

Senator Debra Bowen
Chair, Senate Elections, Reapportionment, and Constitutional Amendments Committee
State Capitol, Room 4040
Sacramento, CA 95814

Senator Jim Battin
Vice Chair, Senate Elections, Reapportionment, and Constitutional Amendments Committee
State Capitol, Room 3067
Sacramento, CA 95814

Dear Members of the Senate Elections, Reapportionment, and Constitutional Amendments Committee:

We, the undersigned, are writing to express our support for redistricting reform through the creation of a diverse and independent redistricting commission, clear and ranked redistricting mapping criteria, and an open and transparent hearings process. We believe that SCA 3 (Lowenthal) is a good proposal that, with amendments, should achieve all our goals.

The events of the past year have shown that despite the defeat of Proposition 77 in November, an overwhelming majority of Californians believe that there is an inherent conflict of interest in the way that incumbents currently have the power to draw their own district lines.¹ The Public Policy Institute of California survey found that 69% of California adult residents feel that the way that the governor and legislature go about the redistricting process in California is in need of change.² Widespread calls by media for reform confirm the need and desire in California for an open, fair process of drawing district lines by an independent commission.

To date, our coalition has had a series of open and substantive discussions, informed by legislators and their staff, extensive research, and a commitment by all of the members to pursue a legislative solution to the problems with the current redistricting process. We came together in agreement on the following principles:

- a. Authority for redistricting Congressional, state Senate, state Assembly, and Board of Equalization districts will be vested in a nonpartisan independent redistricting commission with membership that reflects the geographic and demographic diversity of the state.
- b. A preamble would state the aspiration and goals of the Independent Redistricting Commission, including respect for the Voting Rights Act, creation of districts that reflect communities, and the creation of competitive districts.
- c. Transparency of the process and a meaningful opportunity for interested parties and for the public to participate effectively must be ensured.
- d. Redistricting will be conducted once each decade, following the census.

¹ The JEHT Foundation's election day poll found that:

- 78% of California voters think it is a conflict of interest for state politicians to draw district lines that determine who elects them,
- 77% believe we need an election system where voters choose their representatives,
- 66% think the redistricting system needs to be changed, and
- 80% feel we need state legislative and Congressional districts that keep communities together. (The poll was conducted by Lake Research of 800 likely California voters between 11/8/05 – 11/10/05, with a margin of error of +/- 3.5%).

This is confirmed by the Rose Institute's poll findings that 71% of voters feel it is a conflict of interest for the legislators to draw their own district lines.

² PPIC surveyed over 2003 California adult residents (with 1079 likely voters) between 10/16/05 and 10/23/05. Interviews were conducted in Spanish and English. The margin of error for likely voters was +/- 3%.

- e. Redistricting criteria should be clearly articulated, and followed in order of priority. Each criterion will be followed to the extent practicable, consistent with the standards higher in priority. There is a preference for nesting.
 1. Equal population in accord with federal constitutional standards
 2. Compliance with the Voting Rights Act requirements with respect to minority populations
 3. Contiguous districts
 4. Respect for communities of interest and for city and county boundaries, and visible geographic features
 5. Geographic compactness
- f. Conflicts of interest should be eliminated for both the nominating body and the ultimate Independent Redistricting Commission. Ineligible individuals would include:
 1. All current or past Congressional members, state Board of Equalization members, state senators, and state assembly members
 2. All current local electeds, and past local electeds who have served in the last 10 years
 3. Lobbyists and major donors to current Congressional members, state Board of Equalization members, state senators, and state assembly members
 4. Employees, consultants, and relatives of ineligible electeds
 5. Public officials who have been convicted of any election or campaign violations, or felonies

Redistricting Reform Coalition Recommendations

We recommend the following amendments to SCA 3. We have provided specific proposed language as guidance to Senator Lowenthal, Senator Bowen, and the Senate Elections, Reapportionment, and Constitutional Amendments Committee. In fact, some of these changes have been incorporated in SCA 3 as amended on March 9, 2006. The primary recommended changes that remain to be incorporated are as follows:

- a. **Size of the Independent Redistricting Commission (IRC).** We recommend a significant expansion of the size of the commission from 5 to 11. This would allow for greater diversity in racial, gender, geographic, expertise and background representation. We recommend 11 commissioners because this would allow for a fair partisan balance, with 4 Democrats, 4 Republicans, and 3 persons who are not of the two major parties (decline to state or minor parties).
- b. **Votes required to pass a map** – We support either a minimum vote of 2 Democrats, 2 Republicans, and 2 independents or a super-majority.
- c. **Selection process** – We acknowledge that many of these details will need to be worked out amongst our legislators. We urge the following:
 - Demographic and geographic diversity in representation should be stated as a clear goal in nomination and selection process.
 - With the expansion of the size of the IRC to 11, it is necessary to expand the size of the pool as well. We recommend the pool be expanded from 25 to 55, with 20 Democrats, 20 Republicans, and 15 independents. This keeps a ratio similar to SCA 3.
 - Greater clarity should be given to the selection process and criteria.
 - The legislature should have limited involvement in the selection process.
- d. **Redistricting criteria** – The language of SCA 3 (as amended on March 9, 2006) is largely in accord with our principles, although the language in the first two criteria on respect for the “one person, one vote” requirement and the Voting Rights Act could be made clearer. We recommend that the language requiring the IRC to start with a grid-like map be struck as past experience in other states has shown this to be a cumbersome requirement and of little assistance to commissions.

- e. **Hearing process** – The current requirements in SCA 3 that the IRC abide by Bagley Keene Act's hearing requirements, give at least 14 days notice, and be restricted from having ex parte communications are excellent. We recommend that a clear timetable and hearing requirements at different stages of the process be added to SCA 3. This will ensure that the public is involved early and at each stage of review. It will also avoid the 2001 situation where maps were released last-minute, with little time for the public to comment, followed by rushed, secret negotiations outside of the public's eye.
- f. **Funding** – It is imperative that the IRC be fully funded to carry out an open, trusted and effective redistricting. The current language of SCA 3 should be amended to make clear an appropriate baseline of funding which will increase with each successive decade relative to its needs.
- g. **Additional changes:** The language on nesting should also include the Board of Equalization districts. Reference to single member districts should be simplified to "districts". The current selection process outlined for legislative leadership to follow suggests a process that could take up to one or two months; we recommend a simpler system where each leader puts forward their top 5 choices and the commissioners are chosen from these lists in order of preference.

We, the undersigned, look forward to working with the legislature to more this important legislation forward to improve California's democracy and commitment to open and responsive government.

Bob Balgenorth, President
State Building & Construction Trades Council, AFL-CIO

Steve Blackledge, Legislative Director
CALPIRG (California Public Interest Research Group)

Kathay Feng, Executive Director
California Common Cause

Jacqueline Jacobberger, President
Trudy Schafer, Program Director/Advocate
League of Women Voters of California

Richard Konda, Executive Director
Asian Law Alliance

Jim Mangia, Co-Chairperson
Committee for an Independent Voice

Helen Russ, State President
Tom Porter, State Director
AARP

cc. Members of the Senate Elections, Reapportionment, and Constitutional Amendments Committee