



**Proposition 11
November 2008 Ballot**

The California Taxpayers' Association Board of Directors supports the California Voters FIRST Act, and urges a "yes" vote on the initiative.

Title: California Voters FIRST Act – Fair Independent Redistricting Standards Today

Sponsors: Governor Arnold Schwarzenegger, Controller Steve Westly, California Common Cause, AARP, California League of Women Voters

Legislative History: There is no legislative version of this initiative. This measure differs in many significant respects from past legislative efforts to change the redistricting process.

Major Provisions:

- Takes redistricting power away from the Legislature, puts it in the hands of a 14-member commission (whose members would not be eligible to run for office in the districts for the next 10 years), subject to ratification by the voters.
- Makes commission responsible for drawing Assembly, Senate and Board of Equalization district boundaries, but not congressional districts.
- Provides that "Districts shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party."
- Creates commission through a hybrid process that includes random selection and input from legislators.
- Provides that commission shall include five Democrats, five Republicans, and four members not affiliated with either major party, and that nine votes are required for any official action.
- Directs the commission to perform work in public meetings, with public notice provided at least 14 days before each meeting. Records would be posted "in a manner that ensures immediate and widespread public access" (i.e., on the Internet).
- Directs the commission to avoid splitting cities, counties and "communities of interest"; to try to "nest" two Assembly districts into each Senate district; and to attempt to include 10 Senate districts in each Board of Equalization district.

Background:

Every 10 years, after the U.S. Census numbers are released, California's political districts are redrawn to ensure that each member of the Legislature, Board of Equalization and U.S. House of Representatives represents roughly the same number of constituents. The current district maps were drawn in 2001. Under the existing process, politicians have the authority to create the new districts – a system that has led to districts being drawn specifically to favor or punish a political party or individual lawmaker. In essence, the politicians are picking their voters, rather than the other way around.

This initiative is the latest in a long line of initiatives and legislative efforts to reform the way voting districts are drawn. The goal of many of the reforms has been to completely remove politicians from the process in order to end gerrymandering, while other weaker reforms have proposed shifting redistricting authority to commissions made up of legislative appointees.

California voters have rejected redistricting initiatives nine times, dating back to 1930.

Most recently, the California Taxpayers' Association and Governor Arnold Schwarzenegger backed Proposition 77, the November 2005 measure that would have put redistricting authority in the hands of a panel of three retired judges, with a requirement that voters approve the resulting redistricting plan. The initiative, introduced by Ted Costa of the People's Advocate, was endorsed by the editorial boards of nearly every major newspaper in California, but was opposed by 60 percent of the voters on election day.

The November 2005 election also included the governor's "year of reform" initiatives to reform teacher tenure rules, limit state spending and require public employee unions to get written consent from members before spending dues on political campaigns. Thus, redistricting became embroiled in a larger political war, with victory claimed by the well-funded campaign urging voters to oppose all of the Schwarzenegger-sponsored initiatives.

After Proposition 77 failed, Assembly Speaker Fabian Nunez and Senate President Pro Tem Don Perata pledged to work toward redistricting reform in the Legislature, but these promises did not result in passage of legislation. Some of the groups that had welcomed the pledges from Mr. Nunez and Mr. Perata are backing this measure, and have stated publicly that they no longer believe the Legislature will enact meaningful redistricting reform.

On May 6, 2008, the day that sponsors of this initiative turned in signatures, Mr. Nunez held his final press conference as Assembly speaker and used the occasion to announce plans to introduce a redistricting measure. It remains to be seen whether his measure will be a legitimate attempt to end the conflict of interest, or whether it is a political device designed to thwart passage of the California Voters FIRST Act.

Fiscal Impact:

This initiative would have no significant direct fiscal impact.

The state spent \$3 million on redistricting in 2001, according to the Legislative Analyst's Office. This measure provides that the state shall appropriate the greater of \$3 million or the amount spent in the immediate preceding redistricting process, adjusted for changes in the Consumer Price Index. The funds would cover commissioners' pay of \$300 for each day the member is engaged in commission business (an amount that also would be adjusted in future years to keep pace with the Consumer Price Index), and for the cost of "a statewide outreach program to solicit broad public participation in the redistricting process." The Legislature could appropriate

additional funds in any year in which it determines that the commission requires more money to fulfill its duties.

