

DESIGNER DISTRICTS

Safe Seats Tailor Made for Incumbents

a special report prepared by

Common Cause Education Fund

ACKNOWLEDGEMENTS

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ABOUT COMMON CAUSE EDUCATION FUND

Established by Common Cause in February 2000 as a separately chartered (501)(c)(3) organization, the Common Cause Education Fund (CCEF) seeks to promote open, honest and accountable government through research, public education and innovative programs.

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EXECUTIVE SUMMARY

Every ten years, politicians across the country gear up for an intense struggle for their political lives – making certain that the new district lines preserve their own political futures and that of their party. Because the process affects the political life and death of politicians, it is an intensely political and partisan struggle. This battle most often takes place behind closed doors and gets little attention from the press or public until the district maps are revealed.

In California, as in many other states, the redistricting process is most often dominated by incumbent officeholders who make deals to preserve their own political turf and ensure years of non-competitive elections.

This report shows how redistricting, the re-drawing of political boundaries, is dominated by incumbent officeholders drawing lines to ensure their own re-election. It is a system that does more to protect the interests of incumbents than serve the voters of California.

Our analysis of elections since 1982—covering three redistricting cycles—shows that competition was suppressed when redistricting was in the hands of incumbents in the 1980s and 2000s. But after a court-imposed redistricting in 1991, with lines drawn by three retired judges appointed by the California Supreme Court, competition rose in both U.S. House and state legislative races. The numbers tell the story:

- During the 1990 cycle, when an independent panel redrew the lines, the number of competitive races increased by more than 50 percent.
- During the 2000 cycle, when the legislature drew the lines, the number of competitive races decreased by more than 55 percent. In fact, no incumbents lost in either election, and in the 2004 elections, not one seat in the state legislature changed parties.

The increased number of competitive races under an independent redistricting system assures a significantly greater level of accountability among lawmakers in California.

Common Cause is pushing for reforms that will:

- Create an independent redistricting commission
- Set fair criteria for congressional and legislative districts
- Ensure public participation and transparency

TABLE OF CONTENTS

- I. Background:**
Redistricting and
Reapportionment
 - II. Historical Overview:**
Dirty Laundry
of Redistricting
 - III. Analysis:**
Skirting Competition
in California
 - IV. Discussion:**
Making a Patchwork of
California's Communities
 - V. Independent Redistricting
Commissions:**
A Better Fit For
All Californians
 - VI. Appendices**
-

I. BACKGROUND

REDISTRICTING AND REAPPORTIONMENT

Following the decennial census, the nation's political map undergoes an upheaval as political jurisdictions at the local, state and federal levels change district lines to comply with the constitutional requirement for equal representation.

At the federal level, the process of reapportionment¹ allocates seats for the U.S. Representatives to each state based on its population.² The subsequent process of redistricting redraws the lines of congressional districts so that each has the same number of people as the other districts in that state. Similarly, the new census numbers trigger redistricting for state and local legislative districts.

CALIFORNIA

The redistricting process in California rests in the hands of the state legislature—as it does in 37 of the 50 states. It is a system that does more to protect the interests of incumbents than serve the voters of California. For decades, incumbent deal-making in the state legislature has led to gerrymandered redistricting maps, the packing and splitting of concentrations of voters to weaken or strengthen their influence to gain partisan, racial, and personal advantage. In 2001, after the last census, even with energized public participation, the two major political parties changed redistricting maps after public hearings in secret negotiations to create safe Congressional and state legislative districts. The system effectively enables state legislators to choose the voters they wish to represent. Enconced in safe districts where voters effectively have no choice, politicians become less accountable and responsive.

California's population greatly increases the stakes in redistricting battles. The state's House delegation is so large that changes in its partisan makeup can shift control of the entire U.S. House of Representatives, drawing the resources of the national parties into the state's redistricting process.

Over the last three decades, redistricting has been carried out alternately by the legislature in the 1980s, a panel of judges in the 1990s, and by the legislature again in the 2000s. In both the 1980 and 2000 redistricting cycles, the plans drawn by the state legislature resulted in less competition for state legislative and Congressional seats in California.

After the 1990 census however, when Republican Governor Pete Wilson vetoed the Democrats' plan, the California Supreme Court appointed a three-judge panel to draw the new district lines. The resulting maps, drawn by the court-appointed "special masters", generated substantially more representative districts, and more competition.

Our analysis of the elections since 1982—covering three redistricting cycles—shows that competition was suppressed when redistricting was in the hands of incumbents in the 1980 and 2000 periods. But after a court-imposed redistricting in 1991, with lines drawn by three retired judges appointed by the California Supreme Court, competition rose in both U.S. House and state legislative races. The increased number of competitive races under an independent redistricting regime gives voters meaningful choices in elections and assures a significantly greater level of accountability among lawmakers in California.

¹The terms 'reapportionment' and 'redistricting' are often, but incorrectly, used interchangeably.

²California was apportioned 53 seats in the U.S. House of Representatives after the 2000 census because of the growth in population. This was an increase of two seats.

II. HISTORICAL OVERVIEW: DIRTY LAUNDRY OF REDISTRICTING

1980s: “A diabolical masterpiece”

In the early 1980s, California became the poster child for redistricting reform. The 45 House seats in the nation’s largest state were redrawn behind closed doors and protected most incumbents in both parties.

Because the Democrats controlled the legislature and the governorship, they took the opportunity to add to their advantage. The U.S. House delegation went from a near 50-50 split, 22 Democrats and 21 Republicans, to 28 Democrats and 17 Republicans after the 1982 elections (because of population gains, the state added two seats to its House delegation). Despite the obvious partisan advantage, only two incumbent Republicans lost in the general election. Another lost to a Republican incumbent in the primary. At the same time, the redistricting preserved the status quo in the state legislature - only two incumbents lost their seats, both Democrats.

