

Testimony – January 14, 2022
Submitted by: Todd Stephens

Good morning Chairman Nordenberg and members of the Redistricting Commission. My name is Todd Stephens and I live in Horsham Township, Montgomery County. Thank you for the opportunity to testify here today. I am here to respectfully request you adopt the Montgomery County revision of the Commission’s Preliminary Map that was submitted by Dr. Carol Kuniholm, Executive Director of Fair Districts PA, and supported by her oral and written testimony on January 6, 2022.

I want to begin by thanking you for your commitment to ensuring Pennsylvania has free and equal legislative elections for the next 10 years. Thanks as well for creating easily accessible and efficient methods for the people of Pennsylvania to offer comments for your consideration through the website or in person. Chairman Nordenberg, I read your comments in the Philadelphia Inquirer and appreciate your interest in understanding all the details and nuances of every community across Pennsylvania. That is why I’m here - to help you and your fellow Commission members better understand the communities within, and around, the 151st Legislative District and the challenges they face.

While I am the current State Representative of the 151st Legislative District, I want to be clear, I believe these districts should be drawn for the benefit of the people who live within them and not for the benefit of, or detriment of, any one person. State Representatives are elected to serve for only two years, but these maps and their impact will be felt for a decade or longer.

LEGAL STANDARDS

I watched the October 25th, 2021 hearing wherein your Counsel, Judge Byer, ably presented the legal standards delineated in Art. II, Section 16 of the Pennsylvania Constitution and the PA Supreme Court’s clear holding in the recent case, League of Women Voters v. Commonwealth of PA, 178 A.3d 737 (Pa. 2018).

As Judge Byer noted, our Constitution requires districts to be compact, contiguous, and as nearly equal in population as practicable. Further, the Constitution prohibits dividing counties, cities, towns, borough, townships, or wards “Unless absolutely necessary.” Importantly, Judge Byer explained that “Political Subdivision and Ward Boundaries would appear to be the most significant criterion under Article II, Sec. 16 noting the language – ‘Absolutely

Necessary’”. He further noted that the 2018 League of Women Voters case provided, “The principal method of assessing whether a redistricting plan violates the Free and Equal Elections clause is the extent to which the plan adheres to traditional redistricting criteria – compact and contiguous territory, as nearly equal in population as practicable, and which do not divide political subdivisions or wards “except where necessary to insure equality of population.”

151st LEGISLATIVE DISTRICT

Currently, the 151st Legislative District is comprised of two whole municipalities, Horsham and Montgomery Townships and two split municipalities, Lower Gwynedd and Upper Dublin. Notably, each of the four municipalities is in a different school district, Hatboro-Horsham, North Penn, Wissahickon and Upper Dublin respectively.

While the district is predominantly white, there are large Korean and Indian populations in Horsham and Montgomery Townships. Horsham is home to several Korean churches, while Montgomery Township is home to Assi Plaza, where an international grocery store specializing in Korean food is located along with a Korean restaurant. Leaders in the Korean community from Horsham and Montgomery Townships led the significant effort to locate a Korean War Memorial and Peace Park in Montgomery Township. Many members of the Indian community from Horsham and Montgomery Townships worship at Bharatiya Temple in Montgomery Township which serves as not only a religious center but also a cultural center offering language and cultural training for everyone from young children to seniors. Both townships have several Korean and Indian owned businesses and restaurants as well.

Horsham Township had been the home to an 860-acre military base until it was decommissioned by the Navy effective September 2011. While a Redevelopment Authority has been established to redevelop land that equates to nearly 10% of Horsham Township, that process has been delayed because, in 2014, it was discovered that the activities on the base contaminated the public water system in Horsham Township and the groundwater in surrounding areas with chemicals that have been linked to cancer.

The Pennsylvania Department of Environmental Protection has been working extensively with Horsham Township and the Horsham Water and Sewer Authority to eliminate the chemicals from the public water system. The

Pennsylvania Department of Health has conducted a cancer cluster review in Horsham Township and is now conducting a comprehensive health study of the long and short-term health effects of ingesting these chemicals for Horsham residents.

The Pennsylvania Department of Community and Economic Development will be a critical partner in attracting the high-caliber businesses a significant tract like this in suburban Philadelphia can support.

As most of the roads surrounding the base are state-owned, the Pennsylvania Department of Transportation will be essential to ensuring the infrastructure is in place to support the eventual redevelopment of this large project.

In sum, Horsham Township is facing serious issues requiring extensive state support. These issues threaten the health and well-being of every Horsham resident and are of paramount concern as evidenced by the large number of comments sent to the Commission's website.

PA LEGISLATIVE REDISTRICTING COMMISSION (LRC) PRELIMINARY MAP

In the Commission's Preliminary Map, the 151st Legislative District is still comprised of two whole municipalities, Montgomery Township and Ambler Borough and two split municipalities, Horsham and Upper Dublin. Again, each of the four municipalities is in a different school district, Hatboro-Horsham, North Penn, Wissahickon and Upper Dublin.

This proposal does not improve the number of municipal splits or school district splits and it would have a devastating impact on the people of Horsham Township by "cracking" them into two different legislative districts. If this map were to be adopted, each part of Horsham Township would constitute a small portion of two different legislative districts. By splitting Horsham Township, the people facing the most serious state issues would be left to compete with each of their representatives' larger constituencies to have their voice heard and prioritized in the Pennsylvania House of Representatives.

