

PROPOSED LEGISLATIVE DISTRICTING PLANS

I have reviewed the two plans for legislative districts offered by the commissioners. I have made an evaluation of these plans utilizing the Redistricting Plan Quality Index, discussed in my memorandum to the commission entitled The Evaluation of Redistricting Plans.

This memorandum will discuss the analysis of the plans in detail and will include a similar analysis of the two legislative districting plans which I offered, identified as Milem Preferred and Milem Exact.

I checked each of the plans to determine whether every census block has been assigned to a district. I found that to be the case with each of the four plans.

I checked each of the plans to determine whether any blocks have been assigned to more than one district. I did not find this to be the case in any of the four plans.

I checked each of the plans to determine whether each district in a plan is composed of contiguous territory. I found that the plan of commissioners Ceis and Foster (hereafter in text "CF plan") and my two plans satisfied this requirement. However, I found that there were 23 census blocks in the plan of commissioners Gorton and Huff (hereafter in text "GH plan") which were isolated from the districts to which they were assigned. I transferred these census blocks to other districts in accordance with RCW 29A.76A, section 4. This involved the transfer of an aggregate of 191 persons from the districts to which they had originally been assigned to other districts.

I checked each of the plans to determine whether the overall range of population deviation was within ten percent of the average district population. All plans were in compliance.

If Washington had any affirmative obligations, with regard to redistricting, under the federal Voting Rights Act, it would be at this point that each plan would be examined to determine whether there is evidence of noncompliance with those provisions of the federal Voting Rights Act. The conditions which might require the state to form districts for the specific purpose of curing discrimination against protected groups are not satisfied in Washington. The only obligation regarding redistricting which the state of Washington has under this Act is to avoid discrimination against protected groups. I am not aware that this defect exists in any of these plans. And I am not aware that there is any claim by anyone that any of these plans discriminates against protected groups.

I collected the data to enable the necessary computations and obtained the values used to determine the contribution of each of the eight elements to the overall score, or Redistricting Plan Quality Index, for each plan. The results for the four legislative plans evaluated are shown in the table.

REDISTRICTING PLAN QUALITY INDEX

	Ceis Foster	Gorton Huff	Milem Preferred	Milem Exact
Population Equality	99.89	99.52	93.05	100.00
Population Stability	49.10	46.89	22.61	20.30
County Integrity	69.35	61.76	84.97	78.28
Municipal Integrity	-34.08	-19.19	62.35	62.02
Compactness	75.48	75.55	76.62	77.06
Concurrent Boundaries	1.85	11.40	29.37	19.85
Competitiveness	33.58	25.42	31.73	33.58
Party Parity	44.60	28.66	32.56	40.71
Redistricting Plan Quality Index	42.47	41.25	54.16	53.98

Population Equality. Three of the plans appear to be based upon one of two assumptions, either that the words "as equal as is practicable" in Washington law mean something different from what they mean in Supreme Court jurisprudence or that the characteristics of the plans are such that they do not satisfy the U S Supreme Court's idea of "legitimate state purposes." The fourth plan, my preferred plan, is based upon the assumption that the cited words mean the same thing in Washington law as they do in U S Supreme Court jurisprudence (indeed, my view is that the words are in our law precisely

to assure that plans created under our law satisfy the population standard of the court). This accounts for the fact that the population range in my preferred plan is significantly larger than in the other three plans, although it still utilizes only about seven percent of the flexibility which I believe the court allows for plans which limit their purposes to “legitimate state purposes.”

As to the other three plans, my exact plan demonstrates that it is possible to produce a zero deviation plan, that is, a plan in which every district has either 137,235 or 137,236 persons. If the plans are required to satisfy zero deviation, then the commissioners' plans require justification for their deviations. No such justifications have been offered for public review. (It is interesting to note that the commission's rules require that persons submitting plans to the commission as “formal” plans must provide an explanation for how their plans comply with constitutional requirements. It seems more consequential that commissioners should also satisfy this rule. However, commissioners have not submitted such information. This, of course, makes public comment on the plans more difficult.) In the absence of such justifications of deviations, and in the presence of a zero deviation plan, one has to question the federal constitutional sufficiency of the commissioners' plans.

Population Stability. In their presentations, commissioners put significant emphasis on the number of people moved from the district they are in to a different district. It is my understanding in all cases that these references were to districts with the same district number. My approach to population stability focuses not on district number but rather on the voters as participants in a group of voters who currently vote in a single legislative district.

