



LEAGUE OF WOMEN VOTERS® OF CALIFORNIA

July 22, 2011

Via Electronic Mail
Citizens Redistricting Commission
1130 K Street, Suite 101 Sacramento, CA 95814

Re: Deferred Voters and Numbering of Districts

Dear Members of the Citizens Redistricting Commission:

On behalf of the League of Women Voters of California, I would like to respond to the discussion of district numbering at your commission meeting yesterday (July 21). As you had requested, your technical consultant presented information about assessing deferral and the subsequent process of numbering Senate districts.

Deferral is the situation in which voters who currently live in odd-numbered Senate districts (and thus would have voted for senator in the 2012 election, absent changes due to redistricting) are drawn into even-numbered districts and thus are not able to vote for senator until 2014.

One question that was raised was whether the commission may take into account the plight of deferred voters in deciding upon district numbers. We believe that it is proper for you to do so.

As one of the organizations that participated in the drafting of Proposition 11, we point out that the Voters First Act simply kept intact the existing state constitutional direction about the numbering of districts: "Districts . . . shall be numbered consecutively commencing at the northern boundary of the State and ending at the southern boundary." [Previously Article XXI, Section 1(d); currently Article XXI, Section 2(f).] There was no discussion of altering that existing language as the initiative was prepared. Indeed, the various legislative constitutional amendments we monitored or supported for several years preceding the drafting of the initiative also did not change that language.

The League has long advocated for a constitution free of provisions that inhibit flexibility of governmental action to meet changing conditions, including highly detailed provisions that include administrative and procedural detail. We believe the fact that there is no provision requiring that deferral be taken into consideration does not mean that the commission should be prohibited from doing so.

It is your charge to produce maps that allow Californians fair and effective representation, and taking deferred voters into consideration will further that goal. Given the strong concerns expressed by voters who for two years would not be represented by a senator for whom they had had an opportunity to vote, we believe

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the fairest course would be for you to minimize the number of such deferred voters as the first step in the process of assigning senate district numbers.

We have compared the 1990 numbering done by the Special Masters under the same constitutional guidance that exists now, and we see that they numbered the districts in a manner that is not strictly consecutive numbering from north to south. Given that there has been no change in the constitutional direction about how numbering is to be done, we see no need for the commission to act otherwise.

This process of minimizing deferral is in no way related to the Article XXI, Section 2(e) prohibition on consideration of the residences of incumbents or candidates, or the drawing of maps for the purpose of favoring or discriminating against an incumbent, candidate, or political party. In all your actions, you have been faithful to the dictates of that provision. It is important for the public to recognize that fact and to understand that minimizing the number of deferred voters occurs during district numbering after maps are completed. It serves the best interest of voters, not incumbents or candidates.

As for the next step in this overall process, we note that of the three options outlined by your consultant for assigning individual district numbers, the anomalies in numbering under the "continuity" method make it less desirable than the other two options.

One caveat: in your deliberations, we believe you should examine the effect of your numbering process on the VRA Section 5 counties and, if necessary, take steps to minimize that impact.

We have consulted several other drafters and proponents of Proposition 11 to confirm our recollection of discussions during the drafting of that measure. We hope these comments are of assistance to you.

Sincerely,

Trudy Schafer
Senior Director for Program