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Removing the Incumbent Protection Plan

Of the many bills that come before any state legislature, there are certain bills that can reasonably be classified as “common sense bills.” [Senate Bill 20](#), currently awaiting consideration by the Delaware General Assembly, is one such bill. The bill seeks to create an independent commission to oversee Delaware’s redistricting process.

With the trend of introducing good government legislation, SB 20 represents another step that can be taken to improve ethics and the general nature of government in Delaware. The bill is sponsored by two Democrats, State Senator Patricia Blevins and State Representative John Kowalko. It is co-sponsored by eight additional Democrats and two Republicans.

For the sake of Delaware and good government in general, this legislation should be implemented. The supporters of this legislation should proactively push for consideration of SB 20 by the full House and Senate and assuage critics who have called the legislation “window dressing” – legislation that is introduced to make an elected official look good, but is not seriously debated.

The bill will create “The Redistricting Commission for the State of Delaware,” which will have the “power to adopt rules related to its operations and the redistricting process, and shall submit the proposed rules to the General Assembly.”

The Commission would be composed of 11 members, including at least one member from each of Delaware’s three counties and the City of Wilmington. In creating the bi-partisan group, each member of legislative leadership would be awarded one appointment to the Commission, resulting in six Democrats and four Republicans, based on the current makeup of the General Assembly. The chair of the Commission would be selected by a vote of the 10 appointed members.

Further specifications are built into the legislation that will help make the entire redistricting process less political than it is now. In the current process, the legislature itself is responsible for determining the new districts, thus facilitating the long-existing incumbent-protection mentality. The bottom line is that the nature – the shape and demographics of a legislative district – should cater to serving the public interest, not the re-election of an incumbent or the election of a specific individual.

The additional good government facets of the Commission as outlined in SB 20 include:

- No member of the Commission shall hold elective office.
- No member of the Commission shall be a registered lobbyist.
- No member of the Commission shall be permitted to run for the General Assembly in the election following redistricting.
- No elected official and no officer of a state political party office may serve on the Commission.
- A Commission member shall not have been an elected official within two years of his or her appointment to the Commission.
- Each member of the Commission shall attest under oath that he or she is willing to serve as a member of the Commission, that he or she is able to serve in a fair and impartial manner, that he or she shall

not allow personal, financial, or partisan political interests to affect his or her decisions as a member of the Commission, that he or she is not the subject of a conservatorship.

There is ample precedent for utilizing an independent commission to oversee redistricting. 21 states rely on some form of a redistricting commission.

Voters in California recently approved Proposition 11 to create an Independent Redistricting Commission of 14 members to draw the lines creating the state's electoral districts. Previously, the legislature drew the districts. The commission will be comprised of California citizens — five Democrats, five Republicans, and four persons who are members of neither major party. Delaware does not have initiative and referendum and cannot therefore turn to voters to enact such a policy change. However, California can serve as a model for the independent commission framework, especially in that the body is evenly split amongst the major political parties, something Delaware's legislation lacks. In recommending California's redistricting process, CRI is in no way recommending Delaware lawmakers follow other examples set by California, notably its ever-worsening fiscal condition.

Another example for independent redistricting can be found in Arizona where the "Independent Redistricting Commission's" mission is to "administer the fair and balanced redistricting of the Congressional and Legislative districts." Arizona's version consists of five members: two Democrats, two Republicans, and one Independent.

With a Fiscal Note attached to the bill, it may not be given its just consideration during the legislative session. The Fiscal Note amounts to \$156,000 for fiscal year 2010 to cover staff, supplies, equipment and other overhead costs.

With rampant government spending, an incumbent protection mentality and the general displacement of fiscal responsibility within the legislature, the \$156,000 is a small down payment that is well worth the cost of increasing the level of accountability in the General Assembly.

The bi-partisan legislation would signal a re-shifting of priorities for the legislature, showing the public that members of the House and Senate are more focused on doing what is right as opposed to doing what is in their individual best interests.

The Caesar Rodney Institute is a 501(c)(3) research and educational organization and is committed to being a catalyst for improved performance, accountability, and efficiency in Delaware government.

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