



THE COMMONWEALTH CLUB OF CALIFORNIA'S
VOICES OF REFORM PROJECT
Promoting State Governance that is Responsive, Representative, and Fiscally Sound



July 19, 2006

Governor Arnold Schwarzenegger
State Capitol Building
Sacramento, CA 95814

Dear Governor Schwarzenegger:

As you know, we recently sent you a letter expressing our support for improving the integrity of California's legislative redistricting process (May 31, 2006).

In light of the discussions currently underway exploring how best to proceed on this issue, and the significant professional experience many of the signatories on that original letter have had with the redistricting process, we have considered this subject further and offer the following additional thoughts with regard to what we believe would be beneficial reforms to the current process. Please note that in addition to restating the four reform principles articulated in our first letter, the below statement also speaks to several additional issues not originally addressed.

Statement in Support of Redistricting Reform:

We believe that the inherent conflict of interest that results from legislators directly determining the shape of the districts for which they or other members of their party will compete in future elections contributes to the erosion of public confidence in government, undermines genuine political representation and has the potential to negatively affect the quality of public policy.

Therefore, we support steps to eliminate both this conflict of interest and related incentives to create non-competitive, safe seats, while strengthening the overall integrity of the legislative redistricting process.

Achieving these goals should include, at a minimum, the following actions:

- 1) Establish a process that is representative of the state's diversity for appointing an Independent Redistricting Commission balanced in partisan representation.

The following steps would ensure such a process is resistant to undue political influence:

- a) The California Chief Justice and six California Courts of Appeal chief administrative judges should identify 10 fully retired judges of the Court of Appeal to serve as a Redistricting Commission nominating panel;
- b) The nominating panel should oversee a process for nominating a pool of 50 Redistricting Commission applicants;

- c) The four Legislative leaders from the Assembly and Senate majority and minority respectively should each have the option of striking a specified number of (and a minimum of two) applicants from the pool of 50; and
 - d) A final Commission of 11 should then be selected at random by the nominating panel from the remaining applicants to achieve a balance of four Democrats, four Republicans, and three members not registered with either of the two major political parties (the random selection would be made by party registration to assure Commission balance).
- 2) Require that both Commissioners and Commission staff be subject to clear conflict of interest restrictions. (For example, restrictions should include prohibitions of Commissioners and their staff from having recently been a candidate for or having served in an elected or appointed office; from running for an office the boundaries of which they drew; or from being a legislative staffer or family member of, or having other specified close connections with elected officers whose districts are determined through the redistricting process of which they are a part.)
 - 3) Prohibit Commissioners from serving in any other public office in California during their term on the Redistricting Commission, or from running for any office under the jurisdiction of the redistricting plan for the life of the redistricting plan produced by their Commission.
 - 4) Ensure the Commission complies fully with the Voting Rights Act and equal population requirements.
 - 5) Nest Assembly, Senate and Board of Equalization (BOE) districts. (Nesting districts refers to defining their boundaries so that two or more districts of one type fit exactly within each district of a larger type. In California, this currently means there would be 2 Assembly districts in each Senate district, and 10 Senate districts in each BOE district.)
 - 6) Ensure clear redistricting guidelines are established directing the Commission to respect traditional redistricting criteria including (but not limited to) respect for communities of similar social, cultural, ethnic, geographic, or economic interest, respect for city and county boundaries, and formation of contiguous districts. Additionally, the Commission may not draw districts for the purpose of favoring incumbents.
 - 7) Require that redistricting criteria apply to all maps drawn and approved by the Commission.
 - 8) Require the Commission issue with its final plan Findings of Fact regarding map compliance with criteria that explains the basis on which the Commission made its decisions, particularly in cases where it deviated from compliance with the list or priority order of the redistricting criteria, or where compliance with one criterion resulted in less than full compliance with another. Additionally, require the Commission to include definitions of the terms and standards used in drawing the maps.
 - 9) Establish a transparent and inclusive process for the Commission to integrate public comment into the redistricting process. This should include public meetings throughout the state and timely public access to any substantive material under consideration by the Commission.

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- 10) Preserve the people's power to use the referendum as articulated in the state constitution, in relation to a new redistricting plan.
- 11) Require a date certain deadline for completion and approval of a new plan. If the Commission does not approve a new plan by such deadline, responsibility for the redistricting process will transfer immediately to the courts.

As we stated in our original letter, we have great confidence in the institutions of Government in California, including the office of the Governor and the Legislature. It is in this spirit that we express encouragement and support for legislation that can strengthen the quality of our policymaking process, thereby laying the foundation for California's talented, resourceful, innovative, and richly diverse population to achieve its greatest potential. Again, we offer our genuine and sustained support and assistance toward this goal.

Sincerely,

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