

## **Carol Kuniholm, Fair Districts PA Chair, Testimony to the Legislative Reapportionment Commission regarding the PA People's Maps, November 15, 2021**

Thank you for the opportunity to talk about the Fair Districts PA People's maps and the priorities and process behind them.

When we launched Fair Districts PA in January 2016, the immediate goal was to offer support for a constitutional amendment already introduced by Senators Boscolas and Browne to create an independent citizens redistricting commission. Such commissions are now completing their work in seven states. Here in Pennsylvania, that bill, and others like it, never received a final vote.

When time ran out for such a commission in this redistricting cycle, Senator Boscola and Representative Thomas introduced LACRA, the Legislative and Congressional Redistricting Act, providing clear guidelines for the redistricting process and product. Those bills also did not receive a final vote, but given new tools available to everyday citizens, we decided last spring we would do our best to demonstrate those principles in practice by creating our own People's maps.

As a way to jumpstart that process, In late June we announced a LACRA mapping competition, inviting Pennsylvanians to draw House and Senate maps using Dave's Redistricting App or District Builder, with a deadline less than three weeks later. The rules were simple: meet criteria proposed in LACRA, the Legislative and Congressional Redistricting Act:

Those criteria affirm the constitutional requirements that districts be compact and contiguous, adding a requirement that counties can't be split more than mathematically necessary +1 for senate districts and +2 for house districts.

LACRA also prohibits split precincts. We've seen firsthand the confusion to voters, the administrative burden to election officials, and the potential for longer lines caused by precinct splits.

Beyond those requirements, LACRA affirms the principles embedded in the Voting Rights Act, stating that districts shall provide racial and language minorities with an equal opportunity to participate in the political process and may not dilute or diminish their ability to elect candidates of choice by themselves or in coalition with others.

Secondary LACRA criteria include

- Protection of communities of interest
- Respect for natural boundaries (including rivers, ridges, highways, or other major dividers)
- Responsiveness to voters (demonstrated through some level of both competitiveness and proportionality)

Despite the very short timeframe for the contest, and the significant investment of time needed to create PA state and house districts, we received 25 entries from 15 different mappers. That set off a

series of zoom discussions with redistricting experts willing to help evaluate the maps and select the top five in each category.

The winning maps were instructive. In Pennsylvania, the constitutional values of compactness and contiguity work in opposition to each other. Our counties and municipalities are rarely compact. Some are not contiguous, so to make districts contiguous can take some ingenuity.

Minimizing splits to the exclusion of other concerns can yield unresponsive districts and lock in partisan bias across the map as a whole. Maximizing the influence of racial and language minorities can work in opposition to compactness and minimized splits. Maps that excelled in one area often did poorly in others.

We did NOT choose one winning map. Instead, we identified five in each category that balanced criteria most effectively. From those we drew metric baselines any good map should be able to meet. **[SLIDE 1: CONTEST METRICS]**

We found that metric patterns are a bit different for house and senate, since smaller districts can provide more opportunity for racial or language minority influence, while larger districts are less likely to force split municipalities in approaching population equivalence.

Once we had identified winning maps, we invited those mappers to help us in the next phase, adding community input. Several of the winning mappers were high school students heading off to college; several were starting graduate school. One was a campus minister. One was a teacher. Two were able to promise substantial time to the project: Michael Skros from Chester County, a senior at Millersville University, updated his House map with 2020 census data when that became available in mid-August, providing the starting point for our House map. Michael Waxenberg, an IT risk specialist in Pike County, did the same to provide the starting point for the Senate map.

From there we examined the other winning maps to pull in good solutions to difficult areas, while inviting input in regional and local community mapping conversations. We were aided in that by our network of local coordinators, volunteers across the state with local and regional insight and networks fostered over the past five years. Not all members of our mapping team were mappers. One, Karen Calhoun, drew on her experience in library science to compile a searchable spreadsheet of all location-specific testimony from public hearings and comments submitted online to this commission, the state government committees, and the Governor's Redistricting Advisory Council. All of that testimony was consulted in fine-tuning our maps.

