

**CLAREMONT MCKENNA COLLEGE**



*The Rose Institute of State and Local Government*

# Restoring the Competitive Edge

*California's Need for Redistricting Reform  
and the Likely Impact of Proposition 77*

## Full Report

The Rose Institute of State and Local Government  
Claremont McKenna College

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## Preface

This report continues the Rose Institute's over 30 years of redistricting research and public outreach efforts. It draws significantly from the many publications that preceded it, while informing the debate with reams of new information. All of us at the Rose Institute hope you find it straightforward and informative. If you are interested in reading more about this topic, be sure to view our website at <http://rose.research.claremontmckenna.edu>, or contact us to learn more about our additional research and publications.

This report would not have been possible without our dedicated student research team and the generous donors who have supported them. Hundreds of donors have contributed to the Rose Institute redistricting research program over the years. This report was made possible by the donations from Claremont McKenna College Life Trustee Buzz Wooley, members of the Rose Institute Board of Governors, and other friends of the Rose Institute. Our thanks also go to the members of the Rose Institute Board for their advice and ideas, which have aided and encouraged this entire research program.

The Rose Institute exists to provide hands-on policy research experience for the students of Claremont McKenna College, and their work is central to everything done at the Institute. The authors of this project owe a particular debt to Research Assistants Emily Pears, Michael Peel, Pierce Rossum, Meredith Stechbart, and Allison Strother.

An additional thanks to Caliper Corporation. Their longstanding and generous support makes possible all of the Rose Institute's demographic, redistricting and geographic information systems (GIS) research. Their outstanding, powerful and easy-to-use *Maptitude* software enables us to train our students up from GIS novices to expert users in only a few hours, and the software's extensive analytic capabilities provide the service and power needed for our work.

The Rose Institute's ongoing redistricting research continues the Institute's founder, Dr. Alan Heslop, and of Dr. Leroy Hardy, former co-director (with Dr. Heslop) of our redistricting research program. Their work established the Institute as a leader in the redistricting field. A generation of redistricting researchers and technicians, the authors included, owe our knowledge and experience to their research and their willingness to share their knowledge.

Finally, we owe a special thanks to Rose Institute Director Dr. Ralph Rossum, Associate Director Dr. Florence Adams, Administrative Assistant Marionette Moore, Assistant to the Directors Jesse (Oliver) Chastik, and Survey Manager Nancy Ortiz. Their encouragement, support, and assistance are crucial to all the work at the Institute. Dr. Adams and Ms. Chastik spent long hours making essential improvements in the clarity and readability of this work, and their efforts significantly improved the result.

**The Authors**

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# 1. Introduction

## Redistricting vs. Gerrymandering

Redistricting is a straightforward, simple concept: by law election districts must be adjusted to maintain an equal number of people in each district. This simple process is one of the most important of all political activities: it shapes the government for a decade. When done for the public good, redistricting can be simple and straightforward. When self-preservation and ambition guide those in control, it can be a disaster for the public interest.

Abusive redistricting was termed "Gerrymandering" in 1812 when Massachusetts Governor Elbridge Gerry approved a plan designed to weaken the Federalist party and strengthen his Democratic-Republican party. A cartoonist drew wings onto a salamander-shaped district in Gerry's plan, and the term "Gerrymander" was born. The term refers to district lines manipulated to serve the personal or political goals of an individual or a political party, usually in order to undermine the political position of a rival.



Gerrymandering compromises the efficacy of the two-party system in several significant ways: the minority party usually wins far fewer seats than its percentage of the total vote; promising local leaders are locked out of opportunities to run for higher office; district control is predetermined, eliminating incentives to recruit the best-qualified candidates and to establish strong ties to the grassroots voters. Gerrymandering harms our entire political system, as election results are pre-ordained and voters' incentives to participate in the political process are reduced.

## Gerrymandering the System

The modern redistricting era began with the United States Supreme Court's *Baker v Carr* decision in 1962, which established the "one person, one vote" standard. This decision (reaffirmed by a number of subsequent cases) established the principle that all districts should contain equal numbers of people. Immediately, keeping cities, counties, and other communities together became secondary to population equality – and the incumbents

who controlled redistricting then and who control most redistricting today seized upon this rule to divide cities and communities in pursuit of their personal ambitions.

The computers of 1962, and into the 1970s, were slow and limited machines and could not incorporate enough data to predict accurately voting patterns for an entire decade. Plans developed using those computers created many districts designed to protect incumbents; however, over the course of a decade these gerrymandered districts gradually became more competitive.

In the 1980s and 1990s, computers moved out of the university and sealed-environment labs and onto our laps and desks. With the exponential growth of computer power came an exponential leap in the power of redistricting. Now the Democratic and Republican party technicians could draw a district guaranteed-to-elect-a-(fill in the blank with the party in control) while sitting on an airplane or while visiting the incumbent's office. In the 2001 redistricting cycle, the gerrymanders used this power to its fullest extent.

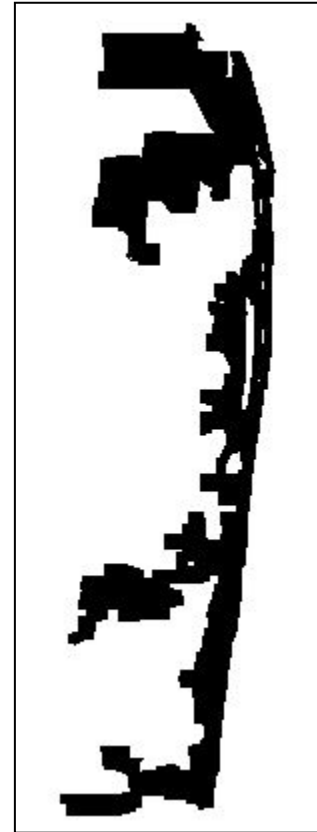
## **Abuse**

### ***Florida***

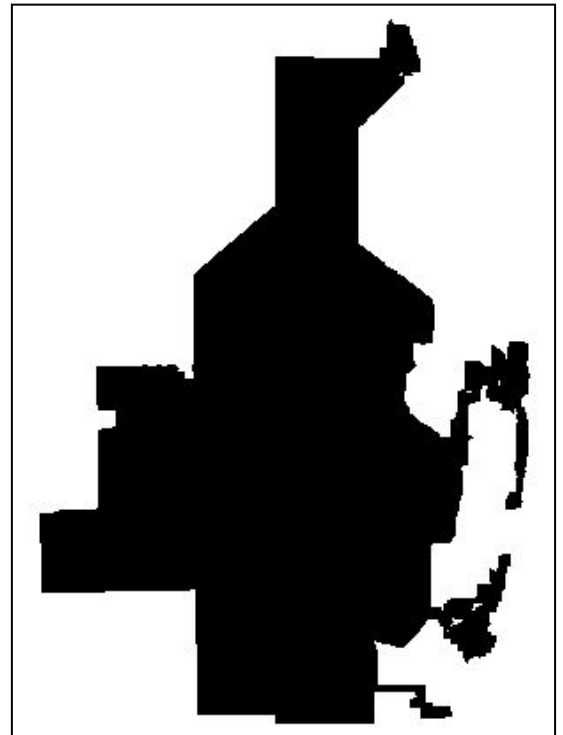
In Florida, not only are most incumbents perfectly safe in their districts, but a significant number of them do not face even token opposition in their re-election campaigns. Thanks to a quirk of Florida election law designed to save election administration expenses, unopposed candidates do not appear on the ballot. In 2002, U.S. Representative John Mica was unopposed in both his primary and general elections. As a result, he returned to Congress without a single vote being cast for or against him.

Representative Clay Shaw's district provides another example of Florida's extreme redistricting abuse. After he narrowly won his 2000 election the Republicans in charge of redistricting Florida made sure he stayed in Congress. They drew a new district (CD-22) to ensure Representative Shaw's re-election.

When a district has odd notches and limbs, another district must be drawn with corresponding limbs or notches to fill that area. In this case the corresponding district of CD 22 was CD 23, represented in Congress by Alcee Hastings. Note the small neck coming off the southeastern corner of the district, which is included only to put Representative Hastings's home within the district.



**FL CD 22**  
**FL CD 23**



While the Florida Republicans were busy with their work, the Georgia Democrats prepared to match them gerrymander for gerrymander. In both cases, cities were divided as spoils, community interests were bulldozed, and the partisan goals of the party in control were all-powerful.

### ***Georgia***

The epitome of gerrymandered districts in Georgia was CD 13, which elected David Scott to Congress. CD 13 is noted for its narrow necks: the district is only a single Census Block wide (the smallest unit of geography available in redistricting computer systems) in *eight* different places. These necks are shown in the following graphic:.

GA CD 13

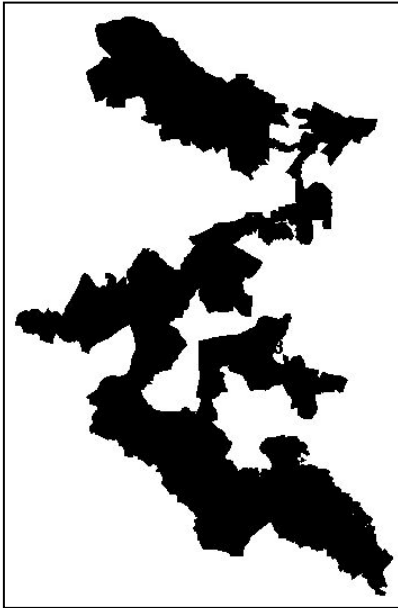


### ***Other Abuses: The Meandering Districts***

A common trick of gerrymandering is the meandering district, where a district wanders from one pocket of friendly voters to another pocket of friendly voters, bypassing less-desirable residents (in the view of the incumbent) and obliterating community, city, and often county borders in the process.

