

March 7, 2021

To: Senate Committee on Redistricting
House Special Committee on Redistricting
Re: Public testimony on Legislative and Congressional Redistricting
Date: Tuesday, March 16, 2021
Time: 5:30 P.M.

I am a resident of CD-4, SD-1, and HD-1. I am submitting my testimony as an individual citizen and do not represent any group.

I have read the February 25, 2021 testimony submitted by Rebecca Gladstone, Norman Turrill and Christopher Cobey on behalf of the League of Women Voters of Oregon. I concur with the League's testimony with the exception of the following entry:

With the repeated delays in the delivery to the states of the necessary US Census Bureau's redistricting data until as late as September 30, 2021, we urge the Legislative Assembly to use this year's general session to propose for the 2022 ballot a Constitutional amendment creating a citizens' redistricting commission comparable to that proposed by People Not Politicians (PNP) in 2020 (IP 57). Even during the pandemic, PNP, of which the LWVOR has been a primary sponsor, gathered more than 64,000 signatures of Oregon voters for IP 57. This amply demonstrated the popularity of IP 57 among voters. We also urge the Legislature to create at least an independent citizens' advisory commission, as more than a dozen states have already done, for the 2021 Oregon redistricting process in the seven months before the Census Bureau redistricting data is expected to be received.

I support the creation of a citizens' redistricting commission that conforms to the recommendations of the Brennan Center for Justice. My objection relates to the timing of placing a Constitutional amendment on the Oregon ballot. Specifically, the Brennan Center for Justice recommends that "States should adopt independent citizen commissions to draw maps or add other safeguards to prevent partisan bias in the redistricting process, and Congress should pass legislation requiring them to do so for federal maps."

To assure that there is fairness across the board in all fifty states for congressional redistricting, congressional legislation must happen first. If a state-by-state approach is adopted before federal legislation is enacted and upheld in court, the problems created by extreme gerrymandering are likely to be exacerbated rather than alleviated.

It is not hard to imagine Democratic-leaning states like Oregon embracing citizen redistricting committees because of our state's commitment to voter access and democratic process.

Looking to Republican-leaning states, what is likely to happen? Given the GOP's recent history, as supported by evidence contained herein, it is reasonable to assume that Republican-controlled states will either oppose citizen redistricting committees in their own states where they will be unwilling to give up a clear advantage or, if initiatives succeed at the ballot box, will work to undermine them.

In support of my argument, I have included comments from the Brennan Center for Justice's report, "Extreme Maps," (May 9, 2017) which is included by reference in my testimony.

<https://www.brennancenter.org/our-work/research-reports/extreme-maps>.

This report focuses on one of the most egregious of these abuses: the manipulation of district lines to give the party drawing the map a share of seats grossly at odds with statewide election results, thus ensuring that one party is overrepresented and the other underrepresented in a delegation.

To gauge where this type of gerrymandering is taking place and its magnitude, this report used election results in states with six or more congressional districts to assess the extent and the durability of "partisan bias" — the degree of systematic advantage one party receives over another in turning votes into seats. For this analysis, this report used multiple quantitative measures of partisan bias to examine the 2012, 2014, and 2016 congressional elections. It also looked at the relationship between the body that drew the maps and the degree of bias observed. It is among the first analyses to use 2016 electoral data to examine maps, and the first report of its kind to measure maps using multiple measures of bias and to identify the handful of single-party controlled states that are responsible for nearly all of the bias in this decade's maps.

Our key findings include:

This decade's congressional maps are consistently biased in favor of Republicans.

- *In the 26 states that account for 85 percent of congressional districts, Republicans derive a net benefit of at least 16-17 congressional seats in the current Congress from partisan bias. This advantage represents a significant portion of the 24 seats Democrats would need to pick up to regain control of the U.S. House of Representatives in 2018.*

Just seven states account for almost all of the bias.

- *Michigan, North Carolina, and Pennsylvania consistently have the most extreme levels of partisan bias. Collectively, the distortion in their maps has accounted for seven to ten extra Republican seats in each of the three elections since the 2011 redistricting, amounting to one-third to one-half of the total partisan bias across the states we analyzed.*
- *Florida, Ohio, Texas, and Virginia have less severe partisan bias but jointly account for most of the remaining net extra Republican seats in the examined states.*

Single-party control of the redistricting process is closely linked with biased maps.

- *The seven states with high levels of partisan bias are all states where one political party had sole control of the redistricting process. Court-ordered modifications to maps in Florida, Texas, and Virginia — all originally drawn under sole Republican control — have reduced but not entirely curbed these states' partisan bias.*

• States where Democrats had sole control of redistricting have high partisan bias within state congressional delegations, but the relatively small number of districts in these states creates a much smaller effect on partisan bias in the House overall.

• By contrast, maps drawn by commissions, courts, and split-control state governments exhibited much lower levels of partisan bias, and none had high levels of bias persisting across all three of the elections since the 2011 round of redistricting.

There is strong evidence that the bias in this decade's congressional maps is not accidental. With the exception of Texas, all of the most biased maps are in battleground states. These states routinely have close statewide elections and a fairly even distribution of partisanship across most of the state — two factors that do not naturally suggest that there should be a large and durable underrepresentation of one political party.

Safeguards against gerrymandering need to happen at the national level first to assure fairness across the board. Otherwise, reform-minded voters like we have in Oregon will succeed in leveling the playing field where they now hold an advantage, but the states with Republican-controlled state legislatures will not give up a crumb of their own unfair leverage through gerrymandered boundaries that serve them well.

Finally, the time for making a change in redistricting policy effecting the 2021 cycle has passed. There is no need to rush a proposed constitutional amendment for the 2022 ballot. On the contrary, there is a strong incentive to wait until federal legislation assures that fair redistricting will be the law in all fifty states.

Thank you for the opportunity to comment on Oregon's redistricting process.

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