

Laura Hurley

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Subject: [EXTERNAL] Online Form Submittal: Charter Review Committee Submission Form

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Charter Review Committee Submission Form

First Name	Harry
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Comments, Questions or Concerns	April 28,2021

Dear Commission Members,

I am writing the members of the Charter Review Commission to discuss a specific shortcoming in the current Charter of Wicomico County. It is "Article II, Section 201, B, Districting Procedure." These districting/redistricting provisions were adopted in 1989, and since then the drawing of legislative district lines, whether it is national, state, or local, has become an important issue for not only insiders but the public as well.

Redistricting has been a teaching and research interest of mine for forty years, so I am well acquainted with how this discussion has evolved. Two recent contributions that I find useful and recommend to everyone on the committee are Governor Larry Hogan's Executive Order creating the Maryland Citizen Redistricting Commission* and the National Civic League's Model City Charter, section 6.02.** Both have informed my comments below.

Before suggesting specific changes in the county's current procedures, I would like to identify two values that should be

furthered through redistricting: transparency and fairness. Transparency requires those charged with the task of drawing lines should conduct open meetings and provide opportunities for citizen input. Fairness requires that district lines should be drawn to ensure, as much as possible, representation of political, social, and economic interests within the county.

The county's current redistricting procedures do not achieve these values. Bluntly stated, the Wicomico County Council, has too much control. The council creates a commission, which sounds proper until the details are examined. The council appoints members of the commission, but no criteria for selecting members can be found, not even the number required for the job. The commission is not required to seek public input. Once a plan is prepared and presented to the council, only then is it made available to the public. At that point, the county council is required to hold a public hearing. The county council has final approval and "may adopt the plan as presented or may make any modifications or amendments to the plan." In other words, the county council has final approval.

The only positives are the reasonable timeline established to complete the entire process and that districts should be "reasonably compact, contiguous and substantially equal in population." Looking at both positives and negatives, the only conclusion is to rewrite this section of the charter. What is the path to transparency and fairness? Simply stated: District lines should be drawn by an independent redistricting commission that applies neutral criteria. It may not be possible to completely attain the values of transparency and fairness, but we can do better than what we have.

Transparency may be the easiest to achieve. For example, open meetings at convenient times, citizen outreach to encourage public input, an electronic portal for public review of data used in drawing new plans, and a timeline that allows public comments on the commission's final plan.

Fairness begins with a redistricting commission that neither major political party dominates. Commission members, in equal numbers, should be registered voters of both major political parties and independent voters, or unaffiliated, as they are called in Maryland. Governor Hogan's commission has three Democrats, three Republicans and three not registered with either major party. Final authority to approve the plan should be with the commission and not the county council, although some give-and-take could be allowed. A super-majority should be

required for a plan's approval; for example, if the commission has five members, four must approve, seven members, five must approve, and so on.

Also important to fairness are guidelines for the commission to follow in creating new districts. Some are included in the current charter such as "reasonably compact," contiguous," and "substantially equal in population." (The latter was mandated by U.S. Supreme Court in 1964.) Representation of minorities is required by the Voting Rights Act of 1965 along with Supreme Court decisions and should be part of the Charter. Finally, it is crucial to prohibit drawing lines to boost the election chances of a particular political party (partisan gerrymandering) or incumbent office holders.

In closing, any decision made by the Charter Review Commission would not be implemented until after the 2030 census, making this an ideal time to look objectively at redistricting.

Thanks for your consideration and if I can be of further assistance, do not hesitate to contact me.

Sincerely yours,

Harry Basehart

*<https://governor.maryland.gov/wp-content/uploads/2021/01/execorder.pdf>

**<https://www.nationalcivicleague.org/wp-content/uploads/2017/10/Model-City-Charter.pdf>
See pages 38-41.

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