

KAUFMAN DOWNING LLP

March 10, 2008

Pasadena City Council
100 N Garfield Ave
Pasadena, CA 91101

RE: Request for Endorsement of California Voters First Initiative

Honorable City Council Members,

I am an attorney, currently practicing election law with the law firm of Kaufman Downing LLP in Los Angeles. I write on behalf of California Voters First and to share my personal experiences related to the California redistricting process. Specifically, I urge that the Pasadena City Council endorse the California Voters First Initiative as a long overdue solution to one of many barriers to a more participatory democracy.

During the 2001 California statewide redistricting process, I served as the Voting Rights Program attorney for the Mexican American Legal Defense and Educational Fund and was engaged, alongside several community organizations and individuals, with drafting a statewide redistricting plan that would promote and protect the interests of the Latino community.¹ It was as a direct result of my experiences with what is still the current redistricting process, that I understood business could not proceed as usual and that reform was essential. There have been several legislative and initiative reform efforts proposed since the 2001 redistricting process. Each of those previous efforts, however, have been considerably flawed on a variety of levels that would have clearly resulted in a process that was more legally restrictive in terms of the proposed redistricting criteria; less open and transparent and restrictive in terms of public participation; and more restrictive in terms of diversity concerns.

Those flaws in previous efforts and the systemic and structural deficiencies inherent in the current redistricting system have been squarely addressed in the California Voters First Initiative. The initiative protects Californians from having to endure yet another round of smoke-filled backroom deals will inevitably ignore volumes of public testimony and plans proposed by civil rights and voting rights organizations. I, unfortunately, witnessed how with a legislatively-based redistricting process, the Latino community's concerns were deftly sidestepped in favor of partisan or incumbent preferences. It was the current process that, as chronicled by 2001 newspaper reports, \$20,000 checks were passed freely by congress members who felt it easier to pay for a favorable boundary plan rather than respect the concerns of the underserved and disenfranchised communities.

By removing elected officials and incumbents from having a direct interest in the outcome of the redistricting process and forcing them to participate on a playing field with the public and advocacy groups as equals, half the battle is won. The remaining portion of the initiative that makes the process more transparent and which mandates protections that prevent adoption of redistricting bills without adequate public review are only some of the features that make the California Voters First Initiative a

¹Please note that I do not write on behalf of MALDEF.

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Handout by Kathay Feng

solution to the problems that will undoubtedly persist during the 2011 redistricting if not approved by voters.

By far, the most important elements of the Initiative relate to the manner in which the protections embodied in the Voting Rights Act are considerably strengthened. Currently, under article XXI, section 1 of the California Constitution, the Voting Rights Act is not even mentioned in its recitation of redistricting criteria. (See Cal. Const. art XXI, sec. 1.) In stark contrast, under the express language of the Initiative, the Voting Rights Act is expressly mentioned twice and referred to several other times in other criteria. For example, Section 2, subdivision (d)(1) of article XXI of the Constitution would read:

“Districts shall comply with the United States Constitution. Senate, Assembly, and State Board of Equalization districts shall have reasonably equal population with other districts for the same office, except where deviation is required to comply with the federal Voting Rights Act or allowable by law.”

(See Const. amend., art XXI, Sec. (d)(1); (emphasis added.) The very next criterion also includes express reference to the Voting Rights Act:

“Districts shall comply with the federal Voting Rights Act (42 U.S.C. Sec. 1971 and following).”

(See id., art XXI, Sec. (d)(2).) Several of the criteria that follow also contain specific language indicating that to the extent a conflict exists with any of the preceding criteria, that the former shall control. In contrast to the current constitutional language, the Initiative therefore leaves very little room for those tasked with drawing maps to ignore the primacy of the United States Constitution and the Voting Rights Act.

1) **Congressional Districts**

California Voters First concentrates its efforts on the California State Assembly, Senate and Board of Equalization districts because it removes those tasked, under the current system with drawing their own districts. This initiative aims to remove that conflict and give a voice back to the voters.

California Voters First does enhance the redistricting process for Congressional districts by establishing new rules for drawing the Congressional districts that the State Legislature must follow. The Legislature must:

- 1) Abide by the same open hearing rules that the Commission must follow. These are stricter than what currently applies. (Const. amend., article XXI, Sec. 1 (d)).
- 2) Follow the same ranked list of mapping criteria that the Commission must follow. This list places the Voting Rights Act at the top and bans the consideration of incumbent addresses. It also prohibits drawing lines to intentionally favor or discriminate against an incumbent, party or candidate. (Const. amend., article XXI, Sec. 1 (b)).
- 3) “Coordinate with the Citizens Redistricting Commission ... to hold concurrent hearings, provide access to redistricting data and software, and otherwise ensure full public participation in the redistricting process.” This language was

specifically included in the California Voters FIRST Act to address concerns that multiple hearings would be burdensome to regular folks looking to testify. (Const. amend., article XXI, Sec. 1 (d)).

2.) **Redistricting Criteria**

Concerns have been raised that: a) the Voting Rights Act criteria language does not reference a particular California case, b) respect for communities of interest criteria is not prioritized above cities and counties, and c) includes nesting.

The relevant language in the California Voters FIRST Act would amend the Constitution, Article XXI, Sec. 2(d) as follows:

(d) The commission shall establish single-member districts for the Senate, Assembly and State Board of Equalization pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) Districts shall comply with the United States Constitution. Senate, Assembly, and State Board of Equalization districts shall have reasonably equal population with other districts for the same office, except where deviation is required to comply with the federal Voting Rights Act or allowable by law.

(2) Districts shall comply with the federal Voting Rights Act (42 U.S.C. Sec. 1971 and following).

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, county, city and county, neighborhood, or community of interest shall be respected to the extent possible without violating the requirements of any of the preceding subdivisions. Communities of interest shall not include relationships with political parties, incumbents or political candidates.

(5) To the extent practicable, and where this does not conflict with the criteria above, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant population.

(6) To the extent practicable, and where this does not conflict with the criteria above, each Senate district shall be comprised of two whole, complete and adjacent Assembly districts, and each Board of Equalization district shall be comprised of 10 whole, complete and adjacent Senate districts.

(e) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.

(f) Districts for the Senate, Assembly, and State Board of Equalization shall be numbered consecutively commencing at the northern boundary of the State and ending at the southern boundary.

In consulting with numerous voting rights advocates, I know that an ever present concern was whether and how to add language to our state constitution that would provide greater guidance to the Commission regarding compliance with the Voting Rights Act. Of paramount concerns was the persistent erosion of Voting Rights Act via redistricting jurisprudence that narrowed its applicability. Further, until recently, courts appeared more willing to balance the application of the Voting Rights Act against other factors, such as the legislature's right to draw districts that protect incumbents or parties. In listing the criteria and ranking them as the California Voters First Act does, the Voting Rights Act is prioritized above all other criteria. In the Act, Commissioners are actually provided with a blueprint for compliance with the Voting Rights Act.

Besides the fact that it would be strange to cement in the Constitution a reference to a single case, drafters were concerned that referencing a case name still leaves the Commission open to trying to interpret a particular case, a prospect likely to yield as many different interpretations as there are Commissioners. The drafters also considered which of the many possible cases was the most favorable to the application of the Voting Rights Act and ultimately decided that it was best not to cement a reference to a case in the State Constitution and instead to provide clear guidance to map drawers via strong Voting Rights Act protection language.

