

FOR IMMEDIATE RELEASE

FEBRUARY 25, 2020 -- A bill that will be soon be circulated for sponsorship in the House of Representatives seeks to end the biased, one-party system Delaware uses to redraw the boundaries of legislative districts each decade.

As required by the U.S. Constitution, every ten years a national census counts every American citizen. Following the count, the district lines of all elected offices are redrawn to ensure equal representation in local, state, and federal government.

In Delaware, the lines of all 41 Representative Districts and 21 Senatorial Districts will be redrawn next year so that each state representative and senator has approximately* the same number of constituents.

In most states, like Delaware, the legislature has primary control over the redistricting process. This reality usually results in maps that are politically "gerrymandered" – where district lines are drawn to maximize partisan advantage for the majority party, at the expense of the public and the minority party.

Citing examples from the past two census cycles in the State House of Representatives, State Rep. Mike Smith, R-Pike Creek Valley, noted that both parties had abused their redistricting authority when they had the opportunity.

When House Republicans drew the maps in 2001, they increased their majority from 26 to 29 seats in the next election. When House Democrats controlled the process in 2011, they increased their majority from 26 to 27 and drew two Republican incumbents into the same district, forcing a primary election between them.

Rep. Smith said the current redistricting scheme that allows elected officials to game the system and produce biased, self-serving outcomes should not be tolerated. He added that when district lines are drawn with political gain as the primary consideration, citizens are often the losers as relationships between them, and legislators that have a long history of working on their behalves are abruptly ended.

Eight states have adopted independent commissions to draw the new maps, adjusting district lines to account for population shifts, while attempting to avoid partisan considerations and minimizing disruption. However, Rep. Smith said this approach is problematic, especially in Delaware, where it would be challenging to find qualified people that were willing to do the job and were not politically connected or had some personal stake in the outcome.

Rep. Smith said his innovative proposal is based on the work of two professors at Carnegie Mellon University. At its heart, he says the protocol can best be described as the 'you cut, and I choose' method parents often use for dividing one piece of cake between two children. One child gets to cut, but the other child gets first selection of which portion he or she wants.

Under Rep. Smith's bill, the two competing parties are the partisan caucuses of each General Assembly chamber. One caucus will initially draw all the legislative districts. The second caucus will have the ability to "freeze" a set number of the districts, locking their boundaries into place. They will then redraw the remaining districts, delivering the new maps back to the first caucus. This group will also engage in the freeze and redraw process, with the cycles continuing until all the districts have been defined.

He said the charm of this method is that it recognizes that while redistricting has an obvious partisan component, it produces a non-partisan outcome by balancing the opportunities for both sides to participate in the process.

The bill includes a process for the caucuses to meet at the end of the process to make necessary tweaks, negotiate, and ensure the redrawn districts meet the required legal standards.

The measure also includes safeguards to ensure public notification and participation in the process, as well as a contingency to allow the judicial branch to draw the new legislative maps should the General Assembly be unable to achieve the task.

Rep. Smith said a U.S. Supreme Court ruling last June made it clear that the judiciary will not fix the problem. It is up to lawmakers to bring equity to the process.

Rep. Smith said the fate of his proposal rests with majority party Democratic legislators. He said they will have to choose between having the integrity to support a bill that would reform government at the cost of their power, or maintain the current dysfunctional, discriminatory system.