



Ending Gerrymandering: Maryland Redistricting Reform Commission issues final report

Walter Olson

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Maryland's problem with gerrymandering isn't new, but lately it's been making our state a laughingstock. Last year the Washington Post cited the MD-3 congressional district devised for Rep. John Sarbanes as the second most ridiculously shaped in the land; snaking through four counties and Baltimore city, connected at various points only by water, it has a silhouette that's been compared to that of a praying mantis, a "broken-winged pterodactyl" (a federal judge's phrase), and the blood spatters at a crime scene. **"Maryland and North Carolina are essentially tied for the honor of most-gerrymandered state," wrote the Post's Christopher Ingraham.**

Here in Frederick County, the same map loops up to pull the city of Frederick, but not the strongly Republican towns that surround it, into a Sixth District now heavy with Montgomery County voters, a successful ploy to oust longtime Rep. Roscoe Bartlett. The resulting map's knob-like protuberance around Frederick, as one resident noted, looks uncannily like the head of Dr. Seuss's Grinch.

These are the results of a process that is bound up in an inherent conflict of interest: the same lawmakers whose careers are at stake are the ones who draw the lines. Maryland gives more power over redistricting to its governor than do most states, and what power remains is held by the legislature, in practice the leadership of the Senate and House of Delegates. The courts play only a limited role; while the Maryland constitution has some helpful language to guide state-level districting, it's silent about Congressional districting, which has left our officials free to do their worst. And so instead of a system in which voters pick public officials, we allow public officials to pick their voters.

Redistricting reform has been a good-government issue in Maryland since at least the 1960s, and outsider/insurgent candidates have often taken it up as a cause, as did Heather Mizeur on the Democratic and Larry Hogan on the Republican side last year. (The minority party, which in Maryland means the Republicans, is typically among the victims of a gerrymander; in the many states where Republicans dominate, such as Texas and North Carolina, it is Democrats who lose out.)

Fulfilling a promise from his campaign, Gov. Hogan in August signed an executive order creating an 11-member Maryland Redistricting Reform Commission, and charging it with investigating the issue and recommending the outlines of a better system. Besides the seven members selected by the governor, four members, all legislators, were added by the leadership of the House of Delegates, two apiece from each house and party, for an overall line-up of five Republicans, five Democrats, and an independent. This fall the commission held five public hearings around the state as well as several workshops, consulted with experts, and researched the academic literature.

Three months may not sound like much time to get up to speed, but the commission was in a position to build on a policy conversation that has been going on for many years at both the national and state level. Many states out West have embraced redistricting reform in recent years, and the wave is now headed east, with Ohio voters in November the latest to approve a ballot measure to reform their system.

Groups like the League of Women Voters, Common Cause, and the NAACP have campaigned on the issue for years, both nationally and in Maryland. All three of these groups, in fact, contributed testimony to our Maryland commission, and the commission's membership included individuals closely involved in each of the three groups. (Maryland Common Cause director Jennifer Bevan-Dangel discussed the effort in this space in September.)

An October Goucher poll found that 73 percent of Marylanders favor an independent commission, while just 21 percent would rather leave the job with legislators. And this is one case where, we found, academic experts, activists, and ordinary citizens at hearings broadly agree with the polls: politically driven redistricting weakens the quality of representative government. It does so in many different ways, of which stacking the deck against the minority party is just the start:

- Those in charge can reward or punish their own party members by drawing them favorable or unfavorable districts at census time. Ignore the leadership's wishes on key votes, and you may find your home neighborhood assigned to a tough new district or one thrusting you into a primary fight with a popular colleague. That's one method legislative chieftains use to keep a lid on insurgent or independent forces in their own party.
- Gerrymandering tends to magnify the influence of money and of big interest groups. When a district sprawls across many far-flung communities it's harder to win by getting to know constituents face to face or achieving a strong record in local government. Instead, you're more likely to have to rely on 1) cultivating allies among statewide political actors and 2) spending for advertising and media, which is all the more expensive a strategy when the district extends over multiple media markets.
- Try as it may, the press can't do as good a job at monitoring incumbents' performance when a coherent political community such as a county is divided among three or four Congressional districts. Residents are more likely not even to know who their representative is, which leaves them less likely to keep track of how well that representative is serving their interests.
- To an extent unique in the country, Maryland uses triple-member districts in its lower (Delegates) chamber (though our line-drawers also freely employ single- and double-member subdistricts in search of outcomes they prefer). In general, triple-member districts

tend to reward candidates who run as a slate of three. That's one more strike against independent-minded aspirants, who can be quietly excluded when a slate is being assembled with no need for a public explanation.