The fourth redistricting criterion requires the Commission to respect the "geographic integrity of any city, county, city and county, neighborhood, or community of interest." In our three years of discussion and drafting, we heard different opinions about how to rank these various criteria. There were some that wanted counties to be ranked above cities, and cities above communities. There were others who argued the opposite.

Because California has a fairly varied population density, we decided that the Commission should be given the flexibility to consider the testimony appropriate for the area at issue. For instance, in certain rural, mountainous or less densely populated areas, counties are the main seat of government and a communities' identity. On the other hand, in urban areas, testimony regarding neighborhoods, cities, or other communities of interest may have more pressing relevance. Thus, rather than creating a rule that straight-jacketed preference of one type of population over another, the California Voters First Act instructs the Commission to consider these different factors holistically.

Requiring nesting of two assembly districts within one senate district has been acknowledged to create the potential for Voting Rights Act violations. While the nesting has some positive benefits – namely, reducing voter confusion – those cannot trump compliance with the Voting Rights Act. Accordingly, the California Voters First Act allows nesting, but only in so far as it does not conflict with the Voting Rights Act or any other previously enumerated criteria. Because such language is expressly provided in the Act, any contention that the Act's nesting requirement would threaten the Voting Rights Act is untrue.

3.) Diversity

The California Voters First Act, throughout, is focused on respecting the diversity of California's population. From the outset to the conclusion of the selection process, diversity is an integral part of the considerations. The very first section of the provisions relating the Commission selection and qualification process states "the "State Auditor" shall initiate an application process open to all registered California voters in a manner that promotes a diverse and qualified applicant pool." (See amend to Govt. Code Sec. 8252(a)(1).) Moreover, Section 8252(g) of the Act, at the tail end of the selection process, notes that the "6 appointees shall be chose to ensure the commission reflects this State's diversity, including, but not limited to, racial, ethnic, geographic, and gender diversity." (See id.) While although

the diversity of California legislature is an important yardstick to measure the diversity of any proposed reform effort, it should nonetheless not be ignored that the diverse legislature in 2001 drafted a plan that many considered to produce an impermissible racially gerrymandered plan.

4.) Commissioner Criteria and Selection Process

a) The California Voters FIRST Act establishes a selection process to identify people with relevant expertise and select staff in a fair manner.

The language of the California Voters First Act requires the initial pool of 60 to be chosen based on relevant analytical skills, ability to be impartial, and diversity. An important part of this is that the process is open and transparent, which allows the public to scrutinize the process every step of the way.

While we fully expect some of the most qualified individuals to be people with a legal background, even a Voting Rights Act expertise, we also did not overload the Constitution with a list of each type of relevant expertise that could be considered. Demographers, city planners, lawyers, and people who are civically active will likely rise to the top to the applicant pool. When the Initiative passes, we will be actively involved in the implementation process to ensure the selection process, and frankly every aspect of the Commission, lives up the potential created by the California Voters First language. Creating an open application process that screens for people with conflicts, while choosing candidates with a broad array of skills sets, including demographers, would certainly be in line with the principles behind California Voters First.

Regarding questions about how the staff would be selected, the California Voters First Act would amend the Government Code, Section 8253(a)(5) as follows:

The commission shall hire commission staff, legal counsel, and consultants as needed. The commission shall establish clear criteria for the hiring and removal of these individuals, communication protocols, and a code of conduct. The commission shall apply the conflicts of interest listed in paragraph (2) of subdivision (a) of Section 8252 to the hiring of staff to the extent applicable. [These are the same as the conflicts that apply to the Commissioners]. The Secretary of State shall provide support functions to the commission until its staff and office are fully functional. Any individual employed by the commission shall be exempt from the civil service requirements of Article VII of the California Constitution. The commission shall require that at least one of the legal counsel hired by the commission has demonstrated extensive experience and expertise in implementation and enforcement of the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 and following). The commission shall make hiring, removal, or contracting decisions on staff, legal counsel, and consultants by nine or more affirmative votes including at least three votes of members registered from each of the two largest parties and three votes from members who are not registered with either of the two largest political parties in California.

Here, there are 3 key components. California Voters First would: 1) require the votes of three of the Democrats, Republicans and other commissioners to hire staff, 2) the Commissioners would have to apply the same list of conflicts of interest to screen the staff, and 3) there is a requirement for legal counsel to have Voting Rights Act experience.

b) California Voters First Act opens the applicant pool to California's diverse electorate, while maintaining a standard for civic engagement.

Article XXI, Sec. 2 (c)(3) would be amended to state:

Each commission member shall be a voter who has been continuously registered in California with the same political party or unaffiliated with a political party and who has not changed political party affiliation for five or more years immediately preceding the date of his or her appointment. Each commission member shall have voted in two of the last three statewide general elections immediately preceding his or her application.

The drafters of California Voters First balanced a showing of some civic engagement with keeping the pool as open to as many applicants as possible. Service on the Commission will require people to be fairly involved in attending hearings, pouring over maps and sorting through testimony for at least a year. Finding people who have shown a level of regular participation in their civic life is a helpful indicator of an ability to commit to serving on the Citizens Redistricting Commission.

c) California Voters FIRST Act has repeated references to how each step of the selection process should produce a diverse pool.

For instance, Section 8252 (d) would be amended as follows:

From the applicant pool, the Applicant Review Panel shall select 60 of the most qualified applicants, including 20 who are registered with the largest political party in California based on registration, 20 who are registered with the second largest political party in California based on registration and 20 who are not registered with either of the two largest political parties in California based on registration. *These subpools shall be created on the basis of relevant analytical skills, ability to be impartial and appreciation for California's diverse demographics and geography. (Emphasis added).*

d) Partisan balance

The partisan balance of the Commission is drafted not to reflect the partisan balance in any one year. Rather, it is drafted to ensure balance that will be relevant whether we are redistricting in 2011 or 2051. In addition to requiring that five persons represent the largest party, and that five persons represent the second largest party, and that four persons represent others, there is a vote requirement that three persons in each group must agree to adopt any map. This protects any one group from being disadvantaged and protects against collusion.

Pasadena City Council

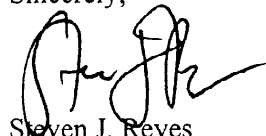
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e) In a state with so many talented professors, demographers, lawyers, and civically engaged citizens, we do not believe that the list of conflicts of interest will deplete us of qualified individuals to apply. People who are elected officials, work for elected officials, contribute to elected officials, or are related to elected officials, are in fact a fairly small universe of people.

I thank you for your time and attention to this important matter. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Reyes". The signature is fluid and cursive, with a large initial "S" and "R".

Steven J. Reyes

Rodriguez, Jane

From: steven8a@gmail.com on behalf of Steven Ochoa [sochoa@wcv.org]
Sent: Monday, March 10, 2008 4:12 PM
To: Rodriguez, Jane
Subject: Fwd: WCVI Urges Pasadena City Council to NOT Endorse "California Voters First Initiative"
Attachments: WCVILetterAgainstRedistInitiative_030608.doc; Res512_Redistricting.doc

Hello Ms Rodriguez,

It was highly suggested that I forward you the following email about WCVI's opposition to the endorsement of the "California Voters First Initiative," which is to be taken up by the city council this evening. Below is the email WCVI sent to field representatives of all the council members.

