



California Passes Proposition 11 on Redistricting Reform

Redistricting Reform in California:

On November 4, 2008, Proposition 11, the Voters FIRST Act, passed in California. The Department of Justice has pre-cleared Proposition 11 for implementation.

Proposition 11 supporters said this initiative came in response to the closed door process that sacrificed communities in favor of incumbent protection. As a result of California legislators drawing their own political districts, supporters stated, 100% of legislative incumbents won their races with little to no competition in 2002, 2004, and 2006. California voters grew tired of the lack of accountability among lawmakers and the ineffectiveness and gridlock of the legislative process.

Proposition 11 amended the California Constitution to transfer responsibility for drawing district lines for legislative seats from the Legislature to a new 14 member Citizens Redistricting Commission comprised of 5 Democrats, 5 Republicans, and 4 representatives of neither major party.

Redistricting Commission:

The commission will begin drawing lines after the 2010 Census is conducted. The first election under a reformed system of drawing legislative districts in California will be held in 2012. (The initiative applies new standards to congressional redistricting, but the power to draw congressional lines will remain with the legislature.)

The State Auditor will coordinate the selection process for the Commission. Any registered California voter can apply, but those who do not meet conflict of interest rules and other requirements will not be eligible. The State Auditor narrows the applicants to a pool of sixty based on considerations of qualifications, impartiality, and diversity. Legislative leaders have an opportunity to strike a number of applicants from the pool. The final selection of the 14 commissioners is as follows: 8 are randomly picked, and 6 are chosen (by the first 8) with an eye toward balancing representation.

The following redistricting criteria (in order of priority) must be followed in drawing legislative district lines. Districts must:

- have reasonably equal population
- comply with the federal Voting Rights Act
- be geographically contiguous (connected)
- respect counties, cities, communities of interest and neighborhoods
- to the extent there is no conflict with the criteria above, districts should be geographically compact, and nested
- not be drawn to favor or discriminate against incumbents, candidates or parties. Incumbent addresses may not be considered.

Support for Proposition 11:

Proponents of Proposition 11 marshaled a large and diverse coalition of groups including California Common Cause, AARP, and Los Angeles Chamber of Commerce, League of Women Voters of California, California Chamber of Commerce, California NAACP, California Police Chiefs Association, and ACLU of Southern California.

Supporters say the proposition's purpose was to create a more transparent, inclusive and representative process that would be responsive to the testimony of communities and neighborhoods. Under this new law, they believe citizens will now be able to elect and hold accountable politicians who best represent their interests. Additionally, supporters say the new system will allow districts to more accurately reflect the changes in population across the state. Due to the increase in Latino voters over the past decade, supporters said, it is likely that the number of minority held seats would now grow.

Proposition 11 supporters also believe it will help to end the conflict of interest that results when lawmakers get to choose their voters by creating their own districts. By giving voters the real ability to elect politicians of their choice, proponents say that legislators will be more accountable to the voters.

Opposition to Proposition 11:

Opponents of Proposition 11 included, among others, former Senate President pro Tem Don Perata, California Correctional Peace Officers Association, National Association of Latino Elected and Appointed Officials, Mexican American Legal Defense and Education Fund, the NAACP Legal Defense Fund, and the Asian Pacific American Legal Center.

The opponents argued that Proposition 11 will give power to bureaucrats who will select the redistricting commission based on a partisan agenda. Opponents also have expressed concern that this measure does not ensure that the 14 member independent commission will reflect the gender, racial, or geographic diversity of the state's 36 million people, or of the current legislative body. Opponents also believe that Proposition 11 gives redistricting power to a commission that is not answerable to the voters, with no audits or financial accountability to protect the taxpayers.