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

Tuesday
August 3, 2021
6:00 p.m.

MEMBERS OF LEGISLATIVE REAPPORTIONMENT COMMISSION

Sen. Kim Ward
Sen. Jay Costa
Rep. Kerry Benninghoff
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
Justin Klos, Director, House Democratic Office of Demographic Analysis

Reported by:
Ann-Marie P. Sweeney
Official Reporter

Also Present:

David Brogan, Esq., Director, House Democratic Legislation and Policy
Andrew McGinley, Esq., General Counsel, House Democratic Government Oversight Committee

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CHAIR NORDENBERG: Let me call this hearing to order. There may be an issue with the doors, but Capitol Police are working on that. But because we have so many testifiers, we're going to start.

Representative Bradford now has the timing down to make a dramatic entrance.

SENATOR K. WARD: Every time.

CHAIR NORDENBERG: He is here, once again, sitting in for Leader McClinton. Senator Costa, the Democratic Leader from the Senate, is to my far left. Senator Kim Ward, the Majority Leader of the Senate, to my immediate left. And Representative Kerry Benninghoff, the Majority Leader of the House, also is here this evening. We want to invite you to what is our first hearing devoted exclusively to citizen witnesses.

In advance, we have allocated and advised the witnesses that they have five minutes to share their ideas with us. Each of them has given us an advance indication of the topic that they will be addressing through their testimony, and we have a limited amount of time for questions from the Commission. We have four in-person witnesses. They are, and I'm going to call these names in the order in which we will take you, and then we'll ask the first person to come forward: Jenna Henry, Kyle Hynes, Monica Banks, and Salewa Ogunmefun.

MS. OGUNMEFUN: Very close. Very close.

CHAIR NORDENBERG: Very close. I think I got the first name right because you've got that phonetically.

So is Jenna Henry here? Okay. Welcome, Ms. Henry. Please come forward and sit at the table, and I think maybe you were watching people before so you know how this is done.

MS. HENRY: Yeah, thank you.

CHAIR NORDENBERG: Ms. Henry is from State College, and she's going to talk about prison gerrymandering.

MS. HENRY: Yes, thank you. My name is Jenna Henry. I'm the Deputy Director with Better PA. I just want to start by thanking the Commission for allowing me to speak. I'm really excited to have this opportunity to talk to you all about this issue. It's something that has affected my family personally.

The first thing I want to do is just address some misinformation that I've seen on all sides of this issue, and that is the issue of funding. If the LRC does choose to count incarcerated individuals at their home address, it is not going to impact funding to any townships or counties that house prisons across the State. You're not changing the Census count or the way the Federal government uses that Census count. You would only be changing the way that you are using that data for the purposes of drawing the district

lines.

So, you know, there are a lot of reasons that we believe that the Commission should take up this issue. I think one of the most important is that it is a direct violation of our Election Code. Title 25 of the PA Consolidated Statutes, Section 1302, paragraph 3, states: "...no individual who is confined in a penal institution shall be deemed a resident of the election district where the institution is located. The individual shall be deemed to reside where the individual was last registered before being confined in the penal institution, or, if there was no registration prior to confinement, the individual shall be deemed to reside at the last known address prior to confinement."

So in other words, you have incarcerated people who are eligible to vote. People who are incarcerated for misdemeanors are being held pretrial that are not allowed to vote in the district where they are being counted as a resident, and that just doesn't make any sense. Counting incarcerated Pennsylvanians in the districts where they're temporarily held, it runs counter to the principle of one person, one vote that requires each district be made up of roughly the same number of individuals. The result is that the maps inflate the population count, and thus the political influence of the areas that house prisons, as 14 out of 67

counties in the State of Pennsylvania house one or more of our State prisons. So that means because temporarily incarcerated Pennsylvanians from all counties are housed in those same prisons, whether you live in an urban, suburban, or rural area of this State, you're likely being impacted by the practice.

Now for me, the more personal side of this is the lack of representation for incarcerated people. Whenever my sister was incarcerated at SCI Muncy, one of the women's prisons which is in Clinton Township, Lycoming County, she was waiting for what's called a green sheet, which is basically just a piece of paper that tells you what the parole board's decision is, what your release date is, let you know how long you're going to be there after the board has made their decision. Well, my sister had talked to the board and months went by, and she did not receive her green sheet. Her attempts to get the people at the prison to get it for her, you know, didn't work. My mom started calling pretty much everybody she could think of really, and after getting the run-around from the Department of Corrections for an extended amount of time, I mean, we're talking from start to finish it was about six months of that, she just didn't know how long she was going to be incarcerated.

So my mother called the legislator at Muncy, and they said, and I quote, "Sorry, we don't do anything with the inmates." Not wanting to give up, she called her own

legislator, Representative Scott Conklin. She explained the situation to him, he called her back a couple hours later, read her my sister's green sheet. He then followed up to make sure that the DOC actually got it to her. You know, the difference between this is that Scott saw my sister as his constituent who needed help, and the other person didn't. So, you know, I believe that this level of representation is what should be a bare minimum for everybody in Pennsylvania, and it shouldn't matter whether you're incarcerated or not.

Now, we know that the Governor's administration has the data from the DOC. We know the LRC will receive the formal Census data on September 30th, and we're confident that you have plenty of time right now to request that data from the Governor's Office, analyze it, and then incorporate it into the data that will be delivered to you by the Census Bureau on September 30th.

I appreciate your time and consideration. I hope that this Commission will use its authority to act with the urgency that this moment demands. We are only afforded one opportunity every 10 years to end injustices like prison gerrymandering, and I implore you not to miss this one. Thank you.

CHAIR NORDENBERG: She had applause from one of her friends back there. They deserved this from more of us.

I should have said before Jenna began that I am

equipped with this fancy timer, so when you start, it will be green; when you've got 30 seconds left, it will be yellow; and then it will be red. And it probably will be seen only by the people who are here testifying in person. But I'm so entranced with it, I'm going to use it anyway.

So our second scheduled speaker is Kyle Hynes. Is Kyle here?

(There was no response.)

CHAIR NORDENBERG: Our third scheduled speaker is Monica Banks. Okay. Welcome. Monica is from Harrisburg, and she wants to share thoughts on racial equity.

MS. BANKS: Good evening. My name is Monica Banks, and I am the Central Pennsylvania State Organizer for Free the Ballot. And I would like to thank the Commission for giving me a chance to testify this evening about such an important issue.

Let me begin by saying that I could come in here and give you all types of statistics that you have already heard from other organizations in reference to prison-based gerrymandering. That's not my goal this evening. My goal is to try to show the Commission the true effects this is having on our communities and the individuals that are incarcerated.

I would like to ask you a few questions. Can you picture someone counting your vote in their district, but you're not able to vote? Can you imagine being counted as a

resident where you happen to be detained on Census day? What about your body being counted but representation is few and far? Individuals that are incarcerated feel like their bodies are being used as numbers. Not one person in the prison system considers the prison they are incarcerated in to be their home, the communities and districts that house these prisons as their neighbors, and more often than not the State Representatives do not consider the people incarcerated as voters in their districts from Philadelphia and Pittsburgh, as well as other urban communities. Many individuals that are incarcerated in State prisons stay less than a year, and if they stay longer, they move around. They're never at one facility the duration of their sentence. So to count these individuals in these communities where they have no voice is unjust.

I will also like you to think about the bodies of these incarcerated individuals being counted in the areas that these prisons are in. Majority of the time, the Representatives of that area support policies that are not in favor of those in prison. The Representatives care about the staff at these prisons, the ones that can vote for them. That said, and that's all.

Prison-based gerrymandering is a set-up. It's modern day slavery at that lowest. These individuals' bodies are being counted without their permission to increase

political power from the ones that have them enslaved. Communities of Black and brown people are suffering. It weakens local representation, and it produces a flawed picture of populations. When you are locked away from what matters the most - your family and friends - it's hard to focus on fighting for your rights and when you have to focus on staying sane.

So when I walked out of prison 20 years ago, I made a promise that I would do my part to make a difference and to speak for those that couldn't. My community, along with other Black and brown communities, would have and could have benefitted if individuals were counted at their last known address and not where they are temporarily residing. What no one takes into consideration is that these individuals that are incarcerated have left families behind to pick up pieces of raising kids alone. So to count them somewhere else and not at the residence is taking away from their child and the opportunities and resources that the child could have been afforded if their parent would have been counted at home. Black and brown communities are the losers in this process. It's diluting our voting power and our political power while inflating the power of white rural ones, and that is power Black and brown communities need to insure our rights and further our rights.

Prison-based gerrymandering doesn't just affect

those Black and brown individuals that are incarcerated, but it affects their home, communities, and families. We all are suffering because of this practice, and someone has to step up and protect our democracy. If not now, when?

Thank you.

CHAIR NORDENBERG: Thank you very much.

Are there any other questions or comments for Ms. Banks?

(There was no response.)

MS. BANKS: Thank you.

CHAIR NORDENBERG: I guess I get another chance to try.

Salewa.

MS. OGUNMEFUN: You got much closer. Salewa. It's just the emphasis. Feel free to give me Kyle's time.

CHAIR NORDENBERG: Well, and I would appreciate it if I also heard your last name from your own lips.

MS. OGUNMEFUN: Of course, Salewa Ogunmefun.

CHAIR NORDENBERG: It's very nice to have you here.

MS. OGUNMEFUN: It's nice to be here.

CHAIR NORDENBERG: She is from Philadelphia, and is also going to talk about racial equity.

MS. OGUNMEFUN: Thank you. Greetings, distinguished Members of the Legislative Reapportionment

Commission. My name is Salewa Ogunmefun, and I am the Executive Director at Pennsylvania Voice, a nonpartisan partnership of over 44 State- and local-based organizations across the State including: Planned Parenthood of Pennsylvania, Fair Elections Law Center, Council of American-Islamic Relations Philadelphia, League of Women Voters, Black Voters Matter Pennsylvania, Penn Future, Orey Center, Pennsylvania Immigrant and Citizens Coalition, VietLead, and Lawyers Committee for Civil Rights Under Law, working year-round to create a more accessible, inclusive, and representative democracy by amplifying the voices, leadership, and expertise of community that have historically experienced deliberate barriers to civic participation.

From our extensive work leading across the State on the practice of racial equity, voting rights and access, and civic engagement, we know that elections are decided before anyone has the opportunity to vote. Thus, in 2017, our redistricting work group, including Make the Road Pennsylvania, Campus Vote, Amistad Law Project, One Pennsylvania, CASA, SEAMAAC, Alliance for Climate Education, and Common Cause Pennsylvania, who was able to testify earlier today, identified the critical needs to prioritize racial equity in the 2021 redistricting process to ensure equality of rights and representation that reflects the racial and ethnic demographics throughout the Commonwealth. We have partnered

with advocates across the country, including Fair Representation and Redistricting, Equitable Democracy, and Ohio Organizing Collaborative, to ensure that our analysis around racial equity is the most sophisticated in the State. We established a statewide coalition of over 100 unique organizations - Keystone Counts, which engaged deeply in insuring Black, Latinx, and API and Arab communities completed the Census. Our field program, the largest non-governmental effort in the country, reached over 405,000 traditionally undercounted households in order to provide accurate data to inform this process.

As of the 2019 American Community Survey, Black, Indigenous, and communities of color across the Commonwealth account for 24 percent of the population, and although these communities are the fastest growing, the representation of our interests does not translate to the Pennsylvania State legislature. Current district lines do not account for Pennsylvania's rapidly shifting demographics, whose population growth is being entirely driven by growth in the Black, Latinx, Asian American populations and communities outside of the densely populated urban core, counties that include Lehigh, Berks, Lancaster, and York. Our population share in the Commonwealth has grown by 4 percent in the last four years alone. Political maps drawn in 2021 must reflect the rapidly changing demographics of our Commonwealth and create

opportunities for BIPOC communities--that's the Black, Indigenous, People of Color, it was good to shorten it--which historically have been undercounted in the Census and often left out of the redistricting discussion. To have equality of rights, that begins not with the final maps, but with this process.

The current maps solidify 30 years of racial inequity. In order to produce a truly equitable result, we need to start the map-drawing process with blank, unbiased maps. Otherwise, we will fail to meet the State constitutional mandate that all aspects of the electoral process to the greatest extent possible be kept open and unrestricted to the voters of the Commonwealth, and also conducted in a manner which guarantees, to the greatest extent possible, a voter's right to equal representation and participation in the electoral process. Communities of color in Pennsylvania are growing at 12 times the rate of the white population. Although people of color make up 24 percent of the State's total population, as of 2018, its highest lawmaking body, the legislature, was 89 percent white. We have to prioritize opportunities for the interests of BIPOC communities to be represented to allow for these communities to have the representation they deserve and our Constitution requires.

While we do recognize that the Legislative

Reapportionment Commission has taken amazing steps to ensure greater transparency and public input in this process, there are multiple ways that the LRC can take going forward to ensure that BIPOC voices are heard and that racial equity will be a core consideration in drawing the maps. For example, our partners at CASA and Make the Road have monolinguist Spanish speakers excited about testifying, but as of yesterday we were unsure of the process to include their voices. We appreciate the value of expertise in an undertaking as complicated as this, but it is notable that all of the staffers hired by the LRC and all of their expert witnesses invited to testify before today have been white. We cannot have an equal opportunity to translate our votes into representation if we do not have adequate opportunity to participate and testify during the redistricting process as community leaders and experts.

To that end, we are suggesting five simple actions that the LRC can take to dramatically improve inclusion for BIPOC voices in this process and ensure that all Pennsylvanians have a seat at the table.

The first, publish a full schedule of hearings as soon as feasible. To date, the hearings have been scheduled with very little notice. The announcement of the first hearing at which comments from the public would be allowed came with less than a week's notice, which makes it difficult

for people, especially those from marginalized communities, to participate.

Two, create room at each of these hearings for public comment, in addition to the provided testimony of academic, legal, and administrative experts. Everyday Pennsylvanians from marginalized communities can provide these experts with invaluable information from their lived experiences. This tool is a form of expertise, and one that should not be neglected.

Three, expand the pool of academic, legal, and administrative experts as to give formal testimony at hearings to reflect the Commonwealth's diversity. Thus far, all expert witnesses have been white, in stark contrast to Pennsylvania's 24 percent BIPOC population. Racial equity is a foundational consideration and cannot be fully addressed in an isolated hearing. Each expert should be asked to address the racial implications of their proposals and suggestions to the Commission as a part of their formal testimony. Implications that race and ethnicity should be considered secondary to data in a process defined by its ability to provide fair representation in a State where a quarter of the population is BIPOC should not be allowed.

Four, appoint a community outreach director whose relationships with community organizations will allow for consistent, direct engagement with the LRC throughout the

reapportionment process. All of the topics for consideration to the LRC require nuance and intentionality in order to achieve truly fair and equitable representation, including process considerations such as language access, accessibility, and outreach, in addition to mapping considerations such as Census population versus voting eligible population, racial and ethnic voting patterns, as well as the behavior and patterns of the neighboring white voters.

Five, draft 2021 legislative maps de novo. Cementing 30 years of inequity by legitimizing Pennsylvania's current legislative district maps will not allow for the growing populations in Pennsylvania to govern themselves and represent their own interests.

Transparency is a great start to a process that allows for equitable representation in redistricting, but full inclusion for all residents of Pennsylvania should be our standard. The LRC should follow through on its stated commitments and uphold its constitutional mandate. As a Pennsylvania-based expert in inclusive democracy, I plan to submit written testimony that speaks to racial equity in Pennsylvania's process, but the limitations of time created by the inclusion of my testimony as public comment, along with 30 other individuals within a two-hour hearing, restricts my ability to expound. We at Pennsylvania Voice, along with our partner organizations, stand ready to offer our expertise as

required to ensure equitable representation for all of Pennsylvania, as our Constitution and the Voting Rights Act require.

Thank you so much for my testimony today.

CHAIR NORDENBERG: Thank you very much for your testimony and for your written submission.

MS. OGUNMEFUN: Of course.

CHAIR NORDENBERG: Thanks.

And I understand that Kyle Hynes has joined us, and he will be the last of the in-person testifiers. He is from State College, and he wants to discuss prioritizing competitiveness. I am going to push this button. You weren't here when I explained it. Green means keep going, yellow means you're near the end, and red means you've hit your five minutes. Welcome.

MR. HYNES: Thank you so much for allowing me to testify today, and I apologize for being late. I was locked out of the building.

Again, good evening, and thank you to the Commission for allowing me to speak briefly during this hearing. My name is Kyle Hynes. I'll be a freshman at Carnegie Mellon during the fall, and I was the winner of the youth division of the 2018 and 2019 Draw the Lines PA contests.

I want to start by adding my voice to the chorus

of those asking for fair and equitable maps to come out at the end of this process. But I know that this is a sentiment that is widely shared, so I want to move on to what I think it means for a map to be fair. For the past several months, and indeed at this hearing, you've undoubtedly heard a lot about keeping districts compact and contiguous, respecting county boundaries, avoiding splitting municipalities. You probably haven't heard a lot about intentionally drawing these districts to be competitive. But I'm a strong believer that unless a citizen's vote has a real chance to make a difference, then that person is essentially excluded from the electoral process.