CD 23 in Florida, mentioned earlier, is one example. Maryland, New York and North Carolina give us additional examples of meandering gerrymanders:

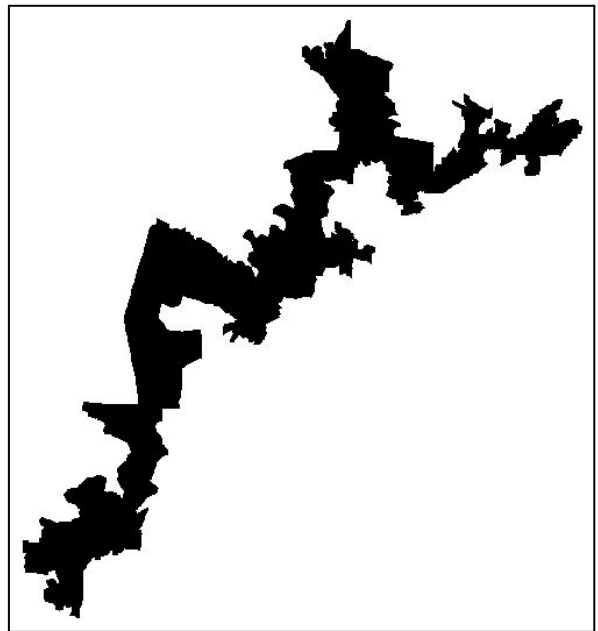
MD CD 3



NY CD 8



NC CD 12

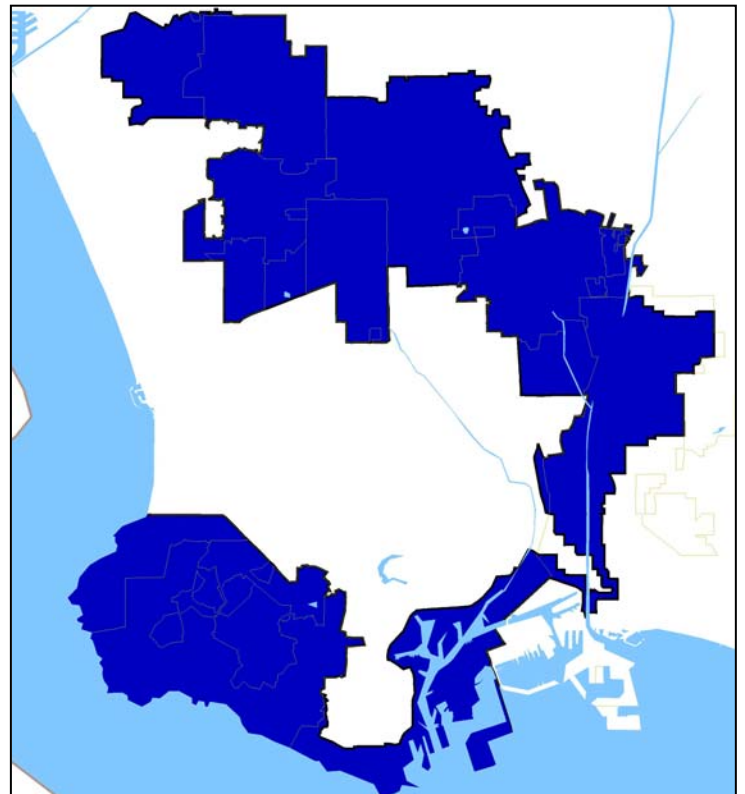


And these are not the worst examples. An even more extreme meandering gerrymander is CD 23 along the Central Coast of California, which is described in the California section later in this report.

***"Just Politics" or Time for Reform?***

The list of redistricting abuses is extensive. In Florida, to create Representative Alcee Hastings's district fifty thousand people were removed from their community based district so that a Congressman could live in one area and represent another. In California, notches and necks were drawn not only to remove potential opponents but also to exclude the homes of annoying volunteers and gadflies; a, strong supporter of Latino issues in Washington and around the world intentionally diluted the Latino population in his district to avoid even a remote chance of a primary challenge; and a state senate district was created which connected, by a single census block, the extremely wealthy Palos Verde Peninsula with the distinctly different communities of Inglewood, Hawthorne, Compton and North Long Beach

CA SD 25



The technicians who drew these gerrymanders and their incumbent politician bosses want voters to believe gerrymandering is "just politics and you cannot do anything about it."<sup>1</sup>



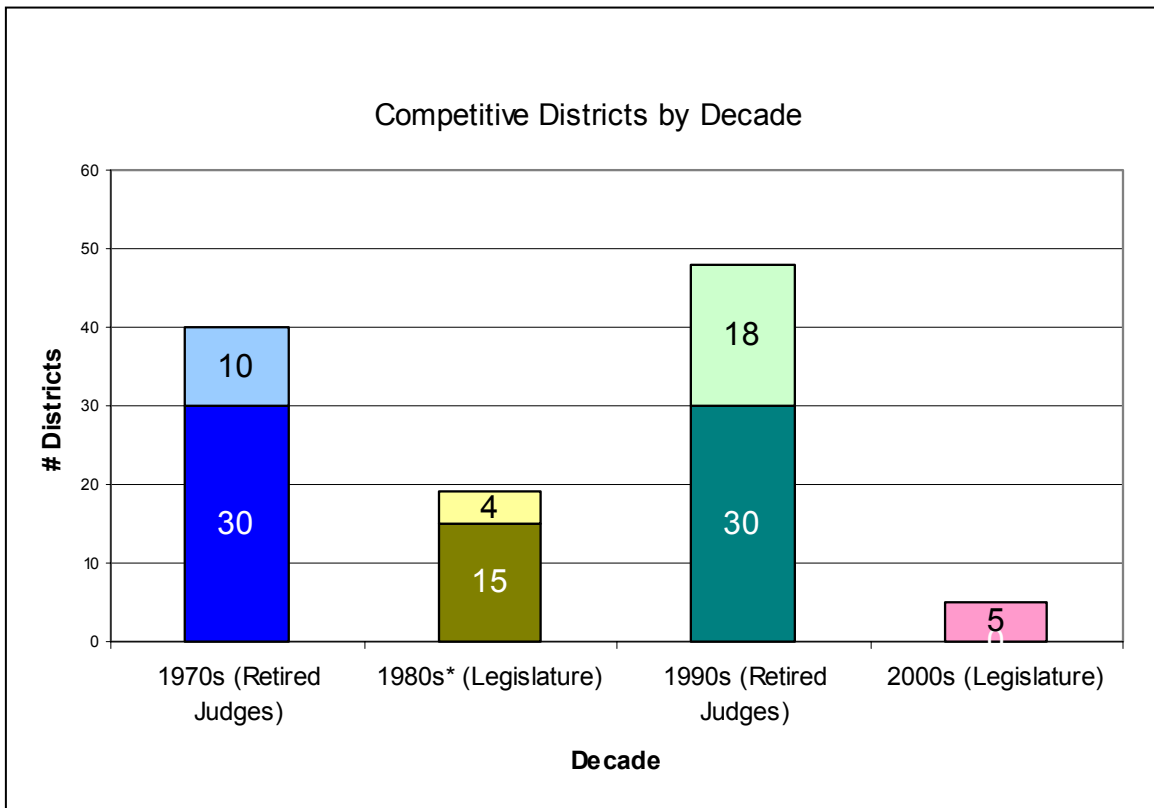
But when a person is elected to Congress without ever appearing on a ballot, when the extreme voters of each party dominate party primaries and general elections are irrelevant, and when the compromises necessary to address state problems become impossible, then representative government is in jeopardy.

## 2. California Specifics

Since the 1962 *Baker v Carr* decision, California has been at the center of gerrymandering controversy – and at the center of reform efforts. In 1981, 1982, and 2001, the gerrymandering technicians pushed computer technology to its extremes for their political purposes. Cities, counties, communities, and our entire system of representation paid the price for the ambitions and self-preservation instincts of politicians.

In contrast, Republican governors in 1971 and 1991 blocked efforts by the Democrat-controlled Legislature and by coalitions of Democrats and Republican incumbents, to gerrymander the state. In each case, the standoff sent the redistricting to the State Supreme Court, which appointed panels of three retired judges to serve as "Special Masters" in charge of drawing the districts.

The Special Masters drew their lines based on regional, county, city, and community boundaries. Although they did not use a competitiveness criterion their plans created many highly competitive districts:



The dark bars with white numbers represent the "Highly Competitive" districts that elected a Democrat one year and a Republican in another year during the same decade (zero in the 2000s). The light bars with black numbers represent additional districts that were competitive in each plan, meaning either the average margin between the first and

second place candidates in each election was under ten percent, or more than half of the elections in that district during the decade were decided by less than ten percent. The \* appearing next to "1980s" denotes that this column's figures include the few competitive districts of both the 1982 Democratic partisan gerrymander with those of the 1984 bipartisan incumbent protection gerrymander.

Clearly, the plans drawn by retired judges contained many competitive districts, while plans drawn by incumbent legislators contained almost no competitive districts. Put another way: when the party leanings of California voters shifted over the course of a decade, those shifts were reflected in our election results if retired judges drew the districts, but elections did not reflect the changes if the incumbents drew the districts.

### **1981 Gerrymander of California**

In 1981, Congressman Phil Burton and the Democratic Party controlled redistricting in California. They drew Congressional lines to change the California Congressional delegation from 22 Democrats and 21 Republicans in 1980 to 28 Democrats and 17 Republicans in 1982. Their lines were so extreme that California voters rejected their lines in a referendum passed on the 1982 ballot.

After the November 1982 referendum the incumbents still controlled the redistricting; although their 1981 plan was rejected, the process that created the plan was unchanged. The Democrats and Republicans elected under the Democratic gerrymander of 1982 joined forces to draw the incumbent-protection gerrymander for 1984. Then-Governor Jerry Brown signed this travesty of representation into law just minutes before leaving office (it was known that incoming Republican Governor George Deukmejian opposed the proposed new districts).

The incumbent-protection gerrymander of 1984 worked: only fifteen of California's one hundred and sixty five districts changed hands while that plan was in place (15 out of 165, or nine percent). Eight of those fifteen changes only occurred at the very end of the gerrymander's lifespan in 1990. This plan (also known as a "sweetheart" gerrymander) stood as the ultimate example of gerrymandering abuse until 2001, when California's Republicans and Democrats teamed up with each other and with more powerful computers to draw the ultimate gerrymander.

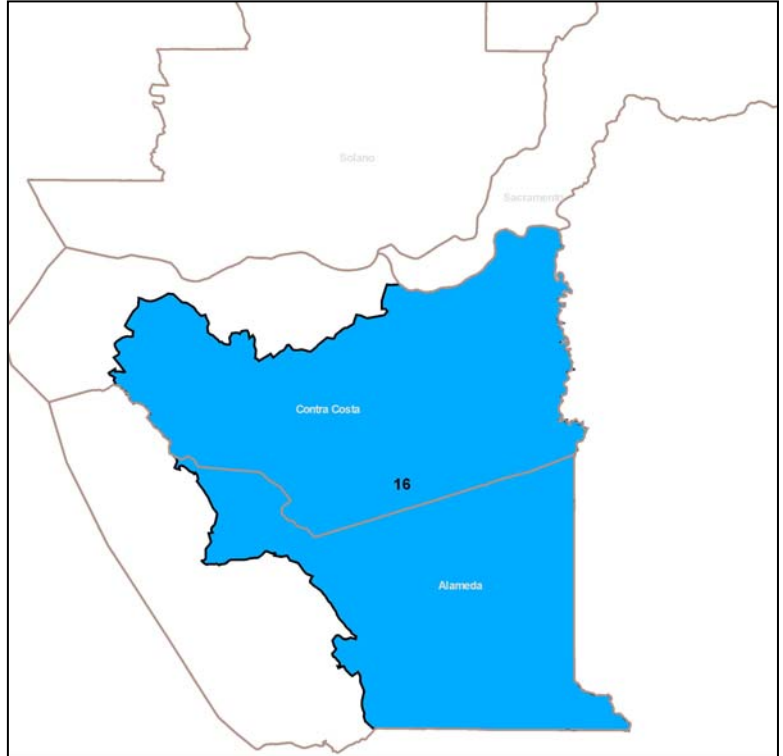
### **2001 Gerrymander of California**

The 2001 gerrymander of California teamed the same political instincts of 1981 with highly advanced computers and an extensive political and ethnic database built with state taxpayer dollars. The combination of advanced technology, more comprehensive data, along with limitations of the Voting Rights Act resulting from the Supreme Court's *Shaw* decisions of the 1990s, worked to the advantage of the gerrymandering incumbents in 2001.

