

## **Testimony from Alan Novak and TJ Rooney—Redistricting Legislation Public Hearing**

Let me begin saying that we have always believed that to the winner go the spoils—as long as the winner doesn't overreach. We are here today because of perceived overreach.

We will also say that proponents of the past congressional maps not only lost the legal challenge, they lost in the court of public opinion. (dairy farmers conversation at Dairy Summit).

We often discuss our concern and belief that among the causes of the extreme partisanship that afflicts us today is extreme gerrymandering. Not that less gerrymandered districts alone will reduce partisanship and increase bipartisan outcomes, but it may be a little bit of a start.

We don't think we can ever avoid some degree of gerrymandering because gerrymandering is in the eye of the beholder. There will always be people who disagree with a district, who see a partisan advantage and cry gerrymandering; who think that a district should extend north into a neighboring county rather than east into a different adjoining county. We cannot avoid those people. We just should not give them any objective evidence of their accusation of gerrymandering. We can achieve that by adopting and implementing a transparent process with criteria for congressional and legislative districts that minimize partisan advantage (not eliminating it), that enhances balance, rationality, fairness, commonsense and public trust.

Such criteria would include:

relative population equality (with acceptable deviations)

geographic and regional integrity

geographic features

minimizing county and municipal splits

maintain communities of interest

district shape

Other factors to be considered are the federal Voting Rights Act and federal law.

We are persuaded that we can avoid the partisan overreach and achieve balance while maintaining public accountability. What we believe other states are doing and what Pennsylvania is considering is removing the appearance that legislators who have a great stake in the process of designing districts will not directly make those decisions--an independent commission will. This shifting of responsibility and accountability is not ideal to us. An independent commission is not publicly accountable; our legislature is.

We always ask What, How, Who and When type questions when analyzing a problem. The legislation we have reviewed devotes much time to Who but not so much to the What, and How. The legislature has the authority to enact maps and the legislature is accountable to the public. Creating a redistricting commission shifts that public accountability. In our minds, that is not ideal.

A commission no matter how well intentioned will be led by “experts and consultants, statisticians and technicians” who will dominate the process. Again, ultimate public accountability is our issue with an independent commission.

Each state is unique to its geography, its communities, and its regions of interest. We have natural connections that straight lines can’t address as well as the knowledge of the people who live there.

We believe that our legislature should retain and take full responsibility for the redistricting process. It should adopt criteria and a process that invites public input and public comment while encouraging public trust through transparency. We have confidence our legislature can do this and improve the present process. It is its proper role in a representative democracy.

The legislature can certainly establish criteria for redistricting that improves upon the past process. It can set parameters and establish allowable deviations that achieve balance and fairness

We also believe that the legislature has a role not only in crafting and enacting the legislation to achieve balance, logic, consistency, geographic integrity, and fairness in districts. It has a role in bringing community knowledge to the process. The members of the legislature know their districts. They would know where population deviation makes sense to achieve the other criteria. They would be sensitive to natural geographic alignment. They would know community-based reasons why a district should extend north rather than east.

No map will ever be perfect: nor will any process. However, we should not allow pursuit of perfect be the enemy of good. We can surely improve our redistricting process, enhance trust, have transparency and adopt rationale criteria and parameters via legislative consensus while maintaining the legislature's accountability.