In the absence of competitive districts, there are safe districts - seats that so heavily favor one party or another that an election result could be predicted years in advance. There are many reasons to believe that minimizing the number of safe seats is a good idea. First, being in a safe seat changes the people to whom an elected representative is accountable. In a competitive district, the representative is accountable to every citizen and has to cater to their needs to be reelected. By contrast, in a safe seat, representatives are mainly accountable to their own partisan base and no one else. The real fights end up being in the primaries in May, not the general elections in November. In those elections, a substantial portion of the population is

excluded and turnout is low. These safe seats, as a general rule, push their representatives to be more extreme or, more commonly, replace them with new representatives who are more extreme. Much of the population has no input in this decision, and there's no requirement that representatives in safe seats actually serve their entire districts.

Secondly, being in a safe seat means that most voters, as I've said before, have very little influence on who their representative is. Competitive seats are home to empowered voters, who every two or four years have a very real chance to influence who their elected representative is. In safe districts, that's not the case. Consider the unfairness in a Presidential race where a resident of Pennsylvania holds considerable sway, but cross any State border - Ohio, New York, New Jersey, Delaware, Maryland, or West Virginia - and a voter will have considerably less influence in a State that has been shaded red or blue well before the election ever took place.

Finally, safe seats receive virtually no attention at any time of the year, while representatives in competitive seats are forced to campaign and work and bust their butts for their votes. This, of course, is a benefit. Having to campaign, travel the district, and listen to regular people every day is what keeps Members grounded and helps them to not drift out of touch with their constituents. This, again, is

key to good representation.

A map full of competitive seats has more benefits than just the dearth of safe seats as well. Pennsylvania usually has extremely tight statewide vote totals, meaning a map could conceivably be drawn with about 25 percent of the seats safely Democratic, 25 percent of the seats safely Republican, and about half 50/50. Since competitive seats have a habit of trending together one way or another on election night, it would give the party the voters had chosen a large mandate to enact their policies. In a Capitol like Harrisburg that's known for legislative gridlock, that could only be a benefit. Furthermore, it would make it mathematically almost impossible for a party to win control of the State legislature on a minority of the votes; something that has happened repeatedly in this State. Insuring that the party with the most votes wins the most seats is of the utmost importance.

Many of the other values you've heard here tonight are certainly worthwhile. Keeping towns and cities together in a district is important for good representation, and districts are constitutionally mandated to be contiguous and to have roughly equal populations. Preserving county boundaries, while a good check to prevent partisans from gerrymandering, also makes it harder to draw a truly competitive map when those coming to the table are acting in

good faith. Adhering to these arbitrary county lines that were drawn in the 18th and 19th centuries can end up reducing the competitiveness of a district, which is something that we don't want to do. So I would ask, when there's a conflict between different values and drawing the map, between say keeping a community together or drawing a competitive seat, I hope the Commission will consider drawing the competitive seat. While there are some systems, like proportional representation, that forego single-member districts entirely and allow all of the values to be met simultaneously with numerous other benefits, implementing a system like that would be a matter for the legislature and not the Commission. So I urge the Commission to draw competitive districts whenever possible in drawing this map.

Thank you, again, for all the hard work that you're doing to make sure Pennsylvanians have the best possible map for the coming decades. I appreciate your time.

CHAIR NORDENBERG: Thank you. You and I both need to learn how to push these buttons right, I think. Thank you. Congratulations on your contest win. You are the first person who has raised this topic. So, yes, and where did you say you're going to school next year.

MR. HYNES: Carnegie Mellon in Pittsburgh.

CHAIR NORDENBERG: In the second row there is our mapping consultant. He is a postdoc at Carnegie Mellon. And

a Carnegie Mellon professor will be testifying tomorrow evening kind of near the end of the hearing, and I believe his views are very compatible with yours, so you might want to tune in.

MR. HYNES: Thank you so much.

CHAIR NORDENBERG: You're welcome.

We now are going to turn to the witnesses who will be participating remotely. I'm going to, for their convenience, indicate the names of the first five witnesses I will be calling in order. The first is Ahmad Mitchell, then Anne Hanna, then Ardith Talbott, Blyden Potts, and Charles Black.

And I see Ahmad Mitchell's name on the screen. Will we get to see him as he testifies? Oh, good. He is from Philadelphia, and he wants to talk about colleges as communities of interest.

MR. MITCHELL: Thank you for your introduction, Chairman Nordenberg.

Good afternoon, honorable representatives of the Legislative Reapportionment Commission. My name is Ahmad Mitchell. I am the President of the Student Government Association of the Community College of Philadelphia, and I am also, since September of 2020, a Democracy Fellow with the campus Hope Project. Much of my work on campus consists of educting college students and members of the surrounding

community on when and where to vote, contemporary issues involving freedom of speech and inclusion, and happenings in local government.

I am here today to ask you to consider deeming college campuses communities of interest. Currently, college campuses are oftentimes divided by legislative boundaries that dilute the power of the citizenry's vote. Currently, legislative districts are drawn in a way that unevenly distributes the power of the vote. Article II, Section 17, of the Pennsylvania State Constitution mandates the redistricting process to be used to ensure each citizen's vote ultimately carries the same weight in the ballot box. Maps dividing college campuses between legislative districts does not directly challenge the principle "one person, one vote." By forcing a person to vote in another district where their ideas are in the minority of opinions, it changes the balance of power and causes their vote to be less effective. When district maps are drawn in this manner, two students attending the same university, the same institution, may have two polling places - one conveniently located on campus, another off-campus, inconvenient for someone who has a busy, demanding schedule, and few means to travel. Asking students to vote in another district than their peers essentially is a barrier between the ballot box and the voter. In doing so, it weakens the power of a group of people in a geographical area such as

a specific region or neighborhood who have common political, social, or economic interests.

As a Democracy Fellow, I committed to support of the right to vote for all people. Keeping communities of interest together by no means is supporting a particular political position; rather, it is insuring that there is a balance of ideas, opinions, and stories that are deemed relevant in our society. Splitting communities of interest is additionally an issue of importance, because doing so complicates the process of correctly informing college students who are increasingly interested in politics. For instance, consider that this year Pennsylvania added 13 new designated voter-friendly campuses. Based on my experience in registering students to vote on campus, I know many of them will be first-time voters unfamiliar with the voting process, but they will still be interested in understanding the process. If their first-time voting is too complicated, they will lose confidence in the voting process, that it is effective, or even worthwhile, which is a right and privilege of being an American too.

College student voting has increased nearly 31 percent in the last seven years, according to Tufts University National Study of Learning, Voting, Engagement, or NSLVE. Young people want to be involved in how their government runs. They specifically want a fair, free, and convenient election

every time. By designating college campuses communities of interest, you will be encouraging the next generation of intellectuals, professionals, and creatives to take ownership of their government, because in the United States, that, too, is your right.

There are already unnecessary barriers to the ballot box, which only serve to diminish voter turnout. The system of voting not only needs to be simple and just in theory, but also in practice. Establishing colleges as communities of interest will be the step to insure that the United States is respecting the rights of all Americans. When we distance voters from their rights, we risk undermining the core principles our Constitution mandates.

Thank you for hearing my remarks, and I will be happy to answer any questions you may have for me.

CHAIR NORDENBERG: Thank you very much for those remarks, and your presence tonight underscores one of your main messages: that is that young people do want to be meaningfully involved in government. Thank you again.

Our second remote speaker is Anne Hanna from Philadelphia. As much as I like this timer, I don't think it's going to work with people who are testifying remotely. And I don't know whether you can even see me. If you can, I'll wave when you're getting to five minutes, but welcome, and thank you for preparing to share some of your ideas with

us tonight. Ms. Hanna is from Philadelphia, and she is going to discuss analyzing and drawing maps since 2017.

MS. HANNA: First of all, thanks for this hearing and thanks for getting this process started earlier and for bringing the public in early. Although I hope you'll take seriously the concerns expressed by a previous speaker about accessibility and representation, this process is already infinitely superior to the bad faith festival we had in 2011, and that's thanks to the hard work of a lot of activists, many of whom you've already heard from and will hear from later. I'm a scientist, a data analyst, a mapper, and a member of the Concerned Citizens for Democracy anti-gerrymandering group, and also of the Draw the Lines Citizen Map Corps.

I was an expert witness in the 2017-18 Federal lawsuit against the gerrymandered 2011 PA congressional map. I analyzed the detailed Census block level partisan data that was used to gerrymander the State in 2011, and that data that was revealed during the course of that Federal litigation. That particular lawsuit was dismissed on standing, but we also submitted two amicus briefs during the remedial period of the successful State level lawsuit both explaining our recommendations for neutral redistricting, providing an example map, and then dissecting the attempted stealth re-gerrymander by the defendants that they submitted in their own remedial map proposal. The court ultimately did reject

that submission, rejected the attempted re-gerrymander by the defendants, they subsequently submitted their own more neutral map, and that map bore many structural similarities to our recommendations.

The most important thing that I learned from that process was the harm that bad faith and deception can do to redistricting, and the importance of guarding Pennsylvania's future redistricting from such attacks, both through reform and through ongoing attention and activism by citizens in the redistricting process. So since then I've worked both with Concerned Citizens for Democracy, I've assisted FDPA, although I don't speak for them tonight, and also Draw the Lines and the Citizen Map Corps to advance these goals. And I'd like to thank Draw the Lines in particular for their amazing mapping contests they've hosted, in which I've won a couple awards, and other members of my group have won some awards, and also to the Citizen Map Corps for inviting me to participate tonight. I hope the Commission will pay close attention to their work.

In listening to the earlier comments today, I heard many speakers express several important values. You know, first of all, having fair standards and processes that you've set up for your maps in advance, chosen based on the Constitution, on legal precedent, traditional neutral principles, expert advice, and citizen demand.

Second, in seeking and carefully documenting and respectfully addressing public and expert comment at every point in the process, including after the initial map design. Don't just throw your maps out there and say that's it, we're done, we're not listening to you anymore.

Third, in providing the public with user-friendly versions of all the data used by the Commission and Commission Members during the mapping process. That means not just population counts, demographics, and political boundaries, but also election returns, the home locations of incumbents, maybe not necessarily their literal addresses, but at least their precinct or Census blocks, and anything else that the Commission finds itself using. This, in particular, was data that was not provided to the public during the 2011 process that made it much harder for citizen activists to analyze those maps in a timely fashion.

Fourth, to publicly document every mapping decision, every values tradeoff that you make, and to respond to citizen concerns about those decisions.

And then fifth--I apologize, you're about to meet my cat here, I think--to include the public early and often, which I appreciate you starting to do here. And I want to add here that party Caucuses and other partisan participants in this process are already drawing their initial draft maps. They're using data like the 2019 American Community Survey and

other data that they can get now, and you all should be doing the same. The initial draft will certainly need adjustment after you get the final Census numbers, but there's no reason to delay getting a general handle on the shape of things, showing the public how you'll be thinking about mapping decisions, and so forth. And given the possibility of a head start and the ease of drawing decent, good faith maps very quickly with modern tools, there's just no excuse for a rushed, last-minute process that results in questionable maps the public doesn't have time to comment on. And all these priorities that were named by earlier speakers are absolutely correct. And, as some of my CCFD fellows, who will speak later in this process, will fill you in on some of our more specific recommendations on standards and design.

But the thing that I want to emphasize to you in particular is that everybody who has talked so far that I have heard has been talking about how to engage in the process in good faith, and that's very, very important. I really want you to do this. But there's also going to be a lot of people who are going to be attempting to influence the process in bad faith, and it's very, very important that you be prepared to guard against that and to have people advising you who are ready to say, you know, look, this particular proposal is not in good faith. It is designed to enhance the power of this group in an illegitimate way, in a secretive way, and so

forth.

Here are just a few things to pay attention to, as my recommendation. One is be aware of who is providing every input that you're receiving, what their interest is, try to understand what they may not be telling you about how your advice advances their interests. Citizen input has been AstroTurfed by partisan organizations. There was a particularly sort of egregious example in Florida in 2011 that David Daily documented in his book, which I won't repeat the title of here, where a Floridian actually had a map submitted in his name to the Commission that he had never seen before. Yes, got it. And so that's just one example of AstroTurf.

Community of interest data can also be potentially hacked too. It is important to ground truth, all those submissions, to verify legitimacy, identify who is behind them. Now, just because there's an organized effort, that doesn't mean it's illegitimate, but it's important to know who is organizing these efforts and why. Other good faith and admirable criteria can also be used. The Voting Rights Act requires creation of majority-minority districts, which is important, but it can be abused to pack minority voters into supermajority-minority districts to reduce the number of representatives they can elect overall. Similarly, for community of interest splits and other, and compactness prioritization, you have to be very careful about how those

are used.

Finally, population equality, whether strict or loose, can also be viewed in the same way. Strict population equality at the plus- or minus-1 level was used as an excuse for the meandering, sort of gerrymandered district in 2011 that directly followed partisan lines and had little relationship to splits and other important constitutional criteria. It wasn't true, the court drew a map that was perfectly constitutional that didn't have all that craziness, that was still plus- or minus-1 population equality, as did many other amicus submitters, but it's something that, you know, people will try to excuse.

Similarly, too loose population criteria can be used for packing. Imagine, you've got the orange party that controls redistricting, and they draw all of the purple party districts as 5-percent too large, larger than average, and all the orange party districts, their own districts, as 5-percent smaller than average in terms of population. In a 203-seat House, for example, like ours, they could get maybe up to 10 bonus seats out of that, just by tweaking where the plus- or minus-5's end up. And there's more things that I'm sure I haven't thought of and that we don't have time to discuss today, but it's just really important to have redistricting security advisers looking out for these kinds of strategies and advising you to make sure that our good faith process does

not get hacked by bad faith actors. And I hope you'll prioritize taking such advice.

Thank you for your time, and thank you for this hearing.

CHAIR NORDENBERG: Thank you very much.

Our next remote speaker is Ardith Talbott from Solebury, and she wants to talk specifically about Bucks County Senate and House districts. And I will say as a general matter, we are interested in hearing from people about issues that they think exist in their own home regions.

Ms. Talbott.

MS. TALBOTT: Good evening. I live in Solebury, Pennsylvania, which is located in Bucks County, where I have lived for 38 years. Can you hear me?

CHAIR NORDENBERG: We can hear you. We just can't see you.

MS. TALBOTT: I wonder if, let me do this.

CHAIR NORDENBERG: There you are.

MS. TALBOTT: I am. Good. Now let me continue. I live in the 10th Senatorial and the 178th House District. I'm the Bucks County Coordinator for Fair Districts PA, and have been deeply involved in working with redistricting reform for the past five years. I've written many editorials and letters to the editor on the subject of redistricting reform.

But I'm here today to ask you to draw senatorial

voting districts that will better represent the citizens of Bucks County. Bucks County is the fourth largest county in Pennsylvania. Currently, there are four senatorial districts covering parts of the county. But given the target population of 256,000 for each State Senate district, Bucks County should have 2.5 Senate districts. The organizing principle for such a map is clear, once you know a little bit about the county.

So let me explain. The county is organized economically and socially into three regions all bordering the Delaware River on the east, and we refer to these regions as Lower Bucks, Central Bucks, and Upper Bucks. For example, there is a Lower Bucks Chamber of Commerce, with over 1,000 members, there is a Central Bucks Chamber of Commerce of similar size, and there is an Upper Bucks Chamber of Commerce. In regard to education, there is a Lower Bucks campus, a Central Bucks campus, and an Upper Bucks campus of the Bucks County Community College. The county has three technical schools. You guessed it - there is a Lower Bucks, a Central Bucks, and an Upper Bucks Technical School.

Lower Bucks borders Philadelphia to the south and Trenton, New Jersey, to the east. Lower Bucks is densely populated with older suburban communities like Levittown. It has issues of immigration, poverty, and a resulting lower tax base. This part of the county is increasingly racially diverse and has several underfunded school districts.

On the other hand, Central Bucks is relatively affluent and has well-funded public schools. Coincidentally, the largest school district is called the Central Bucks School District. Newer suburban communities cover much of this region.

Meanwhile, in Upper Bucks you'll find four State game lands for hunters next to family farms and new business start-ups. The lack of public transportation is a major issue in Upper Bucks.

The Bucks County Department of Economic and Workforce Development cites important differences between these three regions of Bucks County. Now let me show you a map of the current senatorial districts, and you'll see why I'm here. I don't know if somebody can put up the slide, but you have it in your handout. Is it possible to put up the slide? If not, I will just speak to it. And I'll just hold it up this way. As you can see, the 10th Senatorial District is in green, where I live. It covers a piece of Upper Bucks, a piece of Central Bucks, and a piece of Lower Bucks County. The Senator there represents three different socioeconomic communities which sometimes hold very conflicting views on fundamental rights. Lower Bucks--and I wish you could see the map--Lower Bucks is divided between two Senatorial districts, cracking the community of Lower Bucks. Central Bucks is divided between three Senatorial districts, dividing that

community. And Upper Bucks is divided between two.

