

MEETING MINUTES
2021 PA LEGISLATIVE REAPPORTIONMENT COMMISSION

Date and time of meeting: December 16, 2021, 1:00 p.m.

Location: Hearing Room No. 1, North Office Building

AGENDA

1. Call to Order and Opening Remarks
2. Approval of Minutes for meetings held on August 24, 2021,
September 21, 2021, and October 25, 2021
3. Introduction and consideration of preliminary plan
 - A. Introductory remarks by Chair
 - B. Opening comments by Commissioners
 - C. Discussion
 - D. Vote
4. Scheduling of public hearings and procedure for any exceptions
to preliminary plan
5. Adjournment

Chair Mark Nordenberg called the meeting to order at 1:00 p.m.

He recognized the other members of the Commission in attendance:

- House Majority Leader Kerry Benninghoff
- Senate Democratic Leader Jay Costa
- House Democratic Leader Joanna McClinton
- Senate Majority Leader Kim Ward

Chair Nordenberg welcomed citizens who are in attendance and those who were participating via the livestream telecast. He expressed his sincere appreciation to the other four members of the Commission for their continued diligence in conducting the work of the Commission. He noted that over the past seven months of working with each Commission member, he found that each of them has been fully attentive to the responsibilities place upon them, because of their respective leadership positions, by the provisions of the State Constitution.

Chair Nordenberg then called for action on the first item on the agenda, approval of meeting minutes for meetings held on August 24, 2021, September 21, 2021, and October 25, 2021. Hearing no discussion, Chair Nordenberg called for a motion for approval of the three sets of meeting minutes:

- Motion by Commissioner Costa to approve all three sets of minutes
- Second by Commissioner McClinton

Chair Nordenberg then called for a vote on the motion:

- Commissioner Benninghoff – Aye
- Commissioner Costa – Aye
- Commissioner McClinton – Aye
- Commissioner Ward – Aye
- Chair Nordenberg – Aye

Chair Nordenberg announced that the motion passed unanimously.

Chair Nordenberg then presented a brief review on the purpose of the Legislative Reapportionment Commission noting that it was created under Article II of the State Constitution over 50 years ago. He pointed out that the Commission replaced the role of the legislature in performing the required reapportionment

of the Commonwealth's House and Senate districts. Under the current structure, the four caucus leaders are positioned to contribute distinctive perspectives on the Commonwealth as well as the legislative processes within each caucus. Thus, he noted that the work of the Commission will still be influenced by partisan objectives than would be true of a totally independent commission like those that have been created by other states.

Chair Nordenberg then stated that what is under consideration at this meeting is a preliminary plan with maps showing the proposed districts for the 203 House seats and the 50 Senate seats. If approved, the plan is then filed with the office of the Secretary of the Commonwealth by the end of the day. This action will then trigger a 30-day period within which any person aggrieved by the plan can file exceptions, which the Commission will consider. He stated the Commission will continue to hold public hearings in order to receive additional input. Then the Commission will meet again to consider possible changes to either map before filing a final reapportionment plan to the office of the Secretary of the Commonwealth. Once that is done, persons still aggrieved can file an appeal on the final plan with the State Supreme Court.

Chair Nordenberg again reminded the Commission members that due to the delay in receiving the Census data, the Commission was forced to operate under a very strict timeline. While the Constitution provides for a 90-day period in which to prepare the preliminary plan, he noted that this Commission accomplished that task in just over 60 days. He thanked the Commission members and their respective teams for their efforts and also thanked the members of the Commission's staff. He cited the staff as a very strong team.

Chair Nordenberg reminded everyone that the reapportionment process is guided by the State and Federal Constitutions in order to provide a good result for the people of Pennsylvania and assure the principle of one person, one vote.

Chair Nordenberg pointed out that the preliminary plan, based on independent assessments, has both maps favoring the Republican party. This is due in part to political geography, especially since so many of the state's Democratic voters live in the Southeast corner of the state which is hemmed in by the borders of New

Jersey and Delaware. He stressed that the Commission staff is neither partisan nor anti-incumbent but also that when population changes require new maps, those maps invariably will affect incumbents.

Chair Nordenberg commented that many people have told him that it is easy to draw redistricting maps. However, when getting more information, he found that the overwhelming majority of maps submitted to contests held by good governance groups were for the state's 17-district congressional map, a smaller number of submissions for the 50-district Senate map, and very few for the 203-district House map. He firmly stated that he has found from experience that nothing is easy about drawing these maps.

Chair Nordenberg noted the Commission has held nine hearings, that included 29 presentations by experts and 51 presentations by interested citizens. There have also been 724 submissions to the website, and the submission of 19 Senate maps and 10 House maps from individuals. There have also been submissions from such groups as Draw the Lines, Fair Districts PA, and Pennsylvania Voices.

Chair Nordenberg stated the proposed House map compares favorably to the current map except for overall deviation, which is much higher. The higher deviation is due to the reduction of splits in county and municipality borders, as well as special attention to racial equity. However, the average absolute deviation is only two percent, reflecting that district-to-district deviations have been kept at a markedly lower level. He pointed out that the preliminary House map includes seven minority opportunity districts, true Voting Rights Act districts, minority influence districts, and coalition districts where there is no incumbent, thus creating special opportunities for the possible election of minority representatives.

Chair Nordenberg then turned to the preliminary Senate map noting that it fares well when compared to the current map on almost every measure except for overall deviation and absolute deviation. So, this map will need further attention. The map does include a minority influence district in Lehigh County that has no incumbent.

