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.