The CF Plan scores the highest of any of the four plans on this test.

The range of scores satisfies my usual expectation that the scores of plans offered by me will score significantly lower on this test than the plans offered by others. Since my approach to redistricting is one of skepticism toward existing districts as artifacts of a series of past gerrymanders, it is my usual experience that the Population Stability scores of my plans are the lowest among plans compared.

County Integrity. This test corresponds to the statutory provision that the number of counties divided in the formation of districts should be “as small as possible.” However, the test does not merely look at the number of divided counties, but it also considers how seriously divided each divided county is.

To compare the plans first in terms of the statutory language, this is the number of counties divided in each plan (excluding the ten counties which are too large to be a district and, therefore, must be divided).

Ceis Foster	7
Gorton Huff	9
Milem Preferred	1
Milem Exact	4

It is evident from this data that the two commissioners' plans fail to comply with the statutory language.

The following table shows the percentage of the population of each divided county which is creditable in determining the County Integrity score for each plan. In cases of counties divided in some plans but not all, the space for showing the percentage is left blank if the county is undivided (if those spaces were filled, they would all read 100). The table is easier to read this way. Chelan County is omitted from the table, because although it is divided in GH plan, the population is not divided. That is, an uninhabited part of the county is placed in a different district from the rest of the county. This was probably not intended.

	Ceis Foster	Gorton Huff	Milem Preferred	Exact
Adams	70			
Benton	90	74	65	61
Clark	99	99	100	100
Cowlitz	74			
Douglas	97	64		
Franklin		64		89
Grant	91	88		87
Grays Harbor	51	83		
Jefferson		81		
King	95	85	99	92
Kitsap	92	45	85	85
Lewis		72		92
Okanogan	67	93		
Pierce	82	80	69	52
Skagit	68	49	65	64
Snohomish	70	74	100	96
Spokane	100	100	95	94
Thurston	75	79	79	81
Whatcom	89	<100	99	99
Yakima	92	99	98	96

As shown on the Redistricting Plan Quality Index table, the scores of my plans are noticeably higher than those of the plans of the commissioners. This reflects two factors. My plans divide fewer counties and, for the most part, my plans do not divide the counties as seriously. Only in Benton, Pierce and Spokane counties are counties more deeply divided in my plans than in the average of the two commissioners' plans. This is somewhat counterintuitive. The normal expectation would be that when a choice is made to divide more counties the result will be less serious divisions of the counties which must be divided. It is pretty clear that the commissioners have not taken advantage of their splitting extra counties to minimize the seriousness of the divisions in the counties which must be split. If the counties which must be divided are divided as seriously as the commissioners have done, it suggests that the division of some of the counties which did not have to be divided was unnecessary. This suggests a lack of commitment by the commissioners to not splitting counties unnecessarily in compliance with the statutory provision that the number of counties divided be "as small as possible."

Municipal Integrity. This test corresponds to the statutory provision that the number of municipalities divided in the formation of districts should be "as small as possible." However, the test does not merely look at the number of divided municipalities, but it also considers how seriously divided each divided municipality is.

To compare the plans first in terms of the statutory language, this is the number of municipalities divided in each plan (excluding the four municipalities which are too large to be a district).

Ceis Foster	29
Gorton Huff	29
Milem Preferred	11
Milem Exact	11

A number of these municipalities are divided as to area but not as to population. In some cases, this is due to the division of the municipality between or among counties or to the fact that the municipality itself is not contiguous. A number of municipalities in Washington have annexed non-contiguous areas to maintain control over water resources, park land, and perhaps for other reasons. These non-contiguous areas are typically, though not always, unpopulated. In other cases, municipalities are divided as to area and not population for the probable reason that some blocks in the municipality were unintentionally assigned to the wrong district.

The numbers of municipalities divided only as to population in each plan are as follows (excluding the four municipalities which are too large to be a district):

Ceis Foster	25
Gorton Huff	20
Milem Preferred	4
Milem Exact	5

It is evident from this data that the four commissioners' plans fail to comply with the statutory language.

The Municipal Integrity scores in the Redistricting Plan Quality Index reflect how seriously divided the municipalities are.