One political columnist said the new congressional map of the state “resembles nothing so much as a jigsaw puzzle designed by an inmate of a mental institution.” A powerful senior member of the U.S. House of Representatives, Rep. Phillip Burton (D-CA), by all accounts, masterminded and controlled the redistricting of House seats, drawing on his vast knowledge of the state’s voting characteristics and using the considerable political clout he had developed over nearly 30 years in California politics.

The public was not involved. In fact, even members of Burton’s own party were kept in the dark about the plan. At its unveiling, there were no district maps, no way to see some of the bizarrely shaped districts that Burton had drawn. Republican opposition was tinged with admiration for Burton’s political mastery of the process but was tempered by the plan’s protection of most Republican Incumbents. One Republican Member of the House called it “a diabolical masterpiece.”

Initiatives to overturn the congressional and state legislative redistricting were launched, but the state Supreme Court ruled that the lines could not be changed in time for the next election. In fact, California voters passed the initiatives in June 1982, rejecting the original redistricting plan, but the court ruling kept the original plans in place for the 1982 election. California Common Cause supported the reform initiative that would have put redistricting in the hands of a bipartisan commission. But the major parties never put resources into the ballot campaign and it was defeated at the polls in November 1982.

Burton and his Democratic allies pushed the revised redistricting plans through the legislature to replace the original plans that were rejected by the voters. But most seats changed very little or not at all. Outgoing Governor Jerry Brown (D) signed the new plan into law hours before he left office in 1982.

1990s: The Courts Hem in Political Gerrymandering

In the 1990s, Assemblyman Willie Brown (D-San Francisco), brazenly led the redistricting process to draw districts in order to maximize their incumbent and partisan advantage. Brown told the L.A. Times: “It may appear to be self-serving for (lawmakers), it may very well be self-serving, but nevertheless it’s no different than school finance, no different than mental health, no different than anything else, except the member happens to be directly involved.”

Although they held pro forma public hearings, which provided the appearance of an open and deliberative redistricting process, the Assembly did the real work in secret. At the time, Common Cause, along with other advocacy groups, criticized the legislature for not acting in good faith. According to the L.A. Times in September 1991:

After weeks of closed-door negotiations, during which virtually no information was available, Brown's office released parts of two sets of maps for the Assembly. Also included were descriptions of the territory that would be added and subtracted from each and the breakdown of ethnic groups and voters by party registration. Brown said the separate plans were drafted using different assumptions about which incumbent Assembly members would decide to run for Congress and which would choose to remain in the Legislature.

"It's mass confusion," said Ruth Holton, a lobbyist for California Common Cause ... "The members are confused. Certainly the public is confused. If everyone's confused, he can, in the end, produce another plan that the members will have five minutes to look at and he'll say, vote on it."

In the end, Governor Wilson vetoed the plan, sending the entire job of creating state legislative and Congressional districts to the state's Supreme Court. The court appointed a panel of three retired judges, known as special masters, to draw the district lines. The Supreme Court held hearings and eventually adopted the plan produced by the three-judge panel in January 1992. The court's plan created substantially more competition, balanced minority community interests, and held communities of interest intact.

2000s: Take Back the Cutting Shears

As the 2000 redistricting process unfolded, it became clear that the legislature had learned from experience in the last redistricting cycle, and both parties were determined to keep the process out of the hands of the courts. The 2000 redistricting process, instead of being characterized by bitter partisan struggles for numerical advantage, became an exercise in incumbent protection, with the parties colluding to ensure that the plan that emerged would guarantee safe legislative and Congressional seats for all incumbents.

A temporary obstacle to the incumbent protection plan arose in March of 2000, when Proposition 24 qualified for the ballot. The proposal would have removed redistricting authority from the legislature and given it to the Supreme Court. But the state Supreme Court ruled that the proposition violated the state's single subject rule for initiatives as it included an unrelated provision concerning legislators' pay. The initiative was removed from the ballot and the legislature was left to draw the districts as they pleased.

The plan that the legislature produced and which Governor Gray Davis (D) signed further solidified the support base for members from both parties in their districts. Each district was drawn in careful consultation with incumbents in order to achieve a near unanimous vote. For the 173 seats in the Assembly (80), Senate (40) and Congressional delegation (53), the redistricting plan resulted in only 14 seats considered competitive for both parties. In the end, the status quo prevailed and incumbents of both parties were well-protected by the process.

The process was criticized at the time because it also disadvantaged minority groups and women's groups, who were left out of the process.

Speaking to the *Los Angeles Times* about the 2000 redistricting plan, Amadis Velez of the Mexican American Legal Defense and Educational Fund said, "In the Assembly plan, we believe that the concerns for incumbency protection and having a bipartisan deal overrode giving a full opportunity to the Latino community in Los Angeles County and other ethnic communities as well."

Criticizing San Jose incumbents' decision to carve an Asian American community into different Assembly districts, Kathay Feng of the Asian Pacific American Coalition Legal Center (Feng is now Executive Director of California Common Cause) said, "They are thinking so much about creating a political machine that they have forgotten about representing the whole community."

"Basically, those communities will not have a unified voice, and so the community will have less opportunity for their concerns to be addressed," said Jacquelyn Maruhashi of the Coalition of Asian Pacific Americans for Fair Redistricting.

Xavier Flores, then-vice president of San Fernando Valley's Mexican-American Political Association, told the *California Journal*, "Any scientist who knows about voting patterns would tell you that our vote has been diluted to the point where we can no longer elect a [non-incumbent] candidate. This is a blatant violation of our voting rights."

"We're extremely disappointed," said Lillian Raffel co-chair of the Women's Political Committee.

Despite criticisms and legal challenges from Democratic allies, minority communities, and the media, the 2002 and 2004 elections took place with the incumbent-drawn districts in place.