Possible indirect fiscal impacts could occur if newly drawn districts led to ideological shifts in the Legislature or Board of Equalization. Non-partisan redistricting could increase general election competition to such an extent that lawmakers will feel more compelled to pay attention to constituents, the majority of whom consistently tell pollsters they oppose tax increases and wasteful spending.

Policy Considerations:

- Should California's redistricting process be changed to reduce legislative control?
- Would the proposed commission of 14 members do a fair job of drawing district lines?
- Would the districts drawn under this initiative's process be better or worse for California's taxpayers?

Analysis:

Selection of Commission Members Is a Multi-Step Process. The commission would be made up of 14 members, including five Democrats, five Republicans and four members who are not registered in either major party. Each member must have been continuously registered to vote in California and not have changed party affiliation in the five years immediately preceding his or her appointment. Each member also must have voted in two of the three statewide elections immediately preceding his or her appointment.

The application process would be run by the state auditor, and would include these steps:

- State auditor opens the process to all registered voters.
- State auditor removes applicants with conflicts of interest (including those who, within the past 10 years, have been political consultants, lobbyists, elected officials, candidates or political donors of \$2,000 or more).
- State auditor establishes an Applicant Review Panel of three independent auditors, selecting randomly from a pool of all state-employed auditors licensed by the California Board of Accountancy. Drawing must continue until the three members include one Democrat, one Republican and one member who is not registered with either of the two major parties.
- The Applicant Review Panel selects 60 of the most qualified applicants, including 20 Democrats, 20 Republicans and 20 who aren't registered with either major party. Selections must be based on relevant analytical skills, ability to be impartial and "appreciation for California's diverse demographics and geography."
- The pool of 60 is submitted to the Legislature, and the Democratic and Republican leaders of each house are allowed to strike two applicants apiece from each subpool of 20.
- From the remaining applicants, the state auditor randomly draws eight names, including three Democrats, three Republicans and two independents.

- The eight commissioners chosen in the previous step review the remaining pool of applicants, and select six of them to join the commission. The six must include two Democrats, two Republicans and two independents. Each of the six must be approved by at least five votes of the first eight commissioners, with at least two votes from Democrats, two from Republicans and one from an independent. The six appointees shall be chosen to “ensure the commission reflects this State’s diversity, including, but not limited to, racial, ethnic, geographic, and gender diversity.”

The elimination of applicants who have a conflict of interest is a major improvement over the current system, in which almost every person involved in redistricting has a personal stake in the outcome of the next election. In the last redistricting, incumbent members of Congress were urged to pay \$20,000 each to the consultants drawing the maps in order to assure themselves of “safe” districts. This sort of wheeling and dealing is unbecoming in a country where fair elections are a bedrock principle.

Vote Requirements. Nine votes would be required for approval of final maps, and the votes would have to include at least three Democrats, three Republicans and three of the members not registered with either major party. The maps then would go to the voters, for rejection or approval on a majority vote. If voters reject the commission’s work, the state Supreme Court would be ordered to appoint special masters to perform the redistricting.

Public Process. The commission would be subject to the state’s Open Meetings Act, and all data would be public record. The commission would conduct its business in public, and would post information on the Internet. This is a significant change from current practice, where legislative leaders draw the district lines behind closed doors with the help of political consultants.

Would New Process Help or Hurt Taxpayers? It is impossible to predict how a fair, non-partisan redistricting would alter California’s political landscape. Some observers believe that Democrats would have captured several legislative seats in the 2006 election if fewer “safe” Republican seats had been created in the previous redistricting. Others believe a fair redistricting would help Republicans in many parts of the state by making general elections more competitive, allowing Republicans to win elections by campaigning on popular issues like opposing taxes and fighting illegal immigration. Many advocates of good government believe that the principle of non-partisan reapportionment is the only issue, and that a desired political outcome should not be factored into the equation.

