be able
25 to speak their truth and have a say in their collective

1 destiny.

2 Thank you for allowing me to come and share today.

3 CHAIR NORDENBERG: Thank you for being here with
4 us and for those inspiring and informative words.

5 BISHOP ROYSTER: Thank you.

6 CHAIR NORDENBERG: Are there any questions or
7 comments for the Bishop?

8 (There was no response.)

9 CHAIR NORDENBERG: Thank you very much.

10 BISHOP ROYSTER: Thank you.

11 CHAIR NORDENBERG: I should say to you that when
12 you said you were a graduate of Geneva College, the face of
13 the Executive Director of the Commission lit up, as probably
14 the only other graduate of Geneva College in the room. So
15 you've spread happiness in a range of ways.

16 BISHOP ROYSTER: Awesome. Thank you. Thank you
17 very much. Thank you for the opportunity.

18 CHAIR NORDENBERG: Thank you.

19 Our final speaker for this hearing is Linda
20 Miller, who is a member of the Pennsylvania Cohort for
21 Redistricting for Delta Sigma Theta. She is chair of the
22 social action committee of Delta Sigma Theta in Philadelphia.
23 That committee develops and implements programming to advance
24 social justice work, outreach, and service in the community,
25 and among its signature programs are those focused on voter

1 registration, education, and mobilization. I do need to say,
2 even before you speak, that we have never had a citizen-
3 witness who has arrived with such an impressive-looking
4 contingent of partners. And though it was accidental, I'm
5 glad that we scheduled you for last, because we've kept most
6 of our audience that way. So thank you for being with us
7 today.

8 MS. MILLER: Well, thank you, Commissioner Chair
9 Nordenberg. Good afternoon, but I want to tell you, now I've
10 got to follow a minister, so I need all my sisters with me
11 today. So thank you.

12 (Laughter.)

13 CHAIR NORDENBERG: They're there with you, and you
14 can.

15 MS. MILLER: And they are.

16 Thank you for giving me the opportunity to speak
17 before the Commission. As you've said, I'm Linda Miller, and
18 I'm a proud member of Delta Sigma Theta, which was founded in
19 1913 on the campus of Howard University, an HBCU. I'm a
20 resident of Philadelphia, and co-chair of Philadelphia alumni
21 chapter's social action committee.

22 Delta Sigma Theta is a private, nonpartisan,
23 not-for-profit organization--I know that's a mouthful--whose
24 purpose is to provide assistance and support through
25 established programs in local communities throughout the

1 world, not just in the United States. The sorority currently
2 has over 350,000 college-educated members in 1,000 collegiate
3 and alumnae chapters located in the United States, Canada,
4 Japan, which is Tokyo and Okinawa, Germany, the Virgin
5 Islands, Bermuda, the Bahamas, Jamaica, and the Republic of
6 Korea. We have 4,000 Delta members throughout the
7 Commonwealth of Pennsylvania who are committed to protecting
8 the right to vote, and also ensuring that the Commonwealth
9 maps fairly reflect the voices of African American
10 Pennsylvanians and other communities of color.

11 In 1913, our 22 founders participated in the
12 Women's Suffrage March two months after establishing a
13 sorority, and our members have been at the forefront of social
14 and political struggles ever since. Today, I speak on behalf
15 of my Pennsylvania Delta sisters, and as you earlier have
16 said, Chairman Nordenberg, I have with me my sisters from
17 Allentown, Harrisburg, and Philadelphia alumnae chapters
18 today, and we're all proud to be here today.

19 Today, we would like to share our concerns
20 regarding the following: gerrymandering and
21 disenfranchisement. The Voting Rights Act of 1965 addresses
22 the history of discrimination in voting and the redistricting
23 process. The Voting Rights Act insures that State and local
24 governments do not pass laws or policies that deny American
25 citizens the equal right to vote based on race. Section 2 of

1 the VRA protects voters from discrimination based on race,
2 color, or membership in a language minority group in all
3 election procedures. Racial gerrymandering is a violation of
4 the Voting Rights Act, and any map that has the effect of
5 diluting the voting rights of communities of color must be
6 nullified.

7 According to recent Census data, the
8 Commonwealth's Black and brown populations significantly
9 increased over the past decade. Currently, communities of
10 color make up over 18 percent of the total population, and
11 Census data shows that the Commonwealth has become more
12 diverse. There was a 9.8-percent increase in total Black
13 population. Hispanic or Latino population also significantly
14 increased during the decade. This increase in diversity was
15 distributed throughout the Commonwealth, not just in the urban
16 centers of Philadelphia and Pittsburgh, but also in the rural
17 areas as well. Twenty-six counties saw an increase of 10 to
18 49 percent in Black population, and two counties, Lackawanna
19 and Luzerne, each saw an increase of over 50 percent in Black
20 population.

21 Delta is focused on the 2020 Census results and
22 its effects on the Commonwealth's legislative district
23 boundaries that impact our communities of interest. However,
24 our representation in the State legislature currently lacks
25 the diversity of our State, which can be connected to how the

1 district lines are drawn for State House and State Senate. In
2 our diverse Commonwealth, it is critical that Black and brown
3 communities, in accordance with the Voting Rights Act, are
4 protected in the map-drawing process. We recognize the past
5 redistricting has been done in a manner which prevented Black
6 and brown voters the chance to elect their candidates of
7 choice. This is known as minority vote dilution.

8 We remind the Commission that it must develop a
9 redistricting plan that complies with the standards set by the
10 United States Constitution, the Voting Rights Act, and State
11 law. Those standards require that this Commission does not
12 dilute the voices of Black and brown voters, or deny Black and
13 brown voters an opportunity to participate in the political
14 process, and to elect representatives who will support the
15 values and interests of our communities. Maps cannot pack
16 Black voters into too few electoral districts, or crack Black
17 communities and other communities of color across multiple
18 districts as schemes to dilute Black and brown voting power.
19 The Commission also cannot proceed to pack or crack Black
20 voters into or among districts to serve partisan interests
21 without running afoul of the law as well.