Common Cause is pushing to reform the redistricting process in California, and in states across the nation. In this effort, our goal is to create legislative and congressional districts that are representative of the population and districting plans that result in more competitive congressional and state legislative districts.

III. ANALYSIS: SKIRTING COMPETITION IN CALIFORNIA

After the redistricting of 1980, 80 percent of races for seats in the state legislature and the U.S. House of Representatives were uncompetitive—defined in this analysis as those in which the winner receives over 60 percent of the total vote. Through the 1990s, however (where an independent panel drew district lines), the number of competitive races increased by more than 50 percent. After the state legislature redrew the district boundaries in 2001, the number of competitive races decreased by more than 55 percent. In fact, no incumbents lost in either election, and in the 2004 elections, not one seat in the state legislature changed parties. The trend lines in Figure 1 show the rise and fall in the level of competition in elections for legislative seats in California.³

While the level of uncompetitive state legislative races remained high in the 1980s, measured by the total percentage of the vote winners received, the number of state legislative seats that changed party hands between elections was low (Figure 2). After the 1990 redistricting however, the amount of districts that changed party hands spiked and remained high throughout the decade. Furthermore, there was a 43 percent increase in competitive races for the California

³ This trend can partially be explained by term limits that went into effect for state legislators during that time; term limits create more open seats, which tend to be more competitive. But the same pattern occurred in races for California congressional seats as well.

TOTAL VOTE IN GENERAL ELECTIONS

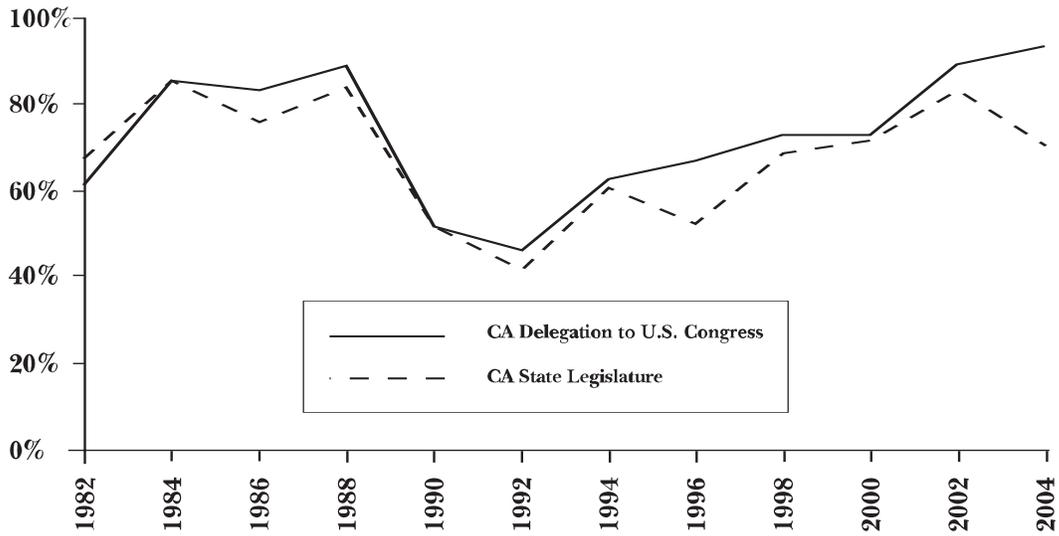


Figure 1 *There are several ways to measure the level of competition for elections. Figure 1 shows the percentage of races in California for U.S. House of Representatives and state legislature that were uncompetitive since 1982. For a race to be considered uncompetitive, the winner must have received over 60 percent of the popular vote. The solid line represents the percentage of uncompetitive races for U.S. Congress while the dotted line represents state legislative races.*

delegation to the U.S. House of Representatives and a 59 percent increase in competitive races in the state legislature.

After the 2000 redistricting round, there was a huge drop in competitive races. There was a 77 percent decrease in competitive races for the California congressional delegation and a 47 percent decrease in competitive races for the state legislature.

This pattern shows that the incumbent-drawn maps of the 1980s and 2000s produced seats that regularly resulted in landslide victories for incumbents. Only in the 1990s did candidates face tougher elections that would force them to be more responsive to their voters.