The following table shows the percentage of the population of each divided municipality which is creditable in determining the Municipal Integrity score for each plan. In cases of municipalities divided in some plans but not all, the space for showing the percentage is left blank if the municipality is undivided (if those spaces were filled, they would all read 100). Municipalities which are divided only as to area but not as to population are excluded from this table unless the population is divided in at least one plan. In this case, the municipality is listed with the Municipal Integrity score for the municipality for those plans which divide both area and population; a Municipal Integrity score of 100 is shown for those plans which divide the area, but not the population, and the space is left blank for those plans which divide neither the area nor the population.

	<u>Ceis Foster</u>	<u>Gorton Huff</u>	<u>Milem</u>	
			<u>Preferred</u>	<u>Exact</u>
Aberdeen	52			
Anacortes	<100	100		
Arlington	100			
Auburn	70	58		
Battle Ground		100		
Bellevue	67	51	87	87
Bellingham	79	71		
Bonney Lake			100	100
Bothell			51	77
Bremerton	86	72	<100	<100
Burien	69	66		
Clyde Hill		100		
Coulee Dam	83		83	83
Des Moines	96			
Edmonds	68			
Enumclaw	100			
Everett	74	100	100	100
Fife		<100		
Grandview			100	100
Issaquah		70		
Kennewick		<100		
Kent	54	56	100	100
Kirkland	60	56		
Lacey		71		
Lakewood	<100	57		
Lynnwood	<100	<100		
Marysville	77	68		
Milton	88	100		
Montesano	100			
Mount Vernon	100		100	100
Mountlake Terrace	78			
Oroville		<100		
Pacific	99			
Pasco		53		
Poulsbo			100	100
Redmond	53	79	100	
Renton	75		77	78
Richland		100		
Sammamish	73	55		
Seattle	64	86		
Shoreline	65			
Spokane	62	40	51	52
Sumner		<100		
Tacoma	54	62	87	87
Tukwila	98	100		
Tumwater		<100		
Vancouver	51	60	52	52
West Richland		100		
Woodinville		100		
Yakima	52			71

Among these fifty municipalities, my plans provide or share the highest scores for 39 municipalities. The GH plan provides or shares the highest scores for 18. The CF plan provides or shares the highest scores for 17. There is actually more difference between the GH plan and the CF plan than these numbers indicate because of the number of what appear to me to be inadvertant errors in the GH plan. I very much doubt that the GH plan divisions of Anacortes, Battle Ground,

Clyde Hill, Fife, Milton, Richland, Tukwila, Tumwater, West Richland and Woodinville were intended. This would bridge most of the gap between the number of municipalities reported as divided when the plan was announced and the number which I found to have been divided. It seems to me that adjustments could easily be made to reunite Kennewick, Oroville and Sumner in the GH plan. Among the municipalities divided in the CF plan, I don't find any which show evidence of being split unintentionally. However, I have some difficulty understanding why Anacortes, Lakewood and Tukwila were divided when it seems it would have been easy not to divide them.

Very little has been said by commissioners which might help one to understand why so many municipalities are divided given the statement in the redistricting act that the number of divided municipalities should be "as small as possible."

Compactness. The state constitution provides that, to the extent it is reasonable, districts shall be compact. The topic of compactness is one which has spawned suggestions rather than answers. Generally speaking, I believe that compactness is more suitably evaluated visually and aesthetically than mathematically. However, knowing compactness when I see it is unsuitably subjective for this kind of evaluation of districting plans.

A large number of suggestions have been made in the literature regarding appropriate ways of evaluating compactness using mathematical computations. Among the most popular of these are the five measures reported by the AutoBound software. Peculiarly, AutoBound provides individual district compactness values for four of the tests it computes, but not an average for all districts in a plan. For the other measure, it reports the sum of district perimeters for all districts in a state, but does not list the values by district. Why?

Of these measures, the only one which I can even think of endorsing for use in Washington is total perimeter length. Even this, however, is not very suitable in a state in which large areas of the state are uninhabited. Just as I put the focus on the population, not the geography, of counties and municipalities when they are divided between or among districts, I don't think it makes a whole lot of sense to focus on the irregularities in the shape of a district when the irregularities are unpopulated. Here are the total perimeter lengths in miles according to AutoBound for legislative districts in the four plans being evaluated.

Ceis Foster	31,771.21
Gorton Huff	34,189.80
Milem Preferred	30,131.79
Milem Exact	31,606.96

My Preferred plan has the shortest district perimeter length. My Exact plan is second, followed by the Ceis Foster plan and the Gorton Huff plan.