Can This Measure Succeed Where Others Have Failed? This initiative is supported by groups representing the left, right and center of California politics, which should improve its chances at the polls. It has attracted the support of groups like the California League of Women Voters, which opposed Proposition 77. The record low popularity of legislators, coupled with this year’s long budget impasse, may help convince voters to remove redistricting authority from the Legislature.

It appears that the majority of the opposition will come from those on the far left, those on the far right, and those who benefit from the status quo. Senate President Pro Tem Don Perata has been the major figure in the “No on 11” campaign, rounding up large donations from the prison guards’ union.

Support (partial list):

California Taxpayers’ Association
Governor Arnold Schwarzenegger

Controller Steve Westly
AARP
California Common Cause
California League of Women Voters
Los Angeles Chamber of Commerce
Former Governor Gray Davis
The New Majority
Reed Hastings, CEO of Netflix
Angelo Tsakopoulos
American Civil Liberties Union of Southern California
Bay Area Council
Bonita Democratic Council
California Council of Churches
California Democratic Council
California Forward
California Metals Coalition
California Republican Assembly
Carson Chamber of Commerce
Carona Chamber of Commerce
Connie Rice
Democrats of Central Orange County
Democrats of North Orange County
Democrats of West Orange County
Greater Fresno Area Chamber of Commerce
Independent Voice
Lake Elsinore Valley Chamber of Commerce
LAX Coastal Chamber of Commerce
Long Beach Chamber of Commerce
Los Angeles City Controller Laura Chick
Manhattan Beach Chamber of Commerce
Murrieta Chamber of Commerce
New America Foundation
Newport Bay Area Democratic Club
Ontario Chamber of Commerce
Pacific Beach Democrats
Palm Desert Chamber of Commerce
Redondo Beach Chamber of Commerce
Robert F. Kennedy Democratic Club (La Mirada)
Sacramento Asian Pacific Chamber of Commerce
San Diego Neighborhoods for Clean Elections
South Bay Area Chambers of Commerce
Southwest California Legislative Council
Temecula Valley Chamber of Commerce
Torrance Chamber of Commerce
Unified Grocers Inc.

Opposition (partial list):

U. S. Senator Barbara Boxer
Senate President Pro Tem Don Perata
California Federation of Teachers
California State Firefighters Association

California Democratic Party
American Federation of State, County and Municipal Employees, AFL-CIO
Teamsters Joint Council 42
Ted Costa, CEO, People's Advocate Inc.
California Labor Federation
National Latino Congreso
Mexican American Political Association
Mexican American Legal Defense and Educational Fund
NAACP Legal Defense Fund
William C. Velasquez Institute
Asian Pacific American Legal Center of Southern California
Asian Pacific Policy and Planning Council (A3PCON)
Asian Law Caucus
Chinese for Affirmative Action
Asian American Justice Center
Asian Law Alliance
Stonewall Democratic Club
California Young Democrats
Progressive Democrats of Los Angeles
Progressive Democrats of the Santa Monica Mountains
Lake County Stonewall Democratic Club
The Harvey Milk LGBT Democratic Club
Westside Progressives
Asian Pacific Islander Legislative Caucus
Democratic Party of the San Fernando Valley
West Hollywood Democratic Club
Del Norte County Democratic Central Committee
Los Angeles County Federation of Labor
San Diego - Imperial Counties Labor Council
San Mateo County Labor Council
Santa Clara Democratic Party
San Diego County Democratic Party
Raoul Wallenberg Jewish Democratic Club
International Brotherhood of Electrical Workers (IBEW) Local 11
Los Angeles County Democratic Party

Recommendation:

- This initiative would eliminate a glaring conflict of interest by dramatically reducing the power that politicians have over redistricting.
- The measure establishes a transparent process that would bring redistricting out of the back rooms of the Capitol.
- The composition of the 14-member commission appears to be sufficient to remove much of the partisanship from the redistricting process.
- Fair districts should result in elections in which ideas and policies become more important, which could help candidates who share the public's skeptical view of tax hikes.

- The Legislature has failed to act on redistricting reform, leaving the ballot box as the only vehicle to end the conflict of interest.

For the foregoing reasons, the California Taxpayers' Association urges a **"Yes"** vote on the California Voters FIRST Act.