



TESTIMONY OF PROFESSOR JOCELYN BENSON, ESQ.
FOUNDER AND CEO, MICHIGAN CENTER FOR ELECTION LAW
DIRECTOR, MICHIGAN CITIZENS' REDISTRICTING COMPETITION
BEFORE THE MICHIGAN HOUSE COMMITTEE ON REDISTRICTING AND ELECTIONS
JUNE 21, 2011

Good morning. I would like to thank the House Committee on Redistricting and Elections for holding this hearing and for providing an opportunity to present testimony this morning. I am here today in my capacity as the Founder and CEO of the Michigan Center for Election Law, and as the Director of the Michigan Citizens' Redistricting Competition.

Michigan Citizens' Redistricting Competition

The 2011 "Michigan Citizens' Redistricting Competition" is a nonpartisan project of the Michigan Center for Election Law and Administration, in partnership with the Michigan Redistricting Collaborative (which includes groups such as Common Cause, the League of Women Voters, and Michigan Nonprofit Association).

Through providing tools for any Michigan citizen to craft and design their own redistricting maps for Congressional or Michigan legislative districts, we offered citizens an opportunity to take part in producing potential district maps for Michigan's 14 Congressional Seats, or Michigan's state senate or legislative seats.

As discussed in my previous testimony before this committee, the maps were scored based upon objective criteria, and a nonpartisan panel of seven judges convened to evaluate and score the plans. The top nine scoring Congressional plans were submitted for your consideration on May 23, 2011.

When citizens draw the plans, as our competition entrants showed, they do an excellent and fair job while respecting the law. It is not too late for you to follow their example before finalizing their plans, and I urge you to do so.

Today I submit to you additional details about the competition's winning plan, attached to this testimony.

Nathan Inks, a Lincoln Park resident and Central Michigan University undergraduate student is the first-prize winner of the Michigan Citizens' Redistricting Commission. Inks, who also serves as president of the CMU College Republicans, is a meteorology major with plans to go to law school and practice election law. His plan was selected as best overall by a nonpartisan panel of judges, based on its excellent performance in the areas of equipopulation, compactness, limiting of county splits, high number of competitive districts and partisan fairness.

In a statement made shortly after learning his plan received the Competition's top honors, Inks stated that he encourages you to "adopt a plan that is fair to voters:"

"[A]s a life-long Republican," Inks said, "when I saw District 14 from the proposed [congressional] map, even I cringed because of how awkward and mangled it was. Such gerrymandering takes the focus off of the good things the GOP has done for the state and makes the party look like they need to 'cheat' to win."

All nine of the top congressional plans excelled in demonstrating that there are multiple ways in which Congressional districts may be drawn to comply with the law. Nathan's plan was the best of the best in a wide variety of key areas. And his plan demonstrates that it is possible to draw fair, legal maps without gerrymandering or creating oddly shaped districts.

Finally, on that last point regarding oddly shaped districts, I reiterate my urging from my previous testimony that you consider the United States Supreme Court holding in *Shaw v. Reno* before enacting this Congressional District plan into law. That opinion, as you recall, concluded that a citizen in an racially gerrymandered district could state a claim under the Fourteenth Amendment if they could feasibly allege that traditional districting principles, such as respect for political subdivisions, compactness, and contiguity, had been set aside in deference to considerations of the racial makeup of the district. Most notably, the opinion expressed great concern over the shape of the districts in North Carolina's plan, referring to them as "dramatically irregular," and "bizarre." O'Connor emphasized the importance of appearance in redistricting, pontificating that when "redistricting legislation ... is so extremely irregular on its face that it rationally can be viewed only as an effort to segregate the races for purposes of voting, without regard for traditional districting principles," the legislation could violate the Equal Protection Clause of the Fourteenth Amendment.

I will not reiterate all aspects of my previous testimony on this legal issue. I simply raise it as a cautionary factor in determining whether to enact this plan, as one could feasibly and, I believe, legitimately question the strange appearance of District 14 in your map.

And as Nathan Ink's plan and several others in our competition demonstrated, you need not draw districts with such a strange appearance in order to comply with the requirements of the Voting Rights Act.

Thank you again for the opportunity to testify before you today, and for inviting public comment on the redistricting process at this hearing.

