

Maryland Redistricting Reform Commission
Rockville Meeting
October 10, 2017
7:15 PM

Commission Members Present:

Co-Chair Walter Olsen
Co-Chair Judge Alex Williams
Ashley Oleson
Christopher Summers
Michael Goff

Call to Order:

7:20 PM by Walter

Introduction by Co-Chair Walter Olson

- Thank you to Montgomery County and for Montgomery College for hosting.
- Thank you to members of public for attending tonight's hearing
- It is my turn to chair tonight's hearing
- Appointed by Governor Hogan in 2015. Commission has held by five hearings since then, and has issued report and recommendations.
- Proposal based on commission recommendations considered by House of Delegates
- The legislature passed a different redistricting reform plan, a regional compact
- Life of commission extended since redistricting issues have not gone away -- developed in new ways -- new legislative solutions, Supreme Court cases, and the 2020 census
- Introduction of the commissioners
 - Carol Ramirez - absent
 - Michael Goff
 - Co-Chair Alex Williams
 - Chris Summers, MPPI
 - Ashley Oleson, MD LWV
 - Tessa Hill-Aston - absent
 - Senator Joan Carter Conway - absent
 - Senator Steve Waugh - absent
 - Delegate Alonzo Washington - absent
 - Delegate Jason Buckel - absent
- Agenda overview
 - Expert presentation before public testimony

Overview of Gill v. Whitford by Stephen Spaulding from National Common Cause

- Chief of Strategy of External Affairs in Common Cause in DC
- More than 1 million Common Cause members across the country
- One of main issues that Common Cause takes up is gerrymandering reform

- Gill v. Whitford oral arguments
 - Challenge is constitutionality of partisan gerrymandering
 - Caveat to the recent oral arguments - you don't want to try predict case outcomes based on oral arguments
 - Atmosphere of Supreme Court -- controversial cases have high attendance rate -- public is paying attention!
 - This case could be one of most important cases of the term
 - Arguments were lively
 - Discussion of standing for respondents (original plaintiffs) took up about 1/3 of the arguments. The justices eager to get to the arguments
 - Is there a constitutional standard for which gerrymandering violates condition? Looking at the 1st and 14th Amendments
 - Justice Ginsburg asked what incentive is there for voters to exercise their right to vote? Results pre-ordained? What becomes of the precious right to vote?
 - Erin Murphy, the attorney representing Wisconsin's State Senate replied that results are pre-ordained not because of gerrymandering but because of political geography
 - Even more troubling when you add political gerrymandering!!
 - Justice Kennedy is potentially they key vote. Proposed hypothetical: state constitution or law required explicitly be drawn for partisan advantage
 - Is that lawful?
 - Wisconsin attorney conceded -- it would be unconstitutional, under 14th amendment Equal Protection clause and 1st amendment viewpoint
 - Justice Sotomayor asked what is the value to democracy from political gerrymandering? How does that help our government?
 - Response was that political gerrymandering helps maintain accountability, and helps constituents know their representatives
 - Sotomayor commented that this is not a satisfactory argument
 - Respondents
 - Do plaintiffs have right to sue?
 - Efficiency gap -- social science to prove partisan intent
 - Way to measure asymmetry
 - Called "Gobbly-guck" by Chief Justice John Roberts
 - Proposing a test --
 - Courts should examine intent of map
 - Discriminatory effect?
 - Justification for cartography
 - If courts punt and say courts say not justiciable there will be serious consequences
 - In 2020, going to have copycat gerrymandering that the country has never seen before