22 Disenfranchisement results explicitly by law or
23 implicitly through requirements applied in a discriminatory
24 fashion by placing unreasonable requirements on voters for
25 registration or voting. As we have seen from time to time,

1 the burdens of these unreasonable requirements all too
2 frequently fall disproportionately on Black and brown
3 communities. In our diverse Commonwealth, it is critical that
4 Black and brown communities be protected in the map-drawing
5 process. The Voting Rights Act applies to legislative
6 apportionment and prevents district lines that would deny
7 Black and brown voters an equal opportunity to participate in
8 the political process and to elect representatives of their
9 choice.

10 Redistricting is not just about who we are able to
11 elect, but the opportunity to readily engage with that elected
12 official once in office. Delta encouraged each of its members
13 in the communities that we serve to communicate with their
14 elected officials about public policies that are of concern to
15 them. Creating maps that are not equal in population and that
16 are not compact limits the active engagement that our
17 communities can have.

18 In closing, I come before this body to ask that
19 there be a fair, accessible, and transparent reapportionment
20 process where the following issues are addressed: elimination
21 of gerrymandering that dilutes the voting strength of Black
22 and brown voters, upholding the Voting Rights Act regarding
23 fair representation, and development of a fresh approach which
24 recognizes and accounts for the importance of minority
25 communities of interest. We appreciate the Commission taking

1 action to end prison gerrymandering, and that is another case
2 of imbalanced district and vote dilution.

3 Today, we, the members of Delta Sigma Theta
4 Sorority, stand on the shoulders of our 22 founders thanking
5 the Legislative Reapportionment Commission for its robust and
6 transparent process thus far. We look forward to endorsing
7 any map that safeguards the principles we have outlined in our
8 testimony today.

9 Thank you for the opportunity to speak before you
10 today.

11 CHAIR NORDENBERG: No, we thank you. Thank you
12 very much. Are there--

13 (Applause.)

14 CHAIR NORDENBERG: See what I told you about the
15 audience?

16 MS. MILLER: Always bring a crowd with you when
17 you're going to speak. That's the key.

18 CHAIR NORDENBERG: Are there any comments or
19 questions?

20 (There was no response.)

21 CHAIR NORDENBERG: If not, I have a request.

22 MS. MILLER: Certainly.

23 CHAIR NORDENBERG: And that is, given your
24 sorority's ongoing interest in this topic, and given the fact
25 that your army here today includes people--

1 MS. MILLER: And around the country.

2 CHAIR NORDENBERG: --well, I'm only concerned
3 right now about Pennsylvania. But if there are examples,
4 whether they are in Philadelphia or Harrisburg or Allentown or
5 Lancaster that you could bring to our attention where you
6 think the current district lines are in some way diluting the
7 minority vote, that would be a big help to us.

8 MS. MILLER: Well, Commissioner, so you know, we
9 are actually meeting to do exactly that this week.

10 CHAIR NORDENBERG: Okay.

11 MS. MILLER: And we are preparing maps, and we
12 will be submitting those maps as well.

13 CHAIR NORDENBERG: Great. Thank you very much.

14 MS. MILLER: Thank you for the invitation.

15 CHAIR NORDENBERG: And thank you all for being
16 here.

17 MS. MILLER: Thank you.

18 (Applause.)

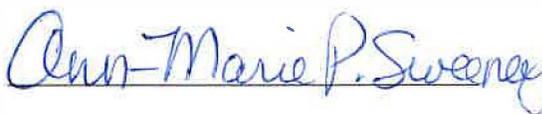
19 CHAIR NORDENBERG: Unless there is anything that
20 anyone else on the Commission has for the good of the order,
21 I'll adjourn this meeting and thank everyone for attending and
22 participating. Thanks.

23 (Whereupon, the proceedings were concluded at 4:23
24 p.m.)

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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me during the hearing of the within cause, and that this is a true and correct transcript of the same.



ANN-MARIE P. SWEENEY
Official Reporter
Legislative Reapportionment
Commission

THE FOREGOING CERTIFICATION DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME BY ANY MEANS UNLESS UNDER THE DIRECT CONTROL AND/OR SUPERVISION OF THE CERTIFYING REPORTER.

ANN-MARIE P. SWEENEY
Official Reporter
Legislative Reapportionment Commission
P.O. Box 203079
Harrisburg, PA 17120

EXHIBITS

Agenda

Hearing #7

Pennsylvania Legislative Reapportionment Commission

October 13, 2021

2:00 to 5:00 p.m.

North Office Building, Hearing Room 1

The Voting Rights Act and Issues Affecting Racial and Other Minorities

Call to Order and Opening Rem-arks

1. Ben Williams, Esquire, Program Principal, Elections & Redistricting Program, National Conference of State Legislatures – *Overview of the Voting Rights Act*
2. Dr. David Lublin, Professor and Chair, Department of Government, American University – *Drawing Effective Minority Districts*
3. Dr. Trey Hood, Professor of Political Science at the University of Georgia and Director of the Survey Research Center – *The Impact of the Voting Rights Act on Legislative Redistricting*
4. Dr. Matt Baretto, Professor of Political Science, University of California Los Angeles – *Creating Coalition Districts to Enhance the Representation of Minorities*

5. Victor Martinez, CEO of VP Broadcasting and the host El Relajo de la Mariana – *Dynamics of the Lehigh Valley Hispanic Community*
6. Will Gonzalez, Executive Director, CEIBA – *Hispanic Communities: Their Growing Influence in the Philadelphia Area*
7. Bishop Dwayne Royster, Executive Director, POWER Interfaith, Philadelphia – *The Effect of Gerrymandering on Minority Communities of Interest*
8. Linda J. Miller, Member of PA Cohort for Redistricting for Delta Sigma Theta – *The Effect of Gerrymandering on Minority Communities of Interest*