I will comment on the other four compactness measures offered by AutoBound.

My personal favorite from the point of view of theoretical elegance is the Polsby-Popper measure. This determines the area of a circle having a circumference equal to the perimeter of each district and compares the area of each district to its circle. As Polsby and Popper describe this, they are measuring the efficiency of the boundary of a district in capturing area. This is an excellent tool for reducing compactness scores of plans which have boundaries similar to the most intricate portion of the boundary between Olympia and Tumwater, lots of boundary length and very little area captured by it. However, rivers which are often county or municipal boundaries are not very efficient at capturing area because of their tendency to meander. Similarly, municipal boundaries are sometimes very intricate. Use of the Polsby-Popper measure to evaluate compactness would encourage drawing arcs or straight lines to replace natural boundaries, county boundaries and municipal boundaries. This would have negative impacts both on county and municipal integrity and on the costs of election administration with all the precincts which would have to be added to accommodate all the people separated from their county, their municipality and their neighbors by the arc or straight line necessary to obtain a better compactness score.

Here are the averages of the district compactness scores reported by AutoBound using the Polsby-Popper measure.

Ceis Foster	32.5
Gorton Huff	29.4
Milem Preferred	37.2
Milem Exact	33.7

This data produces the same picture of the relative compactness of the four plans as the total perimeter length.

Another compactness measure offered by AutoBound appears to me to be a variant of the Polsby-Popper measure. This compares the actual perimeter of the district with the circumference of a circle with the same area as that of the district. This measure offers the same perverse incentives to shorten perimeters by replacing geographic features and political subdivision boundaries with arcs and straight lines.

Here are the averages of the district compactness scores reported by AutoBound using this measure.

Ceis Foster	58.9
Gorton Huff	56.4
Milem Preferred	63.9
Milem Exact	60.8

This measure produces the same outcome as the two discussed before it.

Another compactness measure offered by AutoBound is the Schwartzberg measure. This measure is similar to the Polsby-Popper measure in that it compares district area with an area of a geometric figure considered to be compact, in the case of Polsby-Popper, a circle, and in the case of Schwartzberg, a convex hull. This is the figure composed of straight lines which connect protruding points in the actual district boundary. The benefit of this approach is that it removes the perverse incentive to substitute arcs and lines for irregular, intricate boundaries. The negative is that it provides relative high scores and tends to leave an impression that there is little difference among plans in compactness even though other tests might leave a different impression. Also, this measure fails to take account of the fact that the convex hull of a district may include substantial populations which are not in the district.

Here are the averages of the district compactness scores reported by AutoBound using the Schwartzberg measure:

Ceis Foster	75.9
Gorton Huff	68.5
Milem Preferred	81.6
Milem Exact	79.7

This measure produces the same order of the plans as all preceding measures.

The remaining compactness measure offered by AutoBound is referred to as Roeck/Ehrenberg. This measure is similar to Polsby-Popper in that it compares district area with the area of a circle. The circle, however, is a different circle in this measure. This circle is the smallest circle which can completely enclose the district. The benefit of this measure is that it discourages elongated districts. The negative is that those elongations may be uninhabited parts of political subdivisions; think of the part of Whatcom county west of Point Roberts, the north end of Skamania county, the area of Clallam county in the Strait of Juan de Fuca. If no one lives there, why should a plan be scored lower simply because it maintains county integrity?

Here are the averages of the district compactness scores reported by AutoBound using this measure.

Ceis Foster	26.1
Gorton Huff	24.2
Milem Preferred	26.8
Milem Exact	24.7

Just as with the congressional districts discussed previously, this measure produces a different order of the plans. The difference here is that the Ceis Foster plan obtains a higher score than my Exact plan.

The measure which I am using presently is a modification of the Schwartzberg method. The difference is that whereas the Schwartzberg convex hull is based upon the geography of the district, my convex hull is based upon the

inhabited part of the district. Why should uninhabited areas have any impact in measuring the compactness of a district? The compactness measure should provide no incentive to place them in any district. This leaves them free to be placed in a district which maintains county integrity or municipal integrity or fulfills other principles mentioned in the constitution and the statute.

The results produced by this measure for the six plans are those shown for Compactness on the Redistricting Plan Quality Index. Here are the averages of the district compactness scores using this measure.