- Supreme Court is expected to rule by June at latest, may hear about decision before then
- A lot of states are getting involved in redistricting reform ideas
 - Ohio -- Fair Districts, Fair Elections coalition
 - Michigan, Missouri, Indiana -- coalitions pushing for stronger changes
 - Georgia -- independent commission push
 - California -- pushing for county and city levels of redistricting
- California gold standard for redistricting commissions, why?
 - They set up redistricting commission early on
 - 14-member commission made up of 5 Democrats, 5 Republicans, 4 Independents
 - Competition increased -- the number of competitive districts tripled
- Walter Olson: the Maryland proposal is modeled after CA proposal
- Implication for Maryland?
 - The Supreme Court's decision will set the standard -- test that we've been missing to measure political gerrymandering
 - Would cause more litigation
- Walter Olson: Maryland proposal takes out elected officials, which goes further than California model
- Walter Olson: existing Maryland gerrymander is vulnerable on same grounds as Wisconsin if the Supreme Court says the Wisconsin case is unlawful.
 - If challengers win, then there will be immediate questions about Maryland map
 - Timing is important since the Maryland General Assembly is part-time
 - Primary elections would be underway and chaos is possible if the Supreme Court takes its time, especially if the challenge is upheld
- Alex Williams: the current Maryland case pending in federal court, which is stayed
 - Pending decision on Wisconsin case
- Walter Olson: Yes, the Supreme Court is aware of the timing issues. The Court does not want to become unpopular for causing needless chaos. Doing it in June would produce more disruption than deciding earlier in the year
- Questions about balance of the commission/how to make it non-partisan
 - Walter Olson: We don't want people with close to party ties because then there wouldn't be a point to having a commission. The California model is the standard. Need to divide power effectively among commission.
 - Alex Williams: In our recommendation, the courts should be the ultimate moderator should a challenge arise, but they don't want to be too closely involved in the process
 - Ashley Oleson: On the regional compact bill, Tame the Gerrymander has a nice infographic to show the balance.

Public Comment

- Walter Olson: I'll begin calling names. You are welcome to come to podium. Aim for no more than 3 minutes of testimony, if possible.
- Barbara Ditzler

- Montgomery County resident
- Thank you to the commission for having a meeting in Montgomery County. I feel like more people are represented
- Agree with almost all recommendations from 2015 proposal
- Fair and open redistricting process with an independent commission
- The commission needs to be neutral
- There are so many unaffiliated voters in Montgomery County and in Maryland
- Should not emphasize party in power on commission to ensure true representation, no matter what affiliation they are
- The currently drawn districts are almost laughable - you can see characters and monsters in the districts
- Look at compact and contiguous, municipalities when drawing lines
- Lines should be drawn so we can have access to our representatives. Currently, our representatives are servicing such a huge area that they don't know their constituents
- Constituents should know where to go and how to talk to them
- Important to take harder look and for Maryland to do the right thing
- The legislature should go in front of a decision instead of being reactive
- This is the right thing to do
- Best way to represent every voter in state
- No matter who it is, whether a minority voter, Republican, Democrat, or Independent, they should feel represented
- Commission on right track
- Steve Daubresse
 - Kensington resident
 - Identifies as independent, but registered as Democrat to vote in primaries
 - Applauds Governor Hogan for redistricting reform
 - Thank you to commission for hard work and serving
 - Upset by the gerrymandering that Dems engaged in in 2011
 - Democrats have had a preposterous response to bipartisan proposal
 - Their response ignored the great majority of Marylanders
 - It's one thing for the Russian government to undermine democracy, another thing for our own legislature to do it on a system themselves
 - Tired of hearing their explanations to "protect us," presumably from themselves
 - No question that reform bill for congressional and legislative redistricting needs to be passed next session, independent of what is happening in another state, or planet for that matter
 - Independent commission better than current system as long as it prohibits use of partisan data and requires complete transparency
 - Bipartisan proposal developed by the commission and endorsed by the governor seems reasonable
 - Intrigued by New Jersey model to generate competition and sees it as a viable alternative to the commission's proposal which gives partisan organizations a role in the process