Closing Remarks and Adjournment



VRA Presentation to the Pennsylvania Legislative Reapportionment Commission

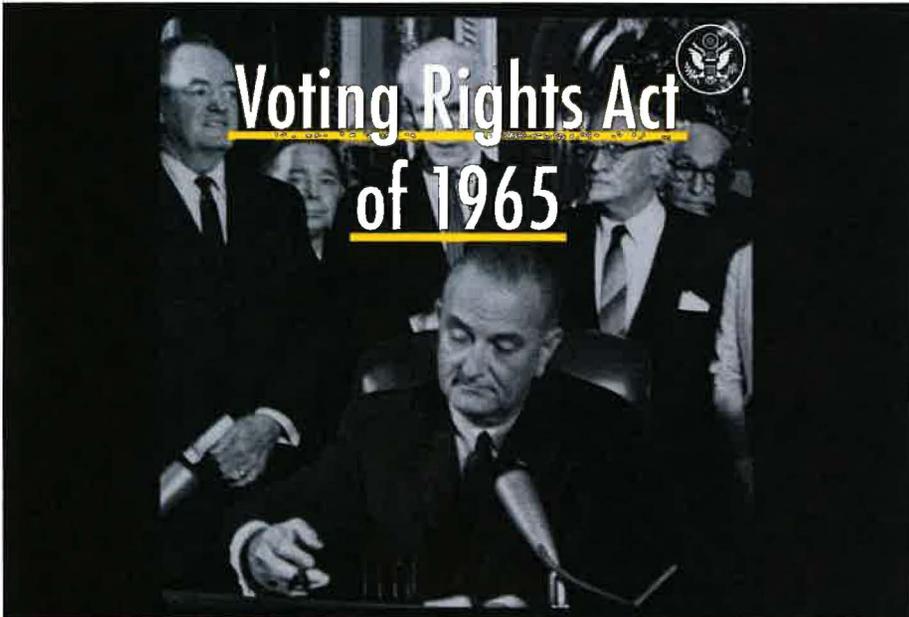
Ben Williams, Program Principal
Elections and Redistricting Program

October 13, 2021



Strengthening
the legislative
institution.

Serving 7,383
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25,000 staff.



Key Sections of the VRA

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Section 2

Private and Federal Cause of Action

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Section 3

The "Bail-In" Remedy for Violations of the VRA

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Section 4

The Preclearance Coverage Formula

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Section 5

The Preclearance Regime

Section 2: Overview

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

Senate District 4



Section 2: When Applies

When Applies

When a state's electoral system is designed to dilute the voting power of minority groups

When a state's electoral system is designed to dilute the voting power of minority groups

When a state's electoral system is designed to dilute the voting power of minority groups

When Applies

- 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

Key Distinction: Vote Denial vs. Vote Dilution

Vote Denial (Elections)

- o Applies to laws denying or abridging the right to vote on account of race or color
- o Localized or statewide impact of challenged law on denial of right to vote
- o Key Supreme Court case:
 - *Brnovich v. Democratic National Committee* {2021}

Vote Dilution (Redistricting)

- o Applies to districting plans that hinder a minority group's opportunity to elect its candidate of choice
- o District-by-district analysis
- o Some key Supreme Court cases:
 - *Mobile v. Bolden* (1980)
 - *Thornburg v. Gingles* (1986)
 - *Bartlett v. Strickland* {2009}

Section 3: "Bail-In"

- **What:** Remedy available from courts who find violation Fourteenth or Fifteenth Amendments to U.S. Constitution.
- **How:** Judge orders jurisdiction subject to preclearance for future election law changes *if* it finds proof of discriminatory intent by a defendant.
- **When:** Limited duration set by judge; not permanent like Sections 4 and 5. Judge has significant discretion in crafting remedy.
- **Prevalence:** Rare