In addition to the problems that splitting Horsham creates for all Horsham residents, the Commission's preliminary map would "crack" the Indian and Korean communities as well. As discussed, these sizable and thriving communities would be split and dispersed to two different State House Districts diminishing their voice in the Pennsylvania House of Representatives.

Dr. CAROL KUNIHOLM'S REVISIONS TO THE LRC PRELIMINARY MAP

On January 6th Dr. Carol Kuniholm of Fair Districts PA testified before the Commission and submitted written testimony as well as a map with important revisions to improve the LRC Preliminary Map. As she explained in her written testimony, "While public response to the House map has been in most areas very positive, there are areas where addressing local concerns could make the map even stronger. It should be possible to make small improvements without significant impact on the overall metrics. The proposed revision offers some adjustments for consideration or inclusion." Her written testimony and map revisions addressing the issues involving the 151st Legislative District are the only recommendation in Montgomery County.

The map Dr. Kuniholm created and recommended for the 151st Legislative District includes two whole municipalities, Montgomery Township and Horsham Township and only one split municipality, Hatfield Township. In addition to eliminating a municipal split, her proposed map only includes two school districts in the 151st Legislative District, Hatboro-Horsham, and North Penn.

By including Hatfield in the 151st Legislative district Dr. Kuniholm further increases the population of Indian residents as reflected in the larger Asian population counts as compared to the LRC's Preliminary Map. As mentioned earlier, many Indian residents worship and attend Bharatiya Temple in Montgomery Township but adding Hatfield Township would add BAPS Shri Swaminarayan Mandir to the places of worship and Indian cultural centers in the 151st Legislative District.

By restoring Horsham, Dr. Kuniholm ensures that the people of Horsham have a single unified voice to advocate for them on the many serious and, in some cases, life-threatening, issues they face. In addition to the health and quality of life issues, because of the size and scope, the success of the redevelopment project there is critical to the people of Horsham Township.

In addition to reducing split municipalities and school districts, restoring the Korean and Indian populations and Horsham Township, Dr. Kuniholm's map scores higher in both compactness evaluations – the Reock and the Polsby Popper - and is well within the population deviation permitted by the PA Supreme Court.

COMPETITIVENESS

While it's not one of the Constitutional criteria, there has been considerable testimony about the competitiveness of the districts from David Thornburgh of the Committee of Seventy and others. In his testimony on January 6, 2022, Mr. Thornburgh explained that the Commission's map was less competitive overall than the current House maps and said, "If you were able to, in fact, squeeze a few more competitive districts into the process so this is at least as good as the current map that would be one suggestion."

The 151st Legislative District is currently one of the most competitive districts in Pennsylvania. Nobody can properly claim the 151st District was drawn to favor Republicans. In fact, since 2016, the following candidates have won the 151st Legislative District – President Biden, Secretary Clinton, Governor Wolf (twice), US Senator Bob Casey, Attorney General Josh Shapiro (twice), Congresswoman Dean, State Senator Maria Collett and every other Democrat who runs districtwide. By way of further example, the Philadelphia Inquirer recently evaluated every State House seat and labelled the current 151st a "Safe Dem" seat. According to Dave's Redistricting, Dr. Kuniholm's map is more competitive than the LRC's Preliminary Map and nearly matches the competitiveness of the current 151st Legislative District.

Importantly, because of the competitiveness of the 151st Legislative District my good friend in House leadership on the other side of the aisle has consistently remarked that they would use the redistricting process to beat me if I survived the elections. At one point he commented that in order to continue in the House I'd have to complete the "Triple Lindy" – the daringly difficult dive with three moves from the movie Back to School – by winning during the Trump midterm in 2018, the Trump re-elect in 2020 and surviving redistricting. More pointedly he told me "The road to the majority runs through the 151st my friend." While I don't believe it should play a role in these decisions, in a process where four of the five members of a Commission are party leaders of their respective caucuses, I understand politics could very likely become a part of some discussions. I accept that as an unfortunate reality of my chosen profession and understand all too well the old adage that "politics ain't beanbag" but political motivations in this area can never supersede the Constitution or so severely impact an entire community. I understand there's always the possibility that I may be a casualty of Constitutional provisions of the redistricting process or any even year election and that's the risk I willingly assume as a State Representative but the people in

Horsham did not. Splitting Horsham simply to remove me would unfairly harm the very people this Constitutional process is supposed to protect – the people living in communities with serious issues like Horsham.

CONCLUSION

In light of the facts delineated above, it is clear that splitting Horsham is not “absolutely necessary” as required by the Pennsylvania Constitution and as delineated by the PA Supreme Court’s Opinion in the League of Women’s Voters case. Further, splitting a township facing so many serious issues would be disproportionately detrimental to the residents of Horsham and negatively impact the Korean and Indian Communities. These districts should be drawn for the benefit of the people who live within them and not for the benefit of, or detriment to, any one person. **Because it reduces split municipalities, school districts and communities of interest, is more compact and maintains competitiveness, I respectfully suggest the Legislative Redistricting Commission adopt the Montgomery County revisions to the Commission’s Preliminary Map as recommended by Dr. Carol Kuniholm.**

Thank you for your time and consideration.