MCRC Winning Plan available at:

<https://districtbuilder.michiganredistricting.org/districtmapping/plan/359/view/>

- High Scoring in Equipopulation, Compactness, and Least # of County Splits
- High number of Competitive Districts, High Ranking in Partisan Representation Fairness

Average Equipopulation: 0.416%

Rank (of 9): 3 (96 points)

Number of County Splits: 7

Rank (of 9): 2 (98 points)

Average Compactness Score: 68.61

Rank (of 9): 2 (98 points)

Competitive District Score: 6

of "heavily competitive" (partisan differential less than 5%): 3 (+6)

of "generally competitive" (P. Diff. between 5-10%): 5 (+5)

of noncompetitive districts (P. Diff. between 10-15%): 1 (+0)

of heavily noncompetitive districts (P.Diff. 15%+): 5 (-5)

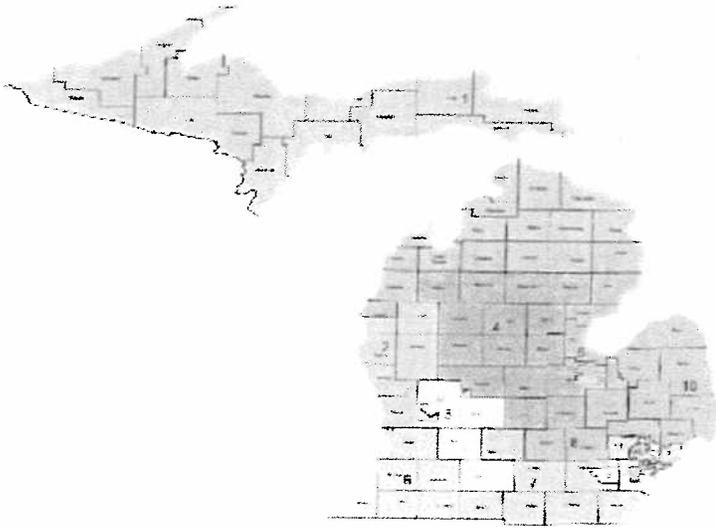
Rank (of 9): 1 (100 points)

Partisan Representation Parity: (difference: +3 GOP); # of Competitive: 7

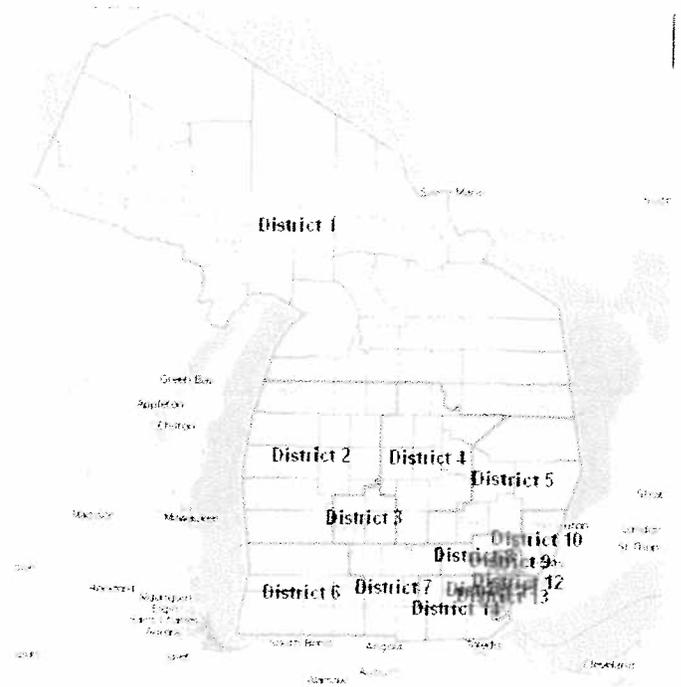
Rank (of 9): 2 (98 points)

Dist.	Tot Pop	Compactness	Black VAP	His. VAP	Dem PI	Rep PI
1	706,811	62.53%	1.56%	1.02%	43.66%	56.34%
2	706,217	80.45%	4.67%	4.49%	37.97%	62.03%
3	705,620	77.74%	8.89%	6.93%	38.66%	61.34%
4	706,965	67.13%	6.50%	3.55%	45.91%	54.09%
5	708,837	73.66%	12.13%	2.43%	51.20%	48.80%
6	708,398	84.40%	8.25%	4.10%	44.28%	55.72%
7	704,209	72.64%	8.12%	4.09%	45.78%	54.22%
8	707,807	71.89%	3.54%	2.54%	36.93%	63.07%
9	707,014	67.76%	9.83%	2.86%	45.99%	54.01%
10	703,039	71.38%	7.07%	1.94%	45.75%	54.25%
11	705,564	59.55%	12.53%	2.52%	47.64%	52.36%
12	704,073	56.68%	51.92%	6.85%	73.87%	26.13%
13	705,391	41.23%	53.04%	2.66%	70.94%	29.06%
14	703,695	73.57%	8.93%	3.51%	52.30%	47.70%

