

Testimony of Jay Young
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Before the House Redistricting Committee
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Good afternoon, Chair Hernandez, Vice-Chair Tarver, and honorable members of this Committee. Thank you for the opportunity to discuss the drawing of districts in our state. My name is Jay Young, and I am the Executive Director of Common Cause Illinois. Common Cause has been actively involved in redistricting on multiple levels throughout the country – including educating people on what the redistricting process is, how communities can participate in the process, and the need for transparency and inclusiveness. In some states, we are pursuing litigation to achieve a responsive process, in others we are working with the public and mapmakers to find a solution that works.

My organization has appeared before this Committee and its counterpart in the Senate on multiple occasions, dating back to that first Joint Session on March 17th, and we have taken issue with processes that we've characterized as opaque and unnecessarily rushed. I don't wish to waste this Committee's time by rehashing all that I have said before. However, given that this current process is reminiscent of the last two sets of hearings, I will limit my testimony along these lines to just a few points.

I have spent much of my prior testimony lifting up the community-based expertise of our census ambassadors and the handful of advocacy groups that have participated in the remap process. It is instructive that there was a substantial drop-off in participation in this latest round of hearings by many of those nonpartisan groups. It's not that questions involving our congressional or judicial redistricting aren't important; of course they are. These nonprofits have limited resources and there have been dozens of hearings (virtually all of which have been scheduled without data or maps to respond to). My informal polling of my colleagues

confirms that many are just exhausted - they've been heard, certainly, but many feel that they haven't been listened to. Many have just moved on.

While those groups aren't exact proxies for our communities of interest or the public at large, many have requested time to take the draft maps back to review them with their constituencies and I know this issue has been a source of contention within the Committees. There is still time for you to follow the wisdom of the community-based groups. From my part, I can just relay an anecdote. Earlier this week, I was approached by the team at the City University of New York that developed the excellent Hard to Count online tool that national advocates and journalists used in census outreach planning. They wanted to develop a tool that would allow ordinary folks to analyze proposed maps and to understand what that would mean for their communities. After we spoke, I think they decided to look elsewhere since it was felt that the public wouldn't get sufficient time with draft congressional maps to warrant developing the tool. And that's a shame.

The main purpose of my appearance here today is to raise for your consideration three issues that I haven't seen discussed during this round of hearings.

First, at least some of the staff presentations on the census data have referenced a decline in the White population, particularly in Chicago. A point of clarification: while it is true that the share of the US population that identifies as White has been declining for several decades, some part of this trend in the 2020 dataset may be explained by a change in both the format of the race question as well of the coding of the data to better reflect racial and ethnic origins.

Second, we believe that this body must bear in mind that this redistricting process is taking place against the backdrop that is being presented by our increasingly fragile democracy. Since the January 6th insurrection, 21 states have passed at least 43 new anti-voter laws that are designed to wrest power away from the people and concentrate it in the hands of partisan extremists. For months, the American people have been calling for national standards to protect our freedom to vote, ensure fair representation, and get big money out of politics. Unfortunately, their will was blocked by the same voices that fueled the deadly attack on the US Capitol and the exploitation of a loophole in the US Senate's rules. That is why I'm proud to say that Common Cause and many of the other groups that you've heard from over the last



few months are working night and day to pass the Freedom to Vote Act, which would be the strongest, most comprehensive democracy bill that our nation has seen in decades.

Of course, Illinois isn't bound to limit itself to the terms of pending federal legislation, but just as we knew that drawing a state legislative plan based on the American Community Survey would lead to malapportioned districts, we know that the votes will be there to advance the Freedom to Vote Act to the President's desk. And that's germane to these proceedings, since, by the terms of that Act, any Illinois citizen will have a private right of action to challenge any congressional plan that both relies upon 2020 census data and violates the Nonpartisan Redistricting Reform provisions of the Freedom to Vote Act. Unfortunately, we believe that a strong argument can be made that these proceedings fall well short of those guidelines.

Section 5003 of the Freedom to Vote Act sets forth the criteria for determining the legality of a state's congressional plan. Compliant plans will adhere to the National Voting Rights Act, reflect and protect communities of interest, will neither favor nor disfavor any political party. Some parts of that analysis can't be done yet for the Illinois congressional plan, because we don't have the map or the underlying data. But a federal court would be expressly allowed to consider the breadth of support for the plan within the General Assembly and whether processes leading to the development and adoption of a plan were transparent and equally open to all members of this body and the public. The Act further requires plans to incorporate the consideration of public comment, language accessibility, hearings before and after a plan is posted, and a written evaluation of the plan against external metrics. Plans will have to be posted online for at least five days for public consideration before any vote, hearing or amendment of the plan could be considered. There are other provisions, of course, and I would strongly urge this body to consider Senator Klobuchar's bill to gain a deeper understanding of what national civil rights and democracy advocates and the Illinois Democratic members of our congressional delegation who have supported both the For the People and the Freedom to Vote Acts have established as the baseline for an inclusive redistricting process.

Third, during this time when we are seeing state legislatures attempt to return us to the days of Jim Crow, we are seeing a handful of states use this moment to punish the courts for their independence following the 2020 election or punish them for electing judges from the



opposing party. I have no reason to believe that the General Assembly's consideration of expanding the redistricting of judicial subcircuits stems from an antidemocratic place. We aren't Texas. We aren't Pennsylvania.

I practiced law in this state for nearly a dozen years, and, while I don't personally believe that we should elect our judiciary, I absolutely value and respect a desire to ensure that the bench is reflective of the surrounding community. That being said, it is critical that the General Assembly take every step that it can to avoid undermining the legitimacy of the courts in this moment. Whether we want to believe it or not, there are tendrils of the Big Lie on our doorstep in Illinois. There may come a time when the people will need to look to the courts to protect our democracy, and they will need to be certain that the rule of law and not party politics determine outcomes in our state.

To date, there has been precious little discussion in either Committee of the implications of the new subcircuits that are being proposed. Without anything on the table to react to, we cannot comment on what this change will mean for our state. But, we would urge you to ground any of the changes that might be considered on the demonstrated needs of the community, particularly from those folks who rarely see a face that looks like theirs on the bench. We can't afford any changes that are based solely on partisan interests.

As always, I thank the members for their service to the people of Illinois and I look forward to answering any questions that you may have.

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