- Transparency is critical aspect and should be emphasized and further discussed
- Report should be amended to reflect new hearings
- Carla Steinborn
 - Commission won't solve non-democracy problems
 - Vote is meaningless except in statewide elections due to crazy districts
 - I shouldn't bother to vote
 - This isn't democracy
 - Commissions are good but parties will find ways to defeat the solution of commissions
 - Parties could manipulate Independents on the commission
 - Commend the commission for their work
- Kathy Gugulis
 - Here as private citizen from Gaithersburg
 - Partisan gerrymandering disenfranchises citizens to elect representatives by predetermining what party will prevail. It's wrong in country and state
 - Puts state on par with a third world dictatorship
 - We deserve better
 - Maryland General Assembly should take the commission's recommendations and act on them instead of waiting for the Supreme Court
 - Thank you to the commission
- Robin Ficker
 - Thank you to commission
 - (gave table to commission members)
 - Table shows variation of legislative district populations
 - Shows variation from 5% over the ideal or median population to almost 5% below it
 - 70.3% of Dems represent fewer than ideal population size
 - Only 12% of Reps
 - 88% Reps present more than ideal pop size
 - 26.6% represent more than ideal pop size
 - Commission should suggest each district should not deviate more than 2% of ideal population
 - We know the population of each district
 - Shouldn't have excess Republicans crowded into a Republican district -- would make it more fair
 - Average 12-year olds could show that districts are not compact, etc.
 - Honest, naive young kids could give us a fairer system
 - Redistricting should go as far as county council districts, applied to Montgomery County county districts, state legislative districts, and congressional districts
 - Please pass fair redistricting so people don't feel like victims of political, dirty tricks, so they feel like their votes count
- Paul Foldi
 - Thank you to the commission and Governor Hogan
 - Dangerous aspect of democracy, abuse seen in Maryland and other states

- All parties do it
- Brian Aparicio
 - Independent voter
 - Believe that indep commission doing good at trying to change the process
 - Likes the California model
 - Disappointed by regional compact bill
 - Dems should have said no to redistricting reform, would have been more honest!
 - Constitution gives all American voters right to vote
- Elaine Apter
 - Member of the League of Women Voters and resident of Montgomery County
 - With the Supreme Court case, it was exciting to see how everyone knew the word “gerrymander”
 - Gerrymandering is coming to the forefront
 - Our position summarizes what people are saying
 - State redistricting should have a process and standards that promote fair and effective representation in state legislature and Congress with maximum opportunity for public scrutiny
 - Membership of commission should be multi-partisan, with geographic representation, no elected officials
 - Standards: substantially equal population, geographic contiguity, compactness
 - Voters should elect representatives, not vice versa
- Ronald Schlesinger
 - Looking at congressional districts, they are horrendously crazy
 - If we are angry at so many Republican legislatures that have gerrymandered congressional districts, then we in Maryland have no leg to stand on because we’re doing the exact same thing
 - What about financial costs of gerrymandering?
 - Serve as election judge
 - In Montgomery County, there are over 60 different ballot styles during early voting. That’s insane
 - If we make districts more compact and not scatter-brained, it would help the cost aspect
- Brigitte Mullican
 - Speaking privately, but am League member
 - Most important issue by League of Women Voters - have pride that this is an issue that the League of Women Voters is following
 - Came here to learn more
 - All I hear is that it’s partisan
 - We’re disappointed in the legislators because they did this because they could
 - Thank you to the commission
 - Educating the public and reaching more voters is the hardest part
 - Thank you for coming to Montgomery County
- Dan McHugh
 - Acting president of Montgomery County Young Republicans

