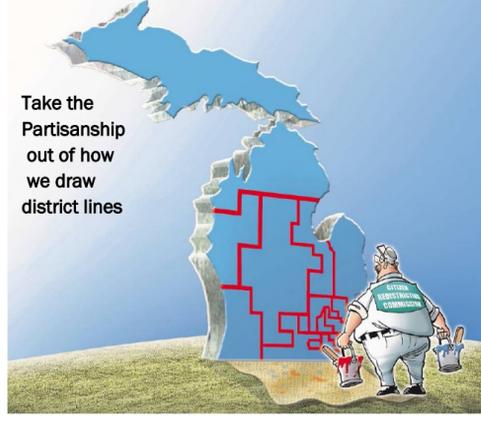


Detroit Free Press

EDITORIAL: THE REDISTRICTING CHALLENGE

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Want to fix Michigan politics? Here's how



What if you could dramatically improve state government — and all you had to do was convince Michigan voters to care about the dry mechanics of drawing legislative districts? That's the maddening, hopeful conundrum confronting folks who want to change the way we choose our elected representatives.

The existing system is designed for exploitation. Districts are drawn every 10 years, after the U.S. census. The official count of the country's population determines how many members each state sends to the U.S. House, but the Michigan Legislature decides each district's boundaries, for both federal and state seats.

That means the party in power — right now, the Michigan GOP — has a field day. For the party in control of the map-making, the main objective is to herd the opposing party's voters into the fewest legislative districts possible while spreading its own party's voters as evenly as possible among the remaining districts.

If a drop in population means a congressional seat must be eliminated, it comes from the other team's territory. Borders are stretched to pit incumbents from the opposing party against each other. Whenever possible, districts are drawn to be "safe" — in other words, with a sufficient percentage of voters from the dominant party's voters in order to keep its incumbent legislators in office.

It's called gerrymandering, and it's not pretty. And it's how, in a state with two Democratic senators, that's voted for Democratic presidential candidates by substantial margins in national elections since 1992, that the Legislature is dominated by the Republican Party, and how nine Republicans and just five Democrats represent Michigan in the U.S. House.

Does it have to be this way? It certainly does not.

States aren't required to give their legislatures final say over voting districts. A recent U.S. Supreme Court ruling upheld Arizona's right to invest that authority in an independent, nonpartisan redistricting commission.

Fifteen years ago, Arizona voters approved a constitutional amendment that changed the way the Grand Canyon State drew its districts. It was formerly the province of the Legislature, but the amendment created an independent, nonpartisan commission. About 35% of Arizona voters identify as Republican, 35% as independent and 30% as Democrats. The commission's districts created four safe Republican seats, two safe Democratic seats and three competitive districts. Republican state lawmakers weren't satisfied, and filed suit, claiming the commission was unconstitutional. The U.S. Supreme Court ruled that it was not.

Justice Ruth Bader Ginsburg, writing for the majority, quoted Founding Father James Madison: "Arizona voters sought to restore 'the core principle of republican government,' namely, 'that the voters should choose their representatives, not the other way around.'"

What does that have to do with Michigan?

Nothing, directly. But for folks who want to reform redistricting, the court's ruling affirmed that commissions are a viable option, and got people talking about the idea. Ideally, any changes to the way we draw districts should be made before the 2020 U.S. census; proponents have almost five years to put a new system in place.

It's possible that a constitutional amendment could appear on the ballot as early as 2016. The League of Women Voters plans to talk to voters about redistricting this fall in a series of town hall meetings (more on that later). Common Cause, a liberal nonprofit grassroots advocacy group, has expressed support for redistricting reform in Michigan and other states. But it's too early to say which groups will support, or oppose, redistricting reform. And while the question could be brought next year, there are three opportunities before the next reapportionment: 2016, 2018 and 2020, the year of the next decennial census (redistricting won't start until census results are released the following year).

You can draw districts however you want?

Well, not entirely. Districts must have roughly the same number of people and be as compact as possible, and the district boundaries must cross as few county, city or township lines as possible. But key portions of an important protection for minority communities, the federal Voting Rights Act, were struck down two years ago by the U.S. Supreme Court.

