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## Proposition 11 – What Will It Do?

Tony Quinn  
California Target Book

The 10th time was the charm after all. Passage of Proposition 11 marks the first time California voters have supported redistricting reform. They had defeated various proposals to reform the way we draw district lines nine times over the past 80 years.

Three factors account for the success of Proposition 11. First, the Democrats did not make it a partisan issue, even though it had the strong support of Gov. Arnold Schwarzenegger and many Republican and business leaders. Democrats no longer have reason to worry that taking the power to draw district lines away from the legislature will cost them control of the Assembly or

Senate, and congressional districts are not included in Proposition 11.

Second, the voters seem to have awakened to the tawdry nature of politicians drawing their own district lines. The measure did its best in California's suburban counties where reform minded measures often find support.

Third, the campaign in favor of the measure stressed that this was a way to rein in the politicians. It did not try to educate the public on the arcane business of drawing district lines.

So how will nonlegislative redistricting work? A careful reading of the measure demonstrates that it can be done in a fair manner. Proposition 11 establishes a 14-member Citizens Redistricting Commission. Appointing this commission requires 10 different steps overseen by the state auditor, and the commission members are carefully insulated from partisan politics.

This all but assures that the commission members will have little practical knowledge of drawing district lines,

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but this is not necessarily a bad thing. I have served on three different state commissions relating to the election process, including the Fair Political Practices Commission. My experience is that commission members, once they take their oath of office, try to do the best job they can. There is no reason to think the Proposition 11 commission will be stacked with partisan hacks.

So two things will be crucial: the staff the commission hires, and how they apply the criteria written into the constitution by Proposition 11. The staff will probably be similar to the staff employed by the Supreme Court masters when they drew the lines in 1973 and 1991; professionals with some experience in geography and appropriate legal background.

The criteria are the best guarantee against partisan gerrymandering. The key elements are the requirements to maintain communities of interest, draw compact districts, and not permit districts to bypass adjacent population for far distant population. This latter provision is the strongest criterion against gerrymandering.

One critique of commission redistricting is that there is so little marginal political territory left in California that even compact and sensible districts would have little impact on the partisan make-up of the legislature. But the results in the 2008 election show this may not be the case.

For the past 15 years or so California has seemed to be divided by a Berlin Wall of heavily Democratic and

liberal coastal communities and increasingly conservative inland communities. But the 2008 election showed a growing but significant shift in parts of the Inland Empire and the Central Valley from safely Republican territory to politically marginal territory.

Republicans have not had a good election night in California since the governor's recall in 2003. In 2004, they made a run at a number of Democratic legislative districts but every Democrat was re-elected. In 2006, they lost one of their 20 heavily gerrymandered GOP congressional districts, and in 2008 the bottom almost fell out for legislative Republicans. GOP registration is at an all time low of 31.4 percent statewide, and has fallen in virtually all parts of California

Four open GOP Assembly districts were lost, while Republicans took over an open Democratic seat. But in district after district, once mighty Republican margins were narrowed, and incumbents thought to be safe were re-elected by percentage margins in the low to middle 50s.

In fact, it is pretty clear that Democrats would have garnered the six extra Assembly seats and two extra Senate districts necessary for a two-thirds margin in both houses of the legislature had it not been for the sweetheart bipartisan gerrymander of districts enacted at the last redistricting in 2001.

Thanks to Proposition 11, a gerrymander, bipartisan or otherwise, will not be possible in 2011. Given the 2008

results, there can be little doubt that unless the state begins swinging back toward Republicans, Democrats will gain a two-thirds margin after the 2012 elections,

Consider two of the closest races this year. After three weeks of counting, Democrat Alyson Huber eked out a 500-vote win in the once safe Republican 10th Assembly district. This seat runs from Lodi to El Dorado Hills, and it was gerrymandered to be Republican for the decade. Proposition 11 will likely result in a more compact and thus more marginal district beginning in 2012.

This may help Huber hold this district; just to the south in Stockton the gerrymandered 17th Assembly district has been safe for Democrats this decade. But a more compact district here might help Republicans.

The bipartisan gerrymander is the primary reason Republicans still hold 15 seats in the Senate, thwarting the Democrats from two-thirds control there. The legislature created an elongated district that runs from south San Jose to Santa Maria that was drawn for GOP Sen. Abel Maldonado, who won the district in 2004 and was re-elected without serious opposition this year. This district would never pass Proposition 11 standards and almost any successor district is likely to be far more Democratic.

Just to the south, the 19th Senate district, encompassing parts of Santa Barbara, Ventura and Los Angeles Counties, was drawn to be Republican and was won by GOP Sen. Tony Strickland in the closest Senate race this year. Had

Republicans not insisted on placing a few heavily GOP precincts in Santa Clarita into the district in 2001 and taking out heavily Democratic Oxnard, Strickland would have lost. Proposition 11 will almost certainly require putting Oxnard back into the district, making the district more marginal.

Proposition 11 will create more competitive districts for the next decade and will require both parties to run more candidates who can win in politically marginal territory.

*Tony Quinn is co-editor of the California Target Book, a nonpartisan analysis of legislative and congressional elections.*