One of the effects of gerrymanders is that the elected officials choose their voters rather than the voters choosing their elected officials. A few examples illustrate how this occurred in 2001.

In the East Bay Area, Democratic Representative Ellen Tauscher took the district from Republican control in 1996 and held it for the rest of the decade. She won relatively close elections in 1998 and 2000, by margins of 10 percent and 8.5 percent, respectively. In 2001, the gerrymandering eliminated any chance of a competitive election. By dividing four counties – Solano, Sacramento, Contra Costa and Alameda – the gerrymandering technicians ensured her re-election while slicing and dicing the counties and the communities within them: Tauscher won by 51 percent in 2002 and 32 percent in 2004.

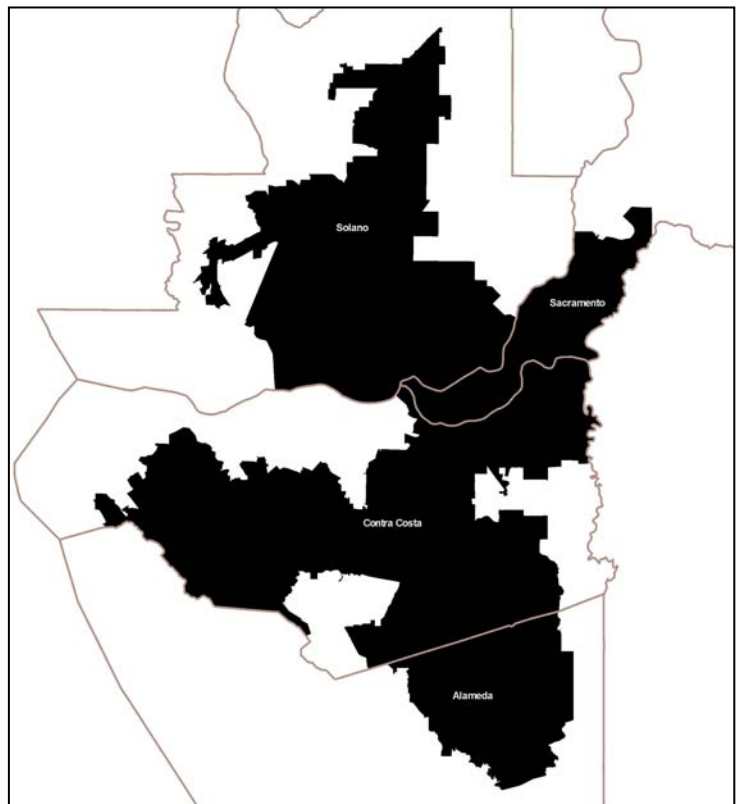
**CD 10 as drawn by the Court's  
Special Masters in 1991:**



**CD 10 redrawn in 2001 by the  
gerrymandering technicians:**

The 2001 gerrymandering was not a Republican versus Democrat conflict: the incumbents of both parties benefited, and both parties' leaders in Sacramento and Washington leaders signed on to the deal that created these plans. The voters alone were left with no say in the process. Because of that process and the gerrymander it produced, California voters were left with virtually no say in selecting their legislators for the next ten years.

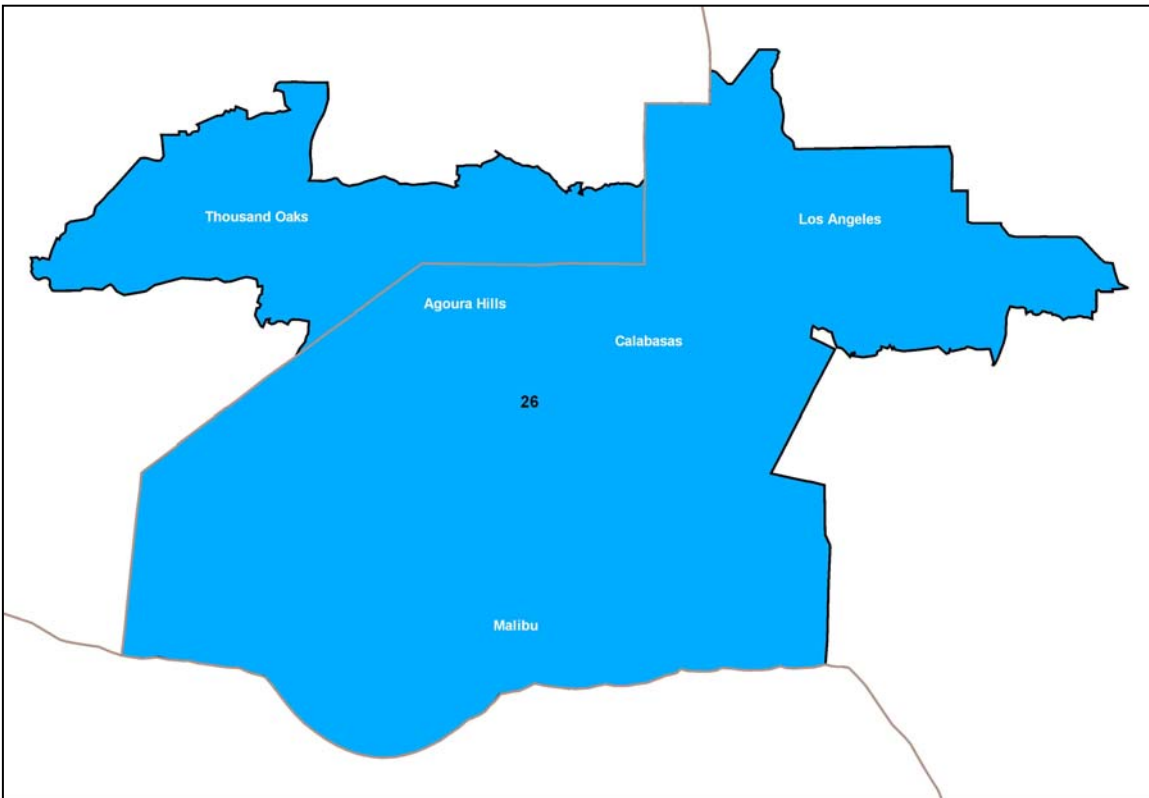
CD 26 is another product of the gerrymander. This time the residents of



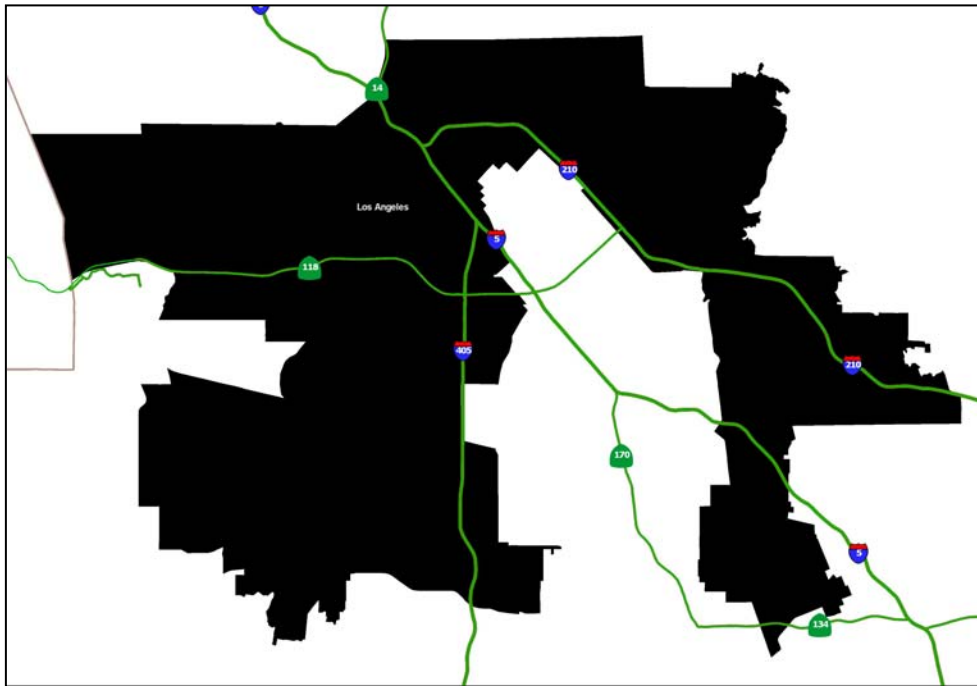
the San Fernando Valley region of Los Angeles paid the price, especially the Latino neighborhoods of that community. Representative Howard Berman undisputedly has been a strong supporter of the Latino Caucus's positions in Washington, and he coasted to victory in his primary and general election campaigns under both the gerrymandered 1980s districts and the 1990s districts drawn by the retired judges; however, his actions in 2001 reflected concerns about his long-term ability to hold his district and a fear that a Latino candidate might mount a significant primary challenge to him. Representative Berman had considerable influence over the 2001 redistricting: his brother Michael was in charge of drawing the Congressional districts. Michael made sure his brother would face no challenge: he carefully divided up the Valley Latino population between Representative Berman's CD 28 and neighboring CD 27 (represented by Brad Sherman). Reportedly when Representative Sherman complained party leaders told him to keep quiet or the entire Valley Latino community would end up in *his* district.

**Representative Sherman's district as drawn by the retired judges in 1991 (the jagged lines in the northwest generally correspond with the city border of Thousand Oaks):**

1991 CA CD 26

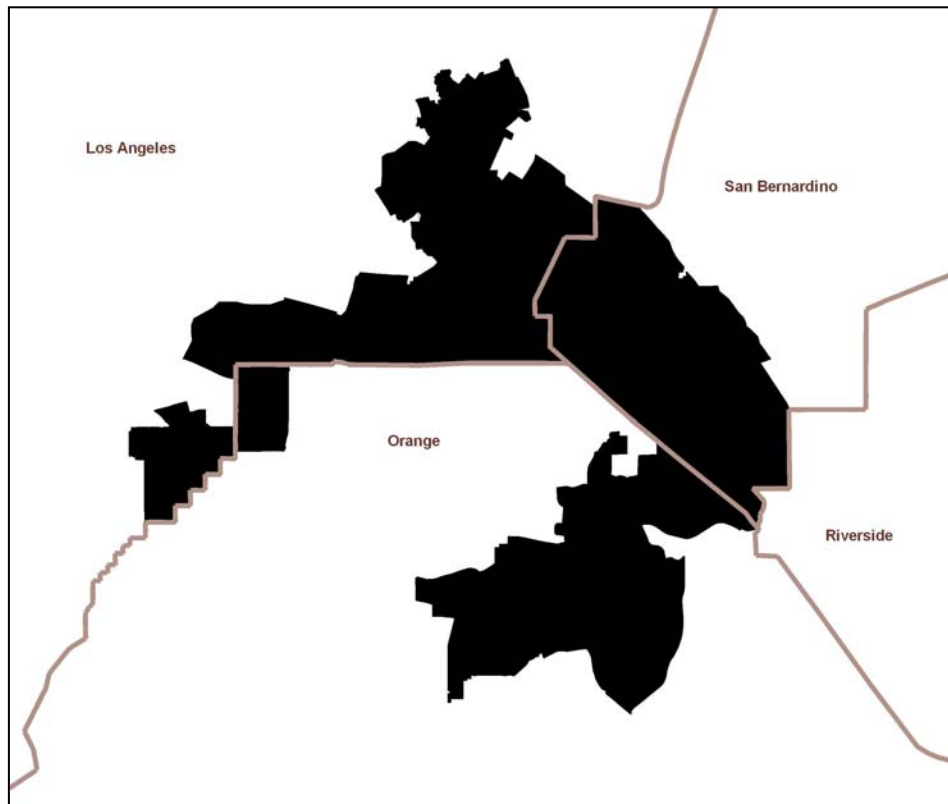


**Representative Sherman's district as redrawn by Michael Berman to divide Latinos  
in the Valley and protect his brother from a potential primary challenge:  
2001 CA CD 27**