Take Care,
Steven

----- Forwarded message -----

From: **Steven Ochoa** <sochoa@wcv.org>
Date: Mon, Mar 10, 2008 at 10:45 AM
Subject: WCVI Urges Pasadena City Council to NOT Endorse "California Voters First Initiative"
To: district1@ci.pasadena.ca.cs, mfuller@cityofpasadena.net, jmcintyre@cityofpasadena.net, rstone@cityofpasadena.net, ydelacuba@ci.pasadena.ca.us
Cc: Antonio Gonzalez <agonzalez@wcv.org>

Dear Pasadena City Council Members and Field Representatives,

I write you on behalf of the William C. Velasquez Institute to formally request that you vote NO on endorsing the "California Voter's First Initiative" at this evening's city council meeting. Attached is a letter explaining WCVI's concerns in details as well as resolution passed by the National Latino Congreso in 2007.

While the California redistricting process is in need of reform, the CVFI is a flawed piece of legislation that contains numerous suspect provisions and is *not* the answer. Full of unrealistic goals, harmful rules, and complex systems that would impede competent redistricting by commissioners and limit involvement by members of the public and experienced line drawers alike, this *regressive* initiative contains the following serious problems:

- 1) Congressional redistricting is not included, creating two systems with two distinct sets of rules; including leaving Congressional Redistricting in the hands of the same, unreformed, Legislative redistricters;
- 2) Redistricting Criteria that do not fully respect the Voting Rights Act or communities of interest, and place an unrealistic limitation on political information;
- 3) The Commission will not reflect California's diversity, nor will it be fully accountable to the public;
- 4) Overly complex Commissioner Selection Process and disqualification rules will create an under-

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qualified body that would be extremely staff dependent for expertise, further eroding commission accountability;

- 5) Requirements for Plan Passage are likely to increase litigation by leading to automatic Court cases;
- 6) The timeline does not start early enough and will hinder the inexperienced group of commissioners' ability to develop a quality redistricting plan.

This initiative is bad public policy, and I welcome the opportunity to speak with you before tonight's hearing to explain our position in greater detail. Please feel free to contact me at my office or reply by email.

--

Steven A. Ochoa
Director of Voting Rights and Policy Research
William C. Velasquez Institute (WCVI)
2914 North Main Street, 1st Floor
Los Angeles, CA 90031
323-222-2217
sochoa@wcvl.org
steven8a@gmail.com
<http://www.wcvl.org>

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Steven A. Ochoa
Director of Voting Rights and Policy Research
William C. Velasquez Institute (WCVI)
2914 North Main Street, 1st Floor
Los Angeles, CA 90031
323-222-2217
sochoa@wcvl.org
steven8a@gmail.com
<http://www.wcvl.org>

3/10/2008



William C. Velásquez Institute

March 10, 2008

To: Pasadena City Council Members
 From: Antonio Gonzalez, President, & Steven A. Ochoa, Director of Voting Rights and Policy Research, William C. Velasquez Institute
 Re: William C. Velasquez Institute Urges City Council Not to Endorse the California Voters FIRST Initiative

Dear City Council Members,

As a major participant of the 2001 California Redistricting process and a prominent non-partisan Latino public policy analysis organization with strong history of promotion of Voting Rights advocacy, the William C. Velasquez Institute urgently writes you to not endorse the "California Voters First Initiative (CVFI)."

While the California redistricting process is in need of reform, the CVFI is a flawed piece of legislation that contains numerous suspect provisions and is *not* the answer. Full of unrealistic goals, harmful rules, and complex systems that would impede competent redistricting by commissioners and limit involvement by members of the public and experienced line drawers alike, this *regressive* initiative contains the following serious problems:

- 1) Congressional redistricting is not included. creating two systems with two distinct sets of rules; including leaving Congressional Redistricting in the hands of the same, unreformed, Legislative redistricters;
- 2) Redistricting Criteria that do not fully respect the Voting Rights Act or communities of interest, and place an unrealistic limitation on political information;
- 3) The Commission will not reflect California's diversity, nor will it be fully accountable to the public;
- 4) Overly complex Commissioner Selection Process and disqualification rules will create an under-qualified body that would be extremely staff dependent for expertise, further eroding commission accountability;
- 5) Requirements for Plan Passage are likely to increase litigation by leading to automatic Court cases;
- 6) The timeline does not start early enough and will hinder the inexperienced group of commissioners' ability to develop a quality redistricting plan.

Below are detailed descriptions of the points listed above.

1) Congressional Districts Not Included

WCVI's biggest concern is that this reform would separate the Congressional redistricting process from the rest of the statewide legislative bodies. This decision was made on a purely political basis to out of fear of a campaign challenge by the California Congressional delegation, led by House of Representatives Speaker Nancy

National Office • 206 Lombard, 1st Floor • San Antonio, TX 78228 • (210) 922-3118 • Fax (210) 922-7095
 California Office • 2914 N. Main St., 1st Floor • Los Angeles, CA 90031 • (323) 222-2217 • Fax (323) 222-2011
 Florida Office • 2646-A NW 21st Terrace • Miami, FL 33142 • (305) 635-6965 • Fax (305) 822-7025

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Pelosi. While WCVI understands the political choice, this decision creates a barrier to public redistricting participation rather than remove barriers to meaningful participation.

The problems are two-fold. First, it creates two distinct systems, with two distinct sets of meetings. Groups, such as WCVI, MALDEF, and APALC who reach out to communities to educate them on redistricting would have their hands full educating them on rules of redistricting. Furthermore, it increases the difficulty of organizing and coordinating community attendance at public hearings. Communities, particularly low income, working class communities, would be hard pressed into attending two distinct sets of meetings to testify on their community of interest needs. While the proposed initiative calls for the Legislature to try to coordinate hearing schedules, there is absolutely no guarantee that this will happen. Public meetings are often very long and on weekday evenings, with long speakers lists to present testimony. Considering the burden to secure child care or schedule time away from family to attend hearings, two sets of outreach meetings are compounded by this dual track system.

Second, the CVFI creates two redistricting systems with two sets of rules. CVFI leaves Congressional Redistricting in the hands of an unreformed State Legislature. Considering Congress is where the Latino community faced the most intentional discrimination in 2001 (San Fernando Valley and San Diego), this is a major concern for community interest groups.

2) Redistricting Criteria Concerns.

For as long as redistricting reform has been debated in California, WCVI has been adamant that the Voting Rights Act be a paramount principle and that full access to information and data be available to help create the public record for Voting Rights Act (VRA) compliance. While the CVFI ranks the VRA in the proper order, the VRA language is not strong enough against protection from future VRA erosion. WCVI and the National Latino Congreso have advocated for language that interprets the VRA as in *Wilson v. Eu*; which is commonly held as the strongest VRA interpretation.

The CVFI also mis-ranks the respect for Communities of Interest (COI), by not ranking this criterion ahead of respect for Geographic and Political boundaries. WCVI and the National Latino Congreso Resolution specifically pick out COI and rank it ahead of respecting Political Boundaries. While the VRA ensures that large and sufficiently large minority communities are kept together, smaller communities are often at the mercy of line drawers. With small neighborhoods, particularly in large cities that are divided, neighborhoods are often the most at risk to be divided.