- Thank you to the commission for returning to the “scene of the crime”
- Put Connie Morella’s district in Laurel to get her out of seat and to elect Van Hollen
- Same thing happened with Roscoe Bartlett
- Why is Congressional District 3 even in Montgomery County? It’s insane.
- Damascus’ population is about 11,000 people and they’re carved into 3 districts
- Takoma Park is only 1 district despite having 8,000 people
- O’Malley admitted to doing this intentionally and should be thrown in jail
- Delegate Zucker sponsored regional compact and is a phony solution for 6 states
- Need ethical map, which we do not currently have
- Robert Drozd
 - Thank you to the commission
 - Silver Spring resident
 - Challenging Senator Zucker in District 14
 - Time in Maryland for us to do the right thing
 - We allowed gerrymandering to happen and we have responsibility to try to fix it
 - We as voters should try to fix the situation
 - There shouldn’t be any sitting member on a commission that is formed in the future
 - Will not get to the point of solving the issue by electing those who will take actions in support of their party first and voters second
 - Regional compact is an abdication of their responsibility to Maryland voters
 - This is a problem that needs to be solved by and for Marylanders
 - Urge support for commission
- David Wilson
 - Resident of Poolesville
 - Candidate for District 15 Senate seat
 - Not a longtime Maryland resident, member of the military
 - Gerrymandering is a problem, one of primary reasons I decided to run for political office
 - Thank you to the commission
 - Thank you to public for their ideas so far
 - I’m not a data guy, I have an emotional tie to this
 - Left for Iraq to help support their voters and their right to vote
 - Came back to see Gerrymandering and people who feel their vote doesn’t count. This is unacceptable
 - Marylanders need to have 100% confidence that their vote counts
 - Do the difficult right over the easy wrong.
 - I look forward to talking to constituents and hearing them say that their votes count
- Sheldon Fishman
 - Live in Silver Spring
 - Long time Democratic precinct official, but speaking as an individual
 - Voters should choose their elected officials, it’s that simple

- In deep blue Montgomery County, precinct officials supported sending redistricting back in 2014
- Should register voters in fair districts, not gerrymandered districts
- County council districts and Board of Education districts don't match because of gerrymandering
- Gerrymandering interferes with governance, not just voting
- Montgomery County charter review commission meeting next week and hope to set up a competition who can get it right first - this commission or the county.
- Crispin Taylor
 - Objects to gerrymandering because it's a root cause for increased political polarization, which leads to dysfunction government up and down the ballot
 - In favor of commission recommendations, Maryland General Assembly should expeditiously change the process
 - Consider sensible solutions as you can, such as the Supreme Court
- Kathy Daniel
 - Came to learn
 - 2 thoughts - really do believe that gerrymandering has created more polarization and more extremes in the politicians we are getting in the state
 - When I moved in Maryland, I quickly learned I had to register as a Democrat if I wanted to have any say in Maryland politics
 - Now I've learned it doesn't matter how you vote in Maryland except in the primaries
 - Seems we're having more extremes in our primaries
 - Heard from an elected representative who has to represent farmers even though he's from the city
 - He doesn't adequately represent the voters in his district
 - Thank you to the commission
- Tori Hall
 - Thank you to the commission
 - Longtime Montgomery County resident
 - My introduction to gerrymandering was seeing graphics of districts
 - There are three types of gerrymandering - racial, incumbent protection, political
 - Came to appreciate that shape and compactness are only some values
 - Should consider equal population, contiguity, minority-majority voting districts, competitive districts
 - Compactness can also be gamed. It can play into redistricting games
 - Single best suggestion is open transparency
 - No matter how districts are drawn next, need to bring the process out in the open
 - Suggestions:
 - Timing and an overview of current process with the governor's involvement
 - Public needs more time to see the plan
 - Expand minimum window for any proposed plan
 - Proposed 60 days prior to session