Ceis Foster	75.48
Gorton Huff	75.55
Milem Preferred	76.62
Milem Exact	77.06

This measure produces yet a different result. The order of my two plans is reversed, the Exact plan outscoring the Preferred plan, and the order of the two commissioners' plans is reversed, the GH plan outscoring the CF plan by an inconsequential margin.

There is a general comment to be made about all of these measures of compactness. None of them take account of the fact that there are constitutionally- and statutorily-preferred boundaries. For example, the state constitution contains this sentence: To the extent reasonable, each district shall contain contiguous territory, shall be compact and convenient, and shall be separated from adjoining districts by natural geographic barriers, artificial barriers, or political subdivision boundaries. I interpret this to mean that district boundaries which follow natural geographic barriers, artificial barriers, or political subdivision boundaries are preferred boundaries. Other boundaries will be necessary to meet the population standard, but such boundaries are non-preferred boundaries.

I believe that compactness measures should distinguish between preferred boundaries and non-preferred boundaries. My preferred compactness measure, for which I do not presently have programming resources, would be to distinguish between preferred boundaries and non-preferred boundaries, utilizing boundary smoothing of the convex hull variety for preferred boundaries and utilizing the actual boundaries for non-preferred boundaries. It is typically the case that abusive districting accomplishes its purposes by using non-preferred boundaries. This measure would compare the actual area of a district with the area of a hexagon having a perimeter equivalent to the perimeter determined, as indicated above, by combining the length of the smoothed preferred boundaries and the actual length of the non-preferred boundaries.

Concurrent Boundaries. The state constitution provides that, to the extent reasonable, districts shall be separated from adjoining districts by political subdivision boundaries. I understand this reference to political subdivision boundaries as referring to county and municipal boundaries. If this term, political subdivision, has been judicially construed in connection with its use in the state constitution, I am not aware of it. The definitions of political subdivision in state statutes tend to vary in terms of what they include. I have the impression that counties and municipalities are always included but that other kinds of districts are included for some purposes and not for others.

For purposes of my concurrent boundaries test, I have limited the test to county and municipal boundaries.

As shown on the Redistricting Plan Quality Index table, the Concurrent Boundaries scores for the six plans reviewed here are the following:

Ceis Foster	1.85
Gorton Huff	11.40
Milem Preferred	29.37
Milem Exact	19.85

The conclusion to be drawn from this data is that my plans do a better job of creating districts which are bounded by county and municipal boundaries than do the commissioners' plans. It appears to me that, unless a case is successfully made that district boundaries in my plans are not reasonable boundaries, one must conclude that the commissioners' plans fail to satisfy the constitutional standard that district boundaries, to the extent reasonable, must follow political subdivision boundaries.

Competitiveness. The Washington State Redistricting Act provides that “The commission shall exercise its powers . . . to encourage electoral competition.”

Competitiveness is similar to compactness in the sense that there is not general agreement about what constitutes competitiveness. For me, the important issue is whether districts are formed in such a way that when the mood of the public, as expressed in their votes, changes that change will be reflected in the composition of the legislature. When the votes indicate the voters want the Republicans to control the legislature, the Republicans should control the legislature. When the votes indicate the voters want the Democrats to control the legislature, the Democrats should control the legislature. To me, this means that competitiveness is linked to the votes of the state. Because of variations in the concentration of voters of the two parties in various areas of the state, some districts are likely to always elect Democratic legislators. Other districts are likely to always elect Republican legislators. However, it is desirable to minimize the number of such districts to the extent possible, by creating districts which are competitive when the voters of the state are approximately equally balanced between the parties.

As indicated by the Redistricting Plan Quality Index, the CF plan and my Exact plan score best, followed closely by my Preferred plan. The GH plan has a much lower Competitiveness score.

Here is the underlying data which supports those Competitiveness values:

	<u>D</u>	<u>C</u>	<u>R</u>
Ceis Foster	118	242	179
Gorton Huff	145	193	201
Milem Preferred	116	239	184
Milem Exact	117	243	179

The distribution of the instances reported in this table is interesting. I have previously shown the commission that Republicans are more advantageously distributed within Washington than are Democrats. Democrats are more concentrated. This difference in voter distribution by party is evident in the fact that the number of instances falling in the more than 5% more Republican than the state is consistently higher in all of the plans than the number of instances more than 5% more Democratic than the state. .

