

POLICY BRIEF

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Redistricting Allegheny County Style

Once again we are being treated to some entertaining-- but deadly serious-- nonsense as County Council Democrats try to rationalize their highhanded, ill-considered reapportionment plan that is now being challenged in court.

The suit to have the plan set aside makes two compelling arguments. First, the redistricting map violates the County's Administrative Code by apportioning the City of Pittsburgh into six Council districts and second, the plan's development violates the state Sunshine Law. The vote on the plan certainly violates the spirit of the Home Rule Charter, which calls for a public comment period on ordinances and resolutions. For a subject as important as reapportionment there is an unusually great necessity for public comment.

A third very strong argument that deserves dishonorable mention is the plans unbelievably callous shift of nearly one-third of County voters into another district, forcing many to wait an additional election cycle to get to vote for a County Council representative.

Granted, apportionment of voting districts is as political as legislative decisions get. And we aren't naive enough to believe that parties in power will refrain from achieving the most advantageous results they can for their party. It is the reality of the system. Still, whatever partisan advantages are achieved must conform to pre-existing law. And in the case of Allegheny County, that did not happen.

The Administrative Code says no municipality can be divided into more districts than is absolutely necessary. With only 320,000 people and the average County Council district containing about 100,000 people, there can be no need for the City to be in more than four districts. Democrats have put the City into six districts, giving City voters far more potential control over Council than the population justifies.

The Democrat rebuttal? They maintain the City is not a municipality. Unfortunately for them, the Administrative Code in Article I defines municipality as "any county, city, borough...". Last time we checked Pittsburgh was a city.

Oops. Another argument needed.

Now their attorney is arguing that the state law governing reapportionment supersedes the Administrative Code and the state law does not require that municipalities be divided into the fewest districts possible. Therefore, we should forget about the Administrative Code. Nice try. Bear in mind that the Democrat controlled Council drafted and enacted the Administrative Code.

As long as the Code conforms to state law and the Home Rule Charter, which it does, it is the operative statute. As a Home Rule community, the County is clearly allowed to set its own redistricting rules as long as the state's Constitution and state statutes regarding reapportionment are not violated.

Moreover, Pennsylvania's Home Rule Law (Article III) says "All grants of municipal power to municipalities governed by a home rule charter under this act, whether in the form of specific enumeration or in general terms, shall be liberally construed in the favor of the municipality." Thus, we should expect the courts to uphold unequivocally the Administrative Code in this case. And it is hard to believe the Code was not thoroughly reviewed by attorneys to make sure it complied with state law.

Ironically, the Council was not required by the Home Rule Charter to adopt a redistricting statute in the Administrative Code. They could have chosen by default to follow generic state rules governing reapportionment for municipalities that elect officials by district. Instead, they drafted and adopted the reapportionment rules for the County to follow.

When the Democrats enacted the language in the Code that governs reapportionment they were committing themselves to following that language. Now they want to run from their own rules because they are inconvenient.

And in defending against the claim that the Sunshine Law was broken, their response is that the plan was put together by one Councilman and therefore the Sunshine Law doesn't apply. What a tragedy. Perhaps the most important piece of legislation passed by County Council to date was not the subject of a committee investigation and preparation, did not get presented to full Council for the normal two readings and public comment as required by the Home Rule Charter but rather was drafted by one person, brought to Council and voted on before Council members could examine or review what they were voting on.

Is that the story the Democrats on Council want to leave us with? "In order to preserve and improve representative democracy, we had to run roughshod over one of its basic tenets, i.e., that elected officials will obey the letter as well as the spirit of the law." Allegheny County voters of all parties deserve better.

Let's hope the Court makes the right decision.

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