**CALIFORNIA STATE LEGISLATURE:
SEATS CHANGING PARTY VS. PERCENTAGE OF VOTE FOR WINNERS**

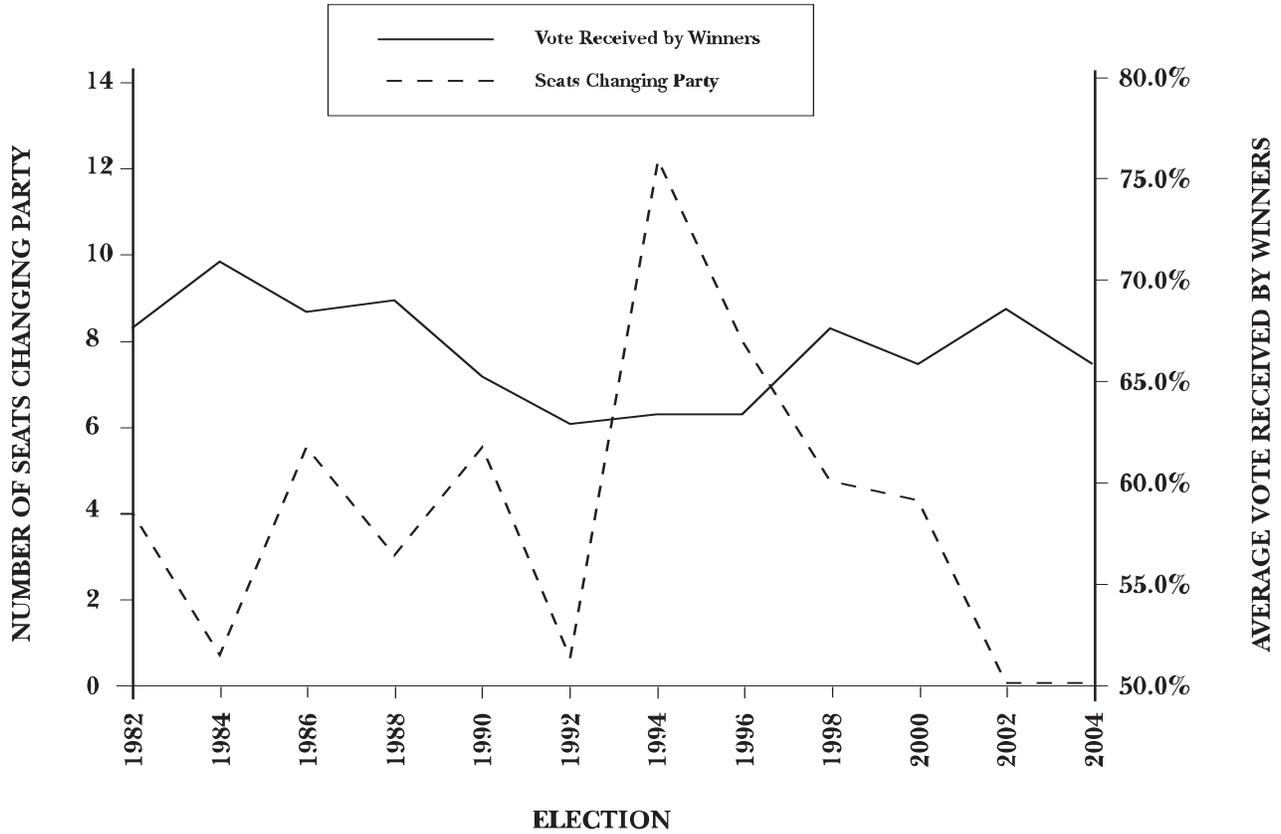


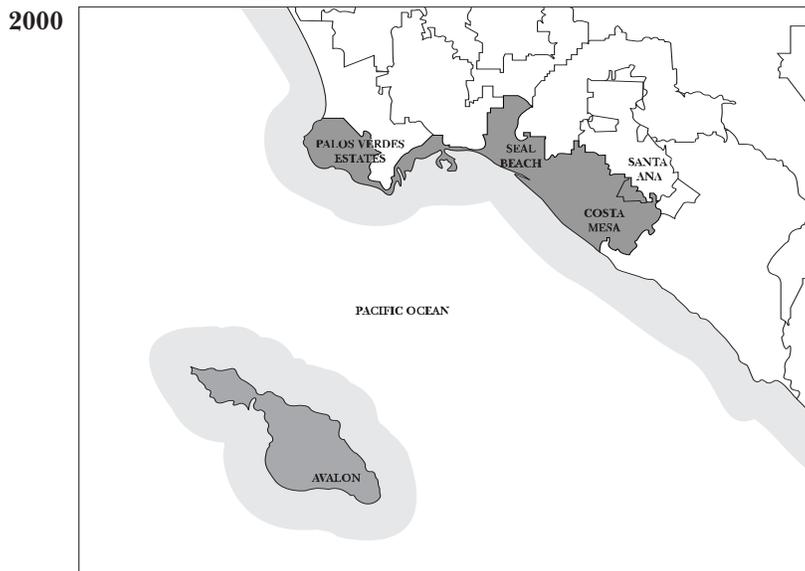
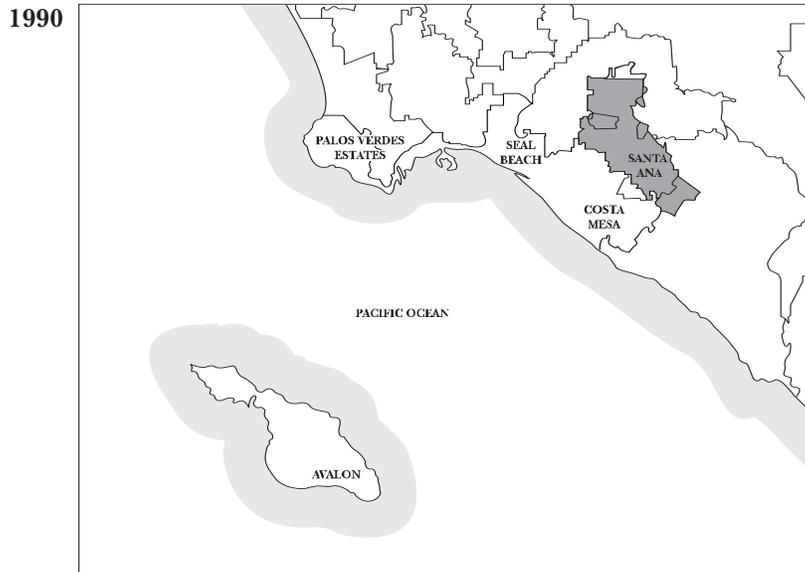
Figure 2 Figure 2 shows the average percentage of the vote received by the winners of the California General Assembly and Senate races (solid line) from 1982 through 2004 in the general election. The graph also measures the number of seats that changed from one party to the other in each election during the same time period. For more details, see the appendix.

