

Real Redistricting Reform? Not Proposition 77

For eight months this year, the League of Women Voters of California and other nonpartisan citizens' groups lobbied the legislature and Governor to propose substantive redistricting reform. Citizens throughout our state were disturbed by the redistricting plan drawn by the legislature in 2001. Voters rightly viewed this plan as a bipartisan gerrymander to protect incumbents of both major parties.

The League and its partners spent many hours educating the legislature and governor as well as the public about the components of a good redistricting process. We worked with legislators in both parties, and there were good faith efforts on both sides of the aisle to find a reasonable solution. Unfortunately, even with intense last-minute negotiations between the Governor and legislature, it all came to naught and we were unable to achieve our goal.

After thoughtful discussion, the LWVC board decided to oppose the only remaining proposal, Proposition 77, an initiative constitutional amendment on the November ballot. Reluctantly we concluded that the measure's provisions do not meet the League's criteria for substantive, effective redistricting reform. We identified four areas of serious concern.

The nature of the panel. Proposition 77 would remove the power of redistricting from the state legislature and invest it in a panel of three retired judges. Potential panelists would be nominated by the leaders of the legislature from a pool of retired judges willing to serve, and three would be selected by random drawing. The League position is that redistricting power should be vested in an independent commission which reflects the diversity of California. The proposed pool—retired judges—does not in any way reflect the diversity of California today. Whole segments of our population would be shut out of representation on the panel, and the panel would not have even one ordinary citizen. And the method of nomination, solely by the political leadership of both parties, contains an opportunity for their continued control of the process, albeit at a distance.

The timing of the redistricting. Redistricting is done once every ten years, just after the national census, so that the districts can be based on the state's actual population distribution. Proposition 77 would require a special, mid-decade redistricting to take place immediately upon passage. Census data at least six years old

would be used, ignoring three million more people in California than there were in 2000. How can we create districts that accurately and fairly reflect our diverse population and its myriad interests when we do not have accurate information about how those new Californians are distributed? In addition, this mid-decade redistricting could set a bad precedent for the future. Disgruntled groups might try to force redistricting through the initiative process any time they are unhappy with the legislative process in Sacramento or Washington. Finally, county elections officials have pointed out the difficulty of accommodating a redistricting before the 2006 elections. If the time frame must be shortened, opportunities for public input may be badly compromised.

Communities of interest would be jeopardized by more than the makeup of the panel and the use of outdated census data. The standards for district lines in Proposition 77 do not provide sufficient safeguards for protecting communities of interest. District lines that respect political boundaries such as cities and counties, without regard to other factors, may well divide ethnic, language or racial groups into several districts, thus diluting their voting strength and negating any real ability to elect representatives who truly understand their needs.

Ratification of a proposed plan. Currently, any redistricting plan is a bill that is enacted into law and then becomes operative for the state. Proposition 77 would require that any proposed redistricting plan be put to a vote of the people, even while it is being used in elections. If the plan is rejected, then the entire process must be repeated until a plan is approved by the voters. By any standard of government effectiveness and efficiency, this is an invitation to chaos. Who would spend the enormous amount of time and money needed to educate the public about the plan? And given the complexity of any plan, even a small interest group could easily spread enough suspicion to cause its defeat at the polls. How many elections would it take before a plan is adopted, not because it is worthy, but out of sheer exhaustion?

It may seem that crafting effective redistricting reform is incredibly complicated. But the League is not easily discouraged. After all, look how long it took women to get the vote! We will continue the fight to give California a redistricting process that works. The first step is the defeat of Proposition 77.