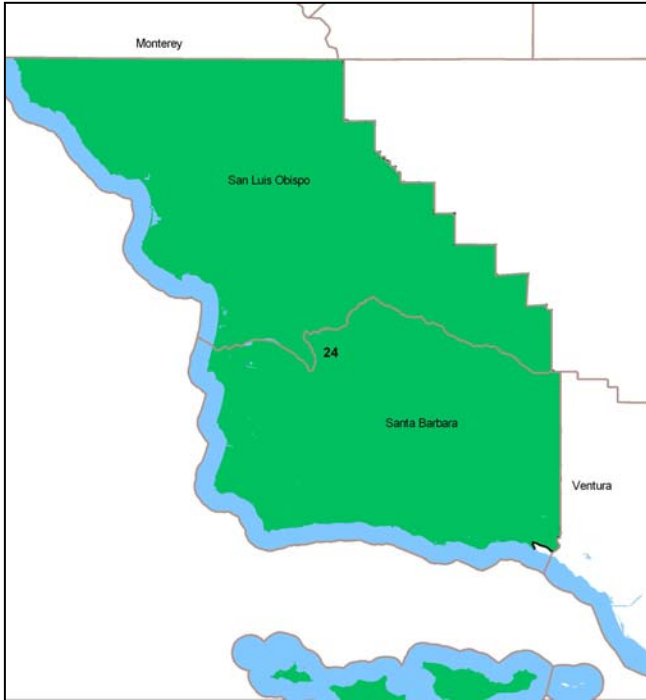


Though both CD 26 and 27 are Democratic districts, Republicans bear equal responsibility for the 2001 gerrymander. Virtually every incumbent was protected, regardless of party. Assembly District 60 is an example of a district drawn to protect a Republican interest by slicing through Orange County, Los Angeles County, San Bernardino County, and back into Orange County.

**2001 CA AD 60**



1991 CA CD 24



No discussion of California's 2001 gerrymander is complete without a discussion of the "Ribbon of Shame." Congressional District 22 was a highly competitive district in the 1990s. Republicans Michael Huffington and Andrea Seastrand won the district in 1992 and 1994, while Democrat Walter Capps won it in 1996 and, after his untimely passing, his wife won it in a March 1998 special election and the 1998 and 2000 general elections.

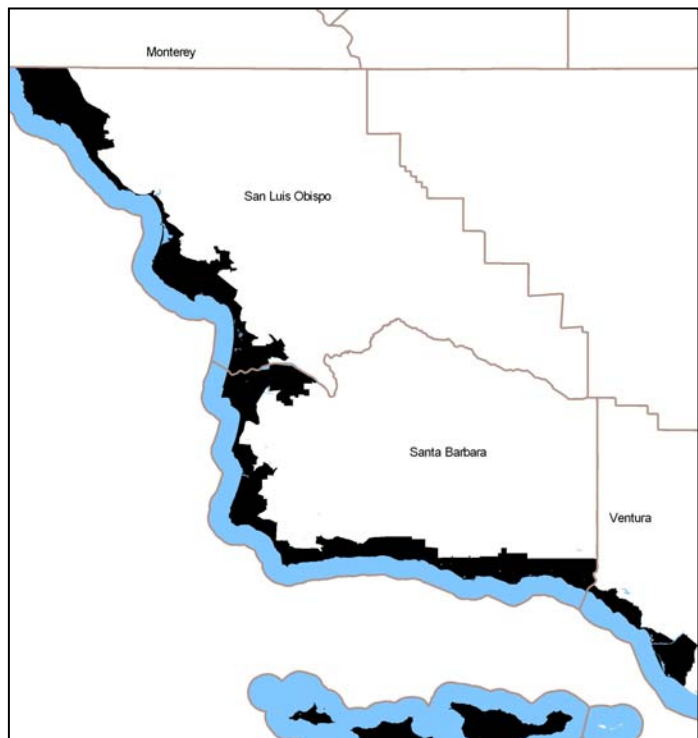
Walter's four percent margin of victory in 1996 and Lois's twelve percent in 1998 and nine percent in 2000 kept the district drawn by the judges in the competitive category. Its configuration in the 1991

redistricting kept it in the compact, community-oriented category. As shown in the accompanying map, the district consisted of San Luis Obispo and Santa Barbara Counties: only a tiny corner of southeast Santa Barbara County removed for population balancing.

The gerrymandering incumbents wanted to make this district safe for Democrats in 2001.

They removed the interior portions of both counties and extended the district south into Ventura County. While an argument can be made theoretically that the coastal region is a community of interest distinct from the inland areas, this district – which is only 100 yards wide at one point and only 500 yards wide in another – takes that concept to an absurd extreme. The City of Arroyo Grande, located less than a mile and half from the ocean, is considered "inland" in that twisted logic. Clearly the only purpose was partisan advantage and incumbent protection, and in that respect the gerrymander succeeded: Representative Capps was re-elected by margins of twenty-one percent in 2002 and twenty-nine percent in 2004.

2001 CA CD 23



In fact, the incumbents and party leaders – of both parties – won under the 2001 sweetheart gerrymander. Once party control of each district was established in the 2002 election, not a single district changed hands in 2004. Of the 153 districts up for election (53 Congressional, 80 Assembly, and 20 State Senate seats), not a single one changed party control. In the history of the Rose Institute's tracking of California election results (starting with 1974), this is the first time that has ever happened. In fact, when the 1980s sweetheart gerrymander was in place at least three districts still changed hands each election.

The conclusion regarding the incumbent protection gerrymander of 2001: the incumbents and their party bosses won. The only losers in this sweetheart gerrymander were the voters, residents, and communities of California.

For consistency, this analysis has focused on examples from California's Congressional districts. But as noted above in an earlier section, the State Senate and Assembly plans are equally abusive in their treatment of counties, cities, and communities across the state.

### **Redistricting Reform Initiatives in California**

The current debate over Proposition 77 is not the first redistricting debate in California, but it is the first time the voters had the chance to vote on this issue since 1990.

The extreme gerrymanders of 1981 and 2001 have triggered a number of reform efforts, and four made it to the ballot between 1982 and 1990. The League of Women Voters, Common Cause, the California Business Roundtable, then-Governor Deukmejian, Congressman Bill Thomas, and a number of other individuals each circulated and qualified reform initiatives for the ballot. The California Supreme Court, in an extremely rare pre-election decision, removed the reform proposal of Congressman Bill Thomas from the ballot. The removal cited the initiative in violation of the single-subject rule governing California initiatives. A redistricting statute proposal in the 1980s by then-Assemblyman Sebastiani was removed from the ballot by the Court based on a claim that the California Constitution only permitted redistricting once each decade. (The fact that California was redistricted twice in the 1960s, twice in the 1970s, and had already been redistricted twice in the 1980s, was disregarded by the Court.)

Four initiatives did make it to the ballot in the 1980s, but the campaign for each was severely under funded and the incumbents – especially then-Speaker Willie Brown, and the Democratic Party mounted massive media campaigns against them.



**California Votes on Redistricting Reform, 1982 - 2004**

<b>Year</b>	<b>Proposition</b>	<b>Approach</b>	<b>Vote For</b>	<b>Vote Against</b>
1982	Prop. 14	A 10-member bipartisan citizens' commission	45.5 %	54.5 %
1984	Prop. 39	A commission mixing citizens and retired judges	44.8 %	55.2 %
1990	Prop. 118	Left power in legislature but imposed strict criteria on how plans would be drawn	33.0 %	67.0 %
1990	Prop. 119	A 12-member bipartisan citizens' commission	36.2 %	63.8 %

For detailed descriptions and a year by year history of the battle over these propositions see "Redistricting Reform in California," a white paper available on the Rose Institute website.<sup>2</sup>

For the first time in fifteen years redistricting reform advocates have qualified an initiative that voters will consider this November 8<sup>th</sup>. Ted Costa and his People's Advocate organization started the latest redistricting reform campaign, and Governor Schwarzenegger's "Year of Reform" provided the publicity and money needed to qualify Proposition 77 for the ballot. This report will now consider recent redistricting reforms in other states and then turn to the details of Proposition 77.

### 3. Reforms in Other States

Other states have successfully led the way to redistricting reform. Many commentators hail the Iowa model, but that state's lack of geographic features and nearly perfectly homogeneous population make it a poor example for what might work in California. Hawaii's extreme geographic challenges and nearly complete one-party nature make its commission a similarly low-value precedent for California.

More useful are analyses of the Independent Redistricting Commissions in New Jersey and Washington. Both struggled with the redistricting task in 2001, yet both ultimately succeeded in drawing districts that are much more respectful of community borders and representative in nature than typical legislature-driven plans.

Proposition 106, passed in 2000, created the Arizona Independent Redistricting Commission; this commission is the banner carrier for redistricting reform. The Proposition contained extensive criteria governing how the Commission should draw its redistricting plans. In addition, Arizona made use of an existing non-partisan panel established to review the qualifications of potential judicial nominees before the Governor makes any appointment. This same panel was received the task of reviewing applications of potential appointees to the redistricting commission. They created a pool of applicants who displayed the appropriate knowledge and dedication to the state's redistricting rules. From that pool, legislative leaders appointed two Republicans and two Democrats. Those four then chose from the pool a registered Independent as Chairman.

While most of the debate over redistricting reform proposals tends to focus on **who** should draw the lines, the question of **how** the lines get drawn is equally important. Loose criteria (or, as was the case of Arizona, criteria that are not clearly defined and prioritized) place a great deal of discretion in the hands of the chosen redistricting commissioners. In contrast, strict criteria (such as those contained in California's Proposition 77) place significant restrictions on the discretion of the commissioners to choose between different plans.

Except for Iowa, non-partisan civil service staff and consultants do the redistricting work, each of the states with independent commissions today has a bipartisan, citizen commission. No state currently uses a commission composed of retired judge except in court-drawn redistricting efforts (such as California's 1973 and 1991 redistrictings). As more states have ventured into the redistricting reform arena additional research and commentary is generated regarding their successes and setbacks.

According to research conducted by the Rose Institute and similar research conducted separately by Dr. Michael McDonald,<sup>3</sup> bipartisan commissions are immense improvements over incumbent-drawn plans, yet these commissions also struggle with the task of redistricting. Focusing on the eight states that used independent bipartisan commissions for the redistricting of one or more elected bodies in 2001,<sup>4</sup> Dr. McDonald found that six of the eight commissions produced bipartisan "sweetheart" gerrymanders.