IV. DISCUSSION: MAKING PATCHWORK OF CALIFORNIA'S COMMUNITIES

To understand how incumbents made patchwork of communities across California one need only compare the shapes of districts drawn by the courts in the 1990s to those drawn by the legislature in the 2000s. In 2005, the Los Angeles Times ran a series of scathing editorials highlighting a few of the more egregious examples. They are excerpted in the following pages:

A. CONGRESSIONAL DISTRICT 46

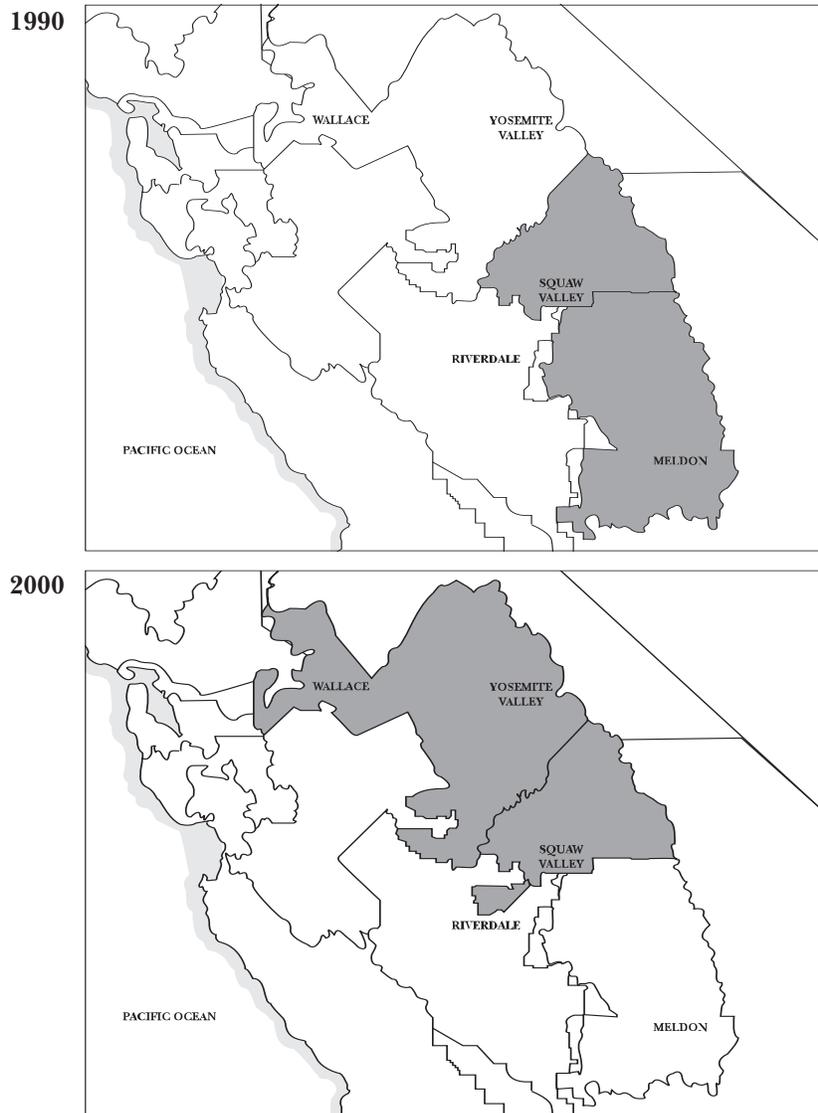
Another constitutional requirement is that districts must be contiguous—no lump of district here, another over there, separated by another district. The 46th Congressional District is a good example of creatively skirting this rule. The district stretches along the coast from Palos Verdes Estates nearly to Newport Beach in Orange County. Essentially, there are two lumps connected in the middle by a string of coast that picks up as little of Long Beach as possible. Tony Quinn, a longtime redistricting expert and coauthor of the Target Book, says the common joke is that the 46th “is only contiguous at low tide.” – *Los Angeles Times*



B. CALIFORNIA SENATE DISTRICT 14

When the California Legislature redraws the lines of legislative districts after each census, the state Constitution demands that “the geographical integrity of any city, county or city and county, or of any geographical region shall be respected to the extent possible.” In other words, districts should be “compact.”

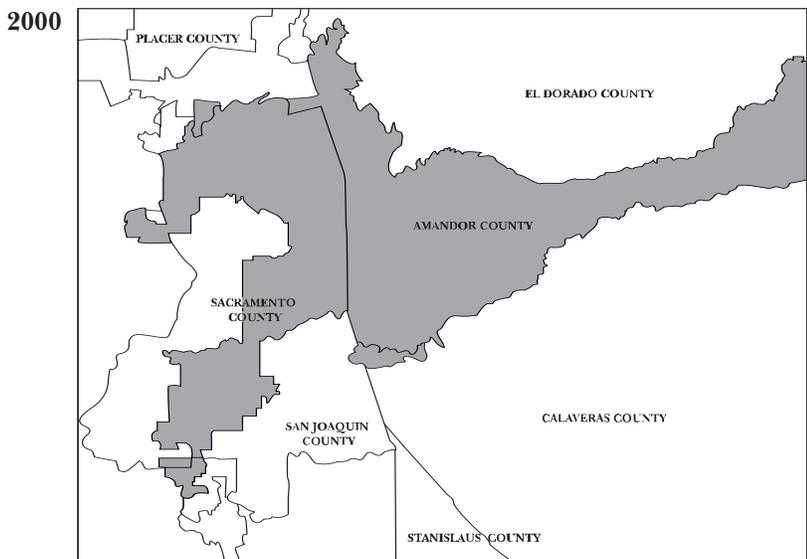
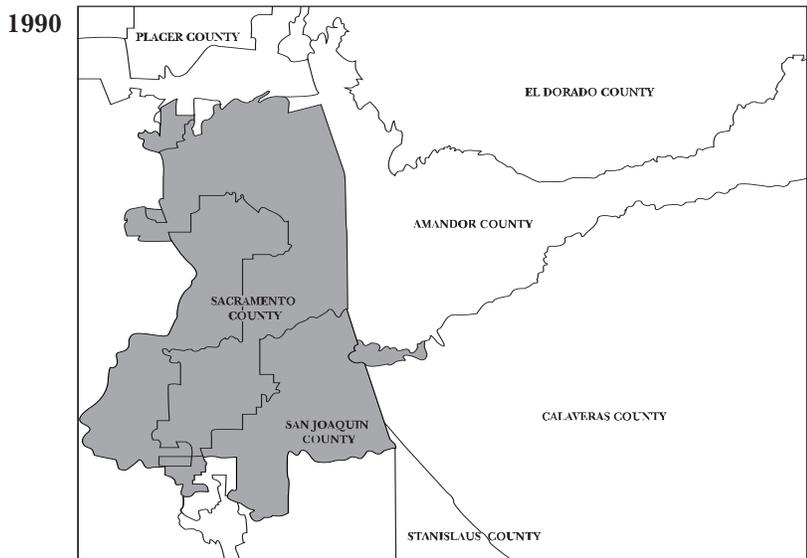
California’s adherence to this constitutional rule is laughable. Look at the 14th State Senate District, as drafted in 2001. As the incumbent, Republican Chuck Poochigian of Fresno, described it in a newspaper column, the Central Valley district contains all or parts of six counties. “However, the lines carefully remove portions of Fresno and skirt around the more populous areas of Modesto, Manteca, Tracy and Stockton.” This was done to excise Democratic voters from the district to make it a safe Republican seat. The California Target Book, an authoritative guide to state elections, said, “The redistricting mapmakers kept the incumbent’s home base of Fresno, but little else when creating the new seat.” – *Los Angeles Times*