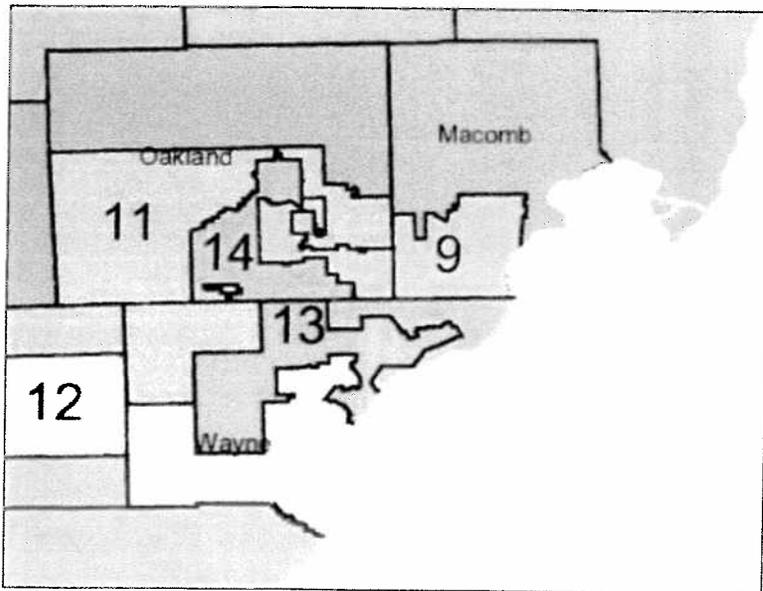
Comparison of Legislature's maps and MCRC competition winner



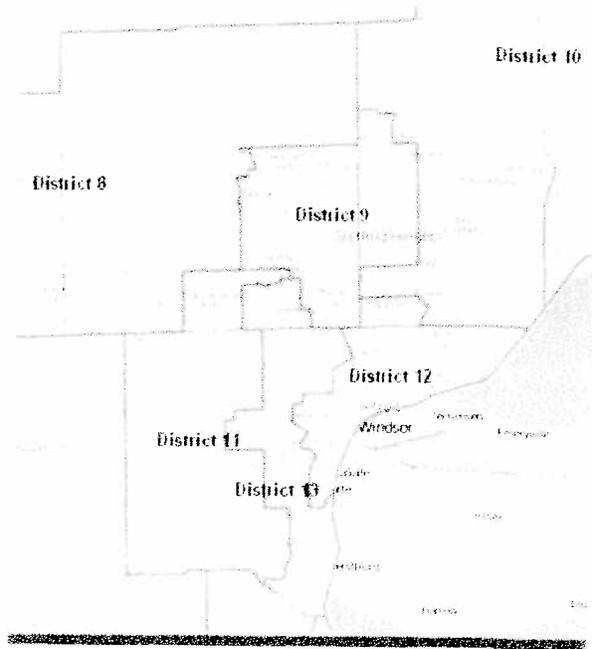
Full state: Legislature's version



Full state: MCRC competition winner



Tri-county area: Legislature's version



Tri-county area: MCRC competition winner

District Builder

Step 1: Plan Step 2: Draw Step 3: Evaluate Step 4: Share

Show County by: None None None Show Boundaries:

