CGS Center for Governmental Studies

10951 W. Pico Blvd., Suite 120
Los Angeles, CA 90064-2184
tel: 310.470.6590 ■ fax: 310.475.3752
center@cgs.org ■ www.cgs.org

Testimony before State Auditor Regarding Redistricting Commission
Robert M. Stern
Center for Governmental Studies
February 23, 2009

My name is Bob Stern. I am President of the Center for Governmental Studies, a nonprofit, nonpartisan organization located in Los Angeles. We have studied the governmental process for the past 25 years, including campaign financing, term limits, the initiative process and most relevant to you, redistricting.

We have published a number of studies on redistricting including Drawing Lines: A Public Interest Guide to Real Redistricting Reform, Redrawing Lines: A Public Interest Analysis of California's 2006 Redistricting Reform Proposals, and Redistricting Reform in California. We also provided input into the drafting of Prop. 11, the successful redistricting measure on the November, 2008 ballot.

My background includes the following: Before joining the Center for Governmental Studies, I was a committee consultant to the California State Assembly's Election and Reapportionment Committee in 1971 when the legislature tried to enact a redistricting plan. In 1972, I became Elections Counsel to the California Secretary of State and then became the first general counsel of the California Fair Political Practices Commission where I worked until I joined the Center for Governmental Studies in 1983.

Thank you very much for holding these meetings throughout the state. You have made an excellent start in implementing the measure. I have a number of suggestions for you, but they only relate to your role and the role of the Applicant Review Panel and not

the process that the commission itself must undertake when it starts its redrawing California's lines. I am sure that some of my recommendations may repeat what you have heard, but I may have a few new ideas.

1. You have a great opportunity to publicize the appointment process with the May 19th special statewide election. I would urge you to contact the Secretary of State and ask that at the very least an announcement be put in the statewide ballot pamphlet about the application process. If there is an extra page, you can even include the application form. This will give you publicity exactly where you need it: to the voters of California, many of whom will want to apply to become members of the commission.

2. Do the same thing for the November local elections. Over 60 cities throughout the state will be holding local elections, including Blythe, Duarte, Gilroy, Livermore, Merced, Modesto, Redlands, Riverside, San Bernardino, Santa Barbara, and Visalia. You should ask the cities and counties to insert information about the application process in their local sample ballots. (The League of California Cities has the list of cities holding elections this November.) The November elections, of course, are held right before the January 1, 2010, date when the applications process can be initiated. Note the law says "by January, 1, 2010," so it allows you to begin anytime before that date.

3. The law does not say whether all aspects of the meetings of the Applicant Review Panel are public, including the meeting that decides who will be the 60 people nominated. Should the meetings of the Applicant Review Panel be open when they consider the 60 member panel? On the one hand, you want transparency; on the other, you may be making some judgments and offering some views that will be somewhat embarrassing to those applying. Bottom line: you should make all the meetings open in

order to protect the integrity of the process. You have to err on the side of transparency as opposed to worrying about hurting someone's feelings.

4. You should recommend that all the meetings of the Applicant Review Panel should be available on the Internet, and modern technology should be used to transmit the hearings and all available materials. Consideration should be given to allow people to call in with testimony rather than requiring them to go to Sacramento or wherever the meetings are held.

5. The Applicant Review Panel is required to nominate people on the basis of "relevant analytical skills, ability to be impartial, and appreciation for California's diverse demographics and geography." This language does not say that the nominees have to reflect California's diversity. That is apparently left to the eight randomly selected commissioners (out of the 60 nominated) who must then select another six. These six that are selected should be chosen to ensure that the commission reflects "this state's diversity, including but not limited to: racial, ethnic, geographic, and gender diversity." The law also says: "However, it is not intended that formulas or specific ratios be applied for this purpose. Applicants shall also be chosen based on relevant analytical skills and ability to be impartial."

Despite this language, I think the Applicant Review Panel should do more than pick people who have "an appreciation for California's diverse demographics and geography." The Applicant Review Panel can't leave it to the eight to accomplish this task. It needs to ensure that the pool contains enough diversity to make an important start to comply with language that the commission reflects "this state's diversity, including but not limited to: racial, ethnic, geographic, and gender diversity." More attention probably

will be paid to the diversity of the commissioners than to the experience of the commissioners.

How California accomplished its redistricting in 2011 will be watched by the rest of the nation. If the process goes well, other states are sure to follow. If 2011 is a model redistricting, perhaps Californians will add Congress to the commission's task for 2021. If the public loses confidence in this commission, that will bode poorly for the public's confidence in the redistricting for the next decade and will bode poorly for other similar commissions. Your role in this process is critical and I am confident that you will meet the challenges and aspirations set forth by this very important measure. Good luck!