Sections 4 and 5

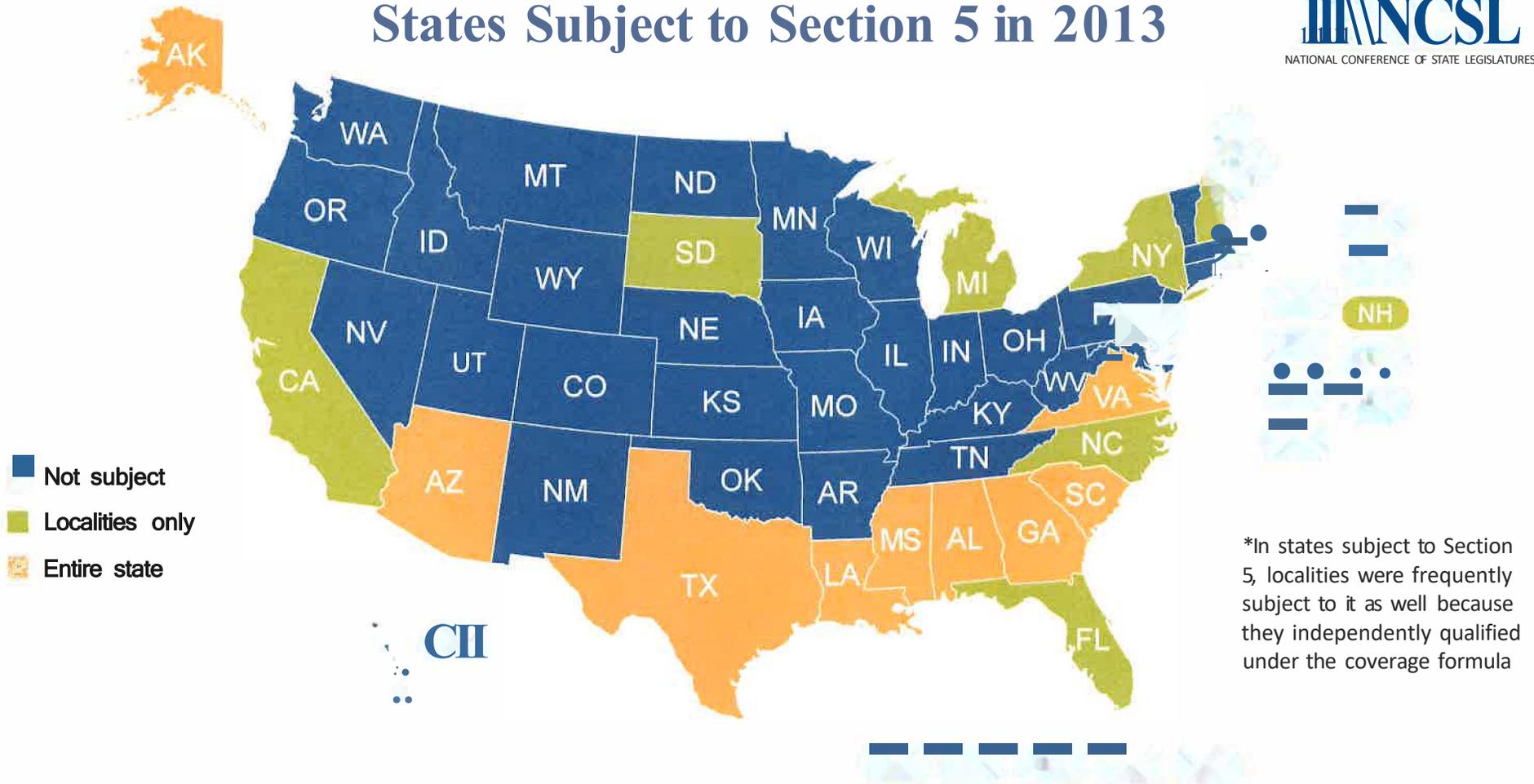
Section 4: Coverage Formula

- o **Status:** Invalidated per *Shelby County v. Holder*; Formula determined which jurisdictions are subject to Section 5 preclearance
- o Factors considered:
 - Jurisdiction applies test or device as voting requirement
 - Less than 50% of eligible persons were registered to vote in the jurisdiction
 - Jurisdiction provides ballot information only in English, despite the presence of protected language minorities

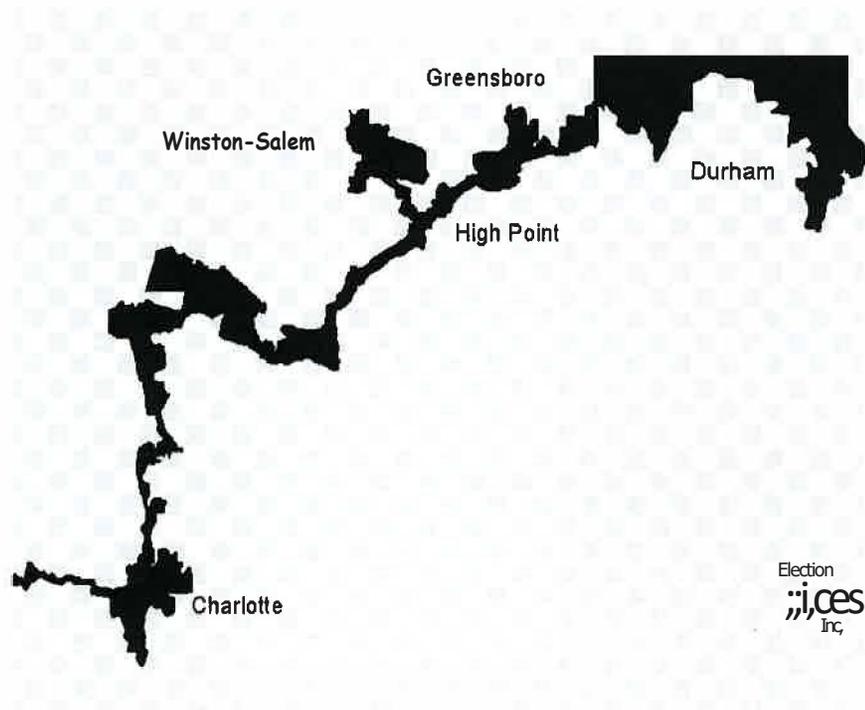
Section 5: Preclearance Regime

- o **Status:** In effect
- o Applied to both states and localities
- o Jurisdictions subject to it must receive permission to make any changes to election laws, including redistricting plans, from either a federal court in D.C. or the U.S. Department of Justice
- o Reauthorization required due to sunset provisions

States Subject to Section 5 in 2013

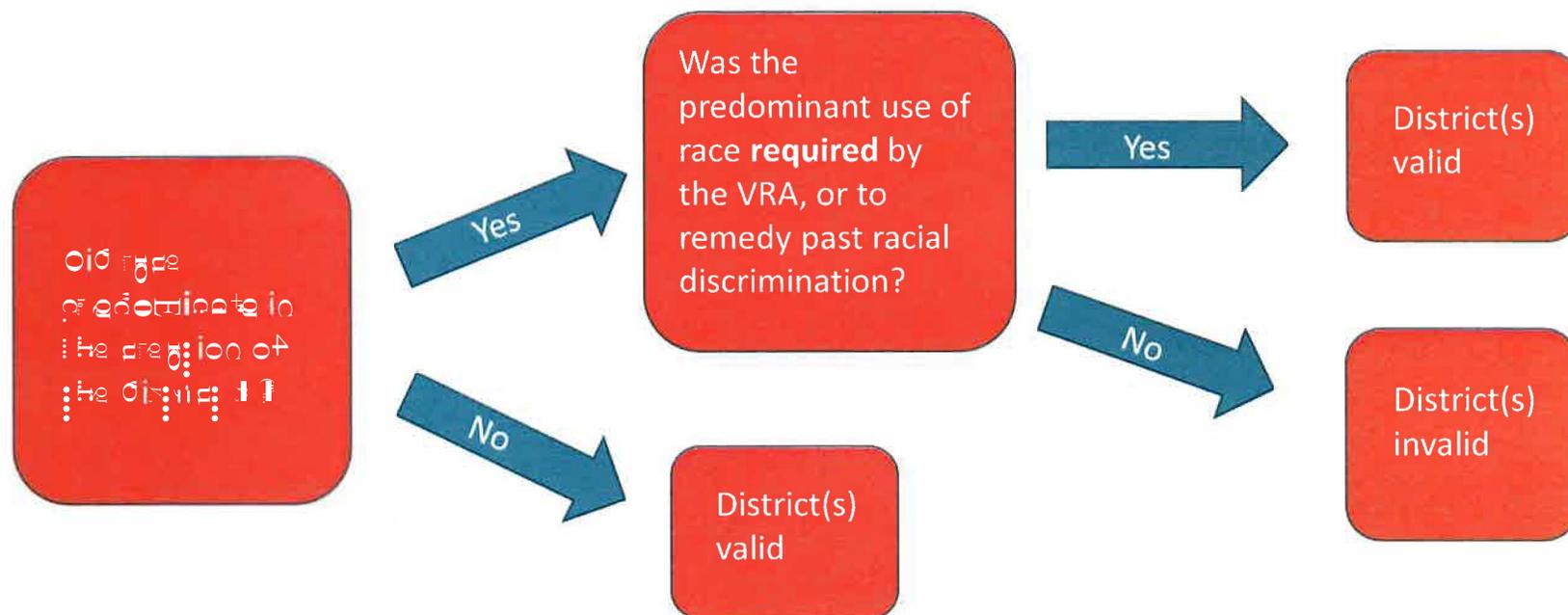


The Flipside: Racial Gerrymandering



- o Equal Protection Clause claim
- o Origin: *Shaw v. Reno* {1993}
- o 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

Racial Gerrymandering: Legal Analysis



- o Build a record to justify decisions
- o Understand the dual mandates
- o Ask your counsel about areas of your state requiring further investigation
- o Previous court findings may hold little weight this time



How to balance?

