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Thank you for inviting me to appear with this distinguished panel. When I travel around the country, I am always reminded of the special traditions we have in Minnesota and this panel may be the best illustration. Here we have some of our most accomplished and well-known public servants who are loyal to different parties and harbor notable differences on policy. But they share a common commitment to the health of our democracy and our civic life. They are truly remarkable Minnesotans.

And, I want to applaud this Committee for its leadership in introducing legislation and holding hearings on a challenging topic. You too are demonstrating a commitment to our common good that all Minnesotans applaud.

I have been asked to compare the three bills under consideration by your committee – namely, those introduced by Senator Pogemiller, Senator Rest, and Senator Michel. My analysis is informed by nearly two decades of research at the University of Minnesota and by my close study of redistricting approaches.

To offer a balanced assessment based on my study and analysis, I have organized my evaluation of the 3 bills to highlight their positive features as well as to highlight some concerns or questions that merit, in my view, further consideration.

I'd like to start by noting a similarity in all three bills – they all recommend that Minnesota adopt an independent commission of various sorts. This reflects a shared interest in distancing legislators from the unseemly business of drawing their own districts. I applaud that common starting point. There is also shared agreement to tie redistricting to the US Census every 10 years, another important step forward.

Pogemiller Proposal (S.F. 2211)

Positives

The **Pogemiller bill** comes closest to embracing the Mondale/Carlson proposal. Here are some of the notable and, in my view, positive points of overlap:

1. The membership of the Commission would be retired appellate court judges who have not run for party endorsed positions or offices. This is critical for giving

Minnesotans confidence that the Commission will be independent and guided by the overall interests of all voters.

2. The Pogemiller bill is, in my view, courageous in stipulating that “The districts must be created to encourage political competition.” In an era when we are told that politics is a fight for every advantage, the Senate Majority Leader has put a stake in the ground for integrity. The support we have received from House Minority Leader Marty Seifert and other Republicans unable to join us here today gives me hope that this difficult hurdle can be cleared on a bipartisan basis.

3. The Pogemiller bill’s code of conduct and budget provisions will help avoid inappropriate political gamesmanship that we’ve seen in other states. In Arizona, failure to lock in funding led to political chicanery of a predictable sort – starving the Commission to extract concessions.

4. The Pogemiller bill’s back-up plan in the case of a legislature that rejects the Commission’s plan for a second time is not in the Mondale/Carlson proposal. It’s a practical fail-safe that deserves attention.

Questions that may emerge:

The Pogemiller plan offers a number of important and pioneering elements. I also provide for your consideration comments on some components that may merit additional thought.

1. The Commission’s work may require more time than currently allowed to effectively administer our elections – a point Joan Grove has clearly articulated this morning.

2. What role does the governor play? Under the current system, the legislature’s approved bill is presented to the Governor for his signature or veto. Leaving out the governor would probably require a constitutional amendment as it would alter the current constitutional approach.

3. The Mondale/Carlson proposal calls for the Commission to take on responsibility for serving as a watch dog as the U.S. Census is conducted in Minnesota. Recent data from the State Demographer – Tom Gillaspay – makes plain that Minnesota is within a demographic whisker (2,200 residents) of losing one of its congressional seats. While none of the bills before us today contains this element, I would strongly urge your consideration of its inclusion.

Rest: (S.F. 595)

Positives

1. Senator Rest's bill is bold and innovative in several respects. It offers the most dramatic break from the current legislative process by using a constitutional amendment to put redistricting in the hands of a commission. This would be a sharper departure from today's practice than the Pogemiller bill, which has the commission making a recommendation to the legislature.

2. Another attractive feature of the Rest bill is that it would expedite the passage of a reformed redistricting process by getting a constitutional amendment on the ballot in November 2008. I share that sense of urgency. To take but one reason for urgency, consider the prospect of Minnesota having to redistrict with one less congressional seat.

Questions that may emerge

Here are some questions that deserve further discussion, in my view.

1. Practically speaking, there may be greater difficulty enacting reform through a constitutional amendment -- as witnessed by the unsuccessful effort at redistricting reform in 1980 in Minnesota and its resounding defeat in California and Ohio in 2005.

2. The Rest bill does not incorporate competition. Even the political tsunami that hit Minnesota in 2006 could not raise the percentage of competitive House races above a third nor diminish the average winning margin below a staggering 25 points. The Mondale/Carlson proposal takes sensible and incremental steps toward increasing the number of competitive districts, a critical ingredient for bringing more balance in legislative decisions.

3. Although the Rest bill proposes an innovative mix of members (4 selected by legislative leaders and then 5 more by unanimous consent of the 4 commissioners) and majority rule (6 votes are needed), it does not rely on retired, nonpartisan appellate judges as the Mondale/Carlson plan does. As such, the door may still be open to partisan gaming. My fear is that without the distance from politics and without the neutrality that judges provide, there is a risk that the commissioners will find common cause to defeat their shared enemy -- a challenger.

3. The Rest bill also does not specify a code of conduct or a budget process to avoid political gaming. I also concur with Joan Growe's suggestion that the Commission be given 6 to 9 months of additional time.

Michel (SF 1810)

The Michel bill merges Iowa's civil service approach with an advisory role for a commission. Among the attractive features of the Michel bill is that it incorporates skilled legislative staff, introduces more transparency through required public hearings, and starts work earlier.

Questions that may emerge

Questions may emerge about the effectiveness of the Michel approach given the advisory role of the commission and the omission of competition as a standard in drawing district boundaries. Research on the experiences of other states reveals that incumbent influence is remarkably durable in the absence of structural change. There is also a tactical consideration: opponents of redistricting reform in other states have mounted successful campaigns against proposals that can be cast as replicating the work of the legislature. I would welcome Senator Michel's reconsideration of these elements and look forward to working with him.