Two (Arizona and Maine) drew plans that contained no clear advantage for incumbents of either party.

Even when they draw incumbent-friendly plans independent commissions are preferable to incumbent-driven plans. The sweetheart gerrymanders drawn by bipartisan commissions do not contain the extreme necks, arms, and resulting community divisions contained in sweetheart plans drawn by incumbents such as those in California, Georgia, or Florida. Nonetheless, the tendency of bipartisan commissions to favor incumbent wishes equally to, or even with, community interests remains a source of concern for reformers.

Considerable debate among reformers comes from review of the experiences of states that use independent redistricting commissions combined with review of California's experiences with retired judge-drawn plans in 1973 and 1991.

The independent, representative, citizen-driven nature of commissions in Arizona, Maine, Washington, and other states are a tempting model to follow. Redistricting reform drawing heavily on these precedents include those from California State Senator Alan Lowenthal, Assembly members Keith Richman and Joe Canciamilla, and the proposals from MALDEF, the Center for Governmental Studies, the League of Women Voters, and Common Cause.

Reform efforts in other states also draw heavily on these examples. Advocates in Ohio recently qualified a reform initiative for the ballot; reformers in Florida are currently gathering signatures; efforts in Massachusetts also are well advanced, helped by the indictment of the former Speaker of the State House on perjury charges related to the 2001 redistricting in that state; and legislation in Texas and in the U.S. House of Representatives are also getting considerable media attention, but both bills are more likely to serve as inspiration and motivation to reformers than to become law. Legislators resist relinquishing the power to draw their own district lines – the self-interest, power and ambition involved prevail over good-government arguments.

While reform efforts continue in Ohio, Florida, Massachusetts and elsewhere, all eyes are on California. Reformers are eager to learn if in November Californians will choose reform, or whether they will again choose to leave the power of the gerrymander in the hands of incumbents.

## 4. Proposition 77

Proposition 77, like most propositions, is full of legalese and difficult to follow technical language. Any summary of its provisions must by definition omit relatively minor details. Anyone interested is encouraged to read the Proposition in its entirety. The language, along with pro and con ballot arguments, is available on the California Secretary of State's website.<sup>5</sup>

### Selection of Commissioners

The authors of Proposition 77 followed the example of California's successful 1973 and 1991 redistrictings. They put the redistricting power in the hands of three retired judges, with an elaborate and complicated appointment process designed to select retired judges without partisan bias or political ambitions.

1. An administrative body of the California judicial system called the Judicial Council would take the first step . The Council would put together a list of the retired state and federal judges in California who are both willing and qualified to serve as Special Masters.
2. The Judicial Council will then randomly select 24 judges from the list created in step one. No more than 12 candidates may be registered members of any one political party, and the pool must contain an equal number of Democratic and Republican registered retired judges.
3. The Democratic and Republican leaders of the California Assembly, and the Democratic and Republican leaders of the California State Senate, each nominate three retired judges from the pool of 24 created by the Judicial Council, producing a final pool of 12. *Each legislative leader will be barred from nominating judges registered to the same political party as the leader: a Republican leader could not nominate any Republican retired judges, and a Democratic leader could not nominate any Democratic retired judges.*
4. Each of the four legislative leaders would be able to remove one judge (nominated by another leader) from the pool of 12. Depending on how many leaders use this option, this would leave a pool of between 8 and 12 retired judges.
5. The Chief Clerk of the Assembly would then randomly draw three names from the remaining pool. Among the three there must be at least one Democrat and one Republican. These three would become the Special Masters.

### **The Redistricting Process under Proposition 77**

1. The Special Masters will be required to hold at least three hearings around the state.
2. Meetings of the Special Masters would be subject to standard California open-meeting laws.

### **District Criteria**

The Proposition includes clear, specific criteria that the judges are to use in drawing their plans:

1. Each district drawn shall elect one, and only one, member to the Assembly, State Senate, or Congress.
2. The population differences among Congressional districts shall not exceed federal requirements (currently plus or minus no more than one person).
3. The population differences among State Senate and Assembly districts shall not exceed one percent.
4. The plans must comply with the Federal Voting Rights Act.
5. Each district must be contiguous.
6. Specific criteria in the following order:
  - a. Include the most whole (undivided) counties possible
  - b. In any county splits, create the fewest splits possible
  - c. Include the most whole (undivided) cities possible
  - d. In any city splits, create the fewest splits possible
7. Districts must be as compact as possible.

The Special Masters are barred from considering the specific addresses of incumbents and known challengers, nor may registration or past voting data be used by the Special Masters, except as required by federal law (i.e. the Voting Rights Act).

### **Plan Adoption**

1. The judges must unanimously agree upon the plans.
2. Any legal challenge to the plans must be filed within 45 days of adoption, and the challenge would go directly to the California Supreme Court.

### **Vote of the People**

One of the most unusual provisions is the requirement that the plan adopted by the Special Masters must go to the people for approval. Since plans are required, the Special

Masters' plan goes into effect immediately. It is used in the next election, even before the people approve it. In the next November election, the voters will decide whether to continue using the plan in *future* elections. The people's vote on the plan has no impact on the results or the legitimacy of the simultaneous election of Assembly members, State Senators, and Congressional representatives.

If the voters reject the plan, the process begins all over again. New Special Masters are selected and a new plan is developed for the next election.

If voters repeatedly reject plans, it is likely that retired judges will no longer volunteer for the 2<sup>nd</sup>, 3<sup>rd</sup> or 4<sup>th</sup> Special Masters selection, or that a group of Special Masters will find themselves unable to come up with a plan that meets the criteria but is different from the plan(s) previously rejected by the voters. Should such an impasse occur, redistricting will fall into the control of the State Supreme Court (by default, not by provision of Proposition 77), just as it did when the legislature and Governor reached an impasse in 1973 and 1991.

### **Cost**

Proposition 77 limits the Special Masters' budget to one-half of the amount spent by the Legislature for its 2001 redistricting. The legislature spent an estimated \$3 million in 2001, so the Special Masters' budget will be \$1.5 million.

### **Public Involvement**

Proposition 77 specifies that the Special Masters hold at least three hearings, and that the plan ultimately adopted is submitted to the voters for acceptance or rejection. Also, plans adopted by the Special Masters must be submitted to the Legislature for comment prior to final adoption by the Special Masters. At least one of the three public hearings must be held during this time period.

Meetings of the Special Masters are subject to California's standard open meeting laws.

There is no prohibition on meetings beyond the three required. That decision, and any additional opportunities for public input, is up to the Special Masters.

A 2006 redistricting (or 2008, if the process cannot meet the time requirements for 2006) would use the 2000 Census data, and, as a result, could draw extensively from the public comments submitted during the 2001 redistricting process. While the Legislature largely ignored or rejected the public comments when they adopted their final plans in 2001, those comments and the written information submitted with them remain part of the public record and are available for review and use by the public or the Special Masters.

### **Timeline**

One key question is whether passage on November 8<sup>th</sup>, should it occur, leaves enough time for the development of new plans for the 2006 election. The California Association of Clerks and Election Officials released a letter and schedule of election-related deadlines. Proposition 77 itself contains a number of deadlines for the process.

**Proposition 77 Timeline**

November 8 <sup>th</sup> , 2005	Election Day (E+0)	Election Day – Vote on Proposition 77
November 23 <sup>rd</sup> , 2005	E + 15	Legislative leaders name their appointees
November 28 <sup>th</sup> , 2005	E + 20	Deadline for appointment of Special Masters
<i>No set time. December 12, 2005</i>	<i>Estimate 2 weeks, E+34</i>	Special Masters hire staff and hold at least two public hearings
<i>No set time January 9<sup>th</sup>, 2006.</i>	<i>Estimate 4 weeks, E+62</i>	Special Masters adopt preliminary plan and submit it to the Legislature for comment
<i>No set time January 23<sup>rd</sup>, 2006.</i>	<i>Estimate 2 weeks, E+76</i>	Special Masters hold at least one public hearing
<i>(Date set by Masters) January 23<sup>rd</sup>, 2006</i>	<i>Est. same date as previous step, E+76</i>	Deadline for Legislators to comment on preliminary plan
<i>No set time. January 30<sup>th</sup>, 2006</i>	<i>Estimate 1 week, E+83</i>	Special Masters review Legislative comments and make any corresponding changes (or choose not to make them) Special Masters adopt final plan and submit plan to Secretary of State for implementation
<i>(Est. sent out on January 30<sup>th</sup>) DoJ has a maximum of 60 days, unless extension is issued</i>	<i>Estimate 30 days for DoJ review, E+113</i>	Secretary of State (and probably the Attorney General) submit plan to US Department of Justice for preclearance Plan simultaneously sent to County elections officers

**California Association of Clerks and Elections Officials Timeline**

December 30 <sup>th</sup> , 2005	Candidate filing period begins
February 13 <sup>th</sup> , 2006	Declaration of Candidacy and Nomination period begins
March 10 <sup>th</sup> , 2006	Candidate filing period ends
March 13 <sup>th</sup> , 2006	Sample ballot sent to printer
March 30 <sup>th</sup> , 2006	List of candidates is certified
April 7 <sup>th</sup> , 2006	Counties begin mailing overseas ballots
April 27 <sup>th</sup> , 2006	Counties begin mailing State and County sample ballots and booklets
May 8 <sup>th</sup> , 2006	Absentee balloting begins
May 22 <sup>nd</sup> , 2006	Voter Registration period ends
June 6 <sup>th</sup> , 2006	Election day

One step that County elections officials must take following each redistricting is to modify their precincts to match the new Legislative and Congressional district lines. The CACEO letter states that a minimum of two months is required for some of the larger counties to re-precinct. The CACEO requests that any redistricting for the 2006 election be completed by December 30, 2005, to ensure time to complete all of the required tasks.

As noted in the estimated timeline above, it is expected that redistricting will take about one month past the December 30, 2005, CACEO target date. Precedents can help us solve this dilemma: as suggested in the CACEO letter, the candidate filing timeframe can be shortened, and this is precisely what happened in California 1991 and in Arizona in 2002. In California in 1991, a court shortened the filing period and reduced the number of signatures required by a corresponding amount. In Arizona, a court shortened the filing period and waived the requirement that qualifying signatures come from district residents. Either approach would satisfy the CACEO request.

If redistricting is completed by January 30<sup>th</sup>, this would allow six weeks for counties draw new precincts and send out sample ballots. Six weeks is less than the two months requested in the CACEO letter – our research notes that two months is the time required by the largest counties, and one might assume that most counties will take less than two months. Experience would indicate that six weeks is sufficient time. Clearly, however, more time would be preferable.

Counties can begin their work while awaiting preclearance from the Department of Justice, but if the Department rejects that preclearance request it is virtually certain that no new plan could be prepared in time for the June 2006 primary election. Any new districts developed to meet a hypothetical Department of Justice objection would not be ready for use until the 2008 election. It is possible for the Department of Justice to approve one plan, for example Congressional, and reject another, for example the State Senate. In that situation the approved Congressional plan would be available for use in the 2006 election along with the 2001 State Senate plan, but the challenges of yet another reprecincting might force the postponement of all the new plans until 2008 and the reuse of the 2001 plans in the 2006 election.