Threading the needle

Pennsylvania-Specific Considerations

Know who counts

- Minority groups can have non-racial/ethnic shared interests that bind them together (e.g., economic)
- Scope can vary depending on type of redistricting plans (House, Senate, Congress)

Demographics change

- Experts can help you understand how districts may need to change
- Forecasting future trends can be challenging

Know your priorities

- Supremacy Clause will govern conflicts between state and federal law
- Courts will look to your records to determine liability



Ben Williams
Program Principal, Elections and
Redistricting



NATIONAL CONFERENCE OF STATE LEGISLATURES

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The Election of Minority State Legislators

David Lublin
American University

New Black U.S. Representatives Elected in 2018

Percent Voting-Age Population

Representative	Black Alone	Hispanic	Non-Hispanic White
Antonio Delgado (NY 19)	4.6	6.7	85.7
Joe Neguse (CO2)	1.0	9.1	84.4
Lauren Underwood (IL 14)	3.2	10.4	80.9
Jahana Hayes (CT 5)	7.1	16.0	72.1
Ilhan Omar (MN 5)	14.3	7.5	68.7
Lucy McBath (GA 6)	13.8	10.5	62.0
Colin Allread (TX 32)	13.0	22.8	52.9
Steven Horsford (NV 4)	14.9	26.0	49.1
Ayanna Pressley (MA 7)	23.4	19.7	44.2

New Black U.S. Representatives Elected in 2020

Percent Voting-Age Population

Representative	Black Alone	Hispanic	Non-Hispanic White
Burgess Owens (UT 4), <i>GOP</i>	1.4	15.3	75.9
Marilyn Strickland (WA 10), <i>Afro-Asian</i>	6.4	9.6	69.6
Byron Donalds (FL 19), <i>GOP</i>	6.7	17.2	73.5
Mondaire Jones (NY 17)	10.8	20.8	61.1
Jamaal Bowman (NY 16)	34.0	24.1	37.0
Ritchie Torres (NY 19), <i>Afro-Latina</i>	35.4	65.7	2.9
Cori Bush (MO 1),	46.6	3.1	44.5
Nilema Williams (GA 5)	55.9	5.4	31.9
Troy Carter (LA 2), Special Election.	59.7	6.0	30.5

Only two Black Republicans in the U.S. House'

Previously held by Latino U.S. House Member

Previously held by Black U.S. House Member

Two-Part Election Process

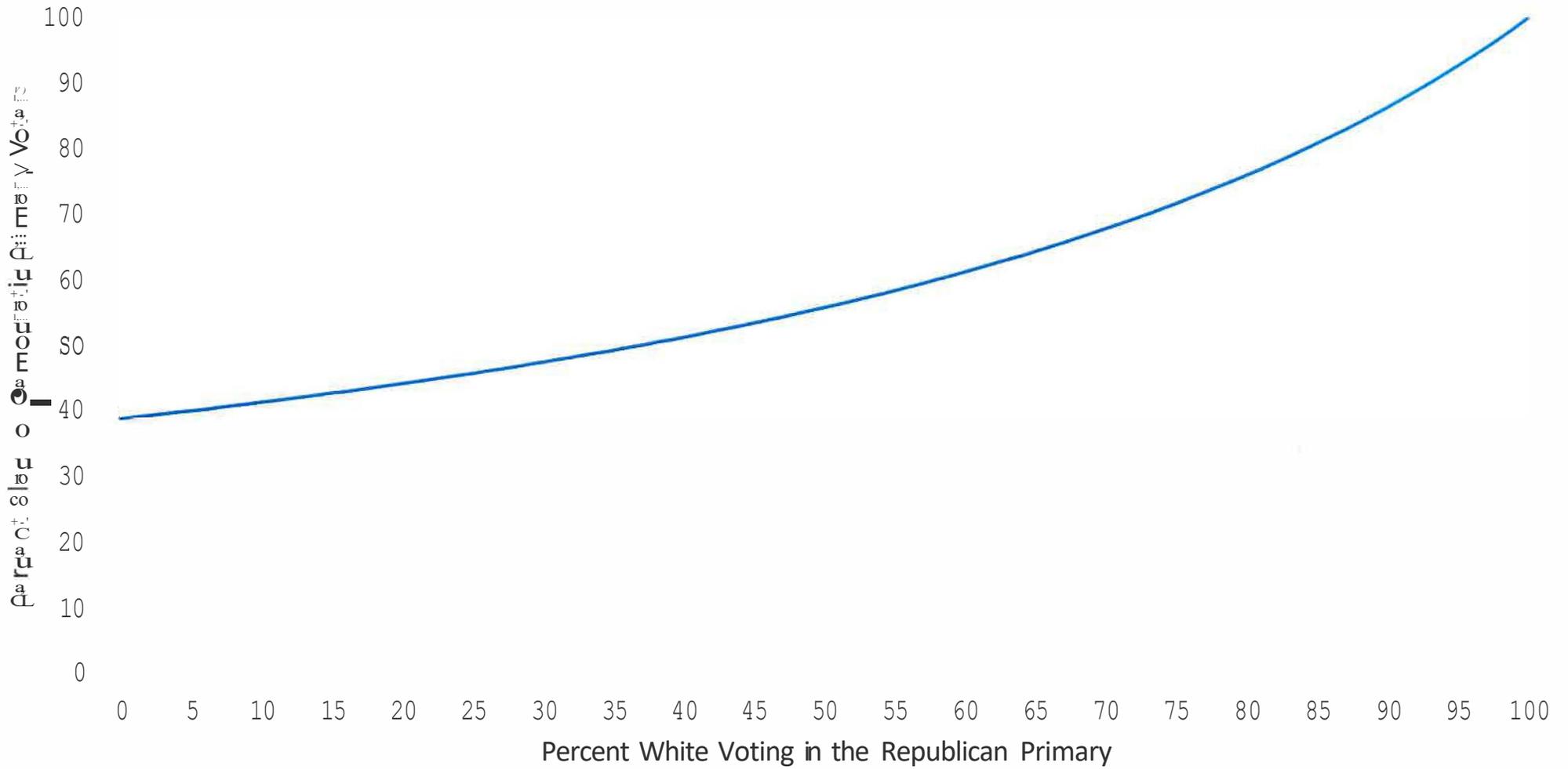
Primary Election

- Blacks vote in Democratic primaries at higher rates than Whites, who are more likely to vote in Republican primaries.
- **Result:** Blacks often form a much higher share of Democratic primary voters than in the overall population.