Another major problem with the redistricting criteria is the inclusion of nesting. Although ranked below VRA and COI, nesting is considered to be a limitation on line drawers hoping to provide maximum VRA compliance. Academic studies such as those published by the UC Berkeley Institute of Governmental Studies have shown that nesting criteria limit VRA opportunities, negate influence districts for minority communities, and minimize small COIs' ability to maximize their voice.¹

Finally, the CVFI criteria specifically state that a COI "shall not include relationships with political parties, incumbents, or political candidates." The concern here is the limitation of information for building community of interest and Voting Rights cases. In many instances during public testimony, a relationship (cordial or adversarial) with a party or elected official is often a component of a COI's self description and an argument for why, or why not, they should be kept together AND together in (or not in) a specific district. The CVFI

¹ http://swdb.berkeley.edu/redistricting_research/

exclusion could limit or, worse, lead to accidental public record strikings of public testimony, thus weakening the VRA information needed to draw, and potentially litigate, VRA districts.

3) Commission Size/Diversity Questions.

The Commission size is 14 members: 5 Democrats, 5 Republicans, and 4 Non-Republicans or Non-Democrats. Reducing the initial body of 120 members to 14, this raises serious concerns about the ability to accurately reflect California's racial, ethnic, and geographic diversity. It is a fact that the commission that CVFI would create will not accurately reflect California's partisan make-up, considering the state's current voter registration make-up. The initiative's authors will point to language that speaks of respecting diversity that can be found throughout the list of selection criteria, however, combined with a randomization element, it is difficult to impossible to achieve. The Latino community has worked hard under the current redistricting and VRA rules to earn its current representation. We should not have to ask our community to give that up.

4) Commissioner Criteria/Selection Process.

There are numerous problems with the Selection Process in the proposed initiative. First, here is the general description of the Process:

- a) State Auditor establishes a Review Panel of "three qualified independent auditors" by random draw of auditors (1 Democrats, 1 Republican, 1 Non Democrat/Republican);
- b) State Auditor receives all applications, and removes those with conflicts of interest, then publishes list of all qualified applicants;
- c) Review Panel creates a pool of 60 of the "most qualified" candidates: 20 Democrats, 20 Republicans, 20 Non Democrat/Republican. The Review Panel is supposed to look for applicants "on the basis of relevant analytical skills, ability to be impartial and appreciation for California's diverse demographics and geography;"
- d) The 4 State Legislative Leaders each get to strike up to two applicants in each 20 person pool, for a possible 8 strikes per pool;
- e) From remaining pool, State Auditor gets to randomly draw 8 people: 3 Democrats, 3 Republicans, 2 Non Democrat/Republican;
- f) Initial 8 Commission Members select final 6 members from remainder pool, looking to fill geographic and diversity needs.

This complex six level system presents a series of problems in the Selection Process that will make it difficult to have a diverse applicant pool that is expert enough to conduct a proper redistricting. First, there is no mention of Voting Rights expertise, or even *redistricting* expertise among the commissioner qualifications. This could create a Commission that is overly staff dependent. This is more problematic for public accountability as Staff selection criteria is not mentioned in the initiative language. Second, Commissioner qualifications include voting history requirements. Potential Commissioners must have voted in 2/3 of the last General elections. Considering the Latino percentage of the total state turnout is nowhere near representative of the Latino percentage of the State population, this could lead to diversity issues of the potential pools and panels. Furthermore, it limits the inclusion of newer Californian citizens in the applicant pool. The Latino community has seen a large increase in citizenship this decade. Many Latinos have lived here all their lives but only

recently became citizens for various reasons. This provision would unfairly limit our community's applicant pool. Third, there is no language that the three 20-person applicant pools be *diverse* and representative of the state. Fourth, considering that persons of color in California are overwhelmingly Democratic, there is serious concern that the final Commission could be diverse if only 5 persons are allowed to belong to the Democratic party. Fifth, considering there are no Voting Rights or redistricting expertise requirements for commissioners, and the first 8 Commissioners have to select the final 6 members, there is a "blind leading the blind" worry in their ability to choose the most qualified Commissioners from the remainder of the pool. Finally, considering there are no expertise provisions for the Commissioners at all, WCVI has grave concerns about allowing the State Auditor to have authority over the selection process. The State Auditor has never had a redistricting role. If a commission were to be created and judged, we would prefer the State Legislature or a State Court to retain or perform this role.

Related to the expertise question, there are a series of Commissioner exclusions that could limit the ability of experts to get on the panel. Commission Applicants, or members of their immediate families, may not have in the last 10 years:

- a) Have been appointed or elected officials;
- b) Have served as officer, employee, or paid consultant of a political party or campaign committee;
- c) Have been an elected or appointed central committee member;
- d) Have been a registered federal, state, or local lobbyist;
- e) Have been a paid congressional, legislative or Board of Equalization staff;
- f) Have contributed more than \$2,000 or more to any candidate for any state, federal, or local office in any year; and,
- g) Have been a staff member or paid consultant to a Legislative member, Governor, Congress member, or Board of Equalization member.

Redistricting is a much nuanced art of balancing a series of complex rules and competing mandates. Considering that the CVFI adds *even more* complex criteria and competing mandates than general redistricting law currently provides for, it would be *even more* imperative to have practiced and experienced line drawers as commission members.

Yet, the exclusions listed by the CVFI increase the difficulty of people with expertise to qualify. The exclusion of paid consultants could limit the number of expert persons who could be Commissioners or Commission staff members. Excluding contributors might result in free speech court challenges to the process. The limitation of city and local elected officials limit persons with very detailed local familiarity that could aid in understanding how different geographic regions and COIs relate to each other. From the Latino community perspective as well, most Latino elected officials are in the lower levels of government, such as school boards. This provision would disproportionately punish officials with no ambitions of running for higher office where some of the post redistricting limitations are enough to dissuade ambitious, self-serving officials from becoming commissioners to draw seats for themselves.

5) Requirements for Plan Passage.

This initiative creates a system that could encourage deadlocks, which would automatically shift the redistricting plan to the Courts. First, the commission must approve a plan by at least 9 out of 14 votes, with at least 3 Democrats, 3 Republicans, and 2 Independents. This essentially creates a super majority system which could put votes at deadlocks if one party refuses passage as a block. Further, all plans must be passed by these margins. Should one plan be held up, the other two would also be prevented from passage even if it attained the required votes. Finally, one could also argue by labeling the vote results by party label, it could encourage the commissioners to act with more bias than the impartiality the selection criteria is trying to encourage.

6) Start Date Concerns.

The current proposed timeline is as follows:

- a) By Jan 1, 2010 - Application Process Opened;
- b) By Aug 1, 2010 - Publication of Qualified/Non-Conflicted Applicant Names;
- c) By Oct 1, 2010 - Review Panel creates 3 pools of 20 (60 names total);
- d) By Nov 15, 2010 - Leg Leaders Must Strike Desired Names;
- e) By Nov 20, 2010 - State Auditor Randomly Selects First 8 Commissioners;
- f) By Dec 31, 2010 - First 8 Commissioners Select Final 6 Commissioners;
- g) Commission Creates Own Hearing Schedule/Process. Only requirements are a set of pre-drawing hearings, and hearings after display of maps. There must be 14 days public notice from date of public display of map for a hearing;
- h) By Sept 15, 2011 - Commission must approve Final three maps.

Essentially, the Commission has only nine months to complete its plans from its first conception on January 1 to mid-September. WCVI has argued that with any redistricting process, the earlier it starts, the better. A Commission can start by mid-2010, taking care of procedural issues such as creating hearing rules, hiring staff and consultants, going about the business of making sure data and facilities are ready for the dissemination of information in the widest possible manners, practice with software, and, frankly, getting to know each other. An early start is *especially* important if there are expertise concerns. Second, this timeline does not guarantee a minimum set or rounds of hearing schedules. It only states hearings pre- and post-map drawing; two rounds. If different drafts of maps are drawn, there is no guarantee of new hearings to answer significant changes. Finally, the constraining timeframe increases the difficulty of the Commission to complete all of its mandated tasks such as setting up publicly accessible data, reasonable hearing schedule for meaningful public comment, and creating a detailed final report.