It is also very interesting that the competitiveness values in this table match the Competitiveness scores in the Redistricting Plan Quality Index, in that the scores for three of the plans are closely bunched. The fourth plan, the GH plan, scored significantly more poorly on the RPQI, and the reason for that is evident here. The GH plan reduces the number of instances in which competitive results are reported for districts by about 50 instances. These are distributed about 30 to Democratic instances and about 20 to Republican instances. This suggests packing of Democrats.

Three of the four plans have eleven proposed districts in which a majority of instances are Democratic. The GH plan, packing Democrats, has 14 Democratic districts. My two plans have 14 districts in which a majority of instances are Republican; the CF plan has 15 and the GH plan has 19. This leaves my plans with 24 Competitive districts; the CF plan has 23, and the GH plan only 16.

As a small sidelight to this, each plan has four districts which provide instances in all three columns, Democratic, Republican and Competitive, except the GH plan which has only one such district, another indication that it is a plan in which competitiveness as I understand it is lacking.

It appears to me that the GH plan is based upon a different interpretation of competitiveness. I have indicated to the commission that I believe the most usual distribution of votes in statewide partisan elections in Washington is 54% Democratic, 46% Republican. It appears to me that the GH plan is structured to enable the Republicans to run evenly in legislative elections when the Democrats have this eight percentage point lead in the state. Of course, this means that when the voters are equally divided between the parties, the Republicans are likely (but for effects of incumbency) to have a comfortable margin in the legislature.

Another way to look at this is to examine the number of districts in terms of how closely the average vote in eleven statewide partisan contests matches the average vote in the state. Here's that table:

<u>Variance from state</u>	Ceis	Gorton	<u>Milem</u>	
	<u>Foster</u>	<u>Huff</u>	<u>Preferred</u>	<u>Exact</u>
<1%	6	1	5	6
1-2%	6	3	5	5
2-3%	6	2	3	3
3-4%	1	5	4	5
4-5%	4	4	8	7
>5%	26	34	24	23

This table also indicates that three of the plans have similar distributions of districts among the ranges of variance most likely to produce competitive contests when the voters of the state are equally divided between the parties. The GH plan, in contrast, has a very different distribution with many more districts which are likely to be non-competitive.

My conclusion is that three plans offer the voters of Washington a more competitive set of legislative districts than the fourth plan when the voters of the state are equally divided between the parties..

Party Parity. The state constitution requires that “The Commission's plan shall not be drawn purposely to favor or discriminate against any political party”

Bringing districts into party parity is very difficult in the context of the unbalanced distribution of Republican and Democratic voters in the state. Ideally, the number of districts more Democratic and more Republican than the state would be equal in number, and, for each district x% more Democratic than the state there would be another district the same percentage more Republican than the state. This is nearly impossible given the fact that Democratic voters are more concentrated in the state and Republican voters are more dispersed in the state. Another factor which contributes to this difficulty is that there can be variations by a factor of 2 within the state in terms of the percentage of the population which votes. By and large, voter participation is highest in heavily Democratic districts in the state and it is lowest in some of the most Republican districts in the state. If the basis of redistricting were votes cast instead of persons counted, it would be much easier to create districts characterized by balance between the parties.

I would like to illustrate the problem with some data from my Preferred plan. In that plan, nine of the ten districts which cast the largest numbers of votes in the contest for governor in 2008 voted for Gregoire. In those districts she received 480,000 votes, 30% of her total in the state even though this is just over 20% of the districts. Rossi received 265,000 votes, 19% of his total in the state. In the ten districts which cast the smallest numbers of votes in that contest, each candidate won five districts. Rossi received 246,000 votes in these districts. 17% of his vote in the state, and Gregoire received 232,000, around 14% of hers. Among these districts, the one with the largest vote was a proposed district in northwest Seattle in which nearly 83,000 votes were cast. The one with the smallest vote was a district in Yakima county in which just under 40,000 votes were cast. Although these were votes for governor, it's pretty likely that the numbers of votes for legislative positions were proportionate. If so, a vote for legislators in Yakima was worth twice what a vote for legislators in northwest Seattle was worth. This clearly is not equal vote value. Is this democracy? Bear in mind in this connection that when the Supreme Court first began using the expression “as nearly as equal as is practicable” they did so in the context, not of district populations, but in the context of vote values. We've strayed far from that, to, in my opinion, our great disadvantage. In this context, zero deviation in population seems pretty hollow and shallow and useless.