General Election

- Most white voters who will not vote for a Black Democrat have left the Democratic Party.
- Partisanship and party-line voting is much stronger than in the past.
- **Result:** Black Democrats can win where Democrats can win. May also be true among Republicans.

Percentage of Blacks Needed for a Majority in the Democratic Primary (40% Black, 60% White District with Equal Turnout, 95% of Blacks Vote in the Democratic Primary)



Conclusion

New Opportunities

- Black candidates can run and win outside Black majority districts in much of the country.
- Packing Black voters is often not needed to elect Black candidates.
- Packing can reduce Black influence and opportunities in surrounding state legislative districts.
- Jurisdiction specific analysis is crucial.

Redistricting and the VRAin 2020

M.V. (Trey) Hood III
University of Georgia

Current State of Affairs

- Section 5
 - Retrogression Standard currently unenforceable
- Section 2
 - The *Gingles* Standard
 - Prongs
 - Minority Opportunity-to-Elect District
 - Majority-Minority (50.1%)
 - Single Race/Ethnicity
 - [Bartlett v. Strickland(2009)]

Key Terms

- **Legally** Significant Racially Polarized Voting
 - Evidence of both Prongs 2 and 3 of *Gingles*
- The Double-Bind for States
 - Ignore Section 2 and risk a vote dilution suit
 - Creating VRA minority opportunity-to-elect districts (50%) could invite a *Shaw* racial predominance suit (14th Amendment)

Recent Case Law

- **Bethune-Hill v. Va. State Bd. of Elections**

[326 F. Supp. 3d 128 (E.D. Va. 2018)]

Virginia Legislative Districts

- **Covington v. North Carolina**

[270 F. Supp.3d 881 (M.D.N.C. 2017)]

North Carolina Legislative Districts

- **Cooper v. Harris**

[159 F. Supp. 3d 600 (M.D.N.C. 2016)]

North Carolina Congressional Districts

Section 2 in 2020 Redistricting

- *Gingles* used to evaluate a claim against an existing map.
- In redistricting, *Gingles* must be applied prospectively.
- Use of race in redistricting in 2020 is a real tightrope-must be narrowly applied and employed with caution.
- Section 2 Analysis for Redistricting must ...
 1. make comparisons to the benchmark map.
 2. be demonstrated to have occurred with forethought.
 3. be conducted on a district-by-district basis [no application of a mechanical formula].
 4. demonstrate legally significant racially polarized voting.

Legally Significant Racially Polarized Voting

Demonstrate:

1. Minority group vote cohesion
 - Clear candidate of choice
 - Note: This could include primary as well as general elections
2. White vote cohesion
 - Majority has a different candidate of choice
3. Minority candidate of choice is defeated
 - Must be the typical pattern (more often than not)
 - In a prospective redistricting context, one could employ a district functionality analysis to demonstrate this requirement.

Statistical Analysis

- Use aggregate (precinct) data to create statistical estimates of individual-level behavior
 - Voting patterns for various racial/ethnic groups
- Statistical Techniques
 - Ecological Regression or Ecological Inference

Data Required for Analysis

- Precinct-Level Election Returns
 - Both general election and (D) Primary Data
 - Spanning multiple general election cycles
- Racial (Ethnic) Data by Precinct
 - Pennsylvania: VAP from Census
- Prospective Districts
 - Accurate precinct composition of proposed districts
- Precinct Alignment Information
 - How do historic voting precincts comport with current precincts being used for redistricting?



**Testimony of Will Gonzalez, Executive Director of Ceiba
Pennsylvania Legislative Reapportionment Commission Hearing
October 13, 2021**

Buenas tardes - Good afternoon.

My name is Will Gonzalez.

I am the Executive Director of Ceiba. Ceiba is a coalition of Hispanic community-based organizations in Philadelphia whose mission is to promote the economic development and financial inclusion of Philadelphia's Latino community through collaborations and advocacy aimed at ensuring their access to quality housing.

Thank you for giving us the opportunity to expand on our previous testimony about the growth of the Hispanic community in Pennsylvania.

The importance of the Hispanic community to the Commonwealth cannot be overstated.

Growth in the Hispanic population far outpaced that of the whole state and successfully offset the declines in population of other groups in the Commonwealth.

Pennsylvania's population only grew 2.4% between 2010 and 2020 or by about 300,000 people. In the same period, Pennsylvania's Hispanic population grew 45.8%, or by about 330,000 people. In other words, the Latino share of total population change in Pennsylvania was 110%. Pennsylvania's 1.05 million Hispanic community constitutes 8.1% of the population of the Keystone state. Of the 12 states with at least 1 million Hispanics, Pennsylvania saw the fastest population growth during the last decade, according to the Pew Research Center.

Hispanic population growth fueled increases in population in many municipalities in Eastern Pennsylvania:

- Philadelphia - total population up 5% thanks to 25.6% Hispanic population growth
- Allentown - total population up 6.6% thanks to 30.9% Hispanic population growth
- Reading - total population up 8% thanks to 24.4% Hispanic population growth
- Bethlehem - total population up 1% thanks to 25.2% Hispanic population growth
- Hazleton - total population up 28.4% thanks to 85% Hispanic population growth
- Lebanon - total population up 5.2% thanks to 43.3% Hispanic population growth
- York - total population up 2.7% thanks to 21.2% Hispanic population growth

Hispanic population growth was important for Harrisburg. Pennsylvania's Capital City only grew by 571 people in 2020 (1.1% - from 49,528 in 2010 to 50,099 in 2020) yet its Hispanic Population grew by 1,983 people (22.2% - from 8,939 in 2010 to 10,922 in 2020). In other words, the Hispanic population of Harrisburg accounted for 340% of the city's growth in population.