Conclusion

Redistricting reform is not an easy subject to tackle. Redistricting itself consists of following a series of complex rules and balancing competing legally required mandates. The 2001 California redistricting process indeed was a flawed and frustrating experience with elected officials trying to minimize public participation and promote incumbency protection plans.

However, redistricting reform is more than simply removing the Legislature's constitutional duty to redraw districts. The current process has been vetted through decades of legal evolution, including the Voting Rights Act, and already has an established set of rules. The 2001 experience, while difficult to stomach, is not enough to justify a completely radical experiment to change California's Constitution and redistricting rules for the next 100 years without deep and careful consideration. In changing the governing redistricting body from something other than the Legislature, there are serious questions of public accountability, respecting the diversity of the state's population, and the collection of expertise. Much like the current term limits have had unintended, negative consequences on the State Legislature, a poorly crafted commission could have serious repercussions for the state for decades to come.

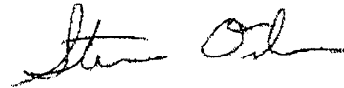
While the authors of the initiative maybe well intentioned, they are unfortunately single-minded in their mistrust of elected officials and have not thought out the consequences of their proposed initiative as most of their coalition lack serious redistricting expertise. If you question any redistricting expert, we are confident many would echo concern of most or all of the problematic concepts outlined by the William C. Velasquez Institute. WCVI hopes that by listing in detail the negative effects on the Latino community, as well as many other Californians, will give the City Council pause in endorsing the CVFI and that the CVFI is a redistricting reform far from universally accepted by voting rights advocates and experienced redistricters. WCVI wishes to help council members recognize that it is not a solution; the CVFI will cause more problems for California than it will solve. At the very least, WCVI hopes this letter will bring to light that many credible groups have issue with the CVFI and that a city council endorsement of an initiative not yet even approved for ballot consideration is premature without more input and research.

Thank you for your time and consideration. Should you have more questions about the redistricting process or the William C. Velasquez Institute's position on the "California Voters First Initiative," please contact us at our offices at 323-222-2217 or via email at agonzalez@wcvl.org or sochoa@wcvl.org.

Sincerely,



Antonio Gonzalez
President



Steven A. Ochoa
Director of Voting Rights and Policy Research



2ND ANNUAL NATIONAL LATINO CONGRESO 2007

Resolution 5.12 - Resolution on Redistricting Reform

2010 M. Water Street
 1st Floor
 Los Angeles
 CA 90011
 Phone: 323-222-2217
 Fax: (323) 222-2011
www.latincongreso.org

This Resolution was Approved by the National Latino Congreso on Day One, Friday, October 5th, 2007

Author: Mr. Steven Ochoa
Organization: William C. Velasquez Institute (WCVI)
Phone: 323-222-2217 **Email Address:** sochoa@wcvl.org

National Concerning Organizations

WHEREAS decennial Redistricting is an opportunity to earn representation on federal, state, and local levels; and

Hispanic Federation
www.federacionhispanica.org

WHEREAS non-transparent Redistricting practices can result in severe disenfranchisement of the electorate and violations of the Voting Rights Act; and

Latino Council for Latin American Organizations
www.lcalo.org

WHEREAS in 2001, most state and local legislative bodies engaged in self-serving incumbency protection plans that resulted in intentionally non-competitive general elections at the expense of traditional redistricting principles, including promotion of the Voting rights Act; and

League of United Latin American Citizens
www.lula.org

WHEREAS Legislators can currently hide behind legislative privilege to introduce plans without a reasonable amount of time for realistic public comment and hide intentions from Court proceedings; and

Mexican American Legal Defense and Educational Fund
www.malef.org

WHEREAS Legislators can produce plans without providing the public justification based on traditional redistricting principles;

National Alliance of Latin American and Caribbean Communities
www.nalacc.org

1. THEREFORE BE IT RESOLVED that the organizations represented by delegates of the 2007 National Latino Congreso urge the bodies conducting redistricting for all Congressional, State Legislative, and Local Level line drawing adhere to the following prioritized order of redistricting principles:

National Day Laborers Organizing Network
www.daylaborers.org

a) Members of each district shall be elected from a single-member district; and

Public Employees Compensation Board
www.perc.gov

b) Congressional Districts shall each have equal population with other districts of the same office in compliance with the United States Constitution and all other districts shall each have reasonably equal populations with each district of the same office in compliance with the United States Constitution; and

Transportation Workers Union of America
www.twu.org

United Brotherhood of Carpenters and Joiners of America
www.uca.org

Latin Day Workers
www.latindayworkers.org



c) District boundaries shall comply with the federal Voting Rights Act of 1965 (42 U.S.C. Sec 1971 and following), as applied by the California Supreme Court in *Wilson v. Eu* (1992) 1 Cal. 4th 707; and

d) District boundary lines shall be geographically contiguous; and

e) District boundary lines shall not gerrymander (pack, crack, or stack) politically cohesive communities; and

f) District boundary lines shall respect city boundaries, county boundaries, and visible geographic boundaries to the extent practicable; and

g) Districts shall be geographically compact; and

2. FURTHER BE IT RESOLVED that the organizations represented by delegates of the 2007 National Latino Congreso urge all legislative bodies to pass law requiring the governing redistricting body to conduct meaningful public comment at multiple stages of the redistricting process; and

3. FURTHER BE IT RESOLVED that the organizations represented by delegates of the 2007 National Latino Congreso urge all legislative bodies to pass law denying private communication between legislators and the governing redistricting body regarding the potential shape of districts, including denying the right of Legislators to evoke legislative privilege regarding redistricting discussions; and

4. FURTHER BE IT RESOLVED that the organizations represented by delegates of the 2007 National Latino Congreso urge legislative bodies to require the governing redistricting body to produce a detailed report on each district drawn explaining how the redistricting principles described in Section 1 were adhered to the best of its ability; and

5. FURTHER BE IT RESOLVED that the organizations represented by delegates of the 2007 National Latino Congreso urge the legislative bodies to pass law mandating that non-Court mandated redistricting be conducted only once a decade, after the most recent United States census is conducted.

The Mercury News

MercuryNews.com

Redistricting initiative has strong Republican backing

DONORS TYPICALLY GIVE TO CAUSES BACKED BY GOP

By Steven Harmon
Mercury News Sacramento Bureau

Article Launched: 03/06/2008 01:33:10 AM PST
SACRAMENTO - In a display of bipartisan unity, Republican Gov. Arnold Schwarzenegger and former Controller Steve Westly, a Democrat, went from table to table at a local restaurant this week, beseeching diners to sign a petition supporting a new redistricting initiative.

But where it counts - in campaign contributions - there is a more partisan tinge to the ballot drive than the image promoted by backers. Republicans, who would love to cut into the Democratic stranglehold on the Legislature, have been far more enthusiastic donors than Democrats.

Nearly all of the \$542,500 raised so far by California Voters First has come from donors who typically give to Republican candidates and GOP causes, according to campaign finance reports.

"If they don't fix that, they're in trouble," said Barbara O'Connor, director of the Institute for the Study of Politics and the Media at California State University-Sacramento, who has served on the Voices of Reform board advocating redistricting reform. "If Democrats don't start contributing, people will say who's this helping and whose ox is being gored?"

