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Dr. Michael McDonald
Associate Professor, George Mason University
Prepared Testimony to the Illinois Senate Redistricting Committee
Sept. 22, 2009

Thank you for inviting me to testify before the Illinois Senate Redistricting Committee.

I am Michael McDonald, an Associate Professor of Government and Politics at George Mason University and a Non-Resident Senior Fellow at the Brookings Institution. Previously, I was an Assistant Professor at University of Illinois, Springfield from 2000 to 2002, during the last Illinois remap.

I have written numerous scholarly articles and book chapters on redistricting. I and my co-author, Micah Altman, have written award-winning open-source redistricting software.

I have involved in redistricting since the post-1990 census round of redistricting, where I participated in drawing California's districts. Post-2000 census, I was a consultant to the Arizona Independent Redistricting Commission on district competitiveness. I have been an expert witness or consulting expert in redistricting litigation in Alaska, Arizona, California, Michigan and New York. I have worked for both Democrats and Republicans in litigation.

Illinois' current system of redistricting is broken. The state legislative redistricting commission, which convenes if a redistricting plan is not forthcoming through the legislative process, has not functioned as intended except the first time it met following the 1970 census. In that decade, the threat of a random tie-breaker induced the two political parties to compromise, as was intended. In every instance since, the parties have decided to invoke the element of chance by allowing the Secretary of State to randomly choose the tie-breaker. Or is there an element of chance? In 1990, a Republican Secretary of State chose a Republican and in 2000, a Democratic Secretary of State chose a Democrat. A pro-Republican and a pro-Democratic plan resulted. As any amateur magician knows, using a mechanism like selecting a name out of a hat can be manipulated through slight-of-hand. If no other change is made to the process, the Senate should ensure the current tie-breaker is randomly chosen.

Senate Joint Resolution Constitutional Amendment 69 (Righter-Dillard) would amend the current redistricting process to form a five-member Temporary Redistricting Advisory Committee to propose districts to the state legislature. Congressional districts would be included, where currently the regular legislative process is used. Four of the five Advisory Committee members would be selected by legislative leaders of the two political parties and a fifth member would be selected by the four members. The Advisory Committee would forward a plan to the legislature on a four-fifths vote. The legislature would adopt a plan on a two-thirds vote, without possibility of amendment. If a plan is not forthcoming, the Chief Justice of the Illinois Supreme Court and a Supreme Court Judge not of the same party would jointly appoint a special master to draw districts.

43
44 This procedure is similar to Maine’s, as described in Article IV, First Part and Third Part of the Maine
45 constitution. Maine has been able to produce redistricting plans through this process, though it is a
46 small state and does not have the same degree of political and geographic complexity that is present in
47 Illinois. I suspect that the super-majority requirements will be difficult to achieve in practice. The actions
48 of the Advisory Committee will be paramount. If the designees of the legislative leaders reach a
49 bipartisan compromise, then a plan will be forthcoming that will likely be acceptable to two-thirds of
50 each state legislative chamber. However, because the Advisory Committee proposes state legislative
51 plans with a four-fifths vote, it is possible that a fifth dissenting vote will arise from one of the partisan
52 leaders’ appointees, thus failing to achieve the compromise needed to pass a resolution by two-thirds
53 vote in that appointee’s chamber.

54
55 The fifth member of the advisory commission is superfluous, except to provide for a chair to manage
56 deliberations. Idaho and Washington’s redistricting commissions, which have sole redistricting authority,
57 simply have an even number of partisan appointed members that adopt plans with a super-majority
58 voting rule.

59
60 As a technical matter, I recommend that the legislature be given amending power, perhaps with a two-
61 thirds vote. Often, a redistricting plan will be produced that is deficient in a small way, such as failing to
62 assign a block to any district. The process should provide a way to correct such errors that could place a
63 plan into legal jeopardy.

64
65 Districts would be drawn to be compact, contiguous, substantially equal in population, comply with all
66 applicable federal laws, and minimize the number of districts that cross county or municipal boundaries.
67 I understand municipal boundaries to include cities, towns, and villages. Nesting of House districts into
68 Senate districts would not be required. The location of incumbents’ homes, the political affiliation of
69 registered voters, and previous election results would not be consulted unless necessary to comply with
70 applicable federal laws.

71
72 These proposed redistricting criteria do not have politically neutral consequences, and are potentially in
73 conflict with one another.

74
75 There is no compactness standard provided, and other goals are generally encompassed by the various
76 compactness measures – at least thirty by one count – that are available. Compactness measures that
77 favor minimization of districts’ perimeter lengths will favor following straight-edged county lines.
78 Compactness measures that favor circular shapes or take into account population centers will favor
79 districts that more likely encompass municipal areas.

80
81 Compactness will conflict with respecting county and municipal boundaries. Non-compact districts are
82 created where whole rural counties are pieced together to form a single district, or where oddly-shaped
83 municipal boundaries are followed. Following municipal boundaries may embody important

84 representational goals, such as respecting annexation battles that define the communities that have
85 produced odd-shaped municipal boundaries.

86
87 Respecting county and municipal lines will likely favor Republicans, as it will inefficiently over-
88 concentrate Democrats into urban, Chicago area districts. Respecting county boundaries will likely favor
89 Republicans the most as it will concentrate Democrats within Cook County. Respecting municipal
90 boundaries will allow districts to cross the Cook County line, somewhat mitigating the inefficiencies
91 created by the concentration of Democrats within the Chicago area. It will also more often allow
92 communities divided by county lines, such as Peoria and East Peoria, to be contained within the same
93 district.

94
95 The prohibitions on political information do not prohibit predictable political outcomes arising from the
96 application of these criteria. It does not prevent individuals from applying their personal political
97 knowledge when drawing districts. I have conducted research that suggests that when election data
98 cannot be consulted, such individuals will err on the side of caution, creating fewer competitive districts.
99 The exceptions to respect federal law, particularly the Voting Rights Act, will need to be applied to a
100 wider geographic area than the targeted minority communities since the voting patterns of minority
101 communities and surrounding white communities need to be determined in order to adhere to the
102 Voting Rights Act. This will disproportionately reveal political information in Democratic areas.

103
104 If the goal of these prohibitions on political information is to create a “fair” redistricting plan, then it is
105 best if that goal is explicitly required in the criteria, rather than allowing the criteria to at best produce a
106 fair outcome by chance, or at worst produce a partisan gerrymander, either by chance or intentionally. A
107 reasonable standard for fair districts can be fashioned using an average of recent election results to
108 statewide offices. Such a fairness standard might consider partisan balance and competitive districts.

109
110 I recommend to the Senate committee that careful consideration be given to these criteria. An order
111 needs to be established where the criteria conflict with one another, even if that order is to weigh the
112 criteria equally against one another. Otherwise, those that draw the lines may interpret the criteria to
113 their political ends.

114
115 I hope that these comments will be taken in the spirit of improving the various redistricting reform
116 proposals, as I believe that the current system is in need of reform to improve representation of Illinois’
117 citizens.