In Scranton, the positive impact of the Hispanic population on the total population growth of the Electric City was 15-fold. Scranton's population grew by 239 people in 2020 (0.3% - from 76,089 in 2010 to 76,328 in 2020). In the same period, the Hispanic population of Scranton increased by 3,766 (50% - from 7,531 to 11,297).

The municipalities with the largest Hispanic population in Pennsylvania are:

- Philadelphia - 235,758
- Allentown - 66,069
- Reading - 63,725
- Bethlehem - 22,886
- Lancaster - 22,229
- Hazelton - 17,498
- York - 15,098
- Lebanon - 11,718
- Scranton - 11,297
- Harrisburg - 10,922
- Norristown - 9,688
- Wilke-Barre - 9,309
- Easton - 6,357
- Chambersburg - 4,337
- Coatesville - 3,765

The municipalities with the highest percent of Hispanics (minimum of 1,00 Hispanics):

- Reading - 67%
- Hazelton - 58.4%
- Allentown - 52.5%
- Lebanon - 43.7%
- Kennett Square - 39.1%
- Lancaster - 38.3%
- York - 33.7%
- Bethlehem - 30.2%
- Coatesville - 28.2%
- Norristown - 27.1%
- Easton - 22.6%
- Harrisburg - 21.8%
- Steelton - 21.7%
- Wilkes-Barre - 21%
- Chambersburg - 19.8%
- Wilson - 18.4%
- East Stroudsburg - 16.8%

The 2020 Census showed the following counties as top in Hispanic population:

- Philadelphia County - 235,758
- Berks County - 99,550
- Lehigh County - 96,981
- Lancaster County - 61,171
- Montgomery County - 54,512
- Luzerne County - 46,898
- Northampton County - 44,597
- Chester County - 43,542
- Bucks County - 39,770
- York County - 39,360
- Dauphin County - 31,251
- Monroe County - 28,558
- Delaware County - 26,772
- Lebanon County - 20,348

The counties with the highest percent of Hispanics relative to their total population are:

- Lehigh County - 25.9%
- Berks County - 23.2%
- Monroe County - 17%
- Philadelphia County - 14.9%
- Luzerne County - 14.4%
- Northampton County - 14.3%
- Lebanon County - 14.2%
- Pike County - 11.5%
- Lancaster County - 11.1%
- Dauphin County - 10.9%
- York County - 8.6%

The counties that had the largest percent increase in the Hispanic share of their population between 2010 and 2020 are:

- Cameron County - 352.6% - increase of 67 people
- Luzerne County - 118.2% - increase of 25,407 people
- Schuylkill County - 97.6% increase of 3,984 people
- Butler County - 88.8% increase of 1,724 people
- Cumberland County - 85.7% increase of 5,527 people
- Northumberland County - 84.2% increase of 1,898 people
- Mifflin County - 83.3% increase of 445 people
- Beaver County - 80.7% increase of 1,613 people
- Allegheny County - 80% increase of 15,255 people
- Lawrence County - 77.8% increase of 724 people
- Lackawanna County - 71% increase of 7,585

These numbers show that the impact of the growth in Hispanic Population was felt in every corner of the Commonwealth.

The Hispanic communities in our Commonwealth are communities of interest. They are self-defined groups of people who share bilingual and bicultural characteristics; have their own culturally and linguistically appropriate civic organizations, churches, schools, business corridors, and social institutions; they share common interests; and mostly live in compact footprints without geographic barriers.

We urge you to draw legislative districts that take into account the streets, neighborhoods, and important hubs that make Hispanic communities unique; consider landmarks, cultural districts, industries, employers, where kids go to school, where families go to church and the location of neighborhood based and social service organizations which serve them.

Ensuring Hispanic civic engagement through voting and strong working relationships with their elected officials will bolster the economic power and global competitiveness of Pennsylvania.

Between 2010 and 2020, Hispanic buying power in Pennsylvania grew to tenth among the states with the fastest growth in the Hispanic market (112%) according to the Selig Center for Economic Growth of the University of Georgia. Hispanic buying power increased substantially over the last 30 years in the US. Hispanic buying power accounted for 11.1% of U.S. buying power in 2020, up from only 5% in 1990. The same report found that the Hispanic market is the largest minority market in the US and continues to expand briskly. Hispanic spending power grew to \$1.9 trillion in 2020, an increase of 87% from 2010. This \$1.9 trillion in Hispanic spending power is larger than the GDP of Italy and slightly smaller than the GDP of France.

Hispanics are also helping Pennsylvania's vitality. As Pennsylvania's population grows older, with a median age of 41 years old, the Latino population's median age is 26 years old.

Because Hispanics tend to be younger overall than the Non-Hispanic White and African Americans neighbors, Hispanics begin forming households at a higher pace than other demographic groups. Accordingly, a study by the Urban Institute predicts that by 2040, fully 70 percent of new U.S. homeowners will be Hispanic. The 2020 State of Hispanic Homeownership Report from the National Association of Hispanic Real Estate Professionals found that Hispanics now have a 48-49% rate of homeownership, up from 47.5% in 2019. In Pennsylvania, the Hispanic homeownership rate is 42.8%.

The economic power of Hispanics in Pennsylvania is also manifested in its potential for further growth. Pennsylvania has a large and young Hispanic population that continues to grow. While 8% of the overall population of the Commonwealth is Hispanic, 12 % of students in K-12 education are Hispanic.

Hispanic enrollment in our commonwealth's school districts is poised to make Pennsylvania stronger. The school districts with the highest Hispanic enrollment are:

- Reading - 80.70% 14,364 students
- Allentown - 71% 11,409 students
- Lebanon - 65% 3,312 students
- Hazelton - 56% 6,720 students
- York - 46% 2,506 students
- Bethlehem - 41% 5,532 students
- Norristown - 40% 3,001 students
- Harrisburg - 35% 2,223 students
- Scranton - 29% 2,902 students
- Philadelphia - 21% 42,618 students
- Pittsburgh - 3% 771 students

The strength of Hispanic students in Pennsylvania transcends K-12 education. According to a report from Excelencia in Education, using data from the U.S. Department of Education, National Center for Education Statistics, Latinos in Pennsylvania graduate at a higher rate from four-year institutions than Latinos nationally—61 percent versus 51 percent, respectively.