- By stuffing minority-party voters into a small number of districts, gerrymanders help polarize politics. When a district is meant to corral members of one party the only meaningful competition will come in the primary, and the chief political pressure on incumbents may be to avoid coming across as too moderate for fear of attracting a primary challenge. For the devisers of a gerrymander, the ideal outcome is one in which there are no true swing seats at all, no real doubt about the outcome of races – and thus fewer representatives with an incentive to listen and engage with sane voices on the other side.

Ours is not just an enfeebled system, but one enfeebled on purpose. Sheila Kennedy, who teaches at Purdue and formerly directed the Indiana ACLU, has put it this way:

...lack of competitiveness breeds voter apathy and reduced political participation. Why get involved when the result is foreordained? Why donate to a sure loser? For that matter, unless you are trying to buy political influence for some reason, why donate to a sure winner? Why volunteer or vote, when those efforts are pointless? Not only do voters lack incentives for participation: it becomes increasingly difficult to recruit credible candidates to run on the ticket of the “sure loser” party. ...

We hear a lot about voter apathy, as if it were a moral deficiency of the voters. Allow me to suggest that it may be a highly rational response to noncompetitive politics. Watch those same “apathetic” folks at the local zoning hearing when a liquor store is applying for permission to locate down the street! I would suggest that people save their efforts for places where those efforts count, and thanks to the increasing lack of competitiveness, those places may NOT include the voting booth.

Those were some of the problems our commission found, too. What about solutions?

About ten states have undertaken serious redistricting reform in recent years, including Washington, Idaho, and Colorado. (Iowa has a non-partisan system that goes back further.) Voters in Arizona and California, by approving ballot initiatives, have gone the furthest by creating independent citizen commissions. Under this model, it is citizen volunteers — with no one political party allowed to hold a majority – who make up the membership of a redistricting body.

As our commission deliberated, it became clear that the consensus among our members was for a thoroughly independent commission along general California lines, but simplified and adapted to fit the circumstances and institutions of our much smaller state. You can read the full details in our report, but since Maryland Common Cause has provided a good summary of key points, I'll take the liberty of quoting it here:

- District lines should be compact, contiguous, and respect county and municipal lines.
- Both congressional and state legislative districts should be drawn by an independent commission.
- The independent commission should be politically diverse, including three from the majority party, three from the minority party, and three members from neither

political party. The applicants will go through a screening process and final members will be drawn through a lottery. Elected officials, candidates, lobbyists, and political staff are prohibited from serving.

- The commission will draw lines without regard to party affiliation or incumbent residency. The commission will hold “ample” public hearings on the proposed plan.
- The legislature may reject the map through a supermajority vote.
- State legislative districts shall be far more consistent in size. Districts must be within 1% variance in population (as opposed to the current 5%) and there should be consistency between single-member or three-member delegate districts.

In one respect our recommendations would have Maryland go further than any other state: while even California gives legislative leaders some veto power over who sits on the commission, we decided to dispense with such a feature. Under our plan, as a result, Maryland would become the only state in the union in which legislative incumbents have no say at all in choosing the line-drawers. That’s “no” as in zero.

What happens next? We filed our report on time and in full November 3, with affirmative votes from all the commission members save the two appointed by the majority leadership of the Maryland Senate and House. Now the initiative moves to Governor Hogan and his administration to consider our recommendations and, should he see fit, develop the language of a specific proposal for the legislature to consider in its upcoming January term. Whether the legislative leadership chooses to embrace reform, or counter with its own proposals, or perhaps reject the idea of serious change out of hand — which might quicken interest in a ballot drive to place a reform measure before Maryland voters — is yet to be seen.

So now’s the time to inform yourself. [Read, or at least browse, our report here](#); bookmark it for future reference; and pass it on to public-spirited people you know, both *here and other states where reform is badly needed*.

It’s in our power to launch a reform movement that will make Marylanders proud of our politics again.

*Walter Olson is a senior fellow at the Cato Institute’s Center for Constitutional Studies. Prior to joining Cato, Olson was a senior fellow at the Manhattan Institute, and has been a columnist for Great Britain’s **Times Online** as well as **Reason**.*