



TO: Maine Apportionment Commission

DATE: July 6, 2021

RE: Public Comment - July 7 Apportionment Commission Meeting

FROM: Anna Kellar, Executive Director

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Thank you for the opportunity to offer these comments as you begin work on the 2021 apportionment effort.

The League of Women Voters of Maine (LWVME) is one of the oldest and most recognized democracy organizations in the state, and is part of a venerable national effort that traces its history to the Suffrage Movement. We have over 700 active members in Maine and a staff of ten. Our work is summed up in our Mission Statement:

The League of Women Voters of Maine is a nonpartisan political organization that encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. We never support or oppose any political party or candidate.

LWVME, our parent organization the League of Women Voters of the United States, and our sister chapters around the world take a strong interest in all aspects of representative democracy, including periodic redistricting efforts such as those now beginning in this Commission. The determination of district boundaries implicates some of the values we most cherish, including one-person-one vote, the ability of individuals and communities to achieve meaningful representation, and the accountability of public officials at all levels. The staff and volunteers of the LWVME bring extensive knowledge and experience to this arena.

We are very pleased to see the 2021 Redistricting Commission begin its work in a constructive and thoughtful manner, despite the well-known challenges. It is no criticism of this Commission to say that, in fulfillment of our mission and our interest in vital democratic principles, we intend to observe the 2021 redistricting process in Maine within reasonable parameters established by the Commission. Where appropriate, we also intend to provide substantive comment on relevant matters. We respectfully hope our presence and input may assist the Commission in its vital work.

Based on our past work with voting and representative systems, as well as our experience observing the redistricting process, the following topics are foremost in our mind as this process begins:

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Public Input on Redistricting. We appreciate that the Commission has already taken care to make arrangements for public access and input. Although many of the matters before the Commission undoubtedly will be technical, we respectfully suggest that it will be very helpful to observe high standards for public observation and transparency consistent with the letter and spirit of the Maine Freedom of Access Act, 1 M.R.S. §400 *et. seq.*

Equal Representation. The indispensable criterion of redistricting legislation is to ensure equal allocation of the population to legislative districts to the greatest extent possible, consistent with other important goals.

Communities of Interest. Among the considerations (in addition to raw population numbers) for drawing district boundaries, we would like to mention the treatment of communities of interest. Where a strong community of interest exists, consideration may be given appropriately to whether that community's geographic area is included with a district, or is divided by district lines.

Competitiveness. Competitiveness often has a salutary effect on the democratic process. Elected officials from competitive legislative districts tend to focus their attention on their constituents more than legislators from noncompetitive districts. We hope the Commission will make competitiveness a significant factor in determining district boundaries.

Markers of Fairness. Principles of fair redistricting dictate that certain markers indicate whether a map reflects an objective attempt to allocate the population, or a skewed attempt to accommodate political interests. These factors include, for example, the geometry of the district and the number of times a district border crosses other political or demographic boundaries. While it may be impossible to objectively demonstrate perfect fairness, we hope the Commission will be mindful of these markers, many of which had their origins in prior hyper-politicized redistricting efforts around the country.

Prisons. One population whose treatment in redistricting raises special questions is that which appears in census data as incarcerated in Maine's prison facilities. Counting those persons as part of the population in the area where their prison is located would potentially lead to somewhat different maps than counting them in their home residential location, effectively transferring representation from their home district to their prison district. This is sometimes called prison gerrymandering when it results in a significant shift in representation from urban districts to rural ones. Where prison populations are large enough, counting those persons as residents of the prison district can hinder some of our goals for the representative system. Ultimately we look forward to a day when incarcerated persons are counted for redistricting purposes as living in their last municipality of residence, and should be registered to vote in that location. In the meantime, we would recommend not counting prison populations in the prison

district, or at least, draw maps for prison districts in such a way that district population leans toward the lower end of acceptable population variation.

Of course, these topics and all the work of the Commission must be considered in the context of governing law and constitutional principles. And we recognize that the map-making process will require the Commission to arrive at a balance among a constellation of different – sometimes competing – factors. We also offer to be a resource on navigating those waters, where possible and appropriate.

Thank you once again for considering these comments. We look forward to observing this process and offering more detailed comments in the months ahead.