



Paul Simon Public Policy Institute

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Statement to Illinois Senate Redistricting Committee, Carbondale hearing, April 21, 2011

By David Yepsen, director, Paul Simon Public Policy Institute.

The 2011 session of the Illinois Legislature is in the process of redrawing legislative and congressional district lines to reflect population changes in the state. Historically, this has been a controversial process in Illinois, one that often contributes to public cynicism and disgust for its secretive and backroom nature.

Efforts to change this process failed last year. There was a lack of consensus in how to proceed in the Legislature and a late start in trying to execute a ballot initiative. The 2010 elections left Democrats in control of both chambers of the Illinois General Assembly as well as the governorship. All that has led to the view, that with Democrats in total control of the law-making process, they will simply draw districts that favor Democratic incumbents or Democratic candidates.

That may be. "Elections have consequences", as the saying goes. All this raises the question of what should be done now and in the future to try to improve the process in Illinois. Several options merit consideration:

1. However this process is conducted, the end result must be to help restore citizen confidence and respect for the Legislature and for public officials.
2. There must be meaningful transparency. At each step of the way, citizens must be assured of the opportunity to see what decisions are being made and have input. People may not like the decisions that are ultimately made but they will not respect them or the process if they do not feel they had any say in what was done. Citizens should be given enough time to see the proposed redistricting plans to give lawmakers feedback. Revealing a plan in the morning and approving it by the end of the day does not allow time for citizen involvement. Not only might citizens see problems that could be corrected, but meaningful transparency could actually help restore their confidence in the political process.
3. The Voting Rights Act has to be respected. Not only is this required by the federal courts, it is also desirable public policy. Lawmakers can't pack minority groups together to limit their influence on elections, nor can they spread them so far apart as to dilute their ability to elect representation. It is a difficult balancing act but one that is necessary to make sure legislative and congressional districts reflect the true diversity of our state and nation and that the strength of that diversity shows up on the floor of legislatures and in the Congress.

4. Drafters should ignore the residences of incumbents and party registrations of citizens. Few things create more cynicism about our government than the notion that in this process, legislators are picking their constituents instead of the other way around.
5. A special burden falls upon the majority party to conduct itself in this process as fairly as possible. There will be a great temptation to say “we’ve got the votes, we’ll do what we want.” That comes off as politics as usual. It turns people off. It discourages respect for legislators and legislative institutions.
6. Finally, legislators and reform minded leaders should be looking to the future. As I mentioned at the beginning, efforts to change this process failed last year. For better or worse, we are stuck with the current process. Rather than just get through this redistricting in 2011 and the elections in 2012, we need to restart reform efforts immediately after the November elections. Those efforts can take place on two tracks. Legislative leaders can initiate reform efforts in the newly constituted General Assembly in 2013. Second, reform groups can begin a new ballot initiative, just in case the Legislature fails to act, or acts in an inadequate manner. For both legislators and reform groups, we need to act while this current debate and this experience is fresh in our memories. It is also important to act soon to change the process of 2021 in order remove the debate from the individual personalities and politics of that era.

We can also learn from the experience of other states in this cycle. Last year, voters in both Florida and California approved initiatives that change the redistricting processes in those states. The intent is to have redistricting be done by commissions and without consideration to party registrations or residency. Those two states are big states with large minority populations, just like Illinois. Their processes will have to pass muster in the federal courts. If successful in those states, there is no reason Illinois lawmakers can’t simply lift their new laws off the shelf and enact them here. Or, reform groups could make them ballot language and attempt to enact them by voter referendum. The bottom line is that policy-makers and reform-minded groups in Illinois need to pay close attention to the efforts underway in Florida and California to see if those systems might work for Illinois.

Thank you.

Handout

The Illinois Constitution, Article IV, Sec. 3 requirements:“(a) Legislative Districts shall be compact, contiguous and substantially equal in population. Representative Districts shall be compact, contiguous, and substantially equal in population. (b) In the year following each Federal decennial census year, the General Assembly by law shall redistrict the Legislative Districts and the Representative Districts.” (c) Synopsis: If the General Assembly is not able to agree to a plan by June 30th, then a Legislative Redistricting Commission is appointed. Four persons are appointed by the House and Senate Leaders from both parties. They then take a crack at it until August 10, by which time they are supposed to file a redistricting plan. If not, the “tie breaker” person is chosen by random lot.

Ideal Criteria for Legislative Redistricting:

“Considerations Involving Form:

- (1) Equal numbers- Congressional districts should be as equal in number as possible.
- (2) Natural frontiers- Congressional districts should conform, where possible, to local boundaries, communities of interest, and lines of communication.
- (3) Compactness and contiguity- Congressional districts should be as geographically compact as possible, and no part should be completely unconnected with the rest of the district.

Considerations Involving Outcome

- (4) Party fairness- Congressional districts should be drawn to be as fair as possible between parties
- (5) Ethnic fairness- Congressional districts should be drawn so that ethnic or other minorities have an equitable chance of representation.
- (6) Party competition- Congressional districts should foster party competition and alternation.” (Source: Butler and Crain, 1992, 65-66)

Leading State Plans as Models (1)California- Proposed by Schwarzenegger- A panel of retired judges (2) Iowa- The Legislative Service Bureau- (3) Arizona- A Bi-Partisan Commission Appointed by the Commission on Appellate Court Appointments (5 members)(4) New Jersey- The Redistricting Commission- 10 Members from the State Parties- The 11th member is selected by the Chief Justice of the State Supreme Court

The Simon Institute Plan: (1) Decouple the House and Senate Districts (2) Reflect minority voting strengths and consider political boundaries (3) Tie Breaker a Magistrate appointed by the State Supreme Court Chief Justice and the ranking Justice from the other party (4) Resolutions adopted by 3/5th majority in each body