Westly would not publicly commit to investing any of his vast personal wealth into the campaign, but

insisted Democrats will be just as involved as Republicans.

"You will see Democrats step up," Westly said. "I don't think this will affect the partisan balance in the Legislature one bit. The only difference is that this will be the first time we'll have competitive districts."

The measure's largest donor, The New Majority, which has contributed \$150,000, boasts that it is California's largest Republican political action committee. Its mission statement is to "broaden the appeal of the Republican party by promoting a fiscally responsible philosophy toward government." It has donated more than \$8 million to Schwarzenegger's campaigns, GOP causes and ballot measures, including Schwarzenegger's first, failed attempt at redistricting.

Another donor, William Powers - an investment manager with Manhattan Beach-based Pacific Investment Management - contributed \$100,000 just this week to the ballot drive. He's previously given \$250,000 to Schwarzenegger's Recovery Team PAC; \$50,000 to the failed GOP initiative to allocate California's electoral college votes based on congressional districts, and \$13,700 to the California Republican Party.

Among other donations, in 2004, Powers gave \$250,000 to the Progress for America Voter Fund, a conservative non-profit organization that spent \$29 million in 2004 to re-elect President Bush.

"This is just another partisan power grab," said Steve Maviglio, the chief of staff for Assembly Speaker Fabian Núñez, D-Los Angeles. "There's no reason big Republican donors would invest in this unless the result would be more Republican seats."

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The Mercury News

MercuryNews.com

Tom Ross, political director for The New Majority, said his group's only goal in seeking the creation of an independent redistricting commission is to create more competitive districts.

"Yes, we'd like to see more Republicans," said Ross, former chief of staff for ex-GOP minority leader Jim Brulte. "But I don't think anyone knows what the outcome will be. The issue is to also have a state that governs well. By forcing candidates to run in competitive general elections, you'd have a moderating impact on the kinds of candidates who run."

Schwarzenegger and Westly, co-chairs of the effort, kicked off the proposal's signature-gathering campaign to qualify it for the November ballot. The measure would transfer the power to draw political boundaries from the Legislature to a 14-member citizens commission of five Democrats, five Republicans and four independent or minor-party voters.

The panel would carve out legislative and Board of Equalization districts, but not congressional - to avoid what could have been a prohibitively expensive shooting match with House Speaker Nancy Pelosi, D-San Francisco, who sees an independent committee as a threat to her desire to increase her majority.

Groups that promote government reform such as Common Cause of California, the League of Women Voters and AARP are all co-sponsors of the ballot drive, and they insist the current effort differs from Schwarzenegger's 2005 attempt to change redistricting - which was universally panned as a partisan power grab.

"AARP would not be supporting this if it was not a bipartisan effort that does not look at the outcome," said Jeannine English, political director at AARP. "We

expect there will be an equal number of Democratic (financial) supporters."

Jack Pitney, political science professor at Claremont McKenna College, was skeptical.

"It's unlikely Democrats would gain under redistricting reform," Pitney said. "Any change would probably work in the other direction. So, it's not surprising that Republicans are the contributors. The catch-22 is that if the early money is Republican, potential Democratic donors might be scared off thinking it's a Republican initiative."


Contact Steven Harmon at sharmon@bayareanews-group.com or (916) 441-2101.


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BACKGROUND MATERIAL
FROM
MARCH 3, 2008 COUNCIL MEETING

California Voters FIRST Act

November 2008 Redistricting Initiative Summary

I. Overview: 14-Person Redistricting Commission (5 Democrats, 5 Republicans, 4 other)

II. How is the Commission Chosen?

Step 1: The Applicant Review Panel narrows the pool to 60 persons.

- The State Auditor creates a public and transparent application process.
- The State Auditor establishes an Applicant Review Panel for the purpose of screening applicants, comprised of three randomly selected qualified independent state auditors (1 D/1R/1other)
- The Applicant Review Panel selects 60 of the most qualified applicants (20R/20D/20 other) on the basis of relevant analytical skills, ability to be impartial, and diversity.
- The Applicant Review Panel presents the pool of 60 nominees to the four leaders of the CA State Legislature.

Step 2: The four Legislative Leaders have the option of striking applicant names from the pool of 60.

- The Legislative Leaders may strike up to two applicants from each subpool of 20 (a total of 8 possible strikes per pool). The pools may be reduced to 12 D/12 R/12 other.

Step 3: The 8 Commissioners are named through random drawing; 6 Commissioners are selected by the 8.

- The State Auditor randomly draws 8 names from the remaining pool of applicants (3D/3R/2 other).
- The 8 Commissioners then review the names remaining in the pool and choose 6 Commissioners (2D/2R/2o). They will select to complement the balance of skills and diversity.

Eligibility

- a. California voter registered with the same affiliation for the past 5 years or more.
- b. Must have voted in two of the last three statewide general elections.

Disqualifications and other restrictions

- a. For the preceding 10 years, neither a commission member, nor a member of his or her immediate family, may have done any of the following:
 - Been appointed to, elected to, or have been a candidate for federal or state public office.
- b. For the preceding 4 years, neither a commission member, nor a member of his or her immediate family, may have done any of the following:
 - Served as an officer of a political party, or as an officer, paid staff, or paid consultant of a candidate's campaign committee.
 - Served as an elected or appointed member of a political party central committee.
 - Been a registered federal, state or local lobbyist.
 - Served as paid staff for the state legislature, Board of Equalization or Congress or any individual legislator, Board of Equalization member or member of Congress.
 - Given \$2,000 or more to a candidate for state legislature, Board of Equalization or Congress.
- c. Staff and consultants to, persons under a contract with, or immediate family relationship with the Governor, a member of the Legislature, a member of Congress, or a member of the State Board of Equalization, are not eligible to serve as members of the commission.
- d. Commissioners are not permitted to hold public office in California, serve as paid staff for the Legislature or any individual legislator or to register as a federal, state or local lobbyist during their terms on the Commission or for 5 years thereafter.

III. Mapping criteria (in ranked order)

- a. Districts shall comply with the US Constitution, including equal population requirements.
- b. Districts shall comply with the Voting Rights Act.
- c. Districts shall be geographically contiguous.
- d. The geographic integrity of any city, county, or city and county, neighborhoods, or communities of interest shall be respected. Communities of interest shall not be defined as relations with incumbents, candidates, or parties.
- e. Districts shall be compact.
- f. To the extent possible, after the above criteria have been satisfied, districts shall be nested.
- Incumbent residences may not be considered; districts may not be drawn to protect incumbents.

IV. Public Input

- a. The Commission shall establish and work through an open hearing process that subject to public notice and promoted through a thorough outreach program to solicit broad public participation.
- b. The Commission shall display draft maps for public comment to achieve wide public access.
- c. Public comment shall be taken for a minimum of 14 days from the date of public display.

V. Transparency

- a. The Commission shall comply with the Bagley-Keene Open Meeting Act.
- b. The Commission shall provide a minimum of 14 days public notice for meetings (3 days for emergency meetings).
- c. All records related to and data considered by the Commission will be made broadly available, in multiple formats.
- d. Restrictions on ex parte communications
- e. The Commission shall issue a report explaining the basis upon which it made mapping decisions and include definitions of the terms and standards used in drawing the maps.

VI. Commission Support

- a. The Citizens Redistricting Commission shall hire commission staff, legal counsel, and consultants as needed.
- b. Commission staff shall be subject to the same conflict-of-interest criteria as Commissioners, as appropriate.