EDIT MAP

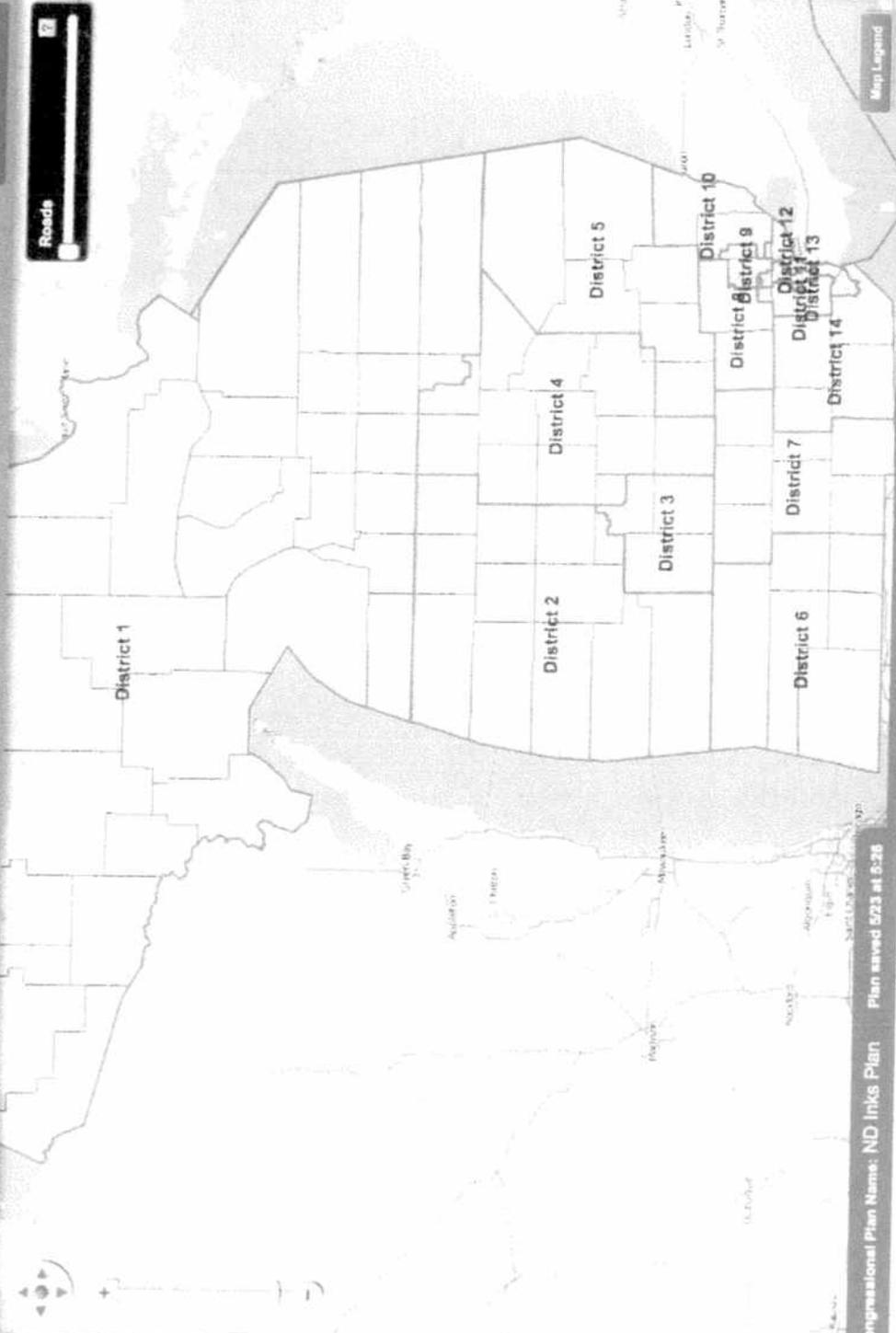


Basic Information Edit Stats

ND Inks Plan

Score (Target) 14 (of 14)
 Contiguous 14 (of 14)
 Black VAP Majority (>50%) 2 (of 2)
 Hisp. VAP Majority (>50%) 0 (of 0)

Dist.	Tot Pop	Contiguous	Compactness
1	706,811	<input checked="" type="checkbox"/>	62.53%
2	706,217	<input checked="" type="checkbox"/>	80.45%
3	705,620	<input checked="" type="checkbox"/>	77.73%
4	705,965	<input checked="" type="checkbox"/>	67.13%
5	708,637	<input checked="" type="checkbox"/>	73.66%
6	708,398	<input checked="" type="checkbox"/>	84.40%
7	704,269	<input checked="" type="checkbox"/>	72.94%
8	707,807	<input checked="" type="checkbox"/>	71.89%
9	707,014	<input checked="" type="checkbox"/>	67.76%
10	703,039	<input checked="" type="checkbox"/>	71.38%
11	705,564	<input checked="" type="checkbox"/>	58.95%
12	704,073	<input checked="" type="checkbox"/>	56.68%
13	705,391	<input checked="" type="checkbox"/>	41.23%



Map Legend

Step 1: Plan Step 2: Draw Step 3: Evaluate Step 4: Share

Show Tract by: [None] Show Districts by: [None] Show Boundaries: [?]