On October 27 we held a virtual press conference, attended by about 250 supporters from across the commonwealth, to announce our draft maps and invite public feedback. Last week we adjusted the drafts to incorporate certified, adjusted data and as much feedback as possible, and released our final maps last Wednesday, November 10.

The final maps include the Unity Maps prepared by Pennsylvania Voice, combining community maps drawn by hundreds of local mappers. Our maps also include input from dozens of community

mapping conversations, some large regional events, some very focused zoom meetings with local administrators or community leaders. Those meetings involved dozens of organizations from well over half of Pennsylvania's 67 counties. Testimony and feedback forms added local insight from almost 300 more individuals, with input of some form from every county in the commonwealth.

We do not claim that our People's Maps are perfect. As Michael Skros, our college mapper said in our virtual press conference: "It's really easy for citizens to produce a good map that is better than our current maps. It's really challenging to create a great map, because creating a great map involves engaging citizens from every county to hear their specific concerns and insights about their community. And most of all it's impossible to create a perfect map. There are always going to be some winners and losers, but the goal is to make everyone as happy as possible or to spread the unhappiness around."

While not everyone will be happy with every part of our maps, we have already had many endorsements from some surprising directions. We have a team still counting split municipalities and school districts, but the metrics we have already show significant improvement over the current House and Senate maps. **[SLIDE 2: MAP METRICS]**

There is a large, important national debate taking place about the best ways to ensure maps that provide fair representation. Some advocates suggest that a fully public process, with an independent citizens commission, with no involvement from legislators and no attention to data or metrics, is the only way to ensure fair maps. Others argue that reliance on clearly defined metrics, enacted into law, may be even more effective. LACRA affirms and clarifies values in our constitution, Voting Rights Act and legal precedent, while also providing for public input as maps are drawn and then before they're finalized. We believe our government, our elections and our district maps belong to the people they are intended to serve, and that our democracy works best when we have a voice in every part of that, with districts that reflect communities well, and maps as a whole that are responsive to the majority will of the people of PA.

This commission is already well on the way to showing what a fair process can look like. Your chair, your hearings, your website and your provision of necessary data all correlate with LACRA provisions. I encourage you to continue in that course and adopt LACRA priorities as you draw your maps and invite public feedback. In doing so, you could provide an important encouragement to the people of Pennsylvania and to the entire national conversation.

I'd like to address a few specific issues we wrestled with:

**First, numbering and attention to incumbents.** The LACRA contest allowed for contestants to start from the core of current districts. A few tried, as have I and other of our mappers, but the consensus has been that the current maps are so distorted already that adjusting them further to reflect population changes yields even more distortions. The maps we used for our final maps started from bare maps without attention to incumbent residences. We continued in that, and then at the end renumbered as logically as possible, given the uneven distribution of districts, starting with 1 in the Northwest corner of the state and ending with 50 and 203 in the southeast.

We had multiple conversations about how to handle the fact that senate elections are staggered, based on odd and even numbered districts. We did not have exact addresses of senators, determined not to obtain them, and numbered as well as we could without that information.

We did not attempt to harm or benefit any legislator or potential candidate. We affirm the value in continued, consistent representation when legislators serve constituents well, but note that the current districts are so skewed that this may be the decade for radical revisions. It would also be helpful to renumber districts, whether they include current cores or not. It's confusing to have Senate District 40 in Monroe and Northampton, 44 in Montgomery and Chester, 48 in Lebanon, Dauphin and York, with all other districts in the 40s in the far western side of the state. Renumbering both maps in a similar way would help address confusion.

**Second, geography.** For five years I've fielded calls to FDPA's 800 number from folks across the commonwealth who want to voice their complaint about districts that make no sense given their local geography. I've heard from people in rural south central PA whose best route to their representative's office is a forty minute drive through Maryland to circle ridges without any way across. I've heard from people in Northeast PA who have to drive through two other districts to get to their senators' office. I've heard from folks in urban districts who can't walk to their legislator's office because it's on the other side of a river where there's no bridge, and the only public transit requires multiple transfers. **[SLIDE 3: SD 48]** We've done our best to call attention to some of the more egregious examples, including Senate District 48, which spans the Susquehanna River in a place where there's no bridge.