The act compelled parts of the country with the greatest potential for discrimination at the polls to submit election-law changes to federal government, which had required that redistricting not dilute the ability of minority groups to be represented in the electoral process. Immediately after the high court's ruling striking this provision down, the State of Texas announced that it would no longer submit its redistricting maps to the federal government; other states have followed suit. That doesn't mean new districts will purposefully dilute minority votes, but an important check designed to ensure that they don't is no longer there.

Isn't this a power grab by Democrats, who just want more seats?

Both parties have proved willing to manipulate the redistricting process. Because the GOP dominated the last round, Democrats would likely benefit the most if districts were redrawn along more neutral lines.

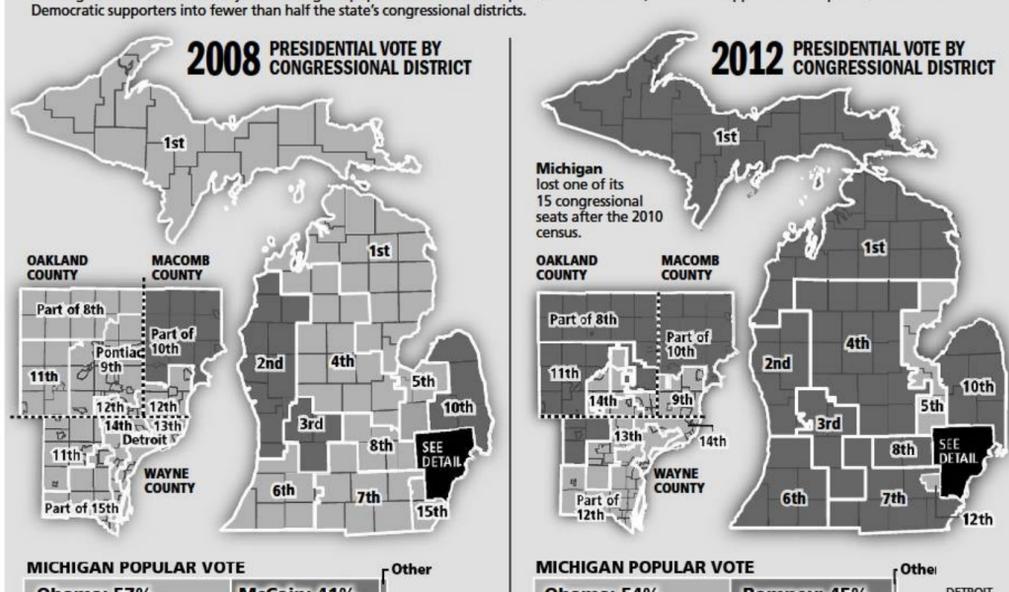
But — and this is something Republicans who oppose redistricting reform should consider carefully — it won't be that way forever. And when Dems are back on top, which seems to happen cyclically in Michigan, a neutral process would protect Republicans from Democratic reapportionment mischief.

The American system is built on the notion that no single party or branch of government should reign unchecked. Political parties represent diverse and often opposing viewpoints; citizens are best served when those parties find common ground, not when one party runs roughshod over the other.

Changing the way we draw our districts would end the cycle, and ensure that Michigan's elected officeholders are more representative of their constituents. If we can make it happen.

WHY THE CURRENT PROCESS IS FLAWED

Although Barack Obama handily won Michigan's popular vote in both his presidential elections, the 2011 reapportionment pushed most of his Democratic supporters into fewer than half the state's congressional districts.



How would that work?

The independent, nonpartisan commission is the model many redistricting reform proponents favor. It's pretty self-explanatory: A commission, rather than the Legislature, determines and approves district boundaries. Some models offer court appeal as recourse for objectors to the commission's district maps.

But how nonpartisan can any commission be? That's what concerns Craig Ruff, a lecturer in the University of Michigan's Gerald R. Ford School of Public Policy, a former president of Public Sector Consultants and former education policy adviser to Gov. Rick Snyder.