There are two municipalities in Central Bucks that are combined with municipalities in Montgomery County, and those three municipalities in Bucks strongly identify with Bucks County. I'm trying to speak to the map without your having the benefit of the map.

None of these districts is compact.

CHAIR NORDENBERG: And we've hit five minutes, so I'd ask you to push forward as quickly as you can.

MS. TALBOTT: Okay. So you can fix this. What we need is a senatorial district in Lower Bucks, and the map that I have proposed has a population which is almost exactly the 266,000 that we would need. It's 262,000. Middle Bucks would be a senatorial district which would reach about 265,000, and Upper Bucks would be in a senatorial district which would have to be combined with a neighboring county, because it would only have about 95,000. But then that does make sense because we are, according to our population, justifying 2.5 Senators. But each of these would then preserve the communities of Lower, Central, and Upper Bucks.

And just for fairness, I checked the partisan leaning and Lower Bucks would lean blue, Upper Bucks would lean red, and Middle Bucks purple. The overall partisan leaning of the county is purple.

So thank you for providing me with this

opportunity to have a say in the legislative maps.

CHAIR NORDENBERG: Thank you very much. And some of us really appreciate the exposure that you've given us to your home county.

Our next speaker is Blyden Potts, who is from Shippensburg, and who wishes to discuss regionality and crowdsourcing.

Good evening, Mr. Potts. You're muted, or we can't hear you for some other reason.

MR. POTTS: Can you hear me now?

CHAIR NORDENBERG: Yes.

MR. POTTS: Okay, great. Thank you.

First, I'd like to thank the Commission for the opportunity to make these remarks. I'm making remarks as a citizen of Pennsylvania and as someone who has drawn a number of redistricting maps, a few of which have won awards and contests held by Draw the Lines. I want to speak mainly on two things - regionality, and I'm very happy to be following Ardith's testimony on that topic; and also advocate for using crowdsourcing in the redistricting process.

But before I talk about either of those, I want to briefly remind everybody of something that may seem a little bit obvious, which is when it comes to redistricting, looks matter. There, of course, are metrics for lots of the criteria that we can use and that we want to use in the

redistricting process, but public perception of a redistricting plan comes primarily in a visual form, that looking at a map, they're seeing what the image tells them. The image doesn't give them metrics, it doesn't show them how even or uneven the populations of those districts are, it doesn't show them the distribution of party affiliation, it doesn't show them how competitive the districts are. What it does show them, what they can see at a glance, at least if they're somewhat informed about what they're looking for, are splits. Are they county splits? Are they municipal splits? How compact are the districts? Are there crazy shapes that suggest gerrymandering? And also, how clean are the boundary lines? How sort of even, smooth of a straight line are they? For better or worse, those are the qualities that are most going to influence how the public judges the map. Does it pass the eye test?

All right, so I'd like to talk about regionality. Beyond compactness, clean lines, and splits, another thing that people can perceive simply by looking at the map is whether it fits their intuitive idea of what makes sense, whether the districts are sensible districts. And I think that most people, most of the time what that boils down to is something I call regionality. And regionality is a lot like the idea of a community of interest, but with communities of interest you get the sense that they could be smaller than the

district, that they're little communities within districts or across districts if the districts aren't drawn with attention to the communities of interest.

Regionality, on the other hand, is the idea that the district itself is a community, is a natural community, and that somehow there's shared political interests within that district. And the natural communities exist where there are shared institutions, whether they're shared economies, shared linguistic and cultural practices, shared media markets, shared communities of interest, shared membership in the same political units. The very kinds of things that Ardith was just talking about in the division of Bucks County into upper, middle, and lower, she's talking about the different institutions and how these are very different--these people have very different realities. Those realities should be manifest. They should be reflected in the districting process, and not just in Bucks County, but all across the State. I mean, I live in Shippensburg, and because we straddle the county line here, we often get divided up into multiple districts and maybe we get attached to a district from Perry County or we have to go over a mountain to get to Perry County, which is kind of crazy.

In addition to those shared institutions, the biggest thing is whether there's sort of a shared regional identity. Do the people feel like they belong together? And

those things are all shaped also, I should say, by geography, by land features, waterways, et cetera. Especially where geography causes natural breaks in the population distribution. When I try to make maps with strong regionality, often I get a highly detailed map of the population density in Pennsylvania, and what I'm looking for in that map is where are the breaks between little clusters of the dots. You know, where is there sparse populations separating clusters? So I would suggest to the Commission that you look for regionality in the maps.

Now, the third point, or the second major point, really, that I want to talk about is I want to advocate for crowdsourcing the redistricting process. The days are gone where a few pundits and some media are all that would second-guess the redistricting map. We now live in an age where there's online computer apps, software that makes it easy for anybody to draw maps quickly and also to analyze maps pretty easily and compare them. And that means, in all likelihood, whatever redistricting map is produced is potentially going to have hundreds or even thousands of other maps competing with it, and I'm sure you recognize it's absolutely crucial that the map that gets chosen not only look good but also be quantifiably excellent in the metrics. Anything else would be an embarrassment to the State and to the committee.

So how could you do that? And I also suggested,

hey, we should do crowdsourcing. I saw on your comments thing you've got a button "coming soon" where people will be able to submit statewide maps, so it looks like at least the start of a crowdsourcing idea is already in place, which I applaud. Thank you for that. But a further step, and maybe you've already got this one in mind also, would be to hold a contest similar to the kinds of contests that Draw the Lines holds. Have people submit maps. You'll get hundreds of maps, maybe you'll get thousands of maps. You can then compare the maps on metrics. And what I would suggest is any map where there's another map or maybe another two maps that are superior on all metrics, so if there's two maps or even just one map that's better in every way, then get rid of that map and just keep the superior map. If you do that across your hundreds or thousands of maps, you presumably will only have a few dozen maps that remain, and those maps that remain, each of them will be superlative in some combination of qualities, some combination of metrics. Choose your map from that set.

CHAIR NORDENBERG: We're getting way over time.

MR. POTTS: Okay. I'm almost done.

CHAIR NORDENBERG: So if you can wrap up, that would be great.

MR. POTTS: Okay. Choose your map from that set of superlative maps, and at the very least, it will be in the conversation of best possible maps. And also, if you did do

crowdsourcing redistricting process, it would be the utmost in accountability and transparency and democratic process.

Thank you very much for hearing my remarks.

CHAIR NORDENBERG: Thank you very much. I'm going to become more of an enforcer, or the poor people at the end of the line aren't going to have any time.

Charles Black is the next person to testify in this group, and let me say in advance that the following group will consist of Diana Robinson, Janice Eastbourn-Bloom, Howard Wiener, Kathleen O'Connell, and Khari Mosley.

So, Charles Black is from Philadelphia, and he, too, would like to talk about colleges as communities of interest.

MR. BLACK: Thank you. It is very great to be a part of this. My name is Charles Black. I am the Pennsylvania State Coordinator for the Campus Vote Project. Campus Vote Project is a part of the Pennsylvania Voice team. I am also a part-time professor, and I'm a current grad student at Temple. I am a lifelong Pennsylvanian, and I have never missed my chance to vote.

Campus Vote Project is a national nonpartisan group that supports campuses across the country to support students registering to vote, cast their ballots, and be civic-minded students. In Pennsylvania, we currently support over 32 campuses, including many in your hometowns, including

the Chairman's University of Pitt. I am here today to urge the Commission to make colleges and universities a community of interest as you go through this process.

Our existing maps should not be used as a starting place in our process. There are years of unfairness drawn into those maps. These new maps should be about the changing demographics of our Commonwealth. According to a study, the National Study of Learning, Voting, and Engagement, the voting rate of college students in our Commonwealth grew from 15.9 percent in the 2014 midterms to 37 percent in the 2018 midterms. And once things are finalized in 2020 through this study, we know that that number will go through the roof. College students are a key demographic of our State, and their campuses must be viewed as a community. I work with campuses, students, professors who have said they don't feel like they're a part of this process. I am working hard at Campus Vote Project to change that.

I am also proud you've heard from one of our students, and you'll also hear from a few more. I'm just very proud that our students are here and they have something to say. Nickolas, Ahmad, and Shakira, who is speaking tomorrow, all make me proud.

Unfortunately, our current maps have several examples of campuses that are being split. One example is Cheyney. Cheyney is drawn into both House 156 and House 168.

As you all know, Cheyney is one of two HBCU's in our Commonwealth. Cheyney's current enrollment is less than 1,000, and they should be seen as one community instead of being split, as they currently are. We see examples of this across the Commonwealth of campuses of all sizes, shapes, and types that are being split, and this is not fair. Redistricting must not be a partisan issue. The new maps that you make should be drawn to include all Pennsylvanians but guided by a commitment to racial equity and full representation for all. College-age voters, including our BIPOC students, deserve the opportunity to elect representatives that will be responsive to them.

This Commission is charged with an incredibly important task, and I want you to know there are college students across our State who are watching you, who will be speaking out, and will be involved in this process to insure fair maps. I ask that you draw maps that respect all Pennsylvanians. It's actually our college-age students.

Thank you for your time, and good luck.

CHAIR NORDENBERG: Thank you, Mr. Black.

We'll move to the next group now; where the first speaker is Diana Robinson, from Philadelphia, who wishes to share thoughts on racial equity.

Ms. Robinson.

MS. ROBINSON: Thank you, Chairman Nordenberg. My

name is Diana Robinson. I'm the Civic Engagement Director at Make the Road Pennsylvania. We're a statewide organization that advocates and fights for the Latinx, Black, and working class communities in Allentown, Reading, and northeast Philadelphia. Again, I want to thank you for having me here today, and also we are a proud partner of PA Voice, where we partner around these issues around redistricting.

I think something that was brought up earlier that was really important was around inclusion and assuring that. It's great that there's transparency, that there are public hearings, and people are able to share their opinions and their experiences, but when we give people the space but not the tools to actively participate, we're still disenfranchising them. So insuring in future hearings that there is interpretation will be important because we missed the opportunity to hear from key members of our communities when we're not doing that. You know, diversity is inviting somebody to the party, inclusion is asking them to dance, and then belonging is when we're dancing like no one else is watching. So I think it's important when thinking about these spaces that we not only invite people, but we make sure they have the tools to participate.

Racial equity is very important in this process, and it's an opportunity for us to really insure that people who have been disenfranchised for so long have a voice. Our

organization played a key role in Census collection, and our members see this as the next opportunity to really insure that their voices are heard and that they are represented. In 2020, the first Latino Representative from Reading was elected, Manny Guzman, in a predominantly Latino community, and that just doesn't seem right.

So how do we insure that these things continue to happen, that our communities have representation, and that they're counted? And fair and equitable maps mean people can feel heard within their communities. They have the opportunity to vote for candidates that represent their values and that can advocate for the issues that are important to their communities. Oftentimes, what we hear from our community members, the 10,000 people who are members of Make the Road Pennsylvania throughout the three cities that we work in, is that they don't feel like our elected officials or our representatives understand the issues facing our communities. But having fair, equitable maps will insure that people have a choice in who they're voting for and that that choice is not made for them. So for us, a key issue is around insuring that there's racial equity, both by including people of color in this proces, including communities in this proces, but also hearing from them and taking leadership from them as knowing what their communities are facing and how we can solve these problems.

So, again, I want to thank you for your time and I want to thank you for inviting us here. And I urge you to consider, in the future, ensuring that there is interpretation so all members of our community can actively participate.

CHAIR NORDENBERG: Thank you very much.

Our next speaker is Janice Eastbourn-Bloom, who is from Ebensburg, and she will speak about unfair districts and their impact on rural areas.

MS. EASTBOURN-BLOOM: Thank you.

CHAIR NORDENBERG: Thank you.

MS. EASTBOURN-BLOOM: Hello. My name is Janice Eastborn-Bloom. I live on a farm about three miles north of Ebensburg in Cambria County in PA House District 72, Senate District 35, and U.S. Congressional District 15. I have lived and voted here for about 30 years. I am currently co-chair of the Cambria County group of Fair Districts Pennsylvania. Some years ago, during a presentation sponsored by the American Association of University Women, I learned that the problem of gerrymandering, which I had read about in seventh grade, well, it's not only continuing to be a problem, but has grown exponentially, and that it continues to create a climate of politics first, with the needs of people way down the line.

Free and fair elections are the basis of democracy. It seems that fair elections are not happening now, and this is what we at Fair Districts are dedicated to

and will not give up on. In 2016, our U.S. congressional House district, the original District 12 in my written testimony, stretched from Cambria County the whole way to the Ohio border. Many of us felt that our congressional Representative was more concerned about issues in his home area just north of Pittsburgh than he was in our rural area. In 2018, that district became more compact only after action by the PA Supreme Court. But court-ordered redistricting only applied to congressional districts. Our State House and State Senate remained, and these were drawn with winding, twisty lines most likely meant to isolate political groups instead of encompassing populations with common identities or values, such as farming communities or urban population centers. And if you look at Figure 2 in my written testimony, you'll see what I mean.

We live in a changing world where our governments, both national and State, need to address climate change, education, health care, jobs, and a variety of other big issues. These need to be addressed using science, data, shared values, not according to some idealogical purity test designed to get reelected. What I want is for our elected representatives to act not as Democrats or Republicans, but as Americans and Pennsylvanians to allow our State voting districts to be drawn in a fair manner that reflects our communities' interests and shared values.

A very important concern in our farming area is extreme weather patterns. Farmers who've been in the business for 40 to 50 years have told me that they had not seen a wet year like 2019 or a dry one like 2020 in all the decades that they had farmed. It would help if our government could get behind farmers and support the installation of solar panels on the roofs of agricultural buildings or unused land, as proposed in the widely-cosponsored bipartisan bill community solar legislation, that's Senate Bill No. 472/House Bill No. 1555. This bill, which is still sitting in committee, would provide farmers the opportunity to lease roofs or unused land to community solar cooperatives. This extra income would help stabilize farming in this increasingly erratic climate. Other legislation like Senate Bill No. 501/House Bill No. 1080, which would increase the alternative energy portfolio standards, would create incentives for farmers and other landowners to install their own solar arrays, which would help them lower their energy bills, generate some extra income by selling SRECs, and help decrease the threat of our extreme weather patterns. Our elected officials have to pull together to make this kind of infrastructure a reality, and it's very difficult to do this with hyperpartisan government. Unfair voting districts reduce the need for compromise across the aisle, leaving strongly supported bills like these too often die in committee.

Thanks for the opportunity to testify today. I applaud your efforts to make this process transparent and fair. Thank you very much.

CHAIR NORDENBERG: Thank you.

Our next speaker is Howard Wiener, who is from Philadelphia, and he wants to talk about neutral redistricting methodology. So we have had competitive districts, now we're having neutral methodology, and next we'll have fair redistricting.

Mr. Wiener.

MR. WIENER: Hi. I assume you can hear me and see me?

CHAIR NORDENBERG: Yes, we can.

MR. WIENER: Good.

CHAIR NORDENBERG: Thank you.

MR. WIENER: Good. My name is Howard Wiener. I live in Philadelphia, and I'm speaking on behalf of myself and CCFD, a nonpartisan think tank whose goal is to end partisan gerrymandering. You heard a few minutes ago from Anne Hanna, and a few other CCFD members will be addressing the LRC today, but we work together so that to avoid redundancy, we each will talk about different aspects of gerrymandering and the LRC's responsibility -- your job -- that is to draw a State legislative district map.

I'm a lawyer, specifically a retired Federal

prosecutor, so I will focus on the legal aspects of the Commission's job.

First, we believe the polestar for your job is the Pennsylvania Supreme Court's 2018 decision in the *League of Women Voters* case. My presentation relies heavily on what the Supreme Court said in that opinion. You are welcome to ask me at any time for the page citations in the opinion to support anything I say today. Although that case dealt with congressional redistricting, we believe the Supreme Court's ruling applies equally to both congressional and State legislative redistricting. It's clear that the ruling is based on the Pennsylvania constitutional provision of free and equal elections clause, so it applies to all Pennsylvania residents and institutions, including the State legislature and the LRC. Therefore, the ruling should apply to both types of redistricting. And, therefore, we urge the LRC to use that ruling as the basis for its actions.

That ruling basically adopted objective neutral criteria. It is stated that the Constitution requires districts to be compact and contiguous with minimal division of political subdivisions unless necessary to insure equal population. Exact formulation of the court's criteria is set forth on page 123 of its opinion and its accompanying order. It is clear and concise. Therefore, we urge the LRC to use and apply it. Significantly, the courts said any other

factors are, quote, "wholly subordinate," closed quote, to these neutral criteria. If these primary neutral criteria are utilized, then there cannot possibly be partisan intent in the creation of the map. And the map that results likely will not result in a partisan effect. The best way to eliminate the possibility of partisan intent is to explicitly adopt and apply these neutral criteria. Furthermore, such objective criteria also provided judicially manageable standard.

Our group has devoted much time to developing a specific and explicit methodology to apply and implement the court's neutral criteria. We both used the same criteria, that is the court and our organization, but our methodology utilizes a simple step-by-step approach to drawing the map. If and when our methodology is applied, the resulting map will satisfy these criteria. And applying our methodology will essentially eliminate any opportunity for partisan gerrymandering. We have already sent a short memo detailing our methodology to the LRC, and we intend to submit it again to the LRC to make it a permanent part of the record of its proceedings.