Chair Nordenberg closed his remarks by encouraging those who are interested to review the plan and submit suggestions for improvement. While the Commission may not accept every idea that is submitted, he stressed that every idea will be considered. Suggestions can be submitted on the website or in writing to the Commission office. However, all submissions must be received no later than January 18, 2022.

Commissioner Ward was asked to make comments. She thanked the Chair for his leadership, citing the accomplishment of getting to this point before the 90-day window had expired. However, she cited that the Senate map still needs corrections to be made and urged that the Commission continue to stay focused on the task in order to get the final plan approved in time to meet the calendar requirements of the spring election. She noted that if counties are forced to delay the spring elections, it would create significant increased costs to each of them. She said it has been an honor to serve on the Commission.

Commissioner Costa then made comments. He cited the significant amount of public comment that this Commission has received compared to the 2011 Commission, on which he also served. He stressed that the next 30 days would be critical in hearing what the public has to say about the maps in the preliminary plan. He noted that there will still be opportunities to make adjustments and improve the maps even further. He also thanked the Chair for his leadership.

Commissioner Benninghoff then spoke. He noted that the Commission is making decisions that will impact the citizens of Pennsylvania for the next ten years and thus he has been actively participating in and watching the work of the Commission. He then firmly stated that he sees the House map as extremely partisan gerrymandering. He specifically cited the proposed 84th House district as a gerrymandered, reptilian-looking district. He also raised his concerns that communities of interest are not being seriously considered in the drawing of the House map. He feels the process has become a mechanical and emotionless exercise in lines and numbers and not considering the needs of the people of Pennsylvania. He stated that the State Supreme Court would reject this current proposed House map. He referred to the map as a danger to our system of government as it upends the established norms and emphasis on local control.

and local voices that Pennsylvanians hold dear. He cited the splitting of major cities as blatantly unconstitutional noting that the Constitution demands that municipalities be split only when absolutely necessary. He also noted that the proposed map has 12 Republican incumbents running against each other while only two Democrat incumbents will face each other. And there are four other districts where incumbent Republicans are pitted against incumbent Democrats. He urged that changes be made. He also requested that an analysis done by Dr. Michael Barber of Brigham Young University be admitted to the record and Chair Nordenberg agreed to the request. Commissioner Benninghoff concluded his remarks by stating that he would not vote in favor of the House map.

Commission McClinton then spoke. She commented that she has truly appreciated the opportunity to serve on the Commission and thanked the Chair for his work. She feels the Commission has produced a fair preliminary plan. She noted how the demographics of the Commonwealth have changed over the past ten years with dramatic shifts in the census numbers that reflect a solid growth of people living in urban and suburban areas while there has been a significant drop in the population of the rural areas of the state. She pointed out that there has been a substantial increase in the minority population of Pennsylvania—people who are Black, Hispanic, Asian, or multiracial increased by more than 800,000 while the White population decreased by more than 540,000. The racial composition of Pennsylvania is now more than 10 percent.

She stated that she will vote in favor of the preliminary plan for the following reasons:

1. The House map fairly accounts for the dramatic changes in the population of the Commonwealth since the last census. This will result in three new House districts in Philadelphia, Lancaster and Montgomery Counties. The plan also comports with the Voting Rights Act and eliminates the representation inequities that result when incarcerated persons are counted where they are in prison rather than at their home locations.
2. The preliminary House map is representative of the Commonwealth as it is today and allows for equal participation in the electoral process. The map consists of 203 compact and contiguous Representative districts that are

nearly equal in population and satisfies the free and equal mandate in the Pennsylvania Constitution.

3. The preliminary plan is the product of an inclusive process, robust debate, and expert collaboration.

Chair Nordenberg thanked all four Commissioners for their comments. He then stated that a request had been made to separate the vote on the preliminary plan and to instead vote separately on the proposed Senate map and the proposed House map. Commissioner Benninghoff stated that he wanted to be able to support the map that he believes in and by bifurcating the vote, he can support the Senate map.

Chair Nordenberg then asked for a motion to hold separate votes on the two maps:

- Motion by Commissioner Benninghoff to bifurcate the votes on the maps
- Second by Commissioner Ward

Chair Nordenberg then call for a vote on the motion:

- Commissioner Benninghoff – Aye
- Commissioner Costa – Aye
- Commissioner McClinton – Aye
- Commissioner Ward – Aye
- Chair Nordenberg – Aye

Chair Nordenberg announced that the motion passed unanimously.

Chair Nordenberg then asked for a motion to accept the Senate map in the preliminary plan:

- Motion by Commissioner Costa to accept the preliminary Senate map
- Second by Commissioner Ward

Chair Nordenberg then called for a vote on the motion:

- Commissioner Benninghoff – Aye
- Commissioner Costa – Aye
- Commissioner McClinton – Aye
- Commissioner Ward – Aye
- Chair Nordenberg – Aye

Chair Nordenberg announced that the motion passed unanimously.

Chair Nordenberg then asked for a motion to accept the House map in the preliminary plan:

- Motion by Commissioner McClinton to accept the preliminary House map
- Second by Commissioner Costa

Chair Nordenberg then called for a vote on the motion:

- Commissioner Benninghoff – No
- Commissioner Costa – Aye
- Commissioner McClinton – Aye
- Commissioner Ward – No
- Chair Nordenberg – Aye

Chair Nordenberg announced the motion passed on a 3-2 vote.

Chair Nordenberg announced that the Commission would continue to hold public hearings in early January.

With no further business, Chair Nordenberg adjourned the meeting at 2:10 p.m.