There are many more manifestations of the positive impact on Pennsylvania by its Hispanic communities and their potential to keep the Keystone State growing.

It's important to note, however, that Hispanics are also a community with people struggling to overcome poverty, lack of education, and poor access to quality healthcare. Keeping Hispanic communities of interest undivided will help local jurisdictions and our state as a whole better meet these challenges for the benefit of all. A chain is only as strong as its weakest link.

Redistricting is a double-edged sword that cuts depending on the hand that wields it. Mapmakers can draw legislative districts to ensure that communities are kept whole to maximize the prospect of their residents and institutions working together — or they can slash neighborhoods into fragments to minimize their power.

We have an opportunity here. Let's make the best of it.

Pennsylvania's Hispanics are ready to be stewards of change rather than victims of it.



DELTA SIGMA THETA SORORITY, INC.

A Service Sorority Founded in 1913

Pennsylvania Redistricting Cohort

paredistrictingcohort@gmail.com

October 13, 2021

Commission Chair Nordenberg Good Afternoon.

Thank you for the opportunity to speak before this Commission. I am Linda J. Miller, a proud member of Delta Sigma Theta Sorority, Inc., which was founded in 1913 on the campus of Howard University, an HBCU. I am a resident of Philadelphia and co-chair of Philadelphia Alumnae Chapter's Social Action Committee.

ABOUT DELTA SIGMA THETA SORORITY, INC.

Delta Sigma Theta Sorority, Incorporated ("Delta" or "Sorority") is a private, non-partisan, not-for-profit organization whose purpose is to provide assistance and support through established programs in local communities throughout the world. The sorority currently has over 350,000 college-educated members in 1,000 collegiate and alumnae chapters located in the United States, Canada, Japan (Tokyo and Okinawa), Germany, the Virgin Islands, Bermuda, the Bahamas, Jamaica, and the Republic of Korea. We have 4,000 Delta members throughout the Commonwealth who are committed to protecting the right to vote and ensuring that the Commonwealth uses maps that fairly reflect the voices of African American Pennsylvanians and other communities of color. In 1913, our 22 founders participated in the Women's Suffrage March two months after establishing the sorority, and our members have been at the forefront of social and political struggles ever since. Today, I speak on behalf of my Pennsylvania Delta sisters.

Today, we would like to share our concerns regarding the following:

1. Gerrymandering
2. Disenfranchisement

OVERVIEW

VOTING RIGHTS ACT

The Voting Rights Act of 1965 addresses the history of discrimination in voting and the redistricting process. The VRA ensures that state and local governments do not pass laws or policies that deny American citizens the equal right to vote based on race. Section 2 of the VRA protects voters from discrimination based on race, color, or

membership in a language minority group in all election procedures. Racial gerrymandering is a violation of the Voting Rights Act and any map that has the effect of diluting the voting rights of communities of color must be nullified.

CENSUS RESULTS INCREASE DIVERSITY, INCREASE OPPORTUNITY

According to recent Census Data, the Commonwealth's Black and Brown population has significantly increased over the past decade. Currently, communities of color make up over 18% of Pennsylvania's total population and Census data shows that the Commonwealth has become more diverse. There was a 9.8% increase in total Black population; Hispanic or Latino population also significantly increased during the decade. This increase in diversity was distributed throughout the Commonwealth, not just in the urban centers of Philadelphia and Pittsburgh, but also in the rural areas as well. Twenty-six counties saw an increase of 10-49 percent in Black population, and two counties (Lackawanna and Luzerne) each saw an increase of over 50 percent in Black population.

GERRYMANDERING

Delta is focused on the 2020 Census results and its effects on the Commonwealth's legislative district boundaries that impact our Communities of Interest. However, our representation in the state legislature currently lacks the diversity of our state, which can be connected to how the district lines are drawn for state house and state senate. In our diverse Commonwealth, it is critical that Black and Brown communities (in accordance with the Voting Rights Act) are protected in the map-drawing process. We recognize, in the past, redistricting has been done in a manner which prevented Black and Brown voters the chance to elect their candidate(s) of choice. This is known as minority vote dilution.

We remind the Commission that it must develop a redistricting plan that complies with the standards set by the U.S Constitution, the Voting Rights Act, and state law. Those standards require that this Commission does not dilute the voices of Black and Brown voters and deny Black and Brown voters an equal opportunity to participate in the political process and to elect representatives who will support the values and interests of our communities. Maps cannot pack Black voters into too few electoral districts or crack Black communities and other communities of color across multiple districts as schemes to dilute Black and Brown voting power. The Commission also cannot proceed to pack or crack Black voters into and among districts to serve partisan interests without running afoul of the law, as well.

DISENFRANCHISEMENT

Disenfranchisement results explicitly by law or implicitly through requirements applied in a discriminatory fashion, by placing unreasonable requirements on voters for registration or voting. As we have seen time and time again, the burdens of these unreasonable requirements all too frequently fall disproportionately on Black and Brown communities.

In our diverse Commonwealth, it is critical that Black and Brown communities be protected in the map-drawing process. The Voting Rights Act applies to legislative apportionment and prevents district lines that would deny Black and Brown voters an equal opportunity to participate in the political process and to elect representatives of their choice. Redistricting is not just about who we are able to elect, but the opportunity to readily engage with that elected official once in office. Delta encourages each of its members and the communities that we serve to communicate with their elected officials about public policies that are of concern to them. Creating maps that are not equal in population and that are not compact, limits the active engagement our communities.

CLOSING REMARKS

In closing, I come before this body to ask that there be a fair, accessible, and transparent reapportionment process where the following issues are addressed: (a) elimination of gerrymandering that dilutes the voting strength of Black and Brown voters; (b) upholding of the Voting Rights Act regarding fair representation, and (c) development of a fresh approach which recognizes and accounts for the importance of minority Communities of Interest. We appreciate the Commission taking action towards ending prison gerrymandering as that is another cause of imbalanced districts and vote dilution.

Today, we, the members of Delta Sigma Theta Sorority, Inc., stand on the shoulders of our 22 Founders, thanking the Legislative Reapportionment Commission for its robust and transparent process, thus far. We look forward to endorsing any map that safeguards the principles we have outlined in our testimony today.

Thank you for the opportunity to speak before this Commission.