Most importantly, it is self-evident that the map the LRC devises can, and likely will, be contested in the Pennsylvania Supreme Court. Not only is the Supreme Court authorized to consider a challenge to the LRC's map, the court made it clear that it will intervene in the redistricting

process whenever that process goes off the rails. It is in the interest of your Commission, the legislature, and the public for the LRC's map to pass judicial scrutiny. Respectfully, there's no point to serving as a Member of a public Commission that a court someday rules operated in a partisan fashion. The best way to avoid an adverse judicial ruling is for the LRC to both (a) explicitly adopt the Supreme Court's criteria and our group's methodology into the report it eventually publishes along with this legislative map; and (b) explicitly apply that methodology. That way the court will be able to clearly see what the LRC has done. The LRC's process will be transparent. It will be much easier for you, the Members of the LRC, to defend your map before the court. The court will want to--

I'm sorry, do you have a question?

CHAIR NORDENBERG: No, you've got a minute.

MR. WIENER: Oh, sorry. Okay. The court will want to know the basis of the LRC's map; that is, both the criteria and the methodology it utilized and whether and how it applied that methodology, and the court will more likely approve your map if it views that map as based on clear, judicially-manageable standards that were implemented in a nonpartisan fashion.

The bottom line, we respectfully ask you to ask yourselves the following: What is the point in devoting hours

of effort to creating a map only to have the Pennsylvania Supreme Court throw it out?

Thank you for your attention and giving me the opportunity to speak. I think I have 37.2 seconds left, if you have any questions.

CHAIR NORDENBERG: Thank you very much. I knew as a lawyer that you would understand judicial time limits. Thank you very much, Mr. Wiener.

MR. WIENER: You're welcome.

CHAIR NORDENBERG: Our next speaker is Kathleen O'Connell from Lemont, and she is going to talk about fair, nonpartisan redistricting.

(There was no response.)

CHAIR NORDENBERG: Okay, our next speaker then will be Khari Mosley from Pittsburgh, who would like to address partisan gerrymandering.

MR. MOSLEY: Thank you to the Legislative Reapportionment Commission for the opportunity to provide testimony regarding this critical issue of redistricting. My name is Khari Mosley, and I am the Director of 1Hood Power, a Pittsburgh-based issue advocacy and voter mobilization nonprofit. As an organization focused on protecting voting rights and restoring the public trust in the political process, our focus is to advocate that the Commission insure the new maps do not negatively impact urban voters,

communities of color, or the greater Pittsburgh metropolitan area. The goal of this process should be to eliminate partisan gerrymandering that would unfairly increase political power for either party. The Commission must take all steps to avoid cracking or packing communities that insure certain groups perpetually remain in the minority or majority, having a disproportionate impact on our State's more diversely populated communities. This practice also results in making districts less competitive and fuels the ongoing polarization that gridlocks our political system. Pennsylvania's predominantly African-American and Latinx communities should not be cracked or packed unnecessarily for partisan purposes.

Pennsylvanians have for too long been insufficiently represented under maps that do not align with the values of its citizens. For most of the last decade, inaccurate maps have resulted in an erroneous snapshot of our State's political inclinations. The drawing of a fair, nonpartisan map would result in competitive districts and a legislature more in line with the State's party registration numbers. Due to population losses, State House seats will shift, and they should shift to accommodate the growing population centers in Pennsylvania's growing cities and suburban communities. All of these seats should come from rural Pennsylvania, as they have seen the most significant losses in population. Voting districts in the diverse and

densely populated communities in the greater Pittsburgh area should be protected. Our region's growing suburban population suggests that those seats should not move from Allegheny County.

This year, we have an opportunity to draw a fair map that truly reflects Pennsylvania's demographics, party registration numbers, and population shifts over the last decade. To insure the public's trust in this effort, this must be nonpartisan in nature and true to the composition of our Commonwealth's electorate.

Thank you to the Commission for your hard work and the opportunity to testify today.

CHAIR NORDENBERG: Thank you, Mr. Mosley, very much.

MR. MOSLEY: Thank you.

CHAIR NORDENBERG: Kathleen O'Connell is now back with us. She will offer her testimony. After that, the next group, in this order, will be Kris Henderson, Michael Waxenberg, Nickolas Bartel, Nikki Grant, Robert Williams.

Kathleen O'Connell, as I indicated, is from Lemont, and she is going to talk about fair, nonpartisan redistricting.

MS. O'CONNELL: Thank you. Thank you for this opportunity to speak. Wow, I hope the committee has learned as much as I have. I've really enjoyed listening to all of

the speakers.

So, again, my name is Kathleen O'Connell. I have lived near State College in Centre County for 50 years. I live in Pennsylvania House District 171, Senate District 34, and Congressional District 12.

I care about redistricting in Pennsylvania because it is the basis of our democracy. Fair, nonpartisan redistricting allows for the true representation of all of our citizens in Harrisburg. According to PA.gov, Centre County, where I live, has slightly more registered Democrats, 43,976, than Republicans, 42,174, but you wouldn't really know that if you were in Harrisburg, because my county is divided into four State House districts which were drawn so that, I believe, we are misrepresented by three Republicans and one Democrat. And they're all in safe districts. My current three Representatives can ignore my emails, phone calls, and requests for meetings. It's not going to cost them anything, as they will get reelected in their safely, partisan-drawn districts.

You in Harrisburg, and thank you for doing what you're doing, have been entrusted with this very sacred duty, I think, to draw districts that fairly represent Pennsylvania. The type of slicing that happened in 2010 makes voters, including me, feel pretty hopeless. Although I'm feeling very hopeful of the testimony today. The consequences of

distorting districts makes citizens not trust legislator-based redistricting. I really can't see any reason for Centre County being sliced into four State House and also two congressional districts, except for partisan politics. One Representative I was talking with explained that they had had to change district lines when a Representative moved so that they could keep their district, and I thought to myself at the time, what does that have to do with a fair representative democracy? Maybe a good way to think about redistricting is my mom's rule for sharing chocolate cake: You cut, your brother picks which piece he wants. You can bet that I made sure my cuts were very fair.

I was a social studies teacher in public schools for sixth graders for 30 years. Teaching about how my country works as a democracy was one of my greatest pleasures, but after the 2016 congressional election in Pennsylvania, I was just totally at a loss as to how to explain to my students that Republicans won 13 out of 18 seats with less than half the votes cast for their candidates. That made for a very quick lesson on gerrymandering.

If Representatives gerrymander again, people in Pennsylvania will distrust government even more. I have collected hundreds of signatures against gerrymandering for Fair Districts at every election since 2017, and the most common response I got, out there with my clipboard, after I

explained what gerrymandering was, people would ask me, is that even legal? People care about this issue.

Please don't partisan gerrymander this time. Include citizens in the redistricting process like you are now. Invite so much public input that your aides have to work overtime to assess it all. And please explain when district divisions must be made, otherwise, citizens are going to assume that you're just doing it to stay in power. But staying in power isn't your job; representing citizens is your job. That's the social studies teacher in me.

Thank you so much for this opportunity to testify.

CHAIR NORDENBERG: Thank you very much. Our next speaker is Kris Henderson from Philadelphia, who will talk about communities hit hardest by incarceration.

MR. HENDERSON: Hi. Can everybody hear me?

CHAIR NORDENBERG: Yes, we can hear you very well.

MR. HENDERSON: Okay. Thank you. I have never done this.

CHAIR NORDENBERG: So far, you're doing very well.

MR. HENDERSON: Thank you. I've lived in Philadelphia for 12 years. During most of that time, I lived in west Philadelphia. I recently moved to the Germantown neighborhood of Philadelphia.

Pennsylvania's legislative reapportionment process can and must be better, and the result of this work must be

fair maps that allow people across the Commonwealth to get the representation they deserve. Prior to the release of the 2020 Census data, the LRC must hear from communities of color across the State. We recognize that our current maps, with 30 years of racial inequity baked into them, are not adequate, but more than that, our current district lines do not account for changes in Pennsylvania demographics. Pennsylvania's population growth is being entirely driven by growth in the Black, Latinx, and AAPI communities. Their population share in the Commonwealth has grown by 4 percent in the past four years alone.

This growth is not just happening in Philadelphia and Pittsburgh but is occurring across the Commonwealth, in the collar counties surrounding Philadelphia, the northeast, and central Pennsylvania. These are Pennsylvania's fastest growing communities, but they remain significantly underrepresented in local- and State-level elected offices. We have to create seats at the table so that these communities get the representation they deserve. Communities of color in Pennsylvania are growing at 12 times the rate of the White population. People of color make up 23 percent of Pennsylvania's total population, but as of 2018, our State legislature was 89 percent white. We must understand how these community see themselves.

The LRC must hold more public hearings and hear

from these communities directly. The LRC should hold at least five public hearings prior to the release of the Census data, and at least two additional hearings after that data has been released. These hearings must allow for virtual participation and must have language translation. In addition to these opportunities to speak to you, you must actively engage these communities by reaching out and seeking direct feedback on the map-making process. We can't look to the old maps to guide us in this process. We must start from scratch. The political maps drawn in 2021 must reflect the changing demographics of our Commonwealth and must create opportunities for historically undercounted communities. These maps must uphold the democratic ideal of one person, one vote. We want the voters to choose their representatives, rather than parties choosing their voters. The LRC can and must create equitable maps for a fair and transparent process.

Thank you.

CHAIR NORDENBERG: Thank you very much. And you can do this over and over again, because you're good at it. Thank you.

MR. HENDERSON: Thank you.

CHAIR NORDENBERG: Our next speaker will be Michael Waxenberg, who is from Lords Valley, and he would like to talk about State Senate districts in northeastern Pennsylvania.

MR. WAXENBERG: Thank you, sir. I hope I am audible and visible.

Chair Nordenberg--

CHAIR NORDENBERG: You are both.

MR. WAXENBERG: Oh, excellent. Chair Nordenberg, Members and staff of the Commission, thank you for heeding the call for transparency, and thanks especially to Senator Ward for continuing this work under the most difficult circumstances. We're with you, Senator.

My name is Michael Waxenberg. I'm speaking to you from Pike County in Senate District 20, where we've been homeowners since 1989. Three months ago, I appeared before this Commission seeking the seat now occupied by Chair Nordenberg. Congratulations, sir. The better candidate clearly won. Congratulations also to Dr. Cervas on his appointment.

By profession, I manage technology risk. My experience drawing maps began in 2018 using DRA to support the litigants before the Pennsylvania Supreme Court. I subsequently drew prize-winning maps in the Draw the Lines competition, and the Princeton Gerrymandering Project recently invited me to join their national mapping corps. In short, I've drawn a lot of maps, and I know the tools and tradeoffs.

Tonight though, I'll address an issue in our region's Senate District that I believe will resonate with

mappers and non-mappers alike. I'll begin with a brief description of our community and those around it, then I'll share the recent history of our representation in the State Senate to demonstrate how the Senate map has diverged from our real communities of interest. I separately shared some images that illustrate our problem. The Commission has those in front of them. I'll conclude with recommendations for the Commission.

Pike County lies in the northeast corner of the Commonwealth bounded by Monroe to the south, Wayne to the northwest, and the Delaware River to the east. Since at least the 1960s, our economy has been largely defined by recreation, tourism, and services for owners of second homes. Pike has carved out a kind of niche as a quieter alternative to Monroe, the more developed and better known Pocono county. Monroe and Pike also appeal to commuters with jobs in New York City and northern New Jersey, especially as the pandemic steers more employers to work flexible work arrangements. The bus routes that serve the Pocono region reflect this pattern. These routes operate mostly during the morning and evening commutes, terminating at Hawley and Mount Pocono. And as a frequent rider on the 4:47 a.m. bus from Lords Valley, I can attest that few passengers ever ride these buses for either leisure or comfort.

So, geography and economics have defined a kind of

Pocono commuter and recreation rim comprising Pike and Monroe Counties with its northern end roughly at the town of Hawley on the Pike/Wayne border. Beyond Hawley lies the heartland of northern Pennsylvania, the right arm of the famous rural T. Meanwhile, since 1966, our representation in the Senate has evolved in the opposite direction from that of our communities. Until 1966, Pike and Monroe were united in the 14th Senate District, and you have that figure in front of you. Then, for the purposes of population equivalence, the 14th moved to the southern half of Luzerne County. The 20th District, which had simply been all of Luzerne, kept the northern part of that county and added Pike, most of Monroe, and rural Wayne, Susquehanna, and Wyoming. In subsequent cycles, SD 20 has retained this basic collar shape encircling much of Lackawanna County and avoiding Scranton.

While Pike has been a constant presence in the 20th since 1966, the treatment of Monroe has varied widely. By 2001, Monroe was divided among six Senate districts, although its population would fit neatly in one. The 2012 map reduced these splits, but for the first time, Monroe and Pike were separated completely. As we became more similar, the Commission has pushed us apart.

What are the consequences? Well, first note that while the boundaries of SD 20 changed drastically in 1966, its representation did not change at all. T. Newell Wood held

that seat without interruption from 1947 to 1978. He lived in Harveys Lake, northwest of Wilkes-Barre. His successors have all lived within a few miles of Wilkes-Barre. Through 14 terms, SD 20 has been a province of Luzerne County, with lines carefully etched to protect incumbents who live at the far western end of the district. The current jagged lines reflect an arrangement that insured tenure not only for our own fine Senator Baker, but also for Senator Yudichak, who lives just 8 miles from Senator Baker and who, ironically, switched Caucuses in 2018. So where does that leave Pike? For 54 years, our Senators have owed their first allegiance to Wilkes-Barre, and then to the rural counties to the north. That allegiance is evident in the legislation they sponsor, the committees on which they sit, and in the way they divide their time in the district. And as Monroe County has left SD 20, our Senators have even less reason to prioritize our community's interests.

The solution, I believe, is simple. Together, Pike and Monroe Counties have nearly enough residents to comprise a Senate district. While I can't propose exact boundaries without final data, I will say this, Pike and Monroe can be united in a single district without requiring any new divisions elsewhere. I provided two examples in my supporting exhibits, and I can provide updates upon receipt of final Census data.

I thank you for your attention and for your consideration of this modest proposal.

CHAIR NORDENBERG: Thank you, Mr. Waxenberg. I assume if I need help, you'll still be available?

MR. WAXENBERG: I'm here for you, sir.

CHAIR NORDENBERG: And, again, I want to say that testimony that exposes us to issues that exist in parts of the Commonwealth with which we may not be directly familiar is particularly helpful. So thank you.

MR. WAXENBERG: Thank you, sir.

CHAIR NORDENBERG: Our next witness is Nickolas Bartel, who is from Washington. We heard his name mentioned earlier by Professor Black. He wishes to speak on colleges as a community of interest.

MR. BARTEL: Thank you, and good evening. My name is Nickolas Bartel. I'm a junior in a triple major in political science, environmental studies, and Spanish at Washington and Jefferson College in Washington County. I also serve as the President of the Washington and Jefferson College Student Voting Coalition. As well, I'm also a Democracy Fellow with the Campus Vote Project, which is part of our nonpartisan parent organization of the Fair Elections Center. It is our mission that the Campus Vote Project promote student registration, education, and turnout in a nonpartisan manner to help create lifelong voters.

I want to first thank Chairman Nordenberg and the rest of the Commission here today for the opportunity to discuss the infrequent position that we are in to shape the future of our great Commonwealth. I come here with the hope that even though some Members of the Commission may disagree on social and economic issues, the idea that increasing the political participation of all young people, and all people in general, is something we can work towards together.

Today, I speak on behalf of over 700,000 fellow students, according to the latest numbers by the U.S. Department of Education, who are attending college and other higher educational opportunities in Pennsylvania. After speaking with students from around the State, there is a clear and present need for this Commission to ensure that colleges, technical schools, and other higher education centers are not broken up into multiple districts, as they are all vital communities of interest. Unfortunately, too many students are facing this issue across the State.

At the University of Pittsburgh at Greensburg, the campus is actually split with about half a dozen residence halls being represented by Representative Nelson, while the residence halls on the other side of the campus are represented by Representative Rossi. At the main campus of Penn State, not only is their campus split like the University of Pittsburgh at Greensburg, but it's gotten to the point

where a third of Earle Hall, a freshman dorm, is in Representative Benninghoff's district, while two-thirds of that exact same building are in District 77 represented by Representative Conklin. Sometimes, not all students can be good roommates to each other and can get reassigned to another dorm, potentially in a different district. In these cases, they can be actually unaware of this issue and denied access at the polls. A study from Tufts University in 2016 found that one out of every four students who were registered and did not vote in the 2016 election were cited as not being able to find their polling place as their reason for not voting.