"There is no such person who can understand the politics and demography who doesn't have a political point of view," Ruff said. Yet, he agrees that the current system is deeply flawed.

Ruff is right that escaping the sting of partisanship is complicated. But other states have hit on innovative ways to create commissions that are closer to nonpartisan than Michigan's current system. In California, for example, applicants are first vetted by the state's auditor, says Jocelyn Benson, dean of the Wayne State University School of Law. Of the pool of qualified candidates, members of the Legislature may veto picks to whom they object. Then, some commission members are selected at random, and those members pick the rest of the panel. It's not a bad way to mitigate institutional bias.

How could we do that here in Michigan?

State Reps. Jon Hoadley, D-Kalamazoo, and Jeremy Moss, D-Southfield, have introduced legislation that would create a nonpartisan redistricting commission, and if their proposals garner sufficient bipartisan support to become law (which is unlikely), it'd be a quick and fast route to an independent commission.

But policy wonks such as Benson and Eric Luper, president of the nonpartisan Citizens Research Council, say it's not the best way. The Supreme Court's ruling means that a commission created via an amendment to the state constitution will withstand even the highest legal scrutiny.

There's also this — Luper notes that any measure adopted by the Legislature can be altered by the Legislature, and that means a commission created to be nonpartisan and independent could become partisan and beholden.

So that's the play: an amendment to the state constitution. That sounds pricey ... Yep.

It starts with a petition drive to gather sufficient signatures to place the proposal on the ballot. But that's just the starting point. If the question is successfully placed on the ballot, voters must approve it before the amendment can become law. And that's the big question. Will voters care about, much less support, a constitutional amendment to change the way that Michigan draws legislative districts?

And that's the big question.

Howard Edelson, president of the Edelson Group and a political strategist who has run several successful statewide ballot-measure campaigns, says a successful campaign would likely cost between \$10 million and \$15 million. But that's an estimate. Cost, he said, is determined by how aware voters are of the issue in question (in this case, not very), the nature of the issue (dry, wonky) and how much other people are willing to pay to defeat it (maybe a lot).

Policy or politics

The League of Women Voters, a group more associated with voter information and good governance than any political agenda, is holding a series of informational meetings this fall, in part to gauge voter awareness about redistricting. The League expects to hold at least 30 town halls between September and November, said vice president Susan Smith, that will be hosted in communities around the state. After that, they'll decide which course to pursue next. It's a good fit for the League, because redistricting, in its purest sense, is a question of policy: What is the fairest way to ensure the most equal representation for Michiganders?

But, inevitably, it's also a political question. It's not too difficult to imagine that the Michigan Republican Party, the party currently in control of the state, will support the status quo. A Michigan GOP spokeswoman replied to a request for comment with a link to an opinion piece written for Michigan Radio by Bob LaBrant, former longtime general counsel for the Michigan Chamber of Commerce and now senior counsel for the Sterling Corp. LaBrant condemns the effort to adopt nonpartisan redistricting as purely partisan, casting aspersions on the background and intentions of its proponents (spoiler alert: he says they're Democrats). It's a fair barometer of both the party and the state chamber's likely stance on redistricting. Equally unsurprising, the Michigan Democratic Party isn't opposed to the idea of a ballot proposal.

It should be up to average people to determine whether the system needs to be changed," said Brandon Dillon, party chairman. Neither the Detroit Regional Chamber nor Business Leaders for Michigan, both business-oriented groups despite vested interest all around, don't expect either political party to take a lead role supporting or opposing a redistricting amendment. For either party to embrace, or oppose, redistricting reform would politicize the question in a way that benefits neither — Democrats look like they're grasping for seats, Republicans appear to be stomping voter representation. But don't assume there won't be a robust, well-funded opposition should a proposal make it to the ballot. It just isn't likely to come from the parties.

What should I do next?

Read up on redistricting. There's a lot of information out there, especially in the wake of the Supreme Court's Arizona ruling, attend a League of Women Voters town hall — and brace for 2016.