VII. Adoption of a Plan

- a. 9 members shall represent a quorum.
- b. 9 votes shall be required for any official action.
- c. 9 votes (3 D, 3 R, and 3 other) are required to adopt a plan.
- d. The Commission shall complete redistricting by a date-certain - September 30, XX11.
- e. The final redistricting plan shall be subject to referendum.

VIII. Scope

- a. Senate, Assembly and Board of Equalization seats will be drawn by the Commission in the next redistricting, 2011.
- b. Congressional seats will be drawn by the state legislature, following the same mapping criteria and hearing requirements as the Commission.

California Voters FIRST Initiative

Voters FIRST

Currently, the California state legislature draws district lines for themselves and the Board of Equalization. Allowing politicians to draw their own districts is a serious conflict of interest that harms voters. That is why in recent elections, 99% of incumbent politicians were re-elected in the districts they had drawn for themselves. Communities, cities and counties are the losers because they are carved up for political purposes.

Californians Are Ready For a Citizens Redistricting Commission

66% support creating an independent redistricting commission to draw district lines instead of incumbent legislators

86% want an open process and an end to back room deals in redistricting

78 - 81% want a redistricting process that keeps their neighborhoods and cities together and divided as little as possible

Support Fair Independent Redistricting Standards Today!

It's time to end the secret deals by incumbents to gerrymander our state's districts. We propose creating a Citizens Redistricting Commission that draws maps in the open.

We need to ensure that redistricting follows clear criteria that prioritize Constitution, the Voting Rights Act, counties, cities and communities.

The **California Voters FIRST** initiative will place voters' interest ahead of politicians' interest.

Fairly drawn districts will increase voter engagement in elections.

Help Restore Our Democracy!

We need to gather 1 million signatures to put the California Voters FIRST initiative on the ballot and we need your help!

Endorse the California Voters FIRST initiative.

Volunteer to gather signatures beginning in December.

I Support the California Voters FIRST Initiative!

Name: _____ Title: _____

Organization: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

Endorsement Signature: _____ Date: _____

_____ Individual Endorsement _____ Organizational Endorsement

___ Count me in! I will help gather petition signatures.

Fax to California Common Cause at (916) 443-1897

1005 12th Street, Suite C, Sacramento, CA 95814
T: (916) 443-1792, CA-Info@CommonCause.org

California Voters FIRST Initiative Fair Independent Redistricting Standards Today

Background: What is redistricting?

- Every 10 years, after the census, new boundary lines for Congress and CA Senate, Assembly and Board of Equalization districts. Currently, the CA State Legislature draws those lines. This is a major conflict of interest.

How would California Voters FIRST Act change redistricting?

- **14-Person Citizens Redistricting Commission.** The California Voters FIRST Act would create a politically balanced Commission - 5 Democrats, 5 Republicans, 4 others. Commissioners would be chosen for their impartiality, skills, and to reflect our State's demographic and geographic diversity.
- **Protecting communities, cities, and counties.** The California Voters FIRST Act would create a list of prioritized mapping criteria for the Commission to follow. This would ensure that our Constitution, federal and state laws are followed.
- **Open and public process.** The Commission would hold hearings to receive public input. The California Voters FIRST Act would end the closed-door political deals. Legislators have a conflict of interest. Instead of drawing districts to reflect California's population changes, they draw lines to maximize their own ability to get elected.

How would the Commission be formed?

- California registered voters are invited to participate.
- A pool of 60 (20 Ds, 20 Rs, 20 others) is selected based on their skills, ability to be impartial, and diversity by a review panel of state auditors.
- The 4 Legislative Leaders can each strike up to 24 people from the pool.
- 8 Commissioners are chosen through random drawing by the State Auditor from the remaining pool. (3 Ds, 3 Rs, 2 others).
- The final 6 Commissioners (2 Ds, 2 Rs, 2 others) are chosen by the 8 Commissioners from the remaining pool based on the balance of skills and diversity they would bring.

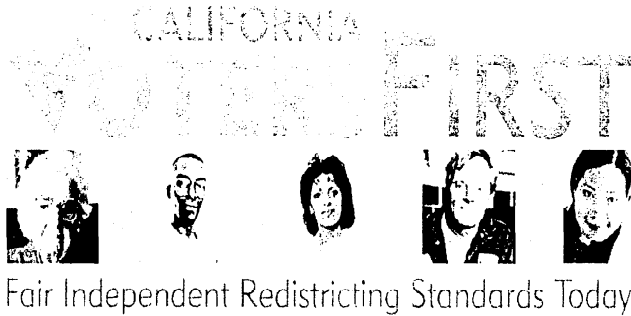
What Mapping Criteria would the Commission have to follow? In ranked order, the criteria are:

- a. Districts shall comply with the US Constitution, including equal population requirements.
 - b. Districts shall comply with the Voting Rights Act.
 - c. Districts shall be geographically contiguous.
 - d. The geographic integrity of any city, county, or city and county, neighborhoods, or communities of interest shall be respected. Communities of interest shall not be defined as having a relationship with incumbents, candidates, or parties.
 - e. To the extent possible, after the above criteria have been satisfied, districts shall be compact.
 - f. To the extent possible, after the above criteria have been satisfied, districts shall be nested.
- * *Incumbent residences may not be considered; districts may not be drawn to favor politicians or parties.*

What is the scope of the Citizen's Redistricting Commission?

- The Commission will draw California Senate, Assembly and Board of Equalization seats in the next redistricting, 2011 and after each decennial census.
- The State Legislature will draw Congressional seats, following the same mapping criteria and hearing requirements as the Commission.

Please go to www.commoncause.org/cavotersfirst
for more information and to read the full initiative.



PASADENA CITY RESOLUTION

WHEREAS, the current redistricting process creates a conflict of interest—as state legislators are effectively choosing their own constituents; and

WHEREAS, the redistricting process should be conducted in an open manner with real opportunities for public dialogue and feedback, not behind closed doors; and

WHEREAS, public input and involvement in the redistricting process will empower our communities from the start by allowing communities to elect representatives who represent their interests on issues that are important to their lives; and

WHEREAS, the boundaries of state districts are currently drawn by legislative incumbents, often sacrificing the integrity of neighborhoods and cities; and

WHEREAS, important principles such as the protections of the federal Voting Rights Act of 1965 and respect for neighborhoods and cities should be clearly listed for a Commission to abide by;

WHEREAS, voters are more likely to participate when they feel that their vote will count and that they have a reasonable chance of electing candidates who represent their interests; and

WHEREAS, elected officials are more responsive to constituents when voters have a choice of candidates, thus increasing accountability and serving the best interests of the voters of California; and

NOW, THEREFORE, the Council of the City of Pasadena, does RESOLVE as follows:

We hereby endorse the California Voters FIRST Act which will enact the following amendments into the Constitution and relevant state law:

1. The state of California should establish an independent commission, representative of California's diversity, partisan balance, and geography, for all future redistricting. This Commission will draw the lines of the state Senate, Assembly and Board of Equalization districts.

2. This Commission should be comprised of 14 members, with a balance of 5 members of the largest party, 5 from the second largest party, and 4 who are registered with neither. The vote to pass any plan should require a majority from each of these three.

3. District boundaries should be drawn by the Commission according to clearly described criteria, including respect for:

- a. The U.S. Constitution's requirement of one person, one vote;
- b. The Voting Rights Act (VRA);
- c. Contiguity requirements (to draw districts as one connected area where possible);

03/03/2008

Item 7.B.1.