Another side effect of these district lines going within schools is that some students may actually have a close and convenient polling place while another group may have to travel long distances that may actually require a car, which not all students have. In that same study, 27 percent cited not having transportation to their polling place as why they did not vote. This is an issue that is apparent at other colleges across the State, such as Drexel University, Thiel College, Gannon University, and many others. This past election cycle there was immense support for students registering and voting from nonprofit groups, colleges, the Pennsylvania Department of State, and other organizations. A report from Tufts University finds that there is a 17-percent increase from 2018 to 2020 in student voting, which actually

brought around 120,000 more students in Pennsylvania to vote for their first time. This shows that when the process is easier to vote, students actually turn out to vote. But why should higher education institutions be a community of interest? White House Senior Policy Advisor for Democracy and Voting Rights, Justin Levitt, defined it as, quote, "A community of interest is a neighborhood, community, or group of people who have common policy concerns and would benefit from being maintained in a single district."

While I understand that there may be concerns that higher education is not necessarily a permanent community, since we also have summers off. However, the Supreme Court has ruled in *Sims v. United States* that higher education campuses are a bona fide residence. Thus, we must be considered as such in the eyes of the law. The second part of the definition is that we must have a common policy concern which students have with higher education such as issues on Federal and State financial aid or insuring that students can find a job once they graduate. With the last part of that definition surrounding a group must benefit from a single district, a unified campus will allow for greater student voter turnout with an easier access and allow students to elect representatives that represent them. In U.S. House District 12 which encompasses Penn State, 1 out of every 10 voters are students. These communities of interest do exist

across institutions in this State and deserve to be represented as such when the maps are finally drawn.

So it is with this that I ask the Commission to allow all higher education institutions to be considered a community of interest, given its importance to help our young voters create a pattern of lifetime voting and do their duty as American citizens.

Thank you, Chairman Nordenberg, and the rest of the Commission here, for giving me the opportunity to speak, and I would be happy to answer any questions you all may have. Thank you.

CHAIR NORDENBERG: Thank you very much, Nickolas. When I was Dean of the Pitt Law School, we used to get very good students from W&J. Is that in your future.

MR. BARTEL: I was definitely looking to potentially go. I know my advisor, Dr. Mosala, he heavily encouraged University of Pittsburgh for that.

CHAIR NORDENBERG: You know, I do also have to commend you for working into your remarks both Senator Ward's district and Leader Benninghoff's district. You're the only one who has done that. We'll see if anyone yet to come can hit three.

MR. BARTEL: I also noticed that some of the colleges were actually your alma maters as well. So I kind of wanted to throw that in there as well.

CHAIR NORDENBERG: Thank you, again.

MR. BARTEL: Have a nice evening.

CHAIR NORDENBERG: Our next speaker is Nikki Grant from Philadelphia, who will speak about redistricting to reflect communities.

MS. GRANT: Good evening. My name is Nikki Grant. I'm the Policy Director at Amistad Law Project. Thank you for the opportunity to speak. I've lived in west Philly for a decade. My church is around the corner from my house, I work out at my local Y, I walk my dog and meet up with my friends at Malcolm X Park. I get my hair and nails done on Baltimore Ave. My polling place is at a barber shop on 72nd Street. And when I go vote, it's my neighbors working the polls, and they know who I am. My community is special, and it is everything to me.

I'm here this evening because I want my neighbors' voices to be heard. I want the same thing for every community across this Commonwealth. Every Pennsylvanian deserves to have legislators that are actually representative and accountable to the community that they live in. As the State embarks on this legislative reapportionment process, we must create more racially-equitable maps by ensuring that marginalized communities that have been traditionally left out of or uncounted in the Census have every opportunity to make their voices heard. This means that we cannot use existing

maps as a starting point. The current maps have over three decades' worth of inequality baked in. Our communities deserve better.

And speaking of inequalities, I want to say a little bit about the issue of prison gerrymandering. As someone who works closely with currently incarcerated individuals, I can tell you that they are very connected to the communities that they are from. They are parenting their kids from a distance, they are mentoring kids in their communities, and even if they can't vote, they are engaged in elections in the cities where they are from by encouraging their friends and families to vote. Maps should be drawn considering where they are actually from and will return once their incarceration is over and not where they are temporarily housed. Incarcerated people cannot meaningfully engage with neighborhoods where their prisons are, and it does not make sense to count them based on where they happen to be during the Census count. They can be transferred to any prison anywhere in the State at a moment's notice without any say in the matter.

I want to encourage this body to make this process as transparent as possible. Hold more public hearings before the Census data is released. Actively request input of Black and brown community members, and listen to them. If people understood that this process was happening and what the impact

is, they would absolutely come and be engaged, because voting is incredibly important to our communities. I am asking that you really give communities of color the chance to be active participants in the voting map-drawing process.

To conclude my time, I want to say that this is not a partisan issue. Both parties are guilty of drawing maps in order to help legislators choose their voters instead of voters choosing their legislators. The results have been fundamentally unfair and racially inequitable in districts. The LRC has the opportunity to right these wrongs, and I hope you will do so.

Thank you very much for your time.

CHAIR NORDENBERG: Thank you very much.

We now will hear from Robert Williams of Wayne, who is going to speak on enforceable criteria for the Voting Rights Act and communities of interest.

MR. WILLIAMS: Thank you. Thank you, Commissioners, for the opportunity to speak. I'm Rob Williams. I live in Chester County. I am a founding member of the Concerned Citizens for Democracy, or CCFD, a Pennsylvania nonprofit that aims to eliminate partisan gerrymandering. In the.

Draw the Lines competition, I earned an award for my 50-seat State Senate map, and serve on their Citizen Map Corps. Thanks to Draw the Lines, over 7,000 Pennsylvanians

have drawn electoral maps over the past three years. Like me, I expect many of them will submit maps to your Commission, and will certainly review and comment on the maps the LRC creates.

I think it's appropriate that you're examining the redistricting now during the Olympics. We don't expect the blade of one fencer to be a foot shorter than their competitors, nor do we expect one hurdler to only jump over four hurdles than the other 10. But this is the effect of partisan gerrymandering. Such games would be inherently unfair. We don't tolerate this in sports, and we shouldn't tolerate this in our elections.

So, redistricting can be simple. The CCFD methodology to end gerrymandering is simple and can be upheld by the courts. So let's start with the inputs for redistricting. Only two inputs are required. The first is the target population for each district plus the allowable variance, the percentage of plus or minus from the target. CCFD's research shows that the best variance limit is plus or minus 2 percent. Any higher variance value can create gerrymanders. Some districts are overpacked, and others are underpopulated. Two percent minimizes the gerrymanders while allowing flexibility in creating the districts.

For the other input, geographies, what's most important is what you don't put in at the start. There are only two geographies needed to start fair districting. First,

is the geography of political units, counties, townships, boroughs, and precincts. And the second is physical geography of rivers and mountain ridges. I will explain the three other geographies later, once the districts are drafted.

So the process is straightforward. The CCFD policy paper provides the details. It was submitted to the LRC website, and can be downloaded at our website, concernedcitizensfordemocracy.org. Plans start at the top with whole counties, and groupings of whole counties. The first set of draft districts are crafted roughly to the target population. Next, whole townships and wards are moved from one district to the neighboring district to equalize population, mindful of that allowed 2-percent variance. Do not move lower level precincts, only whole townships. This next step is the most important. To equalize populations between two districts, swap townships only along their shared border. Move only one township, then the next adjacent township, and then the next in a single layer adjoining the boundary. When the first layer is done, start the second layer of townships. Continue to work the two-county boundary layer by layer. This approach assures compactness. Finally, when adding one more township exceeds that district population, stop. Now is the time to move precincts from one township to the neighboring district. Do not split townships again. Add precincts one at a time.

Once the overall draft plan is created, it's time to look at the two other geographies - demographic and communities of interest. Districts created this way likely comply with the racial requirements of the Voting Rights Act. If not, if racial, ethnic, or communities of interest are split, one can fine-tune the precinct at the precinct level to achieve the objectives. Note, the fifth geography that we don't recommend is partisan voting registrations or past voting patterns.

So what's the outcome of this? Last summer, two of our college interns used this method to create the 203 seat House map for Draw the Lines in a few short weeks. In fact, one did their's in an all-nighter. The result, these students split first place for the college division. This method is that simple. Using the simple method, splits in political units are minimized, and districts remain compact. For this reason, it's also a methodology that the courts can understand and is judicially manageable.

To my eyes, all the Olympic sports were fair, all the athletes used the same playing fields, equipment, and rules. We expect fair competition. When establishing and implementing the rules in Pennsylvania for State districts, we want a gold medal performance. Just as the athletes compete on skills, endurance, and teamwork, let the political candidates compete on their personal leadership, policy

positions, and grassroots organizing.

Thank you very much for your attention tonight.

CHAIR NORDENBERG: Thank you very much, Rob.

We've heard from a number of people from Concerned Citizens for Democracy today, beginning with Professor Hachadoorian this afternoon. I have to say, when I first heard from your group, the message said that it would take 45 minutes to explain your approach to mapmaking. Now, they ought to videotape you, because you did it in five.

MR. WILLIAMS: Very good.

CHAIR NORDENBERG: Thank you very much.

MR. WILLIAMS: You're welcome. Thank you.

CHAIR NORDENBERG: We're now heading into our final three witnesses, beginning with Nancy Jimenez, who is from Reading, and who is going to speak on Latino businesses and homeowners in Reading. Welcome.

MS. JIMENEZ: Thank you. Good evening. My name is Nancy Jimenez, and I am the Redistricting Organizer of Make the Road Pennsylvania. Make the Road Pennsylvania builds power for justice in Latinx immigrants and working class communities of color. We believe that communities themselves have the tools and the skills to create change and be the leaders in dismantling systemic oppression within their community through organizing civic engagement and advocacy. We started our civic engagement work in 2012 to engage voters

and identify the issues that were important in our communities before opening organizing centers. Since then, we have opened organizing centers in Allentown, Reading, and northeast Philadelphia.

My journey with Make the Road is a great example of how we engage our community members, build our leadership, and empower them to lead our organization. I live in Reading and became a member of Make the Road PA in 2016 and co-founded the parent committee. I then had the opportunity to work as a canvasser, and then as a field manager, leading a team of canvassers around the outreach of our community for the Census, voter registration, and GOTV for the 2020 Presidential election. Now I am the redistricting organizer focused on doing community education of their redistricting work in community mapping for fair and equitable maps that are representative of our communities and our values.

In 2019, we participated in a series of community forums around redistricting by the Governor's Commission. They found lack of diversity in terms of age and race. Our entrance had a big impact, since we were the only Hispanic or ethnic group in the court, and also young. And we represented our community at that moment, and that confirmed that we need to be there, because if we were not, our community would not be represented. We must include people from our community to draw the map, because no one knows more about the changes in

our city than we who live in them. We own businesses and houses in Reading. We're growing as a community of color, but our representation is not growing. We don't see any changes. So that's why we are here today.

With PA Voice in all the corners that form the table, we are creating popular education tools to engage our communities around the redistricting process and how it impacts them. We know that voting is an important tool to engage our community, but it goes beyond that. Our community wants to be involved in creating change and wants to know that it can vote for a candidate that will advocate for us. And when I say us, I am part of that community.

And I thank you today for the opportunity to be here and speak on behalf of my people. Thank you for your support.

CHAIR NORDENBERG: Thank you very much. We're privileged that you're here among us. So thank you for participating.

MS. JIMENEZ: Thank you.

CHAIR NORDENBERG: Our next speaker is Rosalyn Cahill from Erwinna, who wishes to speak about Bucks County, Senate District 24, which we have heard a little bit about earlier.

MS. CAHILL: Good evening.

CHAIR NORDENBERG: Good evening.

MS. CAHILL: Can you hear me at this time?

CHAIR NORDENBERG: We can hear you, we cannot see you.

MS. CAHILL: Okay.

CHAIR NORDENBERG: Now we've got you. Nope, now you've gone again.

There. Perfect.

MS. CAHILL: There. Thank you very much. And, again, thank you for affording me the opportunity to speak to your Legislative Reapportionment Committee. I am Rosalyn Cahill, a resident and voter of Tinicum Township in Bucks County, in a small town of Erwinna, and I've been a voter over 40 years there. And I am also a member of the League of Women Voters of Bucks County, Fair Districts PA, and Tinicum Civics Association. They are all nonpartisan groups. And I wanted to express a concern just as how maps have been designed and drawn in redistricting, and it really takes a personal observation by looking at how our township has been impacted. I do follow a lot of the information that Ardith Talbott has also shared, and I appreciate her help in discovering more about what's been happening with gerrymandering.

You see, we in this Upper Bucks community were actually plucked right from the Bucks County District 10 and dropped into the oddly configured 24th State Senatorial District, joining residents -- then instead of just being in

one county, we are now sharing the residents with Montgomery County, Berks County, and Bucks County in this District 24. It appears to be awkwardly shaped, possibly to create a safe seat. Before this time, residing in District 10, completely in Bucks County, we saw District 10 as one that represented voters of all political parties with a balance of interests. And it's a competitive district in District 10, at this point in time. With this relocation to some portion of our voters into District 24, the balance of interests have been altered in that district, and it's apparent that District 24 now has a heavily skewed from one party with actually, you know, an incumbent winning in the primary. And if they win in the primary, it's likely that they'll win in the general election. So you'll see that many citizens in my area of the 10th Senatorial District actually were in District 24, we were still surprised and many do not even realize that their district has been changed. And I notice that when I've communicated, I've heard that actually many have also sought out help or advocacy through District 10 instead of District 24, and they've been actually very responsive to our needs, even if we are not, you know, residents within that area now.

Most voters, and I have worked the polls, most voters in Tinicum don't even realize that we no longer are included in State Senatorial District 10. And another point with that is that we are a Bucks County community and would

like to be able to stay within that area. With that in mind, and a resident now not only of Bucks County, but it's one of the river communities of Bucks County, you know, I am concerned that maybe my family's interests are not represented or heard, because we don't often see and hear from our State Senator.

It's important though that there should be a clear standard against dividing counties and municipalities any more than has been necessary, and that standard should be presented. Now, this would be one way to keep some of our communities of interest intact. And it's also logical that district boundaries conform to natural boundaries. Now, since we're part of the Delaware River communities, we would like to stay included within those communities from north to south. So I would make a statement, too, that these goals have been promoted in the legislative Congressional Redistricting Act, but I don't see that as the case right know.

So with a lot of that in mind, I would like to ask that you really make a concerted effort to prevent partisan gerrymandering and see that the responsibility of redistricting be done by an independent Commission with a diverse membership. And I included in my written testimony the configuration of the maps of District 24, so that will, hopefully, get to you, too, when you review the written testimony.

But at this point of time, I will end, but I do, again, want to thank you for giving me the opportunity to express the need to end gerrymandering and to make a request that Tinicum Township be returned to the Bucks County Senatorial District 10 as our Delaware River community. Thank you.

CHAIR NORDENBERG: Thank you very much for your testimony and for sticking with us till nearly the end.

Our final speaker will be Brian Gordon from Merion Station. Earlier in the evening, we heard references to the Supreme Court's opinion, particularly from Howard Wiener. Mr. Gordon is going to discuss a model to implement the Supreme Court's criteria.

MR. GORDON: Thank you very much. My name is Brian. To the whole panel, I thank you for your hard work and sticking through this. It's super -- obviously, it's extremely important to so many Pennsylvanians. My name is Brian Gordon. I'm the co-director of Concerned Citizens for Democracy, a think tank dedicated to developing a neutral and fair method of redistricting.

After studying the 1972 congressional map and the congressional maps of the last century, CCFD was inspired to develop a set of rules that mandated, mandated drawing districts compactly and in a manner that minimized division of municipalities, whether congressional districts, State House

districts, or State Senate districts. The CCFD method makes partisan drafting of districts difficult but not impossible by denying drafters the ability to pick and choose territory based upon past voting behavior and replacing that discretion with compactly assembled districts using whole municipalities. So I'm going to try to beat Rob Williams in terms of the speed of explaining this thing, and that is what you do is you simply divide your State up into, you know, you start at one corner or the other, and when you start building districts, you use whole wards and cities, we use whole townships and boroughs, and you assemble them compactly. And then when you get to the target population for a 203-seat House seat or a 50-seat Senate seat, then you want to look at the margins of your largest political units, whether it be a county or township, and then add just a sliver of territory at the side using the next largest municipality. And in doing so, you'll wind up with, going sort of seat after seat, you'll wind up with beautifully compact districts.

The other thing that you'll wind up with, which is the wonderful thing about the methodology is, in cities, you're going to wind up with progressive districts that will likely address or elect Democrats; in compact districts in the suburbs -- I'm sorry, in rural areas will likely elect conservatives or Republican Members of the legislature; but in the suburbs, by leaving the suburbs intact and portions of the

northeast and the southwest corners of the State have kind of mixed population because of the history of factories and organizing or coal mining, if those areas are left intact, you're going to get a lot of swing districts. And, of course, the smaller the district, you're going to have more swing districts, as long as you do this sort of mathematically.

Anyway, let me keep going, but that's the essential method of doing this. I think I didn't do it as good as Rob, but I'll keep going.