This timeline assumes that any lawsuits filed after the November 8<sup>th</sup> election would not result in any delays in implementation. Lawsuits are nearly certain, as in every instance of redistricting, but most if not all of the work to implement the new plans could continue while the lawsuit proceeds.

In short, although the schedule would be extremely tight, assuming the plans are approved by the Department of Justice, it is possible that the new districts could be used in the 2006 primary and general elections. The hardships imposed by this timeline are significant, but it is our opinion that they could be overcome to implement the voters' will if Proposition 77 is adopted.

Of course, when there is no room in the schedule, a court decision, logistical delay, or other issue could easily stall the process. Then the Special Masters would have plenty of time to develop and finalize districts for the 2008 election, and there almost certainly would be a discussion among the Special Masters, their staff, and County elections officials of simply aiming for 2008 and avoiding the rush to implement for 2006.

### **California's Recent Tradition of Mid-Decade Redistricting**

This would not be California's first mid-decade redistricting, nor even the state's first recent mid-decade redistricting. Court decisions in the 1960s and 1970s resulted in mid-decade redistrictings, and a 1982 voter referendum forced redrawing of that decade's lines for the 1984 elections. In fact, the 1990s were the first decade out of the last four that did not experience a mid-decade redistricting in California.



## **5. Potential Reform Results**

### **General Policy Impacts**

Gerrymanders significantly impact many elements of our representative system:

- Voter apathy resulting from predetermined general election results.
- A decline in candidate quality as candidate recruitment loses importance in guaranteed-win districts.
- The carving up of grassroots political organizations among districts, resulting in increased voter apathy, as it reduces to near-impossibility the opportunity to organize local voters to influence elections.
- An increased reliance on campaign mail (and the money to create and send it) and television advertising as communities are divided and local organizations are sliced and diced among districts.
- Reduced attention to the concerns of communities as their voters are divided among districts and their power to influence any elected official's election is diminished.
- Contact and communication between elected officials and their constituents lessens as the incentive for elected officials to keep in personal contact with voters is reduced.
- Reduced opportunities for California's rapidly growing Asian American and Latino populations to elect additional members of their communities to state legislative and Congressional office.
- Reduced opportunities to increase the number of women in California's Congressional delegation (currently 19 out of 53 California Representatives are women), although term limits mitigate this impact in the Assembly and State Senate.
- A fundamental erosion in our traditional representative system where candidates first organize locally (for school board or similar office), then organize at the city level, then county, then state legislative and Congressional campaigns. In a gerrymandered situation, those local bases can be sliced and diced, greatly reducing their role and influence in local elections.

Effective redistricting reform will reduce all of these problems.

### **Competitiveness, Community Integrity, Compactness and Ethnicity**

Each new district will affect community integrity, the number of districts likely to elect candidates from Voting Rights Act "protected class" populations, and political competitiveness. Under Proposition 77 community integrity and the Voting Rights Act are criteria used to design and evaluate redistricting plans. Political competitiveness is an end result, not a criterion of Proposition 77.

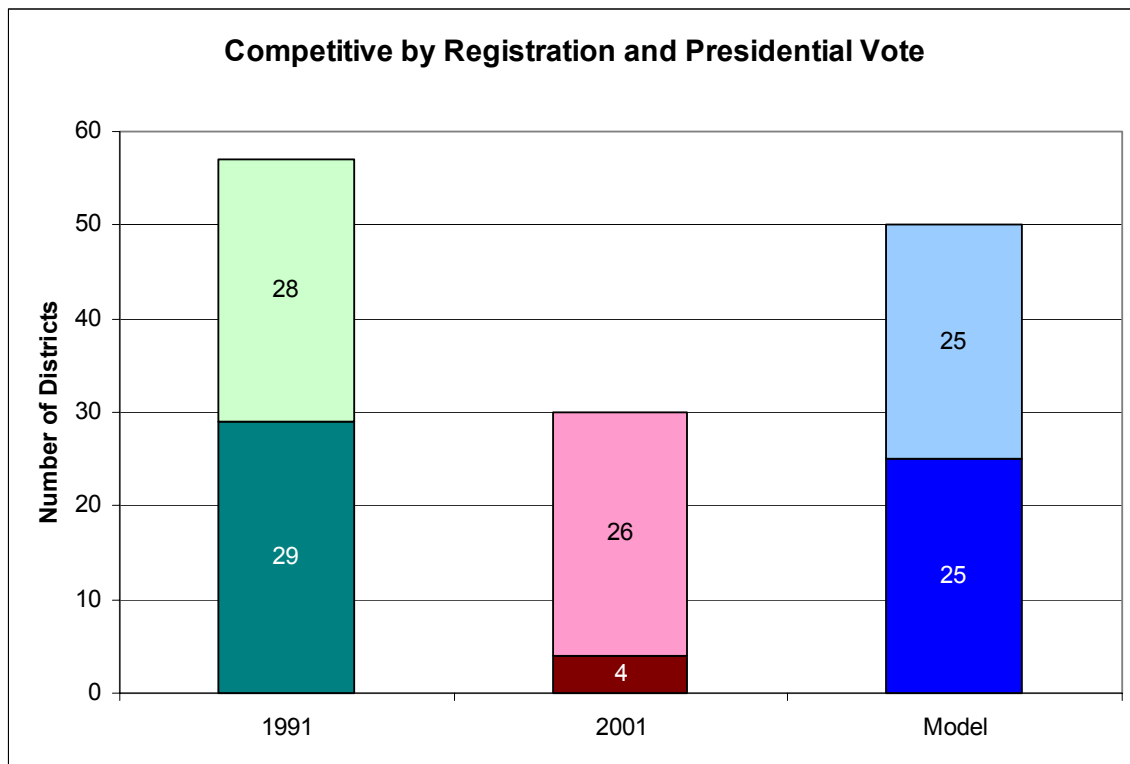
For this report, the Rose Institute tested the likely district modifications if lines are drawn under the rules of Proposition 77 and the methodology used by previous line-drawing retired judges. We found that districts drawn according to Proposition 77 are likely to

split many fewer communities, create more districts likely to elect ethnic minority representatives, and create significantly more competitive districts.

***Increased Competitiveness***

The chart below presents the two competitiveness measures used in evaluating the plans (the measures are discussed in more detail below). The numbers given are the combined total of Assembly, State Senate, and Congressional Districts that met these competitive measures. The first measure used is voter registration: we considered a district competitive if it was between five percent Republican advantage and ten percent Democratic advantage.<sup>6</sup> The second measure used is the 2000 Presidential vote: we considered a district competitive if the vote was less than a ten percent advantage for either candidate. Highly competitive districts met both measures.

In the chart below, the light columns (with black numbers) show the combined total of Assembly, State Senate, and Congressional districts that met one or the other of these competitiveness tests, but not both. The dark columns (with the white numbers) show the combined number of districts that qualified as "highly competitive" because they met both competitiveness measures.



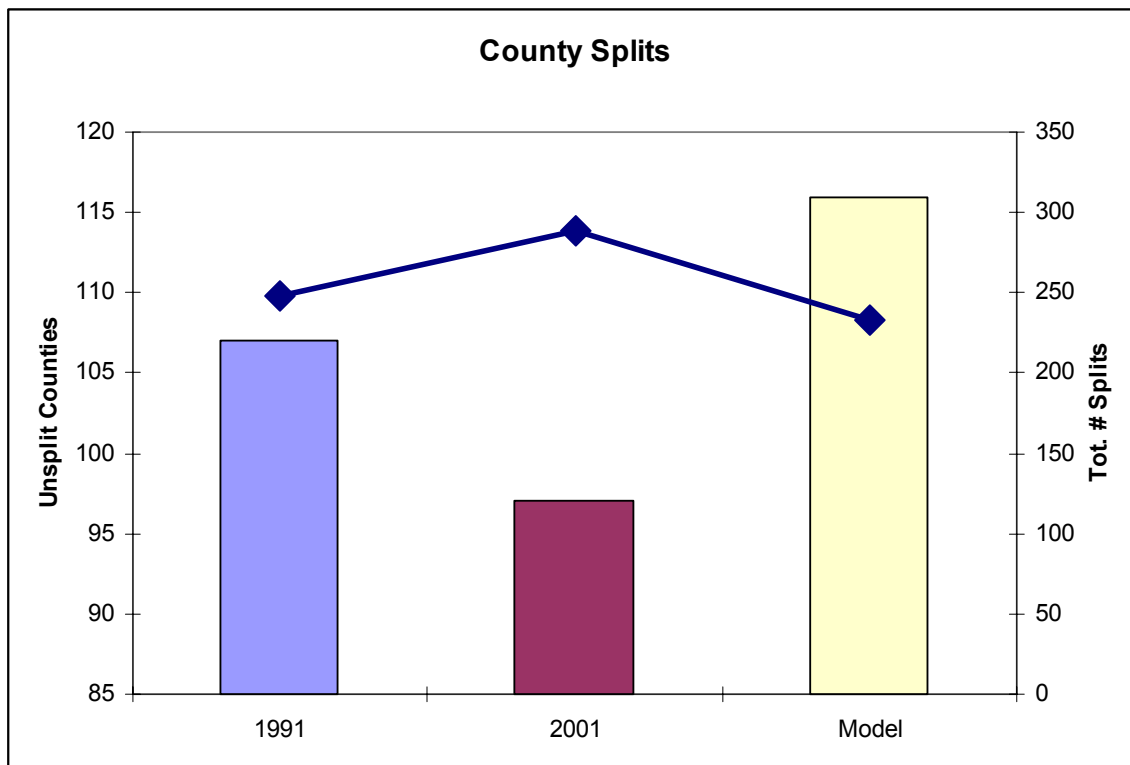
Specifically, we found that the number of highly competitive Congressional districts is expected to increase to ten, from zero in the 2001 plan. The number of competitive Assembly districts is likely to increase by four, for a total of seven, and the number of competitive State Senate seats is expected to increase by seven, for a total of eight.

These likely new competitive seats reduce the number of safe Democratic districts and safe Republican districts in equal numbers. In the Congressional plan we expect the ten highly competitive districts will reduce the number of safe Democratic districts by five and safe Republican districts by five; in the Assembly, the four new competitive seats

reduce the number of safe Democratic districts by two and safe Republican districts by two; and in the State Senate the seven new competitive districts reduce the number of safe Democratic districts by four and safe Republican districts by three.

### ***Communities Unified***

We found that the number of counties divided among districts is likely to decline from the current 25 to 27 (depending on the plan) to only 19 to 20. Districts drawn under Proposition 77's rules are significantly better at preserving communities than the 1991 plan (also drawn by retired judges), which divided 22 to 25 counties. In 1991 the retired judges drew plans with a total of 107 undivided counties (for the Assembly, State Senate, and Congressional plans); the 2001 gerrymander included only 97 undivided counties; but we expect Proposition 77 to produce a three-plan total of 116 undivided counties. Proposition 77's secondary criteria – the number of splits among those divided counties – shows a similar pattern: the 1991 plan included 248 county splits; the current gerrymander incorporates 289 county splits; and Proposition 77 will likely produce 233 county splits.