C. CALIFORNIA ASSEMBLY DISTRICT 10

Assembly districts now ramble wildly up and down the southern Sacramento Valley and northern San Joaquin Valley. One is the 10th District of Republican Alan Nakanishi of Lodi. The old district consisted of southern Sacramento County and northern San Joaquin County. Today, the 10th roams and wiggles from just north of Stockton to the Sacramento suburbs. It stretches east into the Mother Lode country of El Dorado County and takes in all of Amador County, to just short of the crest of the Sierra.

The 10th was contorted for one reason: to take it from being a “target” for Democrats in 1996 to a “safe” Republican district in the ratings of the California Target Book, a publication that analyzes and handicaps state election races. So safe that Nakanishi didn’t even have a Democratic challenger in the 2004 election. – *Los Angeles Times*



These three districts are a few examples of gerrymandered districts. Other examples include San Francisco and the Bay Area. Mark Simon of the San Francisco Chronicle wrote, "In order to protect the current political establishment of San Francisco, and, not coincidentally, of Santa Clara County, Asian populations were divided up so that their impact would be diluted."

"It is indeed ironic that the Democratic leadership in the Assembly, state Senate and congressional delegation chose incumbent protection over treating its most loyal voters, who are African Americans and Latinos, in a fair manner," said the complaint filed by the California Latino Redistricting Coalition.

In Los Angeles, the Mexican American Legal Defense Fund criticized the "diluting and fracturing" of the Latino community in the San Fernando Valley between two districts, congressional district 27 (Sherman) and congressional district 28 (Berman).

V. CONCLUSION: INDEPENDENT REDISTRICTING COMMISSIONS: A BETTER FIT FOR ALL CALIFORNIANS

Early in 2005, California Governor Arnold Schwarzenegger (R) called on the state legislature to remove themselves from the redistricting process.

"The current system is rigged to benefit the interests of those in office . . . not the interests of those who put them there. And we must reform it," said the Governor.

Common Cause, which has advocated for a better redistricting process for 30 years, worked closely with the Governor to amend his initial proposal to ensure a fair and open redistricting process. On February 17, 2005, Common Cause and Governor Schwarzenegger unveiled an amended proposal, ACAX1 3 (McCarthy, R-Bakersfield), which includes many prescriptions for redistricting reform that Common Cause has supported for years. Common Cause has also endorsed SCA 3 (Lowenthal, D-Long Beach). Both bills would create an independent redistricting commission.

"It is not in the best interests of democracy to have legislators drawing their own districts. We have to move [that power] to some neutral party," said Democratic Assembly Speaker Fabian Nuñez.

Our work on redistricting in California and around the country is guided by the following principles:

1. The Creation of Independent Redistricting Commissions—

Independent Redistricting Commissions should be established to replace the current Congressional redistricting process and state legislative redistricting processes.

Independent Redistricting Commissions could take several forms. In all instances, commissions should be made up of an odd number of members. Commissions should be structured so that if membership includes representatives from political parties that: no political party interests can advance a plan without support from other political parties; and, so that the two major political parties cannot collude to create a plan without support from other members not affiliated with either major political party.

Approval of redistricting plans shall require approval by a super-majority of the members or by consensus of the members of the Independent Redistricting Commission.

Independent Redistricting Commissions shall reflect the geographic, racial, ethnic, gender, and age diversity of the state.

2. Fair Criteria for Congressional and Legislative Districts

- **Congressional and legislative districts shall be composed of equal populations**—The Supreme Court has interpreted the Equal Protection Clause of the Fourteenth Amendment as providing the guarantee of equal population of districts.
- **Districts shall comply with the United States Constitution and the Voting Rights Act**—The Voting Rights Act (VRA) is a federal mandate that protects the voting rights of minority communities from being diluted through racial gerrymandering.
- **District boundaries shall respect communities of interest to the extent practicable**—District lines shall use, to the extent practicable, visible geographic features; city, town, and county boundaries, and undivided census tracts, similarities in social, cultural, ethnic, and economic interest, school districts, and other formal relationships between municipalities.
- **Districts shall be geographically compact and contiguous**—Compactness reflects the notion that districts should be composed of a tightly defined area so that representatives may be able to more efficiently communicate with their constituents. Contiguity requires that all parts of a district must be connected.
- **Competitive districts shall be favored****—The commission shall make use of necessary election data in order to draw competitive congressional and legislative districts where practicable.
- **The redistricting process shall be “incumbent blind”**—The commission shall not know nor take into account the address of any individual, including an officeholder.