The significance of CCFD's methodology is that it creates the illusive judicially manageable standard for redistricting. If all districts, whether in the State or Federal level, are composed of townships assembled compactly with the next political subdivision added at the border, this would mean that drafters who violate that standard would -- it would sort of throw up a red flag. So a number of maps are going to be proposed to this Commission, and when you see maps with districts that have tortured shapes that look like the original gerrymander, it should raise a red flag. And when you look at that partisan population underneath, then you can sort of decode what's happening in many of these instances. If you have, for example, a Democratic township that's fragmented into five pieces, that's an example of cracking.

I'm going to speed this up because I know I've probably done my five minutes, so I wanted to conclude and

rush toward the end by saying that the most powerful implication of the method is that you're taking these historic design standards to create a neutral method of drafting, evaluating, judging, and if necessary, redrafting electoral maps. If you use the methodology, your map will likely be approved by the PA Supreme Court when it's challenged. If you use the proposed methodology, you will also set a national standard, because other States will be watching what we do. And if you design these beautifully compact districts, other States will see that it is feasible to do in making these equal districts. Your map will also represent Republicans, Democrats, and Independents with objective criteria to argue that you have done or not done a good job of redistricting, and you will create a fair distribution of seats.

And lastly, by creating more swing seats in populations where they will naturally occur, you will depolarize the legislature, because more seats, more legislators will have to appeal to both sides, to all of their electorate, in order to win their seats.

Thank you for your attention, and thanks for listening to myself and everybody in the group.

CHAIR NORDENBERG: Thank you very much for closing us out on this program strongly. We really are grateful to you. When I think about tonight, I guess there was only one person who stumbled, and that was me, because we're 10 minutes

over. However, Senator Ward is sitting to my left, and she said if you don't do a better job next time, you're going to be feeling the force of my elbow.

Seriously, to go over 10 minutes for what we were able to hear tonight really is a small price to pay. When you think about it, in the course of 2 hours and 10 minutes, really 2 hours and 5 minutes, because we didn't start right on time because of the security concerns that Mr. Hynes mentioned, we heard 22 citizens of Pennsylvania. It was an extraordinarily diverse group in terms of race, gender, age, geography, and topics to be addressed. So I want to thank everyone who participated tonight, everyone who contributed to making it possible.

We will have our fifth hearing tomorrow evening, same location, 5 o'clock. This will be a hybrid. We'll have two presentations featuring invited speakers; the rest of the program will, again, be devoted to citizen witnesses.

I want to thank the Members of the Commission, too. It's been a long two day or two-hearing day, but we're moving forward, and I appreciate all of your contributions to our progress.

Thanks again, and goodnight.

(Whereupon, the proceedings were concluded at 8:11 p.m.)

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

Anne Hanna

This is a written version of my testimony on redistricting security, provided at the public hearing on the evening of 2021.08.03. First, thanks for this hearing, for starting the redistricting process early, and for bringing the public in early Although I hope you'll take seriously the concerns expressed by a previous speaker about accessibility and representation, this process is already infinitely superior to the bad faith festival we had in 2011, and that's thanks to the hard work of a lot of activists, many of whom you have already heard from and will hear from later. I'm a scientist, a data analyst, a mapper, and a member of the Concerned Citizens for Democracy anti-gerrymandering group. I was an expert witness in the 2017-2018 federal lawsuit against the 2011 PA Congressional gerrymander, analyzing the detailed, census-block-level partisan data that was used to gerrymander the state in 2011 and was revealed during the federal litigation. Although that lawsuit was dismissed on standing, CCFD also submitted two amicus briefs during the remedial period of the successful state-level lawsuit, explaining recommendations for neutral redistricting, providing an example map, and dissecting the defendants' attempted stealth re-gerrymander in their own remedial submission. The Court ultimately rejected that attempted regerrymander and substituted its own more neutral map, which bore many structural similarities to our recommendations. The most important takeaways for me from this process were the harm that bad faith and deception can do to a redistricting process, and the importance of guarding PA's future redistrictings from such attacks, both through reform and through ongoing activism. Since then, I have worked with CCFD, FDPA, and Draw the Lines and their Citizen Map Corps to advance these goals. I'd like to thank DTL in particular for the amazing mapping contests they've hosted (in which I've won a couple prizes), and the CMC for inviting me to participate tonight. I hope this commission will pay close attention to their work. In watching your expert hearings this afternoon and prior testimony today, I heard many of the speakers express the importance of: - Having fair standards and processes that you've set out for your maps in advance, chosen based on the constitution, legal precedent, traditional neutral principles, expert advice, and citizen demand. - Seeking, carefully documenting, and respectfully addressing public and expert comment at every point in the process, including after initial map design. - Providing the public with user-friendly versions of all data used by the commission and its members during the mapping process, including not just population counts, demographics, and political boundaries, but also election returns, incumbent locations (at least their precincts or census blocks if not their actual addresses), and more. - Publicly documenting every mapping decision and values tradeoff, and responding to concerns about these decisions. - Going public early and often. I want to add here that the party caucuses and other partisan participants are already drawing their initial draft maps, using the 2019 American Community Survey and other data that are available now; you should do the same. The initial drafts will need adjustment after the final census data are available, but there's no reason to delay getting a general handle on the shape of things, and showing the public how you'll be thinking about it. Given the possibility of a head start, and the ease of quickly drawing decent good-faith maps with modern tools, there is no excuse for a rushed last-minute process that results in questionable maps with no time for public comment. All of these priorities named by earlier speakers are absolutely correct. My CCFD fellows speaking later this evening and tomorrow will fill you in on some of our more specific recommendations on standards and design. But here I want to mention that all of these prior speakers have been talking about how to engage in this process in good faith, and, while that's very important, we also need to remember that, as 2011

proved, there will be many people who are attempting to participate in bad faith, and we need to guard against that. To that end, based on my experience with this issue, here are a few suggestions about what to pay attention to: - Be aware, with every input received, of who is providing it, what their interest is, and what they may not be telling you about how their advice advances their interests. "Citizen input" into redistricting processes has occasionally been astroturfed by partisan organizations. In Florida, for example, a proposed map was submitted by partisan actors in the name of a Floridian who later claimed that he'd never even seen it, much less agreed to submit it; this was documented by David Daley in his book "Ratf*cked". - Crowdsourced "community of interest" data, whether it's maps or written submissions, can be hacked too, in a similar fashion. It's important to "ground-truth" such submissions, both to verify their legitimacy and to identify the organizations behind apparently coordinated submissions. (Coordinated submissions may indeed be legitimate, but it's important to ascertain the corresponding motivations.) - Other perfectly good-faith and admirable criteria can also be abused: - The need to comply with the Voting Rights Act by creating majority-minority districts can be abused in bad faith to pack minority voters into supermajority-minority districts, reducing the number of representatives they can elect overall. General "community of interest" protection, municipal split avoidance, or compactness prioritization can be similarly abused. It's important to examine _all_ the effects of prioritizing a particular criterion, and to not let yourself get rolled by bad actors out of a misguided need to rigidly follow a single narrow metric. - Population equality can abused whether it is strict or loose: - The purported need for strict +/-1 population equality was used in 2011 as an excuse for meandering gerrymandered districts which were designed to _precisely_ follow the outlines of partisan voting patterns, ignoring the constitutional requirements for political subdivision boundaries and compactness and deliberately violating partisan fairness. This excuse was later shown to be false by the ability of both the Pennsylvania Supreme Court and more than a dozen map submitters to construct proposed/actual remedial maps that abided by other Constitutional requirements while still achieving perfect population equality, but it took until 2018 to overturn this bit of bad faith. - Conversely, setting the population equality threshold to be too loose and being inattentive to side effects can allow "packing" of opposition voters by the dominant party, similar to the effects of prison gerrymandering. Imagine, for example, a map designed by Purple-party partisans which sets the population of every opposing Orange-leaning district to be 5% over the average district population threshold while every Purple-leaning district is 5% below the threshold. In a roughly evenly split State House like ours, with 203 seats, that could result in a net loss of nearly 10 seats for the Orange Party. There are many more examples that I don't have time to discuss today, or haven't even thought of. This is why it's important to have dedicated "redistricting security" advisors who will work to discover these kinds of strategies to hack a fair, good-faith redistricting process, and to thwart the bad actors. I hope the commission will prioritize seeking such advice. Thank you for your time.

My name is Ardith Talbott. I live in Solebury, PA which is located in Bucks County where I've lived for 38 years. I live in the 10th Senatorial and the 178th House district. I'm the Bucks County coordinator for Fair Districts PA and have been deeply involved in working for redistricting reform for the past 5 years. I've written many editorials and letters to the editor on the subject of gerrymandering.

I'm here today to ask you to draw senatorial voting districts that will better represent the needs of the citizens of our county. Bucks County population is 628k, making it the fourth largest county in PA. Currently, 4 senatorial districts cover parts of the county, but given the target population of 256k for each state senate district, Bucks County should have 2.5 Senate districts. The organizing principle for such a map is clear once you know a little bit about the County. Let me explain.

The county is organized economically and socially into 3 regions, all bordering the Delaware River to the East. We refer to these regions as Lower Bucks, Central Bucks and Upper Bucks.

For example, there is a Lower Bucks Chamber of Commerce with about 1000 members; there is a Central Bucks Chamber of Commerce of similar size, and there is an Upper Bucks Chamber of Commerce. In regard to education: There is the Lower Buck campus, the Central Bucks campus, and the Upper Bucks campus of the Bucks County Community College. The county has 3 technical schools...you guessed it... There is a Lower Bucks, Central Bucks and Upper Bucks Technical School.

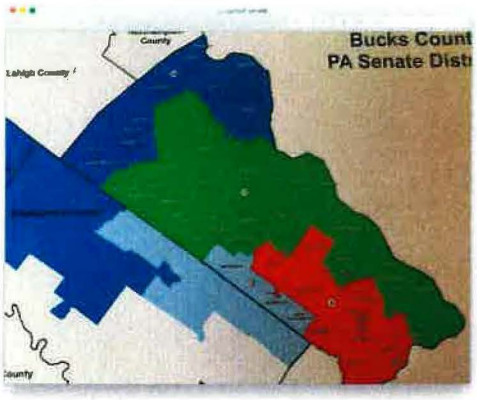
Lower Bucks borders Philadelphia to the South and Trenton, New Jersey to the East. Lower Bucks is more densely populated with older suburban communities like Levittown. It has issues of immigration, poverty and a resulting lower tax base. This part of the county is increasingly racially diverse. There are several underfunded school districts in Lower Bucks.

On the other hand, Central Bucks is relatively affluent and has well-funded public schools. Coincidentally the largest school district is called "Central Bucks School District". Newer suburban communities cover much of this region. However, there are issues related to an aging population, and a lack of public transportation.

Meanwhile, in Upper Bucks you'll find 4 state game lands for hunters, next to family farms, as well as new business startups. The lack of public transportation infrastructure is one of the issues here.

The Bucks County Dept of Economic and Workforce Development sites important differences by these 3 regions of Bucks County.

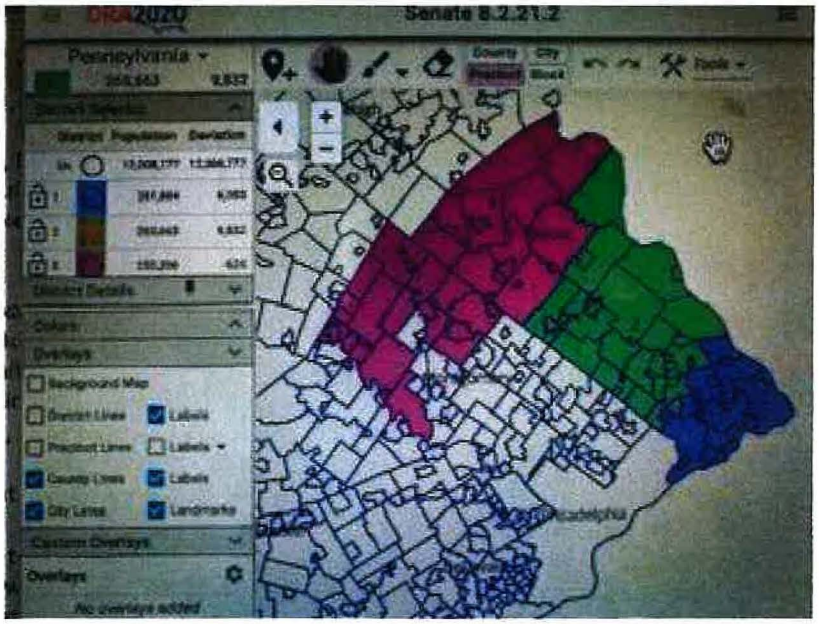
Now let me show you a map of the current senatorial districts.



As you can see, the 10th Senatorial district in green, where I live, covers a piece of Upper Bucks, a piece of Central Bucks and a piece of Lower Bucks County. The senator represents 3 very different socio-economic communities, which sometimes hold conflicting views on fundamental rights. Lower Bucks is divided between two senatorial districts, the 10th and the 6th, cracking the communities of Lower Bucks. Central Bucks is divided between the 10th, the 6th and the 12 Senatorial, and Upper Bucks between two. I haven't heard a good reason why the map was drawn this way, but looking at the historical maps, I suspect gerrymandering is behind much of it.

YOU, the LRC, can fix this.

As I said, Bucks needs 2.5 senators according to our population, and each of our senators could and should represent one of the three regions of Bucks County. Here's an example of a map that makes sense and meets the population requirements.



In this example, each region would have just one senator whose priority is that community. The Lower Bucks district would have a population of about 262K, and Middle Bucks in green would have 266K. Upper bucks would need to include similar communities in a bordering county to reach a target of 255K. As mentioned earlier, the population of the whole County only justifies 2.5 senators.

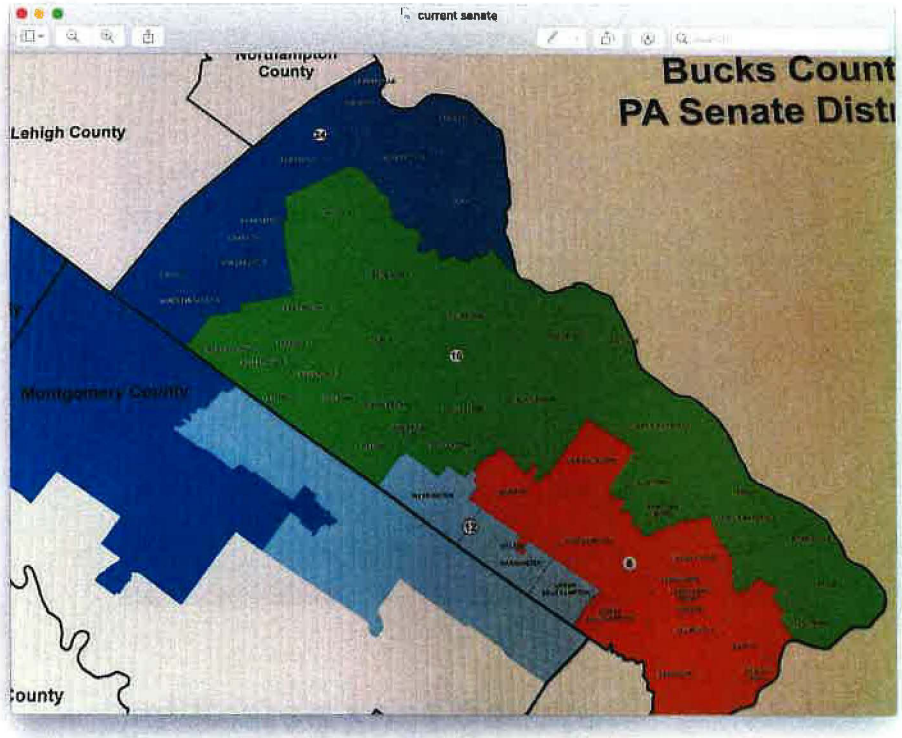
Note that this map is only intended to be an example of what is possible.

Just as a test for fairness, I checked to see what the partisan leaning of these 3 senatorial districts would be. The Lower Bucks district would lean blue; the Middle Bucks district "purple" (50:50), and Upper Bucks would lean red. Bucks County overall IS "purple", so drawing the senate districts this way results in districts that would provide voters with proportional representation.

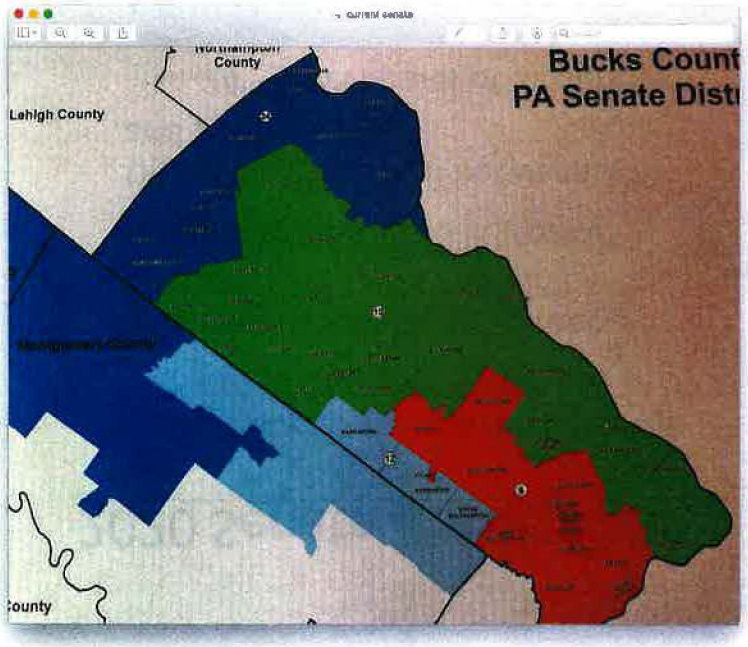
Thank you for providing citizens with the opportunity to have a say in their legislative maps.