To get back to the Party Parity issue, as long as we continue to redistrict on the basis of equal populations and thereby devalue the votes of people who live in high-voting areas and revalue the votes of people who live in low-voting areas, we're not going to be able to bring the parties into parity in redistricting. (These comments are limited to this state and this time. When we move to a realignment of voters with parties as happens a few times a century this may all change, but as long as we have the current alignment of voters with parties in Washington, this problem isn't going away, unless we switch the basis of representation from people counted to people voting.)

My solution to that is to try to maximize the number of competitive districts to minimize the damage done by a redistricting which can't help favoring one party over the other because of the mismatch between the intention of being fair to the parties and the choice of a basis of representation, population, which makes that impossible.

In this connection, I would like to make an observation about a difference between my Preferred plan and my Exact plan which results in better Competitiveness and Party Parity scores for the Exact plan. I prepared the Preferred plan first. Subsequently, I prepared the Exact plan. As I was working to adjust the Preferred plan to a zero deviation plan, I found that

it was virtually certain that I would have to divide some municipality in Yakima county. Since I always prefer to divide the largest unit if something has be divided, I decided that instead of dividing a smaller Yakima valley municipality, I would divide the city of Yakima. This had a very beneficial effect on the Competitiveness and Party Parity scores of the Exact plan. It creates a second legislative district in eastern Washington in which Democratic candidates have a reasonable opportunity to be competitive. In this one respect, the Exact plan is better than the Preferred plan.

We have previously discussed the anti-competitive effects of the GH plan. There is a startling difference between the other three plans (and the current plan, as well) and the GH plan in terms of the numbers of districts won by statewide candidates in four competitive contests in 2008 and 2010. Here are those results.

Office/Year	Candidates	D Vote %	Current	CF Plan	GH Plan	Milem	
						Pref Plan	Exact Plan
Gov 2008	Gregoire-Rossi	53.24%	26-23	29-20	23-26	26-23	26-23
Sen 2010	Murray-Rossi	52.36%	25-24	27-22	21-28	25-24	25-24
Treas 2008	McIntire-Martin	51.08%	21-28	24-25	19-30	23-26	24-25
CPL 2008	Goldmark-Sutherland	50.55%	21-28	23-26	20-29	21-28	22-27

This table confirms a suspicion I had which was that the GH plan is intended to give the Republicans an even chance (disregarding effects of incumbency) of winning the legislature when the Democrats have around 54% of the votes in the state. In each of these contests, the Democratic candidate won the state but failed to win a majority of the GH plan districts. The CF plan and both of my plans create districts in which Gov Gregoire and Sen Murray would have won a majority of the districts. However, none of the plans is effective in enabling McIntire or Goldmark to have won a majority of the districts. This is another evidence of the disadvantage at which the Democrats start in redistricting, due to the fact that their voters are more concentrated and Republican voters are more advantageously dispersed.

The GH plan appears to build on this inherent Republican advantage and seeks to increase it by a surprising margin. There is no way that the GH plan is compliant with the constitutional provision that a redistricting plan is not to favor one party over the other.

All of the plans favor the Republicans, but the other three by a much smaller margin. The best efforts made to bring the Democrats even with the Republicans in terms of opportunities to win legislative districts proportionate to the votes won are frustrated by the use of persons counted instead of persons voting as the basis of representation. Only when that change is made will the Democrats get a fair shake in legislative districting in Washington. In the meantime, I believe it is the obligation of the commission to seek to counter the Republican advantage in redistricting. Three plans do that. One does not. The CF plan comes the closest to leveling the playing field. Unfortunately, the CF plan, while it shines on Competitiveness and Party Parity, accomplishes those results by ignoring constitutional and statutory provisions not to divide more counties and municipalities than necessary and to create districts which follow boundaries of political subdivisions. My two plans fall farther short of leveling the playing field than does the CF plan, but they are far more observant of the constitutional and statutory provisions.

It is disappointing that the commissioners' plans fall so far short of compliance with constitutional and statutory provisions intended to discipline the redistricting process. Since this process is structured to produce a bipartisan outcome rather than an outcome in the public interest, it is reasonable to expect that if commissioners are able to reach an agreement on a legislative plan, it is likely to have the worst characteristics of both the CF and GH plans. It will fail to make its best efforts to avoid favoring one party over the other and in the Democrats efforts to make this possible, it will unnecessarily divide counties and cities and prefer other boundaries than political subdivision boundaries.