



Contact:
Francisco Fernandez del Castillo
Staff Attorney
(312) 427-0701; ffernandezdelcastillo@maldef.org

Public Hearing Testimony
Illinois General Assembly
August 27, 2021

Members of the General Assembly,

Thank you for the opportunity to testify. My name is Francisco Fernandez del Castillo, and I am a staff attorney at the Mexican American Legal Defense and Educational Fund.

MALDEF is the nation's leading Latino civil rights law organization. Often described as the Latino community's law firm, MALDEF works to protect the rights of Latinos through community education, advocacy, and, when necessary, litigation.

This role demands that we speak up on behalf of the Latino community when its rights are in danger of being diluted, abridged, or denied, as they are now. MALDEF's position on behalf of the community is this: the district map based on ACS data is unconstitutionally malapportioned (a fact that this committee seems to have come to terms with based on the current proceedings), and any new map must adhere to constitutional and legal requirements.

This Committee is in the process of redrawing districts, presumably taking into account the decennial census data, as it should have from the beginning. I say presumably because this process continues to be marred by haste, lack of transparency, and failure to provide an opportunity for meaningful community input.

The hasty and opaque nature of these proceedings is concerning. Echoing our May 2020 testimony, we are disappointed that this Committee has once again chosen to repeat history by rushing through this process. While these hearings are supposed to be public, the Committee provided only six-days' notice, leaving inadequate time for the community to know about the

hearings, much less appear before this committee and share any concerns. Even assuming the public saw the hearing notice, the process to submit testimony is confusing, cumbersome, and non-intuitive to laypeople, the very people who will be affected by the proposed changes.

This Committee has also not provided the time or data for anyone to make a meaningful contribution to the decision-making process. If this Committee does not publish a proposed map before hearings, and the only available data is in a format that only demographers with special software can view, how can this Committee say that it has given community members adequate opportunity to provide feedback? How can any everyday citizen meaningfully comment on what they want in their district if they can't even see the new Census data?

You hold the power to determine whether Latino communities, or any community of interest, can elect candidates of their choice or significantly influence elections in concert with other groups. If those objectives sound familiar, that is because they are required by the federal Voting Rights Act and the Illinois Voting Rights Act of 2011. We must recognize what those rights mean so they are not reduced to keywords in litigation, press releases, or talking points. Ensuring that Latino communities have the power to elect candidates of their choice or to significantly sway elections means that Latinos will have influence reflective of their numbers and legislators responsive to their concerns.

A preliminary and basic analysis of the legislative districts combined with the Census Bureau's 2020 files reveals some concerning instances of malapportionment. The overall variance from the ideal population for Senate districts is 20.3%, and for the House it is 29.9%. This results in the unconstitutional dilution of some votes, and the augmentation of others, violating the one-person, one-vote standard. That is why we warned against the use of ACS data.

Moreover, the maps harm the Latino community; almost every change that was made was either harmful or neutral in terms of Latino interests. Once again giving Latinos a voice took a backseat to other concerns. In some districts, Latinos were needlessly packed together. In others Latino majorities were weakened or reduced. Moreover, there are far too few Latino influence and majority districts. The inadequate number of Latino districts is a concern. We are concerned that once again Latino voters are being forced into “snowsuit” districts, justified on the dubious grounds that Latinos will eventually grow into them. The maps, as currently constituted, are not fair to the Latino community and contain potential violations of Section 2 of the Federal Voting Rights Act. We urge the members of the General Assembly to remedy these defects and provide adequate representation for Latinos and all other communities of interest.

This Committee says they are committed to fair voter representation for all Illinoisans, including the Latino community. This body has declared, time and again, that you are “dedicated to transparency and public participation in the redistricting process.” But given that we are back exactly where we were three months ago – no map, no information on what data is being used, and no ability for communities to provide feedback - the evidence is to the contrary.

We urge this Commission to comply with its constitutional duties and create districts that that adhere to constitutional and legal requirements.