2020 Senate Districts

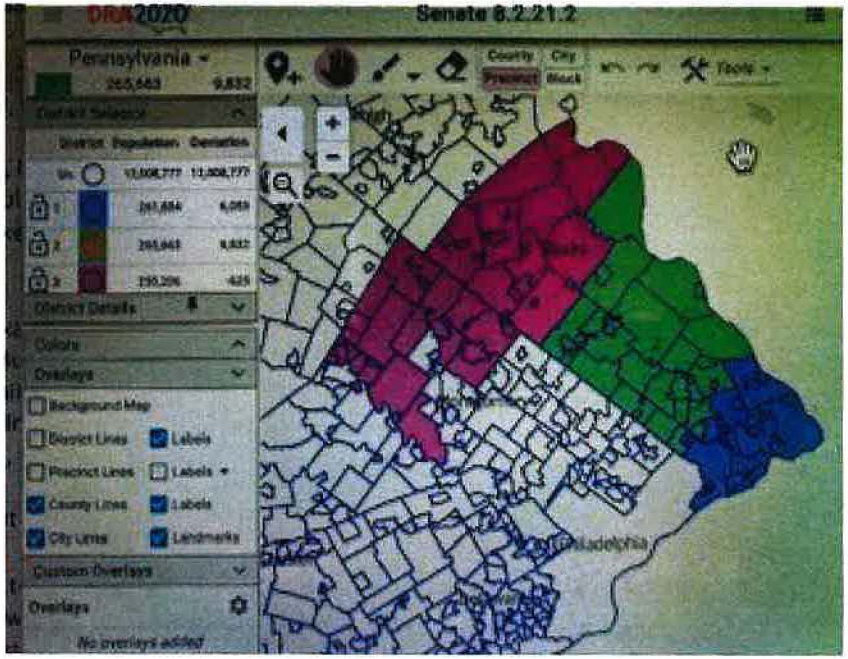
- Lower Bucks is divided between the 10th and 6th Senate districts
- Central Bucks divided between 3 districts – 10th, 6th and 12th
  - Most of the 12th is in Montco
- Upper Bucks divided between 10th and 24th
  - 24th covers parts of 3 counties



2020 Senate Districts



Suggested 2021 Senate



Blyden Potts Shippensburg, Pennsylvania

I wish to focus on three points. I do so as a Pennsylvanian interested in politics, maps, and puzzles, and as a person who has drawn many redistricting maps, a few of which have won awards in contests put on by Draw The Lines PA. Point 1: Looks matter. Despite the existence of quantitative metrics for the core goals that any redistricting plan is supposed to strive for, public reception of the plan will be primarily visual: people looking at a map. How the map looks will be both their first and most lasting impression. The map does not show any metrics. It does not show how even or uneven district population may be. It does not show distribution of party affiliation or how competitive the districts are. What a map shows are splits, how compact the districts are, whether there are clearly gerrymandered shapes, and how "clean" boundary lines are. For good or bad, it is these qualities which most influence how the general public judges a map: Does it pass the "eye test"? Point 2: Good maps have strong regionality. Beyond compactness, clean lines, and splits, another thing people perceive from a map is whether the districts make sense. Districts with regionality make sense. Regionality is similar to the idea of a "community of interest", but instead of being multiple small groups within a district, regionality is the whole district as one natural community with shared interests. Natural communities exist where there are shared institutions: shared economies, shared linguistic and cultural practices, shared media markets, shared membership in the same political units, etc. It is marked most of all by a sense of shared regional identity; a sense that the people belong together as a unit. Regionality is how well the map reflects our sense of these regional identities. These things in turn are shaped by shared geography – land features, waterways, highways, etc – and by geographic boundary features, e.g. mountain ridge lines, large rivers, etc, that create natural break lines in population distribution. To make maps with strong regionality, I often consult a detailed population density map to find these natural breaks in population. Point 3: Use crowdsourcing. In past decades, a redistricting plan might be second-guessed by a few pundits and media, but there were few competing maps – because making a map was labor-intensive. Those days are gone. Today anyone can make a map, in a few hours, using online software, and use those same apps to quickly compare and analyze maps. Thus, the redistricting map this year, and future decades, is likely to face competition from hundreds or even thousands of other maps. It is crucial that the chosen map both look good and be quantifiably excellent. It would be an embarrassment, to the committee and to Pennsylvania – and a basis for legal challenges – if other maps exist with scores that were better than the chosen map on all, or nearly all, the metrics. The Committee should take steps to ensure that their map is among the best of all possible maps. One strategy to do so is to internalize the competition by crowdsourcing the process. Public comment is a first step. Soliciting maps is a better step. I see your comments website will soon have a button by which anyone can submit a statewide map (https://www.redistricting.state.pa.us/comment/) A further step would be to hold a contest among the submitted maps, similar to those held by Draw The Lines PA. Filter out any map for which any other map exists that is superior to it in each of the core metrics. That will leave perhaps a few dozen maps, each superlative in some combination of criteria. Choose your map from that set and it will be at least "in the conversation" for the best of possible maps. Not only does this process almost guarantee a quantifiably excellent map, it also cannot be beat in terms of transparency and democratic process.

Notes: Regarding natural political communities, see Benedict Anderson's (1983) book _Imagined Communities_. Regarding geographic districts: Implicit in the moral justification of districting is the idea that people within a district have certain commonalities that give them shared political interests. If this were not so we should replace them with a system that frees people from being bound to geographic interests and allows them choose what interests matter to them in choosing political representation. That would have been difficult with 18th century technology, but is feasible in the 21st century. Of course, this is beyond the scope of the mission of the Redistricting Committee.

Testimony to PA Legislative Reapportionment Commission
7/31/2021

Hello, my name is Janice Eastbourn-Bloom. I live on a farm about 3 miles north of Ebensburg in Cambria County in Pa. house district #72, senate district #35 and U.S. congressional district #15. I have lived and voted here for about 30 years.

I am co-chair of the Cambria County group of Fair Districts, PA. Some years ago, during a presentation, sponsored by AAUW, I learned that the problem of gerrymandering, which I had read about in 7th grade, was not only continuing to be a problem but has grown exponentially as a result of computer algorithms that mine voter data. And that it continues to create a climate of politics first with the needs of the people way down the line.

Free and fair elections are the basis of democracy, it seems that fair elections are not happening now and this what we at Fair Districts are dedicated to and will not give up on.

In 2016 our US congressional house district (the original district 12 in Figure 1 in my written testimony) stretched from Cambria County the whole way to the Ohio border. Many of us felt that our congressional representative was more concerned about issues in his home area just north of Pittsburg than in our rural area. In 2018, that district became more compact only after action by the PA Supreme Court.

Congressional districts – the original 2011 districts

The legislature's original 2011 Congressional districts were thrown out in 2018 by the PA Supreme Court as unconstitutional.

There were 4 originally districts in SW PA:

District 3 – Armstrong, Butler, Mercer (whole) + parts of Clarion, Crawford, Erie, Lawrence

District 9 – Bedford, Blair, Fayette, Franklin, Fulton, Indiana (whole) + Parts of Cambria, Greene, Huntingdon, Somerset, Washington, and Westmoreland

District 12 – Beaver (whole) + parts of Allegheny, Cambria, Lawrence, Somerset, and Westmoreland

District 18 – Parts of Allegheny, Greene, Washington, and Westmoreland

There were 11 split counties in SW PA alone.

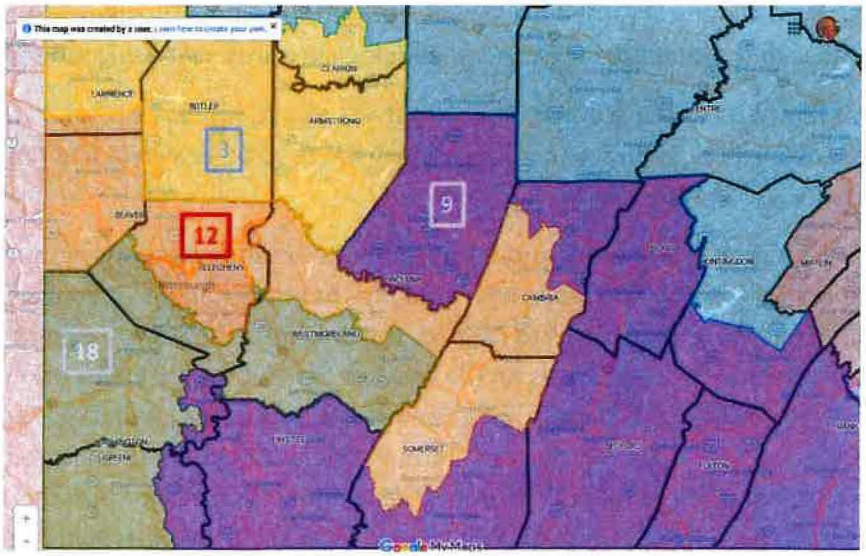


Figure 1. The original congressional districts in and around Cambria County.

But court ordered redistricting only applied to congressional districts. Our state house and senate districts remain, and these were drawn with winding twisty lines. most likely meant to isolate political groups instead of encompassing populations with common identities or values such as farming communities or urban population centers. If you look at Figure 2 in my written testimony, you'll see what I mean.

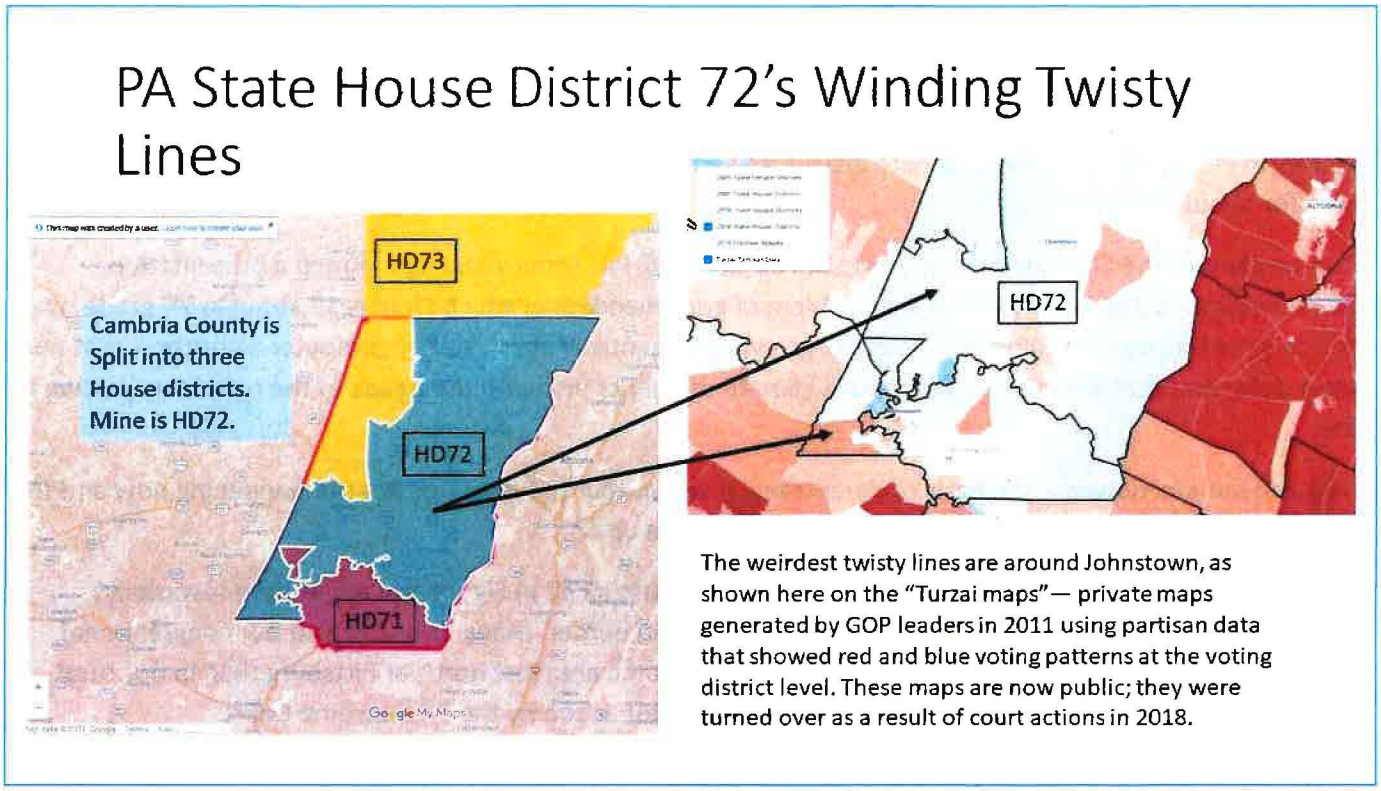


Figure 2. PA House District 72's Winding Twisty Lines and the "Turzai Maps"

We live in a changing world where our governments, both national and state, need to address climate change, education, health care, jobs, and a variety of other issues. These need to be addressed using science, data, and shared values; not according to some ideological purity test designed to get reelected.

What I want is for our elected representatives to act, not as Democrats or Republicans, but as Americans and Pennsylvanians; to allow our state voting districts to be drawn in a fair manner that reflects our communities, interests and shared values.

A very important concern in our farming area is extreme weather patterns. Farmers who have been in the business for forty to fifty years have told me that they had not seen a wet year like 2019 or a dry one like 2020 in all the decades that they had farmed. It would help if our government could get behind farmers and support the installation of solar panels on the roofs of agricultural buildings or on unused land, as proposed in the widely-cosponsored, bipartisan bill, Community Solar Legislation (SB472/HB1555).[1] This bill, which is still sitting in committee, would provide farmers the opportunity to lease roofs or unused land to community solar cooperatives. This extra income would help stabilize farm income in this increasingly erratic climate. Other legislation (like SB501/HB1080 which would increase the Alternative Energy Portfolio Standards)[2] would create incentives for farmers and other landowners to install their own solar arrays which would help them lower their energy bills, generate some extra income by selling SRECs and help decrease the threat of our extreme weather patterns. Our elected officials have to pull together to make this kind of infrastructure a reality and that is very difficult to do with hyper-partisan government. Unfair voting districts reduce the need for compromise across the aisle, leaving even strongly supported bills like these to often die in committee.

Thank you for the opportunity to testify today. I applaud your efforts to make this process transparent and fair.

[1]Described here: https://www.solarpowerworldonline.com/2021/03/pennsylvania-senate-considers-bipartisan-community-solar-legislation/

[2]Described here: https://technical.ly/philly/2021/04/15/pennsylvania-solar-jobs/

Howard Wiener

August 3, 2021

My name is Howard Wiener, I live in Philadelphia, and I am speaking on behalf of myself and CCFD, a nonpartisan think tank whose goal is to end partisan gerrymandering. A few other CCFD members will be addressing the LRC today, but we've worked together so that, to avoid redundancy, we each will talk about diff aspects of gerrymandering and the LRC's responsibility or job, that is, to draw a state legislative district map. I'm a retired federal prosecutor, so I will focus on the legal aspects of the LRC's job. First, we believe the polestar for the LRC's job is the PA Supreme Court 2018 decision in the LWV case. CCFD participated in that case as an amicus, and we submitted a map similar to the one the Court ultimately approved. My presentation relies heavily on what the Supreme Court said in that opinion. You are welcome to ask me at any time for the page citations in the opinion that support anything I say today. Although that case dealt with Congressional redistricting, we believe the Supreme Court's ruling applies equally to both Congressional and state legislative redistricting. The ruling is based on a PA Constitutional provision, the Free and Equal Elections Clause (FEEC), so it applies to all PA residents and institutions, including the state legislature and the LRC. Therefore, the ruling should apply to both types of redistricting. And therefore, we urge the LRC to use that ruling as the basis for its actions. That ruling basically adopted objective neutral criteria. It stated that the Constitution requires districts to be compact and contiguous, with minimal division of political subdivisions unless necessary to ensure equal population. The exact formulation of the Court's criteria is set forth on page 123 of its opinion and its accompanying Order. It is clear and concise. Therefore, we urge the LRC to use and apply it. Significantly, the Court said: any other factors are wholly subordinate to these neutral criteria. If these primary neutral criteria are utilized, then there cannot possibly be partisan intent in the creation of the map. And the map that results likely will not result in a partisan effect. The best way to eliminate the possibility of partisan intent is to explicitly adopt and apply these neutral criteria. Furthermore, such objective criteria also provide a judicially manageable standard. Our group has devoted much time to developing a specific and explicit methodology to apply and implement the Court's neutral criteria. We both use the same criteria. But our methodology utilizes a simple step by step approach to drawing a map. If and when our methodology is applied, the resulting map will satisfy these criteria. And applying our methodology will essentially eliminate any opportunity for partisan gerrymandering. We already have sent a short memo detailing our methodology to the LRC, and we intend to submit it again to the LRC to make it a permanent part of the record of its proceedings. Judicial Scrutiny Most importantly, it is self-evident that the map the LRC devises can and likely will be contested in the PA Supreme Court. Not only is the Supreme Court authorized to consider a challenge to the LRC's map, the Court made it clear that it will intervene in the redistricting process whenever that process goes off the rails. It is in the interest of the LRC, the legislature, and the public for the LRC's map to pass judicial scrutiny. Respectfully, there is no point to serving as a member of a public commission that a court someday rules operated in a partisan fashion. The best way to avoid an adverse judicial ruling is for the LRC to both (a) explicitly adopt the Supreme Court's criteria and our group's methodology into the report it eventually publishes along with its legislative map, and (b) explicitly apply our methodology. That way, the Court will be able to clearly see what the LRC has done. The LRC's process will be transparent. It will be much easier for you, the members of the LRC, to defend your map before the Court. The Court will want to know the basis for the LRC's map, that is, both the criteria and methodology it utilized and whether and how it applied that methodology. And the Court will more likely approve your map if it views that map as based on clear, judicially manageable standards that were implemented in a nonpartisan fashion. The bottom line: we respectfully

ask you to ask yourselves the following: What is the point in devoting hours of effort to creating a map, only to have the PA Supreme Court throw it out? Thank you for your attention and for giving me the opportunity to speak.