- Legislature should act no later than 45 days, no sooner than 30 days into session
 - Data usage
 - No use of voter registration information or past voting results
 - This is not meaningful because there are too many other sources that can be a proxy and can get the data needed to influence the outcome
 - Instead of restricting use of data use standards that are important to us by generating to the public and using the algorithms be made public
 - Outlier detection to determine if this map reasonable or not?
 - To assess a map, need to know whether the values are suspiciously sub-optimal
 - Outliers could be picked up using computer programs or public mapping
 - Marylanders can use open source data to show how citizens can make their own maps to compare the standards (ex. District Builder)
 - We can hold people accountable before they get approved
 - We can do better as citizens before the voting maps are approved
- Janice Ford
 - Howard County resident
 - Standing outside the Supreme Court, I was embarrassed as Maryland was mentioned by every speaker at rally
 - I'm a forever Democrat, but this is an issue that continues to be a black eye on Maryland Democrats
 - Need a commission that is not political and above the governor's veto
 - Need commission to bolster public confidence since it's at an all time low
 - Sophisticated computer modeling used by Wisconsin Republicans in 2011 to create their map, which is now in contention
 - Consider all computer programs that are available to restructure our district lines
 - Feel it's important to let every vote count and to form a nonpartisan commission
 - How do we reconcile such a commission with the regional compact bill? I'm unhappy about the bill. Gives the Democrats a way to say they did something about gerrymandering even though they didn't do anything
- Nancy Sorrend
 - Tame the Gerrymander highlighted the reforms
 - Requires constitutional amendment, which requires citizen advocacy
 - Join Tame the Gerrymander coalition
- Amy Kozak
 - New Maryland resident, moved from DC couple of months ago
 - In wake of most recent election, concerned with hyper-partisan direction the country is going
 - Formed a group and one of the biggest causes of hyper-partisan polarization is gerrymandering
 - Perhaps computers are more fair, but any process can be rigged, so we need transparency
 - Commission should consider a longer "open" period for maps to get criticism

- Commission proposal good start
- Consider rank choice voting where each district could send four representatives (proportional representation system)
- Currently a bill in Congress
- Encourage Maryland to think outside the box and even more broader solutions to give voters the most possible say
- Thank you to the commission
- Matthew Goldstein
 - From Bowie
 - Overview of Maryland districts with review to compactness, etc.
 - Population variance
 - Optimization goals of redistricting. Need to utilize many optimization goals. The more goals, the more likely for conflict among the goals
 - Smaller number of goals better or non-conflicting goals should be created
 - Redistricting optimization is a very difficult problem to solve
 - Could create a competition for maps and could choose the one with the least variance and most optimized goals
 - Members of commission and lawmakers should consult with computer science departments at colleges
 - District boundaries can and should differ after each census - can create more competition
 - Federal redistricting standards different from state standards
 - Should have separate bills for congressional and legislative districts so they could try to get one and then the other
 - Mathematical optimization is the redistricting of the future

Commission Comment

- Walter Olson: Thank you to the public for testimony
- Alex Williams: Thank you to everyone, good turnout. How did you get notice of this particular event?
 - FB, twitter, LWV FB,
- Walter Olson: Many of the comments fascinating
- Question from public about the next steps?
 - Walter Olson: There are no more planned hearings. Had five in 2015, two this year. Next is preparation for legislative session -- our proposal and potential for the veto override. The Supreme Court decision, and Maryland case may move after the Supreme Court rules on Wisconsin case. Commission will have more work once we see what proposals happen in 2018 session
- Walter Olson: Legislature unlikely to draw new maps before 2020 unless courts require it
- Alex Williams: If Wisconsin case goes the way people hope, it will affect Maryland. Maryland case will be reopened, and the three-judge panel could order new maps.
- Alex Williams: Citizens need to demand more than "business as usual." We will stand by the Governor and his proposal.

- Chris Summers: Use social media to share the commission's report. Recommend the report to as many people as you can. We need more citizen engagement before the start of the next legislative session.
- Ashley Oleson: Read the report, read it a couple of times to learn about the detail. It's complicated for a reason, so you can game the system. Educate yourself.
- Michael Goff: Contact your representatives to see if they've even read the report! Find out where your delegates and senators stand. Hold your representatives accountable.
- Public comment on press attendance? Need more press about the issue and these hearings

Meeting adjourned at 9:08 PM