

USU community examines Prop 4, which aims to curb gerrymandering

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Better Boundaries Co-Chairman Blake Moore speaks about gerrymandering in the Taggart Student Center at Utah State University on Tuesday evening.

With hot-button issues including medical cannabis and Medicaid expansion, it's an interesting year for ballot initiatives. But one proposition that's received a little less attention could have a bigger impact on the way democracy works in Utah.

A handful of people studied up on the issue at a presentation about gerrymandering and the Better Boundaries initiative at USU on Tuesday night.

"I just am sick of our community being torn apart, literally and figuratively," Better Boundaries Co-Chairman Blake Moore told attendees.

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Presenters in addition to Moore included Rachel Appel, community outreach fellow with ACLU Utah; John Ferguson, senior lecturer in the Huntsman School of Business and adviser for the USU Pre-Law Society; and Michael Lyons, associate professor in the political science department.

At issue is Proposition 4, which would create the Utah Independent Redistricting Commission. Every 10 years after the U.S. Census is published, the commission would draft and recommend new voting districts to the Utah Legislature.

The Better Boundaries campaign behind the proposition argues that such a commission is necessary to prevent legislators from redrawing districts in a way that benefits themselves or their party but can disenfranchise voters. That process is often referred to as gerrymandering because of the strange district shapes strategically drawn boundaries can produce.

Moore said he encourages anyone on the fence about the proposition to look at the commission and the "common-sense" redistricting standards it would create.

"Games are better with referees, even though we yell at them a lot," Moore said. "You've got to have some rules to be able to enjoy the system."



History of gerrymandering

Legislative districts are required to have the same number of people in them, so every 10 years when a new U.S. Census is published, the Legislature redraws district boundaries so that an equal number of people live in each.

Over America's history, political parties have accused each other of using this process to their own gain. When Massachusetts Gov. Elbridge Gerry presided over a redistricting that created strange shapes that would help his party, political opponents began to call the new sprawling districts "gerrymanders."

Political data off the table

While gerrymandering isn't new, technology has increased its effectiveness incredibly, Moore said.

"I would opine that the advance of technology makes it easier to gerrymander maps with more pinpoint accuracy," Moore said.

People drawing district maps now have access to records of every registered voter as well as computer algorithms that could help politicians draw more politically advantageous maps than ever. Last year, Duke University researchers released an analysis of the Wisconsin voting districts enacted by Republicans in 2010. Researchers used computer modeling to test the districts under a variety of hypothetical circumstances and found that Wisconsin's map is an outlier among tested alternatives in that it produces results "highly skewed" toward Republicans, suggesting a sophisticated redistricting strategy.

Under Proposition 4, the Independent Redistricting Commission wouldn't be allowed to use political data in the process at all.

Advisory only

Proposition 4 doesn't circumvent the Utah Constitution, which gives the Legislature power to draw districts, Moore said, because the Legislature would have the ability to reject the commission's recommendations.

If the Legislature rejected a redistricting proposal from the commission, it would need to enact its own plan that adheres to the same standards and give the public a detailed explanation for its decision.

While Lyons is concerned that the commission's recommendations aren't binding, it's reassuring that the Legislature would have to explain why it turns down a plan. And if the Legislature enacted boundaries that didn't fit Proposition 4's requirements, residents could sue.

A nonpartisan commission?

The commission created by Proposition 4 would have seven members. One would be appointed by the governor. Two would be appointed by the Legislature's majority party, and two would be appointed by the largest minority party. The remaining two — the "Unaffiliated Commission," as the Better Boundaries website describes them — would be chosen jointly by leadership of both the minority and majority parties. People who worked as lobbyists, held or ran for public office or received compensation from a political party in the past four years wouldn't be eligible to serve on the commission.

There are additional requirements for the two specifically unaffiliated commissioners: People affiliated with any political party wouldn't be eligible, including people who have voted in primaries or served as convention delegates.

During the presentation, Lyons brought up a concern that even if commissioners are appointed by leaders of various affiliations, there are no rules in the ballot measure preventing legislators from trying to influence commissioners.

"Aren't they going to hover around this commission like buzzards circling the starving guy in the old 'Far Side' cartoons?" Lyons asked.

To approve a districting map for recommendation to the Legislature, however, five of the seven commissioners need to vote in its favor.

“That changes the ballgame so dramatically,” Lyons said. “That five-vote requirement is priceless.”

Boundary standards

Proposition 4 would establish several standards designed to combat gerrymandering. The first of those standards, Moore said, is to stop cutting up cities and, when possible, stop cutting up counties. District boundaries are often drawn so that they incorporate large rural areas but only one chunk of a city.

A common criticism of Utah’s legislative districts from Democrats is that boundaries split up the more left-leaning Salt Lake County. In the 2016 election, more than one third of Utah voted Democratic, but all four U.S. House seats went to Republicans.

But those communities should stay intact when possible, Moore said. When you ask someone where they’re from, they’ll give you a city name. People often choose where to live based on a city’s characteristics.

“There is a natural connection and a community there that is constantly getting diced and spliced in this redistricting process,” Moore said.

“And what gets lost in this process is the representation of communities and the representation of economic interest in their entirety,” Lyons said.

Lyons said when communities are split up, their interests — especially economic — aren’t represented as well among lawmakers. Four Utah House districts include Cache Valley, for example.

“And the Cache Valley’s interests are represented on a less-unified basis than they would be if there were more consolidation of representation,” Lyons said.

‘Broad support’

Moore is sometimes asked why he’s so strongly in favor of Proposition 4 when he’s a Republican, himself.

“Both sides of this can hate this type of concept,” Moore said. “Ronald Reagan called it a national disaster. Undemocratic. Un-American. And the list goes on of leaders within the Republican Party that despise it.”

In addition to the examples of Republican leaders opposed to gerrymandering, such as Reagan or Ohio Gov. John Kasich, Moore said he believes Better Boundaries would benefit everyone — Republicans and Democrats as well as independent and unaffiliated voters.

“I really do hope people can find that there is something in this for everybody,” Moore said.

If Utah adopts the new process, Moore said, Republicans in the Legislature won’t have to deal with constant accusations of gerrymandering.

“All of a sudden, there’s not all these flame-throwing accusations, vitriol in our community,” Moore said. “I’m sick of partisanship.”

Support for Proposition 4 is strong among Utahns, Moore said, polling at 58 percent, with 20 percent of respondents saying they don’t know.

The ACLU helped sponsor Wednesday’s event because it helps empower voters, Appel said.

“In this day and age, people want to bury their heads in the sand because there are so many issues, and they feel like they can’t do anything about it, and so this is something they can actually do,” Appel said.
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