3. Public Participation and Transparency—The Independent Redistricting Commission shall conduct several public hearings throughout the state on proposed plans, allowing for both comments and questions from members of the public. Regular meetings of the commission shall be open to the public and at least 10 days notice shall be given for all regular meetings of the commission. All meetings regarding redistricting at which two or more members of the redistricting commission are in attendance shall be considered a public meeting and thus shall be open to members of the public and subject to adequate notice requirements (at least 72 hours). All submitted maps, plans, revised plans, commission agendas, hearing transcripts, meeting minutes, descriptions of proposed districts, and other data shall be available in a timely fashion, free of charge, via a public

website and other means. Members of the Commission shall be prohibited from all ex-parte communications with members of the legislature, other elected officials, former elected officials, candidates for office, representatives of political parties and registered lobbyists regarding redistricting.

4. **Frequency**—Congressional and Legislative Redistricting shall occur once every 10 years following the decennial U.S. Census and Congressional Reapportionment, unless the Independent Redistricting Commission is directed by court order to create a new plan.
5. **Judicial Review**—States should establish a system that allows for judicial review of plans and for a clear process for timely review in the event of legal challenges.

Common Cause supports redistricting once a decade, following the release of decennial census data. Mid-decade redistricting is problematic because the census population data is no longer accurate and because it sets a dangerous precedent of never-ending redistricting battles.

Common Cause also believes that states pursuing redistricting reforms should consider the creation of proportional representation systems and multi-member districts. Proportional representation systems can more accurately reflect the will of voters by allowing voters in the minority to win a share of representation alongside voters in the majority.

CURRENT PROPOSALS

There are currently several bills in the legislature that propose the creation of an independent commission. Common Cause has endorsed two proposals: SCA 3 (Lowenthal) and ACAX1 3 (McCarthy).

ACAX1 3: Common Cause supports the plan sponsored by Assembly member Kevin McCarthy (R), which includes nearly all of the prescriptions Common Cause has called for and would significantly improve California’s flawed system of redistricting. ACAX1 3 calls for:

Section 1. Establishment of an Independent Redistricting Commission

- Establishes a five-member panel of retired state judges to prepare the district plans for the state Senate, Assembly, congressional and Board of Equalization districts in the State of California following each decennial census.
- Ensures that panelists are nonpartisan (cannot have held partisan public office, political party office, or served as a registered lobbyist) and have no ambition to serve in partisan political office for at least five years.
- Creates a diverse pool of qualified judges, who are selected at random to serve on the panel.
- Ensures equal representation of the major political parties and that at least one member of the panel will be from neither major political party.
- Requires that the panel’s final plan be approved by four of the five members of the panel.

- Allows for a one-time mid-decade redistricting prior to the 2006 General Election.

Section 2. Fair Redistricting Criteria (in order of priority)

1. Establishes criteria ensuring that the population of all districts is equal, that all districts are drawn in accordance with the United States Constitution and all federal laws, including the Federal Voting Rights Act, to protect minority voting rights.
2. Requires that district boundaries conform to existing political boundaries and preserve communities of interest.
3. Every district shall be contiguous and compact.
4. Creates “nested” districts, wherein each Board of Equalization district would be comprised of 10 contiguous Senate districts and each Senate district would be comprised of two contiguous Assembly districts.
5. Prohibits the use of party registration and voting history data in the initial phase of the mapping process but allows the panel of independent experts provided for in Section 1 to test maps for compliance with competitiveness goals.
6. Prohibits the panel from identifying or considering the places of residence of incumbents or candidates in creating district boundaries.
7. Requires the panel to create competitive districts where possible.

Section 3. Open and Public Process

- Requires public hearings throughout the state, substantial public input and involvement in the process, an open redistricting process and restricts ex-parte communications.
- Requires that the panel seek input from independent experts to evaluate the plan.

Sections 4. Judicial Review and Severability

- Establishes the California Supreme Court as the court of jurisdiction and provides that if any provision is found to be unconstitutional the remainder of the bill is in full effect.

SCA 3: Sponsored by Senator Alan Lowenthal, SCA 3 provides an excellent blueprint for an independent redistricting commission. SCA 3 calls for:

Section 1. Establishment of an Independent Redistricting Commission

- The panel would be composed of five members, with no more than two members of the commission members from the same political party, and commission members would not be eligible to run for any major public office within the three years immediately before or after appointment.

- A panel of 10 retired judges of the courts of appeal would nominate candidates for the commission.

Section 2. Fair Redistricting Criteria (in order of priority)

SCA 3 requires that the mapping process for each of the districts starts with districts of equal population in a grid-like pattern across the state. The commission would then adjust the grid as necessary to accommodate each of the following goals, prioritized in the order listed:

1. Districts shall comply with the United States Constitution and the federal Voting Rights Act of 1965.
2. Congressional, Assembly, Senate, and Board of Equalization districts shall each have equal population with other districts for the same office.
3. Districts shall be geographically compact and contiguous.
4. District boundaries shall respect communities of interest.
5. District lines shall use visible geographic features, city and county boundaries, and undivided census tracts.
6. Competitive districts should be favored where to do so would create no significant detriment to the other goals.

Section 3. Open and Public Process

- The commission would have to conduct business only in meetings open to the public, and provide at least 48 hours' public notice of each meeting.
- The records of the commission pertaining to redistricting, and all data considered by the commission would become public records, open to inspection by members of the public upon request (except preliminary drafts, notes, and communications between members).

Based on the analysis of the past three redistricting efforts, research clearly shows that a redistricting commission, independent of excessive influence from incumbents, would draw more representative and fairer maps than self-interested incumbents. Democracy in California, as in all states, depends on reform of the redistricting process to give the power of the vote back to the people.

There are a number of proposals before the state legislature in California that would change the redistricting process. Common Cause supports the passage of legislation that reforms the redistricting process and creates a new system in California that most closely adheres to our guidelines listed above.

