

# LACRA & PARTISAN FAIRNESS

## Summary

The Pennsylvania General Assembly has refused to transfer its redistricting power to an independent commission. Therefore, a legislative contingency plan containing line-drawing criteria and increasing public input and transparency has been introduced as the Legislative and Congressional Redistricting Act (“LACRA”). This bill (HB22/SB222) would ensure that whatever maps the Legislative Reapportionment Commission (LRC) and congressional redistricting committees produce in 2021 will not be drawn to unduly favor one party or person and will prohibit partisan gerrymandering.

## What is partisan gerrymandering?

Partisan gerrymandering is when district lines are drawn to purposefully favor or disfavor a political party, candidate, or incumbent. Typically, this is achieved in one of two ways: “cracking” or “packing.” Cracking is when districts split up a group of voters such that their preferred party will never have enough votes to win in those districts. Packing, on the other hand, is when a district contains a much higher number of a party’s voters than would be necessary to win in that district. When done effectively and armed with sophisticated redistricting software, both of these practices will result in large numbers of wasted votes for the targeted group. At its worst, partisan gerrymandering will result in a party winning a minority of the votes, but a majority of the seats.

## How does LACRA prevent partisan gerrymandering?

First, LACRA would explicitly prohibit the favoring of parties, candidates, and incumbents and require that districts be responsive. Focusing on the former, by prohibiting favoring parties on a statewide basis, LACRA inherently considers the use of statistical measures of partisan fairness, which have been relied upon by a number of federal and state courts.

Second, LACRA would require increased public input and transparency. Therefore, citizens can act as watchdogs over the redistricting process, armed with the data that must be published under LACRA’s data transparency provisions. Further, citizens can submit their own maps, analyze them, and present them as fair, non-partisan alternatives. Public input, analysis, and alternative map submissions will help to keep the LRC and congressional redistricting committees honest.

Third, LACRA creates a list of clear rules (e.g. county-splitting, minority protection, communities of interest, etc.) which will rein in any potential partisan gerrymandering by the LRC and congressional redistricting committees.

## How is partisan fairness typically measured?

Several metrics have been proposed to measure partisan fairness, and in a closely divided state like Pennsylvania, [certain metrics may work better than others](#). According to metrics calculated by PlanScore, [Pennsylvania’s invalidated congressional map](#) was a gerrymander that was [remedied](#) by the 2018 Special Master.

One possible metric would be the [mean-median difference](#), which compares the average district’s vote-share to the median district’s vote-share to find partisan asymmetry across a district plan. If the median district’s vote-share is considerably lower than the average district’s, the plan likely cracks and packs voters of one party. As the difference gets closer to zero, partisan fairness is more likely.

Another metric would be the [efficiency gap \(EG\)](#), which compares parties’ wasted votes to test for unequal outcomes. The EG adds together all the votes for a losing party and the votes for a winning party in excess of 50%+1 to get the total number of wasted votes. This number is then divided by the total number of votes to see how efficiently votes were spread across a district plan. Generally, an EG over 8% is considered evidence of a gerrymander. One caveat is that minimizing the EG in the pursuit of partisan fairness will affect a plan’s responsiveness, precipitating some degree of a “winner’s bonus” or seat-share advantage to the majority party.

A number of other metrics to measure partisan fairness could be used to meet LACRA’s criterion, including the [lopsided wins test](#), [partisan bias](#), and [declination](#). When based upon these widely-accepted statistical measures, maps produced in accordance with LACRA will ensure that the parties are treated fairly by the LRC and congressional redistricting committees.



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