EDIT MAP

Roads

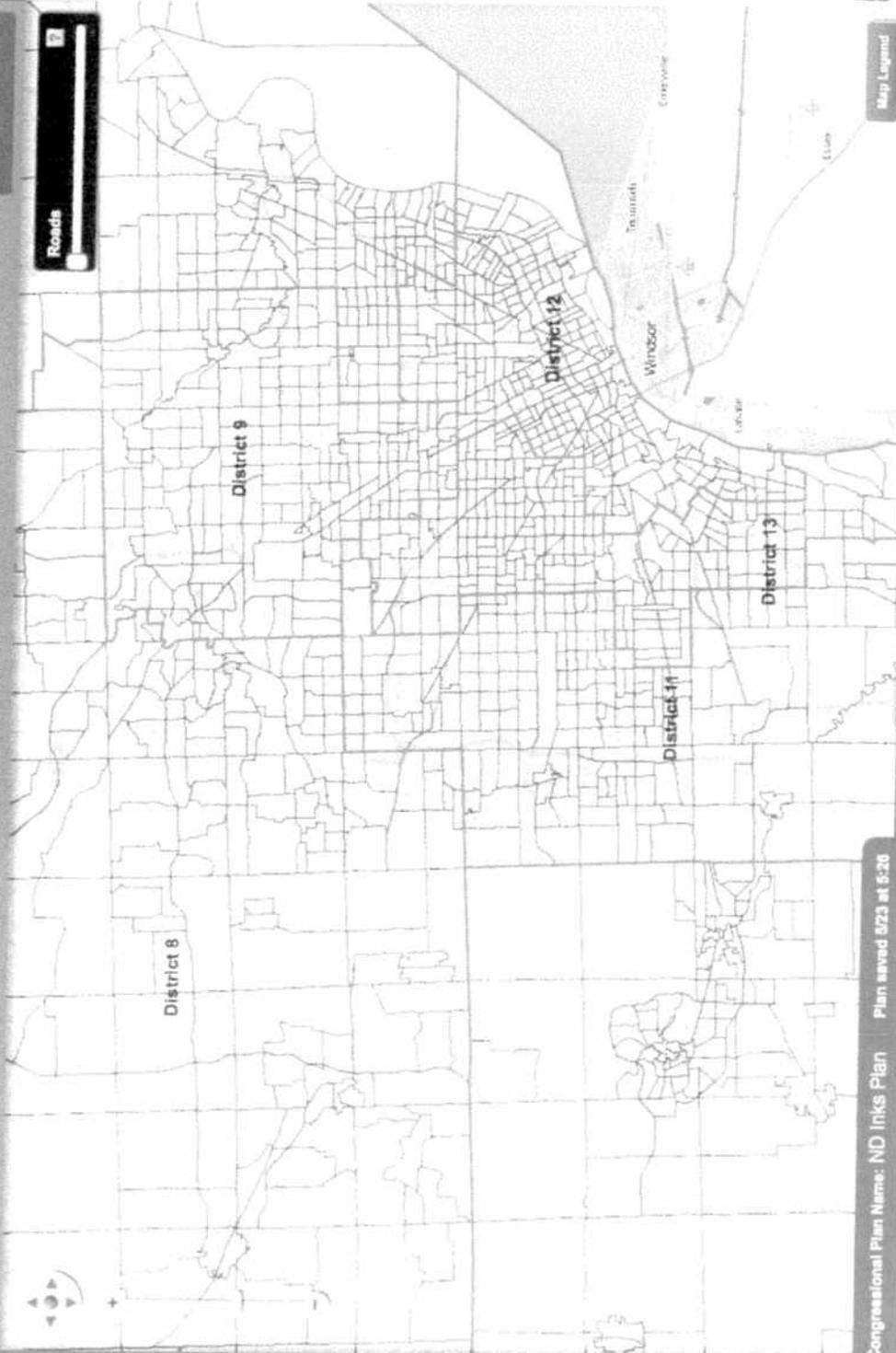
Basic Information

Edit State

ND Inks Plan

Districts
 Score (Target)
 14 (of 14)
 Contiguous
 14 (of 14)
 Black VAP Majority (>50%)
 2 (of 2)
 Hisp. VAP Majority (>50%)
 0 (of 0)

Dist	Tot Pop	Contiguous	Compactness
8	707,807	<input checked="" type="checkbox"/>	71.89%
9	707,014	<input checked="" type="checkbox"/>	67.76%
10	703,039	<input checked="" type="checkbox"/>	71.38%
11	705,564	<input checked="" type="checkbox"/>	59.55%
12	704,073	<input checked="" type="checkbox"/>	56.68%
13	705,391	<input checked="" type="checkbox"/>	41.23%
14	703,695	<input checked="" type="checkbox"/>	73.57%



Map Legend

Map Legend