In drawing the People's Maps we worked hard to find out where our ridges and rivers should be considered clear district boundaries and where river or ridge towns might be seen as communities of interest. Another concern of geography: in our most rural areas, districts can sprawl across many counties to gain appropriate population. We looked for ways to mitigate that by keeping those districts as compact as possible.

**Third: communities of interest and minority representation.** We are well aware that there are many ways to interpret communities of interest. We gave high priority to communities of interest as defined by minority groups, as with the PA Voice unity maps. **[SLIDE 4: UNITY DISTRICTS]** We incorporated them as closely as we could, making small adjustments to avoid splitting precincts and to address population equivalence. We know that some of those districts look oddly shaped; some might even say gerrymandered. Gerrymandering, by definition, is the manipulation of district lines for partisan or personal advantage. Extensive case law supports lines drawn, even in strange shapes, to avoid vote dilution of racial or language minorities.

**[SLIDE 5: PITTSBURGH UNITY DISTRICTS]** In some parts of Pennsylvania, geographic sorting is deeply rooted in racial and economic inequity, including historic segregation, redlining, and now, gentrification. Even in the last decade, minority communities in cities like Pittsburgh have continued to be pushed to the margins as desirable river-front properties or trendy neighborhoods have seen prices rise. Districts drawn to address these inequities and to ensure marginalized communities can

participate fully are legal, appropriate, and a high priority for Fair Districts PA.

While the Unity maps were a big contribution to our efforts on behalf of minority representation, we also did additional research and networking on our own. Growth in PA population in the last decade was driven by growth among Latinos. Yet Pennsylvania has never had a Latino senator. We spent considerable time asking about ways to create a VRA Section 2 Latino senate district, but the population density was not adequate. **[SLIDE 6: BERKS/LEHIGH VALLEY]** Instead, we created two Latino opportunity districts, one in Allentown and one in Philadelphia, with an Latino influence district along the Route 222 corridor in Berks County, linking Kutztown and Reading. These are not VRA compliant districts, and may not yet have the citizen voting age population to elect a Latino senator, but they provide opportunity for the future, lend encouragement for the present and acknowledge the need for more equitable representation.

We also looked at ways to maximize Latino influence in the House, with a Latino unity district in Lancaster, two in Reading, then two majority-minority districts and two minority influence districts in the Lehigh Valley. In Philadelphia, the Latino community was divided carefully into three districts, all with input and feedback from local community leaders.

Across the state we looked at ways to maximize minority influence, with a minority influence district in Erie, and House districts in Philadelphia drawn to maximize the influence of dispersed Asian neighborhoods, as well as coalition districts in diverse immigrant communities.

Two other forms of communities of interest were mentioned often in testimony. We've all heard compelling testimony from college students about the harms of divided campuses, as seen in places like State College **[SLIDE 7: STATE COLLEGE]**. In some places large campuses sprawl, and in others they straddle county lines, but we did our best to keep all of PA's more than 160 colleges and universities intact, to encourage and support civic engagement on the part of young voters.

We also tried to keep school districts together. In many places, those are our best indicators of communities of interest. In counties with very large or sprawling districts it was not always possible to avoid splitting school districts. In fact, some are so large they can't be contained in one house district, but we did our best to keep them as intact as possible.

A surprising number of PA's school districts span county lines. Since minimizing county splits is in the PA constitution and school districts are not mentioned, county lines took precedence except in places where population adjustments required some crossing of lines. In those places, we tried to do so in a way that kept more school districts together. **[SLIDE 8: EXAMPLES OF SCHOOL DISTRICT ADJUSTMENTS]** On the House map, Scalp Level, along the border of Cambria and Somerset, is one such example. On the Senate map, Gregg Township, in the far northeast corner of Union County, is another example, drawn to be part of the Warrior Run School District in the Northwestern edge of Northumberland County. Changes like these may not make a difference in the overall metrics; in fact, sometimes the metrics take a slight hit for adjustments that look less

compact. But for the people in those communities, it can make a big difference, and their feedback and insight were an important part of our process.