APPENDIX A

CHANGES IN PARTY AFFILIATION OF CALIFORNIA DISTRICTS FOR THE STATE LEGISLATURE AND U.S. CONGRESS						
STATE LEGISLATURE			U.S. CONGRESS		COMBINED	
YEAR	CHALLENGERS DEFEATING INCUMBENTS	OPEN SEAT PARTY SWITCH	CHALLENGERS DEFEATING INCUMBENTS	OPEN SEAT PARTY SWITCH	TOTAL SEATS	TOTALS DISTRICTS SWITCHING PARTIES
1982	4	Redistricting	1	Redistricting	145	5
1984	1	0*	1	0	145	2
1986	0	5	0	0	145	5
1988	3	0	0	0	145	3
1990	5	0	3	0	152	8
1992	1	Redistricting	1	Redistricting	152	2
1994	7	5*	3	0	152	15
1996	2	6	3	0	152	11
1998	2	3	0	2	152	7
2000	2	2	3	1	152	8
2002	0	Redistricting	0	Redistricting	153	0
2004	0	0*	0	0	153	0

Dotted lines represent a change in district boundaries.

Total Seats: This includes 80 seats in the state assembly, 29 seats (out of 49) in the state senate and the remaining seats are for U.S. Congress.

Seats open immediately after redistricting were not included on this chart because of the effect of shifts in district boundaries.

**State Senators hold four-year terms and are not included for 1984, 1994 and 2004 because of the effect of redistricting on district boundaries.*

UNCOMPETITIVE GENERAL ELECTIONS IN CALIFORNIA FOR THE STATE LEGISLATURE AND U.S. HOUSE OF REPRESENTATIVES						
CONGRESSIONAL DELEGATION				STATE LEGISLATURE		
YEAR	WINNERS WHO RECEIVED OVER 60% OF TOTAL VOTES	TOTAL SEATS	%	WINNERS WHO RECEIVED OVER 60% OF TOTAL VOTES	TOTAL SEATS*	
1982	4	Redistricting	1	145	5	
1984	1	0*	1	145	2	
1986	0	5	0	145	5	
1988	3	0	0	145	3	
1990	5	0	3	152	8	
1992	1	Redistricting	1	152	2	
1994	7	5*	3	152	15	
1996	2	6	3	152	11	
1998	2	3	0	152	7	
2000	2	2	3	152	8	
2002	0	Redistricting	0	153	0	
2004	0	0*	0	153	0	

** Includes 80 State Assembly seats and 20 State Senate seats.*

APPENDIX B

WINNING CANDIDATES OF ELECTIONS TO THE CALIFORNIA STATE LEGISLATURE

YEAR		1982		1984		1986		1988		1990		1992	
		Total	Avg Vote %										
Assembly	□												
	Incumbents	55	71.9%	77	72.0%	68	70.5%	74	69.5%	67	66.5%	51	65.3%
	Open Seats	23	60.7%	3	61.3%	12	58.5%	3	58.9%	9	64.6%	28	58.2%
	Challengers	2	52.1%	0	0.0%	0	0.0%	3	51.4%	4	48.8%	1	51.9%
	All	80	68.2%	80	71.6%	80	68.7%	80	68.5%	80	65.4%	80	62.7%
Senate		Total	Avg Vote %										
	Incumbents	12	70.6%	17	70.1%	18	69.1%	18	69.5%	19	63.9%	15	60.8%
	Open Seats	6	62.2%	2	62.9%	2	49.5%	2	67.6%	0	0.0%	5	64.7%
	Challengers	2	50.8%	1	44.1%	0	0.0%	0	0.0%	1	48.0%	0	0.0%
	All	20	66.1%	20	68.3%	20	67.2%	20	69.4%	20	63.2%	20	61.8%
Total		Total	Avg Vote %										
	Incumbents	67	71.7%	94	71.7%	86	70.2%	92	69.5%	86	66.0%	66	61.3%
	Open Seats	29	61.0%	5	61.9%	11	57.2%	5	62.1%	9	64.6%	33	59.2%
	Challengers	4	51.5%	1	44.1%	0	0.0%	3	51.1%	5	48.6%	1	51.9%
	All	100	67.8%	100	70.9%	100	68.4%	100	68.6%	100	65.0%	100	62.5%
		1994		1996		1998		2000		2002		2004	
Assembly		Total	Avg Vote %										
	Incumbents	52	66.7%	17	63.0%	56	69.2%	49	68.1%	19	69.0%	56	68.2%
	Open Seats	23	59.8%	31	64.7%	23	62.8%	30	67.3%	31	66.1%	24	62.2%
	Challengers	5	53.5%	2	54.8%	1	54.7%	1	66.2%	0	0.0%	0	0.0%
	All	80	63.9%	80	63.4%	80	67.2%	80	62.8%	80	67.9%	80	66.4%
Senate		Total	Avg Vote %										
	Incumbents	14	59.5%	9	64.1%	8	67.2%	10	61.0%	13	75.1%	10	69.8%
	Open Seats	1	61.3%	11	58.2%	11	69.6%	9	61.1%	7	71.8%	10	62.5%
	Challengers	2	50.5%	0	0.0%	1	51.3%	1	51.5%	0	0.0%	0	0.0%
	All	20	59.0%	20	60.9%	20	67.8%	20	62.4%	20	73.9%	20	66.2%
Total		Total	Avg Vote %										
	Incumbents	66	65.2%	56	63.2%	64	68.9%	59	65.2%	62	70.3%	66	68.4%
	Open Seats	27	60.0%	12	63.0%	34	65.0%	39	60.0%	38	67.2%	34	62.3%
	Challengers	7	52.6%	2	54.8%	2	53.0%	2	52.6%	0	0.0%	0	0.0%
	All	100	62.9%	100	62.9%	100	67.3%	100	62.9%	100	69.1%	100	66.3%