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Proposition 77: Voters can give ex-judges power to draw districts

By Jim Sanders -- Bee Capitol Bureau

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Richard "Dick" Dickerson knows all about backstabbing and backroom deals in the drawing of political boundaries, a process targeted by Proposition 77 on the Nov. 8 ballot.

Dickerson, a Redding assemblyman in 2001, angered Republican Party leadership by breaking ranks and voting to end a bitter budget impasse after Democrats promised millions for his Redding district.

"A few of the senators from my own party actually said, 'We're going to get you,' " Dickerson recalled. "That's how the game is played."

Two months later, the Legislature approved new district maps that ultimately ended Dickerson's legislative career.

With campaigning over Proposition 77 kicking into gear, millions of California voters may weigh stories like Dickerson's in deciding whether retired judges, rather than lawmakers, should draw district boundaries for legislative, congressional and Board of Equalization seats.

But disagreement between Dickerson and Oakland Vice Mayor Jane Brunner, a Democrat who also saw her political aspirations devastated by legislative redistricting, illustrates that debate over Proposition 77 is not only about the efficacy of the current system but whether the ballot measure is the proper alternative.

Dickerson will vote yes on Proposition 77, while Brunner is dubious.

Now a Redding councilman, Dickerson was burned when district lines for a Senate seat he was planning to seek were extended into the Sierra foothills just far enough to enable then-Assemblyman Sam Aanestad to challenge him in a fiery Republican primary.

Aanestad, backed by a majority of GOP legislators, won the election handily.

"It was a message to anybody who puts their constituents ahead of their party," Dickerson said of the redistricting. "I don't have a problem with anything that gets (redistricting) out of the hands of elected folks, because they're out to protect their own positions, first and foremost."

Brunner has a similar story, but ultimately, a different point of view.

Four years ago, Brunner was in the process of running for the seat of termed-out Assemblywoman Dion Aroner, D-Berkeley, when her north Oakland neighborhood suddenly was dropped from the 14th Assembly District.

"There was a little two-block bubble, and I was out," she said.

Lines were redrawn in a manner that benefited Democrat Loni Hancock, who soon thereafter announced her candidacy and ultimately won the seat, thus carrying on a long tradition.

Hancock is the wife of Tom Bates, who formerly held the Bay Area Assembly seat and was succeeded by Aroner, his longtime chief of staff.

"It gave me a real idea of what Sacramento (politics) is like," Brunner said. "I think there's a lot of backroom wheeling and dealing. And that's too bad."

Brunner is undecided about Proposition 77, citing judicial wrangling that she felt was partisan over counting votes in President Bush's narrow victory over Al Gore five years ago.

"I think judges are very political people; we just don't know where they stand." Brunner said. "It's almost a myth to think they're above (partisanship)."

Proposition 77's details are hotly contested even among politicians who support revising California's current redistricting process.

The constitutional amendment is portrayed by supporters as part of a populist revolution - begun by the recall of Gov. Gray Davis - that seeks to strip power from entrenched politicians.

Gov. Arnold Schwarzenegger, in a Fresno campaign appearance, said the current system is so unbalanced that incumbents can do a lousy job and still get re-elected.

Not one of 153 legislative or congressional seats changed party hands in last year's election.

"If we have more competitive districts, then we create competition," Schwarzenegger said. "And competition creates performance. It's that simple."

Schwarzenegger has tapped Silicon Valley entrepreneur Steve Poizner to lead the pro-Proposition 77 campaign.

A multimillion-dollar battle is being waged. Supporters thus far have contributed about \$6 million and opponents \$8 million.

Critics portray the initiative, which would draw new lines next year, as a Republican-driven power grab that is not supported even by some key GOP leaders.

"What they're trying to do is throw out all the rules and amend the state constitution, so that we can spend millions of dollars and (give them) a partisan advantage," said Daniel Lowenstein, former chairman of the state Fair Political Practices Commission and leader of a committee opposing Proposition 77.

Congressman John Doolittle of Roseville fears that the measure, pushed by a Republican governor, could backfire on the party by costing the GOP several seats in Congress.

Nobody knows for sure how many competitive seats Proposition 77 could create. The nonprofit Rose Institute predicted the initiative would produce an additional 11 competitive seats in the Legislature and 10 in Congress, but its computer modeling is hotly contested.

Most California communities tilt naturally liberal or conservative: In 49 of the 58 counties, the gap between Democratic and Republican voter registration exceeds 5 percent.

Political analysts also disagree over whether new lines would boost prospects for moderate candidates of both parties.

Under Proposition 77, new district maps would be drawn next year, then again after the federal census of 2010 and every decade thereafter.

A three-member panel of retired state or federal judges, consisting of at least one Democrat and one Republican, would set the boundaries after holding at least three public hearings statewide.

Candidates would be selected randomly from 24 nominees submitted by the state Judicial Council. The list would be winnowed by legislative leaders of both parties to a minimum of eight and a maximum of 12 finalists.

In drawing new maps, priority must be given to keeping districts compact and to honoring city and county boundaries. Potential impacts on incumbents or their parties could not be considered.

Once drawn, new districts would take effect immediately, then be submitted to voters for ratification. Thus, legislators could be elected to serve districts that ultimately are disbanded. If this happens, the new officeholders would serve for at least two years, until a new three-judge panel is selected and completes new maps.

Twelve states currently give commissions final authority in drawing legislative districts, according to the Assembly elections committee.

Voters have rejected an overhaul of the redistricting process four times since 1980, but supporters contend that disgust has reached a critical mass.

"It's very clear that the system is flawed, it's corrupt and it's contemptuous of the voting public," said Bill Mundell, a leading supporter of Proposition 77. "I think voters understand."

Opponents counter that Californians should read Proposition 77's fine print, arguing that the initiative would:

- * Immediately draw maps that would not take into account the migration of several million new Californians, because current census data is five years old.
- * Give inadequate consideration to public input because new maps would be required within a couple of months, when candidates begin filing for the June primary.
- * Create a system in which powerful interest groups could pour millions into scare tactics to persuade voters, who know little about redistricting, to reject new boundary lines drawn.
- * Potentially give short shrift to minority groups by placing emphasis on city and county

boundaries, rather than on "communities of interest"; and by limiting the size of the panel to three judges.

"There needs to be redistricting reform," said attorney Eugene Lee of the Asian Pacific American Legal Center. "But it has to be done the right way. If not, it can actually be harmful."

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