**[SLIDE 9: SPIDER GRAPH]** Before I conclude, I'd like to say just a few more words about metrics. It's not hard to create maps with far better metrics than our current maps, and new digital tools make comparison very easy. Competitiveness and proportionality are not in the PA constitution or legal precedent, but they do give an indication of whether a map will be responsive to voters. The other three metrics demonstrated on Dave's spider graphs are non-negotiable priorities. **[SLIDE 10: SPIDER GRAPH OVERLAYS]** It's easy to see if a map has attempted to address and balance those metrics, or simply ignored one or more of them. For our current Senate and House maps, it appears compactness and minimizing split counties and municipalities was not of much importance.

**[SLIDE 11: ONE BOX PLOT]** Another type of graphic available on Dave's shows where maps fall with regard to other similar maps: **[SLIDE 12: FOUR BOX PLOTS]** Again, comparisons are not hard to make. I don't have time to linger on these, but they're available in the testimony supplement you've received.

**[SLIDE 13: SENATE MEAN-MEDIAN]** Campaign Legal Center PlanScore is another source to compare proposed plans against previously enacted maps. According to their scores, our maps both have a slight Republican skew but compared to past enacted PA maps, ours are far more balanced.

When we began in 2016, there were very few easily available tools for comparison, and showing the reality of gerrymandering was a challenge. Now, anyone with a computer can see for themselves the difference between a deliberate gerrymander and a reasonable attempt at fairness. **[SLIDE 14: HOUSE MEAN-MEDIAN]** in the same way we can compare car safety ratings without knowing the many tests and equations behind them, we can compare district plans and see where they fall short or how much they're skewed to benefit one party.

As I said, our maps aren't perfect. Some counties have more divided municipalities than we'd like. Some areas were much harder to map than others. Some districts wander more than we'd prefer. Not all requests could be accomplished. Not all feedback has been glowing. We would have benefited from another week or two of feedback and review.

Overall, we're proud of our process, proud of the maps, and proud of how many people we've taught to study and evaluate district plans. We're happy to share our maps and invite continued review and evaluation. We look forward to the chance to share and evaluate yours sometime soon. We ask you to consider the balance of priorities proposed in LACRA, and we invite you to meet or exceed our metrics while including the concerns and ideas of Pennsylvanians about what their own districts should be.

I appreciate this chance to share our work and am happy to answer any questions, now or as you continue in your own mapping process.

## **Carol Kuniholm Testimony Supplement; November 15, 2021**

### **To view maps:**

<https://tinyurl.com/PAPeoplesHouse>

<https://tinyurl.com/PAPeoplesSenate>

Toggle county, district and city lines on lower left.

Check statistics, analysis, compare and advanced icons in the top right for more information.

Original cores of proposed districts can be found on the Compare Maps page

### **For more information, FAQ and additional links:**

<https://www.fairdistrictspa.com/peoples-maps>

### **To compare current and proposed districts at the district level:**

<https://pennsylvania.redistrictingandyou.org/>

Compare current PA House, Senate and Congressional districts to those proposed by Fair Districts PA and Draw the Lines. LRC and General Assembly proposals will also be shared here when ready.

### **To find location specific testimony:**

Citizen Testimony Spreadsheet: <https://tinyurl.com/PATestimony>

Legislative Reapportionment Commission, State Government Committee and Redistricting Advisory Council Testimony: Location Specific Summaries and Links

### **Campaign Legal Center PlanScore:**

Pennsylvania enacted plans: <https://planscore.campaignlegal.org/pennsylvania>

People's House: <https://tinyurl.com/PlanScorePeoplesHouse>

People's Senate: <https://tinyurl.com/PlanScorePeoplesSenate>