In the interests of time, we did not evaluate the past and expected number of city splits. It is likely that the increased community integrity among cities would be a smaller improvement than among counties, primarily because in 1991 the panel of retired judges used census tracts to draw their plan. Many census tracts divide cities, increasing the number of cities with small divisions in the 1991 plan. In addition, the 2001 gerrymander did make a limited effort to unify cities (city integrity remained secondary to incumbent self-interest).

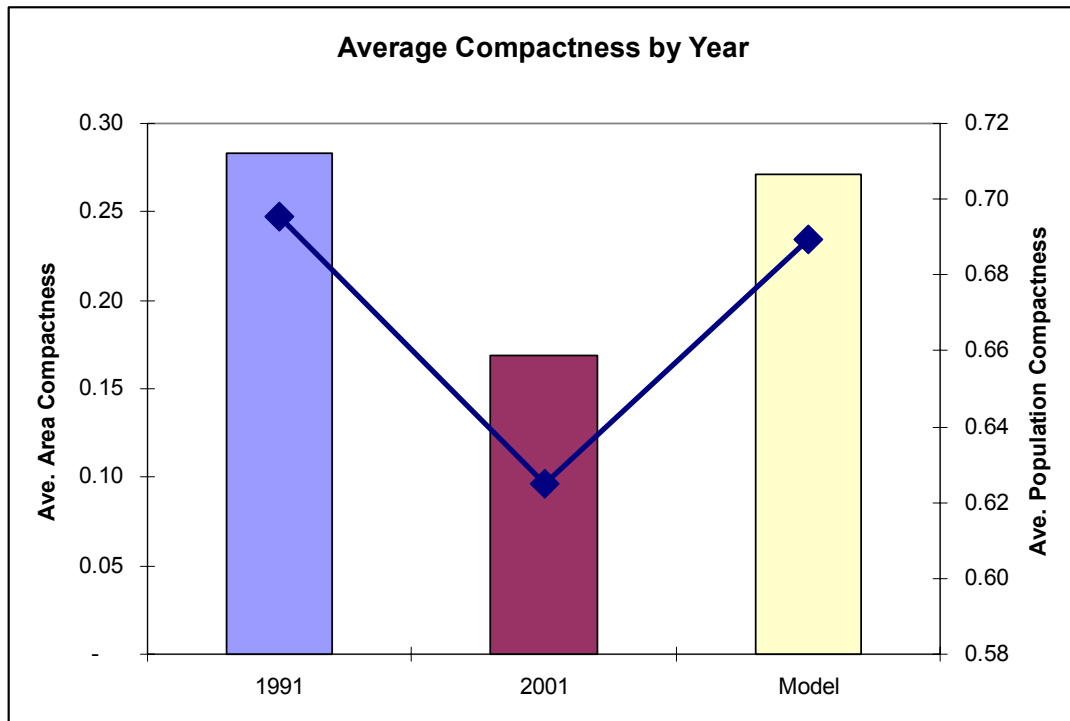
One provision missing in Proposition 77 is a criterion protecting communities of interest that are not specifically designated by cities and counties. When such communities are

geographically compact, Proposition 77's compactness requirement will assist in their preservation; however, non-compact communities of interest that are spread across city boundaries or across county borders will need to make their case to the Special Masters for preservation whenever possible, as the specific criteria of Proposition 77 require only county unity, city unity, and compact districts. Of course communities that qualify for unification under the Federal Voting Rights Act are protected regardless of city borders, county lines, or compactness, as Federal law trumps any provision of state law.

***More Compact Districts***

Our evaluation found that districts would be significantly more compact under the rules of Proposition 77 than they are today. There are various measures of compactness in the general literature, and for balance we used one measure that focused on the compactness of the geographic area and one measure focused on population dispersion.<sup>7</sup> We found that the compactness of districts under Proposition 77 would be similar to their compactness districts in 1991. This also means districts, would be significantly more compact than the incumbent gerrymander currently in place. In fact, we estimate that the average area compactness would be 0.27. This is just slightly under the 0.28 of the 1991 plan (on a scale from an impossibly bad 0.0 to an equally impossible set of circular districts at 1.0). The Proposition 77 districts are likely to be more than fifty percent better than the current gerrymander's average of 0.17.

The population compactness measurement found similar improvements: 0.70 for the 1991 plan, 0.62 for the current gerrymander, and 0.69 expected for districts under Proposition 77.



### ***Two New Latino Majority Voting Age Population Districts***

In all redistricting work, the primary criteria guiding redistricting are the federal requirements: population balance and the Federal Voting Rights Act. The Voting Rights Act protects election opportunities for "protected classes," which in California redistricting usually means Latinos, Asian Americans, and African Americans. The 2001 gerrymander controversially divided Latino communities, in particular in the San Fernando Valley area of Los Angeles and in San Diego. But federal courts rejected MALDEF's lawsuit against those plans, primarily on the claim that there was insufficient evidence that Non-Hispanic White voters tend to support Non-Hispanic White candidates over Latino candidates. This controversial and questionable finding is unlikely to be relied upon by the retired judges under Proposition 77. This assertion is based on two compelling arguments: first, in the past, the retired judges put primary emphasis on compliance with the Voting Rights Act; and second, retired judges lack the personal ambition and self-interest that drove the incumbents in 2001.

If Proposition 77 is adopted, three Congressional districts are likely to see significant changes in their ethnic population densities. In the San Jose to Union City portion of the San Francisco Bay Area, Congressional District 13 (CD 13) is likely to increase from its current 30 percent Asian American 18-plus voting age population (VAP) to 35 percent.

In Southern California, Proposition 77 is likely to create two new majority-Latino voting age population (VAP) districts. The first is in the San Fernando Valley, in current CD 28, which is likely to increase from 49 percent Latino VAP to 66 percent. The second is in San Diego, where the retired judges are likely to unite the heavily Latino "Barrio Logan" neighborhood of San Diego with currently neighboring CD 50, increasing its Latino VAP from 49 percent to 56 percent.

At the Assembly and State Senate levels the number of districts controlled by Latino, African American and/or Asian American voters is unlikely to change under Proposition 77. The number of Congressional districts likely to elect African Americans is also unlikely to change.

### **Data and Methods**

We used the 2000 Census data for this research. Extensive precedents support this approach,<sup>8</sup> and the 2000 Census is the only existing data that is of sufficient geographic detail for statewide redistricting. While some commentators accurately point out that this data does not reflect California's population shifts and growth since 2000, it is equally true that the existing Assembly, State Senate, and Congressional districts do not reflect those shifts. Overall, any new districts drawn using 2000 Census data will be no more out of balance than the districts currently in place.

### ***Step One: Regional Blocks***

The 1991 Special Masters (retired judges) and their staff wrote a report detailing their methodology.<sup>9</sup> Their process began with the major geographic regions of the state, as defined by whole counties along major mountain ranges: "The division between Northern and Southern California for congress was possible using whole counties . . . [T]he division

of the coastal and interior regions of Northern California was done along county lines which follow the coastal mountain ranges." These three regions in 1991 were created with Solano County divided to balance the populations of the State Senate and Congressional regions, and Kern County divided to balance the State Senate regions.<sup>10</sup> Our analysis of likely districts under Proposition 77 followed the same three-region methodology. Given the population shifts during the 1990s, Solano County could now be unified with the Inland region. In the State Senate regions, Kern and Tulare counties are divided between the Inland and the Southern regions, and Kern County is divided between Inland and Southern regions in the Congressional regions. The initial step of the previous retired judges remains applicable under Proposition 77's guidelines, as it retains compact districts and minimizes county divisions.

### ***Step Two: Voting Rights Act Compliance***

The next step taken by the previous retired judges was Voting Rights Act compliance. Our research duplicates this step since Proposition 77 places Voting Rights Act compliance above its other criteria. Given the assumptions mentioned above about the approach of retired judges to the Voting Rights Act, our analysis predicts that under Proposition 77's rules retired judges would avoid a Voting Rights Act conflict by unifying the Latino communities in San Diego and in the San Fernando Valley, and unifying more of the Asian American community in the southern San Francisco Bay Area. Beyond those three changes, our prediction is that the districts sensitive to the Voting Rights Act would remain generally similar to those currently in place though they would become more compact where possible.

### ***Step Three: Preserve County and City Integrity***

Once the districts necessary to comply with the Voting Rights Act are drawn, the next step under Proposition 77 is to create as few county splits among districts as possible, followed by the creation of as few city splits as possible. As noted above, our research predicts significant increases in county integrity under proposition 77, and a more cursory look at city splits predicts a notable but smaller increased preservation of city integrity under the rules of Proposition 77.

### ***Step Four: Compactness***

The final step in district creation under the rules of Proposition 77 is the creation of compact districts (population balancing is not a separate step but instead occurs during every stage). As noted above, Proposition 77 is likely to improve compactness across the state. Voters will, as a result, have an easier time identifying their districts; local organizers will have an easier time organizing and mobilizing voters; local community groups will not have their votes and influence divided among multiple districts; and local involvement and local organization will be significantly more influential elements of campaigns.

### **Competitiveness**

Competitiveness is relatively easy to identify at election time, but difficult to predict when drawing district lines. The rules of Proposition 77 forbid consideration of incumbent or challenger locations and ban the consideration of voter registration or

election history data. Thus, under Proposition 77, competitiveness is a result of, not an influence on, district creation.

The measures of competitiveness used in our review of past districts were based on election results, not district profiles. Matching the competitive districts in that analysis to predictive data (such as party registration or the vote in past Presidential elections) is difficult. For example, in the year 2000 Congressional District 38 re-elected Republican Stephen Horn over Democrat Gerry Schipske by one percent. Clearly this was a competitive election that occurred in a district where Democrats enjoyed a 21 percent registration advantage over Republicans and Al Gore topped George Bush by 20 percent.

Incumbency plays an obvious role in district competitiveness. A district that is competitive as an open seat is unlikely to be competitive when an incumbent has two or three terms in that seat. Furthermore, a seat that is competitive when occupied by an incumbent is highly likely to be won by the other party when that incumbent departs (unless the incumbent is a particularly weak candidate).

The Rose Institute intentionally does not have the home locations of California's elected officials, so this analysis does not include a look at the location of each incumbent under a plan drawn under the rules of Proposition 77. The results described at the beginning of this section are predictions of the competitive nature of districts when they are open seats. Term limits ensure (directly in most cases, indirectly in others) that most Assembly and State Senate seats will be open seats at some point between 2006 and 2010. In Congress, departures or primary challenges will be needed to create any open seats before the next redistricting. But without the home locations of incumbents, this analysis does not attempt to predict either which incumbents will be situated in competitive districts, or which specific state legislative seats will be vacated due to term limits in any given year.

This review of competitiveness utilizes two predictive measures for competitiveness: party registration and the vote in the Presidential election. For consistency, and due to data availability, this analysis relied on 2000 voter registration data and the vote in the 2000 Presidential election, along with the 2000 Census data. According to our findings, Proposition 77 will result in a significant increase in competitive districts in California. If Proposition 77 passes, forcing a redrawing of the lines, a Republican swing similar to 1994 could result in Republican majorities in the California State Senate and among the state's Congressional delegation. A similarly large swing to the Democrats could reduce Republicans to less than one-third of each house in the state legislature.