Handout by Kathay Feng

- d. Communities of interest, city and county boundaries;
 - e. Compactness, where this does not conflict with the above criteria;
 - f. Nesting, where this does not conflict with the above criteria.
4. The Commission should not draw maps based on the addresses of any individual, including an incumbent officeholder.
5. The Commission should conduct a transparent redistricting process with full opportunities for public participation. All redistricting plan information should be available in a timely fashion, free of charge, via a public website and other means.
6. Members of the Commission must be prohibited from all off-the-record communications with anyone (including lobbyists, political party officials, elected officeholders and candidates), except staff and legal counsel.
7. Redistricting should occur once every 10 years following the decennial U.S. Census and Congressional Reapportionment.



JOIN CALIFORNIANS FOR FAIR REDISTRICTING REFORM!

PROPOSERS AND SUPPORTERS:

- Gov. Arnold Schwarzenegger, Chair
- Steve Westly, Co-Chair
- AARP, proponent
- California Common Cause, proponent
- LA Chamber of Commerce, proponent
- League of Women Voters

ENDORSERS INCLUDE:

- ACLU-Southern California
- California Council of Churches / California Church IMPACT
- California Metals Coalition
- California Republican Assembly
- Chambers of Commerce: Corona, Fresno, Lake Elsinore, Long Beach, Murrieta, Temecula.
- Pacific Beach Democrats (San Diego)
- Pomona Valley Democratic Club (LA)
- RFK Democratic Club (La Mirada)
- SD Neighborhoods for Clean Elections
- Southwest California Legislative Council (Riverside)

INDIVIDUAL ENDORSERS INCLUDE:

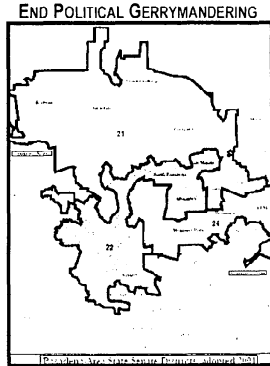
- Fred Keeley, Santa Cruz Treasurer
- Connie Rice, civil rights attorney
- John A. Smith, Cal. Democratic Pty, Rgn 16

WHY DO WE NEED TO REFORM CALIFORNIA'S REDISTRICTING PROCESS?

- It's time to **end the secret deals** by incumbents to gerrymander our state's districts. We propose creating a Citizens Redistricting Commission that draws maps in the open, where every person's testimony is public.
- It's time to **end the splitting of communities, cities and counties** to satisfy the self interests of incumbent politicians. California Voters FIRST ensures that redistricting follows clear criteria that prioritize Constitution, the Voting Rights Act, counties, cities and communities.
- It's time to **end voter apathy**. Fairly drawn districts will increase voter engagement in elections. Instead of elections with no choices, where 99% of all incumbents win with no contest, California Voters FIRST will open up elections.

HOW WOULD THE CALIFORNIA VOTERS FIRST ACT WORK?

- **14-Person Citizens Redistricting Commission.** The California Voters FIRST Act would create a politically balanced Commission - 5 Democrats, 5 Republicans, 4 others. All California voters who meet basic requirements and have no conflicts of interest may apply. The State Auditor narrows applicants down to 60 people based on their qualifications and diversity. The Legislative leaders may strike a limited number of names from that list. The Commissioners are picked - 8 randomly and 6 chosen - to ensure a balance of skills and diversity.
- **Protecting communities, cities, and counties.** All state district lines must be drawn according to clear mapping rules. The mapping criteria must be followed (in this order): equal population between districts, respect for the Voting Rights Act, and respect for counties, cities and communities of interest. After these criteria, the Commission may draw districts that are compact and nested.
- **Open and public process.** The Commission would hold hearings to receive public input. This would end the closed-door political deals. All maps and testimony would be posted on the Internet for the public to see.
- The **Citizens Redistricting Commission** would draw districts for the State Assembly, Senate and Board of Equalization. The California Voters FIRST Act requires the State Legislature to follow strict mapping and hearing standards for drawing Congressional districts.



I/We support the California Voters FIRST Act. Please add my name/organization to the list of individuals and organizations that support fair, independent and representative redistricting.

Name	Title	Signature	Date
Organization	Check here if organization and title are for identification purposes only		
Address		City, State & Zip	
Telephone	Fax	Email	

Send us petitions! We can gather ___ signatures!

Please fax this form to JoAnn Fuller at (916) 443-1897.

For more information, call: (916) 443-1792.

Paid for by California Voters FIRST Committee

www.CaVotersFIRST.org



Background: What is redistricting?

- Every 10 years, after the census, new boundary lines for Congress and CA Senate, Assembly and Board of Equalization districts are drawn. Currently, the CA State Legislature draws those lines. This is a major conflict of interest.

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In ranked order, the criteria are:

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for more information and to read the full initiative.

PASADENA RESOLUTION

WHEREAS, the current redistricting process creates a conflict of interest—as state legislators are effectively choosing their own constituents; and

WHEREAS, the redistricting process should be conducted in an open manner with real opportunities for public dialogue and feedback, not behind closed doors; and

WHEREAS, public input and involvement in the redistricting process will empower our communities from the start by allowing communities to elect representatives who represent their interests on issues that are important to their lives; and

WHEREAS, the boundaries of state districts are currently drawn by legislative incumbents, often sacrificing the integrity of neighborhoods and cities; and

WHEREAS, important principles such as the protections of the federal Voting Rights Act of 1965 and respect for neighborhoods and cities should be clearly listed for a Commission to abide by;

WHEREAS, voters are more likely to participate when they feel that their vote will count and that they have a reasonable chance of electing candidates who represent their interests; and

WHEREAS, elected officials are more responsive to constituents when voters have a choice of candidates, thus increasing accountability and serving the best interests of the voters of California; and

NOW, THEREFORE, the Council of the City of Pasadena, does RESOLVE as follows:

We hereby endorse the California Voters FIRST Act which will enact the following amendments into the Constitution and relevant state law:

1. The state of California should establish an independent commission, representative of California's diversity, partisan balance, and geography, for all future redistricting. This Commission will draw the lines of the state Senate, Assembly and Board of Equalization districts.
2. This Commission should be comprised of 14 members, with a balance of 5 members of the largest party, 5 from the second largest party, and 4 who are registered with neither. The vote to pass any plan should require a majority from each of these three.
3. District boundaries should be drawn by the Commission according to clearly described criteria, including respect for:
 - a. The U.S. Constitution's requirement of one person, one vote;
 - b. The Voting Rights Act (VRA);
 - c. Contiguity requirements (to draw districts as one connected area where possible);
 - d. Communities of interest, city and county boundaries;
 - e. Compactness, where this does not conflict with the above criteria;
 - f. Nesting, where this does not conflict with the above criteria.
4. The Commission should not draw maps based on the addresses of any individual, including an incumbent officeholder or candidate.
5. The Commission should conduct a transparent redistricting process with full opportunities for public participation. All redistricting plan information should be available in a timely fashion, free of charge, via a public website and other means. The public should be given ample notice to participate in the hearings.

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Item 7.B.1.
Handout by Mayor

6. Members of the Commission must be prohibited from all off-the-record communications with anyone (including lobbyists, political party officials, elected officeholders and candidates), except staff and legal counsel.

7. Redistricting should occur once every 10 years following the decennial U.S. Census and Congressional Reapportionment.