I'm Kathleen O'Connell, I have lived near State College, in Centre County for over 50 years. I live in PA House District 171, Senate District 34, and Congressional District 12. I care about redistricting in Pennsylvania because it's the basis of our democracy. Fair, non-partisan redistricting allows for the true representation of all our citizens in Harrisburg. According to PA.gov, Centre County has slightly more registered Democrats (43,976) than Republicans (42,174), but you wouldn't know that in Harrisburg, because my county is diced into four districts, which were drawn so we are misrepresented by 3 Republicans and one Democrat, all in safe districts. My current three representatives have ignored my emails, phone calls and requests for meetings, which doesn't cost them anything, as they will get re-elected in their safely partisan drawn districts. You in Harrisburg have been entrusted with this most sacred duty to draw districts that fairly represent Pennsylvania. The type of slicing that happened in 2010 makes voters, including myself, feel hopeless. The consequence of distorting districts makes citizens not trust legislator-based redistricting. I can't see any reason for Centre County being sliced into four state House and two Congressional Districts, except partisan politics. One of my current reps explained that they had to change district lines when a representative moved so they could keep their district. I thought to myself, what does that have to do with a fair, representative democracy? Maybe a good way to think about redistricting is my mom's rule for sharing chocolate cake: you cut, your brother picks which piece he wants. You can bet I made sure those slices were fair! I taught social studies to public school sixth graders for 30 years. Teaching about how my country works as a democracy was one of my pleasures. But after the 2016 congressional election in PA, I was at a loss to explain to my students how Republicans won 13 out of 18 seats with less than half the votes cast for their candidates. That was a quick lesson on gerrymandering. If representatives gerrymander again, people in Pennsylvania will distrust government even more. I've collected hundreds of signatures against gerrymandering for Fair Districts at every election since 2017; the most common response after I explained that process was, "Is that even legal?" People care about this issue. Please don't partisan gerrymander this time. Include citizens in the redistricting process like you are now. Invite so much public input your aides have to work overtime to assess it all. Explain when district divisions must be made (otherwise, citizens assume you are doing it to stay in power). Staying in power is not your job. Representing citizens is your job. Thank you for my opportunity to be represented in Harrisburg

Chair Nordenberg, Leaders Ward, McClinton, Benninghoff, and Costa:

Thank you for heeding the call for transparency in the Commission's work.

My name is Michael Waxenberg. I'm speaking to you from Pike County, where my wife and I have been homeowners since 1989. Three months ago, I appeared before this commission, seeking the seat now occupied by Chancellor Nordenberg. Congratulations, Sir. The Court could not have chosen more wisely.

By profession, I manage technology risk. My first experience drawing maps came in 2018, when I used DRA to support litigants before the Pennsylvania Supreme Court. I subsequently collaborated with my daughters on prize-winning maps in the Draw the Lines Competition. The Princeton Gerrymandering Project recently invited me to join their National Mapping Corps.

Tonight though, I wish to address an issue in our region that I believe will resonate throughout the Commonwealth. I'll begin with a brief description of our community and those around it. Then I'll share the recent history of our representation in the State Senate, to demonstrate how the Senate map has diverged from our real communities of interest. I have separately shared some images that illustrate our problem. I will conclude with recommendations for the Commission.

Pike County lies in the Northeast corner of the Commonwealth, bounded by Monroe to the south, Wayne to the northwest, and the Delaware River to the east. Since at least the 1960s, our economy has been largely defined by recreation, tourism, and services for owners of second homes. Pike has carved out a niche as the quieter alternative to Monroe, the more developed Pocono county.

Like Monroe, Pike also appeals to commuters with jobs in New York City and Northern New Jersey, reflecting the rapid rise of housing costs in the New York City metro area. This migration may accelerate as the pandemic has steered more employers toward flexible work arrangements.

The bus routes that serve the Pocono region reflect this condition. (Fig.1) These routes operate primarily during the morning and evening commutes. As a frequent passenger on the 4:47am bus from Lords Valley, I can attest that few passengers ride these buses for leisure or comfort.

Thus, geography and economics have defined a Pocono commuter and recreation rim, comprising Pike and Monroe counties, with its northern end roughly at the town of Hawley on the Pike-Wayne border. Beyond Hawley lies the heartland of northern Pennsylvania, the right arm of the famous rural "T".

Meanwhile, since 1966, our representation in the Senate has evolved in the opposite direction from that of our communities.

Until 1966, Pike and Monroe were united in the 14th Senate District. (Fig.2a) Then, for the purposes of population equivalence, the 14th moved to the southern half of Luzerne County. The 20th District, which had simply been Luzerne, kept the northern part of that county and added Pike, most of Monroe, and rural Wayne, Susquehanna, and Wyoming. (Fig.2b) In subsequent cycles, SD20 has retained this basic collar shape, encircling much of Lackawanna County. (Figs.2c-2g)

While Pike has been a constant presence in the 20th since 1966, the treatment of Monroe has varied widely. By 2001, Monroe was divided among six Senate districts, although its population would fit easily in one. (Fig.2f) The 2012 map reduced these splits; but for the first time, Monroe and Pike were separated completely. (Fig.2g) As we became more similar, the Commission has pushed us apart.

What are the consequences? First, note that when the boundaries of SD20 changed drastically in 1966, its representation did not change at all. T. Newell Wood held the seat without interruption from 1947 to 1978. He lived in Harvey's Lake, northwest of Wilkes-Barre. His successors have all lived within a few miles of Wilkes-Barre.

Through 14 terms, SD20 has been the province of one Luzerne County party organization, with lines carefully etched to protect incumbents who live at the western end of the district. The current, jagged lines reflect an arrangement that ensured tenure not only for our own Senator Baker, but also Senator Yudichak, who lives eight miles from Senator Baker and who ironically left the Democratic Party in 2019.

Where does that leave Pike? For 54 years, our Senators have owed first allegiance to Wilkes-Barre, and then to the rural counties to the north. That allegiance is evident in the legislation they sponsor, the committees on which they sit, and the way they divide their time in the district. And as Monroe County has left SD20, our senators have even less reason to prioritize our community's interests.

The solution, I believe, is simple. Together, Pike and Monroe Counties have nearly enough residents to comprise a Senate district. While it is difficult to propose exact boundaries without final data, I will say this: Pike and Monroe can be united in a single district, without requiring new divisions elsewhere. I have provided two examples in my supporting exhibits (Figs 3a-3b). I can provide updates upon receipt of final Census data.

Thank you for your attention.

Fig. 1: Pocono Commuter Bus Services as of August 2021

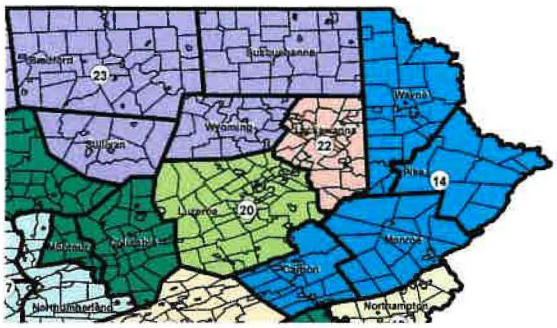


Figure 2a: State Senate (NE PA) - 1964

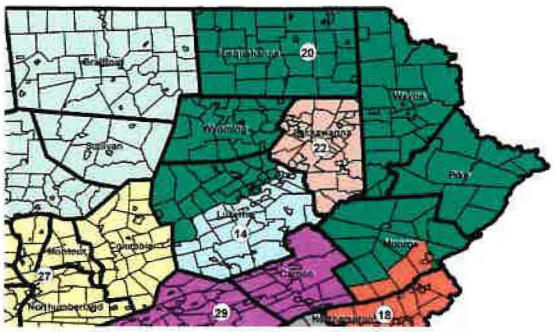


Figure 2b: State Senate (NE PA) - 1966

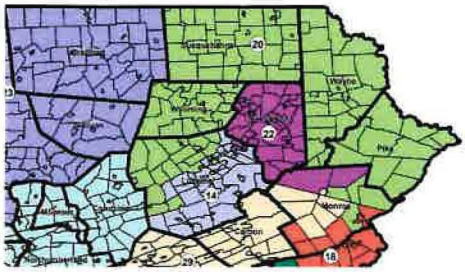


Figure 2c: State Senate (NE PA) - 1971

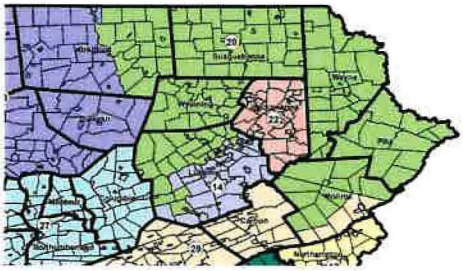


Figure 2d: State Senate (NE PA) - 1981

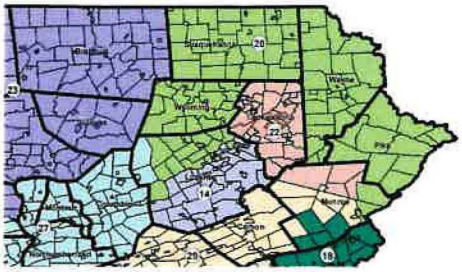


Figure 2e: State Senate (NE PA) - 1991

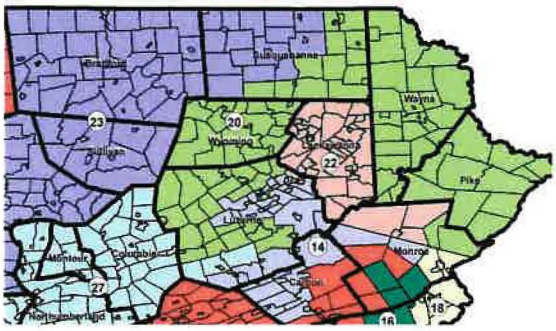


Figure 2f: State Senate (NE PA) - 2001

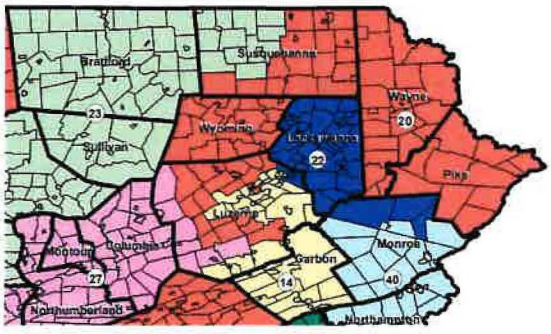


Figure 2g: State Senate (NE PA) - Current

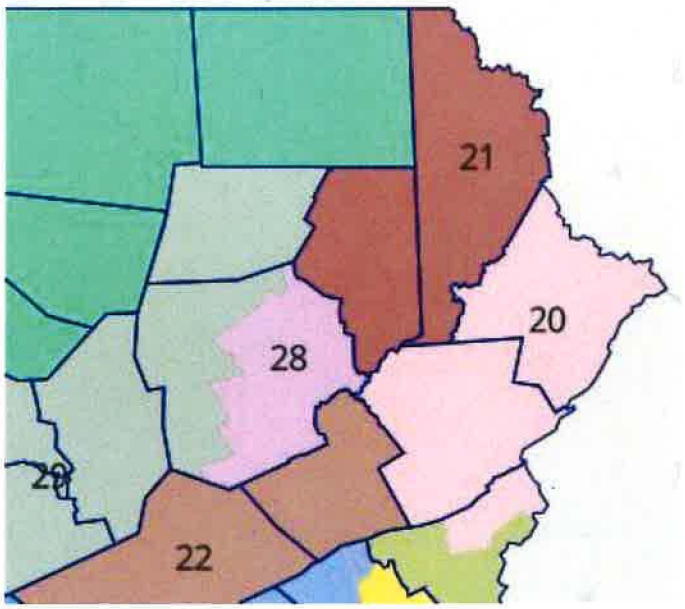


Figure 3a: State Senate (NE PA) – Sample A

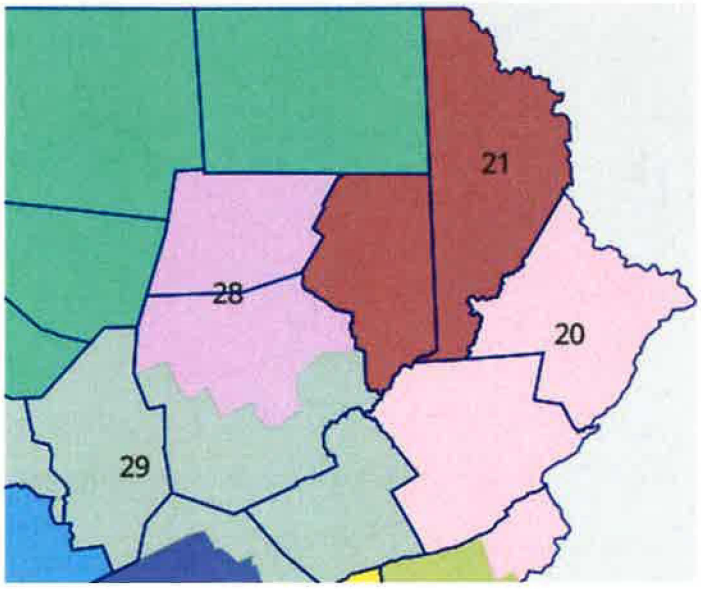


Figure 3b: State Senate (NE PA) – Sample B

Rosalyn Cahill\

August 3, 2021, Legislative Reapportionment Committee Hearing

End Gerrymandering of Senatorial District 24

Thank you for allowing me the opportunity to speak to this legislative committee. My name is Rosalyn Cahill, a voter in Tinicum Township, Bucks County for over 40 years. I am also a member of the League of Women Voters of Bucks County, Fair Districts of PA, and the Tinicum Civic Association, all non-partisan groups. My concern is in the way redistricting has been done. You see we, in the upper Bucks County area were plucked from a Bucks County district and dropped into the strangely configured and convoluted 24th Senatorial District joining residents from Montgomery County and Berks County. It appears to be awkwardly shaped to ensure a legislator's re-election. Prior to 2011 we resided in District 10 which is completely within Bucks County whereas now our little corner of Bucks County is no longer included. District 10 represents voters from all political parties with a balance of interests. It is a competitive district. With the relocation of a portion of voters into District 24 the balance of interests has been altered in that district. It is evident that District 24 is now heavily skewed for one party therefore once the incumbent wins in the primary they are almost guaranteed a win in the general election. I do not feel that our Delaware River communities in Bucks County are represented in District 24 as we had been when in District 10. In fact, we rarely see or hear from our Senator. Many people still call the offices of the 10th Senatorial district for help because they are always responsive to our needs. Most voters in Tinicum do not even realize that we are no longer in a State Senatorial District which is solely in Bucks County. We are a Bucks County community and should stay that way. With that in mind and, as a resident of Bucks County I am concerned that my family's interests are not represented nor heard. It is important that a clear standard against dividing counties and municipalities any more than necessary be presented. This would be one way to keep communities of interest intact. It is also logical that the district boundaries conform to natural boundaries, since we are part of the Delaware River community. These goals were promoted in the Legislative Congressional Redistricting Act. That is not the case right now with District 24. Please prevent partisan gerrymandering. And please keep in mind that the responsibility of redistricting should be done by an independent commission with a diverse membership. Thank you again for giving me the time to express the need to stop gerrymandering and to request that Tinicum Township be returned to its Bucks County Senatorial District 10 with our Delaware River communities.