### ***A Qualification***

This project did not include drawing "the perfect" plan for the redistricting rules of Proposition 77. The analysis and testing produced these predictions of likely outcomes, and did not attempt to craft the exact districts that would result if Proposition 77 were enacted. Proposition 77 has a semi-competitive design to it: once the federal population balance and Voting Rights Act requirements are satisfied, the Special Masters are required to adopt the plan that meets a straightforward mathematical test: which plan divides the fewest counties? If two or more plans are equal on that point, which plan has the fewest total divisions of all divided counties? If two or more plans remain equal,

similar tests are conducted for city splits. Finally, if two or more plans remain equal, the retired judges are instructed to select the one with the most compact districts.

This process, along with the increased availability of the Geographic Information System software needed to draw districts, creates a competitive atmosphere, with scores of plans likely to be submitted to the Special Masters for consideration. Virtually every reasonable option is likely to be tried and tested, and a mathematically near-perfect plan is likely, though the Voting Rights Act significantly complicates the mathematical calculations involved.

### ***Conclusion Regarding District Predictions***

In every standard redistricting measurement except incumbent re-election rates, districts drawn under Proposition 77 can be expected to match and usually exceed the current incumbent-protection, "sweetheart" gerrymander plan. Proposition 77 can be expected to produce districts that:

- Are more compact;
- Unify many more counties and some number of additional cities;
- Provide improved opportunities for traditionally under-represented ethnic populations to elect the candidates of their choice; and
- Result in a major increase in the number of competitive elections, with voters once again able to select the candidate they wish to have represent them, instead of the other way around.

There is a stark difference between redistricting under the rules of Proposition 77 and redistricting as it was conducted in 2001. In 2001, the personal self-interest of incumbent elected officials and party leaders dominated the process. Under Proposition 77, easily identified and measured rules control the process and place the population balance, the Federal Voting Rights Act, county integrity, city integrity, and compactness as clear, prioritized measurements for every proposed district plan.



## **6. Conclusion**

### **California needs redistricting reform**

No one can seriously doubt the need for redistricting reform in California. The advantages and disadvantages of one reform approach over another are significant issues to address, but the basic need for reform is clear and obvious. Only those with a direct personal self-interest that benefit from the current system can possibly defend it. California can either reform redistricting and work back toward a representative, problem-solving government run by elected officials who are connected to, and who come from their local constituencies and communities. Or we can continue our current system of districts that divide local communities and minimize the influence of local organizations in order to further the political ambitions of the incumbents and their party bosses.

The pressure on any redistricting commission member is intense: experience has shown that incumbents, political party leaders, and their networks of friends and contacts will try every trick and offer every possible carrot to influence the commissioners' decisions. The central challenge for any reform effort is to construct a redistricting commission and redistricting criteria that resist such pressures and limit the opportunities for mischief from any commission member who cracks under the pressure.

### **Rose Institute Reform Proposals**

Over the Rose Institute's 30 years of research on this topic we have developed extensive databases, considerable background on past reform proposals, and our own "Units of Representation" recommendation for redistricting reform (this approach was adopted and used by the Arizona Independent Redistricting Commission in 2001). If you have additional interest in this topic, further information is available on the Institute website or by contacting the Institute<sup>11</sup>.

Proposition 77 is a major improvement over the current system. Other states have taken a different approach, favoring citizen commissions over panels of retired judges. Based on our research into the tendency of those commissions to draw incumbent-friendly bipartisan sweetheart gerrymanders, along with our findings about the community oriented, highly competitive nature of the districts drawn in California by retired judges in 1973 and 1991, the Rose Institute's research supports the retired judges approach.

### **A national reform movement**

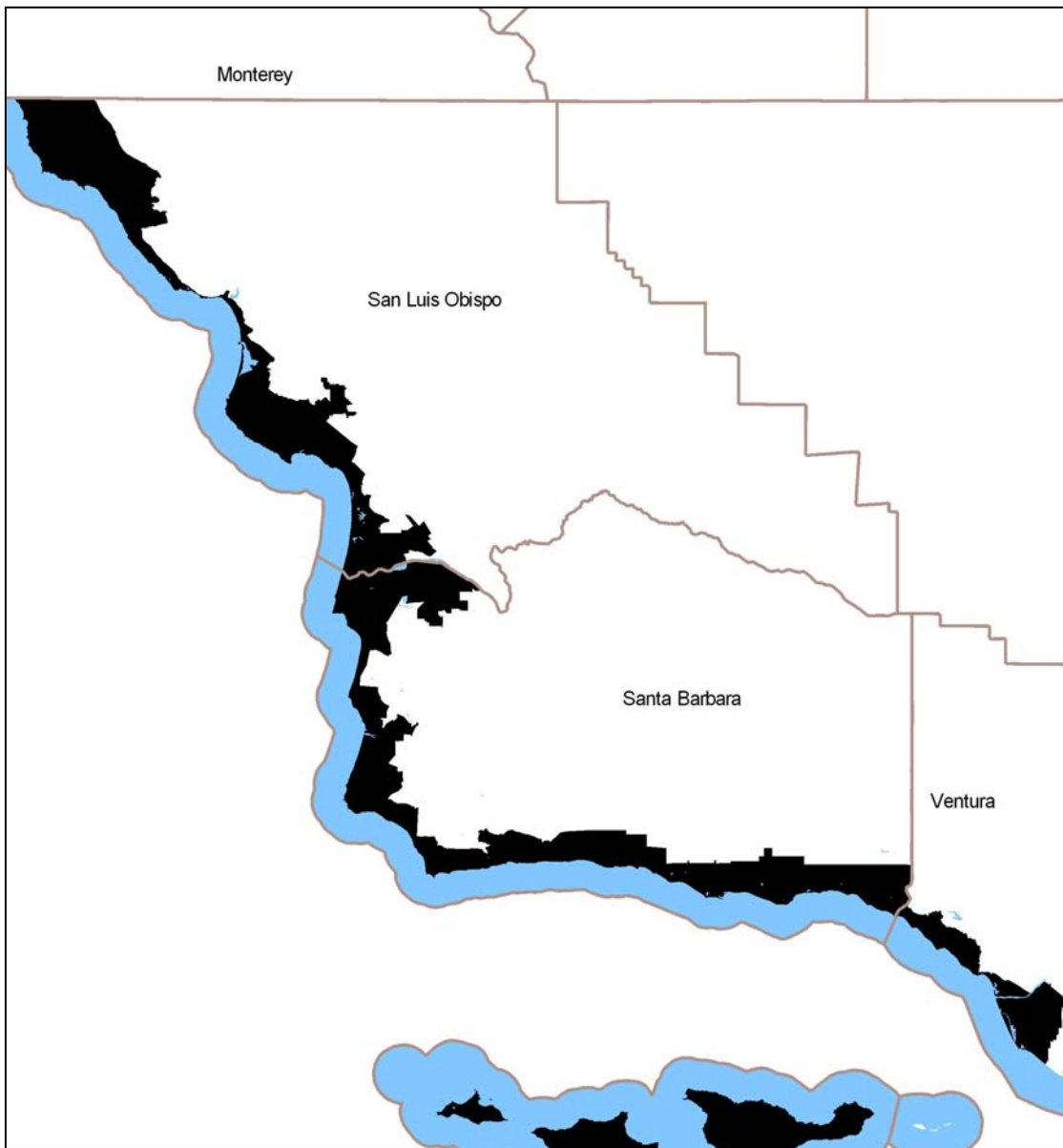
California's vote on Proposition 77 could be a first step toward a national movement for redistricting reform. Reform efforts in Ohio and Florida face their own legal and political challenges, but there is a good chance they will appear on those states' 2006 ballots. Both the Ohio and Florida proposals include a mid-decade provision to draw new districts before the 2008 elections.

Proposition 77, if enacted by the voters this November, is likely to result in significantly more competitive districts. Proposition 77 is also likely to result in more districts with

Latino majority voting age populations, fewer divisions of counties and cities by district lines, and more compact districts.

Is Proposition 77 the reform California needs? Is it the first step in a national wave of reform? Or is it a flawed proposal brought forward by Republican partisans attempting to undermine the Democratic control of the California Legislature? Should reformers hold out hope of a different reform initiative making the ballot before 2011, or should the reform movement make the most of the opportunity on the ballot this November? These are the difficult questions facing California voters. The nation – and the incumbents who benefit from the current gerrymander – is watching. They remember the "Ribbon of Shame" and the incumbents like what it did for them and their colleagues.

CA CD 23 – the "Ribbon of Shame"



## **7. Appendix: Other Resources**

For additional information, please see the Rose Institute redistricting website:  
<http://rose.research.claremontmckenna.edu/redistricting/redistricting.asp>

There you will find recent research on this issue. In coming days we will add considerable additional information including:

- The data used to write this report.
- Links to other organizations and websites providing information regarding redistricting reform.
- Links to other topics of research at the Rose Institute.
- An online "frequently-asked-questions" page, where you will be able to see what questions have been asked by others, read responses from the Institute's research team, and send in your own questions.

Our research on this issue is constantly expanding, so check the website often for updates, or contact us for any specific information you might desire.

## 8. Endnotes

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<sup>1</sup> California Attorney General John Van de Kamp, Press Conference, August 9, 1989.

<sup>2</sup> The Rose Institute Website: <http://rose.research.claremontmckenna.edu/>

Dr. Heslop's white paper: [http://rose.claremontmckenna.edu/publications/pdf/conf\\_redistricting\\_paper.pdf](http://rose.claremontmckenna.edu/publications/pdf/conf_redistricting_paper.pdf)

<sup>3</sup> "A Comparative Analysis of Redistricting Institutions in the United States, 2001–02", Dr. Michael McDonald, State Politics and Policy Quarterly, Winter 2004. <http://sppq.press.uiuc.edu/4/4/abstracts1.html>

<sup>4</sup> Washington, Arizona, Hawaii, New Jersey (Congress only), Connecticut, Maine, Idaho, and Missouri (Legislature only).

<sup>5</sup> [http://www.ss.ca.gov/elections/vig\\_2005.htm](http://www.ss.ca.gov/elections/vig_2005.htm)

<sup>6</sup> The charts of 2000 registration and 2000 Presidential vote will be posted to the Institute website. Any readers interested in using different ranges to define "competitive" can refer to those charts to evaluate the impact under each plan.

<sup>7</sup> For geographic area, we used the Polsby-Popper test, and for population dispersion we used the Population Polygon test.

<sup>8</sup> In California 1980 Census data was used to redraw the district lines for 1984. 1970 data was used to redraw district lines for 1974. 1960 Census data was used to redraw state legislative districts for 1966 and Congressional Districts for 1968. Numerous precedents from other states also support this approach.

<sup>9</sup> "Report and Recommendations of Special Masters on Reapportionment,"

<http://www.igs.berkeley.edu/library/reapp/reapp90-report/>

<sup>10</sup> The retired judges in 1991, as in 1973 and under Proposition 77, 'nested' two Assembly Districts in each State Senate District, so the Assembly regions were identical to the State Senate regions.

<sup>11</sup> <http://rose.research.claremontmckenna.edu/> or 909-621-8159 or [roseinstitute@claremontmckenna.edu](mailto:roseinstitute@claremontmckenna.edu)