

**Statement before the New Jersey Senate Budget Committee
Ben Williams of the Princeton Gerrymandering Project
November 26, 2018**

Thank you for the opportunity to testify on Senate Concurrent Resolution 43, concerning the redistricting process. My name is Ben Williams. I am an analyst for the Princeton Gerrymandering Project at Princeton University, founded by Professor Sam Wang. Our project's mission is to combine legal analysis and data science to identify reforms that make redistricting more fair. We are nonpartisan: we have worked with organizations favoring both parties, and of no party. Our analysis has won national awards from Common Cause and has been published in the New York Times and the Stanford Law Review.

We neither oppose nor support S.C.R. 43. However, we have identified an area of concern.

S.C.R. 43 mandates that either major party should have an equal number of favorable districts relative to the statewide average partisan vote. To statistical analysts, this is the same concept as "minimizing the average-median difference." Professor Wang proposed the average-median difference as a standard for partisan fairness in 2015. This standard aims to treat voters of both parties equally, and works best in closely-divided states. Based on statewide elections from 2012 to 2016, 20 legislative districts are more Republican than the state average, 19 districts are more Democratic than average, and one district is at the state average. So this new rule is nearly party-neutral, and is not our concern.

Our concern today focuses on competitiveness. In the abstract, competition is a desirable feature of democracy. However, defining competitiveness poorly or overemphasizing it can inadvertently cause unfairness to parties and communities.

In the natural give and take of districting, some districts end up competitive and some do not. This legislation mandates that one-fourth of districts be competitive, where "competitive" is defined as being within five points of the average partisanship of the state. By itself, this outcome is not far from what historically arises from party-blind districting. However, under the justification of maximizing competition, a commission could attempt to far exceed the one-fourth requirement. Since the resulting districts would resemble the state as a whole, such a map would create an artificial, evenly distributed advantage for the majority party. This could drastically reduce the number of seats for the minority party.

Competitiveness should be more properly defined as being within five points of 50-50 rather than the statewide average. Even then, there is still the possibility of partisan distortion. This can be addressed with a more detailed fairness criterion, an approach that Missouri voters approved just this year. There are multiple solutions, and we are happy to discuss them in more detail.

Contact: Ben Williams (bw18@princeton.edu), Sam Wang (sswang@princeton.edu)